



TOWN COUNCIL REGULAR MEETING

21 Main Street

Tuesday, December 12, 2023 at 9:00 AM

AGENDA

Possible additions to the agenda and related materials are not set forth herein.

Times set forth are approximate and may be adjusted as necessary.

I. WORKSESSION - 9:00 AM

- A. Resolution to Consider a Boundary Line Adjustment with the Arrington Subdivision
- B. **Special Use Permit (SUP) 2023-01 St. John the Evangelist Catholic Church** – the Applicant, St. John the Evangelist Catholic Church, and the Owner, the Catholic Diocese of Arlington, seeks to amend a June 3, 1986 SUP approval to allow for the demolition of an existing building and the construction of a new 13,000 square foot office building. The subject parcel is located in the Residential (R-10) District of the Town of Warrenton Zoning Ordinance and is designated as Live/Work on the Future Land Use Map. The subject parcel (GPIN 6984-36-7135-000) is located at 271 Winchester Street on approximately 11.0664 acres.
- C. Financial Auditor’s Presentation – Fiscal Year Ended June 30, 2023
- D. Utilities Project Update for Plants – CIP & Projects Update
- E. Agenda Review
- F. Closed Session

II. REGULAR MEETING - 6:30 PM

- A. INVOCATION.**
- B. PLEDGE OF ALLEGIANCE.**
- C. PROCLAMATIONS AND RECOGNITIONS.**
 - a. A Proclamation Recognizing Jay Heroux for His Dedication and Service to the Town of Warrenton, Virginia.
- D. CITIZEN'S TIME.**
- E. APPROVAL OF THE AGENDA.**

F. NEW BUSINESS.

- [a.](#) Initiation of a Zoning Ordinance Text Amendment to Revise Section 3-5.1 FPD-Floodplain District and Adopt FEMA's Updated Floodplain Maps
- [b.](#) Discussion of Board of Zoning Appeals Appointments
- [c.](#) Resolution to Consider a Boundary Line Adjustment with the Arrington Subdivision

G. PUBLIC HEARINGS.

- [a.](#) **Special Use Permit (SUP) 2023-01 St. John the Evangelist Catholic Church** – the Applicant, St. John the Evangelist Catholic Church, and the Owner, the Catholic Diocese of Arlington, seeks to amend a June 3, 1986 SUP approval to allow for the demolition of an existing building and the construction of a new 13,000 square foot office building. The subject parcel is located in the Residential (R-10) District of the Town of Warrenton Zoning Ordinance and is designated as Live/Work on the Future Land Use Map. The subject parcel (GPIN 6984-36-7135-000) is located at 271 Winchester Street on approximately 11.0664 acres.

H. CONSENT AGENDA.

- [a.](#) Approval of Updated Town Council Handbook

I. UNFINISHED BUSINESS.

- [a.](#) Health Center Agreement Update

J. TOWN ATTORNEY'S REPORT.

K. TOWN MANAGER'S REPORT.

L. COUNCILMEMBERS TIME.

M. ADJOURNMENT.



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

Item A.

Council Meeting Date:	December 12, 2023
Agenda Title:	Resolution to Consider a Boundary Line Adjustment with the Arrington Subdivision
Requested Action:	Consider Approval of the Resolution
Department / Agency Lead:	Rob Walton, Director of Community Development
Staff Lead:	Rob Walton, Director of Community Development

EXECUTIVE SUMMARY

Alwington Farm LLC/Alwington Farm Developers, LLC, and Van Metre Communities, LLC have expressed interest in boundary line adjusting approximately 234.09 acres of Planned Residential Development (PRD) zoned land from Fauquier County into the Town of Warrenton’s town limits. The property is subject to a County rezoning (REZN-15-003477) and contains associated Proffers for the development of the property. The Fauquier County Board of Supervisors (BOS) approved a rezoning amendment during their Regular Meeting on November 9, 2023.

The approved rezoning application includes three development scenarios:

- (1) 217 market-rate lots; or
- (2) *Alternative A proposed 195 market-rate lots and 16 affordable housing lots – 211 lots total: or
- (3) *Alternative B proposed 254 market-rate lots and 16 affordable housing lots – 270 lots total.

*Alternatives A and B include a 25-acre commercial area to be regulated by the Town’s Commercial (C) District standards.

The applicant is requesting approval of the attached Resolution to indicate support for the applicant-initiated boundary line adjustment to begin the process of applying for the Town/County adjustment.

BACKGROUND

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 aforementioned 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.***

Staff Recommendation

To consider passing the attached Resolution. In addition, should Town Council accept the boundary line adjustment, staff recommends adopting the County's PRD Zoning Regulations to regulate the properties, Code of Development, Proffers, and other applicable documents at the time of the boundary line adjustment. Clarification should also be provided by the applicant and County as to the Proffered contributions to various departments.

Service Level/Policy Impact

Acceptance of the Arrington development will require street maintenance (public streets), trash collection, land development review (site development plans, plats, deeds), permitting, and future enforcement.

ATTACHMENTS

1. Resolution
2. Documents Presented to the Fauquier County Board of Supervisors on November 9, 2023

Town Council Regular Meeting
Date:

**RESOLUTION OF THE TOWN OF WARRENTON FOR SUPPORT OF
APPLICATION FOR A CITIZEN INITIATED PETITION FOR AN
ANNEXATION OR BOUNDARY LINE ADJUSTMENT WITH
FAUQUIER COUNTY**

WHEREAS, the Town of Warrenton, Virginia (hereinafter “the Town”) is a municipal corporation and body politic located within the County of Fauquier; and

WHEREAS, Alwington Farm, L.L.C. (the “Owner”), is the owner 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”); and

WHEREAS, the Parent Tract is located immediately adjacent to the Town’s existing boundary along James Madison Highway (Routes 17/29/15) south of Alwington Boulevard (Route 1105), Warrenton and has been previously considered for inclusion in the Town’s boundaries; and

WHEREAS, the Board of Supervisors of Fauquier County (the “County”) did, on November 12, 2015, approve rezoning application (REZN-15-003477) and a preliminary subdivision plat for the Parent Tract including a proffer statement dated October 30, 2015, which provided for the development of 217 residential lots on a 206.43 acre portion of the Parent Tract rezoned PRD, 10 residential lots on the remaining 224.53 acres of the Parent Tract zoned R-A (9 cluster lots on approximately 29.62 acres, and one open space lot consisting of 194.91 acres) (collectively, the “2015 Approvals”, all served with public water from the Town pursuant to an existing Joint Planning and Water Service Agreement dated November 1, 2015, by and between the Town, the County, and Alwington Farm Developers, LLC (the “Joint Water Agreement”) and the PRD zoned lots served by a privately owned alternative onsite sewer system and associated primary and reserve dispersal fields; and

WHEREAS, Alwington Farm, L.L.C., has filed an application with the County (REZN-22-017978) to amend the 2015 Approvals and existing proffers (the “Rezoning”), and

WHEREAS, the Rezoning includes three separate development scenarios: (1) a Base Zoning with 217 market-rate lots with public water pursuant to the Joint Water Agreement, and a privately owned alternative onsite sewer system and associated primary and reserve dispersal fields, (2) Alternative A with 195 market-rate lots (144 single-family detached lots and 51 single-family attached lots), 16 single family attached lots reserved for affordable housing, 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 15 sleeping rooms, all within the portion of the Parent Tract to be zoned PRD (the “PRD Area”), and a 25-acre land bay to be developed in accordance with the regulations of the Town’s Commercial (C) Zoning District (“Land Bay W”), and (3) Alternative B with 254 market-rate lots (161 single-family detached lots and 93 single-family attached lots), 16 single-family attached lots reserved for affordable housing, 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 15 sleeping rooms, all within the PRD Area, and the 25-acre Land Bay W to be developed in accordance with the regulations of the Town’s Commercial (C) Zoning District; the two alternative scenarios being dependent on inclusion of the PRD Area and Land Bay W within the corporate limits of the Town, the availability of public sanitary sewer service from the Town for all lots, and the availability of additional public water connections from the Town for the commercial components and all residential lots (with Alternative B also requiring dedication of right-of-way from an adjacent property owner to accommodate the extension of Alwington Boulevard to the northerly boundary of the Parent Tract); and

WHEREAS, a December 6, 2022, update of the Town’s Water and Sewer System Growth and Capacity Evaluation (the “Water and Sewer Study”) states that the Town is currently planning on increasing the capacity of the wastewater treatment plant (“WWTP”) from 2.5 MGD to 3.0 MGD within approximately 10 years, confirms that the actual average daily flow to the WWTP in 2021 was 1.72 MGD, and acknowledges that the current wastewater treatment plant capacity of 2.5 MGD would accommodate the proposed development of the PRD Area and Land Bay W, as currently planned under Alternatives A and B; and

WHEREAS, the Water and Sewer Study also identified certain water and sewer system infrastructure improvement requirements including substantial modifications or replacement of the Taylor Run Pump Station to serve any further demand from developments within the Town or other areas within the Turkey Run drainage area; and

WHEREAS, the County wishes to make extensive and costly renovations to, and an expansion of, the Taylor Middle School, but because of

such proposed renovations and expansion, the County will need additional sanitary sewer service capacity from the Town, and such flows will further exaggerate the need for substantial modifications or replacement of the Taylor Run Pump Station; and

WHEREAS, the Town considers it environmentally desirable and that it promotes the public health, safety, and general welfare for development in and near the Town to occur on public sewer and water service rather than on well and septic systems or a private wastewater treatment facility and to protect the Occoquan Watershed and its tributaries including Taylor Run; and

WHEREAS, a portion of Alwington Boulevard is presently split by the Town/County boundary creating difficulties with maintenance and control of that road between the Town and the Virginia Department of Transportation, such that the Council considers it prudent to bring that entire road into the Town's system of public streets; and

WHEREAS, the Owner has advised both the Town and the County that it intends to commence a Citizen Initiated Petition for the portion of the Parent Tract located within the Turkey Run drainage shed (the "Annexation Area") to be annexed into the Town's boundary pursuant to Va. Code Ann. § 15.2-3203 and related sections of the Code with respect to Boundary Adjustments and Changes of Status of Counties, Cities and Towns; and

WHEREAS, the Owner has advised the County and the Town that if such area is brought within the Town's boundary, the Owner will develop the PRD Area consistently with the Rezoning as approved by the County and will commit to the Proffers, Concept Development Plan, and Code of Development made in connection therewith through an Order to that effect entered by the Special Court approving an adjustment of that boundary and approving land use agreements between the Town and the County as authorized by law in proceedings pursuant to the foregoing statutes; and

WHEREAS, the Owner agrees that if the Annexation Area is brought within the Town's boundary, it will construct, at its sole expense, a new Taylor Run Pump Station and associated gravity sewer and force main as shown on the Concept Development Plan included with the Rezoning. and connect all development within the Annexation Area to the Town's public sewer and water systems in lieu of constructing an alternative onsite sewer system and associated primary and reserve dispersal fields; and

WHEREAS, the Owner agrees that if the Annexation Area is included within the Town's boundary, the Owner will construct all necessary and planned improvements to Alwington Boulevard that are required to serve the Arrington development and surrounding community at its sole expense; and

WHEREAS, the Town Council is of the opinion that the inclusion of the Annexation Area in the Town’s boundaries will provide substantial benefits to the Town both economically and environmentally, and to the County, as set forth herein, and that there is compelling justification for such a boundary adjustment;

NOW, THEREFORE, BE IT RESOLVED that the Warrenton Town Council does hereby express its support for a Citizen Initiated Petition as generally described above, and instructs the Town Manager to assist the Owner in the collection of data and materials relevant to that Petition, as such data and materials may be required by law or regulations promulgated by the Virginia Commission on Local Government, to provide those data and materials to the Owner as requested, and to otherwise cooperate fully with the Owner in connection with said Petition.

BE IT FURTHER RESOLVED that nothing contained herein shall preclude the Town from later combining with the Owner and the County in a joint Petition for the purposes stated herein, should the parties so agree.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

For Information:

Community Development Director

Town Attorney

ATTEST: _____
Town Recorder

PROJECT SUMMARY PAGE

Capital Impacts Model
Fauquier County, Virginia



SUMMARY OF PROJECT INPUTS

Project Name	Arrington - Base Zoning
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Project Location Parameters

Location [Urban or Rural (Countywide for Avg.)]	Urban
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School or School Region

Elementary Region	Central/Eastern
Middle School Region	Central/Eastern
High School	Fauquier HS

Library Region	Central/Eastern
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Park Region	Central
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Fire & Rescue Service Area	01 Warrenton
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Environmental Services Region	Central/Eastern
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Water and Sewer Service District	Bealeton
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Number of Dwelling Units

Single Family Detached	217
Single Family Detached: Age Restricted	0
Single Family Attached	0
Single Family Attached: Age Restricted	0
Multifamily	0
Mutifamily: Age Restricted	0

TOTAL DWELLING UNITS	217
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Amount of Nonresidential Square Footage (Gross)

Retail	0
Office and Other Services	0
Institutional	0
Industrial	0

TOTAL NONRESIDENTIAL SQUARE FOOTAGE	0
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Fauquier County Capital Impacts Model Run on

8/4/2023

SUMMARY OF PROJECT OUTPUTS

Project Name	Arrington - Base Zoning		
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CAPITAL COST IMPACTS FOR DEVELOPMENT PROPOSAL

	RESIDENTIAL	NONRESIDENTIAL	TOTAL
Housing Units	217.00		217.00
Projected Population	570.71		570.71
<i>Projected Students</i>			
Projected Elementary School Students	83.328		83.328
Projected Middle School School Students	38.626		38.626
Projected High School Students	44.702		44.702
Projected Total Students	166.656		166.656
Nonresidential Sq. Ft.		0	0
Projected Jobs		0	0

INFRASTRUCTURE CATEGORY	Total for the Development Proposal			CAPACITY TRIGGERED		
	RESIDENTIAL	NONRESIDENTIAL	TOTAL	RESIDENTIAL	NONRESIDENTIAL	TOTAL
FULL CAPITAL IMPACT						
SCHOOLS*	\$6,327,453	\$0	\$6,327,453	\$0	\$0	\$0
LIBRARIES	\$217,440	\$0	\$217,440	\$217,440	\$0	\$217,440
PARKS AND RECREATION*	\$1,086,914	\$0	\$1,086,914	\$893,421	\$0	\$893,421
GEN. GOVT	\$137,855	\$0	\$137,855	\$137,855	\$0	\$137,855
SHERIFF*	\$99,856	\$0	\$99,856	\$99,856	\$0	\$99,856
COURTS	\$47,049	\$0	\$47,049	\$47,049	\$0	\$47,049
FIRE*	\$147,802	\$0	\$147,802	\$0	\$0	\$0
ENV. SRVCS.	\$30,213	\$0	\$30,213	\$30,213	\$0	\$30,213
WATER	\$60,723	\$0	\$60,723	\$60,723	\$0	\$60,723
SEWER	\$0	\$0	\$0	\$0	\$0	\$0
GRAND TOTAL CAPITAL COSTS	\$8,155,305	\$0	\$8,155,305	\$1,486,557	\$0	\$1,486,557
*CASH PROFFER CATEGORIES	\$7,662,025	\$0	\$7,662,025	\$993,277	\$0	\$993,277

* Cash proffer categories limited to public transportation facilities, public safety facilities, public school facilities, and public parks.

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PROJECT SUMMARY PAGE

Capital Impacts Model
Fauquier County, Virginia



SUMMARY OF PROJECT INPUTS

Project Name	Arrington - Alt B
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Project Location Parameters

Location [Urban or Rural (Countywide for Avg.)]	Urban
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School or School Region

Elementary Region	Central/Eastern
Middle School Region	Central/Eastern
High School	Fauquier HS

Library Region	Central/Eastern
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Park Region	Central
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Fire & Rescue Service Area	01 Warrenton
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Environmental Services Region	Central/Eastern
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Water and Sewer Service District	Bealeton
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Number of Dwelling Units

Single Family Detached	161
Single Family Detached: Age Restricted	0
Single Family Attached	109
Single Family Attached: Age Restricted	0
Multifamily	0
Mutifamily: Age Restricted	0
TOTAL DWELLING UNITS	270

Amount of Nonresidential Square Footage (Gross)

Retail	0
Office and Other Services	18,000
Institutional	0
Industrial	0
TOTAL NONRESIDENTIAL SQUARE FOOTAGE	18,000

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Fauquier County Capital Impacts Model Run on

10/26/2023

SUMMARY OF PROJECT OUTPUTS

Project Name	Arrington - Alt B
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CAPITAL COST IMPACTS FOR DEVELOPMENT PROPOSAL

	RESIDENTIAL	NONRESIDENTIAL	TOTAL
Housing Units	270.00		270.00
Projected Population	671.95		671.95
<i>Projected Students</i>			
Projected Elementary School Students	88.965		88.965
Projected Middle School School Students	39.776		39.776
Projected High School Students	47.009		47.009
Projected Total Students	175.750		175.750
Nonresidential Sq. Ft.		18,000	18,000
Projected Jobs		60	60

INFRASTRUCTURE CATEGORY	Total for the Development Proposal			CAPACITY TRIGGERED		
	RESIDENTIAL	NONRESIDENTIAL	TOTAL	RESIDENTIAL	NONRESIDENTIAL	TOTAL
SCHOOLS*	\$6,658,815	\$0	\$6,658,815	\$0	\$0	\$0
LIBRARIES	\$256,012	\$0	\$256,012	\$256,012	\$0	\$256,012
PARKS AND RECREATION*	\$1,279,726	\$0	\$1,279,726	\$1,051,909	\$0	\$1,051,909
GEN. GOVT	\$162,309	\$11,709	\$174,018	\$162,309	\$11,709	\$174,018
SHERIFF*	\$117,570	\$7,742	\$125,312	\$117,570	\$7,742	\$125,312
COURTS	\$55,395	\$3,033	\$58,428	\$55,395	\$3,033	\$58,428
FIRE*	\$174,021	\$14,117	\$188,138	\$0	\$0	\$0
ENV. SRVCS.	\$35,573	\$0	\$35,573	\$35,573	\$0	\$35,573
WATER	\$71,495	\$1,446	\$72,941	\$71,495	\$1,446	\$72,941
SEWER	\$0	\$0	\$0	\$0	\$0	\$0
GRAND TOTAL CAPITAL COSTS	\$8,810,916	\$38,047	\$8,848,963	\$1,750,263	\$23,930	\$1,774,193
*CASH PROFFER CATEGORIES	\$8,230,132	\$21,859	\$8,251,991	\$1,169,479	\$7,742	\$1,177,221

* Cash proffer categories limited to public transportation facilities, public safety facilities, public school facilities, and public parks.

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PROJECT SUMMARY PAGE

Capital Impacts Model
Fauquier County, Virginia



SUMMARY OF PROJECT INPUTS

Project Name		Arrington - Alt A
Project Location Parameters		
Location [Urban or Rural (Countywide for Avg.)]		Urban
School or School Region		
Elementary Region	Central/Eastern	
Middle School Region	Central/Eastern	
High School	Fauquier HS	
Library Region		
		Central/Eastern
Park Region		
		Central
Fire & Rescue Service Area		
		01 Warrenton
Environmental Services Region		
		Central/Eastern
Water and Sewer Service District		
		Bealeton

Number of Dwelling Units

Single Family Detached	144
Single Family Detached: Age Restricted	0
Single Family Attached	67
Single Family Attached: Age Restricted	0
Multifamily	0
Multifamily: Age Restricted	0
TOTAL DWELLING UNITS	211

Amount of Nonresidential Square Footage (Gross)

Retail	0
Office and Other Services	18,000
Institutional	0
Industrial	0
TOTAL NONRESIDENTIAL SQUARE FOOTAGE	18,000

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Fauquier County Capital Impacts Model Run on 10/26/2023

SUMMARY OF PROJECT OUTPUTS

Project Name		Arrington - Alt A	
CAPITAL COST IMPACTS FOR DEVELOPMENT PROPOSAL			
	<i>RESIDENTIAL</i>	<i>NONRESIDENTIAL</i>	<i>TOTAL</i>
Housing Units	211.00		211.00
Projected Population	531.48		531.48
Projected Students			
Projected Elementary School Students	71.979		71.979
Projected Middle School School Students	32.466		32.466
Projected High School Students	38.173		38.173
Projected Total Students	142.618		142.618
Nonresidential Sq. Ft.		18,000	18,000
Projected Jobs		60	60

INFRASTRUCTURE CATEGORY	Total for the Development Proposal			CAPACITY TRIGGERED		
	RESIDENTIAL	NONRESIDENTIAL	TOTAL	RESIDENTIAL	NONRESIDENTIAL	TOTAL
SCHOOLS*	\$5,406,248	\$0	\$5,406,248	\$0	\$0	\$0
LIBRARIES	\$202,493	\$0	\$202,493	\$202,493	\$0	\$202,493
PARKS AND RECREATION*	\$1,012,200	\$0	\$1,012,200	\$832,009	\$0	\$832,009
GEN. GOVT	\$128,378	\$11,709	\$140,087	\$128,378	\$11,709	\$140,087
SHERIFF*	\$92,992	\$7,742	\$100,734	\$92,992	\$7,742	\$100,734
COURTS	\$43,815	\$3,033	\$46,848	\$43,815	\$3,033	\$46,848
FIRE*	\$137,642	\$14,117	\$151,759	\$0	\$0	\$0
ENV. SRVCS.	\$28,136	\$0	\$28,136	\$28,136	\$0	\$28,136
WATER	\$56,549	\$1,446	\$57,995	\$56,549	\$1,446	\$57,995
SEWER	\$0	\$0	\$0	\$0	\$0	\$0
GRAND TOTAL CAPITAL COSTS	\$7,108,453	\$38,047	\$7,146,500	\$1,384,372	\$23,930	\$1,408,302

*CASH PROFFER CATEGORIES	\$6,649,082	\$21,859	\$6,670,941	\$925,001	\$7,742	\$932,743
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* Cash proffer categories limited to public transportation facilities, public safety facilities, public school facilities, and public parks.

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Fauquier County Capital Impacts Model Run on 10/26/2023

Department of Community Development Staff Report

PROPERTY OWNER: Alwington Farm, LLC

APPLICANTS: Alwington Farm Developers, LLC and Van Metre Communities, LLC

LOCATION: James Madison Highway (Routes 17/29/15) south of Alwington Boulevard (Route 1105), Warrenton

DISTRICT: Marshall

PIN: 6983-44-5875-000

ACREAGE: Total: 431.21 Acres; Application Area: 234.09 Acres

ZONING: Planned Residential Development (PRD) with proffers and Agricultural (RA) with proffers

LAND USE: Warrenton Service District – Greenway/Gateway Residential, Open Space/Park and FEMA Floodplain

MEETING DATE: November 9, 2023

REQUEST: REZN-22-017978 – Arrington: An application to amend portions of a previously approved Proffer Statement, Concept Development Plan (CDP) and Code of Development (COD) on approximately 206.43 acres zoned Planned Residential Development (PRD) with proffers and associated with REZN-15-003477, and to also rezone approximately 27.65 acres from Agriculture (RA) to Planned Residential Development (PRD) with proffers.

OUTSTANDING ISSUES: With this application, there are two significant changes from what was approved in 2015 with REZN-15-003477. The first is the request to remove the requirement (in its entirety) that all of the units are age restricted. The Applicant has proffered a contribution toward the renovation of Taylor Middle School and entrance improvements at Brumfield Elementary School to offset this new impact.

The second is that this application proposes three development scenarios – Base Development, Alternative A and Alternative B. The Base Development scenario has 217 lots and is generally

consistent with the 2015 approval, minus the age restriction requirement. Alternative A proposes 211 lots and Alternative B proposes 270 lots; both of which are subject to the property being incorporated into the Town of Warrenton and the Town being willing and able to provide water and sewer services to the development. Alternative A and Alternative B also include 25 acres in the northern portion of the property which would be zoned to the Town's commercial zoning district and subject to those development regulations should either of these two options be developed.

The Applicants' Transportation Impact Analysis (TIA) has not been updated to include an evaluation of the potential commercial development in the unplanned land bay shown in Alternative A and Alternative B. The TIA accounts for more residential units (104 in Alternative A and 107 in Alternative B) than are currently being proposed. As such, the number of trips associated with the currently proposed residential development in the PRD zoned portion of the property will be reduced. However, it is unknown how many trips the commercial development will add. Therefore, it is possible, should either Alternative A or Alternative B be developed, that there will be unknown transportation impacts which do not have mitigation measures proposed.

Additional information is included within this report related to these two changes. The Board of Supervisors should consider this as they evaluate the merits of the application.

A companion application, SPEX-22-018027, for a Category 20 and Category 30 Special Exception to allow for a private sewage collection system and wastewater treatment facility and a Category 23 Special Exception to allow for uses within the floodplain was also submitted. Pursuant to Zoning Ordinance Section 5-009.1.1, the Special Exception application is required to be processed separately from the Rezoning Amendment and the Rezoning Amendment needs to be approved before the Board may act on the Special Exception application.

RECOMMENDATION: The Planning Commission voted 3 to 1, with one Commissioner recusing themselves, to recommend denial of REZN-22-017978 – Arrington.

Staff would note that following the Planning Commission's public hearing, the Applicant revised the Proffer Statement, Concept Development Plan (CDP) and Code of Development (COD). The most significant change to the application was that in Alternative A

and Alternative B 25 acres in the northern portion of the property are being left unplanned and intended for future commercial development. This portion of the property, in the event the property is incorporated into the Town of Warrenton, would be zoned to the Town's commercial district and subject to those development regulations. Please see below and attached for additional information.

A Resolution to Deny REZN-22-017978 as well as an Ordinance to Approve REZN-22-017978 have been prepared for the Board's consideration.

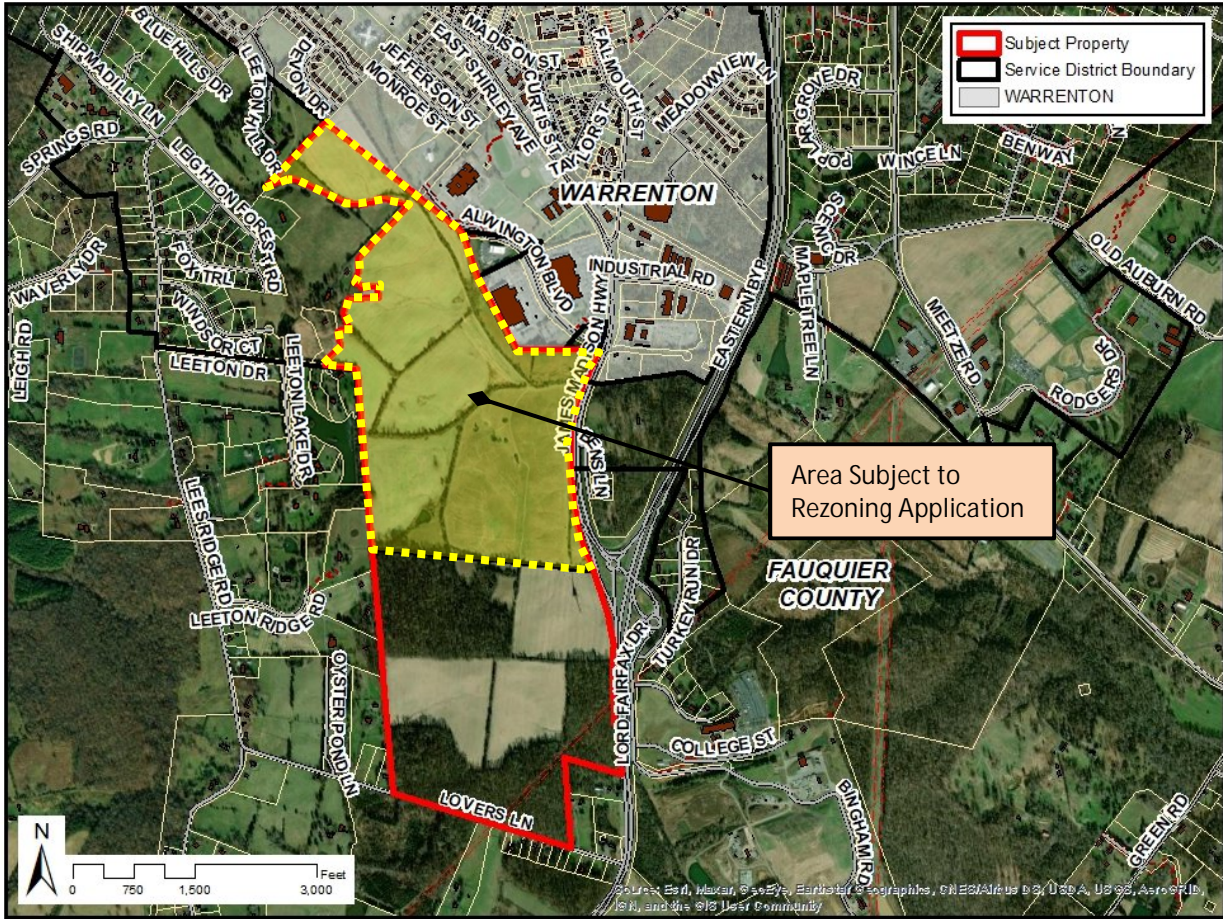
Topic Description:

The Applicants are seeking to amend portions of the Proffer Statement, Concept Development Plan (CDP) and Code of Development (COD), which regulate development on approximately 206.43 acres zoned Planned Residential Development (PRD) and are associated with Arrington's 2015 Rezoning approval (REZN-15-003477). They are also seeking to rezone approximately 27.66 acres from Agriculture (RA) to PRD with proffers. The additional land to be rezoned is needed to accommodate a redesign of the project's private wastewater treatment plant and its associated primary and reserve dispersal fields. The redesign is needed due to changes in the permitting regulations related to daily flows and as a result of the Federal Emergency Management Agency (FEMA) update to floodplain mapping, which designated a portion of the area slated (in 2015) for dispersal as floodplain, making it unsuitable for the use.

The current application and design proposal for Arrington includes the 206.43 acres previously rezoned from Residential: 1 Unit per Acre (R-1) to PRD and adds the 27.66 acres rezoned from R-1 to the RA zoning category under the 2015 approvals. If this application is approved, the entire 234.09-acre portion of Arrington that is within the Warrenton Service District will be zoned PRD. Additionally, the proposed development will be subject to the commitments, regulations and design standards contained within the new Proffer Statement, CDP and COD, associated with this application. It should be noted that, should this application be approved these new documents (Proffer Statement, CDP and COD) would supersede those associated with REZN-15-003477.

The proposed CDP includes the following three separate development scenarios for Arrington - (1) Base Zoning with 217 market-rate lots; (2) Alternative A with 195 market-rate lots and 16 affordable housing lots, for a total of 211 lots; and (3) Alternative B with 254 market-rate lots and 16 affordable housing lots, for a total of 270 lots. Alternative A and Alternative B also include 25 acres in the northern portion of the property which would be zoned to the Town's commercial district and subject to those development regulations should either of these two options be developed. The Applicants will have the choice as to which scenario is developed, depending on the availability of public water and sewer from the Town of Warrenton and the property being included within the corporate limits of the Town. Staff would note the current approvals require the 217 PRD lots to be age-restricted to those residents over the age of 55; whereas the current application is requesting to remove that requirement for the entirety of the development.

Site Aerial Map



Each of the proposed development scenarios are generally described below, with more detail throughout the report.

Base Zoning (217 Total Lots)

The Base Zoning development option consists of 217 lots. All of the lots are for single-family detached market-rate residential units. All lots will be served by public water under the terms of the existing Joint Planning and Water Service Agreement, approved by the County and Town of Warrenton in 2015. Sanitary sewer services will be provided through the construction of an Alternative On-Site Sewage System (AOSS), which requires approval of a Special Exception, unless the County and Town agree to amend the Joint Planning and Water Service Agreement to have the Town provide public sewer service to the project. The proposed number of units as well as how the project’s water and sewer needs are being met is consistent with the 2015 approvals.

The proposed 217 lots under the 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.

The Applicants state that the proposed development plan was designed to protect the viewshed along the James Madison Highway (Business 17/29) frontage. Additionally, it is stated, that 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%. The Applicants believe that the revised plan meets the goals of the Town's Plan Warrenton 2040 and the Warrenton Service District Plan. The plan also eliminates the requirement that all units serve a single component of the area's demographics (age 55 and over) which the Applicants believe provides a community design and housing options that "cater[s] to the needs of a diverse community" of all age groups as recommended in the Plan Warrenton 2040.

Alternative A (211 Total Lots)

The Alternative A development option consists of 144 single-family detached market-rate lots (68.2%), 51 single-family attached (townhome) market-rate lots (24.2%) and 16 single-family attached (townhome) affordable lots (7.6%) for a total of 211 residential lots. The implementation of Alternative A is dependent on the availability of public water and sanitary sewer service provided by the Town of Warrenton for the entire Arrington community, and the inclusion of the property containing the Arrington community within the corporate limits of the Town through a municipal boundary line adjustment or other legal means.

As this this development option requires public sanitary sewer service, the land area that is proposed for the AOSS and associated dispersal fields, under the Base Zoning option, could be used for additional development. Alternative A refers to this portion of the property as the Southeast Hamlet and proposes 71 lots in this area. The Southeast Hamlet is also proposed to contain an 8,000 square foot eating establishment and a 15-room inn. The Applicants believe the commercial components will serve the community and nearby areas.

Alternative A provides 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. It also adds the affordable housing component described above. Alternative A increases the percentage of lots served with alley accessed garages to 47.9%. The density of Alternative A is 1.01 lots per acre

In addition to the residential and commercial development described above, Alternative A includes a 25-acre area in the northern portion of the property which would be zoned to the Town's Commercial zoning district and be subject to those development regulations should this option be developed.

Alternative B (270 Total Lots)

The implementation of Alternative B, as with Alternative A, is dependent on the inclusion of the Property containing the Arrington community within the corporate limits of the Town and the provision of water and sewer utilities from the Town. It is also dependent on the Applicants obtaining right-of-way dedication and associated easements as required for the northerly extension of Alwington Boulevard through PIN 6983-28-8269-000. This extension of Alwington Boulevard would allow for the northernmost portion of the property, referred to as the North Hamlet, to be developed. Alternative B includes all of the residential and commercial development proposed in Alternative A and adds development in the North Hamlet, which is proposed to have 17 single-family detached market-rate lots and 42 single-family attached (townhome) market-rate lots for a total of 59 residential lots.

The Alternative B development option consists of 161 single-family detached market-rate lots (59.6%), 93 single-family attached (townhome) market-rate lots (34.4%) and 16 single-family attached (townhome) affordable lots (5.9%) for a total of 270 residential lots. Under this development option 53% of the lots would be served with alley accessed garages. The density of Alternative B would be 1.29 lots per acre.

The Proffer Statement and COD have been updated to include the three development scenarios and reflect design changes that the Applicants believe are necessary to ensure a project can be successfully developed while meeting the requirements of the County's PRD ordinance as well as the goals and vision for the property contained in the Comprehensive Plan for both the County and Town of Warrenton.

Planning Commission Action on August 17, 2023:

On June 15, 2023, the Planning Commission held a work session to preview the Arrington Rezoning (REZN-22-017978) and Special Exception (SPEX-22-018027) applications. On August 17, 2023, the Planning Commission discussed this item (REZN-22-017978) at its work session and conducted a public hearing. There were seven speakers during the public hearing for REZN-22-017978; the Applicants' representative, five who were opposed to the application and one who offered comments but did not clearly state their support or opposition. The Applicants' representative provided a summary of the proposal and stated the project's objective is to provide a sustainable and age-friendly community plan. He also described how the revised plan was influenced by changes to the regulatory requirements, updates to both the County and Town of Warrenton Comprehensive Plans, as well as new information relating to the housing needs and the demographics of the area. Those who spoke in opposition had concerns related to the increased traffic, removal of the requirement that the lots be age-restricted, water and sewer demands from the project, demands on emergency services, and school impacts. The other speaker stated that the Code of Development has been improved; however, he would like to see an increase in the number of units that would have first-floor bedroom and bathroom, as well as an increase in the affordable housing units.

The public hearing was adjourned, and Commissioner Lee expressed that there were matters of concern that need more time for discussion and discernment. As such, he made a motion to

postpone action on this item for up to 90 days. This motion was not seconded, and the discussion continued. Commissioner Garreau stated that the 2015 Plan was good and adequate, and that she did not believe that there was any benefit to the proposed changes. Commissioner Garreau also indicated that she preferred the age restricted units. Commissioner Smith expressed his support regarding the content in the COD and CDP. He also stated that he did not have concerns with the loss of the age restricted units; however, he could not support the additionally requested units. Commissioner Roteman similarly stated that she did not have concerns regarding the loss of the age restricted units; however, she could not support the additionally requested units. Additionally, she also expressed concern that if the Commission were to recommend approval, it would seem as though the County would be pressuring the Town to accept the residential development or signifying to the Town that it was the County's preference for the additional units and associated political boundary line adjustment. The Planning Commission then voted 3 to 1, with Commissioner Meadows recusing himself, to recommend denial of REZN-22-017978 – Arrington.

Staff would note that following the Planning Commission's public hearing, the Applicant revised the Proffer Statement, Concept Development Plan (CDP) and Code of Development (COD). The revised application maintained three distinct development options; all of which continue to eliminate the age-restricted requirement for all of the proposed units. The most significant change to the application was that in Alternative A and Alternative B, a 25-acre land bay in the northern portion of the property is being left unplanned and intended for future commercial development. This portion of the property, in the event the property is incorporated into the Town of Warrenton, would be zoned to the Town's Commercial zoning district and subject to those development regulations.

With the revised application materials, the Base Zoning development option is essentially the same as it was when the Planning Commission acted. The only change is a minor redesign of the Southwest Hamlet to allow for another street connection into the RA zoned area. This change has also been carried forward in the Alternative A and Alternative B development options.

The revised Alternative A development option has 211 residential lots; 104 less units than when the Planning Commission made its recommendation and six less than what is currently approved. It also now includes 16 affordable units; previously affordable units were only a part of Alternative B. As mentioned above, a 25-acre land bay is being left unplanned and intended for future commercial development. In the event the property is incorporated into the Town of Warrenton, it would be zoned to the Town's Commercial zoning district and subject to those development regulations.

The Alternative B development option now has 270 residential lots; 107 less units than when the Planning Commission voted. The 16 affordable units which are a part of Alternative A are carried forward in Alternative B; previously 62 affordable units were a part of Alternative B. This development option also includes the 25 acres (mentioned in Alternative A) to be zoned to the Town's commercial district and subject to those development regulations.

Additionally, the proffers have been revised to now require that at least 25% of the single-family detached market-rate units include a first-floor bedroom and bathroom. Previously the Applicants had committed that a minimum of 21% of these units would have the option of a first-floor

bedroom and bathroom. The proffers also now require the single-family detached market-rate lots, and the single-family attached affordable lots to include universal design elements; the single-family attached market-rate lots would not be required to meet this commitment. Previously, universal design elements were proposed to be optional features on the market-rate lots and included on the affordable lots.

Project History:

On November 12, 2015, the 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 aforementioned 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.

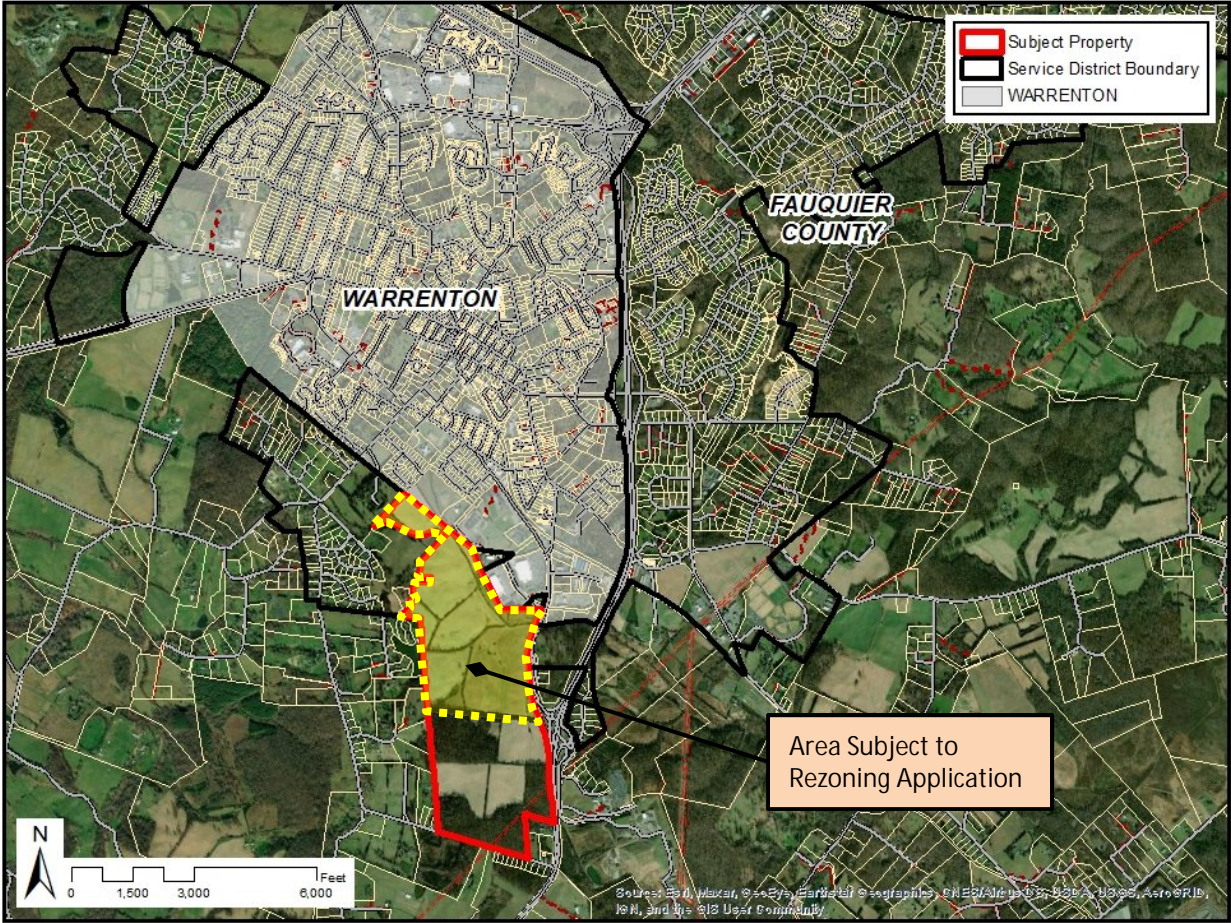
On August 8, 2018, the Board of Supervisors held a public hearing on REZN-19-011151, which was seeking to amend portions of the Arrington Proffer Statement associated with REZN-15-03477. No action was taken at the public hearing, and subsequently the application was placed on hold and then closed.

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.

Property Location, Zoning and Land Use:

The 431.21-acre property, commonly known as Alwington Farm or Arrington, is located west of Shirley Avenue/James Madison Highway (Business Route 15/17/29), south of Alwington Boulevard (Route 1105) and north of Lovers Lane (Route 744). The property is vacant, awaiting the future development; it continues to be used for agricultural purposes.

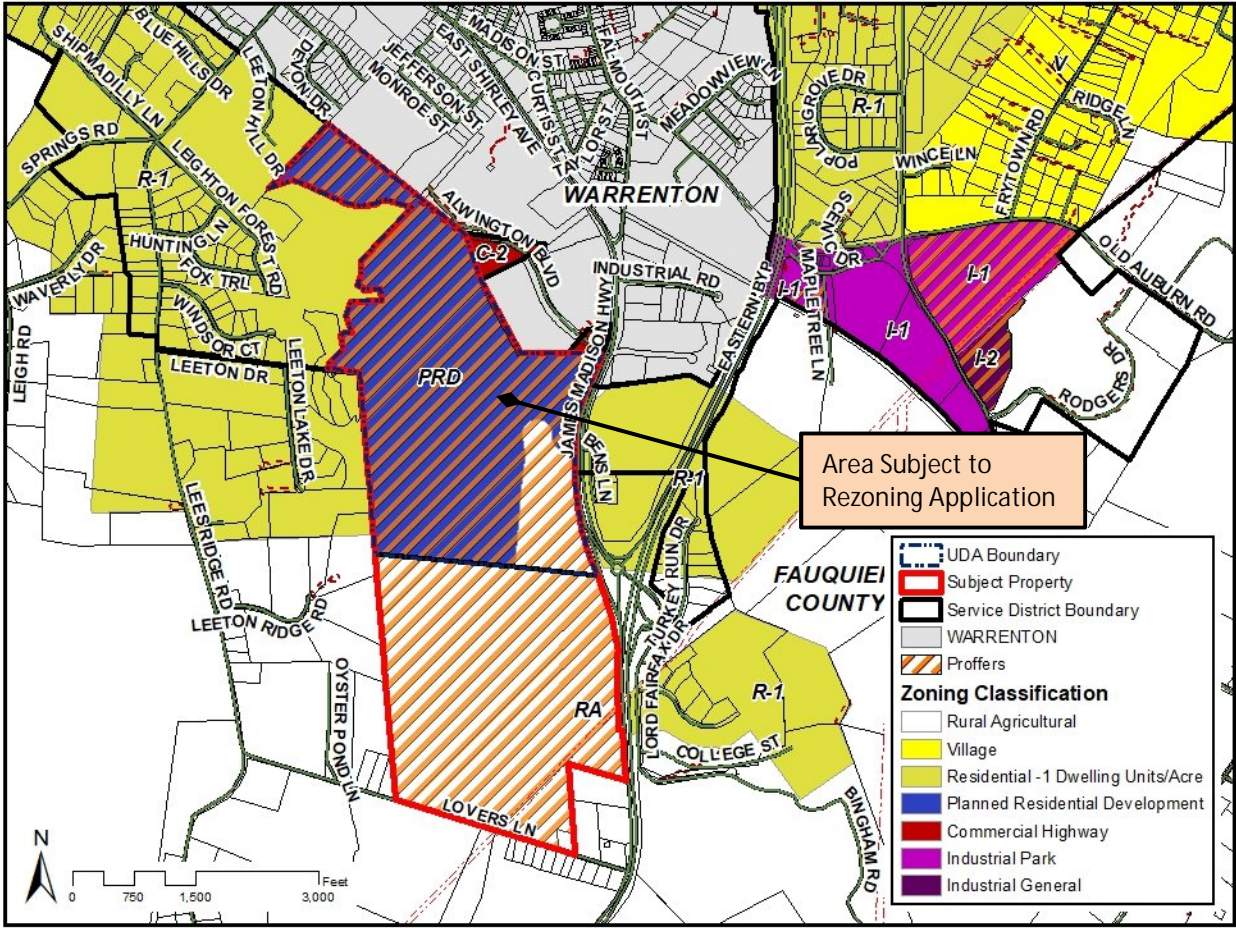
Regional Aerial Map



The northern half of the property, approximately 206.4 acres, is zoned PRD with proffers. Under the current approvals, it is planned to be developed with a maximum of 217 single-family active adult residential lots, with associated amenities and infrastructure. The lots are to be developed utilizing Traditional Neighborhood Design (TND) principles and are subject to a Proffer Statement, CDP, and COD which ensure that the property is developed in conformance with the County’s PRD regulations. The PRD lots are to be served with public water, provided by the Town of Warrenton and will have a private sewage community collection and treatment system. Additionally, this area will contain approximately 117 acres (56%) of open space, to include a mix of preserved natural open space and developed passive recreation areas.

The southern half of the property, approximately 224.81 acres, is zoned Rural Agriculture (RA) with proffers. This portion of Arrington is planned to be subdivided into nine lots ranging in size from 1.97 acres to 3.57 acres, and one residue lot of 194.91 acres (approximately 86.8% of the RA zoned area). The RA lots will have public water provided by the Town of Warrenton and will utilize individual private drainfields, which have been previously approved by the Virginia Department of Health (VDH). The RA residue lot is currently subject to Perpetual Conservation Easement and Non-Common Open Space Easement requirements, and the entire RA zoned area is subject to portions of the Proffer Statement and COD.

Existing Zoning Map



Surrounding Zoning and Current Land Use:

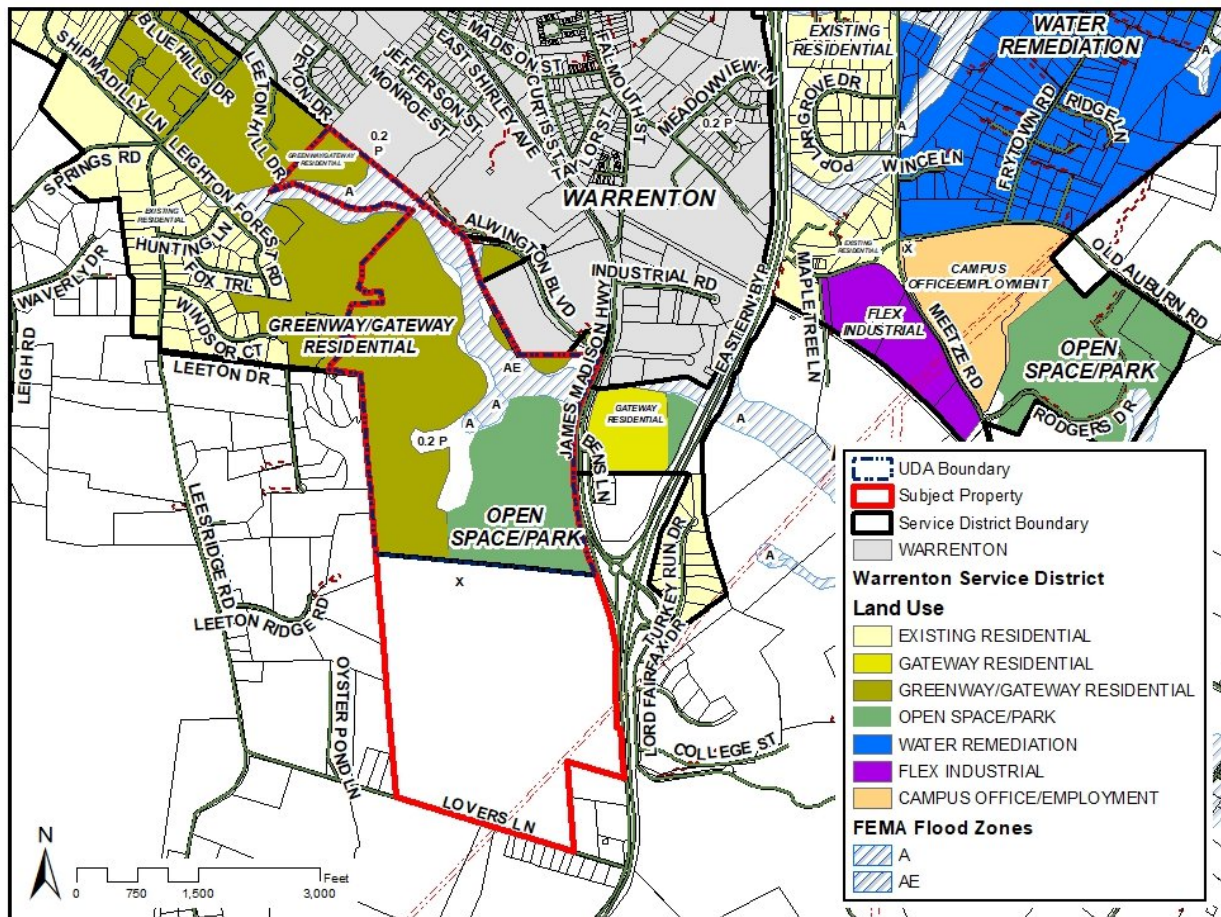
The property’s northern boundary is generally the limits of the Town of Warrenton. Home Depot, Walmart, Taylor Middle School, Brumfield Elementary, the Warrenton Community Center, and The Gathering Place at Alwington Farm (a ministry center for the outreaches and ministries of Warrenton Baptist Church) all exist in this general area. The residential subdivisions of Windsor Ridge, Leeton and Leeton Ridge lie along the property’s western edge. These parcels are zoned R-1 and RA. South of the subject property the parcels are zoned RA and are being used for residential and agricultural purposes. The properties to the east are generally zoned R-1. The

residential subdivisions of Foxland Village and Lee's Crossing, as well as other residential properties are found in this area.

Comprehensive Plan:

The northern portion of the property, zoned PRD, is within the Warrenton Service District. The Warrenton Service District plan contains specific recommendations for the development of Alwington Farm, the subject property. It states that the property should be developed in a Greenway-Gateway and Rural Gateway Open Space configuration at one dwelling per acre. It further suggests that development should be set back from Shirley Avenue and clustered away from view. The Service District Plan states that the subject property is the southern entry point into Warrenton, and therefore the entry needs to be protected. This is because it has been in a valued farm use, presents a significant and historic viewshed into the community and outside into our rural environs, and offers opportunities to meet open space edges that define Warrenton.

Land Use Map



A majority of the land, within the Service District, has a land use designation of Greenway/Gateway Residential. This land use indicates the concept of clustering of residential uses on a tract to permit the creation of a County path linkage or open space/park to pass through

the parcel; or to develop the parcel in a manner which the residential uses are screened from a designated transportation or recreational corridor in order to protect and maintain open space elements key to entry points into Warrenton. The Gateway areas are proposed to have design elements – for example open landscape with some combination of traditional fencing and berming, or a 150-foot-deep buffer of ‘forest’ – which provide a green transition to urban development within the core. This land use designation indicates that allowed uses would preferably be transferred to some adjacent designated property to best realize the Gateway objective. The Greenway/Gateway Residential portion of Arrington is primarily where the development is proposed.

There are also portions of Arrington, within the Service District, that have been designated as Open Space/Park, along the southeastern area of the Service District, and FEMA floodplain, generally along the northeastern boundary. The area designated as Open Space/Park is to contain the primary and reserve dispersal fields needed to accommodate the PRD residential development. The FEMA floodplain area has generally been incorporated into the open space for Arrington.

Additionally, the entire portion of the Arrington property within the Warrenton Service District is within a designated Urban Development Area (UDA). The UDA is anticipated to be an area of higher density with reasonably compact development that can accommodate 10 to 20 years of projected growth. The Comprehensive Plan states that UDAs are for compact, mixed use development, with residential densities of at least 12 units per acre for multi-family development. It goes on to state that in implementation, densities and intensities for individual parcels or groups of parcels may be higher or lower than the general standards, as long as they are met in some combination within the UDA area as a whole. The UDA portion of the Comprehensive Plan also includes statements and concepts which reinforce urban mixed-use development with traditional town design principles.

The southern portion of the property, zoned RA, lies outside of a Service District in an area designated for Rural Land Use, where rural and agricultural uses are sought. Chapter 8, Rural Land Use Plan, of the Comprehensive Plan includes many goals aimed at enhancing and preserving agricultural areas and the rural character of the County. Preservation and protection of environmental, cultural and visual resources, open space and scenic beauty are also goals of Chapter 8. The goals work in conjunction with the Comprehensive Plan’s goal to concentrate and guide growth and development into and around the Service Districts.

Proposed Rezoning Analysis:

As mentioned above, the Applicants are seeking to amend portions of the Proffer Statement, Concept Development Plan (CDP) and Code of Development (COD), which regulate development on approximately 206.43 acres zoned Planned Residential Development (PRD) and are associated with Arrington’s 2015 rezoning approval (REZN-15-003477). They are also seeking to rezone approximately 27.66 acres from Agriculture (RA) to PRD with proffers.

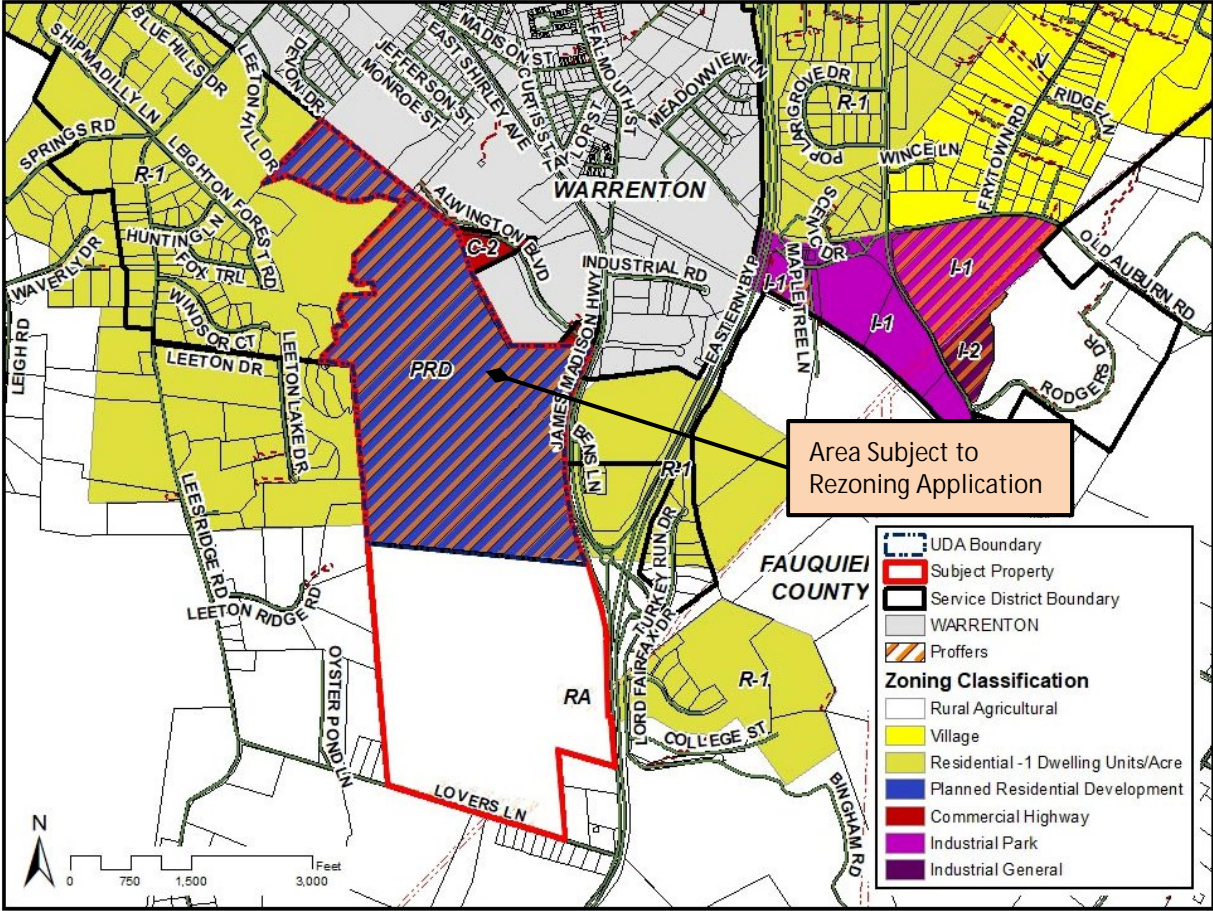
The Proffer Statement, CDP and COD have been updated to include the three development scenarios referenced within this report. These documents also reflect design changes that the Applicants believe are necessary to ensure a project can be successfully developed while meeting

the requirements of the County’s PRD ordinance as well as the goals and vision for the property contained in the Comprehensive Plans for both the County and Town of Warrenton.

If this application is approved, the entire 234.09-acre portion of Arrington that is within the Warrenton Service District will be zoned PRD. Additionally, the proposed development will be subject to the commitments, regulations and design standards contained within the new Proffer Statement, CDP and COD associated with this application. As previously noted, should this application be approved these new documents (Proffer Statement, CDP and COD) would supersede those associated with REZN-15-003477.

A summary and analysis of the Proffer Statement, CDP, COD, development program and other elements typically considered in Rezoning applications is provided below.

Proposed Zoning Map



Section 13-210 of the Zoning Ordinance gives additional guidance when reviewing and considering approval of Rezoning applications; it states:

“Proposed amendments shall be considered with reasonable consideration of the existing use and character of the area, the suitability of the property for various uses, the trends of growth or change, the current and future requirements of the County as to land for various

purposes as determined by population and economic studies and other studies, the transportation requirements of the community and the County and the requirements for schools, parks, playgrounds, recreation areas and other public services; for the conservation of natural resources and preservation of floodplains; and for the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the County. These considerations shall include, but not be limited to, Comprehensive Plans or parts thereof, capital improvements programs, relation of development to roads or road construction programs, proximity of the development to utilities and public facilities, the existence of an Agricultural and Forestal District created pursuant to Chapter 36 of the Code of Virginia, and any applicable standards contained in Article 5.”

The Comprehensive Plan, within Chapter 6 – Service Districts: Introduction, also offers further guidance to be considered with Rezoning applications. It suggests that a rezoning should occur when the Applicants can demonstrate how the proposed zoning meets the intent of the Plan more effectively than the by-right zoning. The Comprehensive Plan also states that residential applications are expected to be presented at the low end of each density range for the specified Service District location.

The Board of Supervisors should carefully consider these matters when determining how to act on the proposed rezoning application. Particular attention should be paid to the existing use and character of the area; the character for the area as envisioned in the Warrenton Service District Plan; as well as the requirements for schools, parks, playgrounds, recreation areas and other public services. The Board of Supervisors should also evaluate if the proposed zoning meets the intent of the Plan more effectively than the current zoning.

Capital Impacts

The Applicants’ Proffer Justification Narrative (see attached) includes analyses of the projected impacts of Arrington’s development on public school facilities, public safety facilities, and public park facilities. It also includes explanations of the methodology employed in calculating these impacts. Staff would note that the analysis was only performed for the Base Zoning scenario, it does not specifically address Alternative A or Alternative B. The Applicants have indicated that all calculations were based on a per-capita basis using household and population estimates which do not differentiate house type or size. Therefore, the Applicants have stated that the per unit values are linear and can be multiplied by the actual number of units constructed.

To project impacts to public school facilities, the Applicants estimated the number of students generated per household by the project, and then applied the students per household to the proposed units within the development. From there it was determined that there was sufficient capacity to serve all of the projected students generated by the development. However, even though the anticipated development will not create an impact in excess of current capacity, the Applicants have proffered to contribute \$3,334.62 per market-rate unit toward the Taylor Middle School expansion. The proffer contribution is based on the net new middle school students from Arrington. The Applicants have also committed to redesign and construct an entrance for Brumfield Elementary School off Alwington Boulevard, with an estimated value of \$250,000.

To calculate estimated proffer contributions for County public safety facilities, the Applicants estimated the total population that would reside within Arrington based on U.S. Census Bureau data. The Applicants also researched public safety improvements in the County Capital Improvement Program (CIP) that would be impacted by the development and estimated projected service population and projected call increase for the Sheriff, Fire and EMS services related to the proposed development. The Applicants were unable to make a determination in regard to the level of service needs for Fire and Rescue facilities and determined that the Sheriff's office meets capacity. However, the Applicants have offered to make proffer contributions for the Fire and Rescue Training Facility, Public Safety Building, and a new Fire Station. The total proffered Public Safety contribution is \$4,141.19 per market-rate unit. This is further defined as \$87.87 per market-rate unit to support construction of a Fire and Rescue Training Facility, \$3,076.84 per market-rate unit to support construction of a Fire and Rescue Station and \$976.48 per market-rate unit to support construction of a Public Safety Building.

Applicants' Summary of Capital Impacts			
Proffer Category	Base Zoning (217 lots)	Alternative A (211 lots)	Alternative B (270 lots)
Public Schools*	\$723,612.54	\$650,250.90	\$846,993.48
Parks and Recreation	\$174,604.71	\$156,902.85	\$204,376.02
Emergency Services / Public Safety	\$898,638.23	\$807,532.05	\$1,051,862.20
TOTAL	\$1,796,855.48	\$1,614,685.80	\$2,103,231.70
PER UNIT TOTAL	\$8,280.44	\$7,652.54	\$7,789.75
<i>*Note: The Public Schools contribution does not include the costs associated with the entrance improvements, which are estimated to be a minimum of \$250,000.</i>			

As with public safety facilities' impacts, to project impacts on public park facilities, the Applicants estimated the total population that would reside within Arrington and then researched public park improvements in the CIP that would be impacted by the development. This was analyzed using the level of service standards for public parks as identified in the Fauquier County Parks, Recreation and Open Space Master Plan. Using this analysis, it was determined that there are park facilities that serve the project that have an existing level of service need. Furthermore, it was determined that facility improvements, that would increase capacity at parks serving the project, were included in the CIP included. The projects that factored into the Applicants' calculation included the Central Sports Complex Phase II; ball field renovations, greenways/trail, and playground projects; and the Southern Pool, Community Center, and Sports complex. Based on the Analysis the Applicants have committed to contributing \$804.63 per market-rate unit to support improvements to existing public park facilities and construction of new public park facilities.

Staff analyzed the application in a capital impact model developed for Fauquier County, in 2017 by TischlerBise. The attached reports are for informational purposes only. They summarize the estimated capital facility impact of the development proposal. The reports should not be considered a negotiation, a request, suggestion or demand for proffers on the part of Fauquier County.

The model estimates impacts that are directly attributable to the proposed new development while also taking into account existing capacities within constructed public facilities. The model evaluates capital impacts for the following categories of public capital improvements: (1) Public

Schools; (2) Libraries; (3) Parks and Recreation; (4) General Government; (5) Sheriff and Emergency Services; (6) Courts; (7) Fire and Rescue; (8) Environmental Services/Solid Waste; (9) Water; and (10) Sewer (County Funded Projects).

The model provides two sets of outputs. The first represents the full capital impact of the proposed development on the 10 capital facility categories listed above. This estimate utilizes a per capita impact approach and assigns a proportionate share cost to each citizen based on the County's actual level of service in each public facility. The second set of outputs incorporates the State's legislation mandate that new development cannot contribute cash proffers for existing capacity within a public facility system. This analysis looks at the capacity within the County's public facilities as well as the geographic location of that capacity and identifies where new development will directly trigger a need for additional capital infrastructure. In accordance with State Code, only the categories of Public Schools, Parks and Recreation, Public Safety (Sheriff and Emergency Services and Fire and Rescue) and Transportation are eligible for cash proffer contributions from proposed developments to mitigate their impacts.

See Planning Analysis (below) and Capital Impact reports (attached) for additional information regarding the capital impact model and associated reports.

Proffers

A new Proffer Statement has been submitted by the Applicants as part of the Rezoning application (see attached). The proffers are intended to give the County further assurance as to the type and quality of the development for the proposed project, as well as to identify which improvements and financial contributions for which the Applicants will be responsible. The Applicants used the Proffer Statement associated with REZN-15-003477 as a starting point and amended the commitments to meet the intentions of this application as well as the current Virginia Code requirements related to Rezoning applications, proffers and voluntary contributions. The Applicants acknowledge that all the proffers in the Proffer Statement submitted with this application directly address an impact that is specifically attributable to the new residential development or use proposed. Additionally, the 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 County as a result of the approval of this application and the development of Arrington.

It should be noted that these proffers, upon approval, will supersede all other proffers made prior related to the subject property, including, the 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 Proffer Statement is broken into the following sections, with a staff summary of the commitments made by the Applicants following each section header. Following each section, in *italics* is a staff summary of the key changes from the 2015 Proffer Statement.

1. Development Planning Documents – This section identifies the Concept Development Plan (CDP), Code of Development (COD), and Rezoning Plat as regulating documents. It also

allows for minor adjustments, as may be needed during final engineering, subject to approval by the Zoning Administrator.

The proposed proffer is consistent with the approved proffers.

2. The Property Zoning Upon Approval of REZN-22-01798: – This proffer clarifies that under the Base Zoning development option the 206.43 acres currently zoned PRD and the 27.66 acres to be rezoned from RA to PRD will be subject to this Proffer Statement. It also clarifies that under the Alternative A or Alternative B development options 181.43 acres of the 206.43 acres currently zoned PRD and to remain PRD as well as the 27.66 acres to be rezoned from RA to PRD will be subject to this Proffer Statement. Alternative A and Alternative B also include a 25-acre portion of the property, that is currently zoned PRD; should the property be incorporated into the Town of Warrenton this area will be zoned to the Town’s Commercial (C) zoning district and developed in accordance with those regulations.

Staff would note that the approved proffers cover 196.66 acres that were zoned RA and to remain zoned RA. The 2015 proffers limited the RA development to 10 market-rate lots, nine lots ranging from 1.97 acres to 3.57 acres and the residue lot. These RA lots were to be served with public water from the Town of Warrenton and private individual drainfields. The proffers also committed that the RA residue lot would be placed in a Non-Common Open Space Easement or Conservation Easement prior to subdivision of the RA land. This portion of the property would not be subject to the new Proffer Statement and the previous commitments would no longer apply.

It should also be noted that the approved proffers reference 4.10 acres that were zoned R-1 and remained zoned R-1. This land was permitted to connect to the public water from the Town and also to connect to the on-site wastewater treatment facility. It was not subject to the other portions of the proffers. This portion of the property was later subdivided and sold. It is now PIN 6983-27-7006-000, owned by Alwington Estates LLC. It should be noted that the proffers being removed from this property would exclude its ability to connect to the wastewater treatment facility. However, the Joint Planning and Water Service Agreement (Approved November 2015) would still permit this property to connect to public water from the Town.

3. Code of Development – This proffer references and incorporates the project’s COD as a controlling document.

The proposed proffer is consistent with the approved proffers.

4. Land Use – This proffer clarifies the three alternatives for development, and describes them as the following:
 - The Base Zoning option is limited to 217 single-family detached market-rate lots. Public water will be provided by the Town of Warrenton pursuant to the existing Joint Planning and Water Service Agreement of November 1, 2015. Sanitary sewer services will be either through a private alternative onsite sewage system, which requires Special

Exception approval, or public sanitary sewer, which would require an amendment to the Joint Planning and Water Service Agreement.

- Alternative A has a maximum of 211 residential lots further limited to 195 market-rate lots (144 single-family detached lots and 51 single-family attached lots) and 16 single-family attached affordable lots. Alternative A also includes an eating establishment (8,000 square feet maximum) and a hotel (inn) with a maximum of 15 rooms. Development of Alternative A is contingent on public utilities (water and sewer) being provided by the Town of Warrenton to serve the entire development and the property being incorporated (by Boundary Line Adjustment or other permitted action) into the Town of Warrenton.
- Alternative B has a maximum of 270 residential lots further limited to 254 market-rate lots (161 single-family detached lots and 93 single-family attached lots) and 16 single-family attached affordable lots. As with Alternative A, Alternative B also contains an eating establishment (8,000 square feet maximum) and a hotel (inn) with a maximum of 15 rooms. Development of Alternative B is contingent on public utilities (water and sewer) being provided by the Town of Warrenton to serve the entire development, the property being incorporated (by Boundary Line Adjustment) into the Town of Warrenton, and the acquisition of off-site right-of-way and easements to allow for the extension of Alwington Boulevard.

This Proffer also defines how the affordable lots and market-rate terms are to be used in relation to this project. Affordable lots will be available to only those with a household income of no more than 80% of the Average Median Gross Income (AMGI) for the Washington DC Metropolitan Area, so as long as the average income of all affordable households is equal to or less than 60% of AMGI. Additionally, the Applicants have committed that a minimum of two of the 16 (12.5%) affordable lots will be available to those with a household income of no more than 40% of the AMGI. Market-rate lots are available to all persons and do not have any income or age restrictions.

Lastly, as with the current Proffer Statement, this proffer commits to retaining the existing farm pond, as well as healthy, mature trees and existing hedgerows on the Property, except where home sites, roads, utilities, or drainfields are being planned. Trails are also committed to avoiding trees greater than four inches in diameter.

The approved proffer currently limits development of the Property to not more than 217 age-restricted residential lots in the PRD, 10 market-rate residential lots in the RA area, and a single R-1 lot, totaling a maximum of 228 residential lots.

5. Sustainable and Age-Friendly Community Design Elements – This proffer states that development of the PRD area will include community design elements which support age-friendly and sustainable housing opportunities for all demographics. It also commits that all residential dwellings will be designed to meet nationally known Green Building Practices. This proffer also requires the single-family detached market-rate lots, and the single-family attached affordable lots to include universal design elements; the single-family attached market-rate lots would not be required to meet this commitment. It also commits that at least

25% of the single-family detached market-rate units will include a first-floor bedroom and bathroom.

The Applicants have also committed to including age-friendly amenities within the Central Hamlet Community Center and Community Green. This includes a community center with fitness facility, outdoor swimming pool, a tot lot, two multi-purpose courts along with a storm water management pond, trail, community green and parking area.

Lastly, this proffer commits to timing of the construction of amenities and trails, and that trails not within a public right-of-way will be within a public access easement. It also commits that the project's amenities and trails will be maintained by the Arrington Conservancy.

The approved proffer relates to the Construction of Age-Restricted Housing Units. All 217 dwelling units within the PRD zoned portion of the Property are proffered to be age-restricted housing. The units are limited to residents 55 years of age or older. The proffer also provides restrictions related to cohabitants, guests, and vesting to a person under the age of 55. As mentioned previously, the pending application does not include any age-restricted housing units.

6. Residential Phasing – This proffer allows for the identified hamlets to be developed in any order and permits multiple hamlets to be developed concurrently, so long as no more than 100 residential occupancy permits are issued in any one calendar year.

This approved proffer limits the project to no more than 75 residential occupancy permits per any one calendar year.

7. Creation of Property Owners' Association – The Applicants will create an Arrington Conservancy for the role of the property owners' association. Amongst other duties the Conservancy will own and maintain the open space areas and other common features.

The Applicants also continue to commit that the Conservancy documents will prohibit conversion of residential garages into living area; and also prohibit the parking of recreational vehicles on residential lots, common open space areas, and public streets within the development.

Lastly, if a private alternative onsite sewage system and associated dispersal fields are constructed, the Conservancy documents are required to disclose of the existence of the facilities and all related fees (associated with its operation and maintenance) to be paid by members of the Conservancy. The documents will also contain a statement that neither the Town nor County are responsible for the operation or maintenance of these facilities.

The proposed proffer is consistent with the approved proffers.

8. Water and Sewer – This proffer states that under the Base Density option, the 217 market-rate lots are to be served by public water and either an alternative onsite sewage system or public sanitary sewer. It also states that Alternative A or Alternative B could be developed if (a) the municipal boundary between the County and the Town is adjusted to include the subject

property through a Boundary Line Adjustment process or other suitable arrangement, and (b) adequate public water and sanitary sewer services are available from the Town to serve the proposed development. Additionally, for Alternative B to occur the Applicants would need to obtain right-of-way dedication and associated easements required for the northerly extension of Alwington Boulevard through PIN 6983-28-8269-000.

Additionally, this proffer commits the Applicants to offering two existing wells on the property to the County, at no expense to the County, for a ground water monitoring program. A third existing well will be offered to the Town, at no expense to the Town, for their public water supply.

The approved proffer commits all 228 lots to being connected to Town of Warrenton public water service. It also commits to the 217 PRD lots and one R-1 lot to being served by a privately maintained alternative on-site community wastewater treatment and subsurface disposal system (developed at the developer's expense) and the 10 RA lots to being served by individual septic systems.

9. Parks and Recreation – The Applicants are offering to contribute \$804.63 per market-rate residential unit to the County to support improvements to existing public park facilities and construction of new public park facilities. The Applicants are also committing to providing the County with a letter of agreement which acknowledges that they will refrain from constructing improvements, conducting any other activities or granting any easements on the southern portion of the property (that is to remain zoned RA and not a part of the application) 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.

The approved proffer commits the developer to contributing, to the Board for Parks and Recreation purposes, \$2,260.00 per PRD residential unit, with allowable reductions for the design, construction and maintenance of public amenities. The developer also committed to dedicating to the County at no cost, a 60-foot-wide public trail easement (with the trail being constructed by others) from Route 29 by-pass interchange to the northern property line.

10. Landscape and Conservation – With this proffer, the Applicants are committing to many different conservation and preservation measures which include:
- The Conservancy documents will provide for the continuing protection of preserved or installed vegetation and trees for buffer areas, street trees, and open spaces. They will also ensure that appropriate plant materials as identified in the COD are used for landscaping of street and open spaces, as well as provide standards for the maintenance of all landscaping.
 - Incorporating existing stands of trees and hedgerows into development plans and protecting them to the fullest extent possible.
 - Prohibiting wetlands, floodplain, or archaeological sites from being located on any PRD residential lot.
 - Placing signage related to the history of the property near archaeological site 44FQ0205 and providing a 25-foot-wide undisturbed buffer placed around the perimeter of the site.
 - Additional plantings to screen the development from neighboring residences to the west.

The approved proffer commits the developer to the items listed above. It also commits to the following:

- *Placing approximately 278.11 acres of land in permanent conservation easements deeded to Fauquier County.*
- *Protecting preserved or installed vegetation and trees for buffer areas, street trees, and open spaces, including “tree save” areas identified in the RA portion of the property.*
- *Completing a tree survey which identifies and protects specimen trees in the area to be developed with the nine RA lots.*
- *Placing signage related to the history of the property at two locations within the Property’s common area.*
- *Architectural site 030-5429 is to be field surveyed, photographed, and a survey site map generated prior to the removal of any structures. Additionally, any work performed in this area is to be in cooperation with the County’s historic preservation office to protect the surrounding archaeological site 44FQ0205.*
- *The three significant archaeological sites and one architectural site will be permanently protected, and all four will have a 25-foot undisturbed buffer placed around them.*

11. Intentionally Deleted

The approved proffer commits the developer to contributing, for Library purposes, \$707.00 per PRD residential unit. Proffers for Library purposes are no longer within the definition of “public facility improvement” under the Code of Virginia and as such the County cannot accept a proffered contribution.

12. Emergency Services – The Applicants are offering to contribute \$87.87 per market-rate residential unit to the County to support construction of a Fire and Rescue Training Facility, \$3,076.84 per market-rate residential unit to the County to support construction of a Fire and Rescue Station and \$976.48 per market-rate residential unit to the County to support construction of a Public Safety Building. The total offered contribution towards Emergency Services is \$4,141.19 per market-rate residential unit.

The approved proffer commits the developer to contributing \$3,003.00 per PRD residential unit for Emergency Services. Current proffer 13, in which the developer previously committed to contribute \$468.00 per PRD residential unit, for the County Sheriff’s Department, has also been incorporated into this proffer.

13. Intentionally Deleted

This proffer has been incorporated into proffer 12, see above.

14. Intentionally Deleted

The approved proffer commits the developer to contributing \$707.00 per PRD residential unit for Environmental Services. Proffers for Environmental Services are no longer within the

definition of “public facility improvement” under the Code of Virginia and as such the County cannot accept a proffered contribution. The current proffer also contains language related to wells being offered to the County and Town. That language has been incorporated into proffer 8, see above.

15. Intentionally Deleted

The approved proffer commits the Applicants to contributing \$128.00 per PRD residential unit for the Animal Shelter. Proffers for the Animal Shelter are no longer within the definition of “public facility improvement” under the Code of Virginia and as such the County cannot accept a proffered contribution.

16. Transportation – This proffer commits the Applicants to on-site and off-site road improvements including the deceleration/turn lanes and median cross-over on James Madison Highway (Business Route 29) and the extension of James Madison Highway. The James Madison Highway improvements are to be constructed and open to traffic prior to issuance of the first occupancy permit for a residential dwelling unit on the property. The extension of Alwington Boulevard (within Phase 1) will be constructed and open to traffic prior to issuance of the 21st occupancy permit for a residential dwelling unit on the Property. If the property is developed pursuant to Alternative B, the portion of Alwington Boulevard located within Phase 5 will be constructed and open to traffic prior to issuance of the first occupancy permit for a residential dwelling unit constructed within the North Hamlet of the Property.

This approved proffer commits the Applicants to road improvements and right-of-way dedication as shown on the 2015 CDP, including that the proposed roundabout (at the project’s entry intersection with James Madison Highway) will be constructed by the 75th residential occupancy permit (subject to VDOT approval); the proposed Alwington Boulevard connection will be constructed by the 150th residential occupancy permit. Staff would note that VDOT previously provided correspondence which indicated that they would not approve the proposed roundabout at the project’s intersection with James Madison Highway.

17. Wastewater Treatment and Subsurface Dispersal System – This proffer commits that with the Base Zoning option, should public sewer service not be available from the Town, the design, construction, and operation of the proposed Alternative Onsite Sewerage System (AOSS) is to be in accordance with Virginia Department of Health (VDH) standards and regulations. Additionally, many of the Special Exception standards have also been committed to by the Applicants in this section. Additionally, it is confirmed that all design and construction costs related to the wastewater treatment system will be the responsibility of the owner or owner/operator of the system. The proffer also states that the sanitary sewer collection system will be designed and constructed pursuant to the Town’s Specifications and Standards as set forth in its Public Facilities Manual.

The proposed proffer is consistent with the approved proffers.

18. Requirements for Construction of Subsurface Structures – This proffer requires that for all below grade basements which are constructed on soils with high water tables, the foundation

drainage system of the structure will be designed by licensed professional engineers to assure a dry basement and to preclude wet yards and recirculation of pumped or collected water. It also commits to identifying the foundation drainage system on the deed and how disturbance around the system should be avoided.

The proposed proffer is consistent with the approved proffers.

- 19. Schools – The Applicants are offering to contribute \$3,334.62 per market-rate residential unit to the County to support construction of the W.C. Taylor Middle School expansion. Additionally, this proffer commits the Applicants (subject to approval from the Town and/or County, VDOT and the School Board, as well as all necessary easements and rights-of-way being provided) to designing and constructing improvements at the entrance to Brumfield Elementary School to help mitigate stacking issues during drop-off and pick-up times. If the required easements and right-of-way are not provided, the Applicants would then, in-lieu of the design and construction commitment, contribute \$250,000 towards another party constructing the entrance improvements.

The approved proffer relates to Employment Opportunities. It requires the developer to advertise, in a local newspaper, requests for proposals for general and specific contracting services related to the construction of the project and individual homes.

- 20. Further Assurances of Compliance with These Proffers in the Event of a County/Town Boundary Line Adjustment – This proffer states that it is the Owner’s intention that the proffers and exhibits (COD and CDP) incorporated into the proffers by reference will continue to bind the development of the Property if the Property is adjusted into the Town’s boundary.

It also states that if the County and the Town enter into a Boundary Line Adjustment Agreement (or other suitable arrangement) to have the property located within the corporate limits of the Town, that the proffers will be deemed proffers imposed by the Town of Warrenton and the Town’s officials shall assume the roles assigned to similar County officials as designated. Additionally, the Applicants will request, with any Boundary Line Adjustment Agreement, that any amendments to these proffers, or other future legislative land use applications be subject to terms and conditions as the Town and County may jointly impose.

Lastly, this proffer states that the Owner will request that any Order of a Special Court arising out of a citizen-initiated petition for a boundary line adjustment under will include provisions consistent with, and implementing, the items mentioned above.

This is a newly proposed proffer; it was not a part of the previous approval.

- 21. Escalator Clause – Commits that any monetary contributions which are paid to the Board of Supervisors, by the Applicants, after 36 months from the date of Rezoning approval shall be adjusted in accordance with the Urban Consumer Price Index (“CPI-U”).

The proposed proffer is consistent with the approved proffers. Staff would note that “Escalator Clause” is currently proffer 20.

Code of Development (COD)

A revised Arrington Code of Development (COD) was submitted as a part of the application materials. It guides the design, development and construction for all of Arrington, with the goal of fulfilling the vision committed to by the Applicants and also meeting the County's PRD Ordinance requirements. The COD is divided into four parts – I: Overview, II: Plan Requirements, III: Lot Layout and Building Requirements, and IV: Appendices. Each section provides insight to the design concepts which went into developing the plan, sets guidelines for the development of the project, and defines the project's design requirements and architectural styles.

The Overview includes a general description of Arrington. The COD states that Arrington is a development that organizes the design of homes, public spaces and environmental areas in a manner that complements and respects the traditional time-honored planning models of Warrenton and Fauquier County. Additionally, it is stated that Arrington embraces Traditional Neighborhood Design (TND) in a way that exemplifies the goals and objectives of the Planned Residential Development (PRD) zoning district and neo-traditional planning with an appreciation for the qualities that best represent Warrenton and Fauquier County. This section also provides a description of the three development scenarios – Base Zoning, Alternative A and Alternative B. The rules outlining how the regulatory process will work for the project are also contained in this section of the COD.

Part II of the COD, Plan Requirements, establishes the development program, both overall and within the individual hamlets, and the uses permitted within Arrington. It also defines the standards for the development of the streets and streetscapes, utilities, and site furniture. It provides descriptions, concept sketches and related imagery showing the various open spaces and amenities proposed within Arrington. The lot types, unit mix per block, and phasing of the project are also described in this section of the COD. These elements and their relationship to each other will be used to define and create the structure of the neighborhood.

The third part of the COD, Building and Lot Requirements, establishes detailed guidelines for house layouts on the lots and any accessory structures. Specific setback requirements, restriction on driveways, locations of garages and accessory structures, allowable encroachments, and rules for building height are included in this section. The project's lot layout variety - which requires a diversification of lot category, type, architectural styles, and setbacks between the front lot line and the front of each house - is also defined in this section of the COD. It is intended to ensure the desired visual diversity throughout the development. Additionally, this section of the COD includes the architectural styles to be used at Arrington, their characteristics, as well as other elements and features related to the design of the homes.

Appendices that address architectural styles and their defining features, landscape standards, plant materials, recommended tree species, and conceptual signage have also been included in the COD.

Staff and the Applicants have worked together to ensure that the project is developed utilizing many of the TND principles, concepts and design details desired in the PRD district. Staff believes that the proposal is consistent with the PRD zoning district.

Concept Development Plan (CDP)

A revised CDP was included as part of the Rezoning application materials. The CDP, in conjunction with the COD, will be used to guide the future site development. All future Code of Development Site Plans will need to be in general conformance with the CDP. The CDP includes site and development tables, street sections, and lot standards. It also contains sheets showing the property's existing conditions and soil characteristics.

The proposed CDP includes three separate development scenarios for Arrington – (1) Base Zoning with 217 market-rate lots; (2) Alternative A with 195 market-rate lots and 16 affordable housing lots, for a total of 211 lots; and (3) Alternative B with 254 market-rate lots and 16 affordable housing lots, for a total of 270 lots. The choice of which scenario is dependent on the availability of public water and sewer from the Town of Warrenton, and the property being adjusted into the corporate limits of the Town. Staff would note the current approvals require the 217 PRD lots to be age-restricted to those residents over the age of 55; whereas the pending application is requesting to remove that requirement for the entirety of the PRD development.

The CDP includes five residential lot categories, with at least three unique types (widths) for each category. These are:

- Village: Market-rate single-family detached lots with rear-loaded garages
 - Type A – Interior: Width: 44 – 48 feet Area: 4,752 – 5,376 square feet
 - Type A – Corner: Width: 59 – 63 feet Area: 6,372 – 7,056 square feet
 - Type B – Interior: Width: 49 – 53 feet Area: 5,292 – 5,936 square feet
 - Type B – Corner: Width: 64 – 68 feet Area: 6,912 – 7,616 square feet

- Neighborhood: Market-rate single-family detached lots with front-loaded garages
 - Type A – Interior: Width: 62 – 66 feet Area: 6,696 – 7,392 square feet
 - Type A – Corner: Width: 77 – 81 feet Area: 8,316 – 9,072 square feet
 - Type B – Interior: Width: 74 – 78 feet Area: 7,992 – 8,736 square feet
 - Type B – Corner: Width: 89 – 93 feet Area: 9,612 – 10,416 square feet

- Estate: Market-rate single-family detached lots with side-loaded garages
 - Type A – Interior: Width: 89 – 93 feet Area: 9,612 – 10,416 square feet
 - Type A – Corner: Width: 104 – 108 feet Area: 11,232 – 12,096 square feet
 - Type B – Interior: Width: 97 – 101 feet Area: 10,476 – 11,312 square feet
 - Type B – Corner: Width: 112 – 116 feet Area: 12,096 – 12,992 square feet

- Townhouse*: Market-rate single-family attached lots with rear-loaded garages
 - Interior: Width: 19.5 – 20.5 feet Area: 1,911 – 2,255 square feet
 - Corner – Street: Width: 45 – 50 feet Area: 4,410 – 5,500 square feet
 - End: Width: 29.5 – 30.5 feet Area: 2,891 – 3,355 square feet

- Townhouse – Affordable*: Income restricted single-family attached lots with rear-loaded garages
 - Interior: Width: 19.5 – 20.5 feet Area: 2,691 – 2,870 square feet

- | | | |
|--------------------|-------------------------|---------------------------------|
| ○ Corner – Street: | Width: 45 – 50 feet | Area: 6,210 – 7,000 square feet |
| ○ End: | Width: 29.5 – 30.5 feet | Area: 4,071 – 4,270 square feet |

**Note: The Townhouse and Townhouse-Affordable units only occur if the project is developed using the Alternative A or Alternative B options.*

The following is a summary of the residential development proposed with each of the development scenarios:

- Base Zoning: 217 units 0.93 du/ac 99.15 acres open space (41%)
 - Estate A: 13 units 6.0% of the residential development
 - Estate B: 17 units 7.8% of the residential development
 - Neighborhood A: 62 units 28.6% of the residential development
 - Neighborhood B: 51 units 23.5% of the residential development
 - Village A: 38 units 17.5% of the residential development
 - Village B: 36 units 16.6% of the residential development
 - Townhouse: 0 units 0% of the residential development
 - Townhouse Affordable: 0 units 0% of the residential development

- Alternative A: 211 units 1.01 du/ac 108.44 acres open space (51.9%)
 - Estate A: 16 units 7.6% of the residential development
 - Estate B: 21 units 10.0% of the residential development
 - Neighborhood A: 39 units 18.5% of the residential development
 - Neighborhood B: 34 units 16.1% of the residential development
 - Village A: 17 units 8.1% of the residential development
 - Village B: 17 units 8.1% of the residential development
 - Townhouse: 51 units 24.2% of the residential development
 - Townhouse Affordable: 16 units 7.6% of the residential development

- Alternative B: 270 units 1.61 du/ac 108.88 acres open space (52.1%)
 - Estate A: 18 units 6.7% of the residential development
 - Estate B: 23 units 8.5% of the residential development
 - Neighborhood A: 46 units 17.0% of the residential development
 - Neighborhood B: 40 units 14.8% of the residential development
 - Village A: 17 units 6.3% of the residential development
 - Village B: 17 units 6.3% of the residential development
 - Townhouse: 93 units 34.4% of the residential development
 - Townhouse Affordable: 16 units 5.9% of the residential development

Alternative A and Alternative B also contain a commercial component. It is limited to an 8,000 square foot eating establishment and a 15-room inn.

For each of the three development scenarios there are plans which show the overall layout of the project's development. The plans include corresponding lot numbers, block numbers, street types, street light locations, natural open space areas and developed community greens. Additionally, the CDP includes exhibits which define the pedestrian circulation network, open space and conservation areas. Conceptual utility (water and sewer) designs, preliminary grading plans, and

conceptual stormwater management plans were also included for each of the three development scenarios. The CDP was evaluated to determine that the property could be developed as planned. Staff and the review agencies have no significant concerns which would prohibit the property from being developed in accordance with the CDP. However, it should be mentioned that both Alternative A and Alternative B include off-site grading associated with the 25-acre portion of the property to be zoned to the Town's Commercial District. This will need to be addressed through the acquisition of a temporary grading easement or other means.

Transportation

The Applicants submitted a Traffic Impact Analysis (TIA), prepared by Gorove Slade, which evaluated each of the three development scenarios. The study also assessed potential impacts and the need for improvements at the project's two entrances, Alwington Boulevard extended and a full access entrance on James Madison Highway, as well as five other intersections. It should be mentioned that the TIA was based the three development options that were under consideration when the Planning Commission evaluated the application. The TIA has not been updated, to match the current application in terms of proposed residential and potential commercial development.

The TIA concluded that based on the capacity and queueing analysis results, the proposed development is not anticipated to have a substantial impact on the surrounding roadway network. The intersections within the study area all operate at an acceptable level of service during both the AM and PM peak hours, and all approaches, during the AM and PM peak hours, operate at acceptable level of service. The proposed site development has minimal impact on delays and queues at the existing intersections and results in non-degradation in level of service for all approaches.

The TIA also determined that a left turn lane and right turn lane taper are warranted at the project's entrance on James Madison Highway. As such, the Applicants propose a full access unsignalized intersection with the provision of turn lanes on James Madison Highway. A northbound left turn lane with approximately 200 feet of storage and have a 200-foot taper, as well as a full width Southbound right turn lane with 200 feet of storage and a 200-foot taper (to enhance the safety of the residents turning onto the site) have been included in the CDP and proffers. The study also indicated that no additional mitigation is required, as the analysis results show the site has a minimal impact on the operations of the study intersections.

As mentioned above, the Applicants' TIA has not been updated to include an evaluation of the potential commercial development in the unplanned land bay shown in Alternative A and Alternative B. The TIA accounts for more residential units (104 in Alternative A and 107 in Alternative B) than are currently being proposed. As such, the number of trips associated with the currently proposed residential development in the PRD zoned portion of the property will be reduced. Staff estimates that there would be 1,069 trips less average daily residential trips than shown in the TIA should Alternative A be developed, and 1,134 less should Alternative B be developed.

However, it is unknown how many trips will be associated with the 25 acres of unplanned future commercial development. For comparison purposes, the currently under review Colonial Crossing application (which includes a 50,000 square foot supermarket, 18,434 square feet of shopping

center, a 2,300 square foot fast food restaurant with drive-through and a 6,077 square foot super convenience market/gas station on 17.58 acres) is estimated to generate 12,208 average daily trips. While it is unlikely that the 25-acres at Arrington will be developed with similar uses and sizes as proposed at Colonial Crossing; it is highly likely that the commercial development will generate significantly more daily trips than have been analyzed. Therefore, it is possible, should either Alternative A or Alternative B be developed, that there will be unknown transportation impacts which do not have mitigation measures proposed.

Also related to transportation, the Applicants have agreed to modify (subject to approval by the Town and/or County and Virginia Department of Transportation (VDOT), and the School Board of Fauquier County) the entrance to Brumfield Elementary to help to mitigate stacking issues during drop-off and pick-up times. The current entrance to the Brumfield Elementary School is planned to be reconfigured with the existing road alignment being straightened through the intersection. The existing connection to the school parking lot will be shifted further north on the Alwington Boulevard extension and have a dedicated entrance at a proper 90-degree angle. An additional connection to the school will be added along the road to the north. This will allow for better separation between the bus and vehicle traffic, which should reduce confusion and conflict. The design will allow the school's operations to be similar to the existing patterns but with better defined paths and safer intersection design. If the required easements and right-of-way are not provided, the Applicants would then contribute \$250,000 toward another party constructing the entrance improvements.

Utilities

Under the Base Zoning development scenario, water will be provided by Town of Warrenton, consistent with the terms of the Joint Planning and Water Service Agreement approved in November 2015 by the Town of Warrenton, Fauquier County and Alwington Farm Developers. The Town of Warrenton has reiterated their commitment to provide water to this project under the terms and limitations defined in 2015 with the original Rezoning. The Base Zoning's septic needs will be accommodated by either a private wastewater treatment plant, mass drainfield/dispersal field and private collection system, all of which are subject to Special Exception approval by the Board of Supervisors, or public sewer collection and treatment provided by the Town of Warrenton, which would require an amendment to the Joint Planning and Water Service Agreement.

The Alternative A and Alternative B development scenarios are dependent on the property being incorporated into the corporate limits of the Town of Warrenton. Should the property be incorporated into the Town, the Town would be responsible for providing water and sewer services to the project. The Town's willingness and ability to serve the additional development contained in Alternative A and Alternative B will be further evaluated and considered as a part of any future Boundary Line Adjustment discussions. It should be noted that the Applicants have been working with the Town to identify current system deficiencies as well as infrastructure improvements that would be necessary to serve the proposed Arrington community without impacting the Town's planned growth inside its current corporate limits. The Applicants believe that that water supply and treatment capacity would be sufficient to adequately serve the proposed commercial uses and residential units at Arrington, should the Town agree to serve the proposed community.

In regard to sanitary sewer services being provided by the Town of Warrenton, the Applicants' Statement of Justification references the December 6, 2022 update to the Town's Water and Sewer System Growth and Capacity Evaluation (see attached). That study acknowledges that the Town is currently planning on increasing the capacity of its wastewater treatment plant to 3.0 MGD within approximately 10 years. It concludes that following the upgrade the Town's wastewater treatment plant, it could accommodate the currently planned development, which included 377 residential units in Arrington as well as the inn and restaurant uses, should the Town agree to serve the proposed development. It should be noted that the Town's Capacity Evaluation has not been updated to reflect the recent changes to the Arrington application.

The Town's evaluation indicates that the existing Taylor Run Pump Station would probably need substantial modifications or replacement to serve the Arrington Development as well as the existing and projected flows. The Applicants have expressed a willingness to work with Town staff to conduct a more detailed analysis of this system and identify the wastewater infrastructure needed.

Schools

The schools that will primarily be impacted by this project are Brumfield Elementary School, Taylor Middle School and Fauquier High School. Brumfield Elementary School has a 95% capacity of 680 students and maximum capacity of 716 students. The enrollment for the 2022/23 school year was 496 students, with future projections trending downward. The Arrington Base Zoning scenario is projected to generate 81 elementary school students; Alternative A is projected to generate 78 elementary school students; and Alternative B is projected to generate 100 elementary school students. At the 95% maximum capacity Brumfield currently has an excess capacity of 184 students and therefore, would be able to accommodate the development. However, it should be mentioned that while the school has a maximum capacity of 716 students, the gym has a capacity of 604 and the cafeteria has a capacity of 416. If Alternative B were to be developed, the school's gym would be very close to capacity during whole school events, such as talent shows, performances, or pep rallies, as the student population is projected to be 596.

Taylor Middle is anticipated to have a 95% capacity of 807 students and maximum capacity of 850 students by the 2026/27 school year. Its enrollment for the 2022/23 school year was 437 students. Future projections have the school reaching 512 students in the 2026/27 school year. It is estimated that Taylor Middle has approximately 610 students for the 2023/24 school year (as it has been combined with Warrenton Middle). The Arrington Base Zoning is projected to generate 34 middle school students; Alternative A is projected to generate 34 middle school students; and Alternative B is projected to generate 43 middle school students. As such, following the renovations to Cedar Lee Middle School and Taylor Middle School, it is believed that there will be available capacity to accommodate the development. As mentioned above, the Applicants have proffered \$3,334.62 for each market-rate residential dwelling unit to support construction of the Taylor Middle School expansion.

Fauquier High School has a 95% capacity of 1,552 students and maximum capacity of 1,634 students. Its enrollment for the 2022/23 school year was 1,163 students, with future projections ranging from 1,287 to 1,350. The Arrington Base Zoning is projected to generate 41 high school

students; Alternative A is projected to generate 40 high school students; and Alternative B is projected to generate 51 high school students. At the 95% maximum capacity Fauquier High School currently has an excess capacity of 389 students and therefore, would be able to accommodate the development.

The anticipated new student enrollment projections mentioned above were provided by Fauquier County Schools and updated by County staff to match the current proposal; the capacity and enrollment projections were from Fauquier County Schools publications; and the current enrollment information was sourced from Virginia Department of Education School Quality Profiles. Staff would note that the Applicants, in their proffer analysis, had lower student generation projections than those provided by the Schools.

Stormwater Management

A preliminary Stormwater Management Concept Plan was submitted with this application. The County's engineer reviewed the proposal and determined that generally the stormwater could be accommodated as proposed. The future Site Plan review will ensure that the facilities are adequate for the proposed development and meet all state and local requirements.

Site Suitability

This property appears to be suitable for the type of development proposed.

Cultural and Historic Resources

The subject parcel was once a part of a historic property called Leeton Forest, a plantation established around 1780 by Charles Lee who served as Attorney General of the United States under Presidents Washington and Adams. Phase I archaeological studies were completed in 2007 and 2010, as well as windshield and intensive level architectural studies. Ten archaeological sites and one architectural site were identified on the property. Three (3) of the sites have been determined significant and potentially eligible for inclusion in the National Register of Historic Places; two of which (44FQ0205 and 44FQ0229) are located entirely in the portion of the property to remain zoned RA, and not covered by this application. The other (44FQ0206) is located in both the RA and PRD portions of the property. The Applicants have proffered that it (site 44FQ0206) will be permanently protected as a part of the project's open space system. Additionally, it will have a 25-foot undisturbed buffer placed around it as shown on the CDP. The Applicants have also proffered that signage related to the history of the property will be placed near the site as part of the development for the project.

Natural Resources

The property contains several natural features which effect the development potential of the site. The northern half of the property contains Turkey Run, several unnamed tributaries to Turkey Run, a farm pond and associated FEMA floodplain around the streams. Pockets of wetlands have also been identified in and around the floodplain. On the eastern portion of the property, there is a prominent ridge line which runs along the Business James Madison Highway frontage, and some

moderately steep slopes at the northern end of the ridge. The Site Aerial Map (see above) and Natural Features Map (see attached) show the general location of these features. For the most part the application’s development plans avoid these features and include them in the project’s open space areas.

Zoning Ordinance Analysis:

Section 4-114 of the Zoning Ordinance provides “General Standards for Approval of a Rezoning to the Planned Residential District.” Following each standard is a staff evaluation in *italics*.

4-114 General Standards for Approval of a Rezoning to the Planned Residential District

In addition to the specific requirements of this section and the standards for rezoning for all development contained in Section 13-200, the following standards shall be utilized and adhered to by the Planning Commission and Board of Supervisors in determining whether to approve the proposed development:

- A. The design of the development is such that it will achieve the stated purpose and intent of the PRD District, to create pedestrian oriented residential neighborhoods of traditional design, providing for a reasonable and sustainable transition to adjoining development, with open space, landscaping and/or larger lots utilized to provide buffers where appropriate.

The purpose of the PRD district is to permit developments with a variety of residential unit types in an orderly relationship to one another, with a balance of community supporting commercial uses, community amenities, and open space areas. It is intended that the PRD district be utilized to create pedestrian oriented residential neighborhoods of traditional design physically integrated with the existing surrounding development.

Arrington utilizes TND principles and neo-traditional planning concepts throughout its design. It contains a traditional, generally rectilinear, pattern of blocks and interconnecting streets and alleys that are oriented to the pedestrian. The project requires each block to have a mix of lot types each with unique sizes, a variety of front yard setbacks, as well as differing architectural front facades and building colors. Public spaces, including large natural area parks, developed community greens, pocket parks and other open spaces, have been located throughout the project. These areas are easily accessible and interconnected by sidewalks and/or trails throughout the community.

The lot sizes adjacent to existing developments appear to be compatible with the neighboring properties. Additionally, a natural buffer, a minimum of 100 feet wide, has been provided where the project is adjacent to existing residential neighborhoods.

- B. The development is in substantial conformance with the adopted Comprehensive Plan with respect to type, character and intensity of use and public facilities.

The PRD development under the Base Zoning option is in conformance with the Comprehensive Plan in respect to type, character and intensity of use and public facilities.

Alternative A and Alternative B include residential development in areas which are designated as Open Space/Park in the County's Comprehensive Plan. Additionally, they each include 25 acres of Commercial Development in an area designated as Greenway/Gateway Residential. As mentioned previously, in order for the Applicants to realize either Alternative A or Alternative B, the property will need to be incorporated into the Town of Warrenton's corporate limits. As such, both the County and Town would need to update their Comprehensive Plans to reflect the change in political boundary. At that time the Comprehensive Plans could be modified to ensure they matched the proposed development.

C. The development provides complementary commercial uses where appropriate.

No commercial uses are proposed with the Base Zoning development scenario. Staff believes that the property's location and development area is not conducive to or appropriate for commercial development. Traditional commercial uses are most appropriate within the Main Street corridor of historic downtown Warrenton or other established commercial areas of Warrenton.

The Alternative A and Alternative B development scenarios include an eating establishment (8,000 square feet maximum) and a hotel (inn) with a maximum of 15 rooms. These two commercial components, which will serve the community and nearby areas, are nestled adjacent to a proposed park that includes the restoration and/or reutilization of the buildings and remnant ruins of the Leeton Forest plantation established around 1780 – a location that provides visibility and accessibility while not being intrusive into the residential neighborhoods. Additionally, they would be used to create, in conjunction with a future farm winery or farm brewery located in the RA zoned land that is not a part of the application, a combined agritourism "campus" which offers dining and lodging that would be a unique concept in (and immediately adjacent to) the Town of Warrenton.

As mentioned above, Alternative A and Alternative B also include 25 acres to be zoned to the Town's Commercial (C) zoning district and developed under those regulations. The Board of Supervisors should consider if this type of development would be complementary to the surrounding development and furthermore the appropriateness of this use in this location.

D. The development provides for a mixture of housing types, sizes, and affordability. Housing in a range of sizes and styles is integrated throughout the development. Opportunities for accessory apartments and live-work units are provided where appropriate.

The Base Zoning development scenario has three different categories of single-family detached units, each with a "Type A" and "Type B" width range. These units will have a mix of front-loaded, rear-loaded and side-loaded garages. The Alternative A and Alternative B development options add market-rate single-family rear-loaded attached (townhome) units, and affordable single-family rear-loaded attached (townhome) units. Accessory apartment and live-work units are not included in the proposal.

Each block face with more than five market-rate single-family detached lots is required, by the COD, to have at least three different lot widths, with a minimum of 10 feet of variation between the narrowest and widest lot widths. Blocks with five or less market-rate single-family detached lots are required to have at least two different lot widths, with a minimum of 10 feet of variation between the narrowest and widest lot widths. Additionally, to ensure diversity across the project, there are requirements related to differing architectural front facades and building colors, as well as varying front setbacks.

- E. The development is designed with a pedestrian orientation, with clearly defined continuous sidewalks and paths enhanced by trees, pocket parks, seating and other streetscape elements. Buildings are located close to the sidewalk with the mix of uses providing for a variety of possible pedestrian destinations within walking distance of each other.

The COD and CDP include streets sections which include sidewalks (five feet wide) and/or pedestrian trails (10 feet wide), and street trees along both sides of the road. Each of the hamlets has a formal central community green with amenities. These will serve as a pedestrian destination and community gathering place. Smaller less formal pocket parks have also been located throughout the development. Additionally, the residential buildings are to be located between 25 and 30 feet from the right-of-way which will help to define the streets and related pedestrian network.

- F. Buildings and spaces within the PRD are designed to create neighborhoods that are attractive and inviting, and in keeping with the feel, style and architectural vernacular of a traditional town in the Virginia piedmont. The elements of building height, setback, yards, architecture and spatial enclosure as established by the Code of Development for the project all contribute to the appearance and function of the development.

Arrington's COD requires a variety of lot types, lot widths and front setbacks. It also specifies a required variation in architectural style, front facade, and color scheme. Each block is required to incorporate a variety of architectural facades, and a variety of front setbacks, with a setback differential between two and five feet between adjacent homes. Additionally, architectural front facades of the same style are prohibited from being placed side by side or across the street from each other. The COD also states that market-rate single-family detached homes with the same architectural style shall not be constructed on more than three lots of the same category and type along each street frontage of a block. Additionally, no more than 20% of the homes along a block frontage may be the same color scheme. Houses are to address the public domain with varying front setbacks between 25 and 30 feet from the lot line to the house, and allowable encroachments into the setbacks for porches and stoops. This should ensure that the neighborhoods are attractive and inviting.

Arrington's COD requires that the elevations of every house be designed to be consistent with one or more historical architectural styles found in the Town of Warrenton, Fauquier County or the broader Virginia Piedmont. The goal of the architecture is to create a sense of place for Arrington with a scale and character that is sympathetic to and compatible with that found in the historic neighborhoods of Warrenton and the broader regional context. The range of architectural styles allowed includes: Federal, Colonial Revival, Bungalow and American Foursquare. Contemporary interpretations of the historic styles are also permitted on up to 10% of the lots. Each home is

required to be designed so that the front elevation is consistent with a selected architectural style or styles. The key defining features or styles identified include roof line details, roof pitch, windows, trim, porch details, doors, building heights and other defining features. These principles are defined in the COD, as well as other architectural standards related to design and materials.

- G. Streets are designed to consider their influence on the character of the neighborhood as well as their carrying capacity. Street networks provide multiple connections internally and connect through to adjoining properties where appropriate, providing multiple routes to any destination. Generally, local streets are narrower, minimizing pavement. Parking is accommodated on the street. Utilities are provided within the street wherever possible, in order to accommodate a streetscape that includes street trees as well as sidewalks.

The street network has been designed to provide multiple internal connections and external connections. The network also provides multiple routes to destinations within the development and nearby destinations. The streets have been designed to be as narrow as possible while still meeting VDOT and potentially Town of Warrenton standards and providing on street parking. All streets, within the Hamlets, include sidewalks and street trees. Wet utilities are to be located within the street right-of-way, and dry utilities will be located within the front setback or within an alley easement.

- H. Open space is treated as an integral component of the development design. Small parks are provided throughout the development within walking distance of all residents. In core areas, small open spaces such as plazas or courtyards are provided at appropriate locations to provide a focal point for the community and to serve as gathering places. Larger developments provide for active recreational opportunities for residents. Natural and environmentally sensitive areas are preserved and protected. The open spaces within the development are connected by sidewalks or trails and connected to other open spaces.

Each of the Hamlets within Arrington includes a Community Green which will feature passive amenities. As mentioned above, smaller less formal pocket parks have also been located throughout the community. Active recreational facilities have been provided at the Central Hamlet Community Center and Community Green. These facilities include a community center, pool and one tennis court or two pickleball courts. Natural and environmentally sensitive areas are preserved and protected through the projects unplanned open space areas. All of the open space areas are accessible by the project's sidewalks and/or pedestrian trail system.

- I. The development minimizes the amount of parking provided, maximizing opportunities for on-street parking and shared parking. Parking for commercial uses are located to the rear and side of buildings and dispersed in smaller lots where possible, so that it does not dominate the street. In residential areas, garages are predominately located to the rear, with alley access, returning the street to the pedestrian. Where garages are fronting on streets rather than alleys, they are designed such that they are not a prominent feature of the street, with side-loading doors and greater setbacks than the remainder of the house.

On-street parking is provided throughout the development. Other than at the Central Hamlet Community Center and Community Green no independent parking lots are included with the residential areas of the development. Under the Base Zoning Development scenario 74 (34.1%)

of the lots will be required to be rear loaded with garages fronting alleys. Alternative A has 101 (47.9%) rear-loaded lots and Alternative B has 143 (53.0%) rear-loaded lots. These garages may not be sized for more than two cars and will be set back from the alley easement a minimum of five or 10 feet (depending on the product).

The remainder of the lots are to be served from the public street with front or side-loaded garages. Front-loaded garages will be set back a minimum of 20 feet behind the front (the element of the home that is located closest to a street) of the house. This would equate to front-loaded garages being set back a minimum of 38.5 feet from the edge of the sidewalk. Side-loaded garages will be set no closer to the street than the main mass of house. This would equate to side-loaded garages being set back a minimum of 25 feet from the edge of the sidewalk. Driveways, off the streets, are not permitted to exceed 20 feet in width for a distance of 20 feet in front of the garage and are then required to transition (within 10 feet) to the width of the curb-cut (a maximum of 12 feet) for the remainder of the driveway.

Parking for the commercial area is not to front on or be visible from Vineyard View Drive. Additionally, it is required to be accessed from Rolling Meadows Lane with no more than two driveway connections. Parking adjacent to Rolling Meadows Lane is required to be screened from the road with a hedgerow or stone wall.

- J. Lighting is traditional in form and consistent with the human-scale orientation of the development, oriented toward pedestrians and minimizing impacts on dark-skies.

Pedestrian streetlights are to be provided along every street with a sidewalk or trail. The lights are to be a maximum of 12 feet in height and spaced at intervals of 200 to 240 feet, or as determined by final photometrics. The fixtures and poles will have a dark finish and reflect a traditional design. All lights will be shielded to direct light downward. This will allow for the lighting to be oriented toward pedestrians and minimize the impacts on dark skies.

- K. The development efficiently utilizes the available land and protects and preserves floodplains, wetlands and steep slopes.

The development generally avoids floodplains, wetlands, and steep slopes and thereby protects and preserves them as a part of the open space within the project. There are four instances where the proposed street network crosses a floodplain, all of which are subject to Special Exception approval by the Board of Supervisors. One is the extension of Alwington Boulevard, which is needed to provide a secondary entrance to the project. The other three are internal crossings needed to provide access to the development areas. The only other exception is the location of the proposed Wastewater Treatment Plant. It is located in an area that has been identified as containing wetlands. The Applicants have indicated that the location of the Wastewater Treatment Plant was chosen as it is the lowest usable portion of the property and therefore most suitable. Any impacts to jurisdictional wetlands will need to be properly permitted.

- L. The development is designed to prevent substantial injury to the use and value of existing surrounding development, and shall not hinder, deter or impede use of surrounding properties in accordance with the adopted Comprehensive Plan.

As the area surrounding the development is primarily single-family detached homes, the Base Zoning development is believed to be compatible with the neighboring properties. Additionally, there is a minimum of a 100-foot buffer between the existing residential communities to the west and the rear of the closest proposed lots. Under the Base Zoning development option, staff does not anticipate that the value of existing surrounding development will be negatively affected; nor does staff believe that the development would hinder, deter or impede the use of surrounding properties in accordance with the adopted Comprehensive Plan.

Alternative A and Alternative B both include residential development in areas which are currently envisioned in the County's Comprehensive Plan to be Open Space/Park. They each also include 25 acres of Commercial Development in an area designated as Greenway/Gateway Residential. The Board of Supervisors, as a part of their evaluation of the application, should consider any potential impacts to neighboring properties from the development proposed in Alternative A and Alternative B.

- M. The development shall be located in an area in which transportation, police and fire protection, other public facilities and utilities, including water and sewer, are or will be available and adequate for the uses proposed; provided, however, that the Applicant shall make provision for such facilities or utilities which are planned but not presently available.

The portion of the property subject to this application is entirely within the Warrenton Service District, where public facilities are available. Under the Base Zoning development scenario, the Town of Warrenton is committed to providing public water service to the property, and sewer service is proposed to be a private treatment system, constructed at the Applicants' expense; or provided by the Town. Alternatives A and B are subject to the Town of Warrenton being willing and able to provide water and sewer service needed to serve the development and expanding its corporate limits to include the property.

Request for Waivers:

As mentioned above, the Applicants are requesting that the Board of Supervisors approve four modifications and waivers associated with the Arrington Rezoning application in order to better accomplish the development of the project. The Zoning Ordinance permits the Board of Supervisors to modify the regulations to better accomplish the purpose of the PRD. Following each standard is a staff evaluation in *italics*.

1. Modification of Fauquier County Zoning Ordinance (ZO) Section 4-107.A.1 ((Maximum Front Yard Setback) to allow front-yard setback of 25 feet, which is larger than the Ordinance's requirement that homes generally be setback no further than 10 to 20 feet.

The Applicants have stated that the larger front-yard setback is needed to accommodate street tree easements which are located outside of the street right-of-way. Based on the development of the Carter's Crossing project, which is zoned PRD in Marshall, the Applicants' experiences with the construction of streets have shown that the planting of street trees between the sidewalk and back of curb is impractical and unsustainable long term. This is due to the planting strip also needing to accommodate streetlights, signage, fire hydrants, sight distance easements, etc. In response,

the street sections in Arrington have been designed to have street trees to be located along the backside of the sidewalk within street tree easements that run along the street frontage of each lot. The location of the street trees requires the homes to be setback further than the Ordinance's requirement of 10 to 20 feet.

2. Modification of ZO Section 4-107.C.3 to allow the driveway to be 12' wide.

Section 4-107.C.3 requires the driveway, for an individual house, not to exceed 10 feet in width up to where the driveway meets the vertical plane of the front wall or porch of the house. The Applicants are requesting a modification to 12 feet to be in accordance with the minimum width of a private entrance as required by VDOT. The COD requires the driveways not to exceed the width of the garage for a distance of 20 feet and then transition (within the next 10 feet) from the width of the garage to a maximum width of 12 feet. Staff believes this request meets the intentions of the PRD Ordinance, while at the same time meeting VDOT's requirements.

3. Modification of ZO Section 7-303 (Public Street Design Requirement)

Section 7-303 of the Zoning Ordinance requires public streets to meet the minimum applicable requirements of the Virginia Department of Transportation (VDOT) and be dedicated to public use unless a Special Exception which waives this requirement is granted by the Board of Supervisors. This waiver would allow 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.

Arrington's design includes 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 modification would allow the streets to be designed to the standards of the public organization (VDOT or Town of Warrenton) that will ultimately provide maintenance of the streets. It will also permit the proposed alleys to be designated as private streets maintained by the Arrington Conservancy – 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. Staff believes this request is appropriate and consistent with the PRD Ordinance.

4. Modification of ZO Section 4-107.C.3 (Side-loaded Garages)

Section 4-107.C.3 of the Zoning Ordinance requires any side loading garage to be set back a minimum of eight feet behind the front wall of the house. The Applicants are requesting that they be allowed to have 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. Staff believes this request is appropriate, and that the governing sections of the Code of Development and process for design approval will ensure that the intentions of the PRD Ordinance are met, while at the same time allowing for flexibility in the design of the homes and perhaps a more usable floorplan.

Planning Analysis:

As mentioned above, three separate development scenarios are proposed for Arrington. They are (1) Base Zoning with 217 market-rate lots, all of which are single-family detached; (2) Alternative A consists of 144 single-family detached market-rate lots (68.2%), 51 single-family attached (townhome) market-rate lots (24.2%) and 16 single-family attached (townhome) affordable lots (7.6%) for a total of 211 residential lots; and (3) Alternative B which consists of 161 single-family detached market-rate lots (59.6%), 93 single-family attached (townhome) market-rate lots (34.4%) and 16 single-family attached (townhome) affordable lots (5.9%) for a total of 270 residential lots. Alternative A and Alternative B include a commercial component with an eating establishment (8,000 square feet max) and a 15-room inn (estimated to be 10,000 square feet) within the PRD zoned portion of the property. They also include 25 acres of future commercial development, to be zoned to the Town's Commercial zoning district.

Planning staff analyzed each of the development scenarios in the previously mentioned capital impact model developed for Fauquier County by TischlerBise. The reports and charts detail the estimated capital facility impact of the development proposal. They are for informational purposes only, and should not be considered a negotiation, a request, a suggestion, or demand for proffers on the part of Fauquier County. The model calculates a full capital impact and a capacity triggered capital impact. It also calculates each of the four the areas in which the County can accept proffers. Please see the summary below and the model runs which have been attached. Please note the model runs do not account for any capital impacts associated with the 25 acres of future commercial development in Alternative A and Alternative B.

Capital Impacts – Fauquier County Model (Developed by TischlerBise in 2017)			
	Base Zoning	Alternative A	Alternative B
Full Capital Impact	\$8,155,305.00	\$7,146,500.00	\$8,848,963.00
Cash Proffer Categories Full Capital Impact*	\$7,662,025.00	\$6,670,941.00	\$8,251,991.00
Capacity Triggered Capital Impact	\$1,486,557.00	\$4,408,302.00	\$1,774,193.00
Cash Proffer Categories Capacity Triggered Capital Impact*	\$993,277.00	\$932,743.00	\$1,177,221.00
<i>*Note: Cash proffer categories limited to public transportation facilities, public safety facilities, public school facilities, and public parks.</i>			

Additionally, for each of the three development scenarios, staff compared the Cash Proffer Categories Capacity Triggered Capital Impacts to what the Applicants' have proffered to offset the impacts. In all instances, the Applicants' total proffered financial contributions (for the cash proffer categories) exceed the total capacity triggered capital impacts (for the cash proffer categories) estimated by the capital impact model developed for Fauquier County by TischlerBise. However, in all instances for impacts to Parks and Recreation Facilities, the amount proffered by the Applicants is significantly less than the capital impacts estimated by the County. Please see summary tables below.

Capacity Triggered Capital Impacts – Base Zoning			
(217 Units)			
Proffer Categories	County Model	Applicants' Proffer	Difference
Public School Facilities	\$0.00	\$973,612.54	+\$973,612.54
Parks and Recreation Facilities	\$893,421.00	\$174,604.71	-\$718,816.29
Emergency Services / Public Safety	\$99,856.00	\$898,638.23	+\$798,782.23
TOTAL DEVELOPMENT	\$993,277.00	\$2,046,855.48	+\$1,053,578.48
<i>*Note: The Public Schools contribution includes the costs associated with the entrance improvements, which are estimated to be \$250,000</i>			

Capacity Triggered Capital Impacts – Alternative A			
(211 Units)			
Proffer Categories	County Model	Applicants' Proffer	Difference
Public School Facilities	\$0.00	\$400,461.90	+\$400,461.90
Parks and Recreation Facilities	\$832,009.00	\$156,902.85	-\$675,106.15
Emergency Services / Public Safety	\$100,734.00	\$807,532.05	+\$435,153.80
TOTAL DEVELOPMENT	\$932,743.00	\$1,364,896.80	+\$432,153.80
<i>*Note: The Public Schools contribution includes the costs associated with the entrance improvements, which are estimated to be \$250,000</i>			

Capacity Triggered Capital Impacts – Alternative B			
(270 Units)			
Proffer Categories	County Model	Applicants' Proffer	Difference
Public School Facilities	\$0.00	\$1,096,993.48	+\$1,096,993.48
Parks and Recreation Facilities	\$1,051,909.00	\$204,376.02	-\$847,532.98
Emergency Services / Public Safety	\$125,312.00	\$1,051,862.20	+\$926,550.20
TOTAL DEVELOPMENT	\$1,177,221.00	\$2,353,231.70	+\$1,176,010.70
<i>*Note: The Public Schools contribution includes the costs associated with the entrance improvements, which are estimated to be \$250,000</i>			

Agency Comments:

Staff and the appropriate referral agencies have reviewed the application and have the following comments. Any outside agency comments are not a request, suggestion or demand for a proffer from the County. Below are the outstanding items which have yet to be addressed. Staff has noted how the items will be addressed in *italicized* language following the comments.

Zoning:

Zoning comments have been addressed throughout the revisions to the application and/or incorporated throughout the staff report.

Soils:

Soils comments have been addressed throughout the revisions to the application.

Virginia Department of Transportation (VDOT):

1. The CDP shows a 10-foot asphalt trail in a 14-foot easement, going into the right-of-way and terminating at an uncontrolled crossing of Business Route 15, 17, & 29 (James Madison Highway). Based on a seven-day speed count from 3/6/2023 through 3/13/2023, the 85th percentile speed at this location is 55 MPH. The required stopping sight distance is thus 495 feet on a level grade, higher on a downgrade.

It appears that due to the crest vertical curve north of the potential crosswalk location this required sight distance is not available, in which case per IIM TE-384.1 a crosswalk shall not be installed at this location. Accordingly, unless the required stopping sight distance is demonstrated to exist, the extension of the 10-foot asphalt trail to the roadway must be removed from the CDP. Even if the sight distance is demonstrated to be available, the potential at-grade crossing is a midblock location, so per IIM-TE-384.1 an engineering study shall be performed to determine if a marked crosswalk can be installed and what options and countermeasures are required for crossing safety or to restrict pedestrian crossing activity at this location.

The Applicants have revised the plans to eliminate the proposed trail connection to James Madison Highway. This connection has been terminated approximately 200 feet from the roadway and replaced with a 14-foot-wide access easement should it be needed in the future. The proposed trail connects to a proposed 50-foot access easement reservation so it may continue south through the RA zoned property at a later date.

Additionally, County and VDOT staff have been evaluating and exploring the potential for a pedestrian underpass at this location. This would seem to be the preferred future solution to provide the desired pedestrian connectivity. Alternatively, a pedestrian bridge could be constructed further to the south.

Engineering:

Engineering comments have been addressed throughout the revisions to the application.

Parks and Recreation:

Parks and Recreation comments have been addressed throughout the revisions to the application.

Department of Fire Rescue and Emergency Management (DFREM):

The Fire Marshal's comments were related to project needing to conform to the most current fire code. They related to fire lanes, fire flow, water supply test, and fire hydrant systems. These were provided for reference; the detailed engineering design and review will occur during the Construction Plan review.

Fauquier County Sheriff's Office (FCSO):

No comments provided.

Town of Warrenton:

1. The Town of Warrenton had committed to provide water to this property to the limits covered under the original rezoning. The capacity analysis indicates the Town's current water treatment capacity can support this development. To expand the number of units beyond the original rezoning limit, will require approval by Town Council.
2. To be included in the Town's water service area, the applicant committed to extend the existing waterline on Windsor Court through this project to James Monroe Hwy. When funds come available, the Town will extend (loop) the waterline from that location to the existing College site. The Arrington project will also connect water to the water system at Alwington Blvd in front of the existing Appleton Campbell site at a minimum. While the Town's water treatment capacity can handle the projected water use demand from this development, the applicant's design consultant will need to provide modeling verification that the proposed water system can provide the required hydraulic flows for fire protection at the final plan design.
3. For wastewater, this proposal includes an on-site wastewater treatment facility option since the Town Council has not approved inclusion of this property into the Town's wastewater service area of the Tri-party agreement. Therefore, no additional comments related to wastewater are offered by the Town at this time.

Comments from the Town of Warrenton have been provided for reference.

Fauquier County Public Schools (FCPS):

Please note, County staff updated the projected enrollment numbers and associated comments to match the current proposal.

1. The schools that will primarily be impacted by this project are:
 Elementary School: Brumfield Elementary School
 Middle School: Taylor Middle School
 High School: Fauquier High School
2. The project is projected to increase enrollment at each school according to the estimates below:

School	Base Zoning	Alternative A	Alternative B
Elementary School Students	81	78	100
Middle School Students	34	34	43
High School Students	41	40	51
Total Students from Development	156	152	194

3. The impact from a build-out from this development may exceed the capacity available in one or more of these schools. The impact of this development may create the need to rezone, add temporary classrooms, or expand the school.

4. There are particular capacity concerns at Brumfield Elementary School. Brumfield has an anticipated enrollment for 23-24 of 510 students, with a seating capacity of 700. What the seating capacity does not take into account though is that the gym has a capacity of 604 and the cafeteria's capacity is 416. This means no whole school events such as talent shows, performances, or pep rallies could be held if student population is over 604.
 - a. With Alternative B, the largest proposal, there is an estimated 100 students at elementary bringing Brumfield's enrollment to 596 students, assuming there is no other unanticipated growth.
 - b. Alternative A generates approximately 574 students, putting the student body over the cafeteria's capacity, but still under the total seating capacity.
 - c. The Base Zoning plan generates approximately 78 students, which can likely be accommodated.
5. The combining of Taylor and Warrenton will have approximately 610 enrolled students this year. When Taylor renovations are complete, the seating capacity will be 900 so at this time, there are no capacity concerns with the proposed housing development for middle school.
6. In addition to operating costs, new development creates an impact on capital costs for schools by absorbing existing capacity and/or creating the need for additional capacity.

These comments are provided for reference and consideration.

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.”

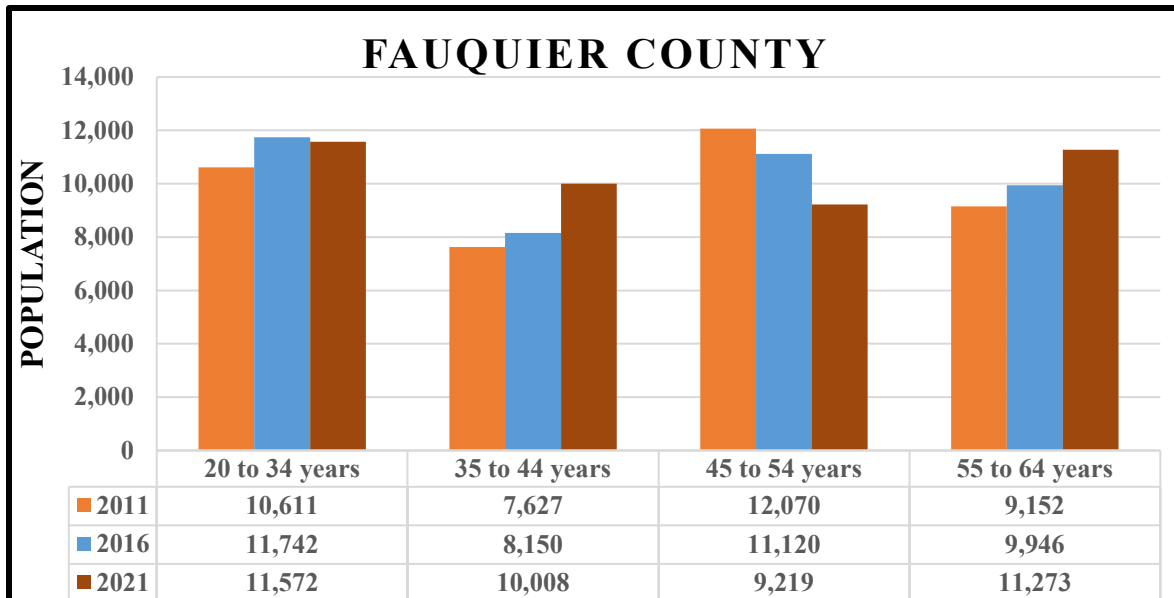
The Overall Parcel was the subject of a Rezoning, Comprehensive Plan Amendment, and Category 20, 23, and 30 Special Exception requests approved by the Fauquier County Board of Supervisors (the “Board”) on November 12, 2015 (COMA-15-003473/REZN-15-003477/SPEX-15-003479/SPEX-15-003481/PREP-15-003482) (the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

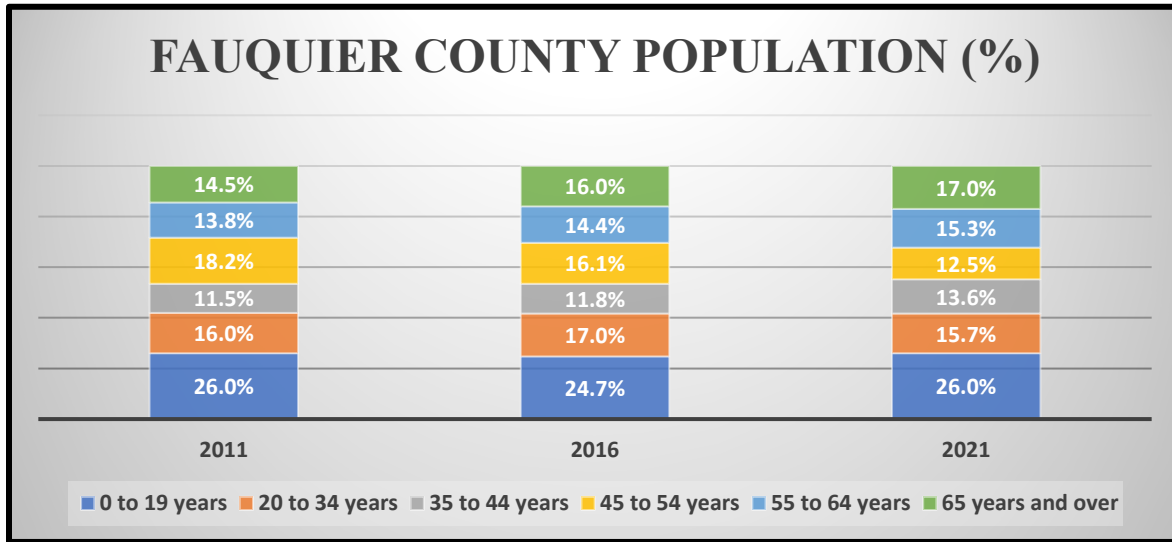
and desire to, protect the viewshed along the James Madison Highway frontage of the Overall Parcel. Most significantly, the 2015 Approvals were based on the design of an Alternative On-Site Sewage System (“AOSS”) and discharge dispersal fields that accommodated an average daily flow of 39,060 gallons 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.

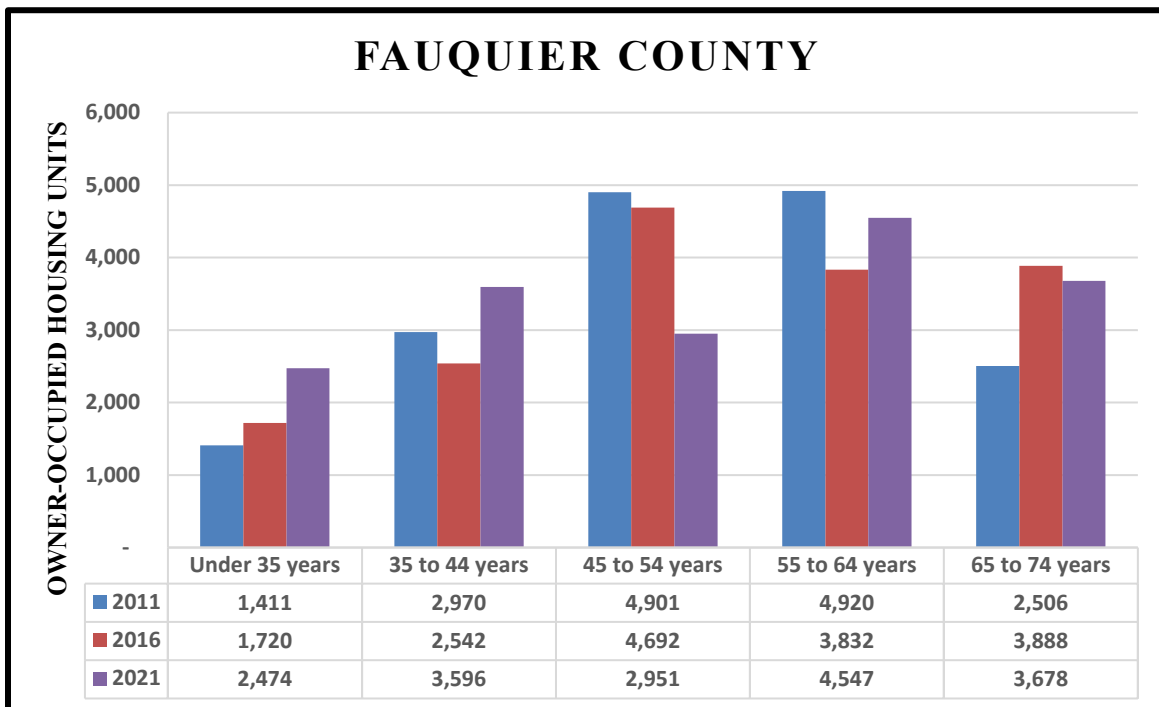


A review of the percentage of the total population with each age grouping also shows the significant reduction within the 45 to 54 age group. As seen below in yellow, this age group made

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.

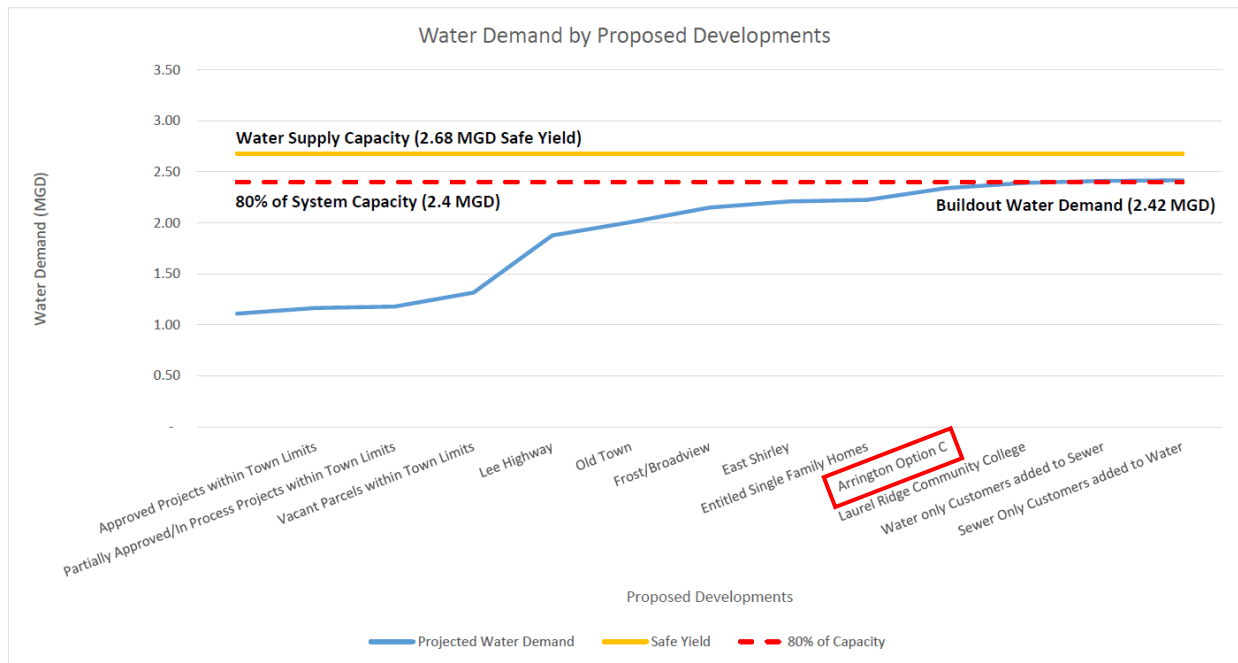


Figure 5.1: Water Demand by Proposed Developments

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.)

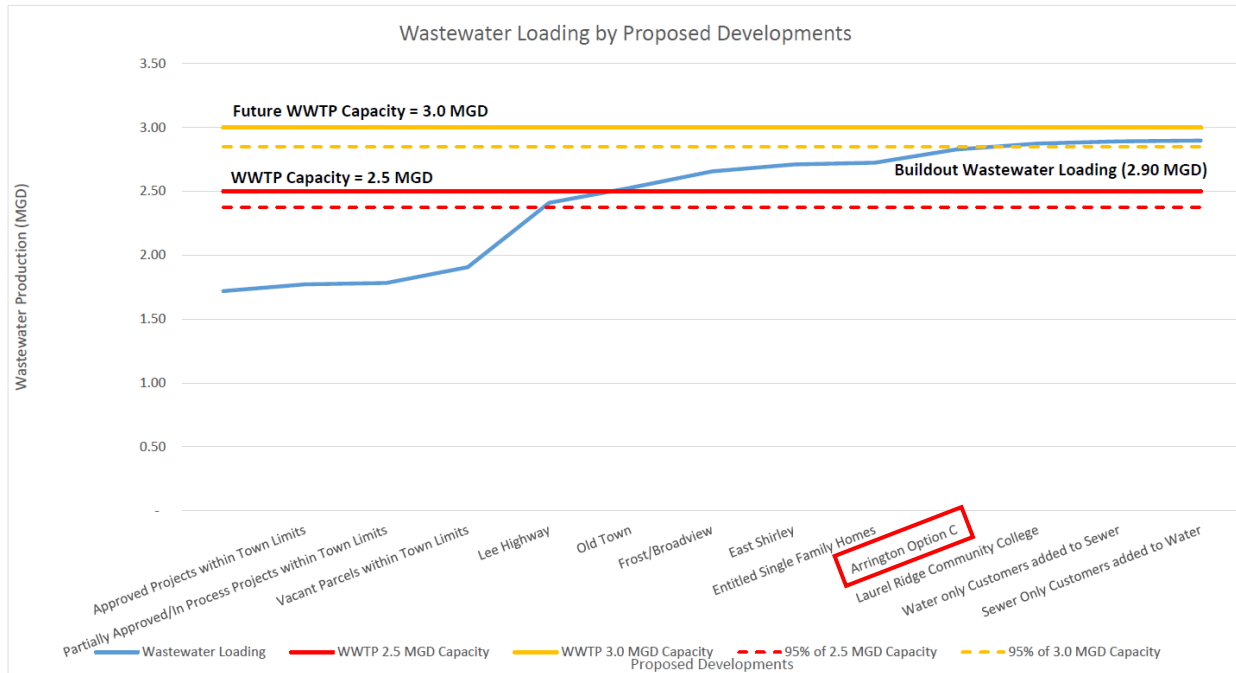


Figure 6.1: Wastewater Loading by Proposed Developments

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.

Statement of Justification
September 26, 2023

Arrington

Item A.

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.

Town of Warrenton – Water and Sewer System Capacity Evaluation Update



Town of Warrenton, VA

Work Order Number: 18672

Draft Report
12/06/2022

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1. Executive Summary

Whitman, Requardt & Associates (WRA) has updated the April 2015 Water and Sewer Capacity Evaluation to include new data and to determine the impact of potential new housing and commercial development in the Town and in the Town's water and wastewater service area. Data on potential development was provided by the Warrenton Community Development Department. WRA estimated water demand and wastewater loadings from new developments including impacts to water and wastewater system capacity from overall development over time through year 2040.

The current water system capacity is 2.68 MGD from 2 reservoirs and 3 groundwater production wells. The Town's Water Filtration Plant has a capacity of 3 MGD. Water from the reservoirs is treated at the Filtration Plant and well water is treated at the well head. Average water production from 2015 through 2021 is 1.16 MGD (**Figure 3.1**). The current wastewater system treatment capacity at the Town's Wastewater Treatment Plant is 2.5 MGD. The average daily wastewater loading from 2015 through 2021 is 1.86 MGD (**Figure 4.1**). The Town is planning on expanding the capacity of the Wastewater Treatment Plant to 3 MGD over the next 10 years.

The estimated water system demand from the combination of the developments analyzed by WRA is 1.31 MGD. The estimated buildout water demand plus the 2021 water demand of 1.11 MGD provides an estimate of 2.42 MGD of future water demand (**Figure 5.1**). The estimated wastewater loading demand from the combination of the developments is 1.18 MGD. The estimated buildout wastewater loading plus the 2021 wastewater loading of 1.72 MGD provides an estimate of 2.9 MGD of future wastewater loading (**Figure 6.1**).

Per this analysis the Town of Warrenton has adequate water supply capacity and wastewater treatment capacity to accommodate the new housing and commercial developments identified by the Community Development Department. Several assumptions and assertions are included in this conclusion:

- Water demand projections are conservative. Water demand and wastewater loading can be monitored as developments came online to project future demand with greater accuracy.
- Unaccounted for water or the difference between billed water and water production and billed water is approximately 10%. This compares favorably to other communities in Northern Virginia
- The Virginia Department of Health (VDH) requires that communities submit a plan for increasing or providing for additional water system capacity when demand reaches 80% of permitted capacity. For Warrenton, the 80% threshold limit will be reached when all the development included in this analysis is in place. Depending on the Town's service area growth rate, this threshold could be reached in the 2050 decade or beyond.
- Extraneous water entering the wastewater system, also referred to as infiltration and inflow (I&I) constitutes about 49% of the wastewater flow entering the wastewater treatment plant. This level of I&I, although high, is not unusually high for wastewater collection systems similar in age to Warrenton's. WRA recommends that the Town continue to investigate and remediate I&I problems in the service area.
- The Virginia Department of Environmental Quality (DEQ) recognizes flow loadings approaching 95% of the design capacity (or 2.85 MGD) as the threshold level for planning WWTP capacity management strategies and improvements. This threshold level will be reached when all the development included in this analysis is in place. Depending on the Town's service area growth rate, this threshold could be reached in 2045 or beyond.
- The Turkey Run Pump Station can be used to receive flows from Laurel Ridge Community College. Although flows from Laurel Ridge can be managed by the Turkey Run PS, a detailed analysis should be made of the pump station before any additional flows are added.
- The Taylor Run Pump Station cannot receive flows from the Arrington Development and the Turkey Run Pump Station without improvements to the existing pumping system including the wet well. A detailed analysis of the existing system with recommendations for improvements to handle additional flows should be conducted before any new flows are added to this system.

2. Purpose

The Town of Warrenton authorized Whitman Requardt and Associates (WRA) to update the Water and Sewer System Growth and Capacity Report prepared in April 2015. The 2015 report evaluated existing and future water demand and wastewater loading based on developable lots within the Town and the surrounding service area.

This report will analyze current and future loadings and demands based on information provided by the Town's Community Development Department and Public Works & Utilities Department. This information includes data on new residential and commercial developments that have been approved by the Town or have been submitted to the Town for review and approval. In this report the following information was also included:

- Wastewater flow data from the Town's wastewater treatment plant (WWTP) since 2015
- Water production data from the Town's water treatment plant (WTP) since 2015
- Water supply information for the Town's reservoirs and wells
- Water billing information
- Proposed capacity changes to treatment capacity at the Town's WWTP
- Capacity of the Turkey Run Pump Station (PS #9) and the Taylor Run Middle School Pump (PS #6) to convey future wastewater flows from new developments in their respective sewer sheds

3. Existing Water Capacity and Demands

3.1 Water Production, Distribution and Demand

Water supply for the Town of Warrenton is provided by 2 reservoirs, located on Cedar Run, and 3 groundwater wells. The Airlie reservoir (upstream) and the Warrenton reservoir (downstream), operate in series. The Airlie Reservoir provides a safe yield of 1.16 million gallons per day (MGD) and the Warrenton Reservoir provides a safe yield of 1.14 MGD for a total reservoir safe yield of 2.3 MGD. Reservoir safe yield is defined as the rate at which water can be withdrawn during a critical dry period without depleting the supply to such an extent that withdrawal of water is no longer economically feasible. Safe yield is determined by the Commonwealth of Virginia Department of Environmental Quality (DEQ). Water from the Airlie reservoir flows to the Warrenton reservoir further downstream on Cedar Run and is withdrawn from the Warrenton Reservoir for treatment at the Water Filtration Plant. The Water Filtration Plant has a capacity of 3 MGD. Water from the filtration plant is distribution throughout the Town and Town’s water service area.

The Town also owns and operates 3 groundwater production wells. Well #5 and Well #6 provide 0.076 MGD of water directly to the Town’s distribution system. Well #3 provides an additional 0.304 MGD of water supply and the Town’s total groundwater capacity is 0.38 MGD. Similar to reservoir safe yield, wells are not operated at full capacity all of the time. However, for purposes of this analysis, groundwater well capacity of 0.38 MGD is used. Water from the Town’s wells are treated at the wellhead before distribution.

The Town has an approximate total water supply capacity of 2.68 MGD (reservoir plus wells).

Figure 3.1 depicts average water production from the reservoir and groundwater systems for the years 2015 to 2021:

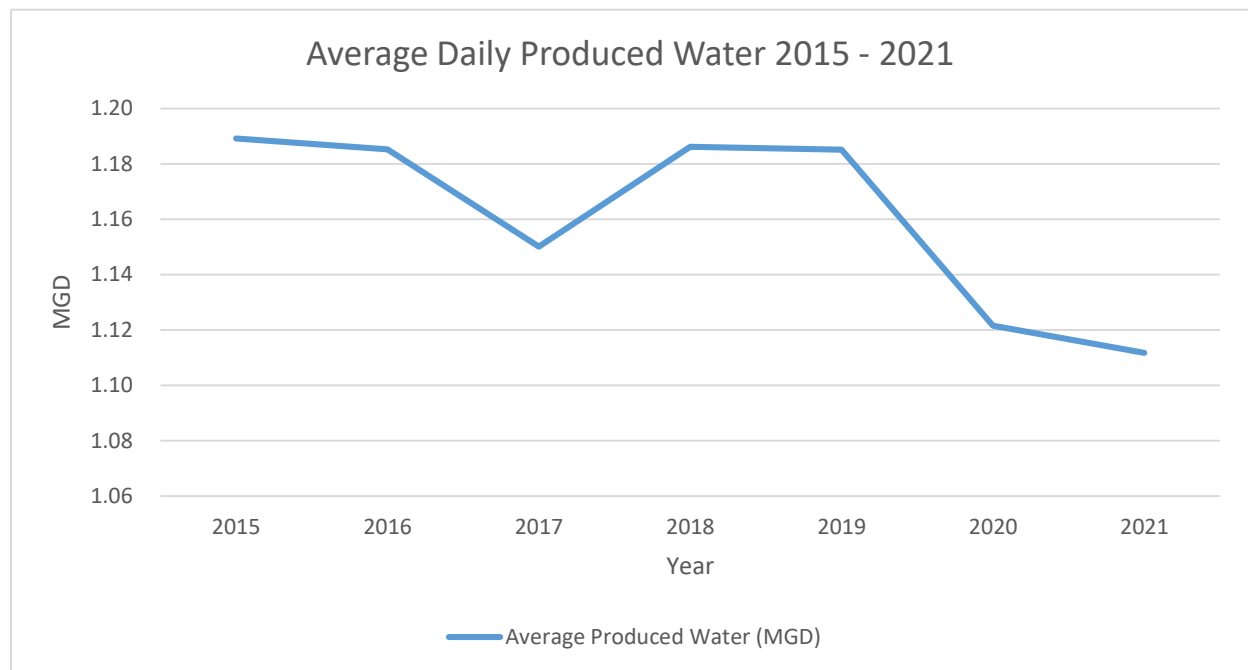


Figure 3.1: Average Daily Produced Water 2015 - 2021

The average water production for 2015 through 2021 is 1.16 MGD.

3.2 Water Production Data and Water Billing Data

WRA analyzed water production data and water billing data for the period 2015 through 2021. There are approximately 4,800 water accounts (residences and businesses) billed monthly. The billing data provided by the Town was adjusted for sale of water to construction contractors and other users not normally billed and for water lost through leaks at the water meter. Water used to fight fires, flush water and sewer mains, lost through leaks in the mains or removed illegally through fire hydrants is not accounted for. Water accounts are billed at the end of every month.

Water produced/distributed data was compared to billed water data on a month-to-month basis. Water volumes were converted to millions of gallons per day (MGD) and the difference between produced/distributed water and billed water was compared. The difference between these two values, is defined as unaccounted for water. Figure 3.2 depicts unaccounted for water per year for the period 2015 to 2021.

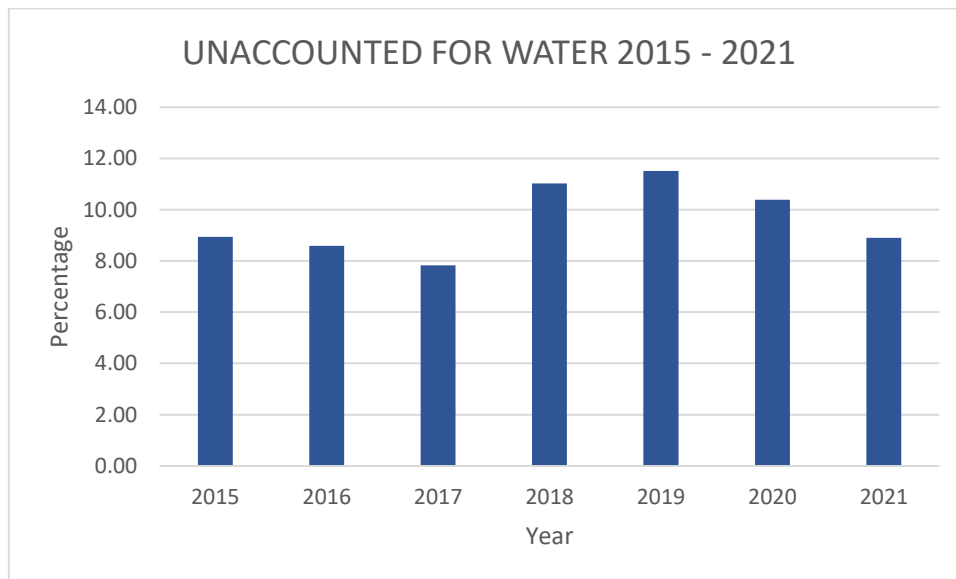


Figure 3.2: Unaccounted for Water 2015 - 2021

The average unaccounted for water in the most recent 7-year period is 9.6%. Unaccounted for water includes water lost through leaks in the distribution system, water used in firefighting, water taken illegally through fire hydrants and other sources and water used to flush mains and for other water system maintenance work.

The Town's 10% level of unaccounted for water compares favorably to other communities in Northern Virginia and does not indicate significant problems with the water distribution system or problems with the way the water system is managed.

4. Existing Wastewater Treatment Capacity

The Warrenton Wastewater Treatment Plant (WWTP) is permitted for treatment and discharge of 2.5 million gallons per day (MGD), average daily flow. Wastewater flows have averaged approximately 1.86 MGD over the past 7 years. The Town and WRA are currently conducting preliminary engineering for projects that will allow expansion of WWTP capacity to 3.0 MGD, average daily flow. Section 6 of this report describes how future wastewater flow projections will impact the proposed 3.0 MGD WWTP capacity.

4.1 Wastewater Flows

Daily wastewater flow data for the period 2015 – 2021 is shown in Figure 4.1.

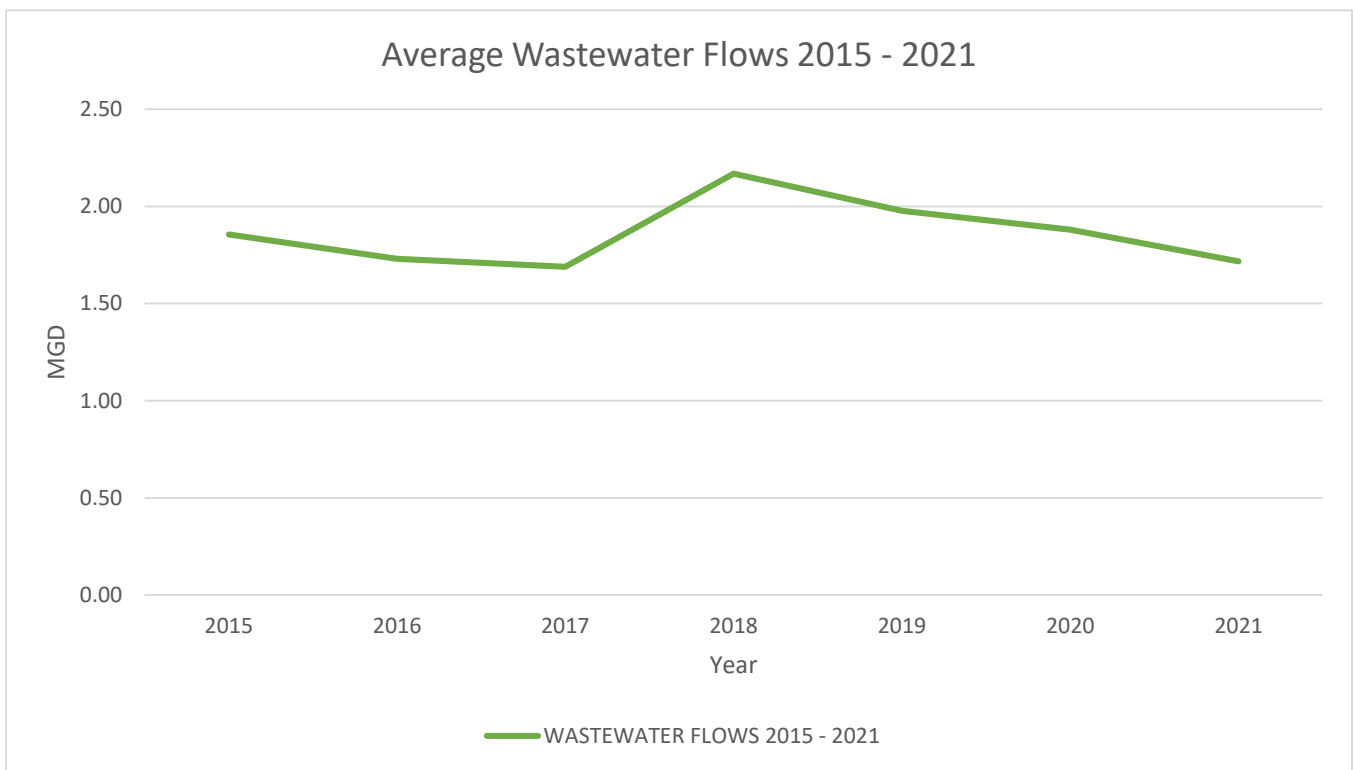


Figure 4.1: Average Wastewater Flows 2015 – 2021

Wastewater flows include sewage discharge from households and businesses and extraneous water that enters the collection pipeline system. Extraneous water sources include infiltration of groundwater through defected sewer pipe joints, manhole walls and other pipe defects in the collection system. Extraneous flows include Inflow of water discharged directly into the sewer system through basement and foundation drains, roof downspouts, manhole covers, cross connections with stormwater systems and other direct connections. Wastewater flows in municipal systems vary from year to year because infiltration and Inflow (I&I), varies depending on rainfall. I&I tends to be higher in years with excessive precipitation (rain and snow) such as occurred in 2018.

4.2 Wastewater System Extraneous Flows

WRA compared wastewater flow data and water billing data for period 2015-2021. Water billing data is the best measure of water consumed in municipalities. Figure 4.2 shows billed water versus wastewater loadings in the Town of Warrenton for the last 7 years.

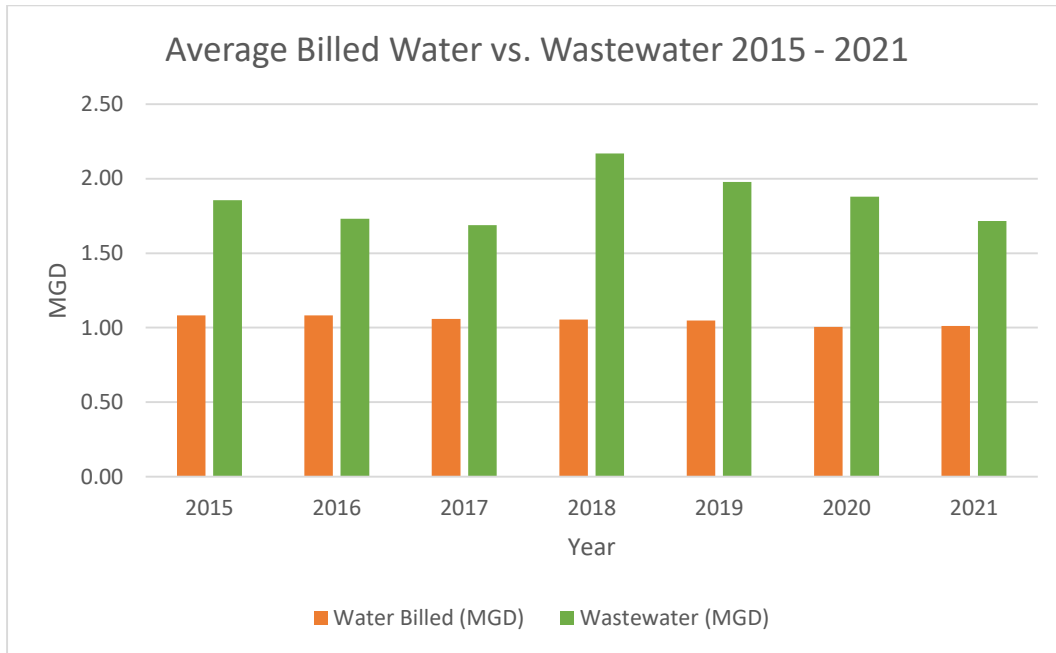


Figure 4.2: Average Billed Water vs. Wastewater 2015 – 2021

Billed water data used in this figure was discounted to account for customer water not returned to the wastewater system such as water used in landscape and lawn irrigation. WRA assumed that 90% of water billed at an account is returned to the wastewater system. Average annual I&I for the past seven years was calculated by subtracting wastewater flows as recorded at the WWTP from billed water (discounted). The difference is the measure of extraneous water or I&I entering the wastewater collection system.

Average I&I in the Warrenton system is calculated to be 0.92 MGD over the past years or 49% of total flows treated at the WWTP. This amount of I&I in the wastewater collection system is not unusual in municipalities with older wastewater collection infrastructure. The calculated 2015-2021 I&I flow component of 49% is approximately the same percentage as the I&I component calculated in the 2015 Water & Sewer System Capacity Evaluation.

5. Future Water Demand

5.1 Projected Water Demand from New Developments

The Town of Warrenton’s Community Development Department provided WRA with data for proposed residential and commercial growth in the Town. Forty-two (42) projects were identified including residential and commercial developments. WRA also included Laurel Ridge Community College as a potential new consumer of Warrenton water and wastewater services. Laurel Ridge Community College is currently not served by the Town’s.

The developments include new housing (Single-family homes, apartments, townhomes, hotels, senior care facilities) and commercial facilities (offices, medical facilities, retail, entertainment, industrial and academic facilities). Projects vary considerably in size from a few single-family houses to hundreds of apartment units. Project status varied also, with some developments approved by Community Development and other projects in review. WRA projected water demand and wastewater loadings for the developments based on the type of residential or commercial unit within the development. WRA used standard water demand (gallons per day) factor for each type of unit based on water demand factors used by the Town and/or by other utilities such as Prince William Service Authority and the Town of Leesburg. Information on the proposed developments, including the number of units, the and the total water demand and wastewater loading generated by the developments is included in Appendix A. The demand factors used to calculate water demand are included in Table 5.1.

Table 5.1: Residential Water Demands per Unit

Residential	Water Demand per Unit (GPD)
Single-Family (units)	300
Multifamily (units)	300
Apartment (units)	300
Townhouse (units)	300
Senior Home (units)	100
Hotel (rooms)	100

It should be noted that conservative demand values were chosen for residential units.

Commercial demand factors are included in Table 5.2.

Table 5.2: Commercial Water Demands per Square Foot

Commercial	Water Demand per Square Foot (GPD)
General (SF)	0.2
Entertainment (SF)	0.2
Academic (SF)	0.29
Office/Employment (SF)	0.29
Medical Offices (SF)	0.29
Industrial	Water Demand per Square Foot (GPD)
General (SF)	0.02

According to the U.S. Department of Education, Laurel Ridge Community College (LRCC) had a student population of 3,474 students in the 2018 – 2019 academic year. WRA used 15 gallons per day per student as the factor for calculating LRCC demand. Demand for proposed classroom facilities not associated with LRCC is based on a GPD/SF basis.

Additionally, there are some residences in Warrenton that are currently not connected to the Town’s water system and/or the sewer system. The Town plans on incorporating these residences into the utility systems in the future and WRA included these units when calculating future water demand.

Table 5.3 summarizes the total number of residential units and commercial square footage and associated water demand for the proposed developments:

Table 5.3: Total Water Demand per Land Use Type

Land Use Type	Total Units	Total Water Demand (gal/day)	
Residential	Single-Family (units)	1,479	469,500
	Multi-Family (units)	120	36,000
	Apartments (units)	1,420	426,000
	Townhouse (units)	296	88,800
	Senior Home (units)	60	6,000
	Hotel (rooms)	360	36,000
Commercial	General (SF)	200,711	40,142
	Entertainment (SF)	245,000	49,000
	Academic (SF)	220,000	63,800
	Office/Employment (SF)	40,000	11,600
	Medical Offices (SF)	50,000	14,500
Industrial	General (SF)	759,500	15,190
Community College	Students (unit)	3,474	52,110
TOTAL			1.31 MGD

5.2 Future Water Demand and Water Supply Capacity

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).

Figure 5.1 displays cumulative water demand by addition of the demand created by the named developments. The order or chronology of the projects is not definitive; however, cumulative water demand will not change.

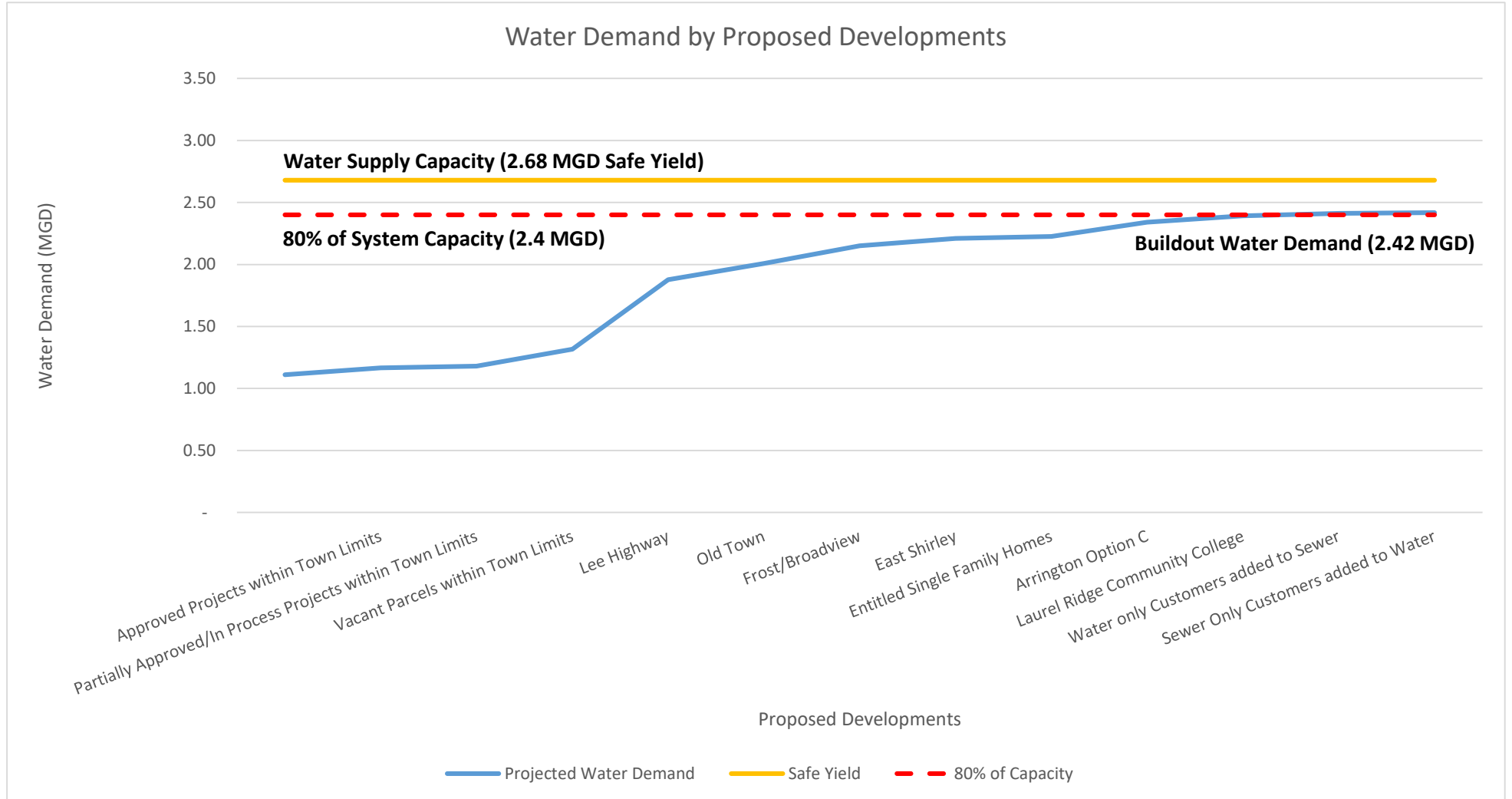


Figure 5.1: Water Demand by Proposed Developments

Buildout (all developments constructed) water demand is 2.42 MGD compared to water supply capacity of 2.68. Estimated demand is 91% of water supply capacity. Virginia Waterworks Regulation 12 VAC 5-590-520 requires municipalities to submit a written plan for developing adequate or additional water supply to the Virginia Department of Health, Office of Drinking Water, when water production exceeds 80% of the permitted design capacity for 3 consecutive months.

It should be noted that the estimated buildout water demand by development is conservative. Although the time frame for the progression of development construction through buildout is unknown, time-step analyses of water demand was also conducted.

An initial time step progression is shown in Figure 5.2. This linear growth time-step progression assumes that all development is completed by 2040, the target year for the current Warrenton Comprehensive Plan. The annual water demand growth rate is 7% for the linear growth model.

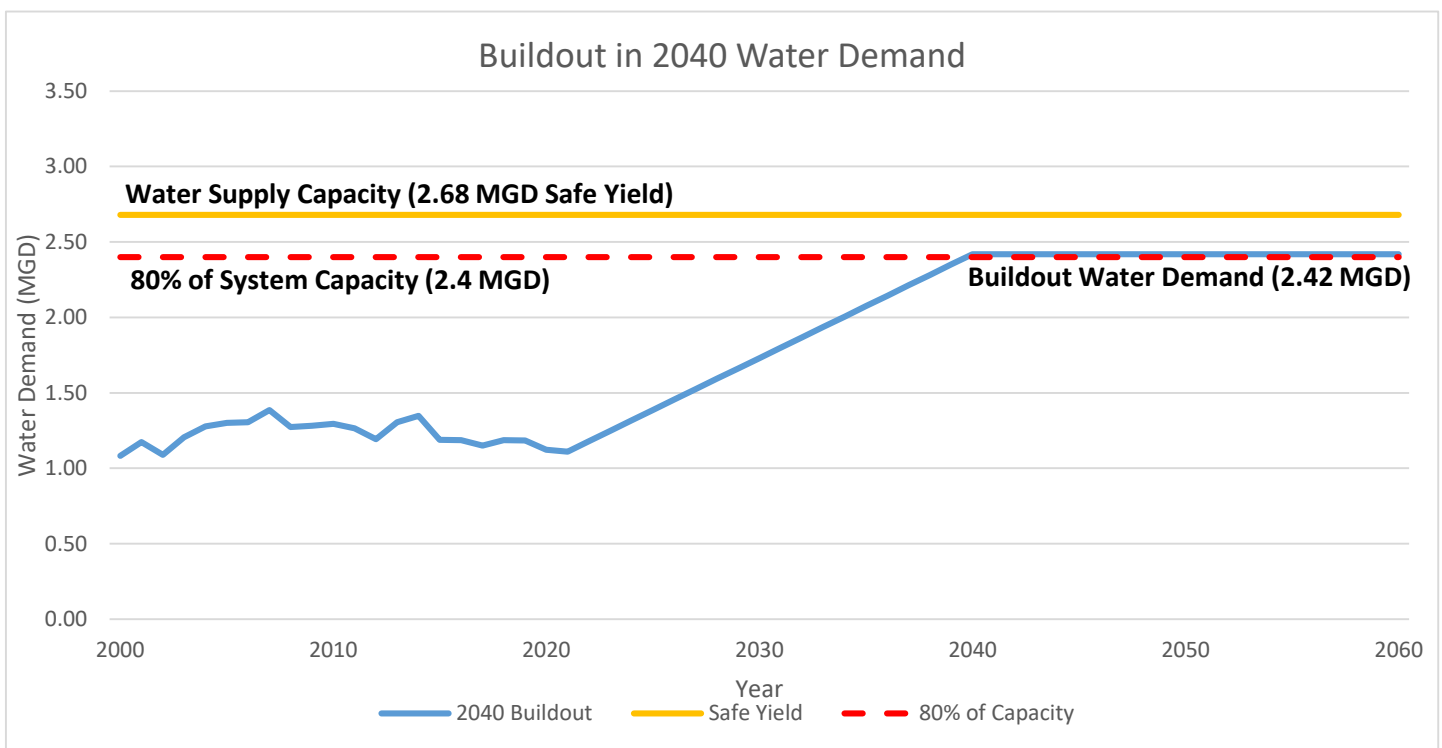


Figure 5.2: Buildout in 2040 Water Demand

Additional water demand growth models were analyzed by WRA. According to the U.S. Census Bureau, population growth in the Town of Warrenton and Fauquier County from 2010 to 2020 averaged 1% annually. Figure 5.3 depicts water demand assuming a 1% annual growth in water demand, similar to the most recent population growth pattern for The Town. For this growth model, 80% of system capacity is reached in 2099.

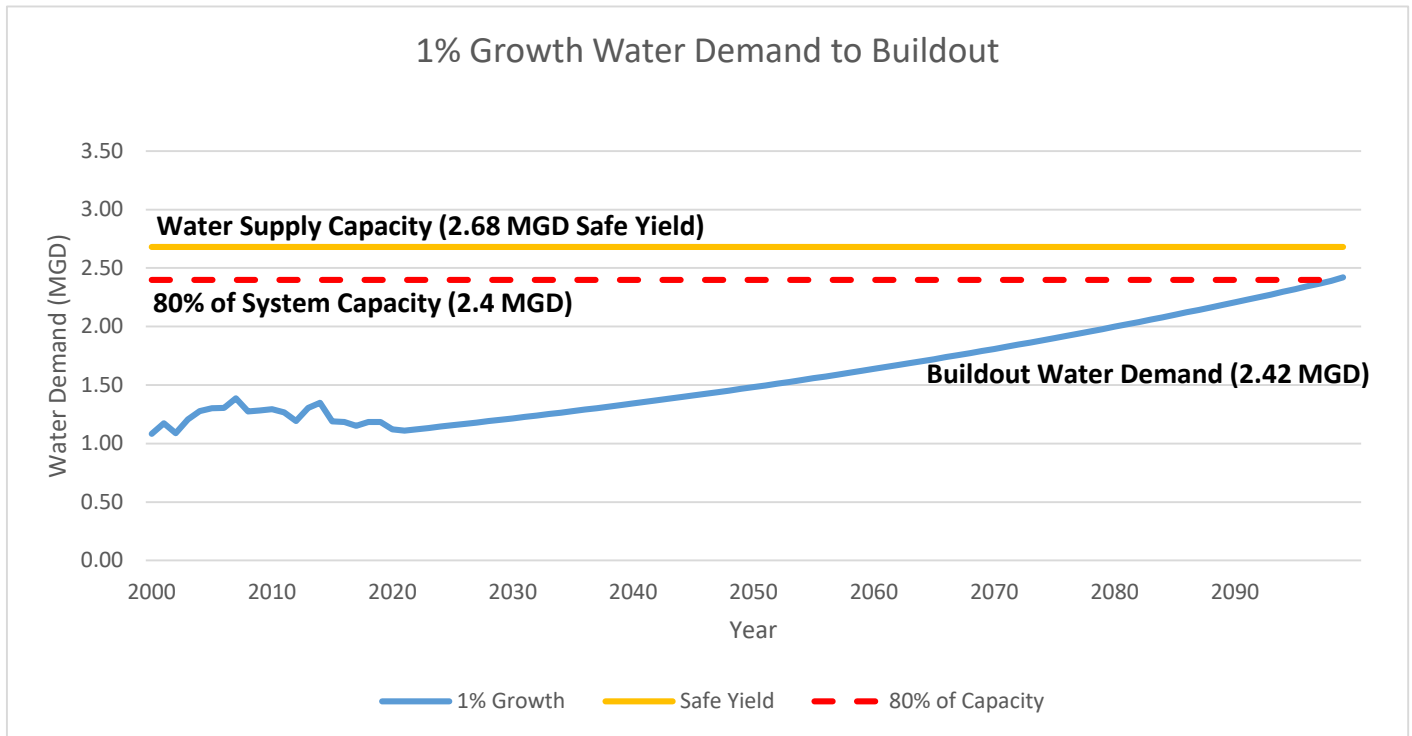


Figure 5.3: 1% Growth Water Demand to Buildout

Figure 5.4 shows a 2.5% annual increase in water demand. This model is more consistent with a more robust population and economic growth that could occur in Warrenton. In this case, 80% of capacity is reached in 2053.

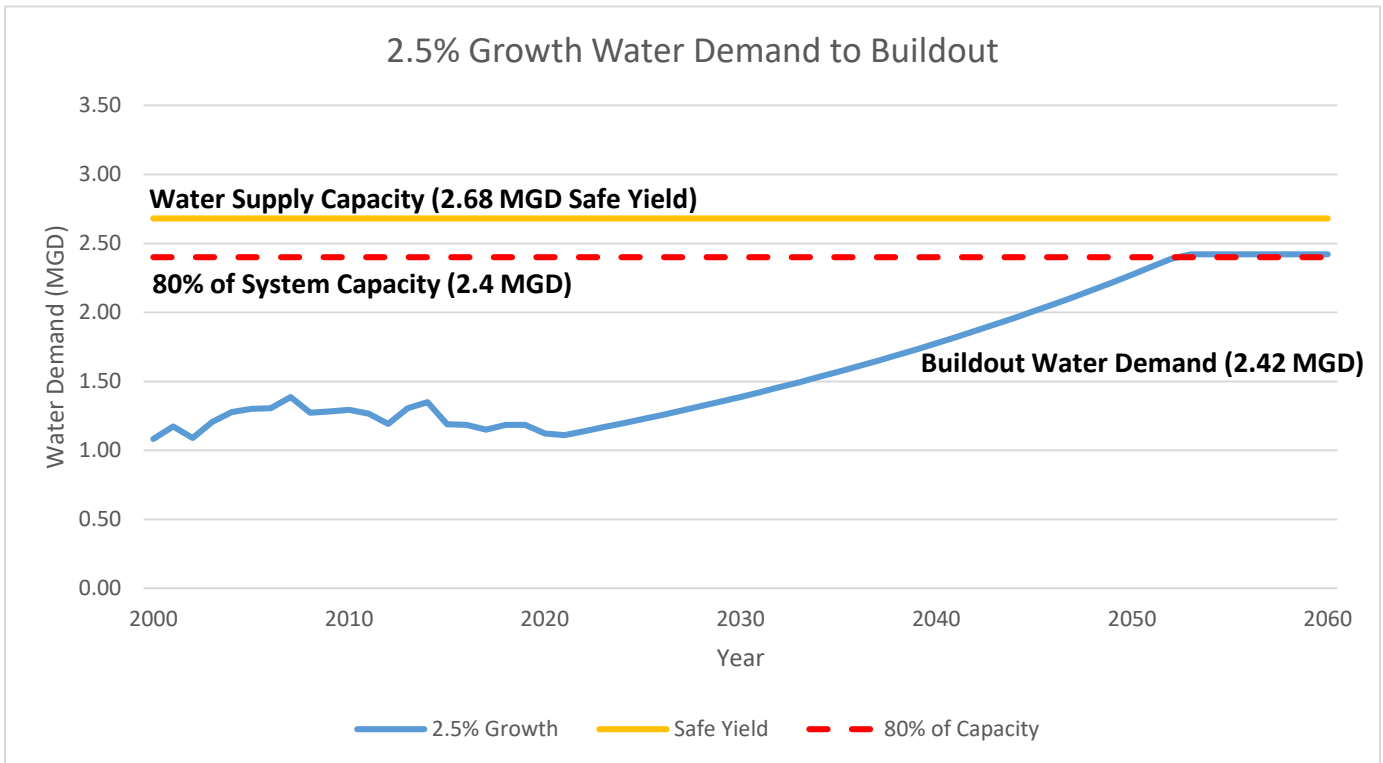


Figure 5.4: 2.5% Growth Water Demand to Buildout

6. Future Wastewater Loading

6.1 Wastewater Loading Projections

Future wastewater loadings are calculated based on an assumed 90% return of water consumed to the wastewater collection system. Water demand projections are described in Section 5 and included in Appendix A. Appendix A includes a compilation of expected wastewater loadings, based on water demand. The estimated total wastewater loading from all the developments described in Appendix A is 1.18 MGD (average daily flow basis).

Future total wastewater loading for Warrenton is estimated by adding the average wastewater flow in 2021 to the estimated buildout flow. The average daily wastewater flow in 2021 was 1.72 MGD and the additional flow from buildout is 1.18 MGD. Total future estimated wastewater loading is 2.90 MGD. It should be noted that the 2021 wastewater loading includes a significant extraneous water (I&I) component. I&I from the new developments is considered negligible in this analysis, although the base I&I in the beginning year of 2021 remains and is a component of overall wastewater loading.

6.2 Future Wastewater Loading and Capacity

Figure 6.1 depicts cumulative wastewater loading by addition of the demand created by the named developments. The order or chronology of the projects is not definitive; however, cumulative water demand will not change. As shown graphically, the capacity of the existing WWTP (2.5 MGD) is exceeded before all the proposed developments are completed. The Town is currently planning on increasing the capacity of the WWTP to 3.0 MGD within approximately 10 years. Under this wastewater loading model, The Town's wastewater treatment plant would accommodate development currently planned.

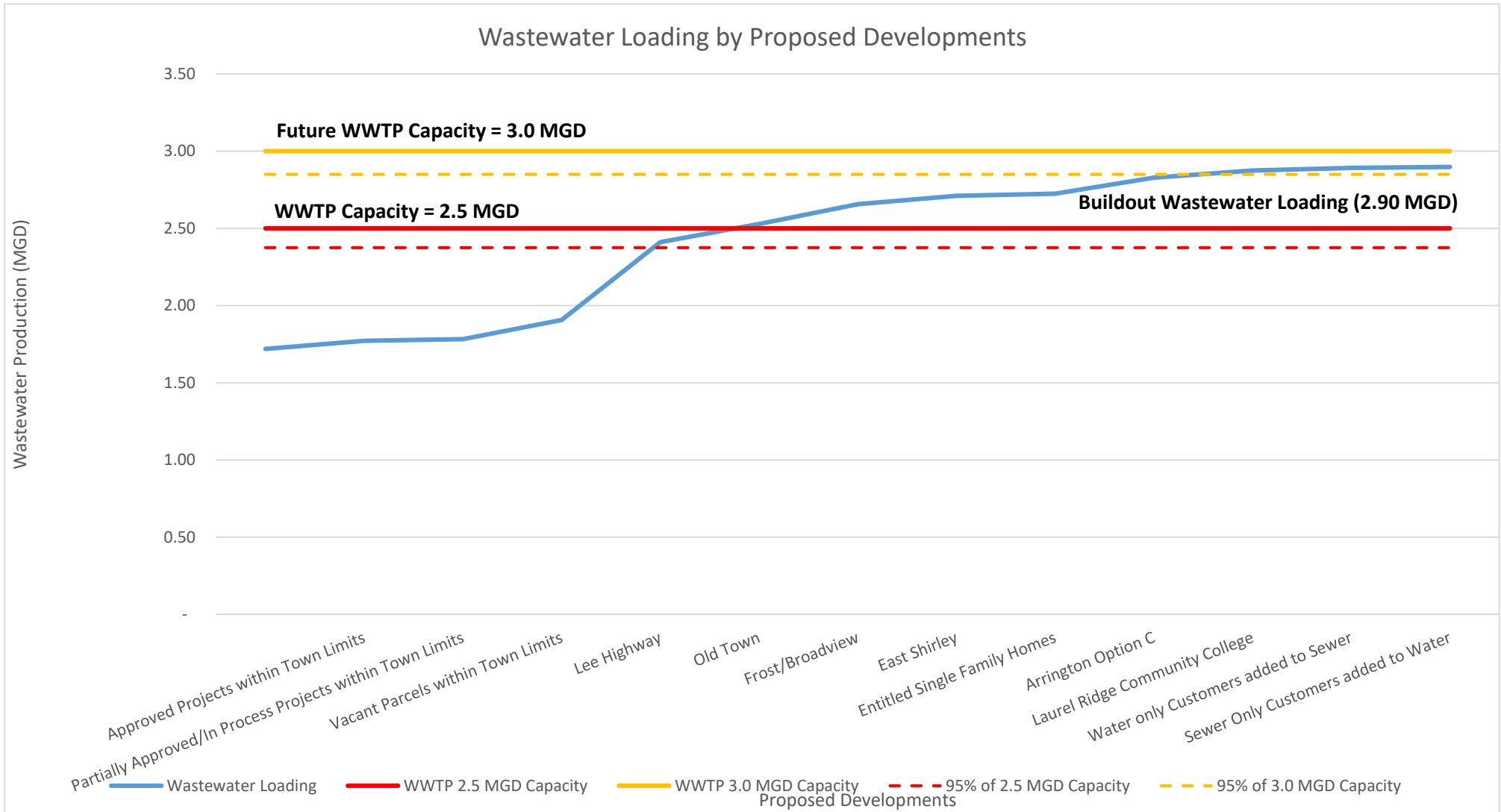


Figure 6.1: Wastewater Loading by Proposed Developments

Although the upsized WWTP will accommodate loadings from the proposed developments, additional WWTP capacity enhancements may be necessary as loadings approach 2.90 MGD. The Virginia Department of Environmental Quality (DEQ) recognizes flow loadings approaching 95% of the design capacity (or 2.85 MGD) as a trigger point for planning WWTP capacity management strategies and improvements.

An initial time step progression is shown in Figure 6.2. This linear growth time-step progression assumes that all development is completed by 2040, the target year for the current Warrenton Comprehensive Plan. The annual wastewater loading demand growth rate is the same as for water demand, 7%. With buildout by 2040, the current 2.5 MGD WWTP capacity is exceeded by 2034. With the proposed increased WWTP capacity, 95% of treatment capacity is reached in 2039.

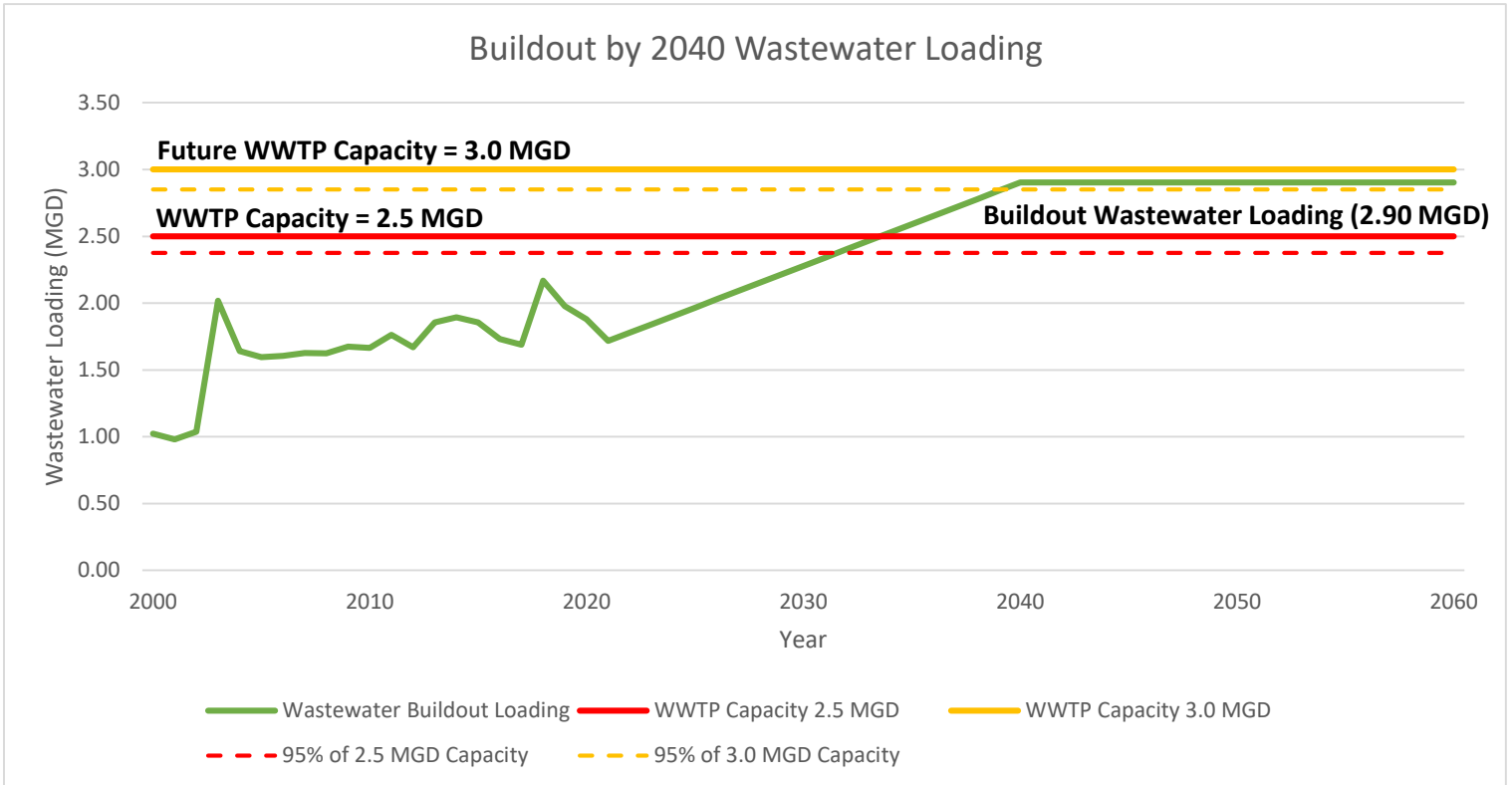


Figure 6.2: Buildout by 2040 Wastewater Loading

Similar to the water demand projection graphs, 6.3 depicts wastewater loadings at a 1% annual growth rate.

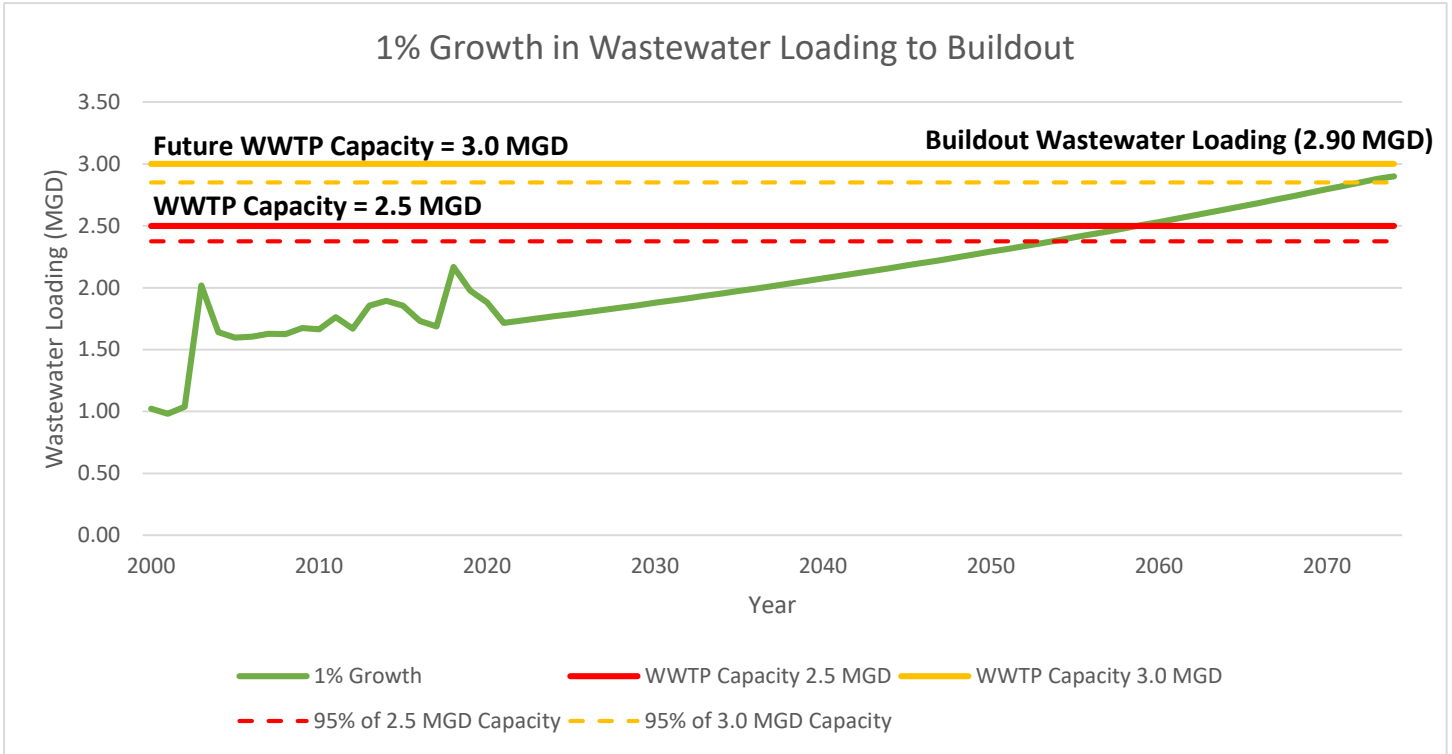


Figure 6.3: 1% Growth in Wastewater Loading to Buildout

In this case, wastewater loading would not reach the 3 MGD 95% threshold until 2071.

Figure 6.4 depicts a more robust 2.5% annual rate in wastewater loadings.

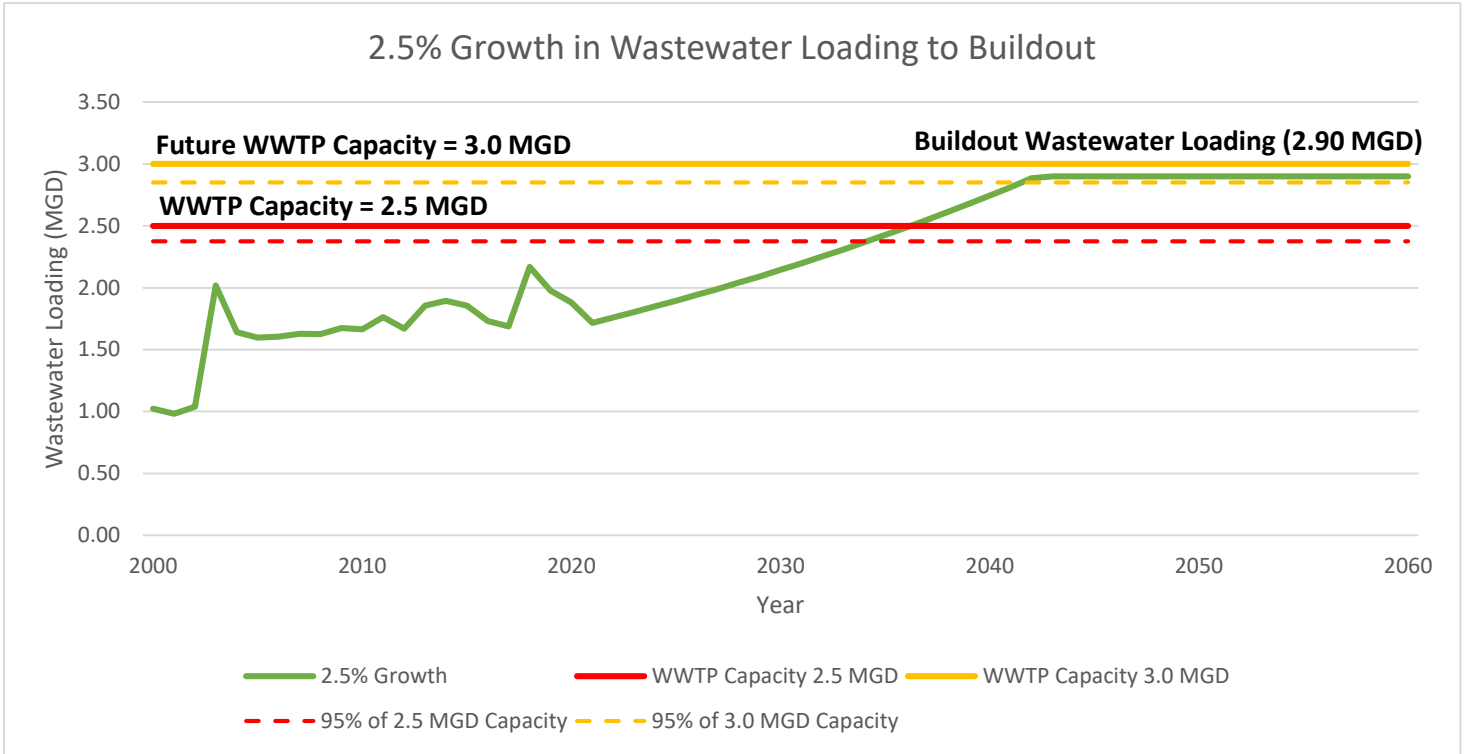


Figure 6.4: 2.5% Growth in Wastewater Loading to Buildout

In this scenario, wastewater loadings would not reach the 3 MGD 95% threshold until 2043.

7. Turkey Run and Taylor Run Wastewater Pumping Station Capacities

The Town of Warrenton owns and operates 11 wastewater lift stations (pump stations) that help convey wastewater generated in the outer reaches of the wastewater service area into the central part of the wastewater collection system for conveyance by gravity into the wastewater treatment plant. WRA analyzed the impact of additional wastewater loading into the Turkey Run Pump Station (PS #9) and the Taylor Run Pump Station (PS #6).

In the future wastewater, flows from Laurel Ridge Community College will flow into the Turkey Run PS. Flows from the Turkey Run PS are then discharged to the Taylor Run PS. Taylor Run will also receive flows from the new Arrington development.

Laurel Ridge Community College is estimated to produce approximately 0.05 MGD of wastewater. Assuming a peak flow value of 4, the wastewater volume would increase to 0.2 MGD, or 139 gallons per minute (GPM). The proposed Arrington development is estimated to produce approximately 0.1 MGD of wastewater. A peak volume for this flow is 0.4 MGD, or 278 GPM.

WRA's analysis of the Turkey Run PS indicates that additional flows from Laurel Ridge Community College can be discharged into the Turkey Run PS using the existing pumps, wetwell and pump station appurtenances.

The Taylor Run PS will receive flows coming from the Turkey Run Pump Station and has a capacity of 600 GPM. Current wastewater flows into the Taylor Run PS are estimated to be 704 GPM. A pumping rate of 704 GPM is within the range of the new pumps installed in 2011. Adding peak flows from Laurel Ridge Community College and the proposed Arrington development would increase flows to the Taylor Run PS by 417 GPM (approximately 1121 GPM). This increase in flow would require larger horsepower motors and a different impeller if the same pumps are used. Taylor Run PS also currently experiences a large number of pump starts each day. This condition indicates that the wetwell may be too small for existing flows, even though the pumps are able to manage these flows.

The Turkey Run PS appears to be able to receive the future flows from Laurel Ridge Community College while the Taylor Run PS would probably need substantial modifications or replacement to serve the Arrington Development and the Turkey Run flows.

WRA recommends that a more detailed analysis be conducted for both stations before additional flows are discharged into them.

Appendix 1

Water & Wastewater Projection Allocation Summary

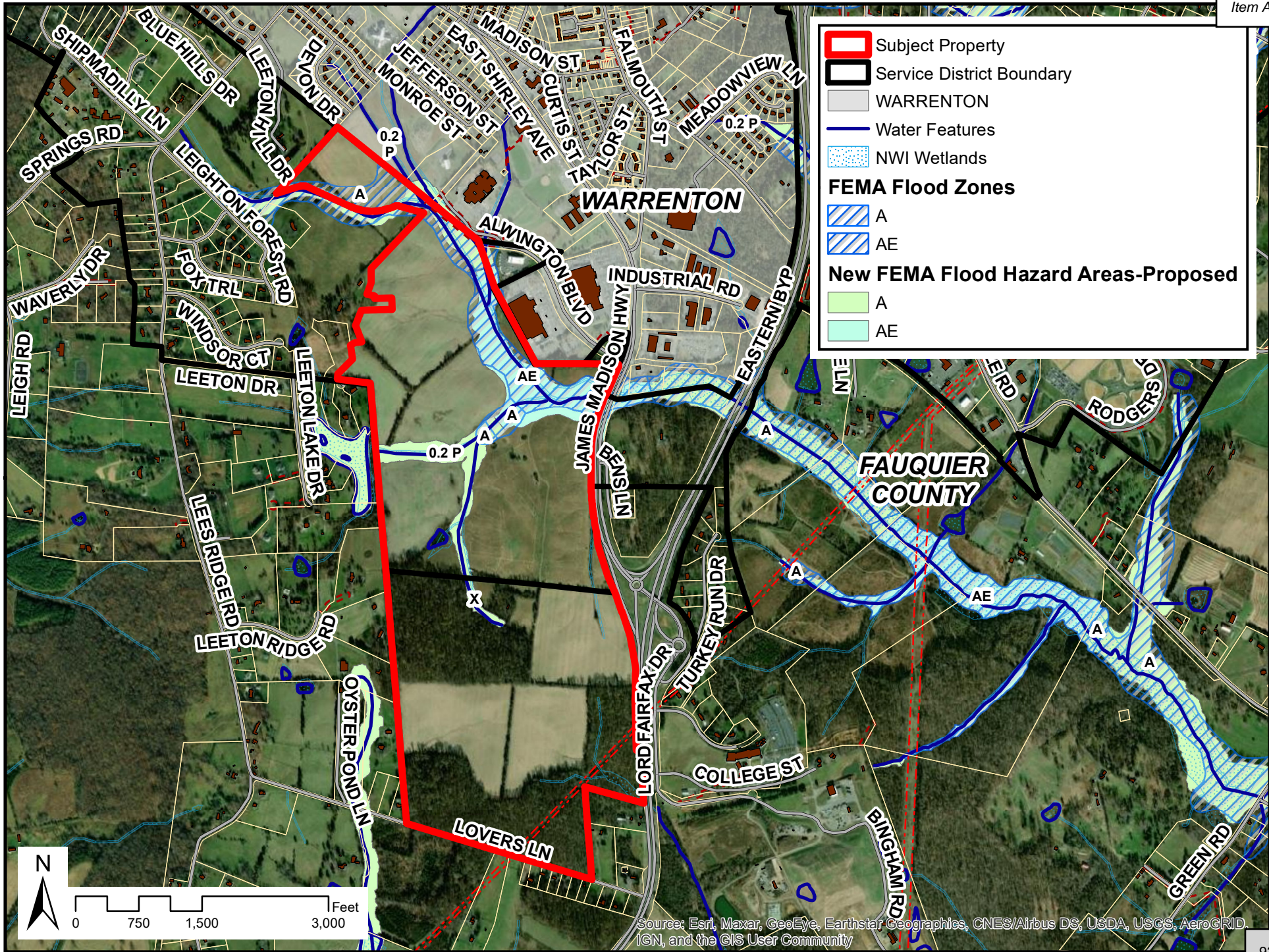
Totalized Units Based on Project Development		IN-TOWN								OUT OF TOWN				TOTALS
		Approved Projects within Town Limits	Partially Approved/In Process Projects within Town Limits	Vacant Parcels within Town Limits	Lee Highway	Old Town	Frost/Broadview	East Shirley	Entitled Single Family Homes	Arrington Option C	Laurel Ridge Community College	Water only Customers added to Sewer	Sewer only Customers added to Water	
Residential	Single-Family (units)	190	36	331	-	206	235	117	50	314	-	63	23	1,479
	Multi-Family (units)	-	-	-	-	-	120	-	-	-	-	-	-	120
	Apartment (units)	-	-	-	1,336	84	-	-	-	-	-	-	-	1,420
	Townhouse (units)	-	-	34	108	7	-	84	-	-	63	-	-	296
	Senior Home (units)	-	-	-	-	-	60	-	-	-	-	-	-	60
	Hotel (rooms)	-	-	-	115	115	115	-	-	-	15	-	-	-
Commercial	General (SF)	-	12,550	60,161	98,000	10,000	20,000	-	-	-	-	-	-	200,711
	Entertainment (SF)	-	-	-	100,000	145,000	-	-	-	-	-	-	-	245,000
	Academic (SF)	-	-	-	220,000	-	-	-	-	-	-	-	-	220,000
	Office/Employment (SF)	-	-	-	40,000	-	-	-	-	-	-	-	-	40,000
	Medical Offices (SF)	-	-	-	-	-	50,000	-	-	-	-	-	-	50,000
Industrial	General (sq ft)	-	-	759,500	-	-	-	-	-	-	-	-	-	759,500
Community College	Campus (units)	-	-	-	-	-	-	-	-	-	3,474	-	-	3,474

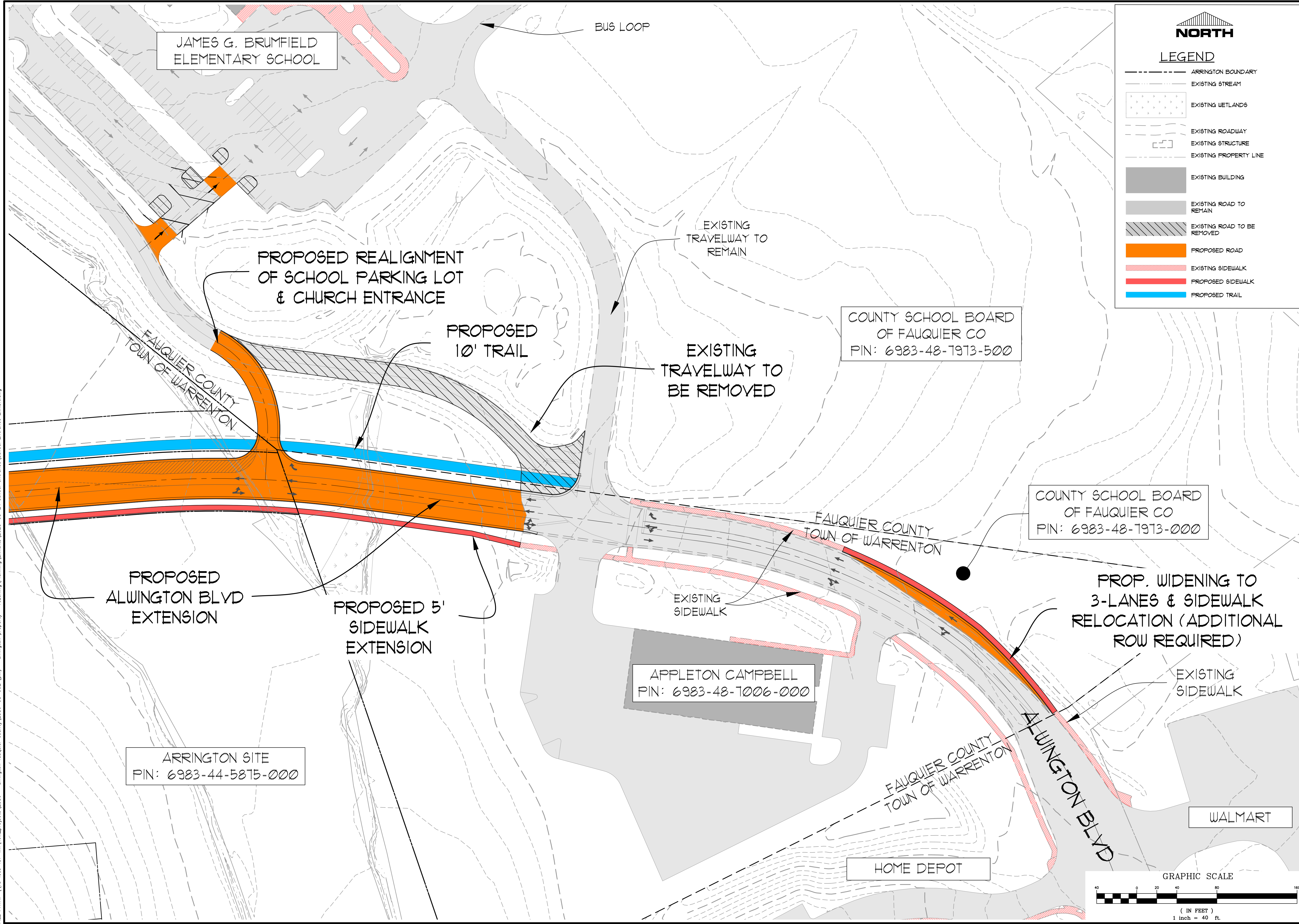
Additional Water Demand Based on Projected Development

Land Use Type		IN-TOWN							OUT OF TOWN				TOTAL (gal/day)		
		Approved Projects within Town Limits	Partially Approved/In Process Projects within Town Limits	Vacant Parcels within Town Limits	Lee Highway	Old Town	Frost/Broadview	East Shirley	Entitled Single Family Homes	Arrington Option C	Laurel Ridge Community College	Water only Customers added to Sewer		Sewer Only Customers added to Water	
Residential	Single-Family (units)	57,000	10,800	99,300	-	61,800	70,500	35,100	15,000	94,200	-	18,900	6,900	469,500	
	Multi-Family (units)	-	-	-	-	-	36,000	-	-	-	-	-	-	36,000	
	Apartment (units)	-	-	-	400,800	25,200	-	-	-	-	-	-	-	426,000	
	Townhouse (units)	-	-	10,200	32,400	2,100	-	25,200	-	18,900	-	-	-	88,800	
	Senior Home (units)	-	-	-	-	-	6,000	-	-	-	-	-	-	6,000	
	Hotel (rooms)	-	-	-	11,500	11,500	11,500	-	-	1,500	-	-	-	36,000	
Commercial	General (SF)	-	2,510	12,032	19,600	2,000	4,000	-	-	-	-	-	-	40,142	
	Entertainment (SF)	-	-	-	20,000	29,000	-	-	-	-	-	-	-	49,000	
	Academic (SF)	-	-	-	63,800	-	-	-	-	-	-	-	-	63,800	
	Office/Employment (SF)	-	-	-	11,600	-	-	-	-	-	-	-	-	11,600	
	Medical Offices (SF)	-	-	-	-	-	14,500	-	-	-	-	-	-	14,500	
Industrial	General (sq ft)	-	-	15,190	-	-	-	-	-	-	-	-	-	15,190	
Community College	Students (units)	-	-	-	-	-	-	-	-	-	52,110	-	-	52,110	
Sub-Total Water (MGD)		0.06	0.01	0.14	0.56	0.13	0.14	0.06	0.02	0.11	0.05	0.02	0.01	1.31	Average Water Demand (MGD)
Sub-Total Wastewater (MGD)		0.05	0.01	0.12	0.50	0.12	0.13	0.05	0.01	0.10	0.05	0.02	0.01	1.18	WRA Calculated Wastewater Demand (MGD)

Total Water and Wastewater Demand Including Projected and Existing		IN-TOWN								OUT OF TOWN				Totalized Projected Water Demand (MGD)	Totalized Projected Wastewater Demand (MGD)
		Approved Projects within Town Limits	Partially Approved/In Process Projects within Town Limits	Vacant Parcels within Town Limits	Lee Highway	Old Town	Frost/Broadview	East Shirley	Entitled Single Family Homes	Arrington Option C	Laurel Ridge Community College	Water only Customers added to Sewer	Sewer Only Customers added to Water		
Existing 2021 + New Project Water Demand (MGD)	1.11	1.17	1.18	1.32	1.88	2.01	2.15	2.21	2.23	2.34	2.39	2.41	2.42	2.42	
Existing 2021 + New Project Wastewater Demand (MGD)	1.72	1.77	1.78	1.91	2.41	2.53	2.66	2.71	2.72	2.83	2.87	2.89	2.90	2.90	

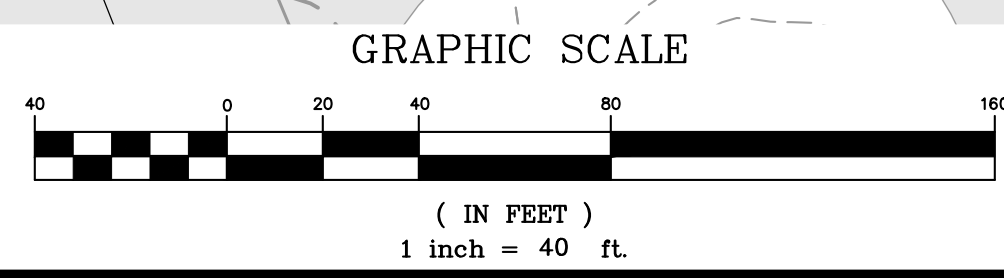






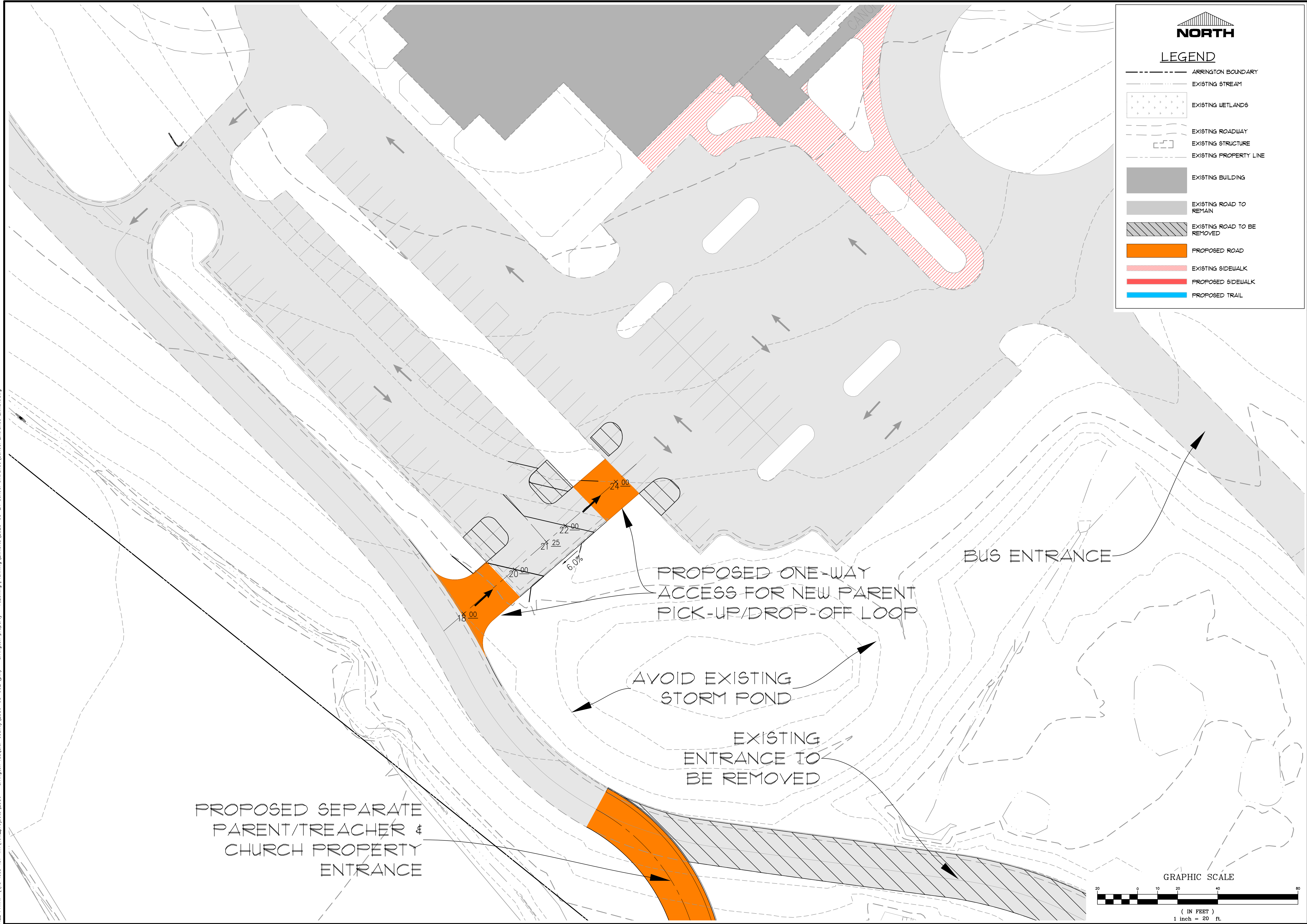
LEGEND

- ARRINGTON BOUNDARY
- EXISTING STREAM
- EXISTING WETLANDS
- EXISTING ROADWAY
- EXISTING STRUCTURE
- EXISTING PROPERTY LINE
- EXISTING BUILDING
- EXISTING ROAD TO REMAIN
- EXISTING ROAD TO BE REMOVED
- PROPOSED ROAD
- EXISTING SIDEWALK
- PROPOSED SIDEWALK
- PROPOSED TRAIL



FILE PATH: \\va-les-fs1-vn\new_projects\2586 - arrington fauquier county\2586-08-002 (pin) - arrington property - rezoning\Planning\Exhibits\2023-03-24 school entrance\School Entrance Exhibit.dwg

FILE PATH: \\ve-les-fe1-vn\new_projects\2586 - arrington fauquier county\2586-08-002 (pin) - arrington property - rezoning\Planning\Exhibits\2023-03-24 school entrance\School Entrance Exhibit.dwg



LEGEND

- ARRINGTON BOUNDARY
- - - EXISTING STREAM
- [Stippled Box] EXISTING WETLANDS
- - - EXISTING ROADWAY
- [Dashed Box] EXISTING STRUCTURE
- - - EXISTING PROPERTY LINE
- [Grey Box] EXISTING BUILDING
- [Light Grey Box] EXISTING ROAD TO REMAIN
- [Hatched Box] EXISTING ROAD TO BE REMOVED
- [Orange Box] PROPOSED ROAD
- [Red Hatched Box] EXISTING SIDEWALK
- [Red Box] PROPOSED SIDEWALK
- [Blue Box] PROPOSED TRAIL

Item A.

Bowman

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 Leesburg, VA 20175
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BRUMFIELD ELEMENTARY ENTRANCE EXHIBIT
ARRINGTON
 CONCEPT DEVELOPMENT PLAN
 MARSHALL MAGISTERIAL DISTRICT/FAUQUIER COUNTY, VIRGINIA

PROJECT NUMBER
 REZN - 22 - 017978

PLAN STATUS	
4/6/23	REV. PER G8 COM.

DATE	DESCRIPTION
BBR DESIGN	BBR DRAIN CHD

SCALE: H: 1" = 20'
 V:
 JOB NO: 2586-08-001
 DATE: MARCH 21, 2023
 FILE NO: 2586-D-24-00X

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.

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 (21st) 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 (21st) 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 (21st) 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 (21st) 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.

**ARRINGTON DEVELOPMENT
FAUQUIER COUNTY, VA**

PROFFER JUSTIFICATION NARRATIVE

DECEMBER 8, 2022

PREPARED BY:

MUNICAP, INC.
— PUBLIC FINANCE —

ARRINGTON DEVELOPMENT FAUQUIER COUNTY, VA

PROFFER JUSTIFICATION NARRATIVE

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I. INTRODUCTION

The purpose of this proffer justification narrative is to satisfy portions of the Fauquier County, Virginia (the “County”) requirements as they relate to the 2016 legislation (as subsequently described, and as subsequently amended) and the proposed Arrington Development (the “Development”) and its associated rezoning submission. Specifically, this document addresses legislative requirements and County policy related to “proffers” (one-time voluntary monetary commitments from the property owner related to properties that are subject to rezoning) for the Residential Development.

LEGISLATION PERTAINING TO RESIDENTIAL PROFFERS

The amended and reenacted Section 15.2-2303.4 of the Code of Virginia (the “Residential Proffer Legislation”) effective after July 1, 2019 places certain limitations on proffers for residential rezoning cases. As stipulated by the Residential Proffer Legislation, and unless an applicant elects to apply for a rezoning pursuant to Subsection D of that statute, a local government may only request or accept a proffer if it addresses an impact that is specifically attributable to a proposed new residential development, and, if it is an offsite proffer, it addresses an impact to an offsite public facility, such that (a) (i) the new residential development creates a need, or an identifiable portion of a need, for one or more public facility improvements in excess of existing public facility capacity at the time of the rezoning, and (b) (ii) each such new residential development applied for receives a direct and material benefit from a proffer made with respect to any such public facility improvements. For the purposes of the statute, a locality may base its assessment of public facility capacity on the projected impacts specifically attributable to the new residential development.

The Residential Proffer Legislation designates four categories of public improvements and facilities, which are as follows:

- **Public school facility improvements:** construction of new primary and secondary public schools or expansion of existing primary and secondary schools, to include all buildings, structures, parking, and other costs directly related thereto;
- **Public safety facility improvements:** construction of new law enforcement, fire, emergency, medical, and rescue facilities or expansion of existing public facilities, to include all buildings, structures, parking and other costs directly related thereto;
- **Public park facility improvements:** construction of public parks or improvements and/or expansion of existing public parks, with “public parks” including playgrounds and other recreational facilities;
- **Public transportation facility improvements:** construction of new roads; improvement or expansion of existing roads and related appurtenances as required by applicable standards of the Virginia Department of Transportation, or the applicable standards of a locality; and construction, improvement, or expansion of buildings, structures, parking, and other costs directly related to transit.

II. The Development

DEVELOPMENT SUMMARY

As proposed by Van Metre Communities (the “Developer” or the “Applicant”), the Development is proposed to be residential community including 217 single-family detached units. The Development is located on one 431.21-acre parcel. Of the 431.21-acres, the Applicant is requesting to rezone 206.43 acres currently zoned as PRD and 27.66 acres currently zoned as RA for a total of 234.0877 acres to PRD. A site plan follows as Exhibit A.

THE SITE

The site is generally bounded to the west and south by residential development and green space, to the east by James Madison Highway, and to the north by commercial space and local schools. The parcel being rezoned is a 234.0877-acre portion of 6983-44-5875.

Current Zoning

Current zoning for the parcels that comprise the site includes the following designations as described in the County Zoning Ordinance:

Agricultural District (“RA”) – The RA District is designed to “assist in the protection and preservation of the agricultural uses and to mitigate land use conflicts between agricultural uses and appropriately limited residential development.”

Planned Residential District (“PRD”) – The PRD district is designed to “provide a variety of residential unit types in an orderly relationship to one another, with a balance of community supporting commercial uses, community amenities, and open space areas.” The maximum residential density in a PRD overlay is 5.5 dwellings units per acre.

Proposed Zoning

The Applicant seeks rezoning of a portion of the site to facilitate the contemplated Development. The requested zoning designation for the site is:

Planned Residential District (“PRD”) – The PRD district is designed to “provide a variety of residential unit types in an orderly relationship to one another, with a balance of community supporting commercial uses, community amenities, and open space areas.” The maximum residential density in a PRD overlay is 5.5 dwelling units per acre.

III. Public Facility Impacts

OVERVIEW

This document includes calculations of public facility impacts, which are detailed in the accompanying sub-sections. Included in each sub-section is a discussion of the methodology employed in estimating impacts. The included subsections are as follows:

- **Public school facility improvements** – Projected capacity for Fauquier County Schools is determined based on projected incremental students added by the Development.
- **Public safety facility improvements** – Projected impacts are determined for Sheriff's office and estimated call volume increase for Fire and Rescue services based on the projected incremental residents added by the Development.
- **Public park facility improvements** – Projected impacts are based on projected incremental residents added by the Development.

A separate transportation impact analysis will be prepared to address impacts to public transportation facilities.

III-A. Public School Facility Impacts

METHODOLOGY

To project impacts to public school facilities, MuniCap began by estimating the number of students generated per household by the Development. MuniCap utilized an estimate of 0.442 students per household calculated by dividing the most recent number of County students by the number of County households.

TABLE III-A.1
Students Per Household

<i>County</i>	<i>Students^(a)</i>	<i>Households^(b)</i>	<i>Students Per Household</i>
Fauquier County	10,875	24,617	0.442
^(a) Source: Virginia Department of Education School Quality Profiles.			
^(b) Source: US Census Bureau, American Community Survey 2020 5-Year Estimates.			

MuniCap then applied the students per household to the proposed units within the Development that exceed development allowed under the current zoning designations. For purposes of this exercise, MuniCap assumed that all projected students are new to Fauquier County, rather than relocated from elsewhere within the Fauquier County Schools system.

Finally, MuniCap identified the schools that would be impacted by the Development based on school boundaries, researched the maximum capacity at each applicable school, and determined whether the projected net student impacts represented a burden beyond current school capacity.

PROJECTED NET STUDENT IMPACTS

As previously described, the Development includes 217 single-family detached units. Based on the students per household shown in Table III-A.1, the proposed Development would generate an estimated 96 students, as shown in Table III-A.2.

TABLE III-A.2
Students Generated by Development Above By-Right

<i>Unit Type</i>	<i>Units^(a)</i>	<i>Student Per Unit^(b)</i>	<i>Total Projected Students</i>
Proposed single-family detached units	217	0.442	96
Less: units allowed by-right ^(a)	0	0.442	0
Total (above by-right)	217		96
^(a) Provided by the Developer.			
^(b) See Table III-A.1.			

To determine the proffer contribution for each school type, it is necessary to further allocate the students generated to elementary, middle, and high schools. Public schools in Fauquier County serve kindergarten through 12th grade, or thirteen grades in total. The percentage of students allocated to each school type is assumed as proportional to the ratio of the number of grades each school type serves to the thirteen grades served by County public schools. As an example, elementary schools in the County serve kindergarten through 5th grade, or six grades total. Therefore, 6/13 out of the total students generated are assumed to be elementary school students. Table III-A.3 details this process.

TABLE III-A.3
Students Generated by School Type

<i>School Type</i>	<i>Grades^(a)</i>	<i>% Of Total Student Generation</i>	<i>Students Generated^(b)</i>	<i>Students By-Right^(c)</i>	<i>Students Above By-Right</i>
Elementary School	6	46%	44	0	44
Middle School	3	23%	22	0	22
High School	4	31%	30	0	30
Total	13	100%	96	0	96

^(a)Fauquier County elementary schools enroll students in kindergarten through 5th grade, middle schools enroll students in 6th through 8th grades, and high schools enroll students in 9th through 12th grades. Source: Virginia Department of Education School Quality Profiles.

^(b)Calculated as total students generated by development in Table III-A.2 multiplied by % of total student generation.

^(c)Calculated as total students allowed by-right in Table III-A.2 multiplied by % of total student generation.

CURRENT CAPACITY OF PUBLIC SCHOOL FACILITIES

Based on proximity to the Development, the potentially impacted County schools are James G. Brumfield Elementary School, W.C. Taylor Middle School and Fauquier High School. Information used to determine the maximum capacity was found in the Fauquier County Public School Ten Year Enrollment Projections. Fauquier County Public Schools monitors capacity more closely once a school reaches 95% of the maximum capacity, therefore, this analysis evaluates the most recent available enrollment to the 95% maximum capacity figure. Table III-A.4 details this process.

TABLE III-A.4
Fauquier County School Facilities – Current Capacity and Enrollment

School	Current Enrollment^(a)	Maximum Capacity^(b)	95% of Capacity^(b)	Excess Capacity	Anticipated Students^(c)	Proffer Consideration
James G. Brumfield E.S.	497	716	680	183	44	Meets capacity
W.C. Taylor M.S.	455	547	520	65	22	Meets capacity
Fauquier H.S.	1,226	1,634	1,552	326	30	Meets capacity
Total	2,178				96	

^(a)Source: Virginia Department of Education School Quality Profiles based on 2022 enrollment.

^(b)Fauquier County Public School Ten-Year Enrollment Projections SY 2019-20 Enrollment through 2028-29.

^(c)Table III-A.3.

EXHIBIT B: AREA MAP (DEVELOPMENT SITE & SCHOOL FACILITIES)

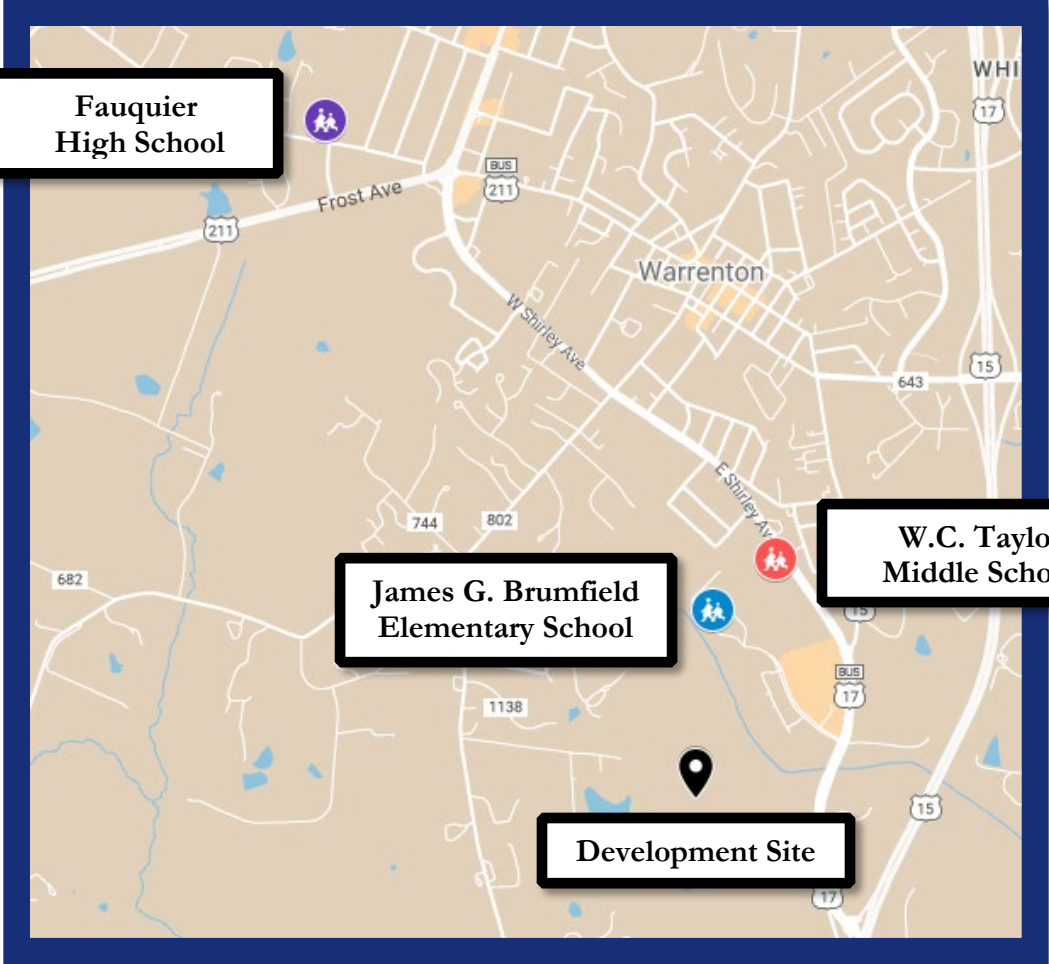


EXHIBIT C: AREA MAP (DEVELOPMENT SITE, JAMES G. BRUMFIELD ELEMENTARY SCHOOL)



EXHIBIT D: AREA MAP (DEVELOPMENT SITE, W.C. TAYLOR MIDDLE SCHOOL)

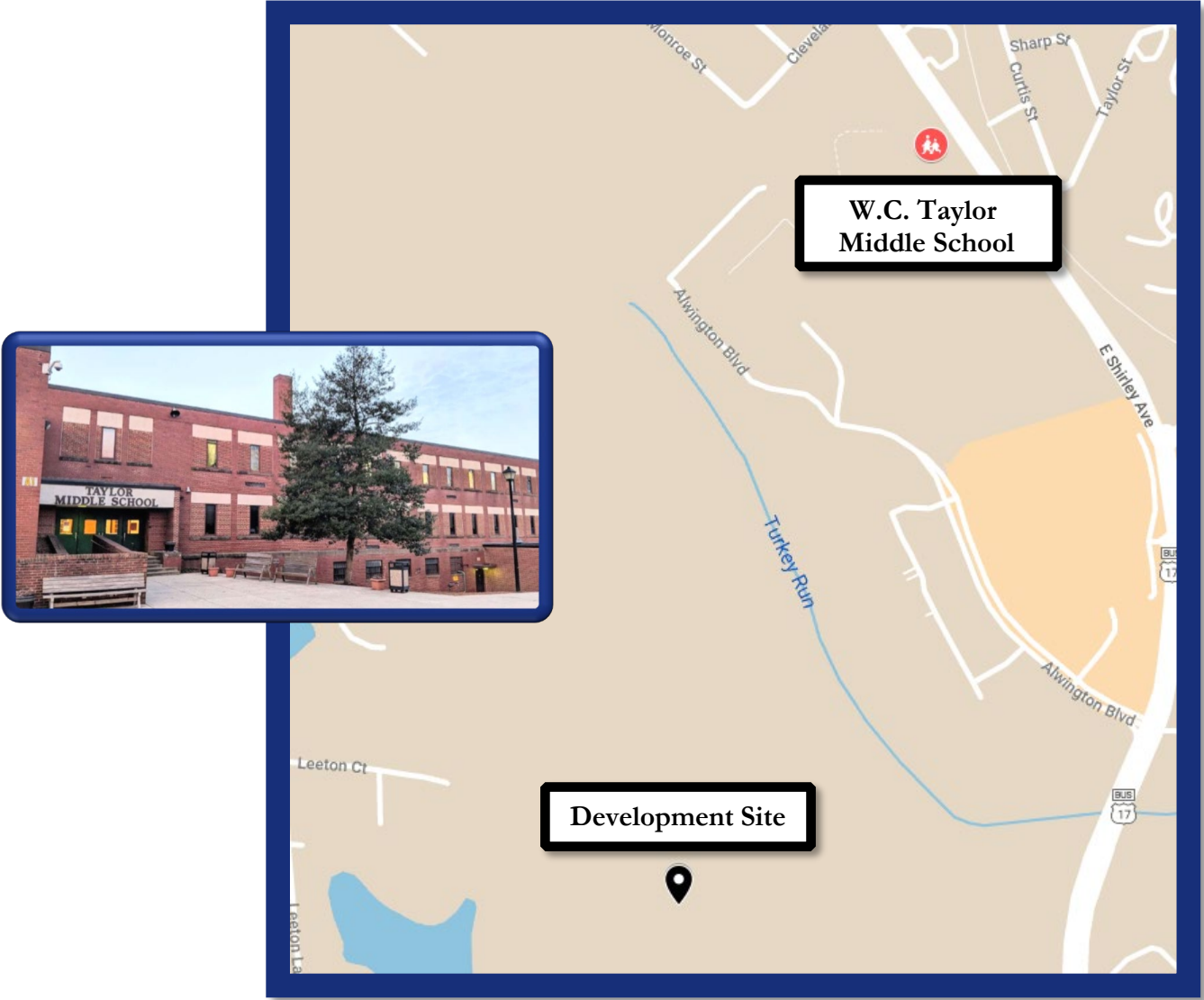
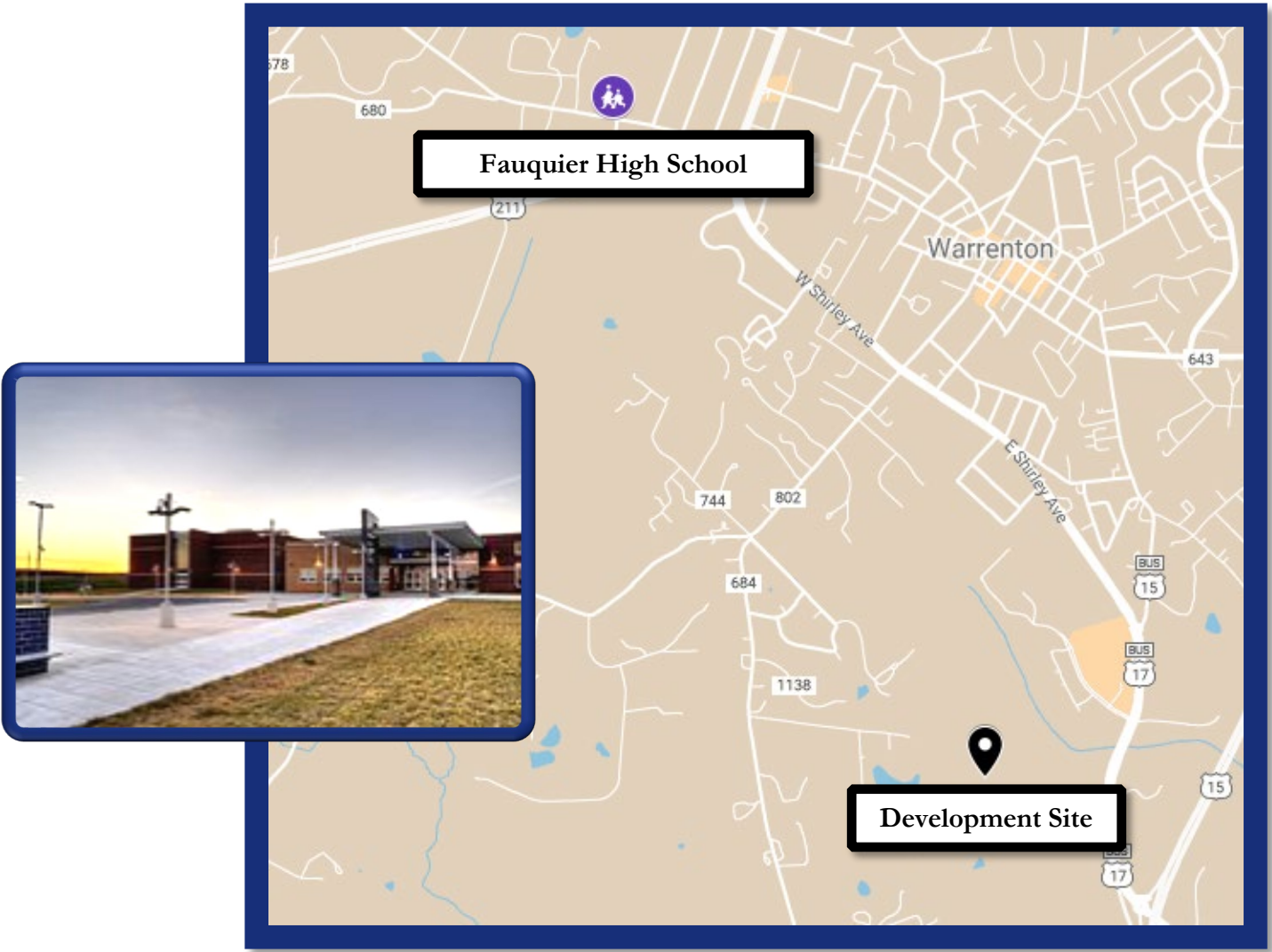


EXHIBIT E: AREA MAP (DEVELOPMENT SITE, FAUQUIER HIGH SCHOOL)



MITIGATION STRATEGIES

The Residential Proffer Legislation stipulates that proffers can only provide for needs exceeding existing capacity. As previously mentioned, all schools will not exceed existing capacity despite the projected students generated by the Development. Even though the anticipated development will not create an impact in excess of current capacity, the Applicant is willing to contribute to the Taylor Middle School expansion that will serve the Development through a proffer contribution and complete construction of a new entrance from Alwington Boulevard. The proffer contribution is based on the net new middle school students from the Development and the construction cost is based on approximately \$250,000 cost to develop the transportation improvements, bringing the total contribution of \$973,612 or \$4,486.69 per residential home constructed within the Development as seen on Table III-A.5 below. The County school’s operating cost per student is anticipated to increase and is reflected in the general fund expenses and included as a separate analysis. Below are total contributions to be made by the developer, of this amount \$723,612 is anticipated dollar contributions through proffer payments and \$250,000 is in the form of transportation construction improvements.

**TABLE III-A.5
Fauquier County School Facilities – Projected School Contribution**

<i>School Impact for Proposed Zoning Reclassification</i>	
<u>Middle School Expansion</u>	
a) Total student capacity following school expansion ^(a)	1,092
b) Approximate construction cost for expansion ^(b)	\$35,917,469
c) Expansion cost per capita (b ÷ a)	\$32,891.46
d) Estimated middle students projected at Development ^(c)	22
e) Estimated total middle school expansion proffer for Development (c × d)	\$723,612.12
<u>Transportation Improvements at School Entrance</u>	
f) Construct new entrance from Alwington Boulevard	\$250,000.00
g) Total development contribution	\$973,612.12
Proffer contribution per unit (g ÷ 217 units)	\$4,486.69
<small>^(a)The Warrenton Middle School and Taylor Middle School are anticipated to combine schools. This analysis considers the current total capacity for Taylor Middle School (547) and Warrenton Middle School (545). Source: Fauquier County Public School Ten-Year Enrollment Projections SY 2019-20 Enrollment through 2028-29.</small>	
<small>^(b)Based on cost of Taylor Middle School expansion as provided in Fauquier County Capital Improvement Program (FY 2023 Adopted).</small>	
<small>^(c)See Table III-A.3.</small>	

III-B. Public Safety Facility Impacts

METHODOLOGY

To calculate estimated proffer contributions for County public safety facilities, MuniCap first estimated the total population that would reside within the proposed Development based on U.S. Census Bureau data. MuniCap then researched public safety improvements in the County Capital Improvement Program that would be impacted by the Development. Level of service metrics for County public safety facilities were not immediately available, MuniCap implemented previously submitted methodology for the Sheriff’s department, estimated projected service population and projected call increase for the Fire and EMS services as a result of the Development.

PROJECTED NET RESIDENT IMPACTS

As noted previously, the Development is proposed to have 217 single-family detached units. As demonstrated in Table III-B.1, the Development may house an estimated 631 residents that will reside in units exceeding the current zoning allowance.

TABLE III-B.1
Projected Residents – Development

<i>Unit Type</i>	<i>Units^(a)</i>	<i>Residents Per Unit^(b)</i>	<i>Total Projected Residents</i>
Single-family detached	217	2.91	631
Less: units allowed by-right	0	2.91	0
Total (above by-right)	217		631

^(a) Provided by the Developer.
^(b) United States Census Bureau average household size of owner-occupied units in Fauquier County.

CURRENT CAPACITY OF PUBLIC SAFETY FACILITIES

Sheriff’s Department Facilities

Level of service metrics facilities were not immediately available to determine needs for sheriff department facilities. MuniCap evaluated statistics pertaining to the call volume, anticipated resident increase, as well as historical methodology used within Fauquier County to evaluate the potential impact to the facilities.

- Call volume: 76,397 calls according to the Fauquier County Sheriff’s Office Annual report.
- Anticipated service population increase: 0.85% (Anticipated population at development of 631 ÷ current population of 73,815).
- Sworn deputies: 138 as of October 2022.
- Previously submitted level of service metrics used in Fauquier County indicate a need of 1 sworn deputy per 1,500 residents. Using this metric and the number of sworn deputies, there is an excess resident capacity of 133,185.

The county CIP includes a public safety building project that may increase capacity for both fire and rescue and sheriff facilities. Following a review of the above statistics, the applicant has elected to make a proffer contribution for this project as established in Table III-B.4, although it was not determined if Sheriff facilities will have inadequate capacity.

Fire and Rescue Facilities

According to the County GIS Map, the Warrenton Volunteer Fire Company will serve the Development. The station is approximately 1.9 miles and is approximately 5 minutes in travel time from the Development site.

As stated in the County's Comprehensive Plan, the County's level of service ("LOS") standard for each fire station is to have a response time within five minutes or less for fire service calls and four minutes or less for rescue emergency calls, or fifteen minutes or less in rural areas for both. Level of service standards information has not yet been provided by the County, therefore this analysis is unable to determine if the Development would create a deficiency in capacity. This analysis includes the anticipated call increase as a result of the development on a Countywide level as seen in Table III-B.3.

TABLE III-B.2
Projected Fire and Rescue Facility Impacts

<i>Facility Type</i>	<i>Projected Resident Impact^(a)</i>	<i>Call Volume Per Resident^(b)</i>	<i>Projected Call Volume Increase</i>
Fire and Rescue	631	0.123	77.93
^(a) See Table III.B-1.			
^(b) Source: Fauquier County FY21 Annual Comprehensive Financial Report. Calculated by dividing 9,116 calls received by the fire department in FY 2021 by the FY 2021 population of 73,815.			

To determine the current service population at each Fire Station, MuniCap calculated the average number of residents to total fire stations located within Fauquier County as seen on Table III B-3 below. This calculation is further used to determine the cost per capita for a new fire station in Fauquier County as seen in Table III-B.4.

TABLE III-B.3
Projected Fire & Rescue Average Service Population

<i>Facility Type</i>	<i>Total Fire Departments^(a)</i>	<i>Fauquier County Population^(b)</i>	<i>Average Department Service Population</i>
Fire and Rescue	11	73,815	6,710
^(a) Fauquier County Fire and Rescue Department.			
^(b) Source: U.S. Census Bureau QuickFacts for Fauquier County as of July 1, 2021.			

The County's Capital Improvement Program does include a Fire and Rescue Training Facility that may increase capacity for fire & rescue facilities that serve the development. The Applicant has elected to make a proffer contribution as established in Table III-B.4, although it was not determined if the Fire & Rescue facilities will have inadequate capacity.

EXHIBIT F: AREA MAP (DEVELOPMENT SITE & SHERIFF'S DEPARTMENT)



EXHIBIT F: AREA MAP (DEVELOPMENT SITE & WARRENTON VOLUNTEER FIRE DEPARTMENT)



MITIGATION STRATEGIES

The Residential Proffer Legislation stipulates that proffers can only be used for capital improvements that expand the capacity of relevant public facilities. Although the level of service could not be determined for Fire and Rescue facilities and the Sheriff's office meets capacity, the Applicant has offered to make proffer contributions for the fire and rescue training facility, public safety building, and a new fire station as seen in Table III-B.5 below.

TABLE III-B.4
Projected Public Safety Impacts

Public Safety Impact for the Proposed Zoning Reclassification	
Fire and Rescue Training Facility	
a) Current population of Fauquier County ^(a)	73,815
b) Total projected Development residents ^(b)	631
c) Total projected County population (a + b)	74,446
d) Total cost of Fire & Rescue Training Facility ^(c)	\$2,250,000
e) Building cost per capita (d ÷ c)	\$30.22
f) Fire and Rescue Training Facility proffer required for Residential Development (b × e)	\$19,068.82
Public Safety Building Project	
g) Current population of Fauquier County ^(a)	73,815
h) Total projected Development residents ^(b)	631
i) Total projected County population (g + h)	74,446
j) Total cost of Public Safety Building ^(c)	\$25,000,000
k) Public Safety Building cost per capita (j ÷ i)	\$335.81
l) Public Safety Building proffer required for Residential Development (h × k)	\$211,896.11
New Fire and Rescue Station	
m) Total projected Development residents ^(b)	631
n) Total projected service population ^(d)	6,710
o) Total cost of new Fire and Rescue Station ^(c)	\$7,100,000
p) Building cost per capita (o ÷ n)	\$1,058.12
q) Fire and Rescue station proffer required for Residential Development (m × p)	\$667,673.72
Estimated Cost Per Home	
r) Gross cost per capita (e + k + p)	\$1,424.15
s) Residents in Development above by-right ^(b)	631
t) Total proffer for Development for units in excess of by-right (r × s)	\$898,638.65
Proffer contribution: Per single-family detached unit (t ÷ 217)	\$4,141.19
^(a) Source: U.S. Census Bureau QuickFacts for Fauquier County as of July 1, 2021.	
^(b) See Table III-B.1.	
^(c) Source: Fauquier County FY 2023 Adopted Budget. Fire and Rescue Station based on projected cost of Southern Fire and Rescue Station. Public Safety cost is based on the anticipated public safety project as listed in the CIP.	
^(d) See Table III-B.4.	

III-C. Public Parks Facility Impacts

METHODOLOGY

As with public safety facilities impacts, to project impacts on public park facilities, MuniCap first estimated the total population that would reside within the proposed Development based on U.S. Census Bureau data. MuniCap then researched public park improvements in the Capital Improvement Program that would be impacted by the Development. MuniCap then applied the level of service standards for public parks as identified in the Fauquier County Parks, Recreation & Open Space Master Plan approved as of March 1, 2021.

PROJECTED NET RESIDENT IMPACTS

As previously described, the Development includes 217 single-family detached units. Based on projected development and County average occupancy, the proposed development will house an estimated 631 total residents net of by-right, as shown in Table III-B.1 of the preceding section.

CURRENT CAPACITY OF PUBLIC PARK FACILITIES

The County LOS standards and current capacity for public parks and recreation as outlined in Parks, Recreation & Open Space Master Plan are seen on Table III-C.1 on the following page.

**Table III-C.1
Fauquier County Parks and Recreation Level of Service Standards**

Fauquier County Level of Service Standards - Existing																
Recreation Component	2020 Inventory				Service Levels						2020 Standards		2030 Standards			
	County-Inventory	School Inventory	Other Inventory	Total Inventory	Current Service Level based upon County Population (71,749)		Recommended Service Levels		Meet Standard/ Need Exists	Additional Facilities/ Amenities Needed	Meet Standard/ Need Exists	Additional Facilities/ Amenities Needed in 2030 (est. pop. 80,285)				
PARKS AND SPECIAL USE FACILITIES																
Pocket Parks			7.50	7.50	0.10	ac. per	1,000	0.10	ac. per	1,000	Meets Standard	-	Acre(s)	Need Exists	1	Acre(s)
Neighborhood School Parks	31.20	89.00	12.50	132.70	1.85	ac. per	1,000	2.00	ac. per	1,000	Need Exists	11	Acre(s)	Need Exists	28	Acre(s)
Community Parks	53.00			53.00	0.74	ac. per	1,000	1.00	ac. per	1,000	Need Exists	19	Acre(s)	Need Exists	27	Acre(s)
Special Use Parks	8.50		161.40	169.90	2.37	ac. per	1,000	2.00	ac. per	1,000	Meets Standard	-	Acre(s)	Meets Standard	-	Acre(s)
District Parks	855.80		65.50	921.30	12.84	ac. per	1,000	12.40	ac. per	1,000	Meets Standard	-	Acre(s)	Need Exists	74	Acre(s)
Total	948.50	89.00	246.90	1,284.40	17.90	ac. per	1,000	17.50	ac. per	1,000	Meets Standard	30	Acre(s)	Need Exists	130	Acre(s)
Special Use (Historical, Nature Area)																
Historical Sites/Conservation Parks			12,947.13	12,947.13	180.45	acres per	1,000	0.00	acres per	1,000	Meets Standard	-	Acre(s)	Meets Standard	-	Acre(s)
OUTDOOR AMENITIES																
Diamond Field - 60'	14.00	16.00	2.00	32.00	1.00	field per	2,242	1.00	field per	2,600	Meets Standard	-	Field	Meets Standard	-	Field
Diamond Field - 90'	2.00	5.00		7.00	1.00	field per	10,250	1.00	field per	10,000	Need Exists	1	Field	Need Exists	1	Field
Multi-Purpose Rectangular Field	16.00	5.00	11.00	32.00	1.00	field per	2,242	1.00	field per	2,600	Meets Standard	-	Field	Meets Standard	-	Field
Soccer Field	2.00	6.00	2.00	10.00	1.00	field per	7,175	1.00	field per	7,000	Need Exists	1	Field	Need Exists	1	Field
Football Field		3.00		3.00	1.00	field per	23,916	1.00	field per	30,000	Meets Standard	-	Field	Meets Standard	-	Field
Dog Park	-		2.00	2.00	1.00	site per	35,875	1.00	site per	25,000	Need Exists	1	Site	Need Exists	1	Site
Indoor Gymnasium	2.00			2.00	1.00	gym per	35,875	1.00	gym per	25,000	Need Exists	1	Gym	Need Exists	1	Gym
Indoor Pool			1.00	1.00	1.00	pool per	71,749	1.00	pool per	50,000	Need Exists	1	Pool	Need Exists	1	Pool
Outdoor Pool	1.00		-	1.00	1.00	pool per	71,749	1.00	pool per	55,000	Need Exists	1	Pool	Need Exists	0	Pool
Picnic Shelter	16.00		3.00	19.00	1.00	Site per	3,776	1.00	Site per	3,500	Need Exists	1	Site	Need Exists	4	Site
Playground	8.00	10.00	3.00	21.00	1.00	Site per	3,417	1.00	Site per	3,500	Meets Standard	-	Site	Need Exists	2	Site
Outdoor Basketball Court	1.50	14.00	1.00	16.50	1.00	court per	4,348	1.00	court per	4,500	Meets Standard	-	Court	Need Exists	1	Court
Outdoor Pickleball Court	1.00		3.00	4.00	1.00	court per	17,937	1.00	court per	10,000	Need Exists	3	Court	Need Exists	4	Court
Tennis Court	2.00	11.00	-	13.00	1.00	site per	5,519	1.00	site per	15,000	Meets Standard	-	Site	Meets Standard	-	Site
Skate Park			1.00	1.00	1.00	Site per	71,749	1.00	Site per	50,000	Need Exists	1	Site	Need Exists	1	Site
Outdoor Volleyball Court	3.00		1.00	4.00	1.00	court per	17,937	1.00	court per	15,000	Need Exists	1	Court	Meets Standard	-	Court
Disc Golf Course	1.00		-	1.00	1.00	course per	71,749	1.00	course per	50,000	Need Exists	1	Course	Need Exists	1	Course
INDOOR FACILITIES																
Vint Hill Village Green Comm. Center	17,409			17,409	0.24	SF per person			SF per Person		Meets Standard	-	Sq. Feet	Meets Standard	-	Sq. Feet
Marshall Community Center	15,324			15,324	0.21	SF per person			SF per Person		Meets Standard	-	Sq. Feet	Meets Standard	-	Sq. Feet
Warrenton Community Center	12,000			12,000	0.17	SF per person			SF per Person		Meets Standard	-	Sq. Feet	Meets Standard	-	Sq. Feet
Warrenton Aquatic and Recreation Facility			59,738	59,738	0.83	SF per person			SF per Person		Meets Standard	-	Sq. Feet	Meets Standard	-	Sq. Feet
GRAND TOTAL	44,733		59,738	104,471	1.46	SF per person		2	SF per Person		Need Exists	39,027	Sq. Feet	Need Exists	56,099	Sq. Feet

Source: Fauquier County Parks, Recreation & Open Space Master Plan.

Using the information in Table III-C.1 MuniCap first analyzed park facilities that serve the Development that exhibit an existing need. Second, MuniCap reviewed the CIP to determine if there were facility improvements that would increase capacity at parks serving the Development. Based on MuniCap’s analysis of these two factors it was determined that the projects listed in Table III-C.2 will address the County needs and increase capacity at parks serving the Development.

TABLE III-C.2
Projected Proffer Costs – Public Parks Facility Improvements

<i>Public Park Facilities^(a)</i>	<i>County Addressed Need^(b)</i>	<i>Costs^(c)</i>
Central Sports Complex Phase II	Rectangle and diamond playing fields	\$4,400,000
Ball Field Renovations, Greenways/Trails, and Playground Projects	Multiple	\$2,200,000
Southern Sports Complex	Rectangle and diamond playing fields	\$5,000,000
Southern Community Center	N.A.	\$3,000,000
Southern Pool	Indoor pool	\$6,000,000
^(a) Source: Fauquier County FY23 Adopted Budget and Capital Improvement Plan. ^(b) See Table III-C.1. ^(c) Represents remaining costs to public park facilities as listed in the FY23 Capital Improvement Plan.		

MITIGATION STRATEGIES

Any proffer related to public parks must only mitigate costs reasonably attributable to the increase in population caused by the Development. Proffers have been estimated to take into account the planned parks outlined in the Capital Improvement Program as seen below in Table III-C.3. In addition to the Central Sports Complex Phase II and ball field renovations, the Applicant has added additional proffers for the Southern Pool, Community Center, and Sports complex projects.

**TABLE III-C.3
Projected Proffer Costs – Public Parks Facility Improvements**

Public Park Facilities	
Central Sports Complex Phase II	
a) Cost for Central Sports Complex Phase II ^(a)	\$4,400,000
b) Current population of Fauquier County ^(b)	73,815
c) Total projected Development residents ^(c)	631
d) Total projected County population (b + c)	74,446
e) Project cost per capita (a ÷ d)	\$59.10
f) Sub-total: Central Sports Complex Phase II proffer contribution for Development (c × e)	\$37,292.10
Ball Field Renovations, Greenways/Trails, and Playground Projects	
g) Cost for Renovations ^(a)	\$2,200,000
h) Current population of Fauquier County ^(b)	73,815.00
i) Total projected Development residents ^(c)	631
j) Total projected County population (h + i)	74,446.00
k) Project cost per capita (g ÷ j)	\$29.55
(l) Sub-total: Ball Field Renovations/projects proffer contribution for Development (i × k)	\$18,646.05
Southern Pool, Community Center and Sports Complex	
m) Cost for Southern Pool, Community Center and Sports Complex ^(a)	\$14,000,000
n) Current population of Fauquier County ^(b)	73,815
o) Total projected Development residents ^(c)	631
p) Total projected County population (n + o)	74,446.00
q) Combined project cost per capita (m ÷ p)	\$188.06
r) Sub-total: Southern region projects proffer contribution for Development (o × q)	\$118,665.86
s) Total Development Proffer Contribution: Public Parks (f + l + r)	\$174,604.01
Proffer contribution: per single-family attached unit (s ÷ 217)	\$804.63
^(a) Source: Fauquier County Budget and Capital Improvement Program FY23. ^(b) Source: U.S. Census Bureau Quickfacts for Fauquier County as of July 1, 2021. ^(c) See Table III-B.1.	

After appropriate County staff has had the opportunity to review this document and provide comments, the Applicant will coordinate with the County to confirm the proper amount necessary to mitigate the costs of eligible public park facility improvements. The Applicant will undertake efforts necessary to ensure that the proposed mitigation strategy is consistent with all applicable law, including, but not limited to, the Residential Proffer Legislation.

III-D. Public Transportation Facility Impacts

METHODOLOGY

A separate transportation impact analysis will be prepared to address impacts to public transportation facility improvements.

IV. CONCLUSIONS

SUMMARY OF ANALYSIS

The preceding narrative provides projections of impacts to public facilities in accordance with the Residential Proffer Legislation. This narrative is being submitted for review and comment by the appropriate County staff. Upon receipt of such review and commentary, the Applicant will augment this submission with additional information as appropriate. Based on MuniCap’s analysis, the estimated cash proffer that may be offered from the Development is as shown in Table IV-A.

TABLE IV-A
Total Estimated Proffer Contribution

Public Facilities	Estimated Proffer per Dwelling Unit
a) Public school facilities cost per unit ^(a)	\$4,486.69
b) Public safety facilities cost per unit ^(b)	\$4,141.19
c) Public parks facilities cost per unit ^(c)	\$804.63
d) Public transportation facilities per unit	N.A.
e) Total estimated proffer per unit (a + b + c + d)	\$9,432.51
Total estimated proffer per unit type (e × 217)	\$2,046,854.78
^(a) See Table III-A.5. ^(b) See Table III-B.4. ^(c) See Table III-C.3.	

ASSUMPTIONS AND LIMITATIONS

In preparation of this narrative, MuniCap relied on multiple sources for the information presented and used herein. While these sources are believed to be reliable, MuniCap has not undertaken any efforts to independently verify the veracity of such information.

While the methodology employed, and the content provided herein, are believed to be consistent with applicable law, including the Residential Proffer Legislation, none of the statements in this document should be construed as legal advice.

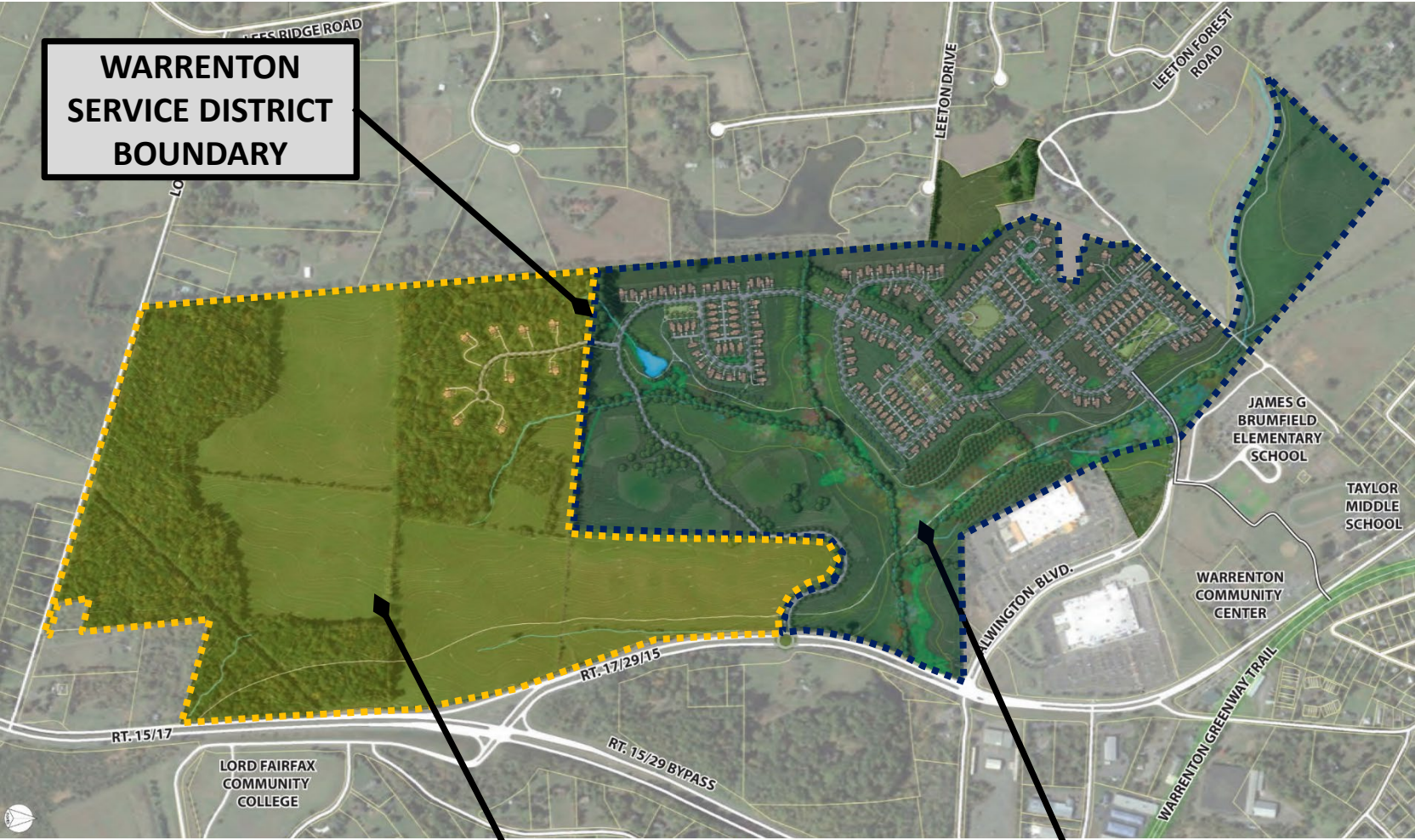
Arrington

Rezoning

Item A.



REZN-22-017978



WARRENTON SERVICE DISTRICT BOUNDARY

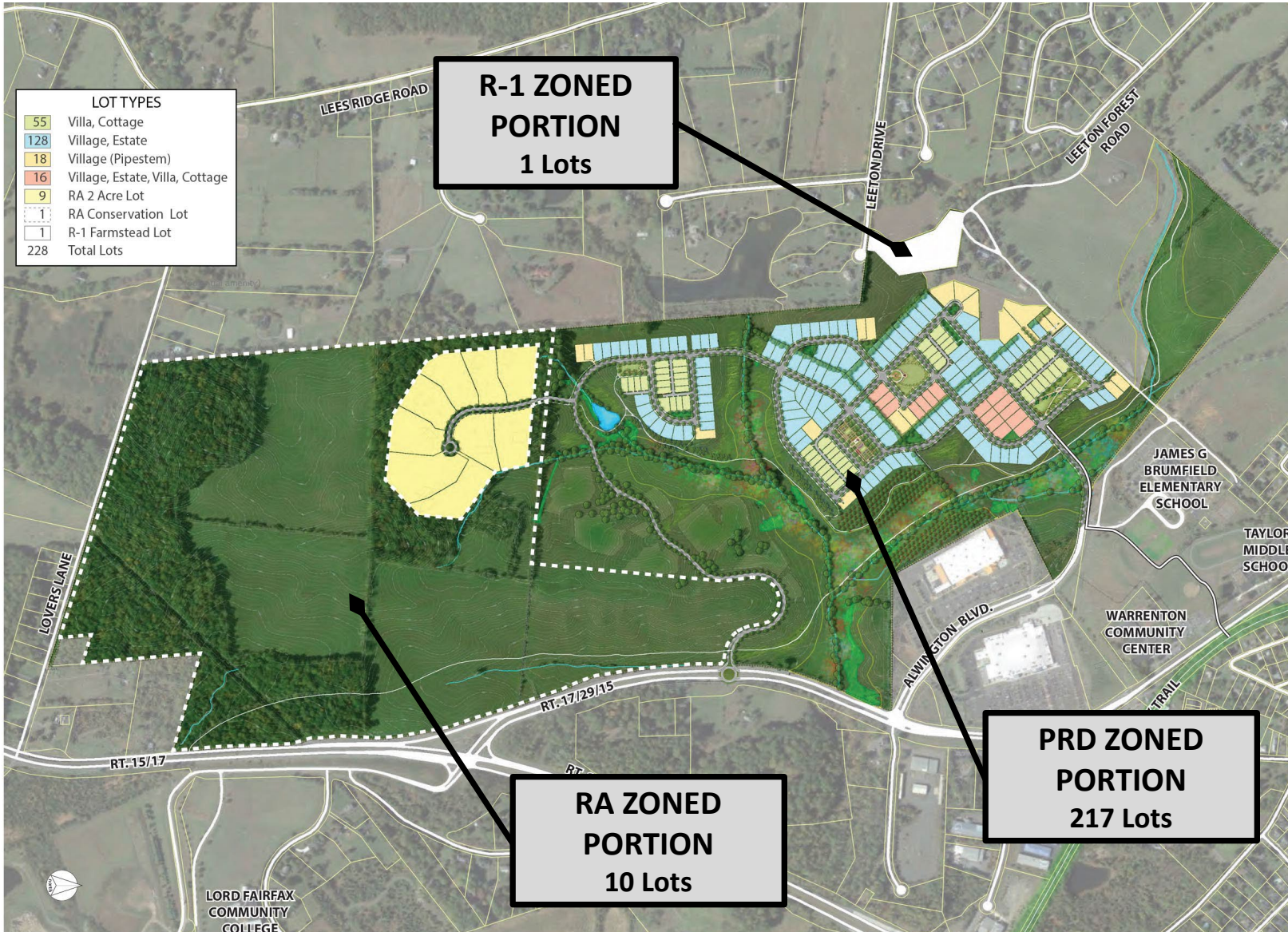
**RA ZONED PORTION
+/- 224.53 Acres**

**PRD ZONED PORTION
+/- 206.43 Acres**

2015 Arrington Summary:

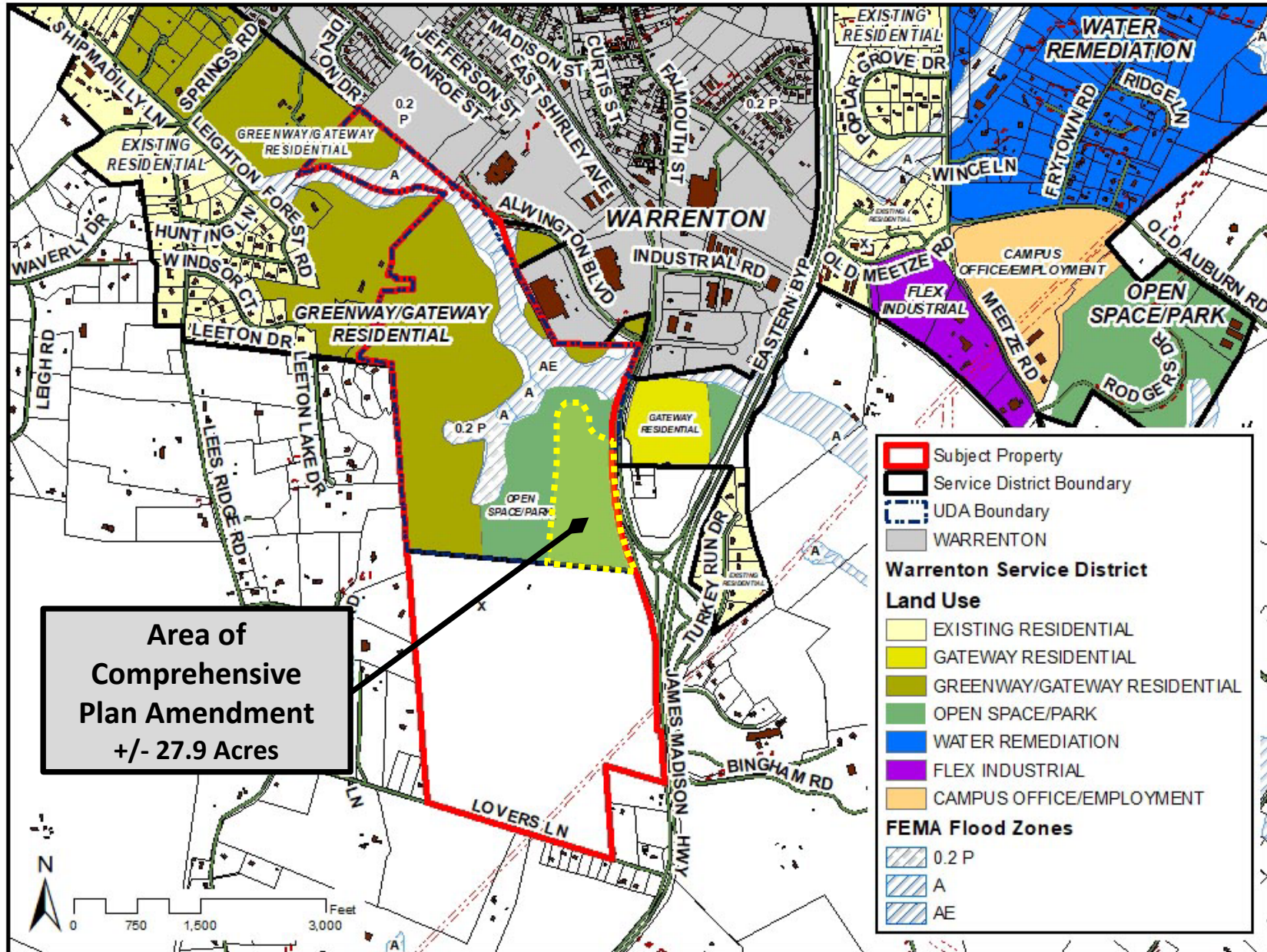
- Comprehensive Plan Amendment
 - Removed 27.87 ac from Warrenton Service District
 - Changed Designation of 20 ac w/in the Warrenton Service District from Open Space/Park to Greenway/Gateway Residential
 - Designated the proposed PRD Area as an UDA
- Rezoning
 - 206.43 ac Rezoned from R-1 to PRD – Subject to Proffers, CDP & COD
 - 28.78 ac Rezoned from R-1 to RA – Entire RA area subject to Proffers
- Special Exceptions
 - Private Sewage Treatment Plant & Mass Drainfield
 - Private Sewage Collection System
 - Floodplain Crossings

2015 LOT PLAN



2015 Development Summary:

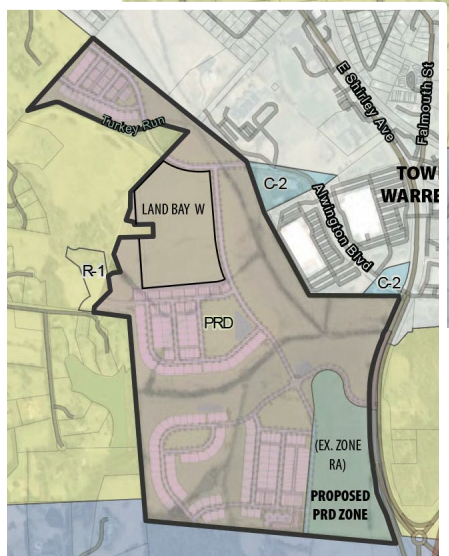
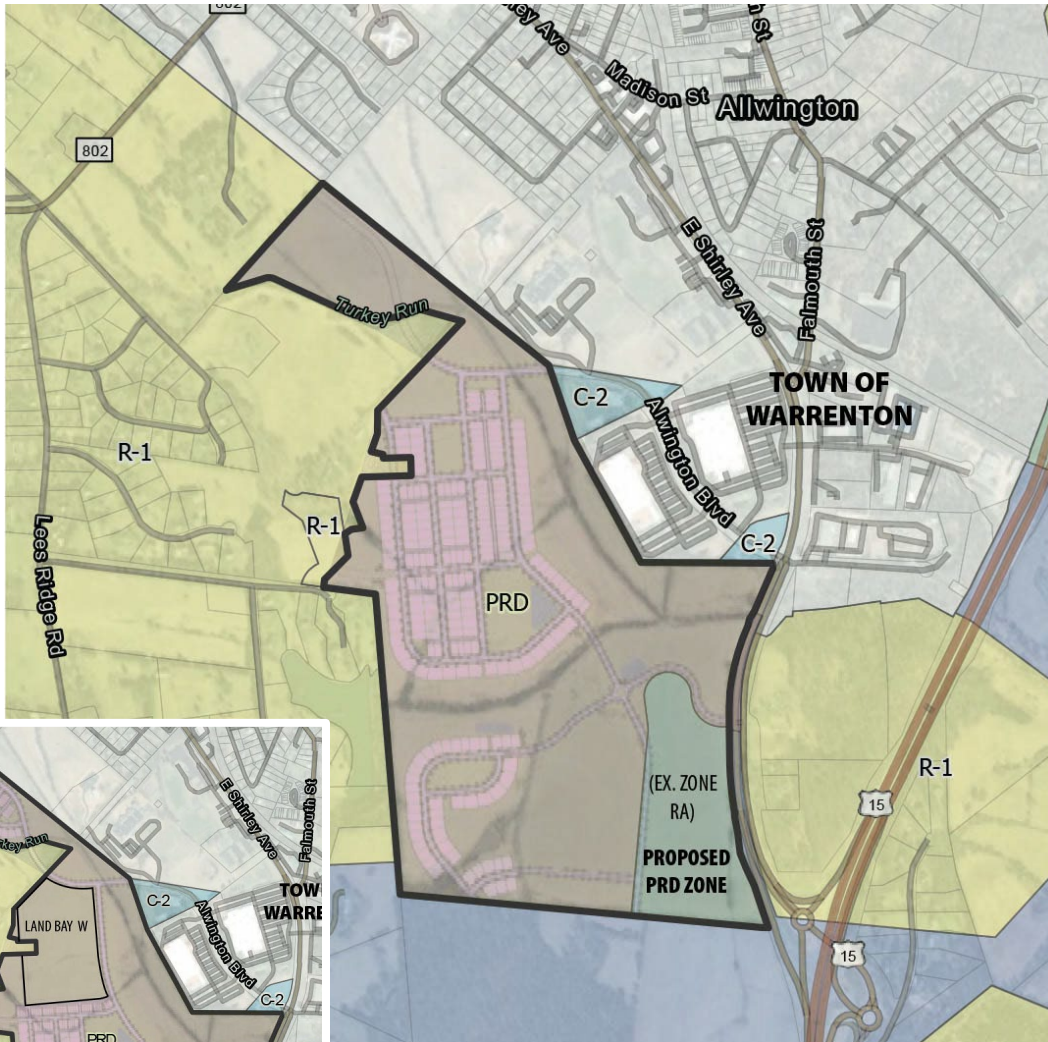
- PRD: 217 Lots
 - Age Restricted Dwelling Units
 - Developed Utilizing TND Principles
 - Public Water from the Town of Warrenton Water & Private Sewage Collection/Treatment System
 - Subject to Proffers, CDP & COD
- RA: 10 Lots
 - 9 Lots - 1.97 ac to 3.57 ac
 - 1 Lot - 194.91 acres – Subject to Future Conservation Easement
 - Public Water from the Town of Warrenton Water & Private Individual Drainfields
 - Subject to Portions of the Proffers & COD
- R-1: 1 Lot
 - Ability to Connect to Public Water from the Town of Warrenton Water & Private Sewage Collection/Treatment System



2022 Comprehensive Plan Amendment:

- Added 27.87 ac to the Warrenton Service District & Designated it as Open Space/Park
- Needed to Accommodate Larger Area for Wastewater Treatment Dispersal Areas – Average Daily Flows vs. Peak Flows
- FEMA Floodplain Expanded into Current Dispersal Area
- Restored 2015 Service District Boundary
- Extended the UDA

2023 REZONING AMENDMENT



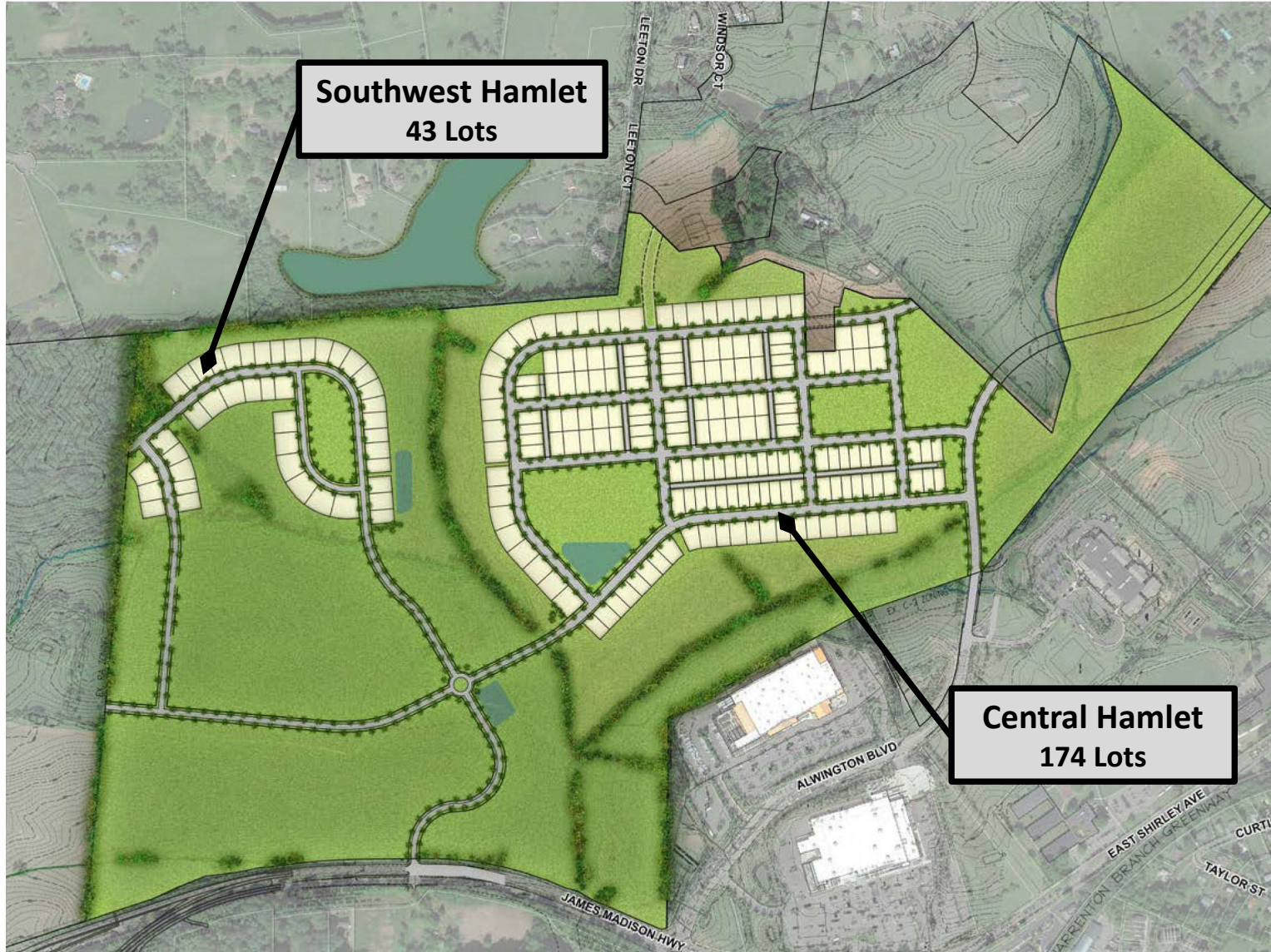
2023 Rezoning Amendment:

- Amend 2015 Approvals
 - Revised Proffer Statement, CDP & COD
- Rezone 27.65 ac from RA to PRD
 - Subject to Revised Proffer Statement, CDP & COD
- Southern 197.11 ac of RA Not Included
 - Previous Proffers, Easement Commitment, CDP & COD would not apply to this property.

Development Scenarios:

- Base: 217 du (0.93 du/ac) w/ 99.14 ac Open Space (42%)
 - Public Water & Private Sewer
- Alternative A: 211 du (1.01 du/ac) w/ 108.44 ac Open Space (52%)
 - Incorporated into Town of Warrenton / Public Water & Sewer
 - Commercial: Eating Establishment - 8,000 sf & Inn - 15 rooms
 - Unplanned Future Commercial: 25 ac
- Alternative B: 270 du (1.29 du/ac) w/ 108.88 ac Open Space (52%)
 - Incorporated into Town of Warrenton / Public Water & Sewer
 - Off-site ROW & Easements
 - Commercial: Eating Establishment - 8,000 sf & Inn - 15 rooms
 - Unplanned Future Commercial: 25 ac

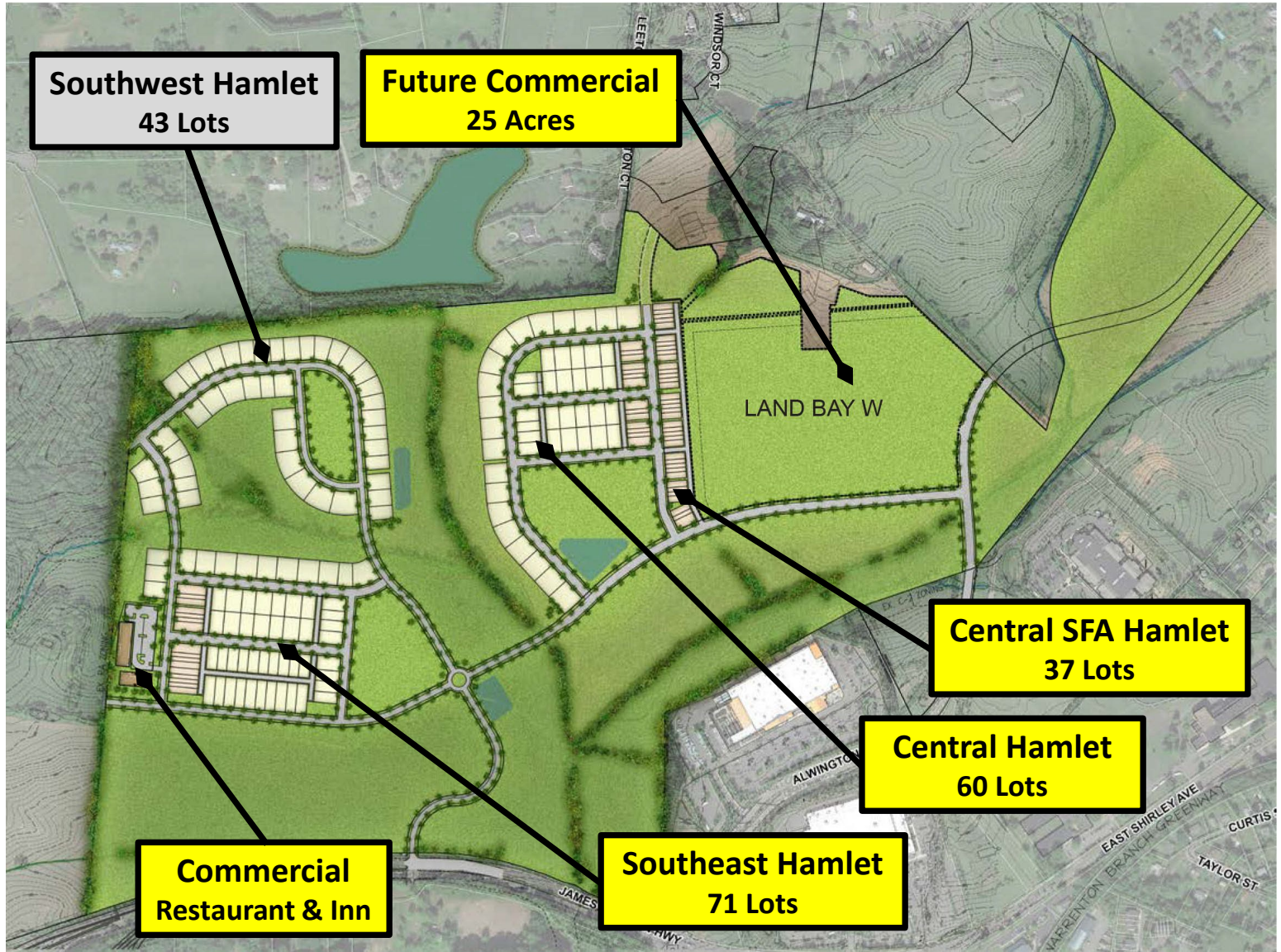
BASE ZONING SCENARIO



Base Zoning Scenario:

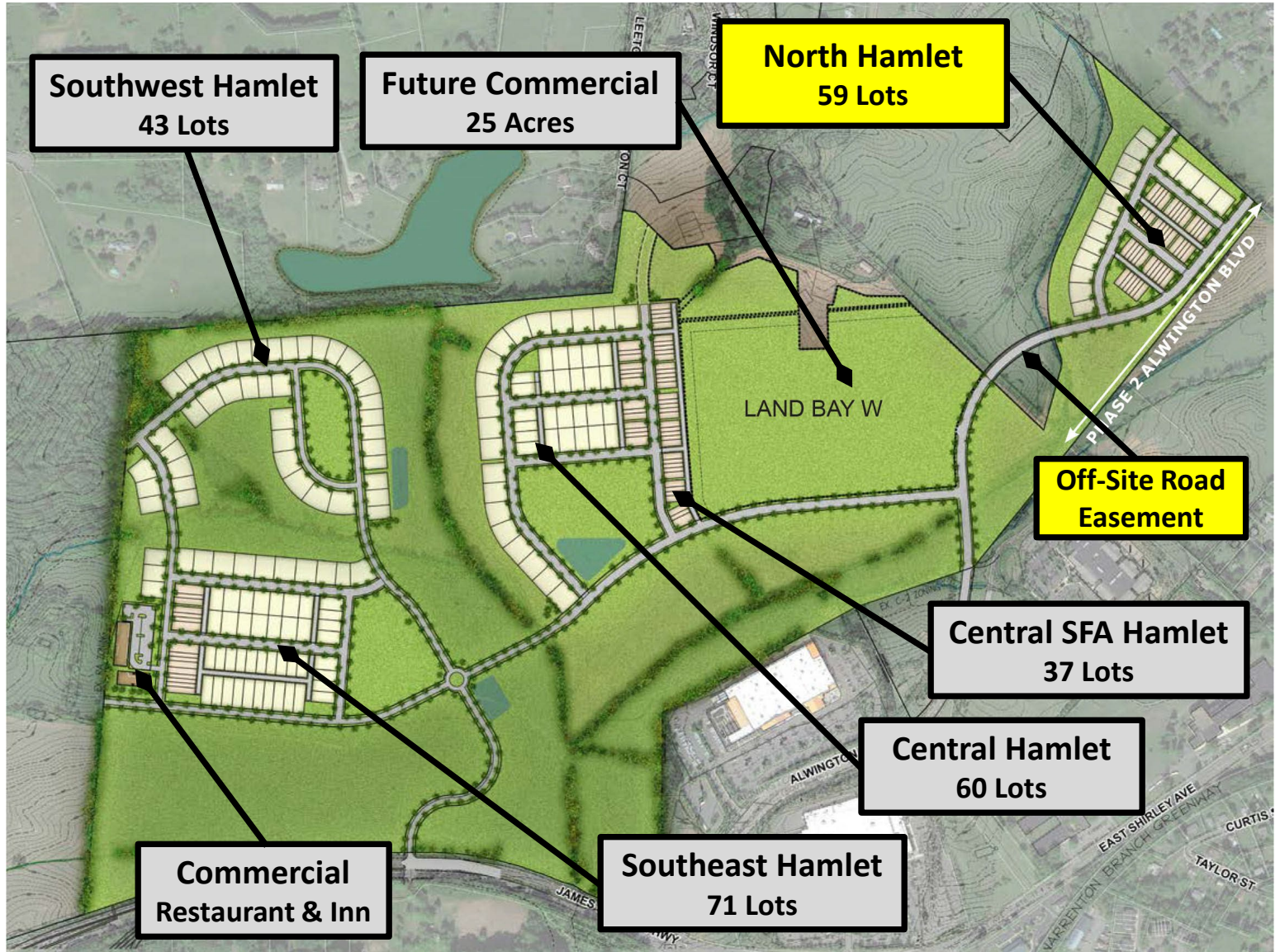
- 217 du (0.93 du/ac)
 - All Market Rate Units
- Front/Side Loaded: 143 Units Max (66%)
 - Estate A: 13 (6.0%)
 - Estate B: 17 (7.8%)
 - Neighborhood A: 62 (28.6%)
 - Neighborhood B: 51 (23.5%)
- Rear Loaded: 74 Units Min (34%)
 - Village A: 38 (17.5%)
 - Village B: 36 (16.6 %)
- Public Water
 - Town of Warrenton per 2015 Agreement
- Private Sewer Collection & Treatment System
 - Subject to SPEX22-018027
- Open Space: 99.15 ac (42%)

ALTERNATIVE A SCENARIO



- Alternative A Scenario:**
- Incorporated into Town of Warrenton
 - Public Water & Sewer
 - 211 du (1.01 du/ac)
 - 195 Market Rate Units (92%)
 - 16 Affordable Units (8%)
 - Front/Side Loaded: 110 Units Max (52%)
 - Estate A: 16 (7.6%)
 - Estate B: 21 (10.0%)
 - Neighborhood A: 39 (18.5%)
 - Neighborhood B: 34 (16.1%)
 - Rear Loaded: 101 Units Min (48%)
 - Village A: 17 (8.1%)
 - Village B: 17 (8.1%)
 - Townhouse: 51 (24.2%)
 - Townhouse Affordable: 16 (7.6%)
 - Restaurant (8,000 sf) & Inn (15 rooms)
 - Unplanned Future Commercial: 25 ac
 - Open Space: 102.4 ac (44%)

ALTERNATIVE B SCENARIO



Alternative B Scenario:

- Incorporated into Town of Warrenton
 - Public Water & Sewer
 - Off-Site Road Easement Acquired
- 270 du (1.61 du/ac)
 - 254 Market Rate Units (94%)
 - 16 Affordable Units (6%)
- Front/Side Loaded: 127 Units Max (47%)
 - Estate A: 18 (6.7%)
 - Estate B: 23 (8.5%)
 - Neighborhood A: 46 (17.0%)
 - Neighborhood B: 40 (14.8%)
- Rear Loaded: 143 Units Min (53%)
 - Village A: 17 (6.3%)
 - Village B: 17 (6.3%)
 - Townhouse: 93 (34.4%)
 - Townhouse Affordable: 16 (5.9%)
- Restaurant (8,000 sf) & Inn (15 rooms)
- Unplanned Future Commercial: 25 ac
- Open Space: 108.88 ac (52%)

LOT VARIETY



Front/Side Loaded Lots:

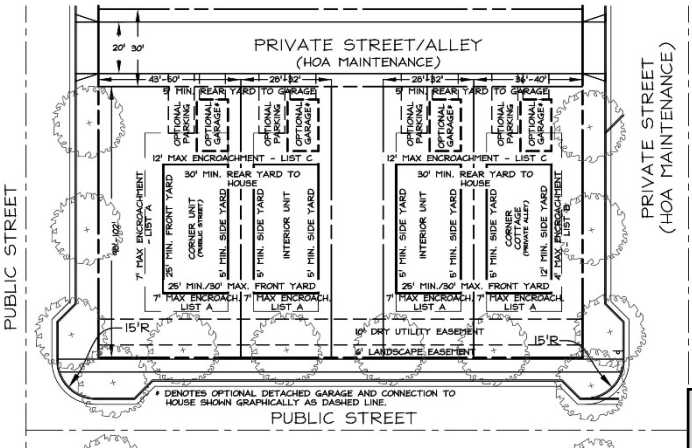
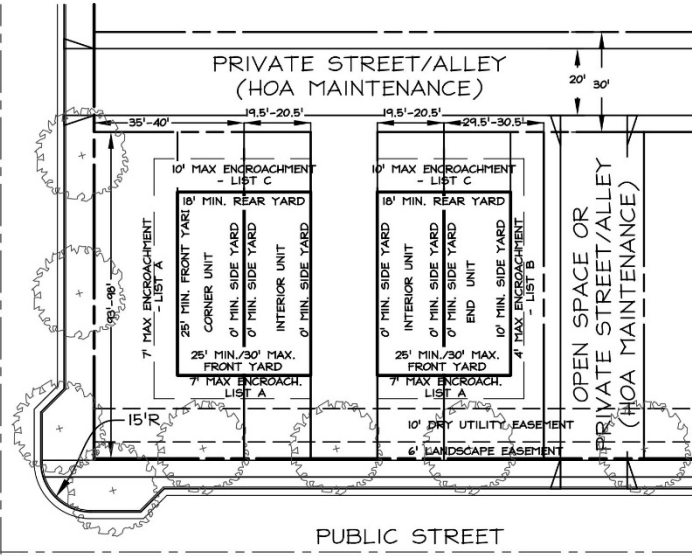
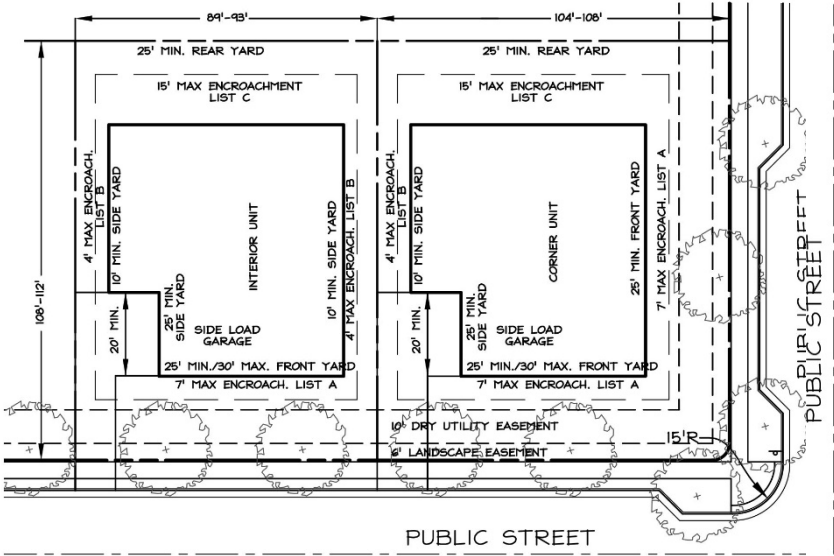
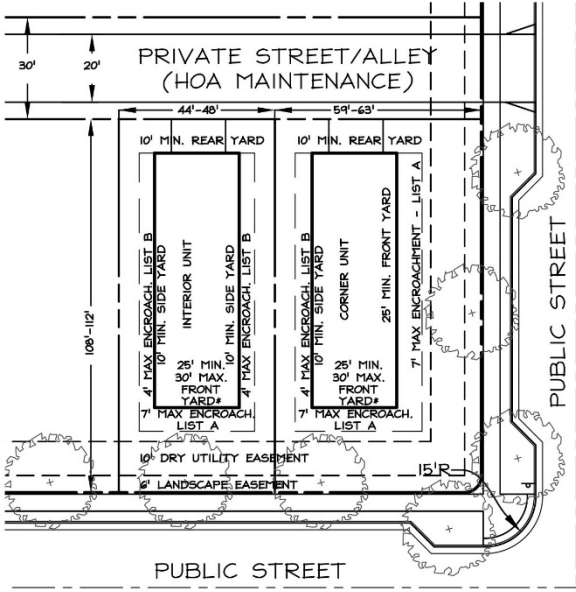
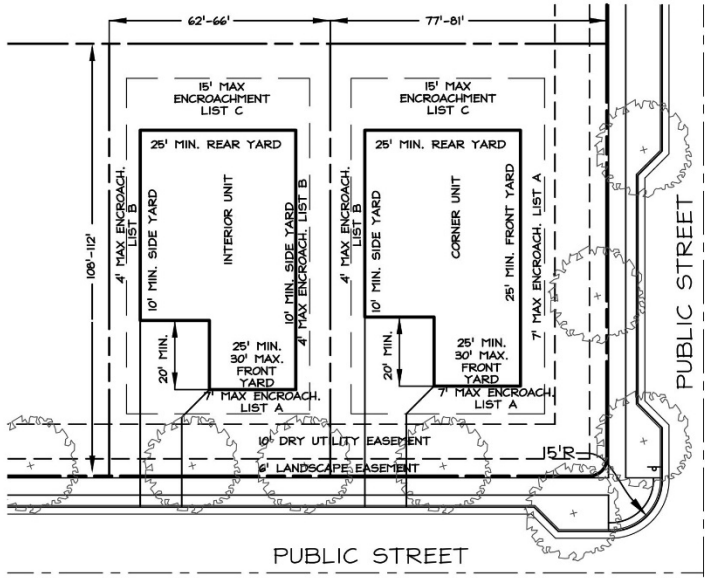
- Estate A: 89' – 93' / 9,612 – 10,416 sf
 - Corner: 104' – 108' / 11,232 – 12,096 sf
- Estate B: 97' – 101' / 10,476 – 11,312 sf
 - Corner: 112' – 116' / 12,096 – 12,992 sf
- Neighborhood A: 62' – 66' / 6,696 – 7,392 sf
 - Corner: 77' – 81' / 8,316 – 9,072 sf
- Neighborhood B: 74' – 78' / 9,612 – 10,416 sf
 - Corner: 89' – 93' / 9,612 – 10,416 sf

Rear Loaded Lots:

- Village A: 44' – 48' / 4,752 – 5,376 sf
 - Corner: 59' – 63' / 6,372 – 7,056 sf
- Village B: 49' – 53' / 5,292 – 5,936 sf
 - Corner: 64' – 68' / 6,912 – 7,616 sf
- Townhouse – M*: 19.5' – 20.5' / 1,911 – 2,255 sf
 - Corner: 45' – 50' / 4,410 – 5,500 sf
 - End: 29.5' – 30.5' / 2,891 – 3,355 sf
- Townhouse – A*: 19.5' – 20.5' / 2,691 – 2,870 sf
 - Corner: 45' – 50' / 6,210 – 7,000 sf
 - End: 29.5' – 30.5' / 4,071 – 4,270 sf

* M= Market Rate A = Affordable

SETBACKS & GARAGES



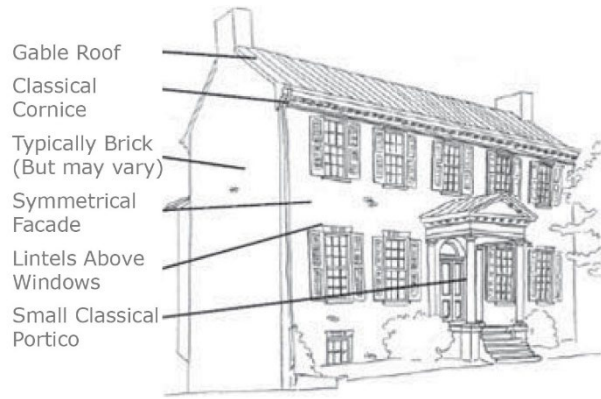
- Development Summary:**
- Setbacks
 - Front: 25' min; 30' max
 - Side: 10' min; 15' max
 - Cottage, Village & Neighborhood Lots: 5' Min; 10' max
 - Townhouse & Estate Lots: 10' Min; No Max
 - Rear (Front/Side Loaded Lot): 25' min
 - Rear (Rear Loaded Lot): 5' - 30' min
 - Garages
 - Front Load: 20' min from Front (Closest Projection) of House
 - Side Load: Can be even w/Front (Closest Projection) of House

LOT VARIETY

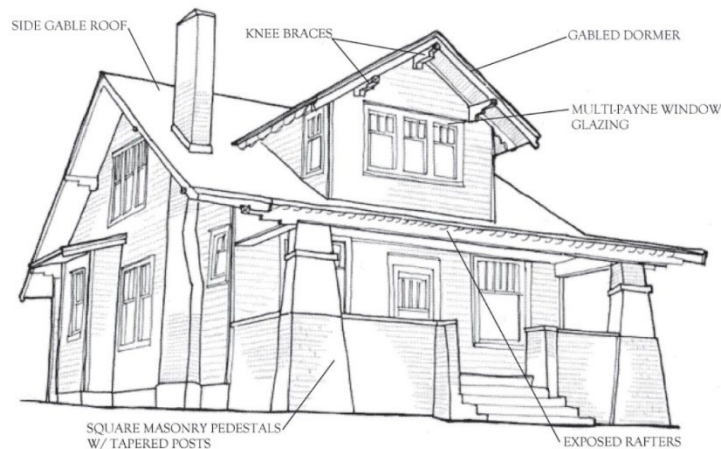
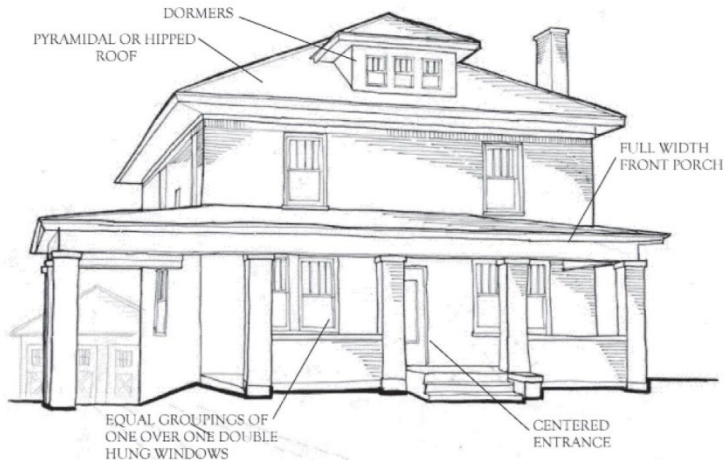


- SFD Lot Variety:**
- Variety of Front Setbacks – 2' – 5' Difference between Adjacent Houses
 - Block Frontages w/ +5 lots : Min of 3 Different Widths w/ 10' Min Between the Narrowest & Widest
 - Block Frontages w/ 5 or less lots : Min of 2 Different Widths w/ 10' Min Between the Narrowest & Widest
 - Block Frontages: No more than 3 Adjoining Lots may be of the Same Width

ARCHITECTURAL VARIETY



COLONIAL REVIVAL COTTAGE



SFD Architectural Variety:

- Different Architectural Front Facades on Adjacent Lots or Lots Across the Street
 - Only Applies to lots the Same Category and Type
- Homes w/ Same Architectural Style Shall Not be Constructed on More than 3 lots Along Each Street Frontage of a Block
 - Only Applies to lots the Same Category and Type
- 20% Max of the Homes Located Along each Street Frontage of a Block can be the Same Color Scheme
- 50% Max of Houses Along Each Street Frontage of a Block Shall Have Front Facades with all or Predominantly Siding Above the Water Table
- Side Elevation of Corner Lots to Include Similar Architectural Elements & Articulations as Front Elevation

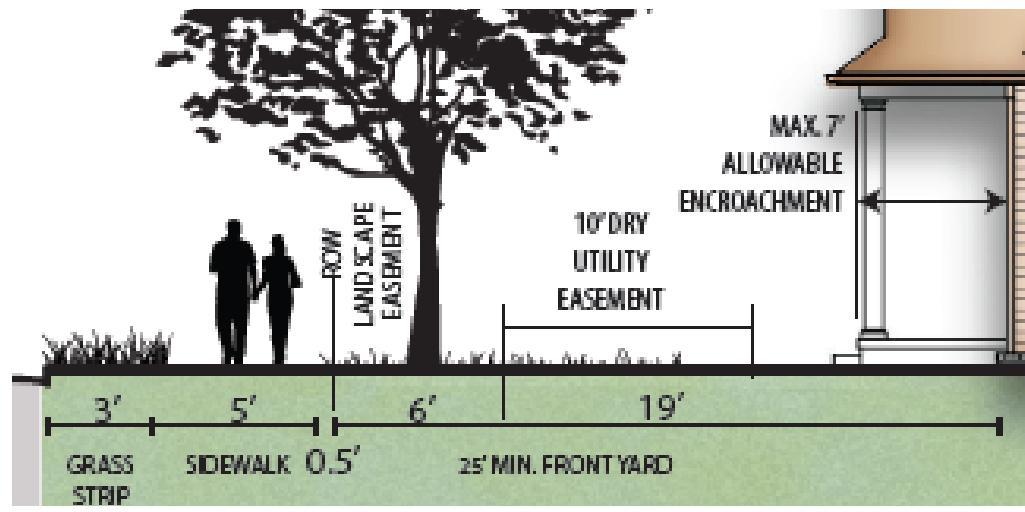
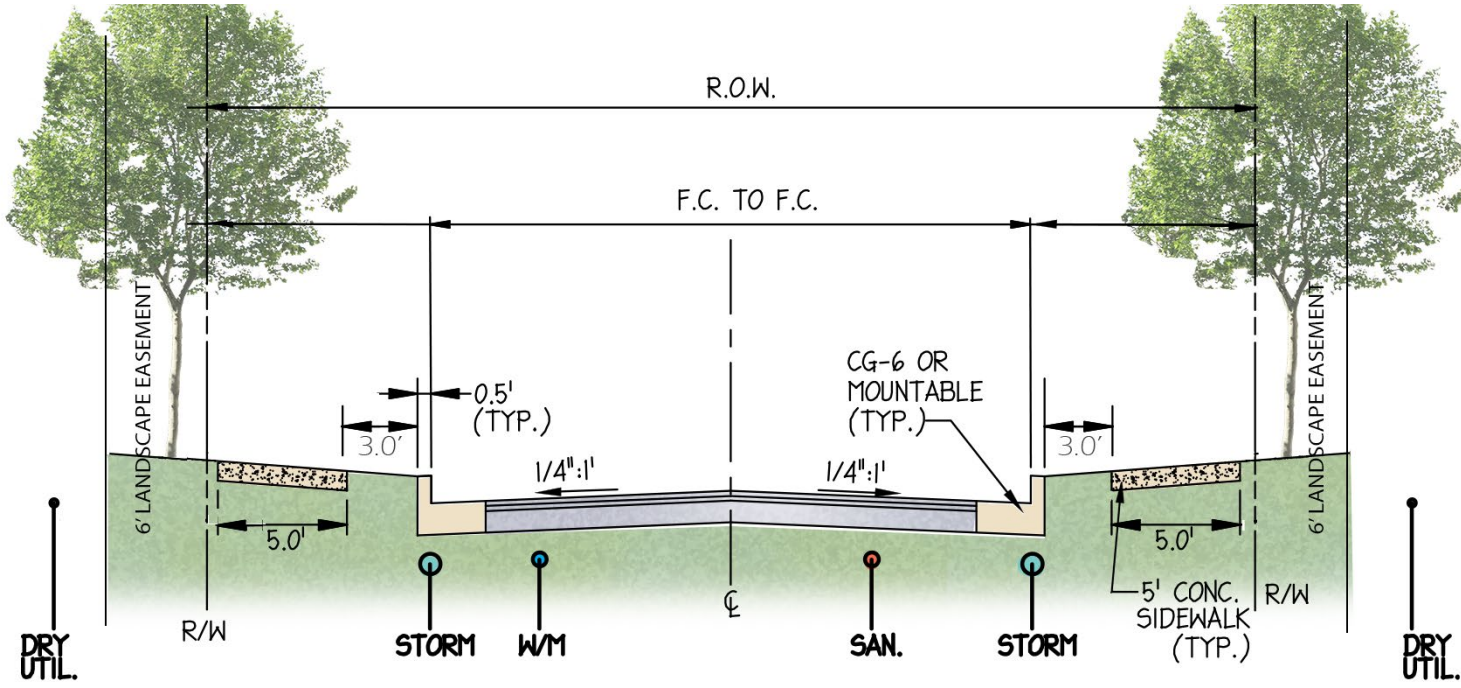
PROFFER SUMMARY



Proffers:

- Sustainable & Age-Friendly Community Design Elements
 - Green Building Practices
 - Universal Design Elements
 - 25% of Market Rate Units w/ have 1st Floor Bed/Bath
 - Age Friendly Amenities
- Residential Phasing
 - Max 100 Occupancy Permits per Year
- Landscape & Conservation
 - Incorporating Trees & Hedgerows into Design & Protecting them
 - No Wetlands, Floodplain or Archaeological Site on a Residential Lot
 - Signage near Archaeological Site
 - Additional Plantings/Buffering along Western Property Line
- Town/County Boundary Line Adjustment Assurances
 - Proffers & Exhibits (COD and CDP) will Continue to Bind the Development if the Property is adjusted into the Town

WAIVER REQUESTS



- Waiver Requests:**
- Allow 25' Front Yard Setback
 - ZO Requires 10' – 15'
 - Additional Area Needed to Accommodate Streetscape & Utilities
 - Allow Driveways to be 12' Wide
 - 10' Max per ZO
 - VDOT Requires 12' Min
 - Allows for Streets to be Designed to Town Standard
 - VODT Standards Required
 - Only if Incorporated into Town
 - Allow Side Loaded Garages to be Even with House
 - ZO requires 8' Setback from Front wall of House
 - Will be Subject Architectural Treatments

SCHOOL CAPACITY

School	School Capacity			Estimated Student Generation		
	95% Capacity	Current Enrollment	Available Seats	Base Zoning	Alternative A	Alternative B
Brumfield Elementary School	680	496	184	81	78	100
Taylor Middle School	807	610	197	34	34	43
Fauquier High School	1,552	1,163	389	41	40	51
Total	3,039	2,269	770	156	152	194

Schools:

- Brumfield Elementary School
 - 95% Capacity: 680
 - Seats Available: 184
 - Capacity Available for Arrington
 - Note:*
 - Gym Capacity 604 Students & Cafeteria Capacity 416 Students
- Taylor Middle School
 - 95% Capacity: 807
 - Seats Available: 197
 - Capacity Available for Arrington
- Fauquier High School
 - 95% Capacity: 1,552
 - Seats Available: 389
 - Capacity Available for Arrington



CAPITAL IMPACTS

Capital Impacts – Base Zoning (217 Units)			
Proffer Categories	County Model	Applicants' Proffer	Difference
Public School Facilities*	\$0.00	\$973,612.54	+\$973,612.54
Parks and Recreation Facilities	\$893,421.00	\$174,604.71	-\$718,816.29
Emergency Services / Public Safety	\$99,856.00	\$898,638.23	+\$798,782.23
TOTAL DEVELOPMENT	\$993,277.00	\$2,046,855.48	+\$1,053,578.48

Capital Impacts – Alternative A (211 Units)			
Proffer Categories	County Model	Applicants' Proffer	Difference
Public School Facilities*	\$0.00	\$400,461.90	+\$400,461.90
Parks and Recreation Facilities	\$832,009.00	\$156,902.85	-\$675,106.15
Emergency Services / Public Safety	\$100,734.00	\$807,532.05	+\$435,153.80
TOTAL DEVELOPMENT	\$932,743.00	\$1,364,896.80	+\$432,153.80

Capital Impacts – Alternative B (270 Units)			
Proffer Categories	County Model	Applicants' Proffer	Difference
Public School Facilities*	\$0.00	\$1,096,993.48	+\$1,096,993.48
Parks and Recreation Facilities	\$1,051,909.00	\$204,376.02	-\$847,532.98
Emergency Services / Public Safety	\$125,312.00	\$1,051,862.20	+\$926,550.20
TOTAL DEVELOPMENT	\$1,177,221.00	\$2,353,231.70	+\$1,176,010.70

*Note: The Public Schools contribution includes the costs associated with the entrance improvements, which are estimated to be \$250,000

Proffered Contributions:

- Schools: \$3,334.62 per Market-Rate Unit
 - Construction of Taylor Middle School
- Schools: \$250,000 LS
 - Estimated Construction Value for Brumfield Entrance/Potential Contribution
- Parks & Rec : \$804.63 per Market-Rate Unit
 - Improvements to Ex. Facilities & Construction of New Facilities
- Emergency Services: \$4,141.19 per Market-Rate Unit
 - Construction of a Fire and Rescue Station
 - Construction of a Public Safety Building
- Total Base Zoning: \$2,046,855.48
- Total Alternative A: \$1,364,896.80
- Total Alternative B: \$2,353,231.70
- Proffered Contributions Exceed County Model Estimates



OPEN SPACE SYSTEM MAP (BASE ZONING)

Planning Commission:

- Work Session Preview – June '23
- Public Hearing – August '23
 - 7 Speakers
 - Applicant's Representative
 - 5 Opposed – Potential Impacts
 - 1 No Clear Opinion
- Motion to Postpone
 - Motion not Seconded
- Motion to Recommend Denial
 - Motion Passed 3 – 1
 - One Commissioner Recused Himself

RENDERING



Application Updates Post PC:

- Base Zoning – 217 Lots
 - Minor Redesign of Southwest Hamlet to add Street Connection
- Alternative A – 211 Lots
 - 104 less units than PC version
 - Added 25 ac Unplanned Future Commercial Development
- Alternative A – 211 Lots
 - 107 less units than PC version
 - Added 25 ac Unplanned Future Commercial Development
- 25% of the Single-Family Detached Market-Rate Units will have 1st Floor Bedroom & Bathroom.
 - PC version was 21% Option
- Single-Family Detached Units & Affordable Townhomes will have Universal Design Elements
 - PC version was Optional on Market-Rate Units

Arrington

CODE OF DEVELOPMENT

REZN-22-017978





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OWNER
Alwington Farm, LLC

DEVELOPER/APPLICANTS
Alwington Farm Developers, LLC
1601 Grove Road
Charlottesville, VA 22910

Van Metre Communities LLC
9900 Main Street, Suite 500
Fairfax, VA 22031

CIVIL ENGINEERING, PLANNING & LANDSCAPE ARCHITECTURE
Bowman Consulting Group, LTD.
101 South Street, S.E.
Leesburg, VA 20175

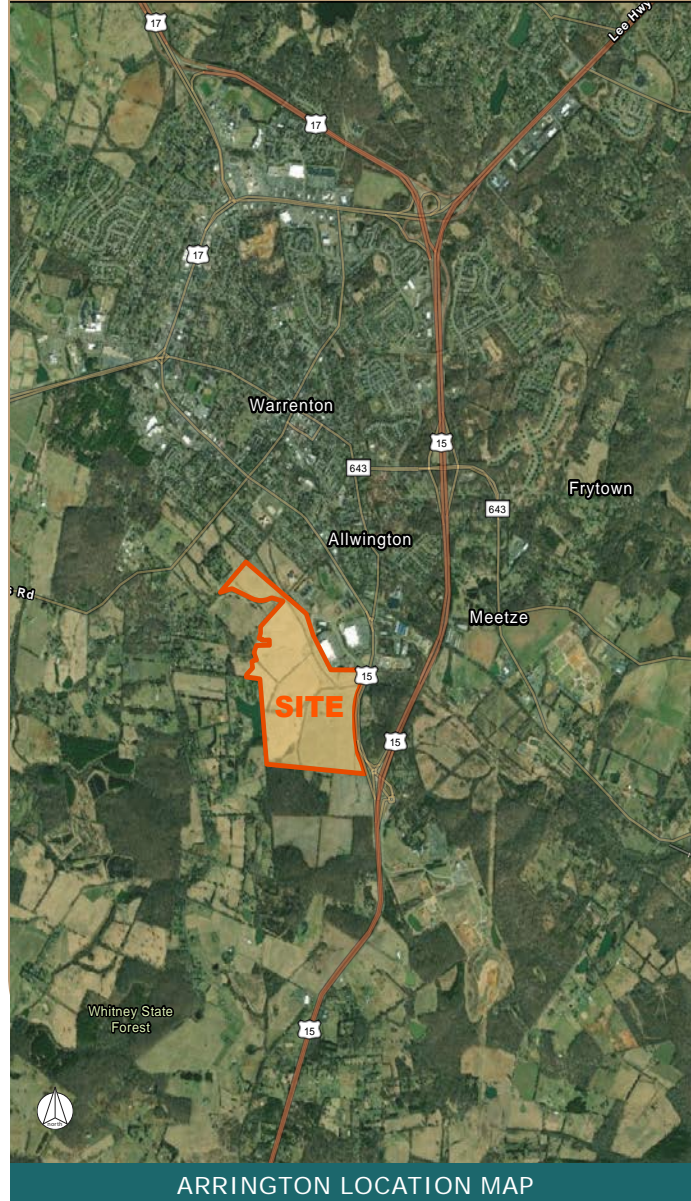
TRANSPORTATION ENGINEERING
Gorove Slade
4114 Legato Road
Suite 650
Fairfax, VA 22033

WASTEWATER ENGINEERING
SES Mid-Atlantic, LLC
9251 Industrial Court
Suite 101
Manassas, VA 20109

LEGAL
Attention: John Foote
Walsh Colucci Lubeley & Walsh
4310 Prince William Parkway
Suite 300
Prince William, VA 22192

This COD was prepared by:





DESCRIPTION OF THE PROJECT

Arrington is a development that organizes the design of homes, public spaces and environmental areas in a manner that complements and respects the traditional time-honored planning models of Warrenton and Fauquier County. Arrington embraces Traditional Neighborhood Design (TND) in a way that exemplifies the goals and objectives of the Planned Residential Development zoning district. Arrington is designed as a small, eclectic neighborhood that features the very best aspects of neo-traditional planning with an appreciation for the qualities that best represent Warrenton and Fauquier County. The community reflects the aesthetic form and warmth of older, established residential areas of Warrenton as well as the goals and objectives expressed in the recently adopted Town of Warrenton 2040 Plan and the Warrenton Service District Plan within the Fauquier County Comprehensive Plan. The Base Zoning plan for Arrington is comprised of a combination of residential blocks – each with homes constructed on lots of varying width and area, small pocket parks and internal open spaces served by a system of interconnected streets, sidewalks and trails providing multi-modal connectivity to nearby schools, shopping, recreation and services. Arrington is envisioned and designed as a walkable community. The residences will be of a Piedmont vernacular and vary in category, type, architectural style, form, and roof line (e.g. Federal, Colonial



Revival, Bungalow, American Foursquare, and Contemporary Variations – each specifically detailed in Part IV), floor area, and garage orientation.

The Arrington community will consist of two-hundred seventeen (217) residential lots under the Base Zoning plan. The base density at Arrington is 0.93 dwelling units per acre. Two alternative development plans are proposed which depend on inclusion of Arrington within the corporate boundaries of the Town of Warrenton, availability of public water and sewer service, and, with Alternative B, the availability of off-site right-of-way for the construction of the off-site portion of Phase 2 of the northerly extension of Alwington Boulevard.

Development Alternative A consists of two hundred and eleven (211) residential lots, of which 16 lots are reserved for the construction of affordable housing units, with a density of 1.01 dwelling units per acre. This alternative includes twenty-five (25) acres to be developed in accordance with the regulations of the Town's Commercial (C) Zoning District assigned to this area by the Town of Warrenton during the Town/County boundary line adjustment process. Development of the Arrington community under this alternative is subject to the inclusion of Arrington within the corporate boundaries of the Town of Warrenton and the availability of public water and sewer service.

Development Alternative B consists of two hundred and seventy (270) residential lots, of which 16 lots are reserved for the construction of affordable housing units. Proposed density of this plan is 1.29 dwelling units per acre. This alternative includes twenty-five (25) acres to be developed in accordance with the regulations of the Town's Commercial (C) Zoning District assigned to this area by the Town of Warrenton during the Town/County boundary line adjustment process. Development of the Arrington community

under this alternative is subject to the inclusion of Arrington within the corporate boundaries of the Town of Warrenton, the availability of public water and sewer service, as well as availability of off-site right-of-way for the construction of the off-site portion of Phase 2 of the northerly extension of Alwington Boulevard.

Arrington contains a traditional, substantially rectilinear pattern of blocks and interconnecting streets and alleys that are oriented to the pedestrian rather than the automobile. Informal Parking is provided along the public streets creating a streetscape consistent with the character of Warrenton and other historic towns. Single-family houses have garage access via alleys in certain blocks. Where residential units are front loaded with driveway access to the public street, the architectural standards require the garage to be set back from the front of the house ensuring that the garages are not a prominent feature of the streetscape. Street trees are required along both sides of public streets within landscape easements on each lot adjacent to the public sidewalks. The number of street trees to be planted shall result in an average density of one tree per 40 feet of block frontage with spacing to be adjusted based on site design constraints. In addition, the same species must be located on both sides of each street, although a different complimentary species is allowed at intersections.



Located throughout Arrington are various public spaces including large parks, pocket parks and other open spaces. They are interconnected by sidewalks and are easily accessible to the public. These spaces contain active and passive recreation uses. Many of the natural and environmentally sensitive areas such as wetlands have been preserved and protected. The key open space areas and their amenities are further defined in Part II.

Arrington requires a variety of lot areas, setbacks and widths. Additionally, variety in architectural style, form and resulting roof lines is also required. Houses are required to greet the public domain with varying front setbacks which are a minimum of 25 feet from the lot line to the house (porches and other building features may encroach into the setback). Specific architectural standards and lot layout diagrams for each housing category and type are located in Part III the Code of Development, assuring that Arrington will be a traditional neighborhood development that contains the lot design and variety of architecture inherent in neo-traditional towns and communities.





ILLUSTRATIVE PLAN

The Base Zoning Development Plan consists of two-hundred seventeen (217) residential lots with a density of 0.93 dwelling units per acre. This is the same number of residential lots that was approved under the original Arrington PRD Rezoning in 2015.



ARRINGTON ILLUSTRATIVE PLAN (ALTERNATIVE A)

The Alternative A Development Plan consists of two hundred and eleven (211) residential lots with a density of 1.01 dwelling units per acre, an eating establishment, and a small hotel/inn limited to a maximum of 15 rooms. This alternative is subject to the inclusion of Arrington within the corporate boundaries of the Town of Warrenton and the availability of Town public water and sewer service. With town sewer, there is no need for the discharge dispersal area located south of Turkey Run. The increase in developable ground allows for 71 single-family attached (townhouse) and single family detached units with a hotel/inn and eating establishment/restaurant in this location. In addition, Alternative A includes twenty-five (25) acres (Land Bay W) to be developed in accordance with the regulations of the Town's Commercial (C) Zoning District assigned to this land bay by the Town of Warrenton during the Town/County boundary line adjustment process.



ARRINGTON ILLUSTRATIVE PLAN (ALTERNATIVE B)

The Alternative B Development Plan consists of two-hundred and seventy (270) residential lots of which 16 are to be affordable housing units, with a density of 1.29 dwelling units per acre, an eating establishment, and a small hotel/inn limited to a maximum of 15 rooms. This alternative is subject to the inclusion of Arrington within the corporate boundaries of the Town of Warrenton, the availability of Town public water and sewer service, as well as availability of off-site right-of-way for the construction of Phase 2 of the north-erly extension of Alwington Boulevard. Alternative B includes twenty-five (25) acres (Land Bay W) to be developed in accordance with the regulations of the Town's Commercial (C) Zoning District assigned to this land bay by the Town of Warrenton during the Town/ County boundary line adjustment process.

PROCESS

In accordance with these Building and Lot Requirements (the “BLRs”) for the development of the Arrington community, all new construction shall conform to the building and lot requirements, and design and construction operation requirements, set forth below. The requirements set forth herein cover a broad scope of design elements including, but not limited to, lot layout of building and accessory structures (including garages and driveways), architectural design elements and requirements, fencing, lighting and landscape design and installation. The intention of these regulations is to ensure a consistent level of high quality design throughout the community.

All house grading and landscape plans, as well as the architectural design and details of each home to be constructed within the Arrington community, shall be submitted by the builder (“Builder”) and approved by the Arrington Conservancy Architectural Review Committee (“ARC”) before construction commences. ARC approval does not relieve the applicant of the responsibility of obtaining all other necessary approvals and permits required by Town of Warrenton, Fauquier County, the Commonwealth of Virginia, and/or other governmental agencies having jurisdiction over the construction of the same.

INITIAL ARCHITECTURAL REVIEW COMMITTEE:

MEMBERSHIP

The role of the ARC is the review and approval of use, site planning, appearance, architectural design, and aesthetics of lots and homes in the Arrington community.

The ARC shall consist of three members, two of whom shall be appointed by the Declarant, and the third of whom shall be appointed by

the applicable jurisdiction at its discretion. The ARC will select an architect to advise it as to conformance of applications with these BLRs. The Architect shall be licensed to practice architecture in the Commonwealth of Virginia, shall possess a minimum of ten years of experience in working with Architectural Review Boards for historic districts, and traditional neighborhood design developments, and shall have completed previous projects that incorporate historical and/or agrarian community architectural styles found in Warrenton, Fauquier County and the broader Virginia Piedmont. Each of the three members shall have an equal vote.

Following completion of construction (defined herein as the issuance of the final certificate of occupancy of the first home constructed on 95% of the residential lots subject to these BLRs), and/or in the event the jurisdiction surrenders in writing its right to select a member of the ARC, whichever first occurs, the Declarant shall thereafter appoint all three members of the ARC.

NON-LIABILITY

Neither the ARC nor its members, their successors, agents, consultants, representatives, employees, or attorneys, shall be liable for damages, or other relief of any kind whatsoever, to anyone submitting plans to it for approval, or to any applicant, by reason of mistake in judgment, negligence arising out of any action of the ARC with respect to any submission, for failure to follow these BLRs, or for the performance or non-performance of any duty or responsibility assigned hereunder.

ACCURACY OF INFORMATION

Any person submitting plans to the ARC shall be responsible for verification and accuracy of all components of such submission, including, without limitation, all site dimensions, grades, elevations, utility locations, and other pertinent features of the site or plans.

REGULATORY COMPLIANCE

It is the responsibility of any Builder to obtain all necessary permits and ensure compliance with all applicable governmental regulations and other requirements. Plans submitted for ARC review shall comply with all applicable building codes, zoning regulations, and the requirements of all governmental entities having jurisdiction over the building project or the property. Regulatory approvals do not preclude or supersede the authority and responsibility of the ARC, which is independent of any other agency or entity with jurisdiction and which is established by the BLRs. It is not the responsibility or function of the ARC to review submissions for compliance with applicable governmental regulations and it will decline to do so.

NEW CONSTRUCTION APPROVAL PROCEDURES

Builders constructing new homes, or any commonly owned community facilities, shall submit plans therefor for review and approval by the ARC.

- Applications for plan approval: A submittal package (referred to herein as the “Application”) shall include two copies of house plot plans including, among other things, driveway layout with lot grading, and landscaping plans (including detailed plant lists), architectural floor plans and elevations, material samples, color palette samples, light fixtures (diagram or photograph), and details of any proposed decking or fencing. The application shall also include a tabulation showing compliance with corresponding Lot Standards for the Lot Category and Type as well as the Lot Mix Per Block standards and Unit Mix table listed in Part II and the Lot Layout Variety requirements set forth within Part III. The ARC may request additional materials that it deems necessary to complete a proper review of any building or other plans required hereby.

- **ARC Review and Approval:** The ARC will review the submission within fourteen (14) calendar days of receipt of a complete Application. The Applicant will within that time receive written approval (that may include conditions thereon), or written disapproval stating the bases for disapproval. Approval by the ARC does not relieve the applicant of the responsibility of obtaining all other necessary approvals and permits required by the Town of Warrenton, Fauquier County, the Commonwealth of Virginia, and/or any other agency having jurisdiction over the project.

Notification of the ARC’s final approval constitutes a binding agreement and commitment between the Builder and the ARC, and deviation from approved plans is prohibited without formal modification thereof pursuant to the procedures established herein.

The Committee’s action on any Application shall be in its sole discretion and shall be final and unappealable.

SUBMISSION OF A CODE OF DEVELOPMENT SITE PLAN:

The County’s process under the PRD zoning for the submission of a Code of Development Site Plan shall be followed, including the submission of additional information as necessary to determine compliance with this Code of Development. A Code of Development Site Plan shall be submitted for administrative approval by the Zoning Administrator. A Code of Development Site Plan may include any combination of grading, infrastructure, lots or buildings for any portion of the development subject to phasing and proffers, provided it is consistent

with the approved Concept Development Plan (CDP) referenced in this Code of Development. The established process for issuance of Land Disturbing Permits associated with site plans, infrastructure plans, and all construction plans involving land disturbance shall also be followed subsequent to the approval of a Code of Development Site Plan.

SUBMISSION OF FINAL PLATS:

The County’s process under the PRD zoning and the applicable Subdivision Ordinance for the submission of a Final Plat shall be followed, including the submission of additional information as necessary to determine compliance with this Code of Development and the approved Code of Development Site Plan.

SUBMISSION OF BUILDING/ZONING PERMITS FOR INDIVIDUAL HOUSES OR OTHER STRUCTURES:

The established process for Building/Zoning Permits shall be followed, except that:

- A review by the ARC for compliance with the Code of Development shall occur. The ARC review shall be completed prior to submittal for zoning review for Zoning/Building Permits.
- A copy of the ARC’s approval letter, the Application and all supporting materials submitted to the ARC shall be submitted with the building plans. Compliance with the Code of Development shall be required for issuance of a Zoning or Building Permit.
- Every structure on a residential lot, including all sheds (even those less than 150 square

feet) and residential fences shall require a zoning permit.

- Upon completion of construction and prior to issuance of an occupancy permit for each house, the Owner shall submit to the County a copy of a letter issued by the ARC which confirms that such house was constructed in substantial conformance with the approved ARC application.

DEVIATIONS FROM THE CODE OF DEVELOPMENT:

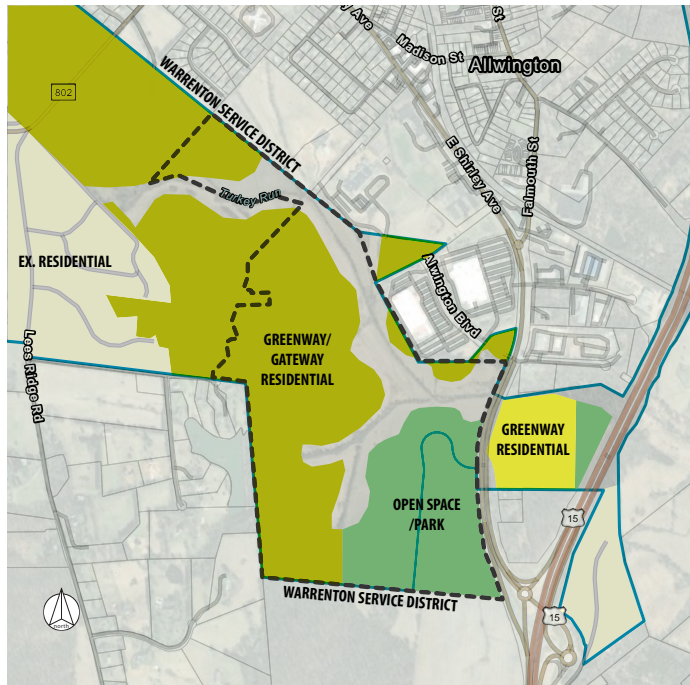
The developer/applicant shall comply with the provisions of this Code of Development, provided that the Zoning Administrator shall have the authority and discretion to approve certain deviations from the requirements within the parameters specifically set forth in this Code. Deviations beyond those authorized by the language of this Code or the Proffer Statement shall be considered an amendment to the Arrington rezoning and shall require a rezoning and/or proffer amendment application, as determined by the jurisdiction.

APPEALS:

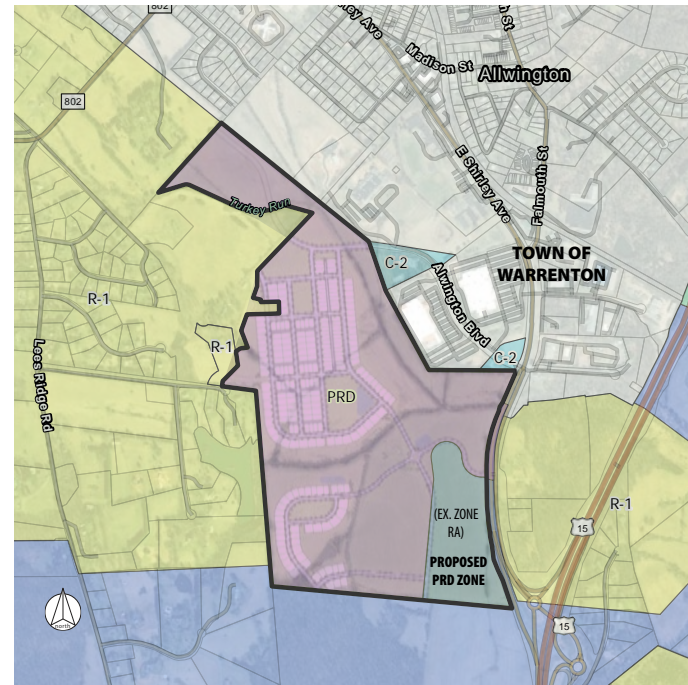
An appeal of any Zoning Administrator decision related to the interpretation of this Code of Development shall be made to the governing authority, following the established procedures for appeals of proffer interpretations.

DEVIATIONS IN PROCESS:

Should the jurisdiction amend the Zoning or Building Permit approval process or the approval authority, Arrington shall be required to follow that amended process.



EXISTING SERVICE DISTRICT MAP

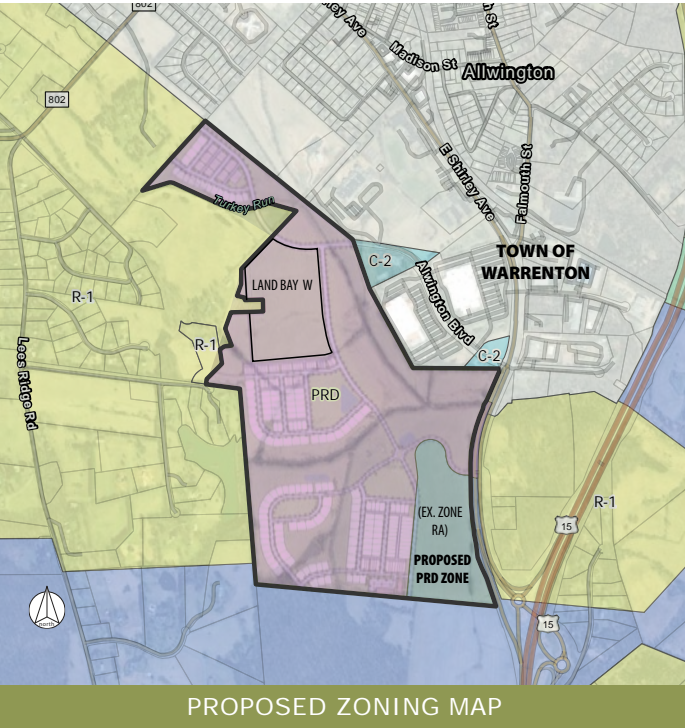
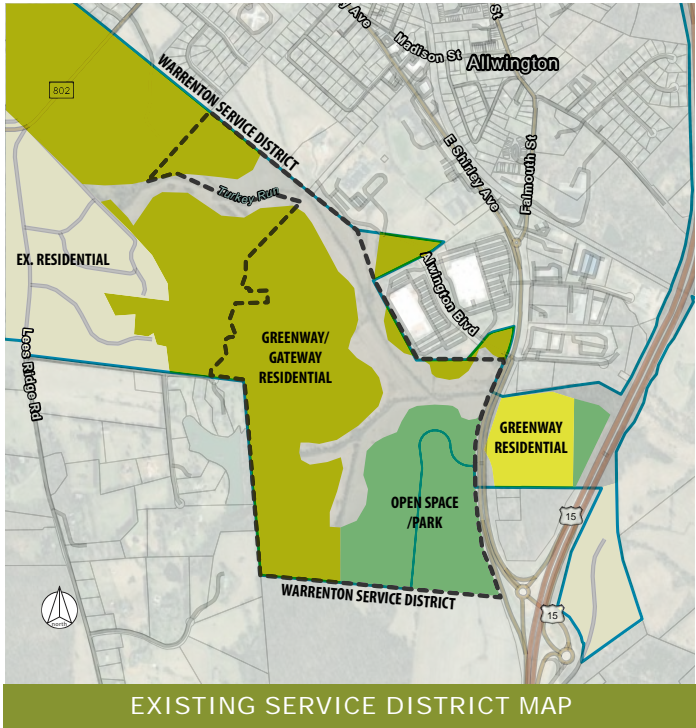


PROPOSED ZONING MAP

LAND USE - BASE ZONING

The Arrington development program includes residential uses consisting of single family dwellings on lots with varying lot frontages in a village design consistent with the Greenway/Gateway Residential objectives outlined in the Warrenton Service District Plan. Approximately 27 acres of the property was subject of a recent change in land use designation from “Rural” to “Open Space or Park” and inclusion within the Warrenton Service District. As illustrated in the Development Program Chart below, the 217 residential lots proposed under the current Base Zoning Plan is the same as the 217 residential lots approved under the 2015 Rezoning even though the acreage of the community has been increased by the 27 acres. Further, the number of lots with alley-oriented garages has been increased from 55 lots (25.3% of total) to 74 lots (34.1%) to further emphasize the neo-traditional design of the Arrington community and its conformance to the objectives for this property outlined in the Warrenton Service District Plan.

DEVELOPMENT PROGRAM - BASE ZONING									
2015 APPROVED REZONING					2022 PROPOSED REZONING (BASE)				
COMMUNITY SECTOR	LAND AREA (acs.)	TOTAL NO. OF LOTS	FRONT/SIDE LOAD (MAX)	REAR LOAD (MIN)		LAND AREA (acs.)	TOTAL NO. OF LOTS	FRONT/SIDE LOAD (MAX)	REAR LOAD (MIN)
PRD HAMLETS:									
VIGNERONS		63	49	14	CENTRAL		174	100	74
MERITAGES		53	45	8					
COOPERS VALLEY		52	37	15					
VINTNERS		49	31	18	SOUTHWEST		43	43	0
					SOUTHEAST				
					CENTRAL SFA				
					NORTH				
TOTAL	206.43	217	162	55	TOTAL	234.09	217	143	74
DENSITY =	1.05	lots/ac	74.7%	25.3%	DENSITY =	0.93	lots/ac	65.9%	34.1%



LAND USE - ALTERNATIVES A & B

The alternative Arrington development programs includes a core of single family dwellings on lots with varying lot frontages, market-rate and affordable townhomes, and a commercial component that includes an eating establishment and a hotel (inn) within a neo-traditional village design. The “village” will be bordered on the south and east by preserved open space and on the north by a 25-acre community commercial center to be developed in accordance with the regulations of the Town of Warrenton’s Commercial (C) Zoning District. The open space on the south and east will preserve the rural character of the southern gateway to the Town of Warrenton consistent with the Greenway/Gateway Residential objectives outlined in the Warrenton Service District Plan. The 25-acre community commercial center located adjacent to Alwington Boulevard and in close proximity to existing larger retail development provides the Town of Warrenton with the opportunity to expand the Greenway and Makers District established within the Plan Warrenton 2040 vision of “maintaining the district as a commercial hub for services while allowing for mixed use”.

DEVELOPMENT PROGRAM - ALTERNATIVES A & B								
2022 PROPOSED REZONING (ALT A)					2022 PROPOSED REZONING (ALT B)			
COMMUNITY SECTOR	LAND AREA (acs.)	TOTAL NO. OF LOTS	FRONT/SIDE LOAD (MAX)	REAR LOAD (MIN)	LAND AREA (acs.)	TOTAL NO. OF LOTS	FRONT/SIDE LOAD (MAX)	REAR LOAD (MIN)
PRD HAMLETS:								
CENTRAL		60	40	20		60	40	20
SOUTHWEST		43	43	0		43	43	0
SOUTHEAST		71	27	44		71	27	44
CENTRAL SFA		37		37		37		37
NORTH						59	17	42
TOTAL	209.09	211	110	101	209.09	270	127	143
DENSITY =	1.01	lots/ac	52.1%	47.9%	1.29	lots/ac	47.0%	53.0%

PERMITTED USES:PRINCIPAL USES PERMITTED (PER ZO 4-103)

- A. Detached, single family dwellings
- B. Attached, single family dwellings including duplex, townhouses, atrium houses, and patio houses

SECONDARY USES PERMITTED (PER ZO 4-104)

- A. Parks, playgrounds, community centers and non-commercial recreational and cultural facilities such as tennis courts, swimming pools, game rooms, libraries and related facilities.
- B. Electric, gas, water, sewer, and communication facilities, including transformers, pipes, meters, pump stations and related facilities for distribution of local service.
- C. Intentionally Deleted
- D. Accessory uses and structures including home occupations, storage buildings, and detached garages
- E. Temporary buildings, the uses of which are incidental to construction during development being conducted on the same or adjoining tract or section which shall be removed upon completion or abandonment of such construction.
- F - H. Intentionally Deleted
- I. Eating establishments (maximum floor area of 8,000 square feet)
- J - R. Intentionally Deleted
- S. Farmer's market
- T. Intentionally Deleted
- U. Commercial/Office uses collocated with residential dwelling units
- V. Bed and breakfast, inn (maximum of 15 guest rooms)

GENERAL USE LIMITATIONS:

Unless otherwise specified under a specific provision of this Code of Development, all uses shall conform to the following use limitations and performance standards of the Fauquier County Zoning Ordinance:

1. Section 2-502: Limitations on the Occupancy of a Dwelling Unit
2. Section 2-508: Limitations on Junk and Inoperable Vehicles
3. Section 2-510: Sales from Vehicles
4. Section 2-512: Limitations on Keeping of Animals
5. Section 2-600: Common Open Space and Common Improvement Facilities
6. Article 5: Administrative Permits, Special Permits and Special Exceptions
7. Article 8: Signs
8. Article 9: Performance Standards
9. Article 11: Telecommunications Ordinance

ACCESSORY USES (PER ZO 6-102)

The following accessory uses shall be allowed within Arrington in conjunction with and incidental to, and on the same lot as the principal use, provided that all other requirements of this Code of Development are also met:

- 1-3. Intentionally Deleted
4. Child's play house not to exceed 100 SF & play equipment
- 5-7. Intentionally Deleted

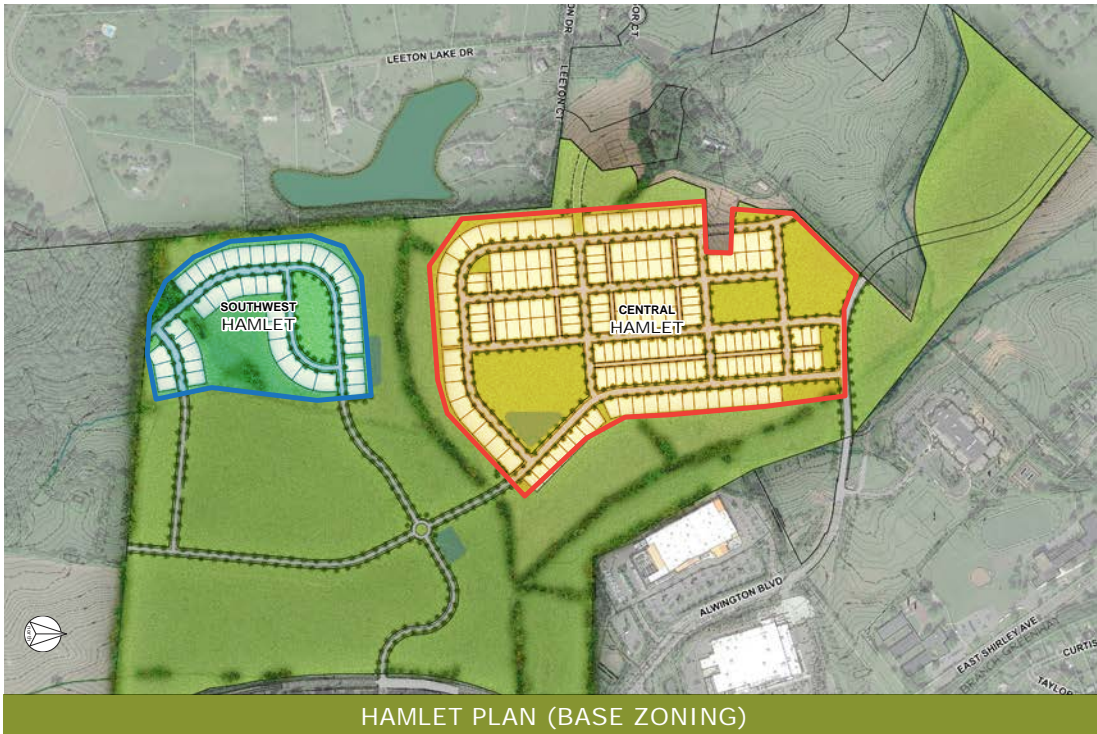
8. Gardening
9. Intentionally Deleted
10. Parking and loading spaces, off-street, as regulated by Article 7.
- 11-17. Intentionally Deleted
18. Statues, arbors, trellises, barbecue stoves, flagpoles, fences, walls and hedges. Maximum height for fences is 6 feet located to the rear of the front façade of the house.
19. Intentionally Deleted
20. Storage structures incidental to a permitted use.
21. Swimming pool and bathhouses, private.
22. Tennis, basketball or volleyball court and other similar private outdoor recreation uses.
- 23a. Intentionally Deleted
24. Intentionally Deleted
25. Yard/garage sales access to residential uses (per ZO).
- 26-29. Intentionally Deleted
30. A Family day home for four or fewer children.
31. The letting for hire of not more than two rooms to not more than two persons for periods no shorter than one month.
- 32-33. Intentionally Deleted

The Arrington community will include multiple hamlets, primarily separated by natural stream valleys and tree lines. Each hamlet will include open space area(s) designated for passive and/or active uses. Each hamlet will include pedestrian sidewalks and will include multi-modal connectivity to the other hamlets via streets and sidewalks/trails.

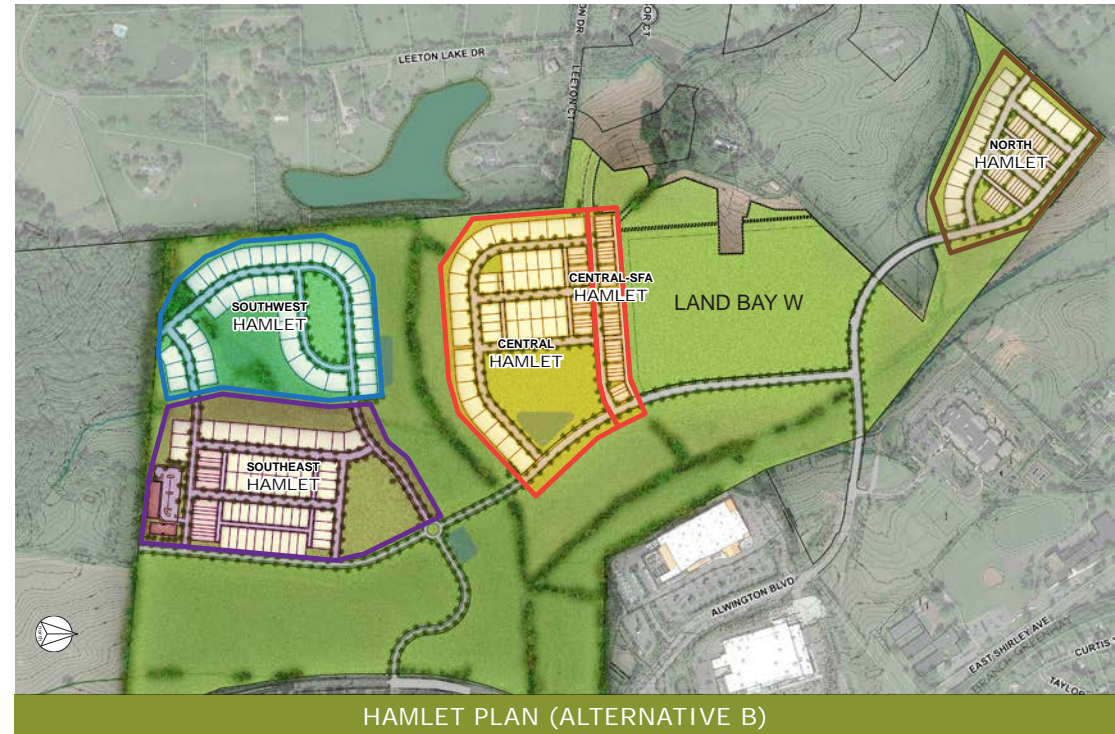
The configuration of Arrington’s hamlets implements clustered development that will protect the site’s natural beauty and views as shown on the exhibit below, with the category, type, and number of lots within each hamlet detailed in the chart on page 10.

Notes:

1. The number of lots within each hamlet per category and type as well as total are approximate and are subject to change during preparation of the Code of Development Site Plan up to a maximum of ten percent (10%) per category and type within each hamlet and five percent (5%) for the total number of lots within a hamlet
2. The total number of lots may not exceed 217, 211, and 270 units for the Base Zoning, Alternative A, and Alternative B plans respectively.
3. The location of lots with alley-oriented garages may be shifted from block to block within each hamlet but the total number of lots with alley-oriented garages for such hamlet may not be reduced, notwithstanding Note #1 above.



HAMLET PLAN (BASE ZONING)



HAMLET PLAN (ALTERNATIVE B)

GENERAL REQUIREMENTS

STREETS:

All streets, excluding alleys, shall be public streets. Alleys shall be private streets owned and maintained by the HOA. All public streets and alleys shall be designed in a manner consistent with the typical sections shown on the subsequent pages subject to any modifications required to meet the applicable

jurisdictional design standards and specifications. Arrington has been designed to provide an interconnected street grid within the community with strategically located access points for future interparcel connectivity. This street grid design encourages a more friendly pedestrian circulation system, provides for dispersion of traffic, and

improves life safety response times. Temporary turnarounds at inter-parcel access points and signage indicating possible future street extension will be provided if required by the applicable jurisdictional design standards and specifications.



STREET REGULATING PLAN (BASE ZONING)



VDOT ROUNDABOUT



ALWINGTON BLVD. EXTENSION THROUGH FLOODPLAIN



PROPOSED CONNECTION TO WARRENTON WATER SYSTEM



STREET REGULATING PLAN (ALTERNATIVE A)



ON-STREET PARKING:

Informal on-street parking shall be provided along one or both sides of all residential streets within the public right-of-way subject to approval by the applicable governmental authority with jurisdiction over such public right-of-way.

UTILITIES AND EASEMENTS:

All underground utilities shall be located as set forth in this section. Public sewer and water lines shall be within the public right-of-way where possible based on standard engineering practices. Dry utilities serving lots with alley access shall be placed within the alley subject to utility provider approval.

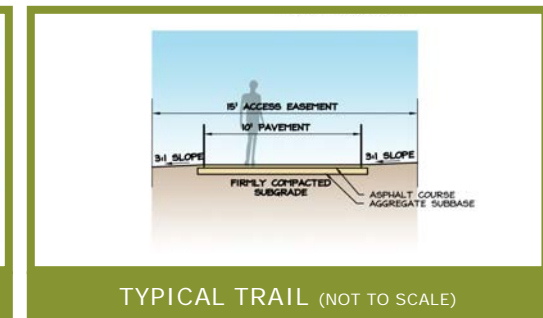
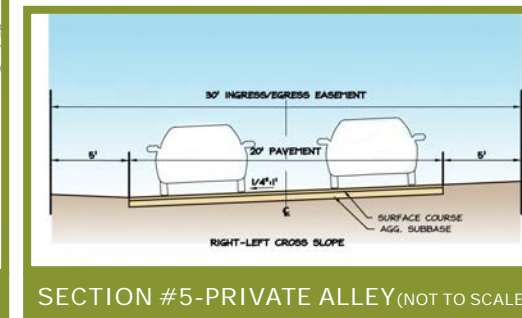
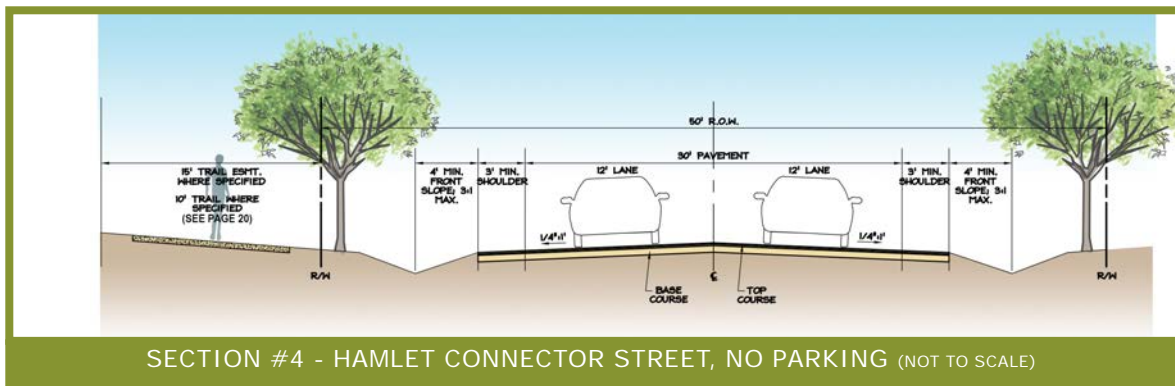
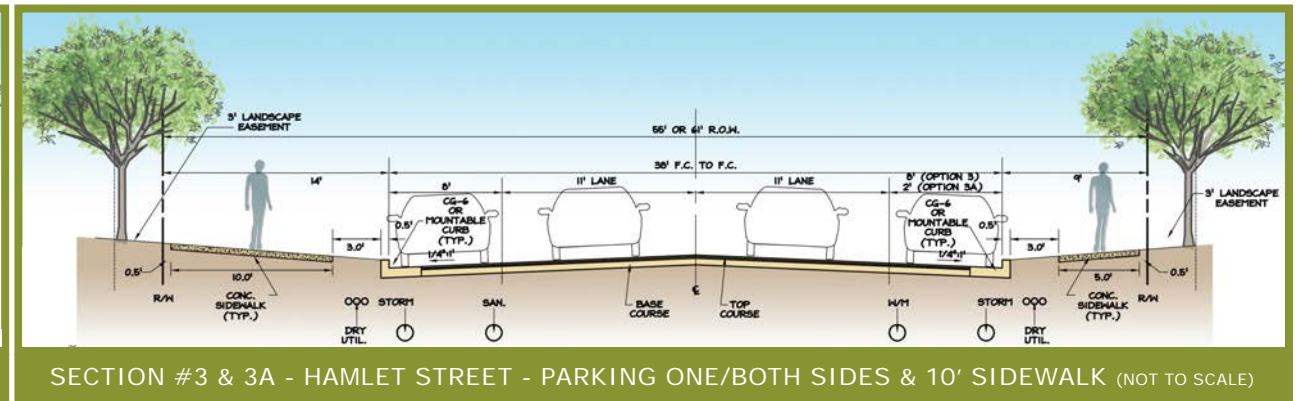
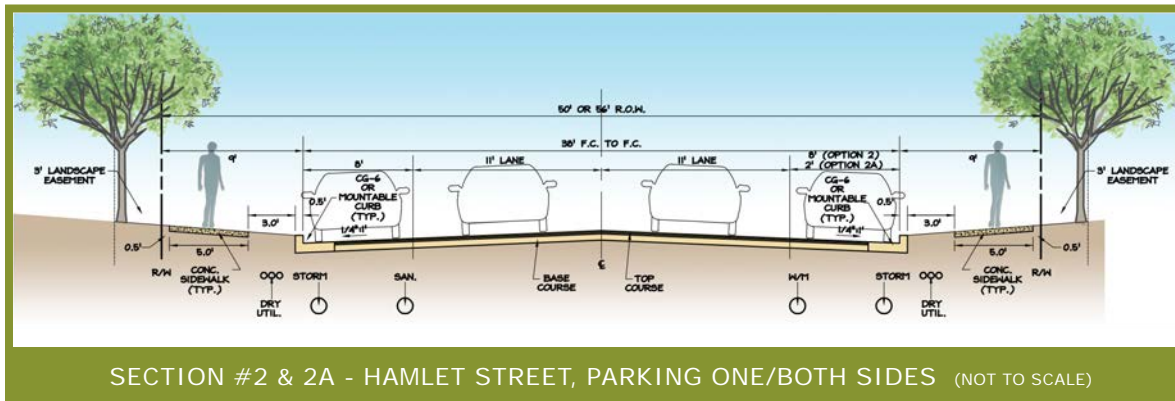
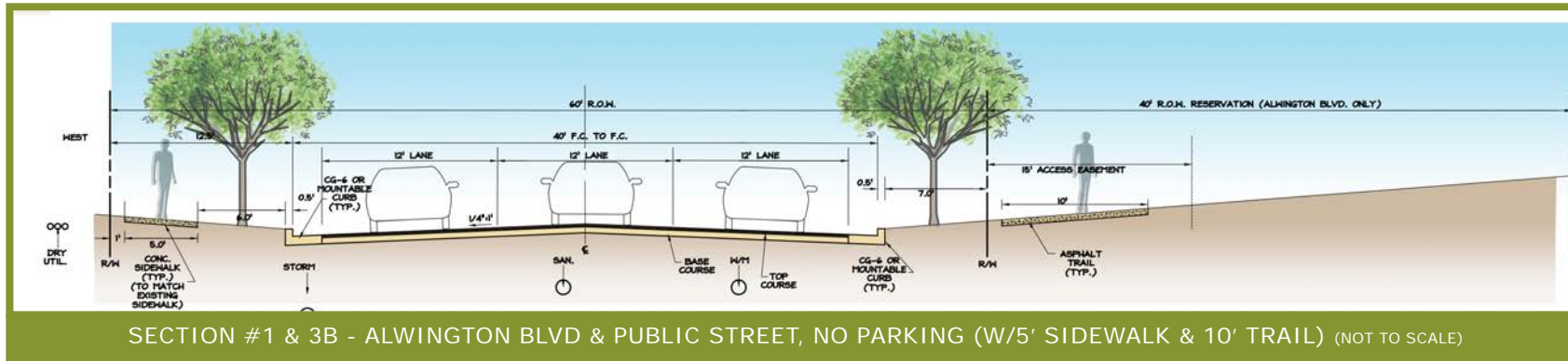
STREETScape:

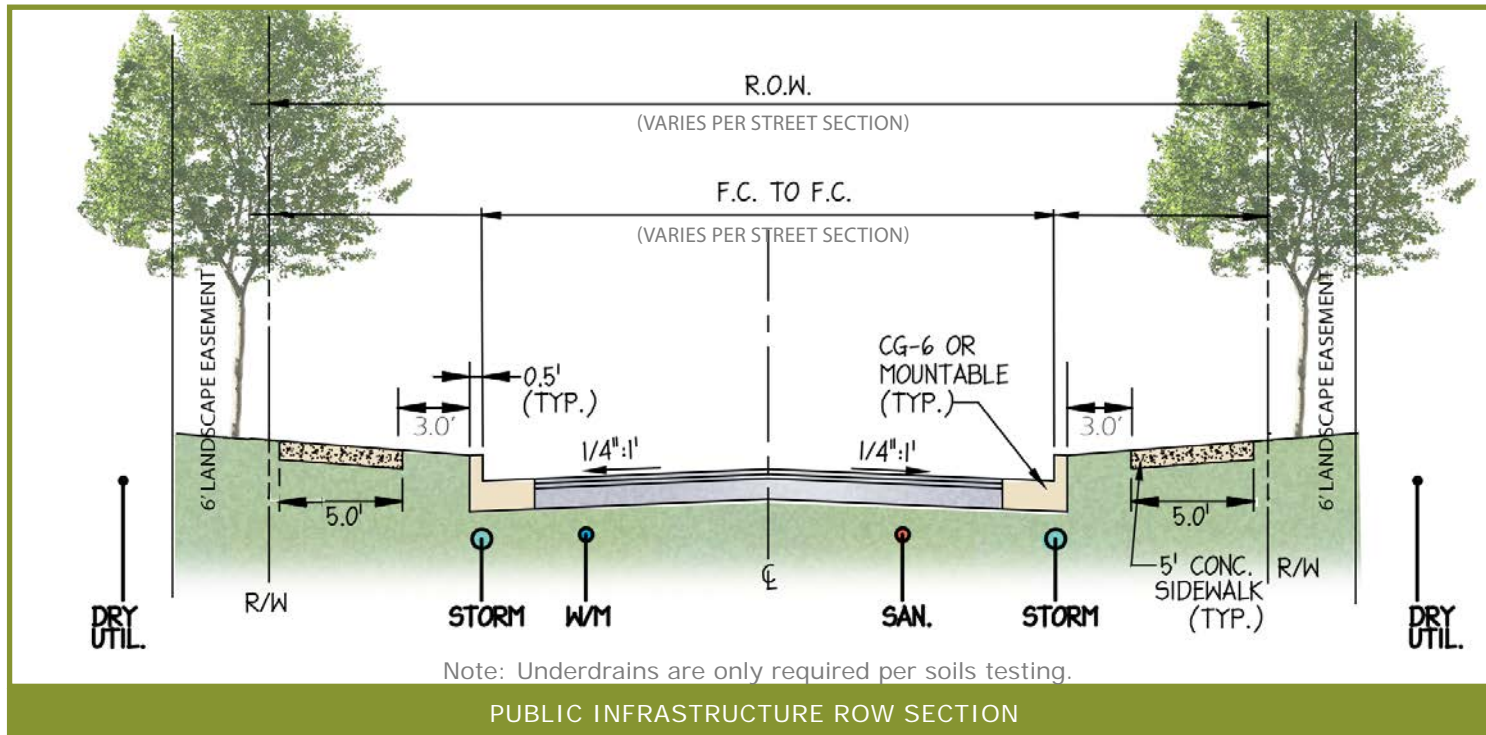
Streetscape elements including street trees, sidewalks, crosswalks and street lights shall be provided as set forth in this section.



STREET REGULATING PLAN (ALTERNATIVE B)

Typical Sections





PUBLIC INFRASTRUCTURE ROW SECTION



TRANSFORMERS/UTILITY BOXES



UTILITIES AND EASEMENTS

LOCATION:

All utilities and utility easements will be located in a manner that supports the goal of creating traditional character within Arrington. All new utility lines shall be placed underground. Wet utility lines/easements will be located within the public right of way to the greatest extent possible. Dry utility lines/easements will be allowed to be placed within front yards to the extent such placement does not interfere with required landscaping or other required elements of the plan. To the extent achievable, shared easements and easements of reduced width will be utilized as allowed by various dry utilities.

FIRE HYDRANTS:

Placement of fire hydrants shall occur at locations that minimize disruption to on-street parking (such as street corners) subject to fire and rescue approval and in conformance with fire and rescue standards.

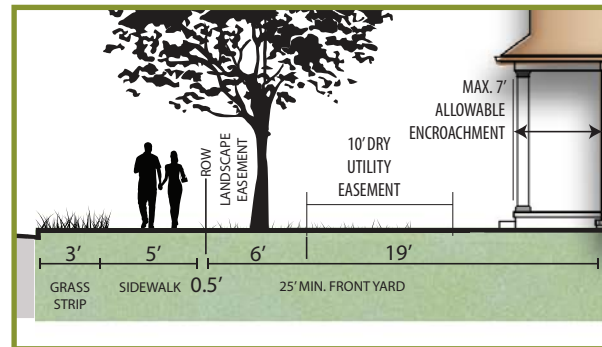
Streetscape

STREETSCAPE:

The streets within Arrington are designed to reflect the traditional neighborhood character of the development, as well as their carrying capacity. The goal is to provide narrow, traffic-calmed streets with on-street parallel parking in keeping with traditional forms of development. Every hamlet street is lined with sidewalks and canopy trees, helping to create an environment that accommodates cars, but also welcomes pedestrians to walk through the neighborhood. Streetscape features shall include pedestrian scale street lights. Standards for lighting are found on the following page.

STREET TREE REQUIREMENTS:

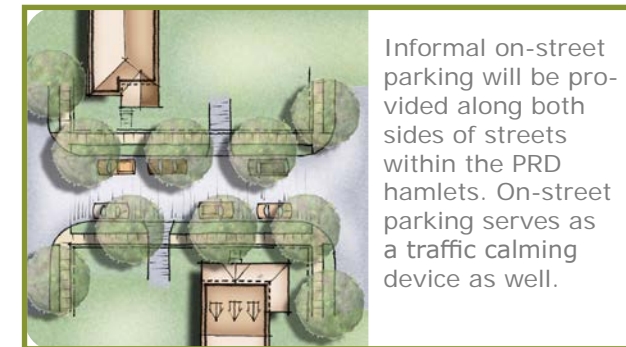
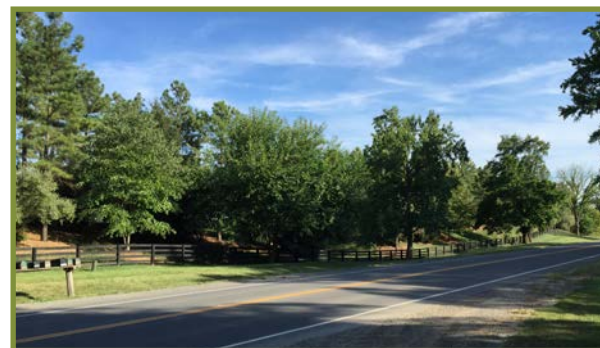
1. Every street shall have street trees planted on both sides of each street adjacent to the public sidewalks or trails.
2. Street trees shall generally be located just outside the right-of-way within landscape easements on each lot located between the sidewalk and house. The number of street trees to be planted shall result in an average density of one tree per 40 feet of cumulative block frontage. Spacing and location may be adjusted in order to create unique effects and to accommodate utility crossings and other site design constraints.
3. Street trees shall be selected from those listed in the table titled Appropriate Street Trees at Arrington in Appendix C. The list highlights specific cultivars of tree types specifically recommended for street tree use in Virginia by VDOT and the Virginia Tech Department of Forestry.
4. Street trees shall be planted in a manner that helps to create special character and identity for individual streets. This shall be accomplished by using the same tree type along both sides of the street, and varying that type from street to street.



TYPICAL STREETSCAPE

SIDEWALK NOTES:

1. Concrete sidewalks shall be provided as shown on the typical street section.
2. Score joints shall be provided to demark the limits of sidewalk through driveway aprons subject to jurisdictional approval.
3. Sidewalks shall be constructed so there is no change in grade at the driveway apron, subject to jurisdictional approval.



ON-STREET PARKING

Informal on-street parking will be provided along both sides of streets within the PRD hamlets. On-street parking serves as a traffic calming device as well.



PEDESTRIAN STREET LIGHTS:



DOMINION CUTOFF ACORN FIXTURE

Comparable HID Wattage	Finish Color	Initial Lamp Lumens	Lighting Pattern	Correlated Color Temperature (CCT)	Input Wattage
70	Black	3838	Type III	3000K	45
100	Black	5472	Type III	3000K	66
150	Black	8133	Type III	3000K	111

The illumination of streets will be provided in accordance with the following standards:

1. Street lights shall be provided along every street with a sidewalk or trail.
2. Street lights shall be a maximum of 12 feet in height as required by Dominion or the applicable jurisdiction.
3. Lights shall be spaced at intervals of 200-240 feet, or as determined by final photometrics.
4. Lights shall be shielded to direct light downward.
5. Fixtures and poles shall have a dark finish and be generally of a traditional design, consistent in character and quality to those shown on this page subject to approval in the public ROW by Dominion and the applicable jurisdiction.

GUARDRAIL:

Guardrail and guardrail elements (as required) shall utilize materials and colors as required by the applicable jurisdictional authority.



MAIL BOXES:

Mail boxes shall be simple, functional and in accordance with approved projects standards. Their design and location should minimize their visual impact and comply with all applicable design standards and codes. Individual freestanding mailboxes shall be allowed, with a requirement for dark finishes for the mailboxes and posts. No separate newspaper delivery boxes shall be allowed. Grouped mailboxes shall be allowed when required by the United States Postal Service (Postal Service). All group mailboxes shall be in dark finishes. Subject to approval by the Postal Service.



FREESTANDING MAILBOX
BLACK IN COLOR

GROUPED MAILBOX
BLACK IN COLOR



OPEN SPACE SYSTEM MAP (BASE ZONING)

OWNERSHIP, MANAGEMENT AND ACCESS TO OPEN SPACE:

Arrington includes a system of open spaces placed throughout the development linked by sidewalks and trails. The spaces are strategically designed to provide green relief to the hardscape created by streets and sidewalks and also to provide passive opportunities for recreation. All of the open spaces located within the development will be owned and maintained by the Arrington Conservancy except as otherwise noted herein and/or within the proffers.

PROGRAMMED OPEN SPACE AREAS: (BASE ZONING)

1. Entry Signage	0 Acres
1A. Entry Feature	0.1 Acres
2. Farm Pond	0.6 Acres
3. Wildflower Meadow	20.0 Acres
4. Berry Planting	0.2 Acres
4A. Central Hamlet North Green	3.4 Acres
5. Trails	3.4 Acres
6. Viewshed Conservation Area	27.8 Acres
7. N/A	
8. Southwest Hamlet Community Green	2.1 Acres
9. Central Hamlet Community Center and Community Green	6.1 Acres
10. Central Hamlet Community Green	1.9 Acres

Total Programmed Open Space	65.6 Acres
Other Open Space	33.5 Acres
Total Open Space	99.1 Acres



**PROGRAMMED OPEN SPACE AREAS:
(ALTERNATIVE A)**

1. Entry Signage	0 Acres
1A. Entry Feature	0.1 Acres
2. Farm Pond	0.6 Acres
3. Wildflower Meadow	20.0 Acres
4. Berry Planting	0.2 Acres
4B. Central Hamlet West Reforestation	2.0 Acres
5. Trails	3.4 Acres
6. Viewshed Conservation Area	27.8 Acres
6A. Eating Establishment/Inn and Agrobusiness (RA Zoned Area)	2.3 Acres
7. Southeast Hamlet Community Green	4.2 Acres
8. Southwest Hamlet Community Green	2.1 Acres
9. Central Hamlet Community Center and Community Green	6.1 Acres
10A. Central Hamlet Community Garden	2.5 Acres
Total Programmed Open Space	71.3 Acres
Other Open Space	37.1 Acres
Total Open Space	108.4 Acres





**PROGRAMMED OPEN SPACE AREAS:
(ALTERNATIVE B)**

1. Entry Signage	0 Acres
1A. Entry Feature	0.1 Acres
2. Farm Pond	0.6 Acres
3. Wildflower Meadow	20.0 Acres
4. Berry Planting	0.2 Acres
4B. Central Hamlet West Reforestation	2.0 Acres
5. Trails	3.4 Acres
6. Viewshed Conservation Area	27.8 Acres
6A. Eating Establishment/Inn and Agrobusiness (RA Zoned Area)	2.3 Acres
7. Southeast Hamlet Community Green	4.2 Acres
8. Southwest Hamlet Community Green	2.1 Acres
9. Central Hamlet Community Center and Community Green	6.1 Acres
10A. Central Hamlet Community Garden	2.5 Acres
Total Programmed Open Space	71.3 Acres
Other Open Space	37.1 Acres
Total Open Space	108.4 Acres

AMENITY 1
ENTRY FEATURE



1 & 1A. ENTRY SIGNAGE & ENTRY FEATURE:

Modest entry signage will consist of a customary, hanging farm sign on a post flanked by stone column and black farm fencing. Imagery is provided on page 59 in the signage section of the Appendices. Two natural fieldstone retaining walls framing a mini-roundabout just behind Arrington ridge will signify arrival to the community. One wall will hold a modest sign Black board farm fencing ubiquitous to Fauquier County will guide you into the community. The entrance will be accented with trees, shrubs, and/or perennial flowers to highlight its location along the expansive fence line.

AMENITY 2
FARM POND



2. FARM POND:

The small farm pond will keep its current size and informal un-manicured appearance. Invasive vegetation will be removed and replaced with native wetland plantings. A proposed trail will provide access to its banks for fishing and sightseeing. One bench will be provided for an informal, tranquil retreat from everyday life.

AMENITY 3
WILDFLOWER MEADOW



3. WILDFLOWER MEADOW: (FLOODPLAIN)

This passive recreational area will provide native wildflower seeding to the stream valley ecosystem and help reestablish a natural meadow for passive recreational enjoyment of residents and visitors alike. Bird houses will also be provided within the meadow. It will be visible from James Madison Highway and be a major contribution to the southern gateway of Warrenton. Select areas within the floodplain will be seeded based on field conditions and increased visibility. Alternatives A and B will include a trail meandering through the meadow with two seating areas.

AMENITY 4
BERRY PLANTINGS



4. BERRY PLANTINGS: (1,200 LINEAR FT)

An informal thicket containing blueberries, blackberries, raspberries, and/or huckleberries will be planted for the enjoyment of people and wildlife alike. They are located along a proposed paved trail in sufficient amounts to graze or harvest.

4A. CENTRAL HAMLET NORTH GREEN (BASE) OR NORTH HAMLET GREEN (ALTERNATIVE B)

This green will be a visible focal point when entering the site from Alwington Boulevard. This informal green will provide a well landscaped perimeter along Alwington Boulevard with active recreation and tot lot on the interior. It will incorporate perimeter trees and interior pathways and plantings.

4B. CENTRAL HAMLET WEST REFORESTATION

Native, deciduous trees (min. 2.5" caliper) shall be planted at a rate of one (1) tree per 1,000 square feet of land area on approximately two (2) acres along the western boundary of the site. This reforestation area will serve as a natural wildlife habitat, passive recreational area, and an additional western buffer.

OPEN SPACE AMENITIES/FEATURES:

- Seating areas
- Benches
- Tot Lot
- Groomed Park
- Community greens
- Pedestrian bridges
- Community gardens
- Berry planting
- Wildflower meadows with bird houses
- Gazebo or covered structure
- Community Center
- Pool
- Patio
- Trails
- Stone walls
- Ornamental trees
- Fencing

OPEN SPACE AMENITY DESIGN NOTE

Open space amenity designs shown herein are preliminary and conceptual. Actual design will follow the associated descriptions and provide the amenities/features mentioned. Actual layout may vary. Parking for the community center, inn and restaurant will be provided per the Zoning Ordinance.



AMENITY 5
TRAILS & TRAIL EASEMENTS



5. TURKEY RUN TRAIL:

The Turkey Run Trail (minimum ten feet (10') wide) will provide a continuous bicycle and pedestrian connection from the southerly boundary of Arrington near the intersection of James Madison Highway and the Eastern Bypass northward through the Arrington community to its northern boundary. A public access easement shall be provided for any portion of the Turkey Run Trail not located with a dedicated public street right-of-way. The easement shall be a minimum of fifteen feet (15') in width. The proposed trail system will connect sidewalks in and around Arrington to provide access and interconnectivity to each of the hamlets, the stream valley corridor, and all community amenities. The Turkey Run Trail will be privately maintained but open to the public.

AMENITY 6
CONSERVATION AREA



6. VIEWSHED AGRICULTURAL AREA:

The Arrington ridge and its views framing the southern entrance to Warrenton will remain in agricultural use as it is today. Various agricultural uses along the ridge and other areas of the site will preserve the county's farming tradition and scenic identity. If the Property is developed under the Base Zoning, only shallow root crops requiring no tilling will be planted within the area reserved for future drainfields.

AMENITY 6A
RESTAURANT, INN & FUTURE AGROBUSINESS



6A. RESTAURANT, INN & FUT. AGROBUSINESS

A special amenity of the site will be an eating establishment and hotel/inn proposed under development Alternatives A and B bordering the RA area to the south. The proposed eating establishment and hotel/inn along with the adjoining RA zoned parcel holds picturesque views west to the mountains. The RA zoned area could also provide the perfect setting for a single residence, farm, or agrobusiness that could be a unique rural destination within Arrington. A winery could be the venue of weddings and special events which could be served by the adjacent inn and restaurant. Furthermore, this site is home to the historic Leeton Forest Plantation ruins which could be restored and displayed or restored and adaptively reused within the grounds of the agrobusiness.

FORMAL & COMMUNITY GREENS:

Each of the hamlets within Arrington will include a community green with amenities such as planting beds, passive recreation, benches, gardens and manicured formal lawns for gathering and unprogrammed events.

Descriptions of each of the community greens and the amenities to be provided therein are provided on pages 23 through 25 of this COD. In addition to these main community greens, Arrington will also feature smaller scale pocket parks. These are more intimate areas reserved for relaxing while not being the main green or focal point of each hamlet. They are to be quieter and may provide closer proximity to dwellings located on the greens. They will contain some seating and are a great area for walking dogs.

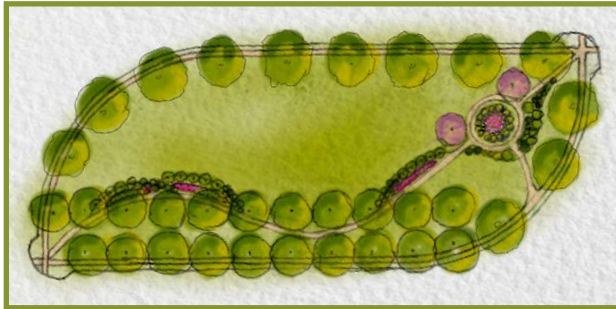
7. SOUTHEAST HAMLET COMMUNITY GREEN:

This entry green developed under Alternatives A and B will be visible when entering the site from Business Route 15/17/29. It will serve as an entrance to the Southeast Hamlet with agricultural plantings such as an orchard or vineyard. It will incorporate perimeter trees interior pathways, two benches, and a formal shade structure. It will have a sloping topography so will be used for passive recreation such as dog walking, sight-seeing, picnicking and relaxing much like the other greens.



AMENITY 7
COMMUNITY GREEN

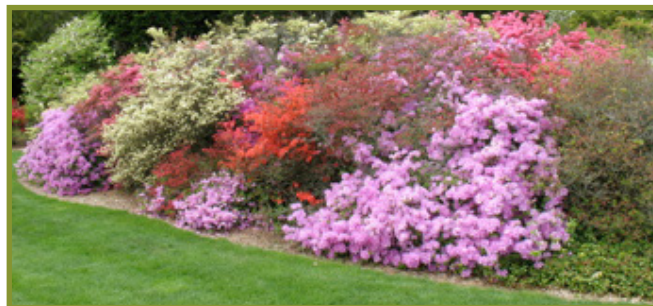
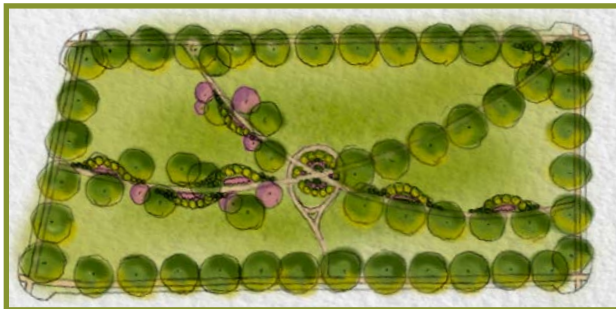
AMENITY 8
FORMAL GREEN



AMENITY 9
FORMAL GREEN



AMENITY 10
LINEAR PARK



AMENITY 10A
COMMUNITY GARDEN



8. SOUTHWEST HAMLET COMMUNITY GREEN:

Entering the site from Business Route 15/17/29 and traveling along the winding entrance road, this green will become visible after making your way through the first existing fencerow. Atop the knoll, this green is a welcome point of semi-formal open space. Trees and sidewalks circle the perimeter while the interior holds a meandering path with two benches within the proposed planting areas. This is the smallest of the greens being located in the smallest hamlet.

9. CENTRAL HAMLET COMMUNITY CENTER & COMMUNITY GREEN:

This is the largest green and will be the most active and heavily programmed. It will house the community center, pool, one tennis court or two pickleball courts, formal garden with seating and contain the largest area of open turf providing the opportunity for more active recreation. A gazebo or other covered structure is also proposed at its main entry point to allow escape from the sun and oversee activities. Plantings will circle the covered structure and its entrance from the street.

10. CENTRAL HAMLET COMMUNITY GREEN:

This central green will be a focal point and amenity serving the largest Central Hamlet. This semi-formal green will provide supplemental recreation amenities not provided by the more active community green in the Central Hamlet. Much like the Southwest green, it will incorporate perimeter trees and interior pathways, two benches, and plantings. It will have a relatively flat topography so could be used from active play as well as passive recreation.

10A. CENTRAL HAMLET COMMUNITY GARDEN:

Development of this community garden under Alternatives A and B will be a place where residents can gather to socialize, share gardening skills and pick fresh herbs and vegetables for dinner. Three (3) benches and a work table for potting and planting will be available, as well as an area to keep tools and supplies. Raised beds will contain seasonal produce and provide easy maintenance. Design of the beds and paths will be well organized and tastefully prepared to be the pride of the community. A rain collection system may be provided for irrigation.

LOT TYPES:

The Arrington community will provide a mix of homes of varying category, type, and architectural styles to ensure neighborhood quality and visual diversity. Market-rate single family detached homes will consist of three categories (Village, Neighborhood, and Estate) with two distinct lot types (A and B) within each category. The widths of the market-rate single family detached lots will range from 44 feet to 116 feet with the specific range of lot widths for each lot category and type listed on page 27 - the "Lot Regulating Plan". Corresponding lot areas range from 4,752 square feet to 12,992 square feet as listed in the Lot Standards included on Pages 31 and 32 in this Code of Development. The width of each rectangular lot shall be measured at the front lot line. The width of each lot on a curvilinear street shall be measured at the minimum front setback line. The variation in lot widths and lot areas will facilitate a corresponding diversity in home sizes, placement on the lots, and garage orientation. Development under Alternative A would add a single family attached (townhome) lot category for the construction of market-rate and affordable townhomes. The location of all lot categories is shown on the Lot Regulating Plan. The "Lot Mix (Per Block and Total)" table on the right provides the proposed distribution of the lot categories, types, and garage orientations by block and hamlet under the Base Zoning to further define lot variation and distribution throughout the community. A similar table is provided for Alternatives A & B on page 26A. Visual diversity will be further enhanced through varying architectural styles of a Piedmont vernacular (e.g. Federal, Colonial Revival, Bungalow, American Foursquare, and Contemporary Variations) with each style having distinct form, massing, and roofline definitions as well as window, door, and porch details as illustrated in Part IV of this

Code of Development. The variety in architectural styles is assured within these Plan Requirements as well as the Lot & Building Requirements in Part III.

All hamlets as defined on Page 12 of this Code of Development and shown on the Concept Development Plan are required to have a variation of lot type, architectural styles, and setbacks (both front and side), all as set forth within this COD.

Corner lots with generous front and side yards are important to the character of the development because they are highly visible and serve as key features within the community. Homes on corner lots should include architectural features for both the front and side elevations fronting street, including items like wrap-around porches, turrets, columns, balconies, or other unique items.

UNIT MIX PER BLOCK NOTE:

The number of lots of a certain category and type to be located within each block is subject to change during preparation of the Code of Development Site Plan up to a maximum of twenty percent (20%) for each category type (rounded up) within each block for those types within a category with more than two (2) lots in such block as long as the cumulative effects of any changes do not exceed the maximum allowable change in number of lots of each category and type per hamlet as set forth in the overall hamlet tabulations previously described herein.

No more than three (3) market-rate single family detached lots of the same category and type (i.e., Village, Type A) may be located adjacent to each other along each street frontage of a block.

BASE ZONING LOT MIX (PER BLOCK AND TOTAL)									
HAMLET/BLOCK	SINGLE FAMILY DETACHED						SINGLE FAMILY ATTACHED		TOTAL
	Estate		Neighborhood		Village		Townhouse	Townhouse	
	A	B	A	B	A	B	Market	Affordable	
	Side Load Garage		Front Load Garage		Alley Load Garage		Alley Load Garage		
CENTRAL SFD HAMLET:									
1			4	4					8
2	5	3							8
3	3	9							12
4	CENTRAL HAMLET COMMUNITY CENTER & COMMUNITY GREEN (9)								
5			6	4	6	2			18
6			6	4	4	2			16
7			7	7					14
8					8	16			24
9			6	4	6	2			18
10			6	4	6	2			18
11			7	3					10
12					8	6			14
13	CENTRAL HAMLET COMMUNITY GREEN (10)								
14			4	4					8
15						6			6
SUBTOTAL	8	12	46	34	38	36	0	0	174
SOUTHWEST HAMLET:									
16	1		13	9					23
17	SOUTHWEST HAMLET COMMUNITY GREEN (8)								
18	1	5							6
19	3		1	2					6
20			2	3					5
21				3					3
SUBTOTAL	5	5	16	17	0	0	0	0	43
TOTAL (BASE)	13	17	62	51	38	36	0	0	217
MIX %	6.0%	7.8%	28.6%	23.5%	17.5%	16.6%	0.0%	0.0%	100.0%

ALTERNATIVE A & B LOT MIX (PER BLOCK AND TOTAL)									
HAMLET/BLOCK	SINGLE FAMILY DETACHED						SINGLE FAMILY ATTACHED		TOTAL
	Estate		Neighborhood		Village		Townhouse	Townhouse	
	A	B	A	B	A	B	Market	Affordable	
	Side Load Garage	Front Load Garage	Alley Load Garage	Alley Load Garage	Alley Load Garage				
CENTRAL HAMLET:									
2	5	3							8
3	3	9							12
4	CENTRAL HAMLET COMMUNITY CENTER & COMMUNITY GREEN (9)								
5			6	4	3	1	7		21
6			6	4	1	1	7		19
SUBTOTAL	8	12	12	8	4	2	14	0	60
SOUTHWEST HAMLET:									
16	1		13	9					23
17	SOUTHWEST HAMLET COMMUNITY GREEN (8)								
18	1	5							6
19	3		1	2					6
20			2	3					5
21				3					3
SUBTOTAL	5	5	16	17	0	0	0	0	43
SOUTHEAST HAMLET:									
22				3					3
	COMMERCIAL - EATING ESTABLISHMENT AND HOTEL (INN)								
23	3	4	3						10
24			8	6	3	1		7	25
25					10	14		9	33
26	SOUTHEAST HAMLET COMMUNITY GREEN (7)								
SUBTOTAL	3	4	11	9	13	15	0	16	71
CENTRAL SFA HAMLET:									
27A							5		5
27B							20		20
27C							12		12
	CENTRAL HAMLET COMMUNITY GARDEN (10A)								
	CENTRAL HAMLET WEST REFORESTATION (4B)								
SUBTOTAL	0	0	0	0	0	0	37	0	37
TOTAL (ALT A)	16	21	39	34	17	17	51	16	211
MIX %	7.6%	10.0%	18.5%	16.1%	8.1%	8.1%	24.2%	7.6%	100.0%
NORTH HAMLET:									
28	2	2							4
29							25		25
30							17		17
31			7	6					13
SUBTOTAL	2	2	7	6	0	0	42	0	59
TOTAL (ALT B)	18	23	46	40	17	17	93	16	270
MIX %	6.7%	8.5%	17.0%	14.8%	6.3%	6.3%	34.4%	5.9%	100.0%

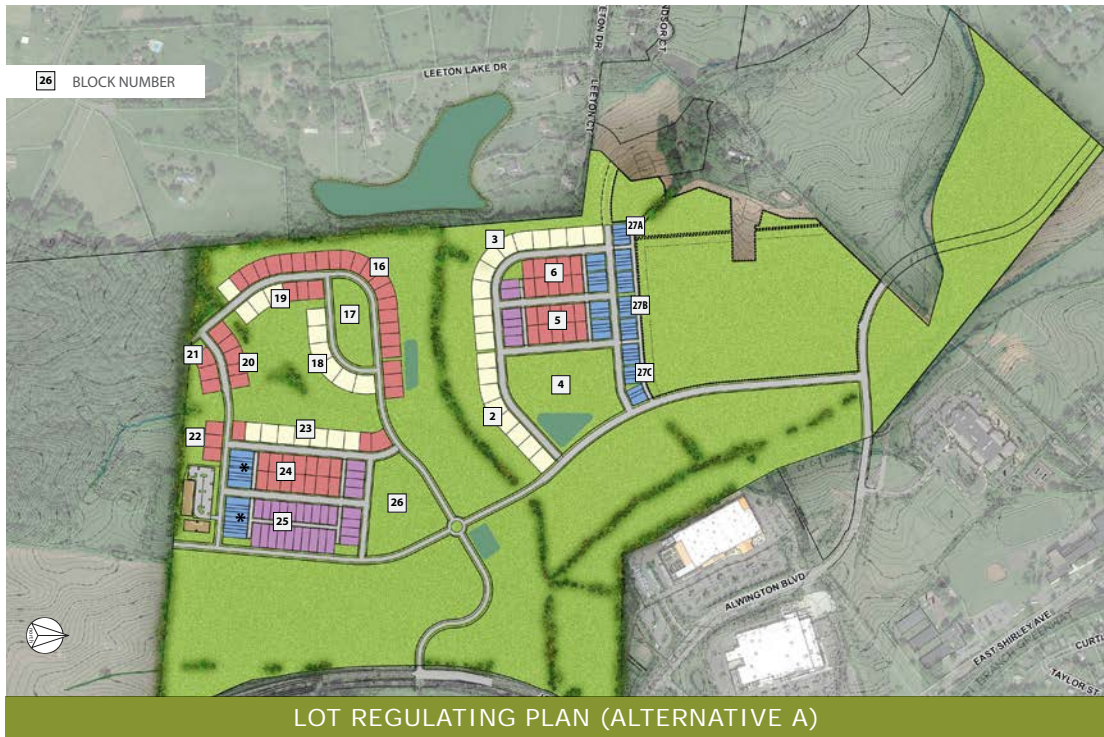


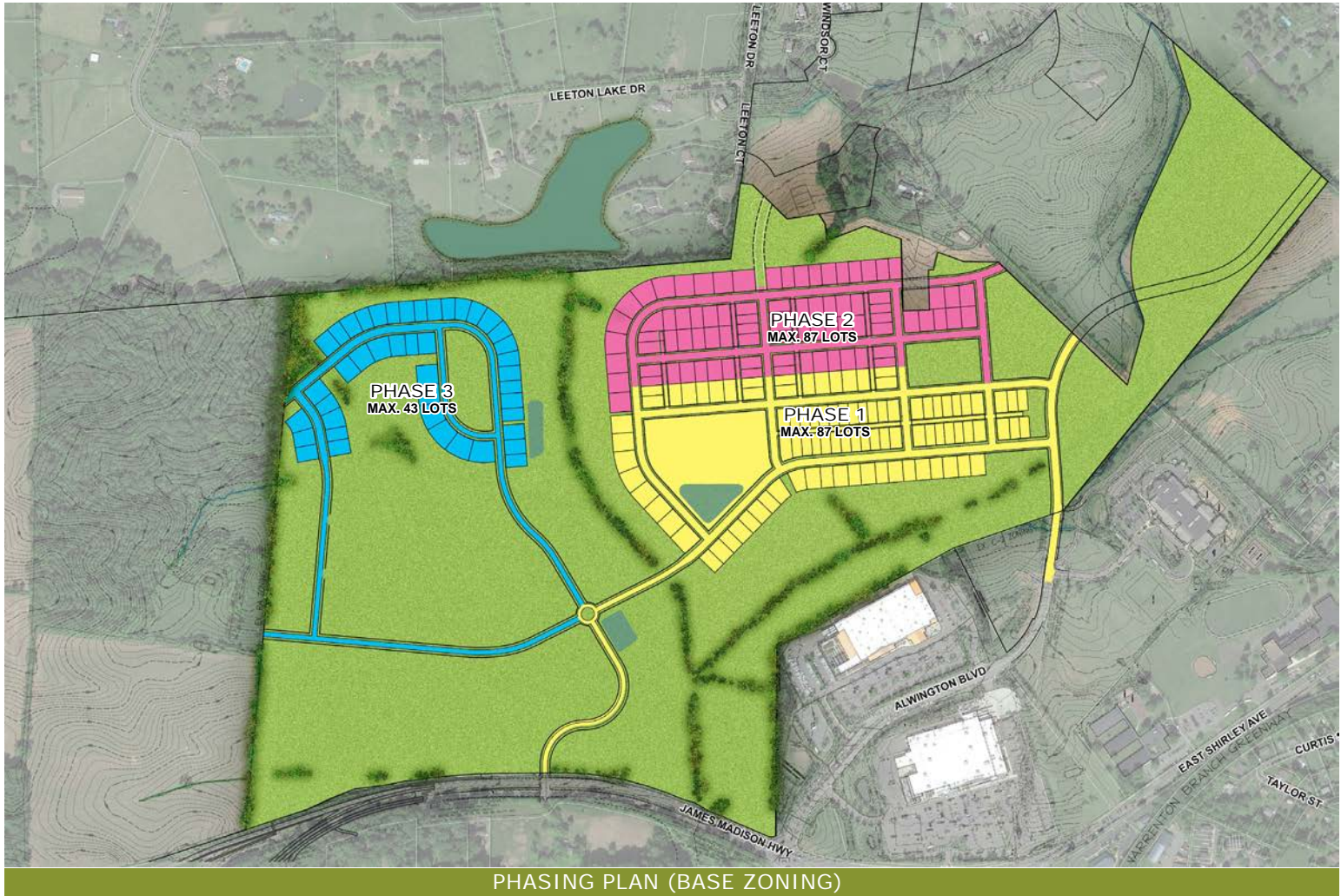
LOT REGULATING PLAN (BASE ZONING)

Note: See page 29 and proffers for project phasing.

LOT WIDTHS				
RESIDENTIAL LOTS CATEGORY	TYPE	INTERIOR/ CORNER/ END	LOT WIDTH	
			MIN (Ft)	MAX (Ft)
VILLAGE	A	INTERIOR	44	48
		CORNER	59	63
	B	INTERIOR	49	53
		CORNER	64	68
NEIGHBORHOOD	A	INTERIOR	62	66
		CORNER	77	81
	B	INTERIOR	74	78
		CORNER	89	93
ESTATE	A	INTERIOR	89	93
		CORNER	104	108
	B	INTERIOR	97	101
		CORNER	112	116
TOWNHOUSE	B	INTERIOR	19.5	20.5
		CORNER - PUB. STREET	35	40
		END - PVT. ALLEY/OS	29.5	30.5
TOWNHOUSE - AFFORDABLE	*	INTERIOR	19.5	20.5
		CORNER - PUB. STREET	35	40
		END - OPEN SPACE	29.5	30.5







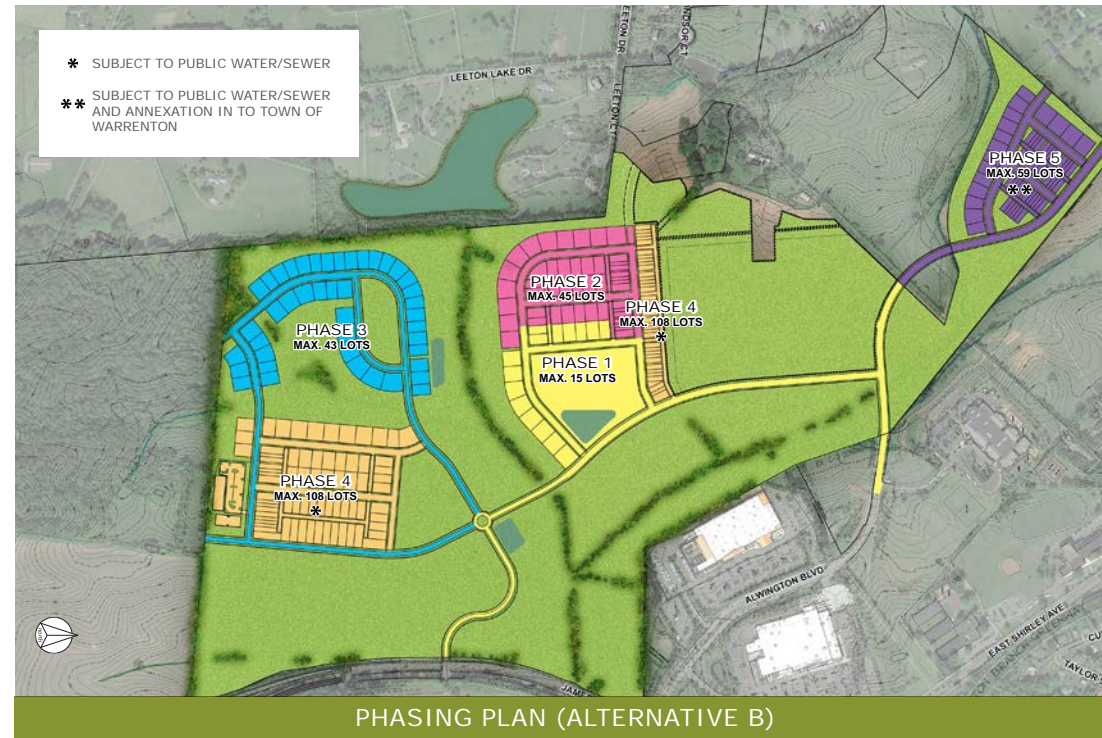
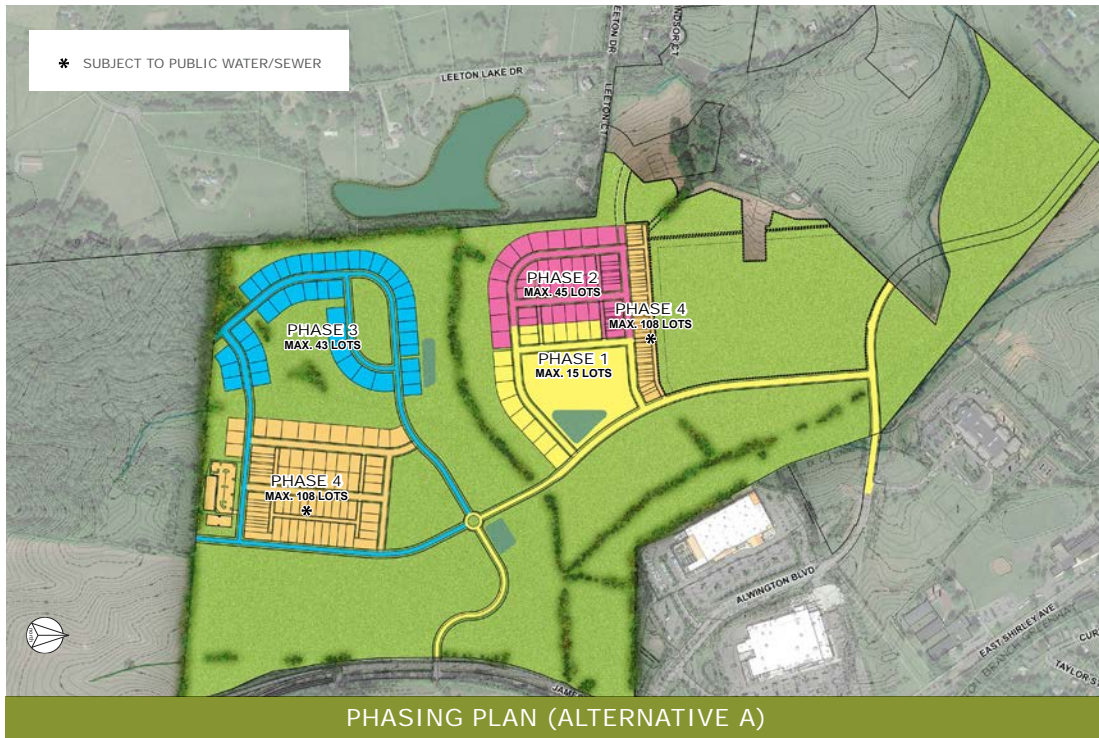
DEVELOPMENT PHASING

Arrington shall be developed in multiple phases. Each phase is specifically delineated on the Phasing Plan. 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. Further, houses on no more than twenty (20) lots in total may be constructed on the Property prior to the Business Route 15/17/29 and the Awington Boulevard street connections being base paved and open to traffic.

All street and utility improvements, including sewer, water and stormwater management facilities shall be constructed as necessary to support individual houses. The design engineer in consultation with the applicable governmental authorities and utility agency shall determine the extent of streets and utilities necessary to be shown on each Code of Development Site Plan submission in order to determine that such facilities will be designed correctly.

All hardscape features within each open space shall be constructed in conjunction with the phase containing such feature.

PHASING TABULATIONS (BASE ZONING)		
PHASE NUMBER	HAMLET NAME	MAX. UNITS
1	CENTRAL SFD HAMLET PHASE 1	87
2	CENTRAL SFD HAMLET PHASE 2	87
3	SOUTHWEST HAMLET	43
TOTAL UNITS PROPOSED		217



PHASING TABULATIONS (ALTERNATIVE A)

PHASE NUMBER	HAMLET NAME	MAX. UNITS
1	CENTRAL SFD HAMLET PHASE 1	15
2	CENTRAL SFD HAMLET PHASE 2	45
3	SOUTHWEST HAMLET	43
4	CENTRAL SFA & SOUTHEAST HAMLETS	108
TOTAL UNITS PROPOSED		211

PHASING TABULATIONS (ALTERNATIVE B)

PHASE NUMBER	HAMLET NAME	MAX. UNITS
1	CENTRAL SFD HAMLET PHASE 1	15
2	CENTRAL SFD HAMLET PHASE 2	45
3	SOUTHWEST HAMLET	43
4	CENTRAL SFA & SOUTHEAST HAMLETS	108
5	NORTH HAMLET	59
TOTAL UNITS PROPOSED		270

Notes:

1. Phase 4 is subject to access to Town water and sewer service and inclusion of Arrington within the corporate boundaries of the Town of Warrenton.
2. Phase 5 is subject to access to Town water and sewer service, inclusion of Arrington within the corporate boundaries of the Town of Warrenton, and availability of offsite right-of-way for the northerly extension of Alwington Boulevard.

LOT LAYOUT STANDARDS (SINGLE-FAMILY DETACHED HOMES)

ACCESSORY STRUCTURES (EXCLUDES DETACHED GARAGES):

Notwithstanding the side and rear yard setbacks as set forth in the Lot Standards, accessory structures and uses may be located in the side and rear yard provided a minimum five (5) foot setback is provided from all side and rear property lines and the accessory structure or use is located at least ten (10) feet to the rear of the principal structure on the subject lot. The floor area of any accessory structures, except detached garage, shall be no larger than 150 square feet and the building height shall be limited to fifteen feet (15').



CURB-CUTS:

Driveway curb-cuts shall be no wider than the greater of 12 feet or the minimum width allowed by the applicable jurisdiction. Curb-cuts and driveways shall be designed to emphasize and facilitate the continuation of the sidewalk across the apron.

DRIVEWAYS:

Driveways serving front loaded garages shall not exceed the width of the garage for a distance of 20 feet in front of the garage (the "Front Required Parking Area"), and shall then transition (within next 10 feet) from the width of the garage to the width of the curb-cut referenced above and the remainder of the driveway from the transition to the curb-cut shall not exceed the width of the curb-cut.



Driveways serving rear loaded garages from an alley shall not exceed the width of the garage for a distance of up to 20 feet between the alley and the garage (the "Rear Required Parking Area"). Driveways serving side loaded garages shall not exceed the width of the garage and shall transition (within 10' forward of the front line of the garage) to the width of the curb-cut referenced above and the remainder of the driveway from the transition to the curb-cut shall not exceed the width of the curb-cut. Driveways and the Required Parking Areas may be constructed of asphalt, brick or concrete pavers (to include open pavers), stamped concrete, or broom finished concrete.

GARAGES:

All front loaded garages shall be sized for no more than two (2) vehicles, with a maximum width of 24 feet. Front loaded garages shall be set back a minimum of 20 feet behind the "Front" of the house. Side loaded garages need not be set back where the side wall of the garage is aligned with, or no closer to the street than, the main mass of house and may contain garage parking for up to three (3) vehicles.

Any rear loaded garage shall be sized for no more than two (2) cars. Rear loaded garages shall be sited to meet all side and rear yard setbacks as set forth in the Typical Lot Details below.

The "Front" of a house shall be defined as that element of the residential structure that is located closest to a street (e.g. the main mass, front addition, or greatest frontward projection of a bay or box window or front porch). Side and rear loaded garages are required for those lots designated for such garages.

LOT LAYOUT VARIETY:

Each residential block shall incorporate a variety of lot category, type, and architectural styles, and a variety of setbacks between the front lot line and the front of each house to ensure visual diversity. To achieve the aforesaid, the following design requirements shall be followed:

- Each street frontage of a block shall include a variety of setbacks between the front lot line and front of each house with a minimum setback of two feet (2') and a maximum setback of five feet (5') between the main massing of adjacent houses.
- Architectural front facades of the same style shall not be utilized on market-rate single family detached homes placed on adjacent lots of the same category and type or on lots of the same category and type directly across the street from each other.
- Market-rate single family detached homes with the same architectural style shall not be constructed on more than three lots of the same category and type along each street frontage of a block.
- Architectural styles with two-story elevations shall be offered for all lot categories and types except the Cottage category.
- No more than more twenty percent (20%) of the homes located along each street frontage of a block shall be the same color scheme.
- No more than 50% of all single-family detached houses constructed along each street frontage of a block shall consist of front facades with all siding above the water table, or utilize a front elevation where siding is the predominant (more than 50%) material above the water table.
- Homes on corner lots warrant special consideration due to the visibility of the home's side elevation. The side elevation of homes on corner lots shall be designed to include similar architectural elements and articulations as the front façade including items like wrap around porches, number of windows, and window treatments (e.g. shutters).

- Each street frontage of a block with more than five (5) market-rate single family detached lots adjoining such street shall include a minimum of three (3) different lot widths for said lots with a minimum of ten feet of variation between the narrowest and widest lot widths. Each street frontage of a block with five (5) or less market-rate single family detached lots adjoining such street shall include a minimum of two (2) different lot widths for said lots with a minimum of ten feet of variation between the narrowest and widest lot widths.
- Homes on no more than three (3) adjoining market-rate single family detached lots along each street frontage of a block may be of the same width.

MECHANICAL AND ELECTRICAL EQUIPMENT:

All mechanical and electrical equipment for each individual house (i.e., meters and condenser units) shall be located no closer to the street than the front line of the house and shall be screened from view from any public travel way by architectural treatment, landscaping, or both. Electric, telecommunication, and video distribution cable and equipment maintained by a municipality or public utility company (i.e. transformers and splicing pedestals) is excluded from this requirement.

LOT LAYOUT STANDARDS (SINGLE-FAMILY ATTACHED HOMES)

ACCESSORY STRUCTURES (EXCLUDES DETACHED GARAGES):

Accessory structures shall be located on the rear half of the lot and shall meet all side and rear yard setbacks as set forth in the Lot Regulating Standards The floor area of any accessory structures, except detached garage, shall be no larger than 50 square feet and the building height shall be limited to one-story.

CURB-CUTS:

Driveway curb-cuts along public ROW shall be prohibited. Access for garages shall only be off of a private alley.

DRIVEWAYS:

Driveways serving rear loaded garages from an alley shall not exceed the width of the garage (the "Rear Parking Area"). Driveways and the parking areas may be constructed of asphalt, brick or concrete pavers (to include open pavers), stamped concrete, or broom finished concrete.

GARAGES:

Garages shall not be required, but if provided shall be rear loaded and sized for no more than two (2) cars. Garages shall be sited to meet all side and rear yard setbacks as set forth in the Zoning Ordinance.

LOT LAYOUT VARIETY:

No more than six (6) single-family attached (townhouse) units shall be located in any one building and no more than thirty-seven (37) units shall be located in any block. Each building shall incorporate a variety of setbacks and front facades for the townhouse units consist of a minimum of two (2) units with ¾ porches within each building. Variation in architectural styles and building heights is recommended. The intent of these requirements is to create variation along each block. No two adjacent, diagonal, or opposite buildings may be of the same elevation or color scheme unless the intent of the architectural style of two adjoining townhomes is to create a massing and appearance of a single larger townhome.

MECHANICAL AND ELECTRICAL EQUIPMENT:

All mechanical and electrical equipment for each individual house (i.e., meters and condenser units) shall be located no closer to the street than the front line of the house and shall be screened from view from any public travel way by architectural treatment, landscaping, or both. Electric, telecommunication, and video distribution cable and equipment maintained by a municipality or public utility company (i.e. transformers and splicing pedestals) is excluded from this requirement.

LIGHTING (SINGLE-FAMILY DETACHED AND ATTACHED):

One or two building-mounted entry lights shall be provided on all homes. Building-mounted light fixtures shall be of a design and scale appropriate to complement the building architecture and shall not negatively impact neighboring properties.

LOT STANDARDS NOTES:

1. The term "story" means that part of a building between any floor and the next floor above, and if there is no floor above, then the ceiling above. In the event the roof design permits the area between the highest floor and the roof to be habitable space equal to, or less than, sixty percent (60%) of the floor area of the lowest level, than such area shall be referred to as a "half-story". The maximum height of a story between floors shall be 14 feet.
2. Building height shall be measured as set forth in the Fauquier County Zoning Ordinance.



LOT STANDARDS															
BUILDING CATEGORY	INTERIOR/CORNER/END TYPE	WIDTH		LOT DIMENSIONS DEPTH		LOT AREA		GARAGE ORIENTATION	PROPERTY LINE SETBACK			ALLOWABLE ENCROACHMENT ⁽¹⁾		BUILDING HEIGHT MAX (Ft)	
		MIN (Ft)	MAX (Ft)	MIN (Ft)	MAX (Ft)	MIN (Sq Ft)	MAX (Sq Ft)		YARD	MIN (Ft)	MAX (Ft)	LIST	MAX (Ft)		
VILLAGE	A	INTERIOR	44	48	108	112	4752	5376	REAR-ALLEY	FRONT	25	30	A	7	35
	A	INTERIOR BLOCK 25 ONLY	44	48	138	142	6072	6816	REAR-ALLEY	FRONT	55	60	A	7	
	A	CORNER	59	63	108	112	6372	7056	REAR-ALLEY	FRONT	25	30	A	7	
	B	INTERIOR	49	53	108	112	5292	5936	REAR-ALLEY	FRONT	25	30	A	7	
	B	INTERIOR BLOCK 25 ONLY	49	53	138	142	6762	7526	REAR-ALLEY	FRONT	55	60	A	7	
	B	CORNER	64	68	108	112	6912	7616	REAR-ALLEY	FRONT	25	30	A	7	
NEIGHBORHOOD	A	INTERIOR	62	66	108	112	6696	7392	FRONT (MIN. GARAGE SETBACK IS HOUSE FRONT + 20')	FRONT	25	30	A	7	35
	A	CORNER	77	81	108	112	8316	9072	FRONT (MIN. GARAGE SETBACK IS HOUSE FRONT + 20')	FRONT	25	30	A	7	
	B	INTERIOR	74	78	108	112	7992	8736	FRONT (MIN. GARAGE SETBACK IS HOUSE FRONT + 20')	FRONT	25	30	A	7	
	B	CORNER	89	93	108	112	9612	10416	FRONT (MIN. GARAGE SETBACK IS HOUSE FRONT + 20')	FRONT	25	30	A	7	
ESTATE	A	INTERIOR	89	93	108	112	9612	10416	SIDE	FRONT	25	30	A	7	35
	A	CORNER	104	108	108	112	11232	12096	SIDE	FRONT	25	30	A	7	
	B	INTERIOR	97	101	108	112	10476	11312	SIDE	FRONT	25	30	A	7	
	B	CORNER	112	116	108	112	12096	12992	SIDE	FRONT	25	30	A	7	

ALLOWABLE ENCROACHMENTS:

The yard requirements shall apply to all buildings and structures as they relate to the lot lines, public streets, and private streets (alleys).

GENERAL - The following structures shall be exempt from the minimum yard requirements as set forth in this Ordinance: telephone booths and pedestals, underground utility equipment, mailboxes, or any similar structure or equipment which in the opinion of the Zoning Administrator is obviously intended to be otherwise located in the public interest and are not incongruous with the aesthetic standards of the surrounding area. Ramps and/or other means of handicapped accessibility to and from any structure may encroach into any required yard area, assuming such encroachment is the least necessary in order to provide access to such structure. Cornices, eaves, sills, headers, belt courses and similar ornamental features may extend twelve (12) inches into any required yard. Exterior masonry chimneys not more than ten (10) feet in width may extend three (3) feet into any required front, side, or rear yard. Notwithstanding the side and rear yard setbacks as set forth in the Lot Standards, accessory structures and uses may be located in the side and rear yard provided a minimum five (5) foot setback is provided from all side and rear property lines and the accessory structure or use is located at least ten (10) feet to the rear of the principal structure on the subject lot. The floor area of any accessory structures, except a detached garage, shall be no larger than 150 square feet and the building height shall be limited to fifteen feet (15').

SPECIFIC YARDS – Certain features may extend into the required minimum yard areas as follows:

LIST A (FRONT YARD) – Porches and stoops (roofed or unroofed) may extend into the required front yard a maximum of seven (7) feet. An “open-work” railing or wall, which means at least fifty (50) percent of the area is open in a generally distributed manner, not over four (4) feet high, may be erected around such porch or stoop. Bay or box windows, canopies, or awnings may extend into the required front yard a maximum of three (3) feet.

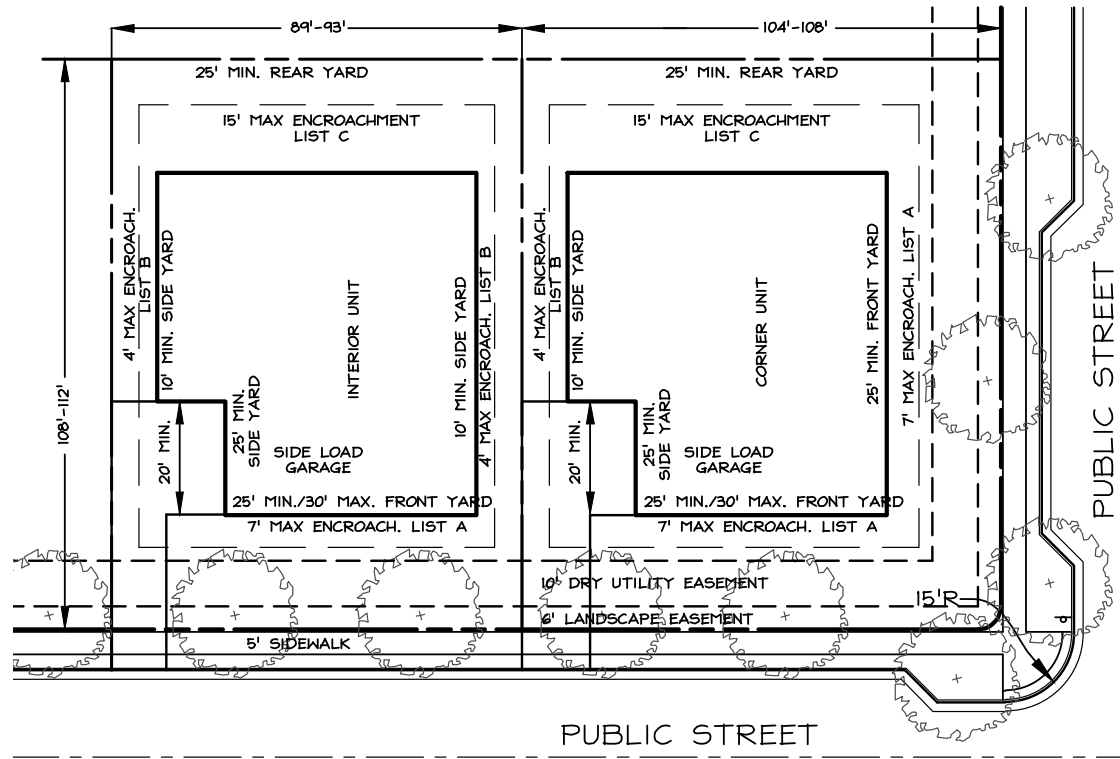
LIST B (SIDE YARD) – Bay or box windows, canopies, or awnings may extend into the required side yard a maximum of two (2) feet. An outside stairway, unenclosed above and below its steps, or areaway providing ingress/egress to a basement level may extend four (4) feet into any required side yard, but not nearer to any side lot line than six (6) feet.

LIST C (REAR YARD) – Porches, decks and balconies (roofed or unroofed) may extend into the required rear yard. Bay or box windows, canopies, or awnings may extend into the required rear yard a maximum of two (2) feet. An outside stairway, unenclosed above and below its steps, or areaway providing ingress/egress to a basement level may extend four (4) feet into any required rear yard.

LOT STANDARDS														
BUILDING CATEGORY	INTERIOR/ CORNER/ END TYPE	WIDTH		DEPTH		LOT AREA		GARAGE ORIENTATION	PROPERTY LINE SETBACK			ALLOWABLE ENCROACHMENT ⁽¹⁾		BUILDING HEIGHT MAX (Ft)
		MIN (Ft)	MAX (Ft)	MIN (Ft)	MAX (Ft)	MIN (Sq Ft)	MAX (Sq Ft)		YARD	MIN (Ft)	MAX (Ft)	LIST	MAX (Ft)	
TOWNHOUSE	INTERIOR	19.5	20.5	98	110	1911	2255	REAR-ALLEY	FRONT	25	30	A	7	40
	CORNER - PUBLIC STREET	45	50	98	110	4410	5500	REAR-ALLEY	SIDE	0	0	n.a.	n.a.	
	END - PRIVATE ALLEY OR OPEN SPACE	29.5	30.5	98	110	2891	3355	REAR-ALLEY	REAR	18	n.a.	C	10	
TOWNHOUSE - AFFORDABLE (BLOCKS 24 AND 25)	INTERIOR	19.5	20.5	138	140	2691	2870	REAR-ALLEY	FRONT	25	30	A	7	40
	CORNER - PUBLIC STREET	45	50	138	140	6210	7000	REAR-ALLEY	SIDE	0	0	n.a.	n.a.	
	END - PRIVATE ALLEY OR OPEN SPACE	29.5	30.5	138	140	4071	4270	REAR-ALLEY	REAR	18	n.a.	C	10	
COMMERCIAL - EATING ESTABLISHMENT						BUILDING FLOOR AREA (Sq Ft)			FRONT - ROLLING MEADOWS	25	30	A	7	35
						MIN	MAX		FRONT - VINEYARD VIEW	55	60	A	7	
						n.a.	8000		SIDE - BETWEEN BUILDINGS	10	n.a.	n.a.	n.a.	
									REAR (ADJ. TO RA)	10	n.a.	n.a.	n.a.	
COMMERCIAL - HOTEL (INN)						NO. OF GUEST ROOMS			FRONT - PARKING	MIN. 10' W/HEDGEROW OR STONE WALL (MIN. HT. = 36")				35
						MIN	MAX		ROLLING MEADOWS	120	n.a.	A	7	
						n.a.	15		FRONT - BUILDING					
									ROLLING MEADOWS	10	n.a.	n.a.	n.a.	
						BUILDING FLOOR AREA (Sq Ft)			SIDE - BETWEEN BUILDINGS	10	n.a.	n.a.	n.a.	35
						MIN	MAX		SIDE - ADJ. TO RESIDENTIAL HOMES	25	n.a.	n.a.	n.a.	
									REAR (ADJ. TO RA)	10	n.a.	n.a.	n.a.	

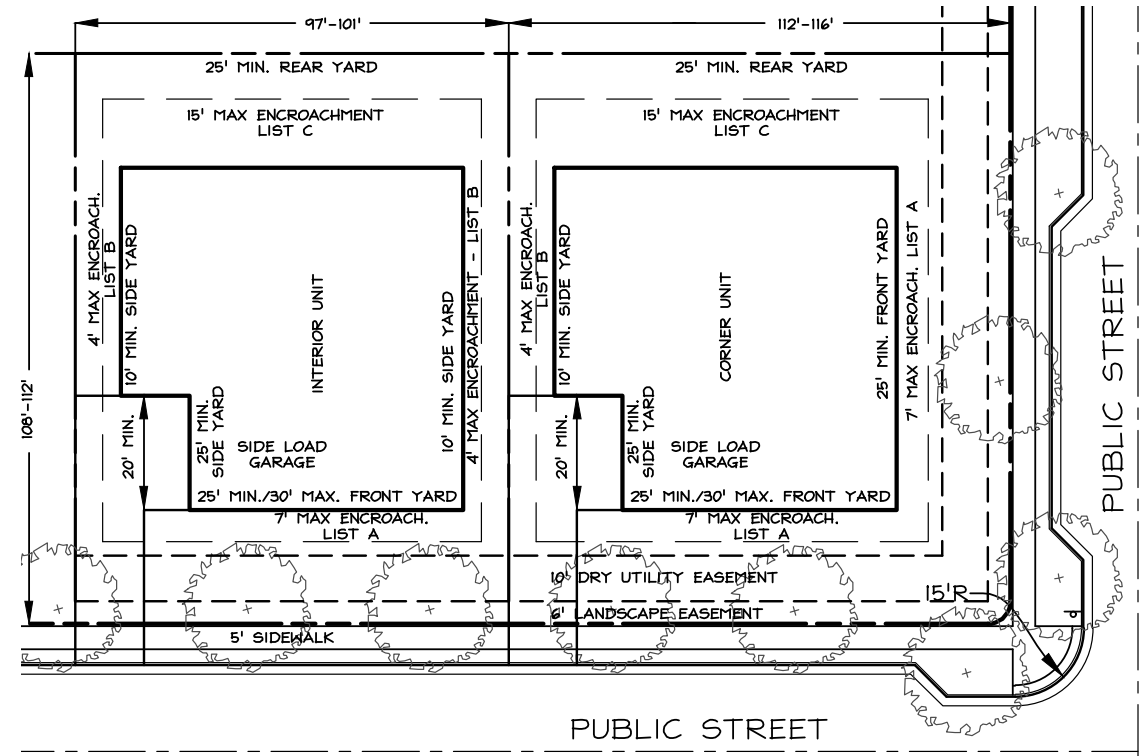
ESTATE LOT LAYOUT STANDARDS (TYPE A) (SIDE-LOAD, SINGLE-FAMILY DETACHED)

NOT TO SCALE



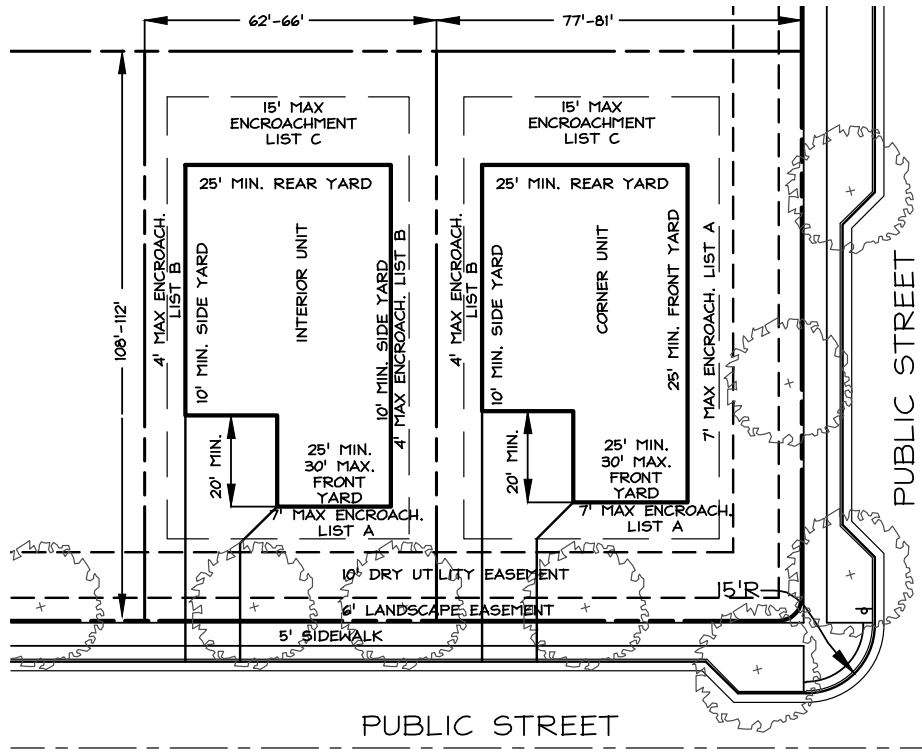
ESTATE LOT LAYOUT STANDARDS (TYPE B) (SIDE-LOAD, SINGLE-FAMILY DETACHED)

NOT TO SCALE



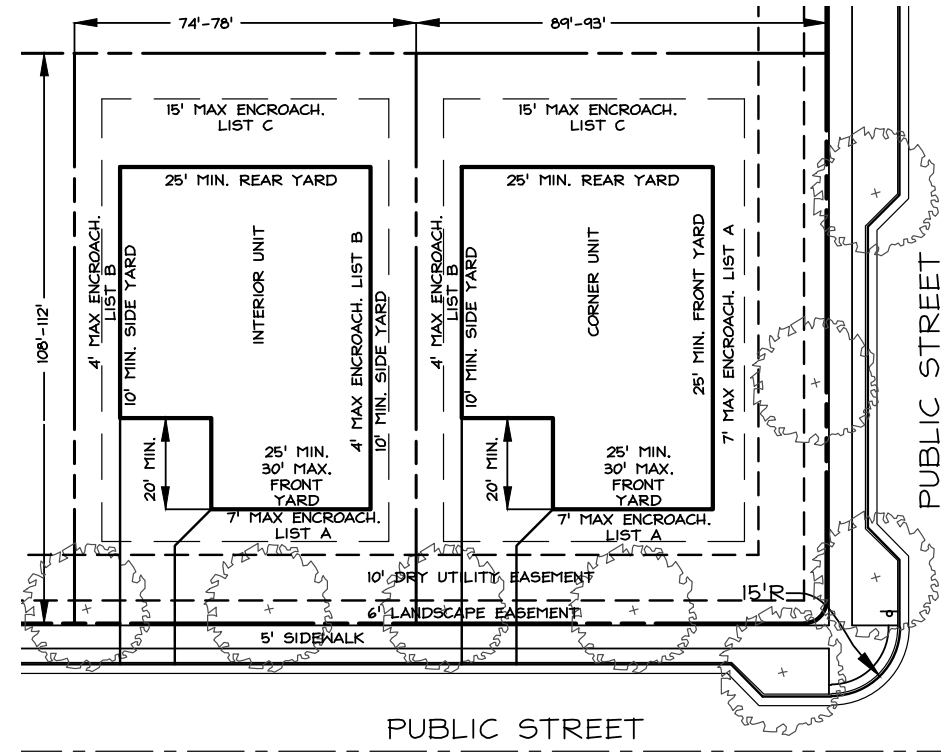
**NEIGHBORHOOD LOT LAYOUT STANDARDS
(TYPE A)
(FRONT-LOAD, SINGLE-FAMILY DETACHED)**

NOT TO SCALE



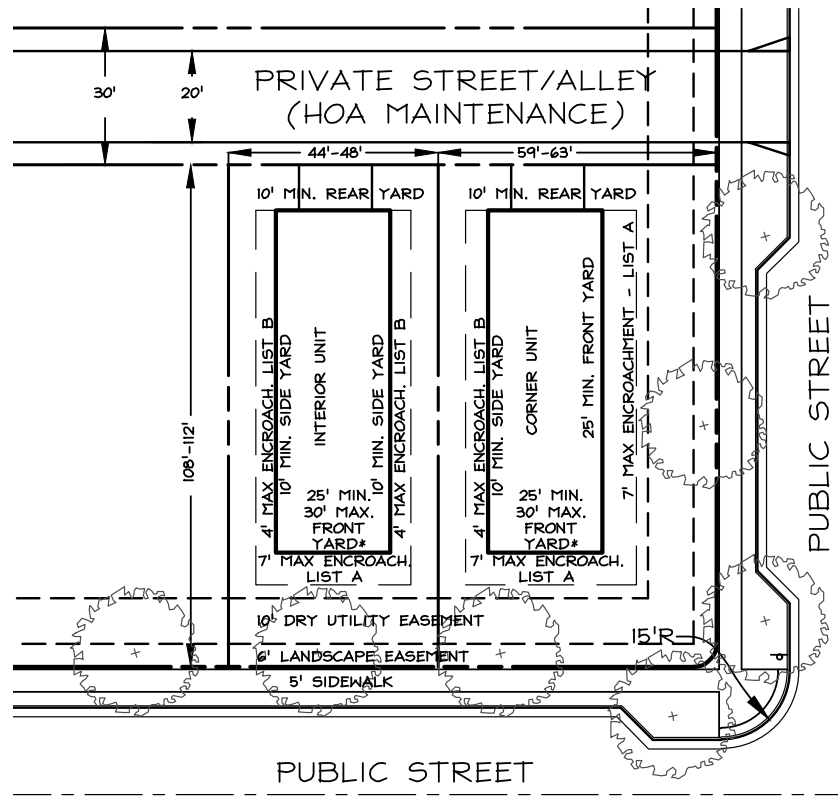
**NEIGHBORHOOD LOT LAYOUT STANDARDS
(TYPE B)
(FRONT-LOAD, SINGLE-FAMILY DETACHED)**

NOT TO SCALE



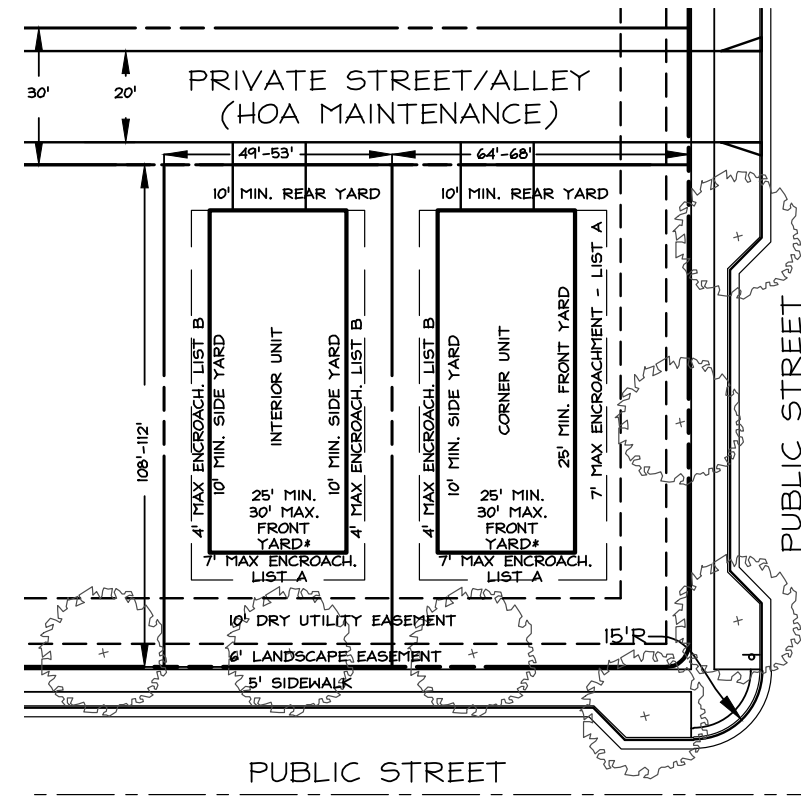
VILLAGE LOT LAYOUT STANDARDS (TYPE A) (REAR-LOAD, SINGLE-FAMILY DETACHED)

NOT TO SCALE



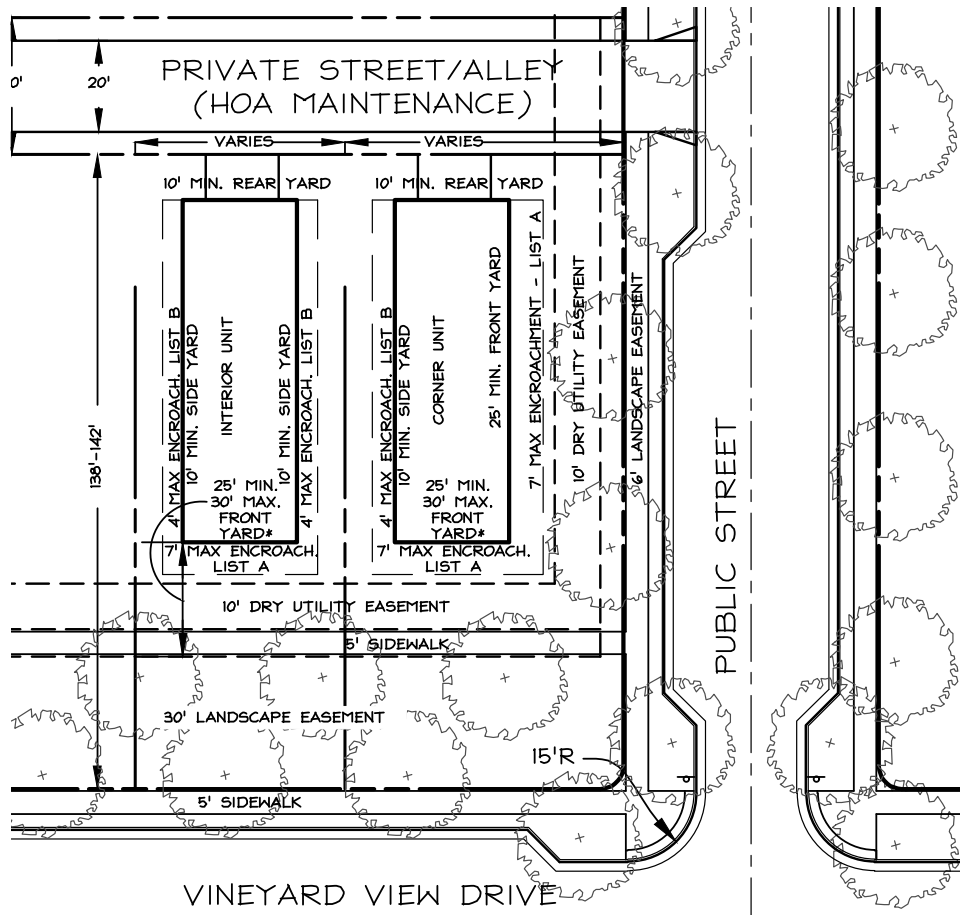
VILLAGE LOT LAYOUT STANDARDS (TYPE B) (REAR-LOAD, SINGLE-FAMILY DETACHED)

NOT TO SCALE



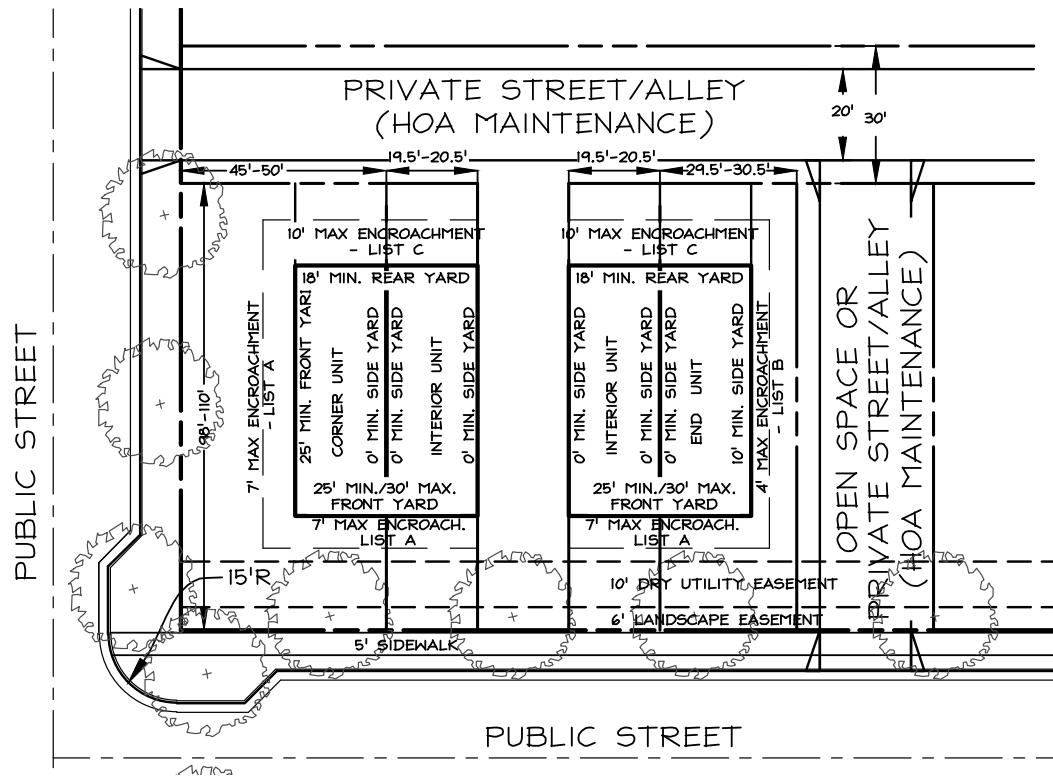
VILLAGE LOT LAYOUT TYPE A & B, BLOCK 24 & 25 (REAR-LOAD, SINGLE-FAMILY DETACHED)

NOT TO SCALE



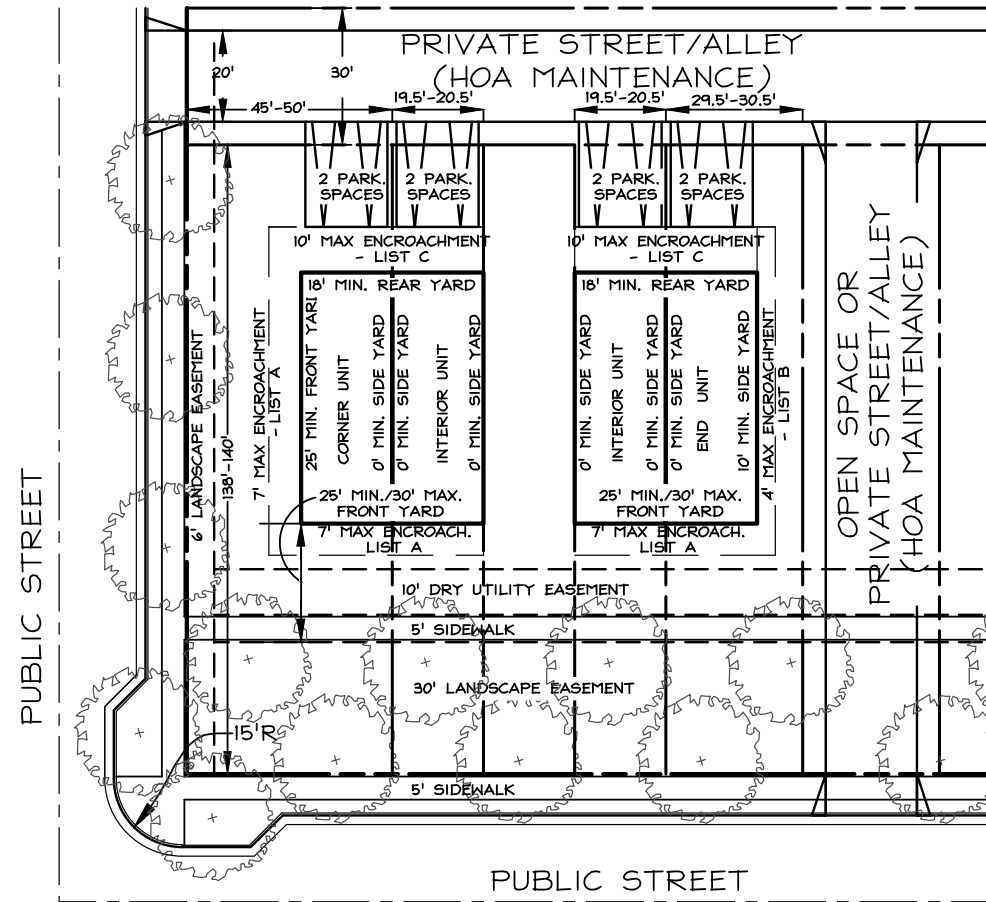
TOWNHOUSE LOT LAYOUT STANDARDS (REAR-LOAD, SINGLE-FAMILY ATTACHED)

NOT TO SCALE



AFFORDABLE TOWNHOUSE LOT LAYOUT STANDARDS (REAR-LOAD, SINGLE-FAMILY ATTACHED)

NOT TO SCALE



ARCHITECTURAL STANDARDS:

ACCESSORY STRUCTURES (EXCLUDES DETACHED GARAGES)

Accessory structures such as pavilions or sheds shall be of similar architectural design and color scheme as the primary structure.

GARAGES:

All attached garages shall be integrated into the architectural design of, and consist of the same quality of material and finish as, the principal structure. Attached garage foundation water tables must be of the same material as the main structure. Detached garages shall be of consistent architectural character as the principal structure.

BRICK DETAILING:

A minimum return of two-feet around corners is required on all brick facades unless there is an architectural element that precludes the two-foot return. Brick returns ending at architectural features (e.g., brick chimney) are encouraged.

BUILDING HEIGHT:

Building heights for single-family detached homes may range between 1 and 2.5 stories above the grade. Building heights



for single-family attached homes may range between 2 and 4 stories above grade. Building heights for detached garages may range from 1 to 2 stories, provided that no detached garage shall exceed the height of the main structure and provided further that no structure shall exceed the height permitted under the Lot Regulating Standards.

BUILDING MATERIALS

Building materials shall be restricted to those listed under Building Material Standards in Part IV, Section B of this Code of Development.

CHIMNEYS:

Chimneys (interior and exterior) shall be integrated with the building and have a material and color compatible with the building architecture – brick or stone is preferred. Exterior chimneys on the ground level (including vented flueless fireplaces) must be constructed to grade and may not appear to be suspended in the air, while those on upper levels must have a substantial base returning to the building facade. Metal roof top flues should extend no higher than the minimum required by the building code. Flues should be of such construction that external support braces are not required. Flues should be painted flat black, or the roof color.

CONSISTENT DESIGN:

Each home shall be designed so that every face of the building is consistent with the selected architectural style, with similar siding materials or veneers utilized on every building face, and similar window size and placement, and door trim elements, on all building elevations. This does not preclude the use of different materials on a building projection or foundation, or a change of materials at a chimney or other projection, where historically such a change in materials might be found.

FOUNDATION:

Brick or stone water table is required on the front and sides of all residential structures constructed on corner lots and interior lots when the exposed basement wall masonry is greater than twelve inches (12”) in height. This water table requirement for sides of homes shall not be required if the water table is not visible from a public street when screened by landscaping.

GUTTERS AND DOWNSPOUTS:

Gutters and downspouts must be painted to match the color of the surface to which they are attached or painted the house trim color.



METAL FLASHING:

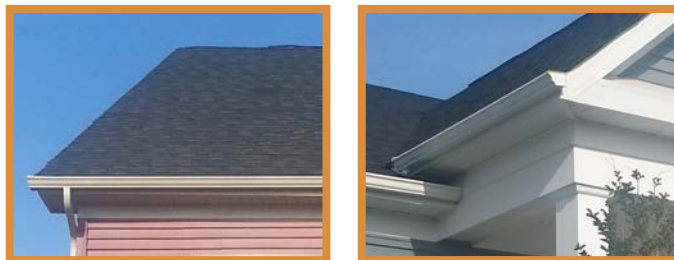
Exposed metal flashing, vents, pipes, etc. shall be painted to blend with the surface to which they are attached.

PROJECTING EAVES:

All homes shall have a roof overhang of no less than the typical dimension that is consistent with the architectural style of the main building mass, except where the building designer can demonstrate to the satisfaction of the ARC that the building adheres to a particular style that does not include eaves.

ROOFING:

Roof line and pitches shall be consistent with the architectural style of the building. The roof pitch on any major roof is required to be not less than 6:12. A variety of roof styles (such as hip, gable, and gambrel) are recommended. Intermixing of gable roof homes and hipped roof homes is encouraged to promote a visually exciting and animated streetscape. Flat or low pitch roof designs may be appropriate for porches and breezeways but are not permitted for the main building mass unless there is historic architectural evidence of the use of same with a certain architectural style.



SECURITY DEVICES:

Security devices must be installed without detracting from the design integrity of the building. Security signage should be placed proximate to the front door.

SKYLIGHTS:

Skylights must be well integrated into the overall building design, with a low profile and shall be flat or with a slight curve. Skylights shall be installed parallel with the roof ridge and edges, with frames painted to blend with the color of the roof. Skylights should be located only on the backside of the roof ridge. Skylights on the front elevation are strongly discouraged.

WINDOWS:

Bay windows on the first floor should have a substantial base or extend to the ground. The extension of the bay window from the wall of the house and the pitch of the roof of the bay window should achieve maximum dramatic effect as it relates to the house.

PATIOS, DECKS & BALCONIES:

Decks, patios, and balconies should generally be located in rear yards. Decks more than two feet above grade shall be finished with heavy trimmed latticework and plant materials to screen views to the underside. Decks, porches, and railings shall be painted, stained or left natural depending on the

architectural style, color combinations and detailing of the home as well as visibility from any public street.

CONSTRUCTION OPERATIONS

TEMPORARY FACILITIES:

Sales offices, construction offices/trailers, storage sheds, trailer yards and temporary rest rooms are permitted during construction only and only in conformance with any applicable zoning requirements. These facilities and related debris must be removed promptly when construction is substantially complete as determined by the ARC. Site planning, architectural and landscape guidelines for permanent structures shall apply to the location and design of temporary facilities as well.

TRASH AND CONSTRUCTION DEBRIS:

Builders and Contractors shall be responsible for maintaining a neat environment. Dumpsters and recycling containers shall be emptied frequently, and shall not be overflowing. Contractors shall also clean up/wash muddy streets on a regular basis.

PRESALES STRUCTURES AND MODEL HOME SALES CENTERS:

Temporary sales office(s)/trailer(s) shall be located so as to minimize traffic impacts. Site design, off street parking and accessibility shall be provided as required by the applicable governmental agencies having jurisdiction. All plans shall be submitted, reviewed, and approved by the ARC in the same manner as set forth in Section II above.

RIGHT OF ENTRY:

The Arrington Conservancy shall have the right to enter onto any of the Arrington property subject hereto, at reasonable times, for the purpose of inspecting the property and assuring conformance with this Code of Development.

DEVIATIONS FROM THE BUILDING AND LOT REQUIREMENTS:

The Zoning Administrator may approve deviations from the Lot and Building Requirements set forth in Part III of this Code of Development when such deviation does not impact neighborhood quality and visual diversity nor detract from the overall goal of creating a traditional, pedestrian oriented community.

A. PARKING AND LOADING REQUIREMENTS:

Parking and loading design will meet applicable jurisdictional standards.

B. SCREENING & ON-LOT LANDSCAPE REQUIREMENTS:

Landscape related requirements are set forth in Part IV, Section C of this Code of Development

EXAMPLES OF PIEDMONT VERNACULAR



EXISTING WARRENTON HOME



EXISTING WARRENTON HOME



EXISTING WARRENTON HOME



NON-RESIDENTIAL DESIGN GUIDELINES (PRD ZONE)

INTRODUCTION

The Arrington community includes non-residential buildings such as a community center and other amenity structures as outlined in Part Two of the COD. In the event the Arrington community is developed under either Alternative A or Alternative B plan options, a commercial area in the southwestern portion of the community will be included. The commercial area will consist of two additional non-residential buildings - 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. Separately, and not included in REZN-22-017978, is the potential to complement these commercial uses with a winery and/or brewery constructed on the residual portion of PIN 6983-44-5875-000 which is currently zoned RA. These commercial uses will provide the residents of Arrington and their guests, as well as the local Warrenton community, with dining and lodging opportunities. Arrington residents will have the ability to access these services via a pedestrian trail connecting the residential areas to the commercial uses in addition to vehicular access on Vineyard View Drive. Throughout the commercial component of Arrington, landscaping, site planning, and architectural design will be implemented which creates a friendly and welcoming environment.

In order to maintain the character of Arrington's residential community, the above referenced non-residential uses shall be developed with compatible architectural design and harmonious quality. These Non-Residential Design Guidelines will help guide the design and construction of these non-residential uses to maintain uniformity in architectural and utilize innovative site designs that contributes to the character of the entire Arrington community. Through well executed planning, architecture, and landscape design, these non-residential uses within Arrington are intended to complement the residential community.

The design of these non-residential uses within Arrington shall adhere to the following Guiding Principles:

- Buildings should contribute to the qualitative nature of the overall neighborhood and be of compatible scale and proportions in massing and details;
- Buildings should have an enduring quality and the architectural design, materials, and colors should be reflective of the Virginia Piedmont vernacular;
- Open spaces should be pedestrian friendly; and
- Parking areas should be de-emphasized as much as possible.

NON-RESIDENTIAL COMMUNITY ARCHITECT SELECTION PROCESS

These design guidelines are to be used as a general tool to guide the development of the above referenced non-residential uses within the Arrington community. All site plans for these non-residential uses within Arrington, as well as the architectural design and details for such non-residential buildings to be constructed within the Arrington community, shall be submitted, and approved by the Owner and the Non-Residential Community Architect before construction commences. Such approval does not relieve the applicant of the responsibility of obtaining all other necessary approvals and permits required by Town of Warrenton, Fauquier County, the Commonwealth of Virginia, and/or other governmental agencies having jurisdiction over the construction of each non-residential building. The Non-Residential Community Architect shall be licensed to practice architecture in the Commonwealth of Virginia, possess a minimum of ten years of experience working with Architectural Review Boards for historic districts and traditional neighborhood design developments, have completed previous projects that incorporate historical and/or agrarian community architectural styles found in Warrenton, Fauquier County and/or the Virginia Piedmont area, and not be affiliated with the Owner, or contracted by the Owner, for any architectural design services while serving as the Non-Residential Community

Architect. In the event the Non-Residential Community Architect is not the same person as the Architect selected by the Architectural Review Committee for residential homes and lots, then the Owner shall coordinate with the Zoning Administrator in the selection of the Non-Residential Community Architect to assure conformance with the above minimum requirements.

NON-RESIDENTIAL COMMUNITY ARCHITECT REVIEW AND COUNTY SUBMISSION PROCESS

Submission of building/zoning permits for the above referenced non-residential buildings shall follow the governing jurisdiction processes and the following:

- A review by the Non-Residential Community Architect for compliance with these Non-Residential Design Guidelines shall be completed prior to submittal for zoning review for Zoning/Building Permits;
- A copy of the Non-Residential Community Architect's letter of approval accompanied by all materials reviewed shall be submitted with the building plans. Compliance with these design guidelines shall be required for issuance of a Zoning or Building Permit;
- Upon completion of construction and prior to issuance of an occupancy permit for each non-residential building, the Owner shall submit to the County a copy of a letter issued by the Non-Residential Community Architect which confirms that such building was constructed in substantial conformance with the approved application and architectural plans.

SITE PLANNING

ORIENTATION/SETBACKS:

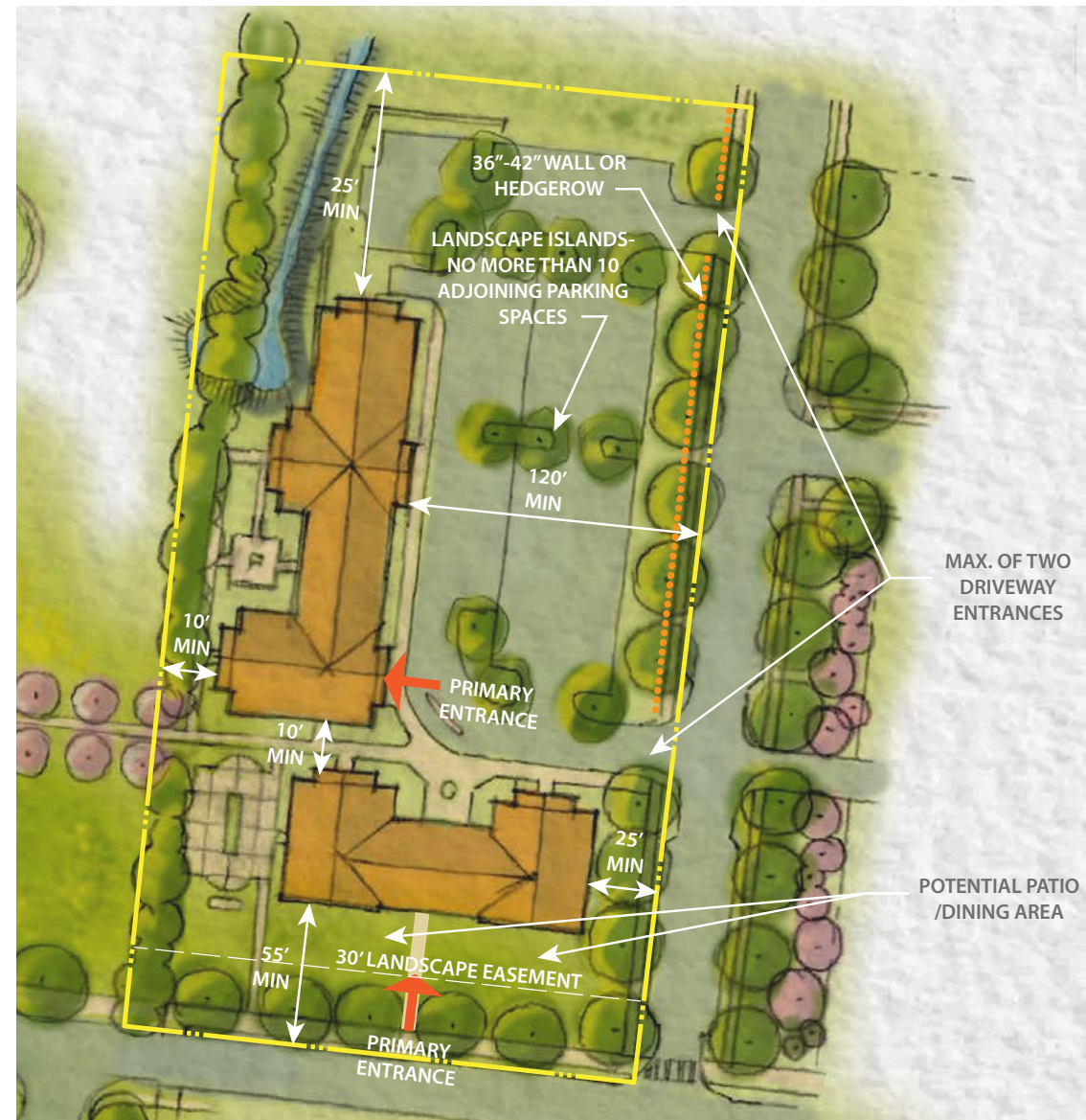
Non-Residential development within Arrington will continue the pedestrian-friendly character established in the

residential community. By reducing the impact of the automobile on the appearance of the non-residential development, appropriate site planning can de-emphasize the vehicle, creating a pleasant outdoor environment without ignoring the necessary needs of vehicular traffic. Buildings shall front, and be oriented for best visibility from, the surrounding streets. Windows and the primary entry shall face the adjoining street with the widest frontage. All other entries should face onto a street or a connecting internal walkway. The sides of buildings along street edges should be landscaped within the setback to soften the building's appearance to the street. The non-residential buildings with commercial uses shall adhere to the property line setbacks as well as the maximum floor area and building height requirements prescribed in the Lot Standards.

NON-RESIDENTIAL STREET FRONTAGES AND PARKING LOTS:

Parking areas for the commercial uses shall not front on, nor be visible from, Vineyard View Drive. Such parking shall be accessed from Rolling Meadows Lane via a maximum of two driveway connections. Parking areas adjacent to Rolling Meadows Lane shall be designed to minimize the dominant feeling of the automobile along the street and be screened from direct view from such roadway through installation of a continuous (except for driveway entrances) hedgerow maintained with a minimum height of 36 inches or construction of a stone wall with a minimum height of 36 inches. Any walls along public streets should not exceed 42-inch in height. The streetscape shall also include street trees planted at a density equal to one tree for each 40 linear feet of lot width. Parking areas serving non-residential uses shall not include more than ten contiguous parking spaces. Each group of ten or less contiguous parking spaces shall be separated from another grouping by a landscaped island no less than nine feet in width.

An illustrative of the commercial buildings area is shown on the right for purposes of clarity of site requirements and property line setbacks.



SIDEWALKS:

Sidewalks shall be installed to provide pedestrian access from parking areas to all building entries and access to open space areas and courtyards. Sidewalks should be a minimum of 6 feet wide along all pedestrian pathways.

OUTDOOR STORAGE AND LOADING AREAS:

Outdoor storage and loading areas are to be located behind or to the side of buildings, siding onto secondary access and not primary streets. These areas should not be visible from adjoining public streets and should not conflict with pedestrian walkways.

REFUSE CONTAINERS, UTILITY AND MECHANICAL EQUIPMENT:

Refuse containers and building utility and mechanical equipment should be easily accessed by service vehicles but screened from view of public streets, parking lots, and connecting walkways through roof forms, walls, and/or landscaping. Screening details should incorporate elements that are compatible with the architectural style of the building. Proper landscaping, including trellises, also may help to screen these elements. Equipment and enclosures shall not be located near pedestrian walkways.

SITE ACCESSORIES:

Site accessories, such as bike racks, trash cans, planters, and benches, should use materials and have an architectural character consistent with the selected building architectural style.

COURTYARDS AND GREENS:

Courtyards and greens are encouraged as part of the site design for the commercial uses to emphasize a pedestrian-

friendly environment. These outdoor places may include water features, landscaping, and other elements to create a comfortable place to sit.

LANDSCAPING:

Landscaping helps to soften the feel of the buildings and parking lots while enhancing the visual quality of the site. The following landscaping techniques may be used:

- Provide special landscaping treatment at the primary building entries;
- Provide shade/canopy trees within parking lot areas;
- Use plants to define outdoor spaces such as edges, outdoor courtyards and greens, or pedestrian walkways between parking and building entrances; and/or
- Choose plantings that will provide a continuity of form across the entire project site.

LIGHTING:

Light pole height and fixture design shall be consistent with those prescribed for the residential community. Buildings and landscaping can be illuminated indirectly to create a strong positive image. Along pedestrian walks, lighting should provide appropriate illumination at a human scale without glare. Lighting within larger parking lots should provide safe visibility. Service area lighting should be positioned to not be seen from the public streets or adjoining residential homes.

BUILDING DESIGN**ARCHITECTURAL STYLE OF COMMERCIAL BUILDINGS:**

A consistent architectural style should be used for the adjoining eating establishment and hotel (inn) to create a sense of continuity between the two commercial uses. Re-

lated elements, such as trellises, planters, light standards, windows, doors, etc. should also adopt detailing that is compatible with the selected architectural style. The commercial buildings shall be of a historical and/or agrarian community architectural style found in Warrenton, Fauquier County and/or the Virginia Piedmont area.

BUILDING MASSING:

With larger buildings, appropriate massing becomes more important to maintain the human-scale of the development and create a visually pleasing environment. Facades that are visible from adjacent streets or walkways should display even greater visual interest by using architectural elements that break up the massing.

ENTRY DESIGN:

Building entries should be prominent and easily identified. Various elements can be used to enhance the entry features including massing variation, materials and color change, and/or change in roof form.

BUILDING WALL TREATMENT:

All walls should include fenestrations in keeping with the selected architectural vernacular. Further, no wall should exceed thirty feet (30') in uninterrupted length without including one of the following:

- Change in texture;
- Change in material;
- Change in plane;
- Addition of a floor-to-ceiling box or bay window or exterior chimney;
- Exterior Application of Lattice; and/or
- Planting of a tree (4' minimum diameter) or equivalent landscape element.

EXTERIOR MATERIALS:

Recommended materials include stucco, exterior plaster, brick, cement siding, or stone. Selected materials and detailing should be consistent with the selected architectural vernacular and have an enduring appearance. All sides of each building will be substantially similar in architectural design, exterior finish, and detailing to any other side of such building, unless otherwise approved by the Non-Residential Community Architect and Zoning Administrator.

ROOF FORMS/MATERIALS/COLORS:

Hipped and gable roofs are encouraged. Roof pitches should be compatible with the architectural style of the building. Flat roofs, if utilized, should vary in height and be accompanied by cornice, trim, or other accent features. Hipped and gable roof materials that are generally acceptable include metal standing seam, architectural grade asphalt shingles, and slate or slate-like materials. The color of the roof materials should be consistent with the selected architecture style.

ARCHITECTURAL STYLES

This Code of Development requires that the elevations of every house be designed to be consistent with one or more historical architectural styles found in Warrenton, Fauquier County, or the broader Virginia Piedmont in order to create a sense of place for Arrington with a scale and character that is sympathetic to the regional context.

The range of architectural styles allowed includes: Federal, Colonial Revival, Bungalow and American Foursquare. Other historical styles documented to be found repeatedly in the Town of Warrenton, Fauquier County or the greater Piedmont may also be included at the discretion of the Zoning Administrator taking into account the advice of the Community Architect. Contemporary housing design will only be allowed on a limited basis, with no more than one such house allowed on any block and only then if it is determined by the jurisdiction that the design complements rather than conflicts with surrounding buildings and does not undermine the broader principle of creating a community with a character reflective of a traditional Piedmont neighborhood. Examples of acceptable contemporary variation are included at the end of this Appendix A.

Elevations will generally adhere to the key defining features or styles identified to include massing, height, roof-line, windows, doors, porches and trim details. These principles are grounded in historic precedent. Contemporary interpretations of building elements, such as windows, shall be allowed provided the overall form and massing are consistent with the chosen style, and the house retains an overall architectural character derived from that style.

At the time of application for a building and/or zoning permit, the Community Architect shall review the proposed elevations and accompanying details as required sufficient to determine compliance with the Code of Development, including compliance with the stylistic and materials standards and variations set forth in this Appendix and in Appendix B. The community Architect review of the proposed elevations of each house shall be required prior to issuance of a zoning permit for said house by the Zoning Administrator.

DISCLOSURE:

The following sketches, details, dimensions and photographs are for illustrative purposes only and are not intended to be exact representations of the elevation required for each house. Alternative designs and details are permitted, provided they adhere to the general characteristics for the particular architectural style or styles identified for each house, and are approved by the Zoning Administrator, taking into account the advice of the Community Architect.

FEDERAL STYLE:

Federal architecture is formal and balanced in design, with classically inspired detailing. Federal Style buildings generally are relatively plain and rectangular, oriented with side-gables, with their ridge lines parallel to the street. Windows aligned horizontally and vertically, are double-hung, with multi-pane sashes. In Federal Style buildings, cornices typically have a modest projection, and the principal ornamentation of the façade is lavished on the door surround, which often features pilasters, full classical entablature, and transom window. Federal houses were most typically built in brick in this area, although some frame examples can also be found.

KEY DEFINING FEATURES OF THE FEDERAL HOME:

- Formal symmetry, with three and five bay facades most common.
- Gable roof-line, with center or end chimneys.
- Central entrance on five-bay facades, but off center on three-bay facades.
- Modillion entrances with rectangular transoms or elliptical fanlight above doors; with or without sidelights.
- Double hung windows, usually with 6 to 9 panels per sash, narrow muntins; windows never paired.
- Modest cornice detailing.

GENERAL STANDARDS:

MASSING: Rectangular or block form oriented with the long side facing the street. Façade is symmetrical, with three and five bays most common. Chimney placement is usually at either end of the main block of the house. Shifting the chimneys out from the center towards the end walls permitted greater flexibility for interior room configurations. In some high-style houses it is not unusual to see a pair of chimneys at either end of the house.

ROOF:

Typically a low pitched side gabled or shallow hipped roof. Dormers not typical, but sometimes found, particularly in larger formal homes. Sometimes parapet walls on gable end.

Gable Roof

Classical
Cornice

Typically Brick
(But may vary)

Symmetrical
Façade

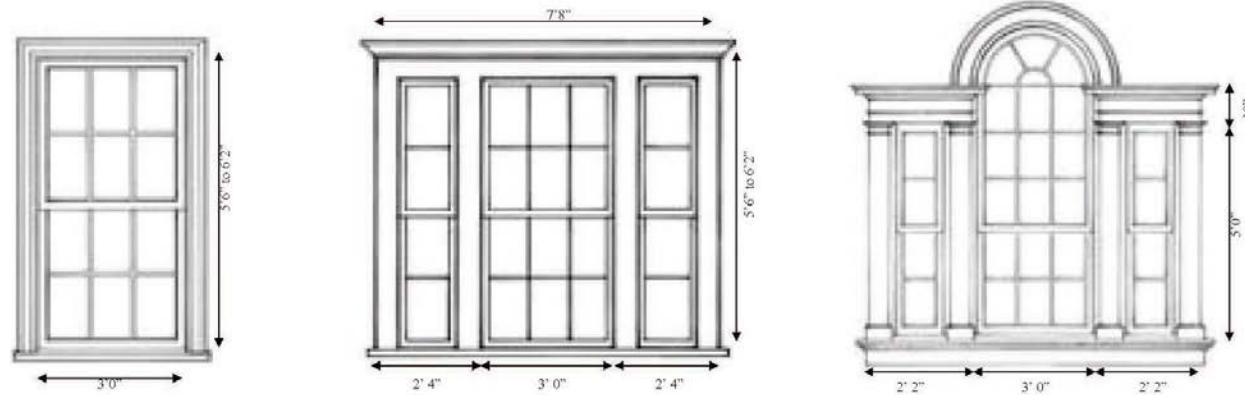
Lintels Above
Windows

Small Classical
Portico



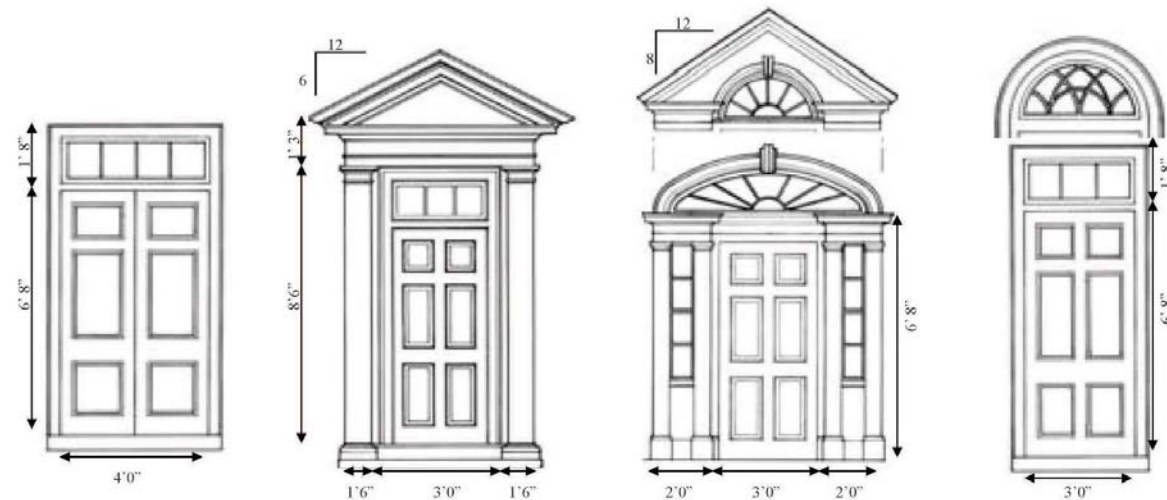
WINDOWS:

Windows, aligned vertically and horizontally, are double-hung, and were originally glazed with six-over-six panes. Many windows are simply flush with the wall without any decorative lintel, or when present, lintels are simple, usually constructed with a keystone or a segmental arch. Flatjack arch design elements, including swags, garlands, urns and geometric patterns. Double-hung windows have six panes per sash. In three story houses, window openings may get smaller as they go up the façade. For example, the first floor windows might be large paned six-over-six sashes and the top floor might be a three-over-three sash. This stylistic treatment was used to enhance the perception of a building's height. Several types of ornamental window forms were used as decorative elements in Federal houses including semi-circular windows; Palladian windows; and three-sectioned windows. The windows were originally all shuttered with solid shutters on the first floor and louvers on upper stories. Shutters should be sized and mounted to appear functional.



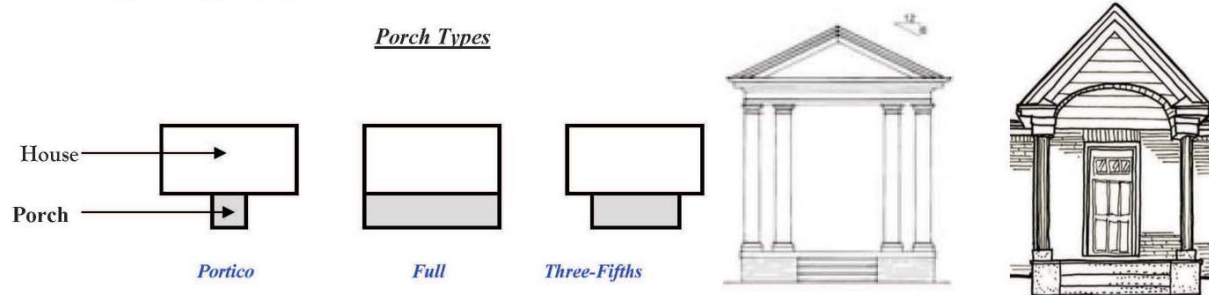
DOORS:

Doors are typically multi-paneled. The front door is usually centered on the primary façade with a semi-circular or elliptical fanlight window above it, or flanked by sidelights that typically have lead tracery.



PORCHES:

Federal homes rarely have full porches. The door is often accentuated with simple pilasters and a broken triangular pediment. In some houses, the entry pediment is carried forward to create an entrance portico. The portico may be rectangular or elliptical and is often supported by groupings of slender, Doric columns.

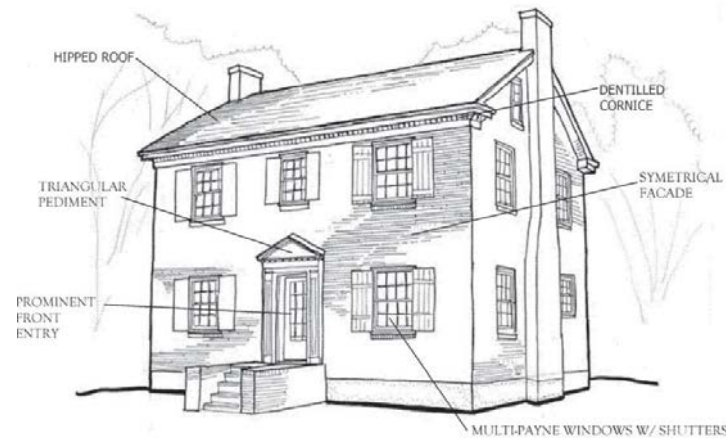


COLONIAL REVIVAL STYLE:

The Colonial Revival style encompasses a number of architectural traditions, such as English, Dutch, and Spanish colonial influences that were combined during the late nineteenth and early twentieth centuries to create buildings that celebrated Colonial America. Thus Cape Code cottages, gambrel roofed houses, large formal Georgians, Federal townhouses, columned southern mansions, in a wide variety of one, two and two and a half story houses can fall under the Colonial Revival heading, so long as entrances, cornices and windows are outfitted with classical details.

KEY DEFINING FEATURES OF THE COLONIAL REVIVAL HOME:

- Small to large scaled, simple massing.
- Symmetrical façade with orderly relationship between windows, doors and building mass.
- Classical details on doors, windows, rooflines and corners.
- Prominent front entry; door with decorative pediment supported by pilasters or portico supported by classical columns.
- Multi-pane windows.
- Steep side gable 7:12 or 12:12 main roof pitch



COLONIAL REVIVAL

GENERAL STANDARDS:

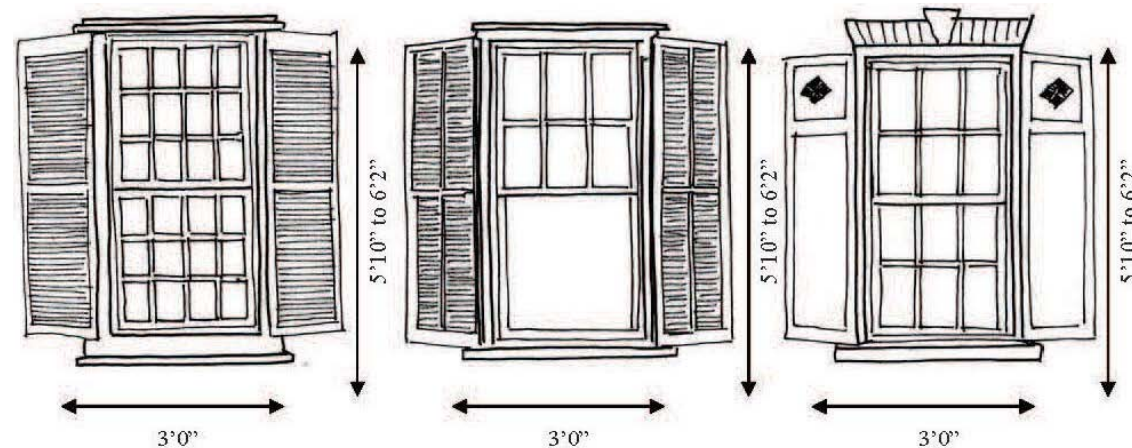
MASSING: The Colonial Revival house is rectangular in form and one to 2.5 stories in height with a side-gabled roof. The façade will feature either three or five bays with a centered door and symmetrically balanced windows. Chimneys are often located at the gable end of the houses. Projections to Colonial Revival houses should be designed as secondary elements that respect the overall massing and scale of the main body of the house. A projection should never be larger or wider than the main mass of the residence.

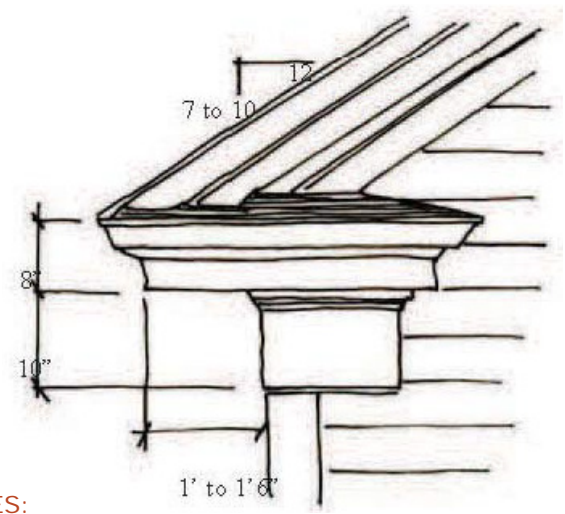
WINDOWS:

Colonial Revival windows are symmetrically placed, and frequently occur in pairs. Double-hung windows feature six-over-six, eight-over-eight, nine-over-nine, or twelve-over-twelve window sashes. Multipane upper sashes may also occur over a single-light lower sash. The muntins on Colonial Revival windows are typically a thicker (7/8" wide) traditional profile. Brick dwellings typically have a 2 inch brickmold and a soldier course at the head of the window while dwellings with siding have 6 inch fl at trim. Some brick homes will feature a jack arch over windows instead of a soldier course. Shutters are typically louvered or paneled, and should be sized and mounted to appear functional.



COLONIAL REVIVAL COTTAGE



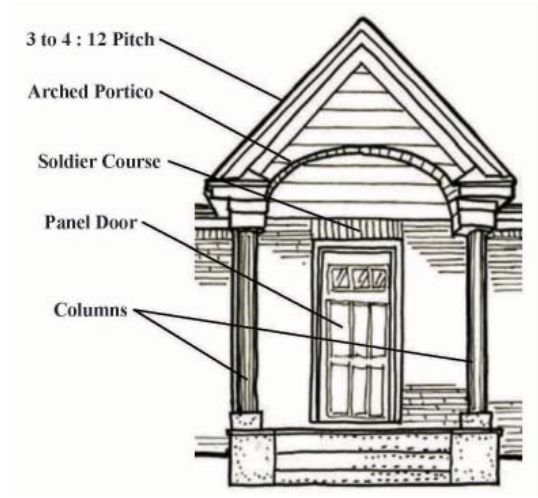
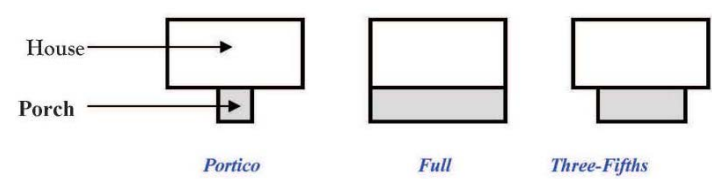


EAVES:

The Colonial Revival typically has an 18 inch boxed eave. Dentilled, modillioned, or bracketed cornices and other classical details are commonly found on roof eaves and gable ends.

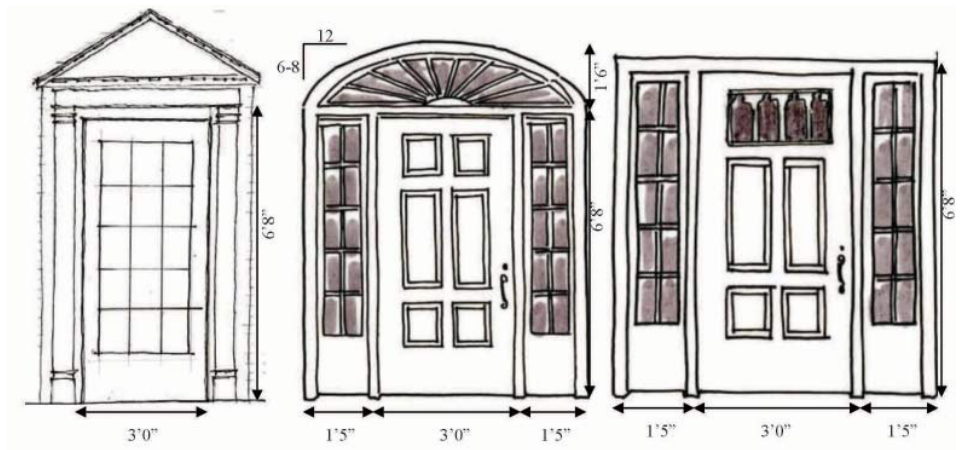
PORCHES:

The Colonial Revival includes entry porticos, full width front porches and wrap around porches in key areas. Porticos consist of classical columns (10 to 12 inches wide and 9 to 10 feet tall), either smooth or fluted that supported an arch or an entablature over the front entry. Porticos can also be flattened against the house with a broken, segmental or triangular pediment or entablature supported by pilasters (flattened columns). If a railing is included, it is typically wrought iron or wooden square baluster spaced no more than 4 inches on center.



DOORS:

Triangular, segmental and broken pediments over pilasters as well as fanlight and sidelights often flank a six-panel door, which is centered on the façade. When a pediment and pilasters are not used, brick dwellings have a 2 inch brickmold and a soldier course at the head of the door while dwellings with siding have 6 inch straight trim.

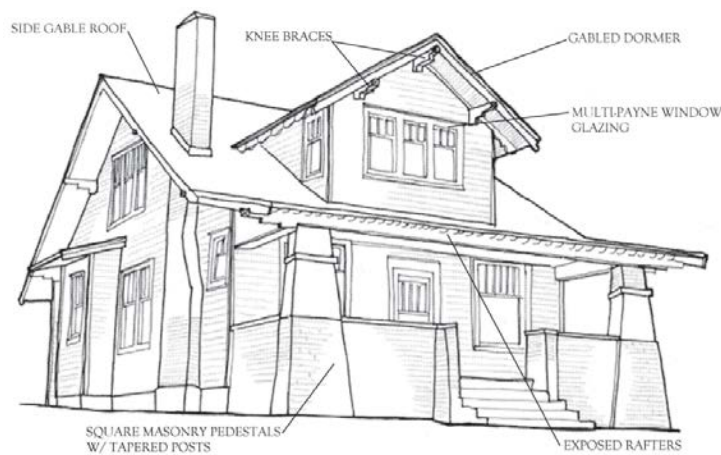


BUNGALOW STYLE:

One of the chief principles of Bungalow design was the importance of light and openness. The harmony between dwelling and nature takes the form of wide open porches, wood structural members and generous windows. The Bungalow's roots in the Arts and Crafts movement accounts for the prevalence of windows as character defining features; as a result, Bungalows may feature an assortment of glass and casement windows, as well as double-hung windows.

KEY DEFINING FEATURES OF THE BUNGALOW HOME:

- One-and-a-half story; simple horizontal lines.
- Low pitched projecting roof rafters and triangular knee braces and a gabled or shed dormer.
- Prominent low, broad front porch supported by square masonry pedestals with straight or tapered wood posts; occasionally solid brick or stucco supports are found.
- Multi-paned windows and door glazing in a variety of geometric shapes.



GENERAL STANDARDS:

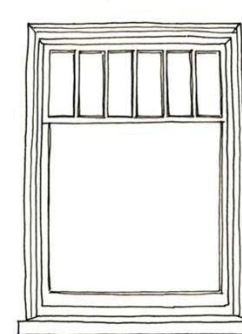
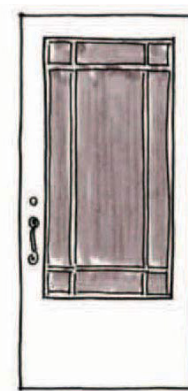
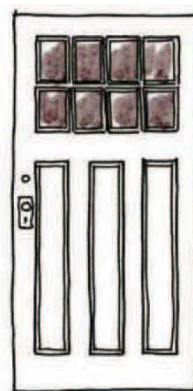
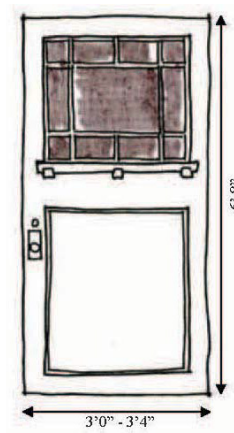
MASSING: A bungalow is a one or one-and-one-half story home, square or rectangular in plan with a gabled roof and prominent front porch. Projections to the main mass can be sensitively located to the rear of the building or as smaller side wings, and are typically a single story in height. Projections should never be larger or wider than the main mass of the house.

DOORS:

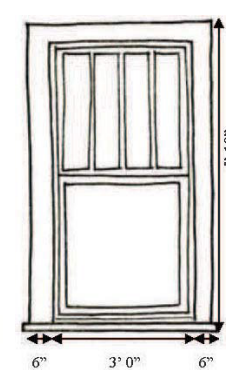
Bungalows feature a variety of doors that reflect both the Craftsman and Prairie styles. In most cases, wood panel doors with upper glazing are flanked by sidelights and a transom. Glazing is always divided by thick wood muntins into geographic motifs. Brick dwellings typically have a 2 inch brick mold and a soldier course at the head of the door while dwellings with siding have 6 inch straight trim.

WINDOWS:

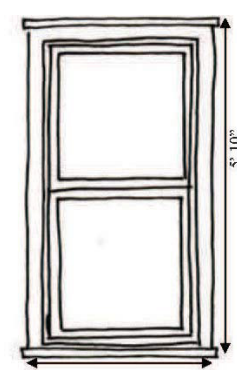
A variety of multi-light double hung and casement windows occur on bungalows, with three-over-one, four-over-one and five-over-one double hung windows are the most common window configurations. Sometimes casement windows that feature small panes divided into various patterns are used. Brick dwellings typically have a 2 inch brickmold and a soldier course at the head of the window while dwellings with siding have 6 inch straight trim. Shutters were not used on the Bungalow.



Feature Window



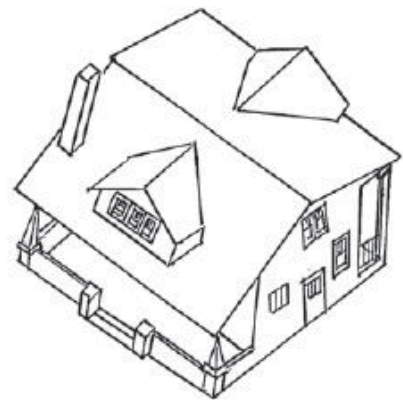
Four Over One



One Over One

ROOF:

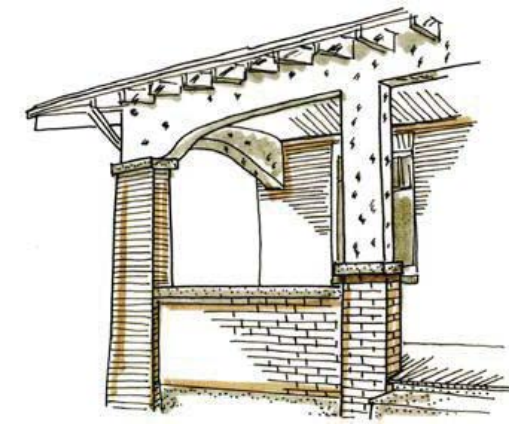
The Bungalow has a side or front gabled roof, with wide eaves. The pitch of the main roof typically ranges from 6:12 to 8:12 and dominates the bungalows horizontal silhouette. A large single dormer with a gabled or shed roof typically is located on the main roof. An exterior end chimney usually projects through the eaves. The porch roof is slightly shallower with a 3:12 to 5:12 pitch. This shape sometimes varies with two intersecting low-pitched front gables or a hipped or pyramidal roof. Projections should have lowpitched roofs that are subordinate to the primary roof line.



Side Gabled Roof with Gabled Dormer

PORCHES:

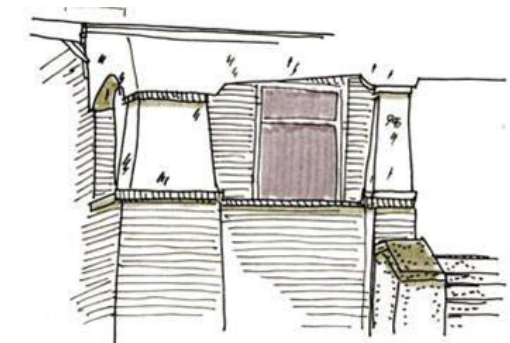
Bungalows typically have full-width front porches supported by a variety of porch supports that are unique to the Craftsman tradition. It is common to find massive brick pedestals with thick tapered wood columns; occasionally the columns will be paired on top of the pier. These piers and columns can also be constructed of brick, stone, concrete or a combination of materials, including stucco. Brick knee-walls capped with concrete coping usually span between the piers. Other variations will feature wood railings with 2 inch square balusters closely spaced together or a panel of shingles. Bungalow porches are typically accessed by concrete steps that match the foundation that sometimes feature flanking brick and concrete sidewalks.



Brick Pier and Stucco Post and Porch Entablature with Knee Wall Capped with Concrete



Brick Pier with Concrete Capping and pannel railing

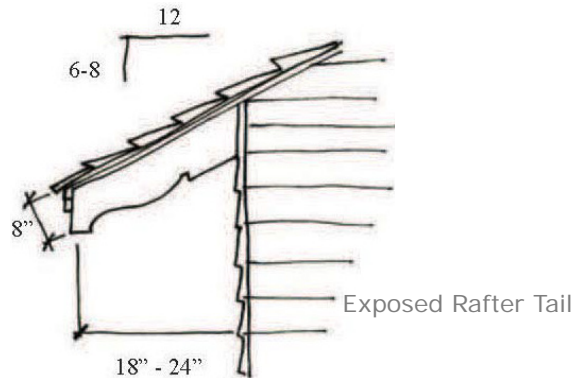


Brick Pedestal and Stucco Post with Brick Knee Wall



EXISTING WARRENTON HOME

Exposed Rafter Tails and Knee Braces



Exposed Rafter Tail

EAVES:

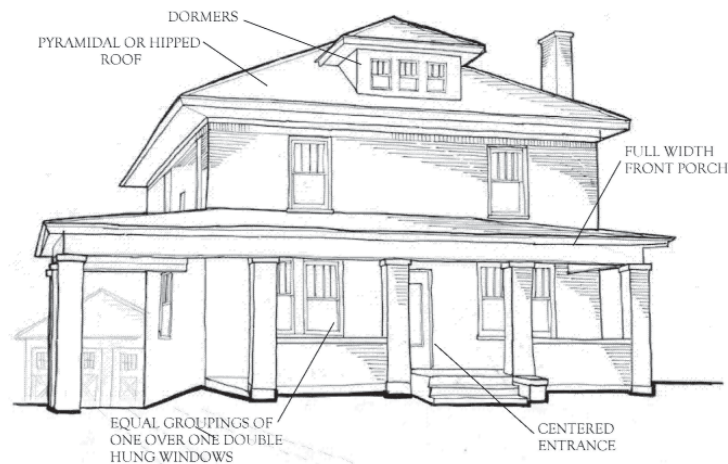
Triangular knee braces and deep overhanging eaves with exposed beam and rafter tails are Bungalow hallmarks. The predominate type of eave in the Bungalow style is the open eave with exposed rafters tails; eaves are almost never boxed or enclosed.

AMERICAN FOURSQUARE STYLE:

The American Four-Square began appearing on American streets around the turn of the twentieth century. This new style promised affordable, utilitarian housing for middle-class families trying to gain the most from a modest lot. Simplistic and practical, American Foursquares are a common housing type in Warrenton and Fauquier County.

KEY DEFINING FEATURES OF THE FOURSQUARE HOME:

- Cubical-shaped, two-story house, square in plan and elevation.
- Hipped or pyramidal hipped roof with hipped, gabled or pedimented dormers on one or more sides of main roof.
- Deep, full-width or wrap-around porch, one story in height, with significant structural components.
- Centered front entrance with equal groupings of windows on either side of both stories or off-centered entrance with symmetrical upper story windows.
- Craft sman or Colonial Revival influence present on doors, windows, porches and eaves.



GENERAL STANDARDS:

MASSING: The American Foursquare is characterized by its simple box-like form and low-hipped roof, rather than its style. The standard American Foursquare truly is square in form often measuring 28' x 28'; 29' x 29' or 30' x 30'. The American Foursquare is always two-stories tall. A window and door composition on the front façade typically consists of two windows (sometimes paired) and a centered or off -centered door on the first floor, two windows (sometimes paired) on the second floor and a centered dormer in the roof. The American Foursquare typically has an exterior end chimney projecting through the eaves. Projections to the basic square mass should be designed as secondary elements or wings that are compatible with the overall massing and scale of the main square mass. A projection should never be larger or wider than the main mass. The most appropriate location for extending the main mass is to the rear of the property to minimize visibility from the street.



ROOF:

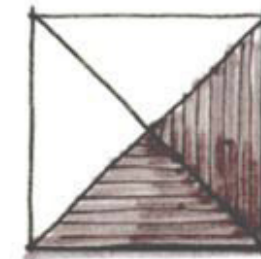
The American Foursquare roof is either hipped or pyramidal hipped with a hipped, gabled or pedimented dormer on one more sides with a pitch ranging from 6:12 to 8:12. The roof is typically accented with a wide eave.



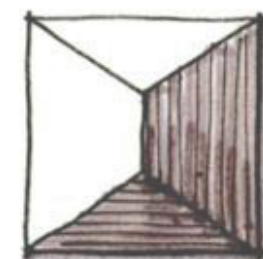
Gable Dormer



Hipped Dormer



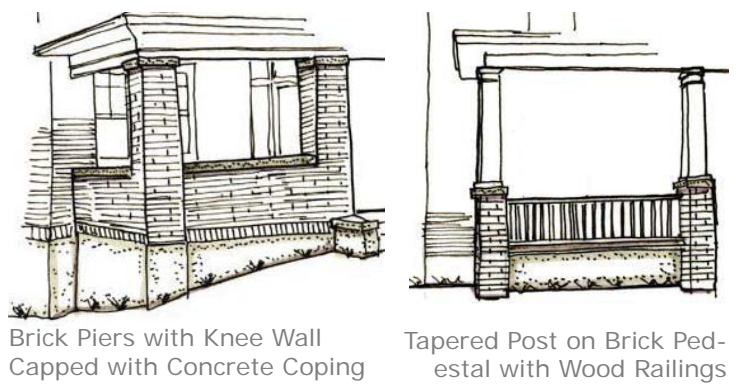
Pyrimidal Roof



Hipped Roof

PORCHES:

A full-length, one story front porch is a widespread element of the American Foursquare. The porch often extends to one side as either a wrap around porch or as a porte-cochere for parking vehicles. American Foursquare porches are typically accessed by concrete steps that match the foundation with flanking square brick posts. Because most American Foursquares are brick, most porch supports are 12 inch square brick posts of full height. Brick knee-walls capped with concrete coping usually span between the brick posts. Other variations will feature a brick pier with tapered wood posts (10 to 12 inches wide) and wood railings with 2 inch square balusters.



Brick Piers with Knee Wall Capped with Concrete Coping

Tapered Post on Brick Pedestal with Wood Railings

Brick Piers with Wood Railings

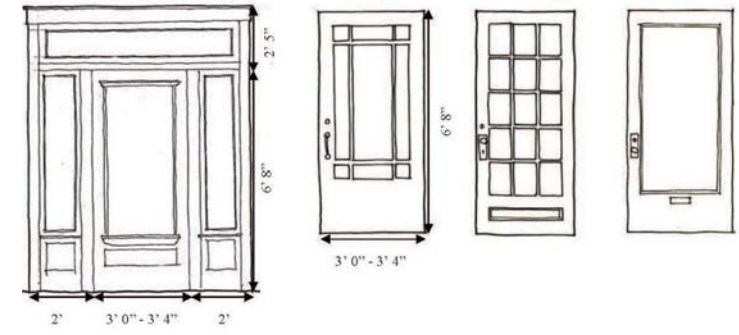


DOORS:

The American Foursquare door is similar to other front doors of the 1920s with rectangular shaped glass and raised wood panels. Sidelights and a transom often accent the front door while allowing more light into the living area. The design of the sidelights and transom will often match that of the door. Brick dwellings typically have a 2 inch brickmold and a soldier course at the head of the door while dwellings with siding have 6 inch straight trim.

WINDOWS:

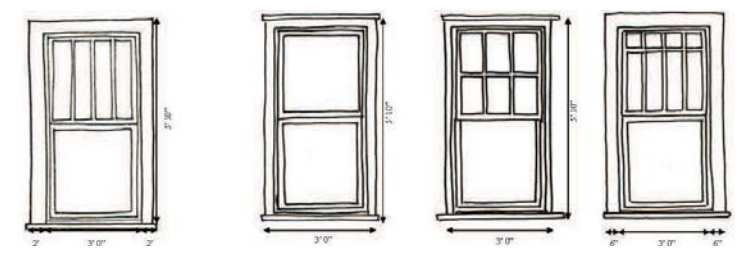
Paired, double-hung wood windows with four-over-one sashes typify the American Foursquare. Other common window sash types include a one-over-one or a six-over-one double-hung window. Sometimes decorative six or eight-over-one windows were used. Brick dwellings typically have a 2 inch brickmold and a soldier course at the head of the window while dwellings with siding have 6 inch square trim. Shutters were rarely used on the American Foursquare. Window placement reflects the American Foursquare floor plan. For example, sets of double or triple windows, and in some instances a bay window, on a side elevation will denote the first floor living room/dining room or a second floor master bedroom. A small window between floors will light the staircase, while a small second floor window located between larger windows indicates a bathroom or closet.



STYLISTIC INFLUENCES:

The modest American foursquare design lent itself to changing architectural tastes effortlessly and inexpensively. Typical influences include the Colonial Revival or Craftsman styles as follows.

- Colonial Revival: Pedimented gable over a porch entry; Classical columns; Cornice with dentils or modillions; Dormer with a Palladian-style window.
- Craftsman: Low-pitched roof; Tapered posts.; Wide eaves with exposed rafter tails or knee braces; Large gabled or shed dormers with exposed rafter tails and braces.



CONTEMPORARY VARIATIONS IN STYLE:

These representative architect-designed homes exemplify innovative energy-efficient designs sensitive to both the natural and built context. In Arrington the builder may elect to build 10% of new styles derived from both local architectural cues and energy efficiency and low impact development principals that determine massing, roofing, solar orientation, wind-power, materials, and building placement on the lot.

PHIL-MARAHAM ARCHITECTS “created a house with as little environmental impact as possible while maintaining a high level of design and detail.” The building takes cues from the local rural context expressed in the simple forms of barns and farmhouses. The building maximizes energy efficiency by its orientation and simple massing. It is an insulated passive solar house with an open plan that allows southern daylight to enter all living spaces.



BURR AND MACCULLUM’S design derives its inspiration from the nearby Shaker community in New England. This layout resembles the New England farmhouse layout with outbuildings all close to the main house, but this house is an altogether new arrangement of those forms and the types of window openings typically found on the original farmhouses.



CHRISTINA BROWN, architect, completes work that represents a contemporary interpretation of local vernacular design. This building reflects an interest (and respect) for its context and place, but it also stands as a example of a building in its own place and time. The windows are energy efficient single pane or double panes. The building includes roof overhangs and the strategic placement of windows to maximize solar energy.



KAPLAN THOMPSON ARCHITECTS uses traditional, simple forms with thoughtfully placed windows and overhangs to take advantage of the views and to create a livable, open and modest plan. The home is constructed with double-thick walls, triple glazed windows, solar tubes on the roof and a well-insulated, radiant slab, including innovative detailing throughout.



BURR AND MACCULLUM pre-fabricated design derives its inspiration from a mill complex. This design represents how exciting new cost-effective forms and styles can be fostered with a broad interpretation of compatibility and of what defines historical precedent.



Permission to use these photos in a pattern book insert from these architectural firms was granted to Fauquier County Planning Staff in May and June 2011.

BUILDING MATERIALS STANDARDS:

BUILDING WALLS:

Building walls shall be limited to the following materials:

- Wood siding, including Board and Batten (and cedar shingles, where architecturally appropriate for style).
- Fiber cement siding (such as Hardie-Plank).
- Stucco (two or three coat over metal lathe on wood or masonry backing). The use of exterior polystyrene sheet board is not allowed. Stucco homes must have the stucco return back to window casing (brickmold is acceptable) unless substantial trim is applied as deemed appropriate by the Zoning Administrator. The window must appear inset into the thickened wall and not flush or proud of the stucco unless in a bay condition.
- Brick
- Natural or cultured stone. Concrete masonry units shall not be considered acceptable for exposed applications.
- Vinyl siding, limited to Premium Grade. Premium Grade is defined as beaded vinyl siding with no less than a 6.5" exposed lap and a nominal wall thickness of 0.004".

RETAINING WALLS:

Retaining walls shall have an exterior veneer limited to the following materials:

- Natural Stone or Brick
- Segmental retaining wall systems may be acceptable provided that they are designed and constructed to appear natural.

ROOFS:

- Primary roof masses shall be architectural grade asphalt shingles, slate, wood, cedar and faux slate materials, metal roofs, including standing seam. Secondary roof masses may be clad in galvanized steel, copper, anodized or ESP aluminum.
- Oversized hip and valley caps are prohibited.
- Gutters, down spouts, rain chains, when used, shall be made of galvanized steel, copper and anodized or ESP aluminum. Down spouts shall be placed at the corner of

the building least visible from nearby streets or integrated into the façade.

- No through roof penetrations for mechanical or electrical devices may be visible from the street, unless painted to match roof color.

WINDOWS:

- Wood, aluminum clad wood, or vinyl. True divided light or simulated divided light (SDL) sash with muntin profile as appropriate for particular architectural style.
- Window sills shall have a minimum 2" sill horn.
- Window sills in masonry construction shall project a minimum of 1 inch from the face of the building.
- Shutters, when used, must be sized to match the openings. Shutter designs shall be in accordance with specific architectural style of the home as shown on the architectural drawings.

DOORS:

- Painted or stained wood, fiberglass or steel with raised panel profiles.
- Transoms and sidelights shall have true divided lights or simulated divided lights with authentic muntins and mullions.
- Garage doors shall be wood, fiberglass or aluminum and shall be painted or stained. Garage doors on front or side loaded garages shall be a maximum of 10' in width. Rear loaded garages may have larger doors.

PORCHES, DECKS, AND BALCONIES:

- Porch railings shall be made of wood or composite materials; while porch floors may be wood, composite wood, or masonry; and posts and columns may be wood, composite wood, masonry, or fiberglass.
- Porches may not be less than 6 feet in depth.
- Glass or screened enclosures are not permitted on street facades. Porch ceilings may be enclosed with painted or stained wood or composite wood.
- Exposed joists shall be painted or stained.
- Stoops shall be made of wood, brick, stone, or concrete.

TRIM:

- Exterior architectural trim shall be suitable for retaining a painted finish or be prefinished.
- Stone or cast stone trim details may be used.
- Metal elements shall be natural colored galvanized steel, anodized or ESP aluminum, marine-grade aluminum, copper, cast iron, or wrought iron.
- All corner trim shall be a minimum width of 3 inches.

CHIMNEYS:

- Natural Stone or Brick

FENCES AND GARDEN WALLS:

- Fence material may be wood or painted wood
- Wall material may be natural stone or brick

DRIVEWAY, APRONS AND PARKING PADS

- Driveways and parking pads are to be concrete, asphalt, or brick
- Aprons to be concrete

COLORS:

- Building wall shall be one color per material used.
- Paints for masonry applications shall have a fl at finish.
- All exterior wood siding shall be painted or stained. Trim (balcony and porch posts, rails, window trim, raft er tails etc.) shall be painted to compliment the main color of the building. An accent color, for items such as the front door, balusters, trim, and shutters, may be used. Garden walls and fences shall be in a range of colors approved for their respective material and similar to the main house.

DEVIATIONS FROM BUILDING MATERIAL STANDARDS:

The Zoning Administrator may approve deviations from these building materials standards. This applies in select locations where uniformity is not necessary or visible to adjacent properties. Deviations may be made in a manner that does not detract from the goal of traditional design and architecture.

GENERAL LANDSCAPE STANDARDS:

As with Site Planning and Architecture, overall Landscape Design is an integral part of the image and character of the community. It is important that the community possess a well-landscaped appearance and high quality environment.

TREE PRESERVATION:

The preservation of existing trees is important and shall be a fundamental part of any Landscape Plan. The purpose is the preservation of structurally sound, healthy and functional trees and forested areas. Site development shall occur in a manner that limits the extent of land disturbance to the minimum area needed to construct the proposed use. Tree preservation standards shall also minimize the retention of high-risk tree conditions that have the potential to cause personal injury or property damage. The intent of Arrington is to preserve all trees not necessary for construction of infrastructure associated with the development. Clear cutting of trees in the open space is prohibited and shall be limited to those areas needed for construction of stormwater management facilities and trails and other amenities shown on this plan.

LIMITS OF CLEARING AND TREE PROTECTION:

Particular care shall be devoted to preservation of trees and hedgerows that are found throughout the property. Grading and parking of equipment or vehicles, stockpiling of materials, or deposition of sediment, topsoil or fill, or dumping of any materials or liquids/chemical is prohibited within the drip line of trees designated to be saved on the ARC approved final construction plans. All existing trees to be saved, individually or in groups, shall be included in a tree conservation easement and protected during construction by fencing (minimum height of four feet above grade) placed at the outer perimeter of the spread of branches (drip line). The Tree Conservation Easement shall include a provision preventing the removal of any tree within the easement area which are greater than six inches (6") in diameter without the specific permission of the applicable governmental agency, except as necessary to accommodate forest management techniques performed by, or recommended by, a professional forester or certified arborist

that are necessary to protect or enhance the viability of the canopy. Such management techniques may include, without limitation, pruning, and the removal of vines, invasive species, trees uprooted or damaged by extreme weather conditions, and trees or limbs that are diseased, insect-infested, dead, or considered a hazard to life or property. The Tree Conservation Easement prohibiting tree removal shall not be amended without written approval from the Town of Warrenton, Fauquier County, and/or other governmental agencies having jurisdiction over same. Each subdivision plat for Arrington as well as the Arrington Conservancy documents shall contain a note stating that the removal of trees within the Tree Conservation Area is prohibited except in accordance with the aforesaid provisions.

STREET TREE & STREET LIGHT REQUIREMENTS:

Street trees must be planted along both sides of all proposed public streets within the community at an interval of 1 tree per 40 feet of cumulative lot frontage. Street trees will be planted within Street Tree Planting Easements located adjacent to and outside of the public right-of-way along street frontages with adjacent lots (see Typical Lot Details). Variations in spacing shall be permitted when necessary to accommodate other improvements such as utility lines, intersection sight distance, fire hydrants, driveways, etc. as long as the total number of required trees are installed along each street. All street trees shall be deciduous with a minimum of 2.5" to 3.5" caliper and shall be the same species along both sides of each street. Species may change at each intersection.

Street lights shall be of a decorative acorn design (or such other decorative design as may be requested by the Developer and approved by the ARC).



YARD PLANTINGS:

A variety of landscaping is required for all individual lots, between the front of the house and the sidewalk. The character of this landscaping shall vary, depending on the space available, but must predominantly be comprised of flowering shrubs and annual and perennial planter beds. Landscaping should consist of a limited variety of trees, shrubs, and groundcovers to create an attractive, well-designed, cohesive landscape. Shrubs and ground covers should be planted in masses of a single species or cultivars in sufficient numbers to create beds or drifts of plants. Shade trees and ornamental trees will also be provided at select locations where space allows.

The species of trees, shrubs, grasses and other vegetative cover shall be representative of indigenous species of existing plant communities in the Town of Warrenton, Fauquier County and the Virginia Piedmont. All landscape materials shall conform to the American Standard for Nursery Stock as published by the American Association of Nurserymen with the following minimum size or height standards as of the installation date:

Deciduous Street and Canopy Trees	2.5" caliper
Ornamental and Understory Trees	6' height
Coniferous Trees	6' height
Evergreen and Deciduous Shrubs	18" spread or height

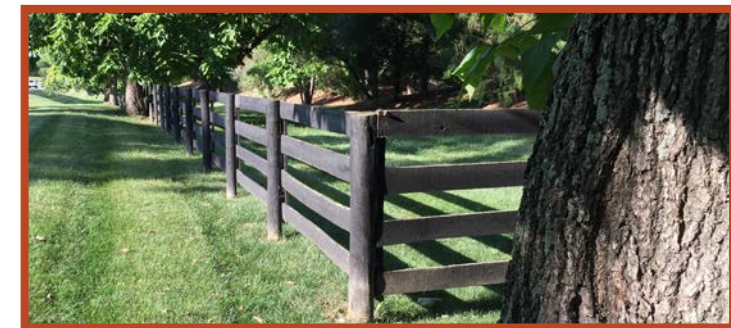
FENCES & WALLS:

Proper fencing can have a unifying effect upon a neighborhood. Fencing on a lot may not be located closer to any street than the rear of the front facade of the house located on such lot. Fences must be constructed of natural wood, 3 or 4 rail split, wrought iron, composite material (of simulated wood appearance). Fences made of wood must be constructed with the 'finished' side facing out, and properly maintained. Wood privacy fences must have horizontal (level, non-sloping) tops that step to accommodate any change in slope. The design of the fence installation may include brick, stone, or stucco piers at corners and significant changes in direction. The bottom of installed fences may either step with or be parallel to the ground in case of steep slopes. The bottom of the boards must be 4" from the ground to allow for drainage. The height of all fencing must be a minimum of 48 inches but not greater than 72 inches. Chain link fences will not be approved under any circumstances. Wrought iron/aluminum fencing around pools must be black and properly maintained.

Garden walls not exceeding 2 feet in height (unless otherwise approved by the ARC) may be incorporated into front yard landscape designs. Garden walls shall have an exterior veneer of natural stone or brick. Segmental wall systems may be acceptable provided that they are designed and constructed to appear natural.



STREET TREE



WOOD FENCE



STONE COLUMN & WALL

RECOMMENDED TREE SPECIES

RECOMMENDED STREET TREES

- *Acer rubrum* – Red Maple
- *Fraxinus pennsylvanica* – Green Ash
- *Fraxinus americana* – White Ash
- *Platanus acerifolia* – London Plane Tree
- *Quercus phellos* – Willow Oak
- *Ulmus parvifolia* – Lacebark Elm
- *Zelkova serrata* – Zelkova

RECOMMENDED CANOPY TREES

- *Acer saccharum* – Sugar Maple
- *Liquidambar styraciflua* – Sweetgum
- *Liriodendron tulipifera* – Tulip Poplar
- *Nyssa sylvatica* – Black Gum
- *Platanus occidentalis* – Sycamore
- *Quercus palustris* – Pin Oak

RECOMMENDED ORNAMENTAL/FLOWERING TREES

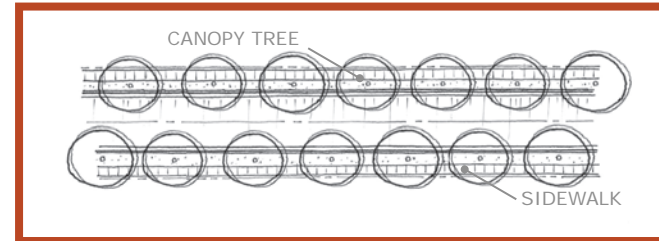
- *Aesculus parvifolia* – Bottlebrush Buckeye
- *Amelanchier canadensis* – Serviceberry
- *Betula nigra* – River Birch
- *Cercis canadensis* – Eastern Redbud
- *Cornus florida* – Flowering Dogwood
- *Chionanthus virginicus* – White Fringetree

RECOMMENDED EVERGREEN TREES

- *Cedrus deodora* – Deodar Cedar
- *Ilex opaca* – American Holly
- *Juniperus virginiana* – Eastern Red Cedar
- *Magnolia grandiflora* – Southern Magnolia
- *Magnolia virginiana* – Sweet Bay Magnolia
- *Pinus virginiana* – Virginia Pine
- *Thuja occidentalis* – Eastern Arborvitae

DEVIATIONS FROM GENERAL LANDSCAPE REQUIREMENTS:

The Zoning Administrator may approve deviations from the Landscape Requirements and Plant List set forth in this section upon a finding that deviations do not change the overall character, quality and purpose of the landscaping but rather enhance these elements. Deviations from these elements should be outlined in the Code of Development Site Plan.



STREET TREE PLANTING DIAGRAM

- Single canopy species (per street)
- Formal canopy spacing at 40 feet on center

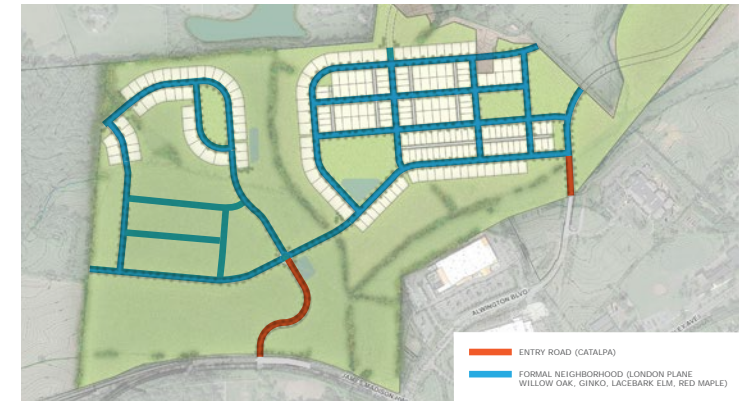
Note: See street tree requirements in Part II for additional planting requirements and design flexibility.



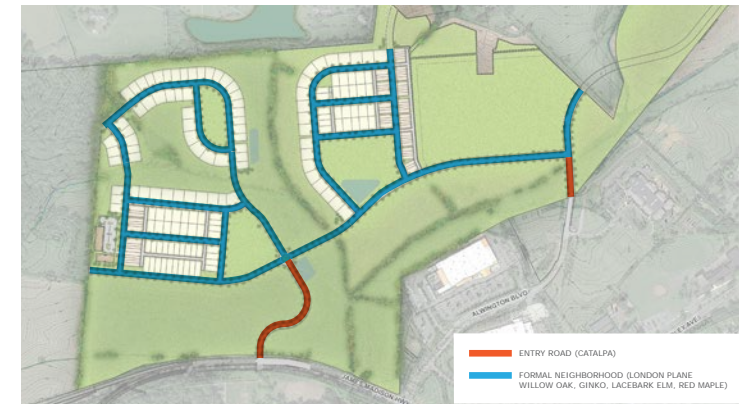
EASTERN REDBUD



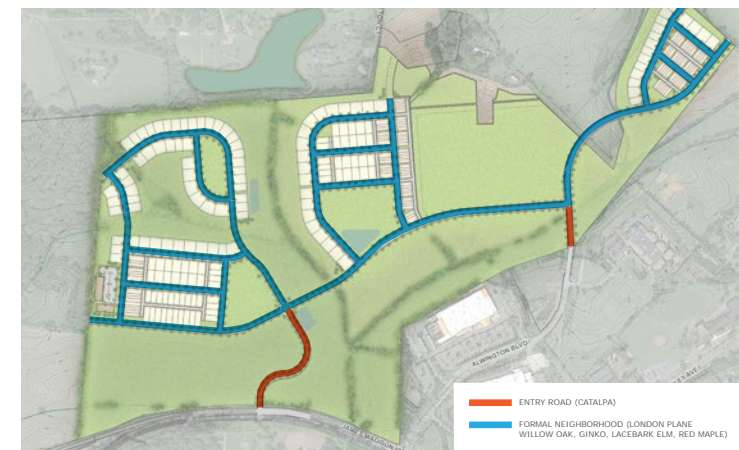
CATALPA



(BASE ZONING) STREET TREE PROGRAM



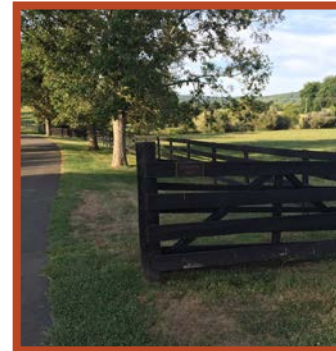
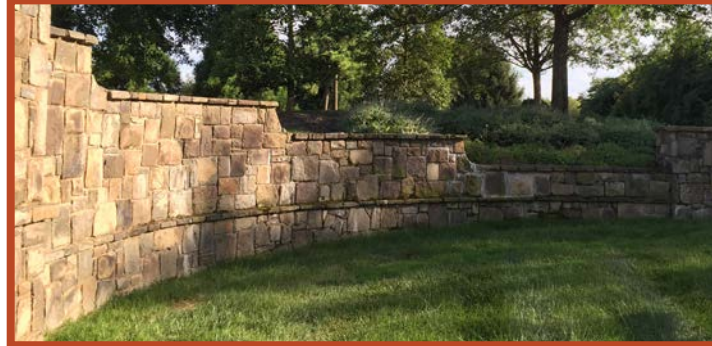
(ALTERNATIVE A) STREET TREE PROGRAM



(ALTERNATIVE B) STREET TREE PROGRAM

SIGNAGE

A Comprehensive Sign Plan will be submitted for review and approval by the applicable government authority prior to issuance of the first residential building permit. Review and approval of a Comprehensive Sign Plan will ensure that signage within the portion of Arrington zoned PRD incorporates a unified design theme, and will outline permitted sign types, materials, and corresponding dimensional standards.



Arrington

CODE OF DEVELOPMENT

REZN-22-017978



ARRINGTON

CONCEPT DEVELOPMENT PLAN

PLANNED RESIDENTIAL DEVELOPMENT PLAN

OWNER
 ALWINGTON FARM LLC
 4054 CATLETT ROAD
 CATLETT, VA 20119

APPLICANTS
 ALWINGTON FARM DEVELOPERS, L.L.C.
 1601 GROVE ROAD
 CHARLOTTEVILLE, VA 22901

YAN METRE COMMUNITIES, L.L.C.
 9300 MAIN STREET, SUITE 500
 FAIRFAX, VA 22031

DESIGN TEAM

**PLANNING, LANDSCAPE
 ARCHITECTURE & CIVIL
 ENGINEERING**
 BOWMAN CONSULTING GROUP, LTD.
 101 SOUTH STREET, S.E.
 LEESBURG, VIRGINIA 20175

TRANSPORTATION ENGINEERING
 GOROVE SLADE
 4114 LEGATO ROAD, SUITE 650
 FAIRFAX, VIRGINIA 22033

ENVIRONMENTAL ENGINEERING
 BOWMAN CONSULTING GROUP, LTD.
 13461 SUNRISE VALLEY DR SUITE 500
 HERNDON, VIRGINIA 20171

WASTEWATER ENGINEERING
 SES MID-ATLANTIC, LLC
 9251 INDUSTRIAL COURT, SUITE 101
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LEGAL
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 4310 PRINCE WILLIAM PARKWAY, SUITE 300
 PRINCE WILLIAM, VIRGINIA 22192

REZONING APPLICATION

MARSHALL MAGISTERIAL DISTRICT FAUQUIER COUNTY, VIRGINIA

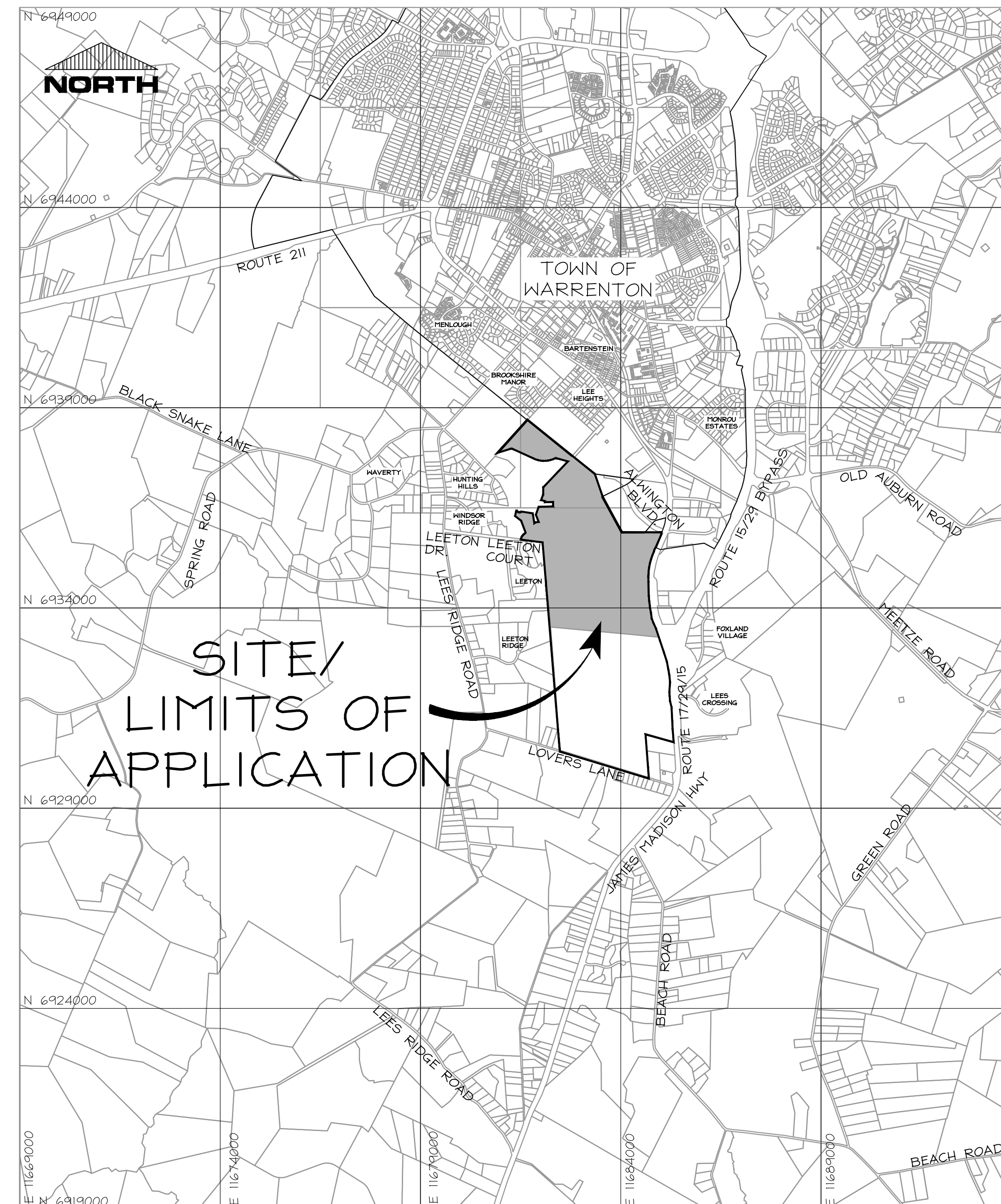
APPLICATION CASE NUMBER

REZN-22-011918

REQUESTED WAIVERS & MODIFICATIONS

PURSUANT TO FAUQUIER COUNTY ZONING ORDINANCE SECTION 4-112 - MODIFICATIONS, THE FOLLOWING WAIVERS AND MODIFICATIONS ARE BEING REQUESTED:

- MODIFICATION TO FAUQUIER COUNTY ZONING ORDINANCE ARTICLE 4-107 A.1 TO INCREASE FRONT YARD SETBACK TO 25 FEET.**
 SECTION 4-107 A.1 STATES SINGLE FAMILY RESIDENTIAL UNITS SHOULD BE GENERALLY SET BACK NO FURTHER THAN 10-20 FEET. STREET TREES ARE PROPOSED IN FRONT YARDS WITHIN A STREET TREE EASEMENT, THUS REQUIRING A LARGER FRONT YARD SETBACK.
- MODIFICATION TO FAUQUIER COUNTY ZONING ORDINANCE ARTICLE 4-107 C.3 TO ALLOW 12-FOOT DRIVEWAY.**
 SECTION 4-107 C.3 REQUIRES THE DRIVEWAY NOT TO EXCEED 10 FEET FOR AN INDIVIDUAL RESIDENCE. WE REQUEST THE DRIVEWAY WIDTH BE INCREASED TO 12 FEET AS IT APPROACHES THE DRIVEWAY APRON IN ACCORDANCE WITH THE MINIMUM WIDTH OF A PRIVATE ENTRANCE AS REQUIRED BY VIRGINIA DEPARTMENT OF TRANSPORTATION.
- WAIVER OF FAUQUIER COUNTY ZONING ORDINANCE ARTICLE 7-303 TO ALLOW PUBLIC STREET DESIGN TO TOWN OF WARRENTON STANDARDS.**
 SECTION 7-303 REQUIRES PUBLIC STREETS TO BE DESIGNED TO VDOT STANDARDS UNLESS A SPECIAL EXCEPTION IS APPROVED WAIVING THE REQUIREMENT. A WAIVER IS REQUESTED 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.
- MODIFICATION TO FAUQUIER COUNTY ZONING ORDINANCE ARTICLE 4-107 C.3 TO ALLOW SIDE LOAD GARAGES.**
 SECTION 4-107 C.3 REQUIRES RESIDENTIAL UNITS TO BE DESIGNED SO THAT GARAGES DO NOT DOMINATE THE STREET, WITH AN EMPHASIS ON REAR-LOADED GARAGES. WE REQUEST A MODIFICATION TO ALLOW SIDE LOAD GARAGES TO ALIGN WITH THE FRONT OF THE HOUSE AND BE INTEGRATED INTO THE FRONT ELEVATION WITH THE SAME ARCHITECTURAL TREATMENTS.



VICINITY AND CONTEXT MAP
 SCALE: 1" = 2000'

SHEET INDEX

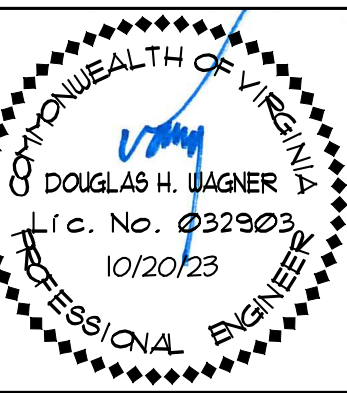
- COVER SHEET
- NOTES, TABULATIONS & DETAILS
- NOTES, TABULATIONS & DETAILS
- EXISTING CONDITIONS MAP
- SOILS MAP
- SOIL CHARACTERISTICS
- OVERALL ILLUSTRATIVE PLAN
- CONCEPT DEVELOPMENT PLAN
- CONCEPT DEVELOPMENT PLAN (ALT. A)
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- CONCEPTUAL CIRCULATION PLAN
- CONCEPTUAL CIRCULATION PLAN (ALT. A)
- CONCEPTUAL CIRCULATION PLAN (ALT. B)
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- HAMLET, OPEN SPACE & CONSERVATION PLAN (ALT. B)
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- CERTIFIED ZONING PLAT



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COVER SHEET
ARRINGTON
 CONCEPT DEVELOPMENT PLAN
 MARSHALL MAGISTERIAL DISTRICT FAUQUIER COUNTY, VIRGINIA

PROJECT NUMBER
 REZN - 22 - 011918



PLAN STATUS	
12/5/22	REV. PER 1ST SUB. COM.
5/05/23	REV. PER 2ND SUB. COM.
1/07/23	REV. PER 3RD SUB. COM.
9/22/23	REV. PER PG. COM.
10/20/23	REV. PER STAFF COM.

DATE	DESCRIPTION
BBR DESIGN	DR DRAWN CHKD
SCALE: H: AS SHOWN V:	
JOB NO:	2586-08-001
DATE:	JULY 18, 2022
FILE NO:	2586-D-24-00X

NOTES

- THE SUBJECT PROPERTY IS DELINEATED AS GPIN 6983-44-5875-000 PER CURRENT COUNTY TAX ASSESSMENT DATA. THE PROPERTY CAN BE FOUND IN DEED BOOK 1328 PG. 001 AMONG THE LAND RECORDS OF FAUQUIER COUNTY, VIRGINIA. THIS PROPERTY IS ZONED PRD AND RA AND IS LOCATED WITHIN THE COUNTY OF FAUQUIER, VIRGINIA. THE PROPERTY MEASURES 431.20 ACRES. THE PROPOSED SITE AND LIMITS OF APPLICATION INCLUDE A PORTION OF THE PROPERTY MEASURING 234.0877 ACRES AS SHOWN ON THIS PLAN.
- BOUNDARY INFORMATION SHOWN HEREON IS BASED ON FIELD SURVEY INFORMATION BY BOWMAN CONSULTING GROUP PREPARED AUGUST 7, 2010 AND UPDATED BASED ON AN ALTA SURVEY PREPARED BY EGS ENGINEERS, INC. DATED MARCH 31, 2021. THE PLAN HAS BEEN PREPARED IN THE NAD 83 HORIZONTAL DATUM. SITE TABULATIONS THROUGHOUT THIS APPLICATION ARE BASED ON THIS SURVEY INFORMATION.
- THIS SITE WILL BE DEVELOPED AS FOLLOWS:
 - A MIXED USE COMMUNITY WITHIN A 234.0877 ACRE AREA OF WHICH 206.43 ACRES IS CURRENTLY ZONED PLANNED RESIDENTIAL DEVELOPMENT (PRD) DISTRICT AND AN ADDITIONAL 27.66 ACRES WILL BE REZONED TO THE PLANNED RESIDENTIAL DEVELOPMENT (PRD) DISTRICT.
- TOPOGRAPHIC INFORMATION HEREON WAS OBTAINED FROM AN AERIAL SURVEY OF THE PROPERTY CONDUCTED BY WALTER L. PHILLIPS, INC. AND IS SHOWN AT 2' CONTOUR INTERVAL. ALL ELEVATIONS ARE BASED ON NAVD 88.
- THE APPLICATION AREA IS LOCATED WITHIN THE WARRENTON SERVICE DISTRICT.
- WATER SERVICE SHALL BE PROVIDED BY TOWN OF WARRENTON WATER SERVICE.
- ONE (1) EXISTING WELL, AS DESIGNATED ON SHEET 6, WILL BE OFFERED TO THE TOWN OF WARRENTON FOR ITS USE. IN THE EVENT THE TOWN OF WARRENTON DOES NOT ACCEPT THE OFFERED WELL, SUCH WELL MAY BE USED BY THE HOMEOWNER'S ASSOCIATION FOR IRRIGATION PURPOSES. TWO (2) ADDITIONAL WELLS, AS DESIGNATED ON SHEET 6, WILL BE OFFERED TO FAUQUIER COUNTY FOR WATER QUALITY MONITORING PURPOSES. IN THE EVENT FAUQUIER COUNTY DOES NOT ACCEPT THE OFFERED WELL, SUCH WELLS MAY BE USED BY THE HOMEOWNER'S ASSOCIATION FOR IRRIGATION PURPOSES OR SHALL BE ABANDONED ALONG WITH ALL OTHER ONSITE WELLS IN ACCORDANCE WITH APPLICABLE STANDARDS AND REGULATIONS.
- THE PRD ZONED LOTS SHALL UTILIZE A PROPOSED DISCHARGE DISPERSAL AREA UNLESS PUBLIC SANITARY SEWER SERVICE IS AVAILABLE.
- THE SUBJECT PROPERTY IS LOCATED ON FEMA FLOOD INSURANCE RATE MAP, NUMBER 5106C0308C, PANEL 308, DATED FEBRUARY 6, 2008. PORTIONS OF THE PROPERTY ARE LOCATED IN ZONE A, ZONE AE, AND ZONE X. A FLOODPLAIN MAP REVISION LOMR 17-03-2910P EFFECTIVE 3/22/18 WAS APPROVED FOR A PORTION OF THE SITE. FEMA IS IN THE PROCESS OF REASSESSING FLOOD INSURANCE RATE MAPS IN FAUQUIER COUNTY. A PORTION OF THE PROPERTY IS LOCATED WITHIN THE ZONE A AND ZONE AE FLOODPLAIN LIMITS AS DEFINED ON PRELIMINARY PANEL 5106C0308D ISSUED BY FEMA ON 9/15/2020 AND RELEASED FOR PUBLIC COMMENT AND APPEAL ON MAY 11, 2021 (RELEASE NUMBER R3-20-NR-071). THE COUNTY WILL NOT APPROVE STRUCTURES IN THE ESTABLISHED FLOODPLAIN WITHOUT APPROVAL OF A SPECIAL EXCEPTION.
- REMOVED.
- SOILS INFORMATION SHOWN IS FROM A TYPE I SOIL REPORT PREPARED BY THE FAUQUIER COUNTY SOILS SCIENTIST, DATED 9/2/2004.
- BOTH PRIVATE ALLEYS AND PUBLIC ROADS ARE SHOWN HEREON. PUBLIC ROADS WILL BE MAINTAINED BY THE APPLICABLE GOVERNMENTAL AGENCY OR BODY. PRIVATE ALLEYS SHALL BE MAINTAINED BY THE ARRINGTON CONSERVANCY.
- A PHASE I ARCHEOLOGICAL INVESTIGATION FOR THE SITE WAS COMPLETED IN FOUR REPORTS. TWO BY THUNDERBIRD ARCHEOLOGY DATED JUNE, 2007 AND AUGUST, 2007, AND TWO BY DOVETAIL ARCHEOLOGY DATED OCTOBER, 2010, AND OCTOBER, 2011.
- A TRAFFIC IMPACT STUDY HAS BEEN PREPARED BY GOROVE SLADE. COUNTY PROJECT NUMBER STUD-22-017983.
- A PHASE I ENVIRONMENTAL SITE ASSESSMENT HAS BEEN COMPLETED BY EGS LTD. DATED DECEMBER 2003. NO TOXIC SUBSTANCES OR HAZARDOUS WASTE WERE IDENTIFIED ON THE PROPERTY.
- EXISTING WETLANDS HAVE BEEN DELINEATED BY BOWMAN CONSULTING GROUP, DATED AUGUST 20, 2021 AND CONFIRMED BY U.S. ARMY CORPS OF ENGINEERS (USACE) JURISDICTIONAL DETERMINATION LETTER, PROJECT NUMBER NAO-2006-05802, DATED FEBRUARY 9, 2022. NO FEDERAL OR STATE PERMITS ARE KNOWN TO LIMIT DEVELOPMENT ON THE SUBJECT PROPERTY AT THIS TIME.
- ALL CONSTRUCTION SHALL CONFORM TO CURRENT STANDARDS AND SPECIFICATIONS IF THE APPLICABLE GOVERNMENTAL AGENCY OR BODY UNLESS MODIFIED OR WAIVED.
- ALL LANDSCAPING SHALL CONFORM WITH SEC. 7-600 OF THE FAUQUIER COUNTY ZONING ORDINANCE UNLESS WAIVED OR MODIFIED.
- ALL COMMON OPEN SPACE WITHIN THE PRD AREA SHALL BE OWNED AND MAINTAINED BY THE ARRINGTON CONSERVANCY.
- THE STORMWATER MANAGEMENT (SWM) AND BEST MANAGEMENT PRACTICES (BMP) CONCEPT PLANS SHOWN PER SEC. 203.2.1 OF THE DESIGN STANDARDS MANUAL IS CONCEPTUAL AND SUBJECT TO CHANGE DURING FINAL CODE OF DEVELOPMENT SITE PLAN SUBMISSION.
- THE LOT LAYOUT, UTILITY DESIGN, AND OTHER PRELIMINARY DESIGN ITEMS (TRAILS, GRADING, SWM FACILITIES, ETC.) SHOWN HEREON ARE SUBJECT TO CHANGE BASED ON FINAL ENGINEERING DESIGN, PROVIDED THAT SUBSTANTIAL CONFORMANCE WITH THE CONCEPT DEVELOPMENT PLAN IS MAINTAINED.
- REMOVED.
- FIRE LANE DESIGNATION REQUIREMENT OF PROPOSED ROADWAYS WILL BE ADDRESSED WITH FINAL CODE OF DEVELOPMENT SITE PLAN SUBMISSION.
- FIRE APPARATUS TURNAROUND AREAS WILL BE PROVIDED ON FINAL CONSTRUCTION PLAN AS REQUIRED PER APPENDIX D OF THE VIRGINIA STATEWIDE FIRE PREVENTION CODE.
- ONSITE ACTIVE RECREATION FACILITIES WILL INCLUDE OUTDOOR TRAILS, PLAYGROUNDS, SPORTFIELDS, SPORT COURTS, AND PUBLIC OPEN SPACE/GREENS.
- REMOVED.
- TRAILS WITHIN PUBLIC ACCESS EASEMENTS AND SIDEWALKS WITHIN PUBLIC RIGHT-OF-WAYS SHALL BE MAINTAINED BY THE ARRINGTON CONSERVANCY UNLESS OTHERWISE MAINTAINED BY THE APPLICABLE GOVERNMENTAL AUTHORITY.
- REMOVED.
- REMOVED.
- THE APPLICANT WILL BE REQUIRED TO SUBMIT AND HAVE APPROVED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) A FLOODPLAIN STUDY PRIOR TO THE APPROVAL OF THE FINAL CONSTRUCTION PLANS WHICH INCLUDES ANY PROPOSED PERMANENT IMPROVEMENTS WITHIN A FEMA DESIGNATED 100-YEAR FLOODPLAIN. FEMA APPROVAL WILL BE SIGNIFIED BY THE ISSUANCE OF A CONDITIONAL LETTER OF MAP REVISION (CONDITIONAL LOMR OR CLOMR) FOR THE PROPOSED PROJECT.
- THE APPLICANT WILL BE REQUIRED TO ADJUST PROPOSED IMPROVEMENTS SO THAT ALL SWM/BMP FACILITIES, AND ASSOCIATED GRADING IS DESIGN NOT TO ENCR OACH THE ULTIMATE FEMA 100-YEAR FLOODPLAIN.
- PROPOSED WATER USAGES AND SEWAGE FLOWS FOR THE PROPOSED PRD LOTS ARE ANTICIPATED TO GENERATE A PEAK FLOW EQUAL TO 360 GALLONS PER DAY.
- A SOIL EVALUATION AND PRELIMINARY ENGINEERING REPORT FOR THE PROPOSED SANITARY SEWER EFFLUENT DISPERSAL FIELDS WILL BE PROVIDED TO THE COUNTY SEPARATELY.
- A FIRE PROTECTION PLAN WILL BE DEVELOPED AT THE TIME OF FINAL ENGINEERING.
- THE APPLICANT RESERVES THE RIGHT TO PHASE THE PROJECT DURING THE CODE OF DEVELOPMENT SITE PLAN APPROVAL PROCESS.
- UPON REZONING OF THE PROPERTY, THE CONTINUED USE OF ALL, OR ANY PORTION OF THE PROPERTY FOR AGRICULTURAL USES SHALL BE PERMITTED UNTIL THE AGRICULTURAL USE IS DISCONTINUED, OR SUCH PORTION OF THE PROPERTY IS DEVELOPED FOR RESIDENTIAL OR COMMERCIAL PURPOSES IN ACCORDANCE WITH THIS REZONING REQUEST.

EXISTING SITE TABULATIONS

PARCEL IDENTIFICATION: 6983-44-5875
 STREET ADDRESS: NONE ASSIGNED
 PARCEL SIZE (GROSS ACREAGE): 431.20 ACRES

EXISTING ZONING: PRD RA
 SIZE (GROSS ACREAGE): 206.43 ACRES 224.77 ACRES
 PORTION SUBJECT TO APPLICATION: 206.43 ACRES 27.66 ACRES
 TOTAL AREA SUBJECT TO APPLICATION: 234.09 ACRES

PROPOSED SITE TABULATIONS

TOTAL AREA SUBJECT TO APPLICATION: 234.09 ACRES
 PROPOSED PRD ZONED LAND: 234.09 ACRES
 PROPOSED RA ZONED LAND: 0 ACRES
 AREA REMAINING RA (NOT SUBJECT TO APPLICATION): 197.11 ACRES

PROPOSED ZONING - BASE DEVELOPMENT STANDARDS

ZONE: PRD
 PROPOSED LOTS (DENSITY): 217 LOTS (0.93 LOTS/ACRE)
 CENTRAL SFD HAMLET: 174 SFD LOTS
 SOUTHWEST HAMLET: 43 SFD LOTS
 TOTAL: 217 LOTS
 MIN. OPEN SPACE: 25%; CALCULATED AS: 25% X 234.0877 ACRES = 58.52 ACRES
 PROVIDED OPEN SPACE: 42% = 99.15 ACRES

PROPOSED ZONING - ALTERNATIVE A, PUBLIC WATER & SANITARY SEWER SERVICE PRD DEVELOPMENT STANDARDS

ZONE: PRD
 PROPOSED LOTS (DENSITY): 211 LOTS (1.01 LOTS/ACRE; SEE NOTE 3)
 CENTRAL HAMLET: 46 SFD LOTS
 CENTRAL SFA HAMLET: 14 TH LOTS
 SOUTHWEST HAMLET: 37 TH LOTS
 SOUTHWEST HAMLET: 43 SFD LOTS
 SOUTHWEST HAMLET: 55 SFD LOTS
 SOUTHWEST HAMLET: 16 TH LOTS
 TOTAL: 211 LOTS

COMMERCIAL: EATING ESTABLISHMENT (8,000 SF MAX.) AND HOTEL/INN; MAX OF 15 SLEEPING ROOMS).
 MAX. COMMERCIAL: 10%; CALCULATED AS: 10% X 209.0877 ACRES = 20.91 ACRES
 PROVIDED COMMERCIAL: 1.1%; 2.30 ACRES
 MIN. OPEN SPACE: 25%; CALCULATED AS: 25% X 209.0877 ACRES = 52.27 ACRES
 PROVIDED OPEN SPACE: 51.9% = 108.44 ACRES

PROPOSED ZONING - ALTERNATIVE B, BOUNDARY LINE ADJUSTMENT WITH TOWN OF WARRENTON PRD DEVELOPMENT STANDARDS

ZONE: PRD
 PROPOSED LOTS (DENSITY): 270 LOTS (1.29 LOTS/ACRE; SEE NOTE 3)
 CENTRAL HAMLET: 46 SFD LOTS
 CENTRAL SFA HAMLET: 14 TH LOTS
 SOUTHWEST HAMLET: 37 TH LOTS
 SOUTHWEST HAMLET: 43 SFD LOTS
 SOUTHWEST HAMLET: 55 SFD LOTS
 NORTH HAMLET: 16 TH LOTS
 NORTH HAMLET: 17 SFD LOTS
 NORTH HAMLET: 42 TH LOTS
 NORTH HAMLET: 270 LOTS

COMMERCIAL: EATING ESTABLISHMENT (8,000 SF MAX.) AND HOTEL/INN; MAX OF 15 SLEEPING ROOMS).
 MAX. COMMERCIAL: 10%; CALCULATED AS: 10% X 209.0877 ACRES = 20.91 ACRES
 PROVIDED COMMERCIAL: 1.1%; 2.30 ACRES
 MIN. OPEN SPACE: 25%; CALCULATED AS: 25% X 209.0877 ACRES = 52.27 ACRES
 PROVIDED OPEN SPACE: 52.15 = 108.88 ACRES

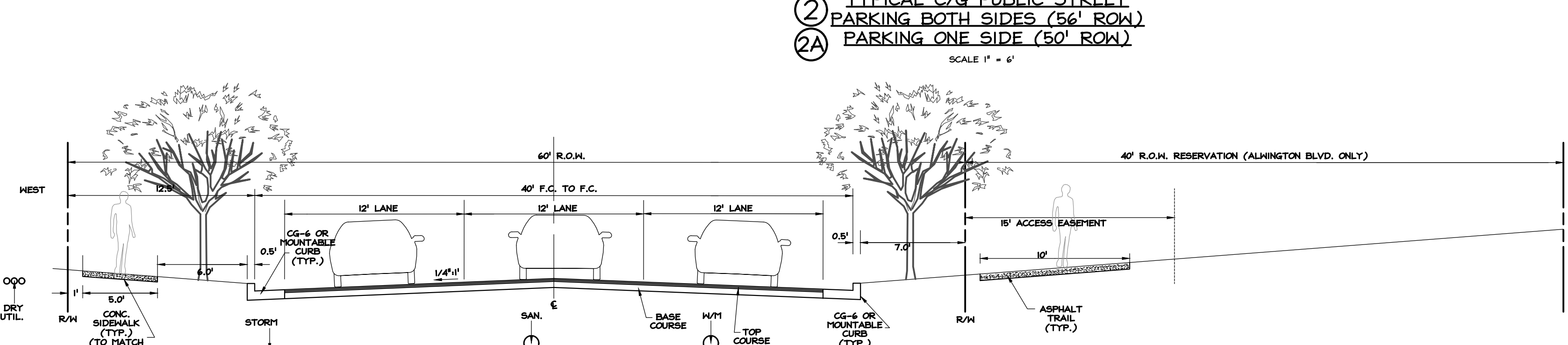
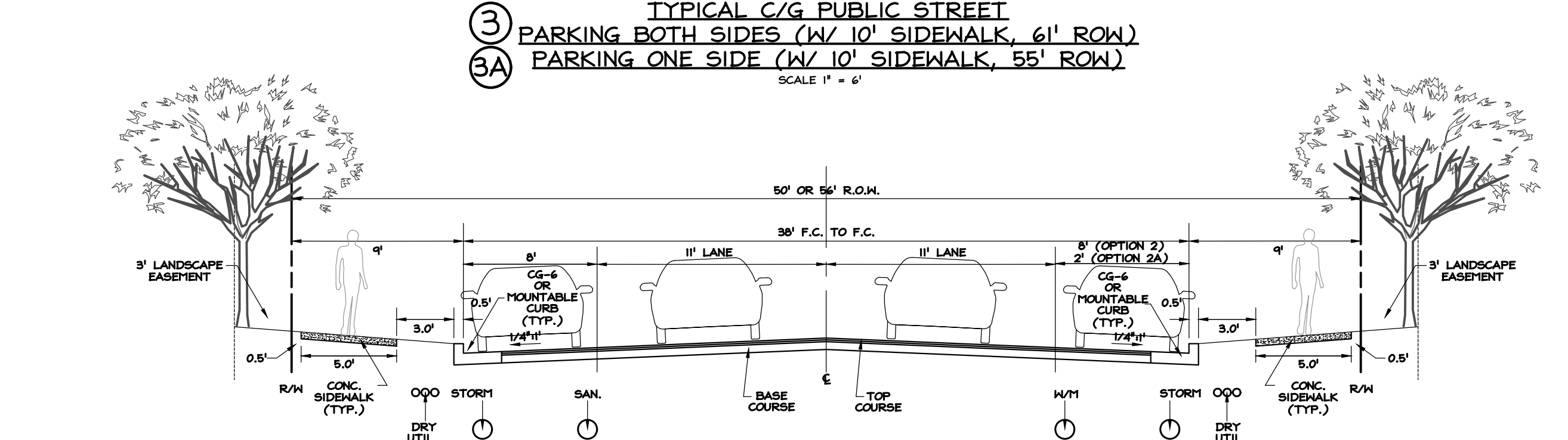
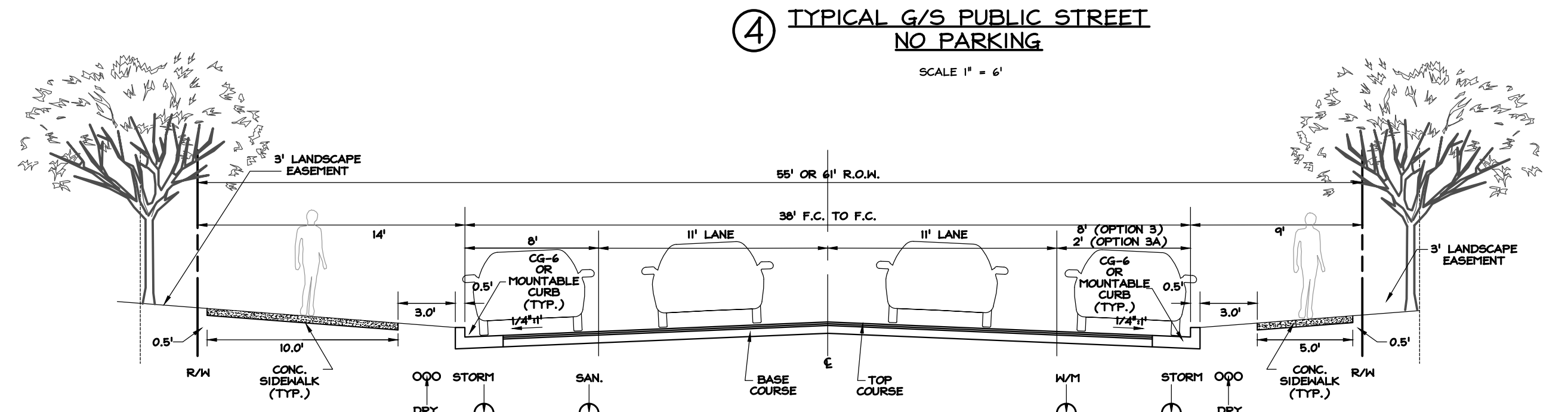
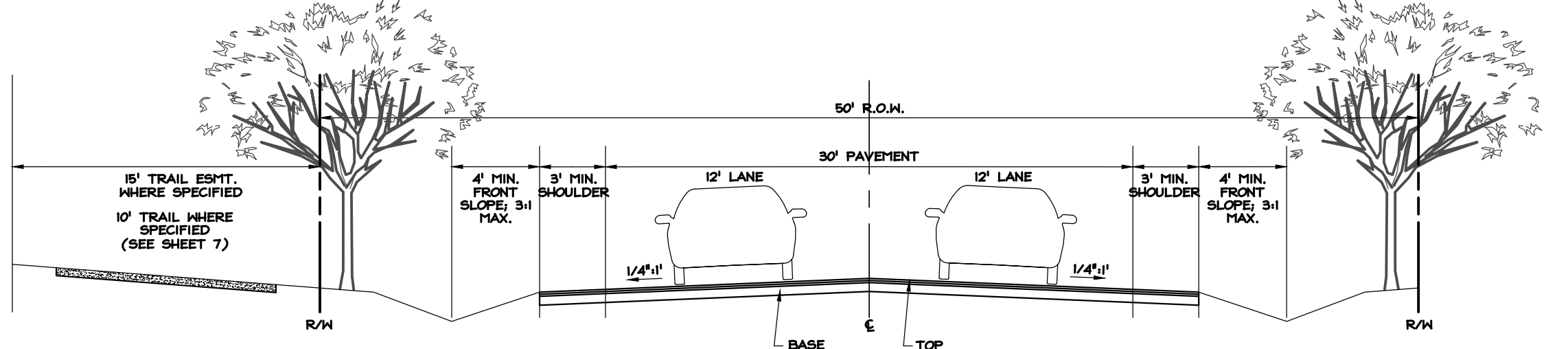
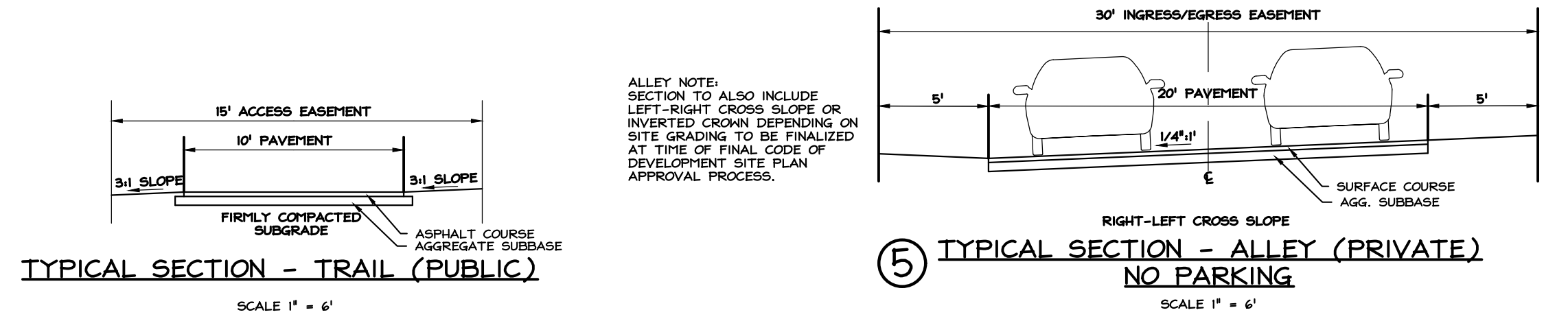
ZONING REQUIREMENTS FOR THE PRD ZONED PORTION OF THE SUBJECT PROPERTY WILL BE REGULATED BY A CODE OF DEVELOPMENT. SEE THE PROPOSED CODE OF DEVELOPMENT FOR MINIMUM LOT SIZES, FRONTAGES, SETBACKS, BUILDING HEIGHT, AND OTHER REQUIREMENTS OF THE PLANNED RESIDENTIAL DISTRICT.

- SITE TABULATION NOTES:
- ABOVE OPEN SPACE TABULATIONS ARE PRELIMINARY AND SUBJECT TO CHANGE WITH FINAL C.O.D. SITE PLAN APPROVAL. THE MINIMUM REQUIRED OPEN SPACE FOR THE LAND AREA SHOWN ON EACH FINAL SUBDIVISION PLAT SHALL BE DEDICATED TO THE HOMEOWNER'S ASSOCIATION WITH RECORDATION OF SUCH PLAT.
 - SEE SHEET 15 FOR OPEN SPACE AND TREE CANOPY CALCULATIONS.
 - DENSITY AND OPEN SPACE CALCULATIONS EXCLUDE 25.00 ACRES FOR "LAND BAY W" IN ALTERNATIVES A AND B.

DEVELOPMENT PROGRAM

COMMUNITY SECTOR	2015 APPROVED REZONING				2022 PROPOSED REZONING (BASE)				2022 PROPOSED REZONING (ALT A)				2022 PROPOSED REZONING (ALT B)			
	LAND AREA (acs.)	NO. OF LOTS	LOAD (MAX)	REAR LOAD (MIN)	LAND AREA (acs.)	NO. OF LOTS	LOAD (MAX)	REAR LOAD (MIN)	LAND AREA (acs.)	NO. OF LOTS	LOAD (MAX)	REAR LOAD (MIN)	LAND AREA (acs.)	NO. OF LOTS	LOAD (MAX)	REAR LOAD (MIN)
PRD HAMLETS:																
VIGNERONS	63	49	14													
MERITAGES	53	45	8		174	100	74		60	40	20		60	40	20	
COOPERS VALLEY	52	37	15						43	43	0		43	43	0	
VINTNERS	49	31	18		43	43	0		71	27	44		37	27	44	
TOTAL	206.43	217	162	55	234.09	217	143	74	209.09	211	110	101	209.09	270	127	143
DENSITY =	1.05 lots/ac	74.7%	25.3%		0.93 lots/ac	65.9%	34.1%		1.01 lots/ac	52.1%	47.9%		1.29 lots/ac	47.0%	53.0%	

- DEVELOPMENT PROGRAM NOTES:
- THE NUMBER OF LOTS WITHIN EACH HAMLET ARE APPROXIMATE AND ARE SUBJECT TO CHANGE DURING PREPARATION OF THE CODE OF DEVELOPMENT SITE PLAN UP TO A MAXIMUM OF FIVE PERCENT (5%) OF THE TOTAL NUMBER OF LOTS WITHIN SUCH HAMLET.
 - THE TOTAL NUMBER OF LOTS WITHIN THE COMMUNITY MAY NOT EXCEED 217, 211, AND 270 LOTS FOR THE BASE ZONING, ALTERNATIVE A, AND ALTERNATIVE B PLANS, RESPECTIVELY.
 - THE LOCATION OF LOTS WITH ALLEY-ORIENTED GARAGES MAY BE SHIFTED FROM BLOCK TO BLOCK WITHIN EACH HAMLET BUT THE TOTAL NUMBER OF LOTS WITH ALLEY-ORIENTED GARAGES FOR SUCH HAMLET MAY NOT BE REDUCED, NOTWITHSTANDING NOTE #1 ABOVE.



STREET SECTIONS

Item A.

Bowman

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NOTES, TABULATIONS, & DETAILS
ARRINGTON
 CONCEPT DEVELOPMENT PLAN
 MARSHALL MAGISTERIAL DISTRICT FAUQUIER COUNTY, VIRGINIA

PROJECT NUMBER
 REZN - 22 - 017918

THE HEALTH OF VIRGINIA
 DOUGLAS H. WAGNER
 Lic. No. 0329203
 10/20/23
 PROFESSIONAL ENGINEER

PLAN STATUS

12/5/22	REV. PER 1ST SUB. COM.
5/05/23	REV. PER 2ND SUB. COM.
1/07/23	REV. PER 3RD SUB. COM.
9/22/23	REV. PER PG. COM.
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DATE	DESCRIPTION
	BBR DR
	DESIGN DRANNI CHKD

SCALE: H: AS SHOWN
 V:

JOB NO.: 2586-08-001
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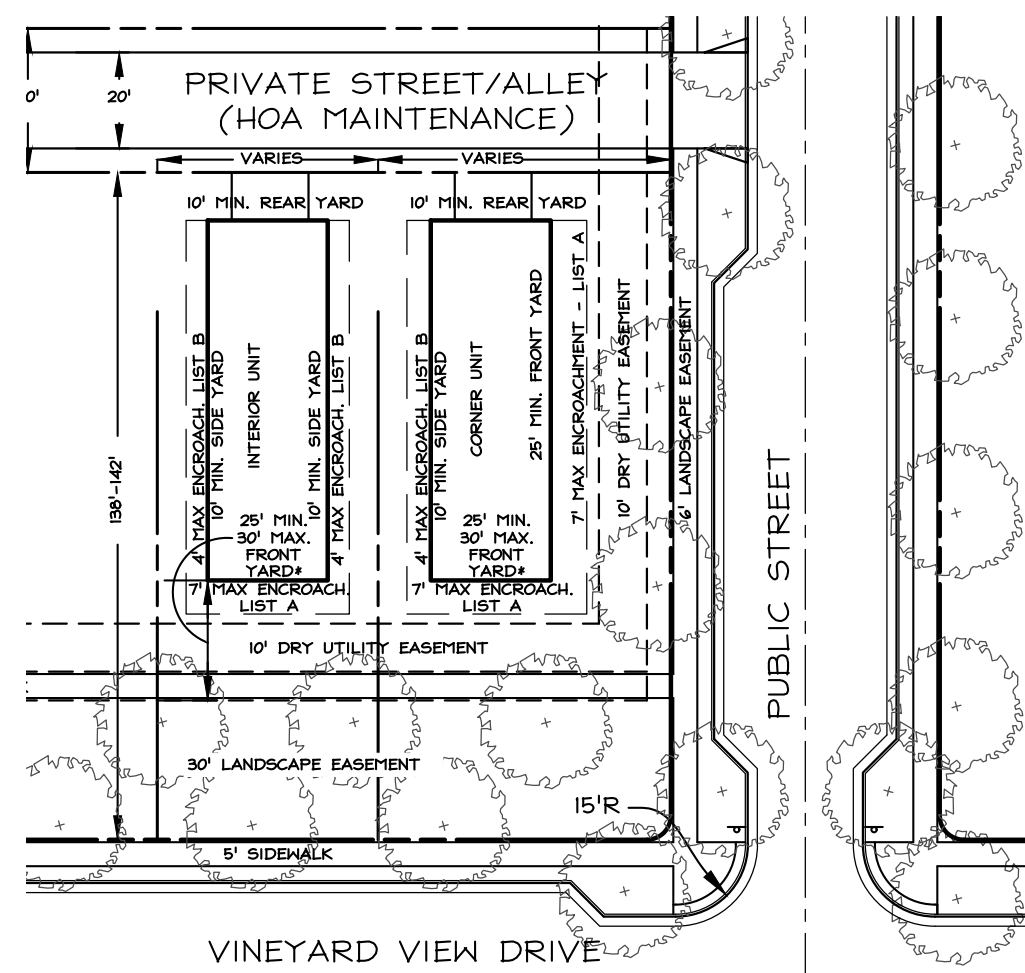
SHEET 2 OF 17

228

LOT STANDARDS

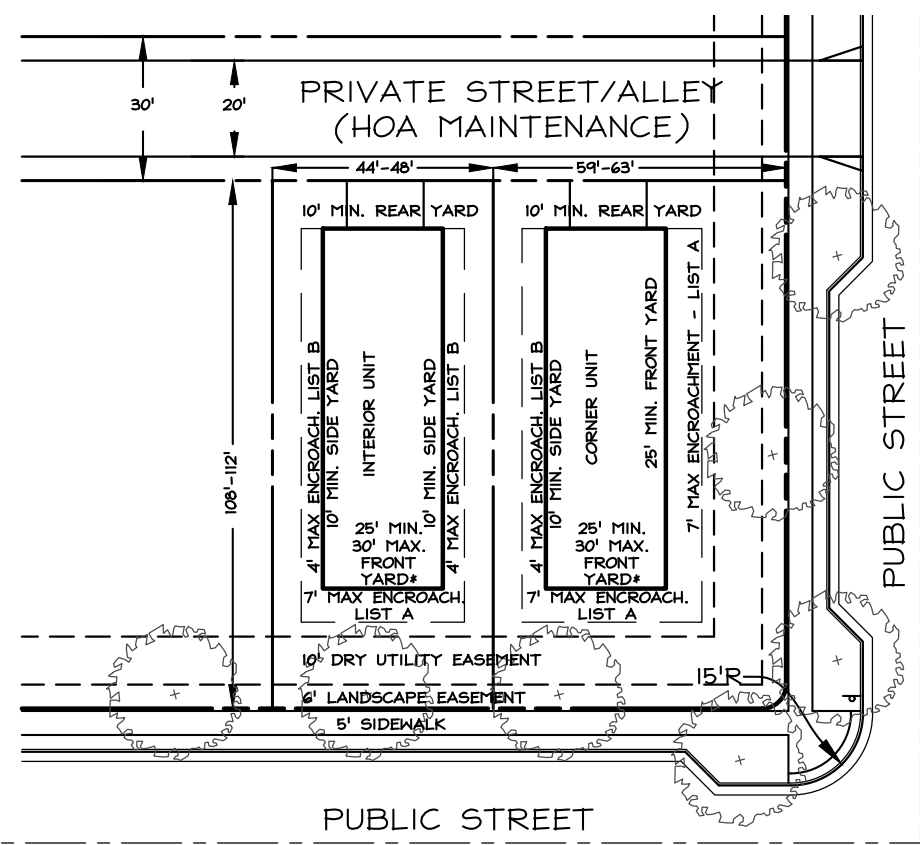
BUILDING CATEGORY	CORNER/END	LOT DIMENSIONS				LOT AREA (Sq Ft)	GARAGE ORIENTATION	PROPERTY LINE SETBACK			ENCROACHMENT (1)		BUILDING HEIGHT (MAX (Ft))	
		MIN (Ft)	MAX (Ft)	MIN (Ft)	MAX (Ft)			MIN (Ft)	MAX (Ft)	MIN (Ft)	MAX (Ft)	LIST		MAX (Ft)
VILLAGE	A INTERIOR	44	48	108	112	4752	5376	REAR-ALLEY	FRONT 25	30	A	7	35	
	A INTERIOR BLOCK 25 ONLY	44	48	138	142	6072	6816	REAR-ALLEY	FRONT 55	60	A	7	35	
	A CORNER	59	63	108	112	6372	7056	REAR-ALLEY	FRONT 25	30	A	7	35	
	B INTERIOR	49	53	108	112	5292	5936	REAR-ALLEY	FRONT 10	15	B	4	35	
	B INTERIOR BLOCK 25 ONLY	49	53	138	142	6762	7526	REAR-ALLEY	FRONT 55	60	A	7	35	
	B CORNER	64	68	108	112	6912	7616	REAR-ALLEY	FRONT 25	30	A	7	35	
NEIGHBORHOOD	A INTERIOR	62	66	108	112	6696	7392	FRONT (MIN. GARAGE SETBACK IS HOUSE FRONT + 20')	FRONT 25	30	A	7	35	
	A CORNER	77	81	108	112	8316	9072	FRONT (MIN. GARAGE SETBACK IS HOUSE FRONT + 20')	FRONT 25	30	A	7	35	
	B INTERIOR	74	78	108	112	7992	8736	FRONT (MIN. GARAGE SETBACK IS HOUSE FRONT + 20')	FRONT 25	30	A	7	35	
	B CORNER	89	93	108	112	9612	10416	FRONT (MIN. GARAGE SETBACK IS HOUSE FRONT + 20')	FRONT 25	30	A	7	35	
ESTATE	A INTERIOR	89	93	108	112	9612	10416	SIDE	FRONT 25	30	A	7	35	
	A CORNER	104	108	108	112	11232	12096	SIDE	FRONT 25	30	A	7	35	
	B INTERIOR	97	101	108	112	10476	11312	SIDE	FRONT 25	30	A	7	35	
	B CORNER	112	116	108	112	12096	12992	SIDE	FRONT 25	30	A	7	35	
TOWNHOUSE	INTERIOR	19.5	20.5	98	110	1911	2255	REAR-ALLEY	FRONT 25	30	A	7	40	
	CORNER - PUBLIC STREET	45	50	98	110	4410	5500	REAR-ALLEY	FRONT 25	30	A	7	40	
	END - PRIVATE ALLEY OR OPEN SPACE	29.5	30.5	98	110	2891	3355	REAR-ALLEY	FRONT 25	30	A	7	40	
TOWNHOUSE - AFFORDABLE (BLOCKS 24 AND 25)	INTERIOR	19.5	20.5	138	140	2691	2870	REAR-ALLEY	FRONT 25	30	A	7	40	
	CORNER - PUBLIC STREET	45	50	138	140	6210	7000	REAR-ALLEY	FRONT 25	30	A	7	40	
	END - PRIVATE ALLEY OR OPEN SPACE	29.5	30.5	138	140	4071	4270	REAR-ALLEY	FRONT 25	30	A	7	40	
COMMERCIAL - EATING ESTABLISHMENT						BUILDING FLOOR AREA (Sq Ft) MIN MAX			FRONT - ROLLING MEADOWS	25	30	A	7	35
						n.a.	8000		FRONT - VINEYARD VIEW	55	60	A	7	35
COMMERCIAL - HOTEL (INN)						NO. OF GUEST ROOMS MIN MAX			FRONT - PARKING ROLLING MEADOWS	120	n.a.	A	7	35
						n.a.	15	n.a.	FRONT - BUILDING ROLLING MEADOWS	10	n.a.	n.a.	n.a.	35

LOT STANDARDS NOTE:
THE REAR PROPERTY LINE SETBACK FOR LOTS 88 AND 89 SHALL BE MEASURED FROM THE EDGE OF PAVEMENT OF THE SHARED DRIVEWAY.



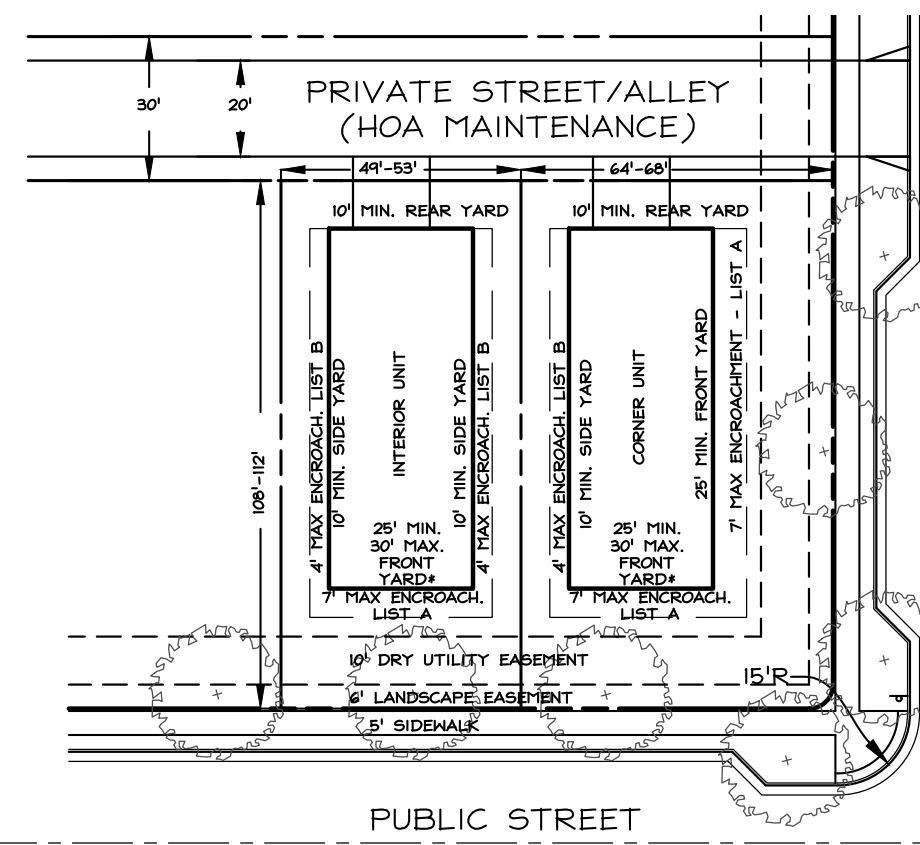
TYPICAL VILLAGE BLOCK 25 SINGLE FAMILY DETACHED (REAR-LOAD)

NOT TO SCALE
* SEE LOT STANDARDS TABLE FOR BLOCK 25 FRONT YARD REQUIREMENT.



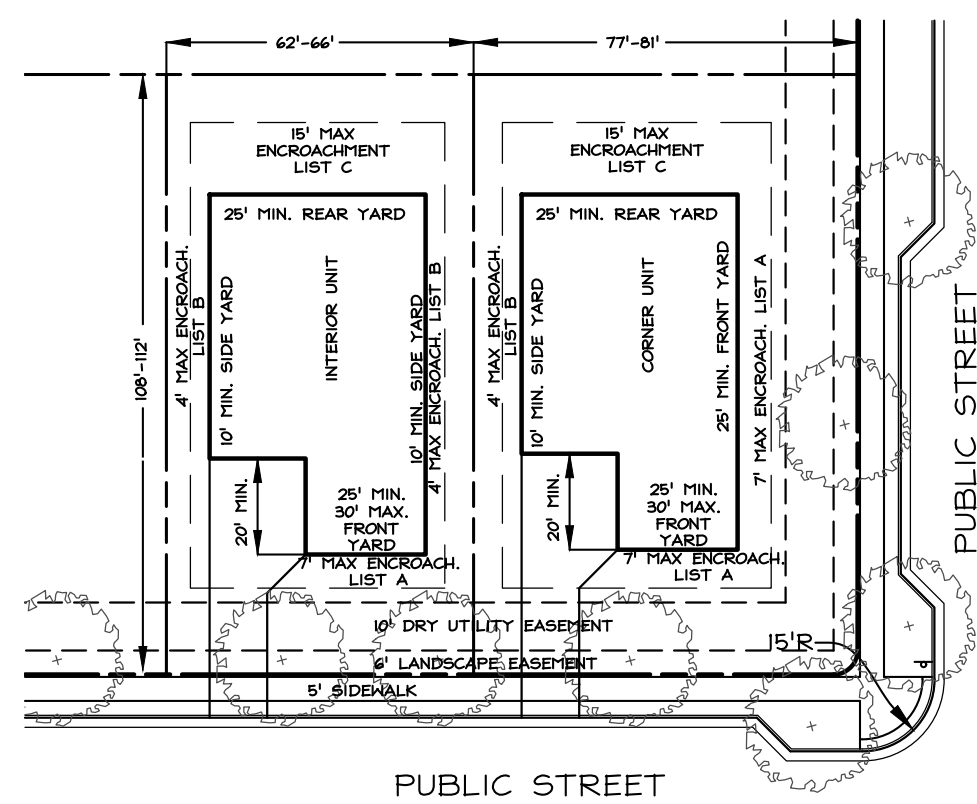
TYPICAL VILLAGE TYPE A SINGLE FAMILY DETACHED (REAR-LOAD)

NOT TO SCALE



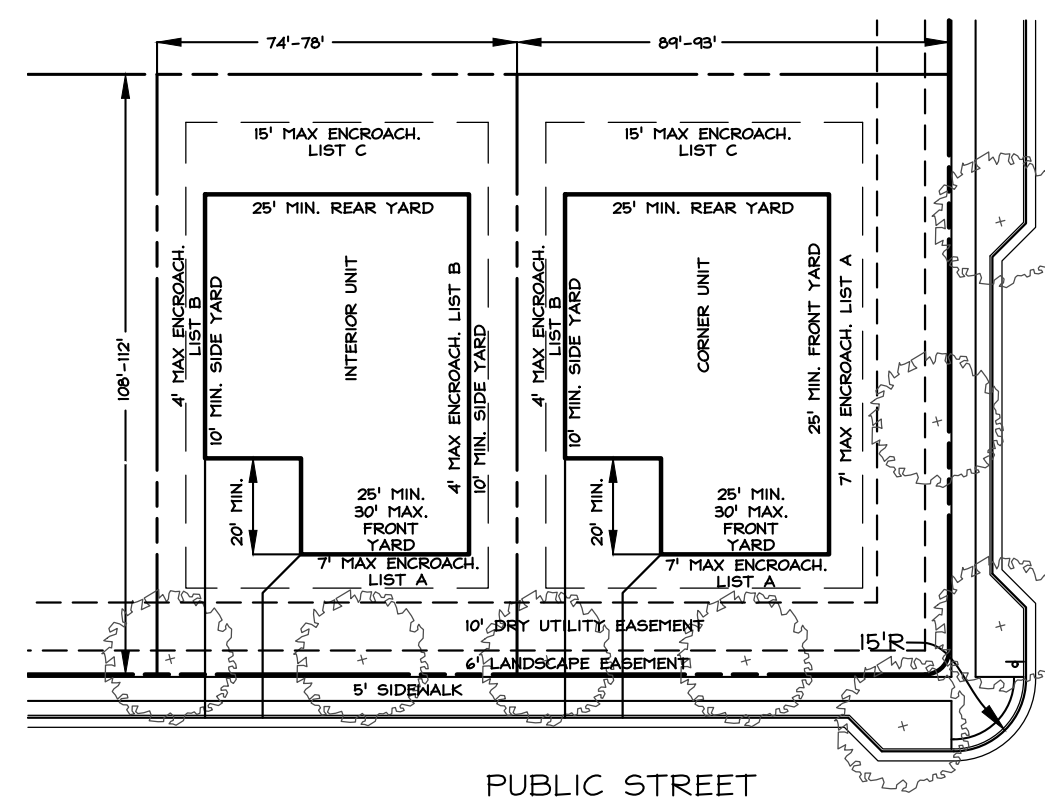
TYPICAL VILLAGE TYPE B SINGLE FAMILY DETACHED (REAR-LOAD)

NOT TO SCALE



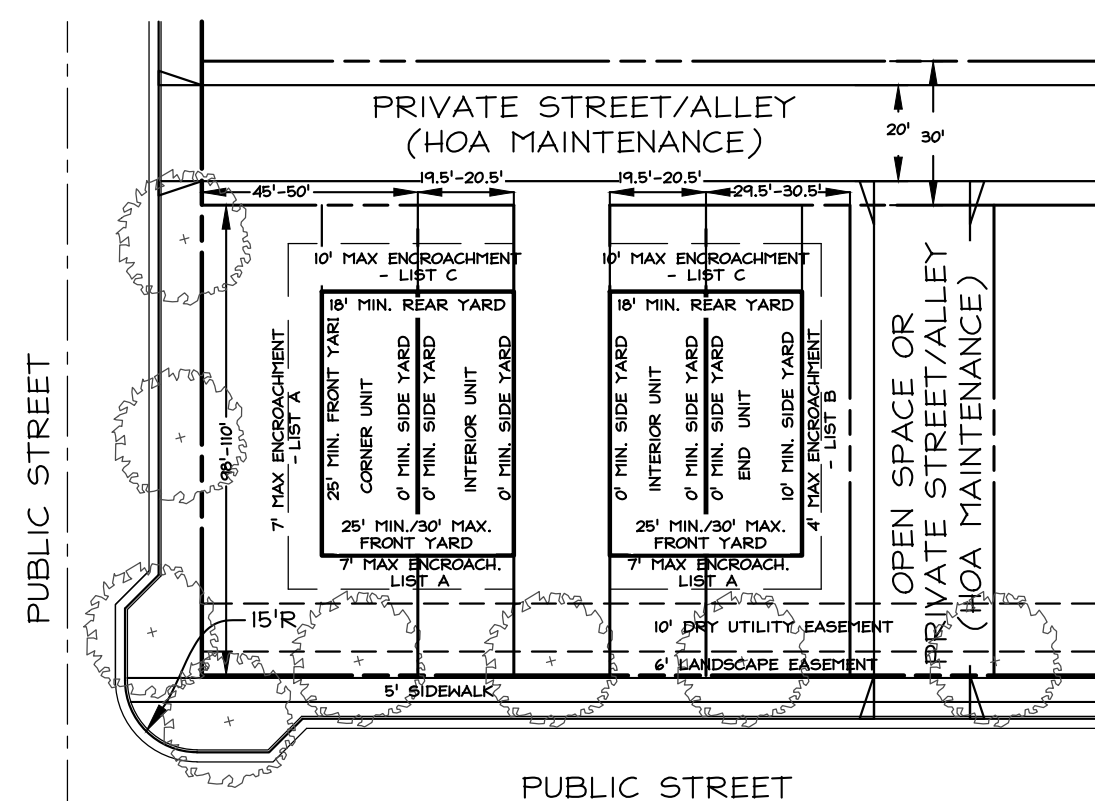
TYPICAL NEIGHBORHOOD TYPE A SINGLE FAMILY DETACHED (FRONT-LOAD)

NOT TO SCALE



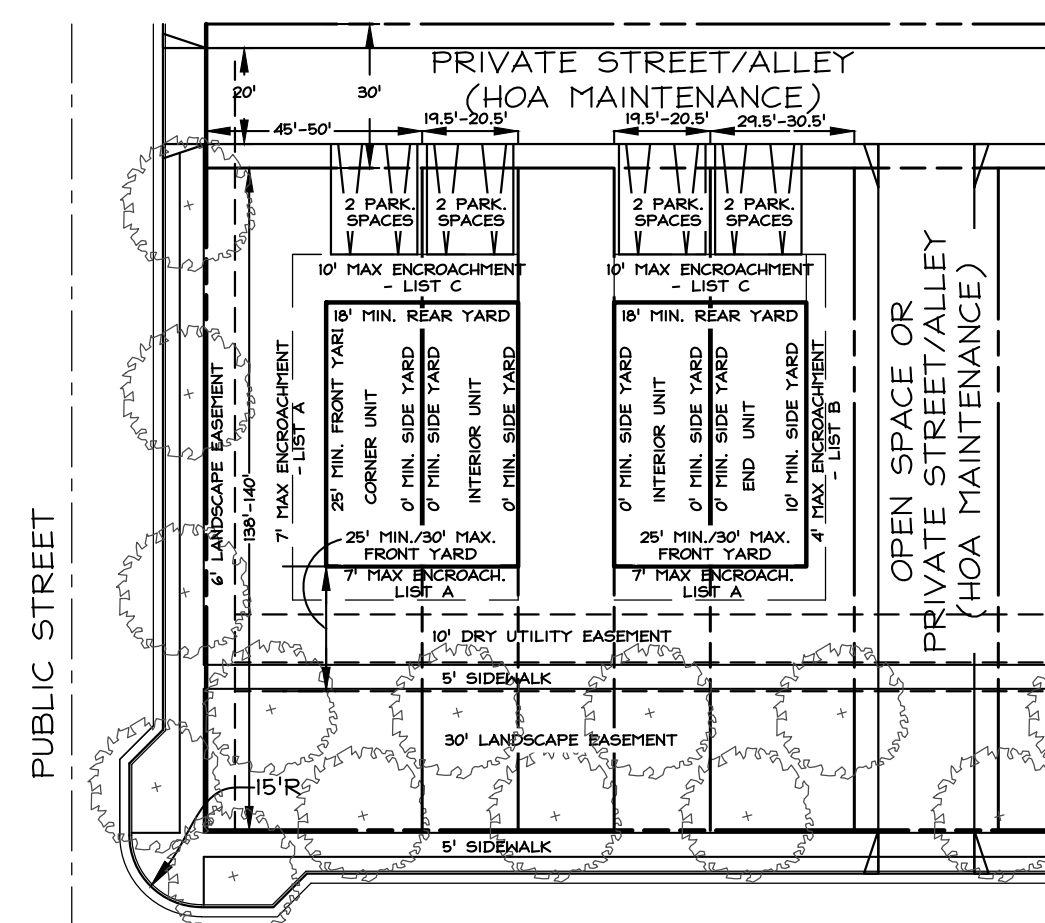
TYPICAL NEIGHBORHOOD TYPE B SINGLE FAMILY DETACHED (FRONT-LOAD)

NOT TO SCALE



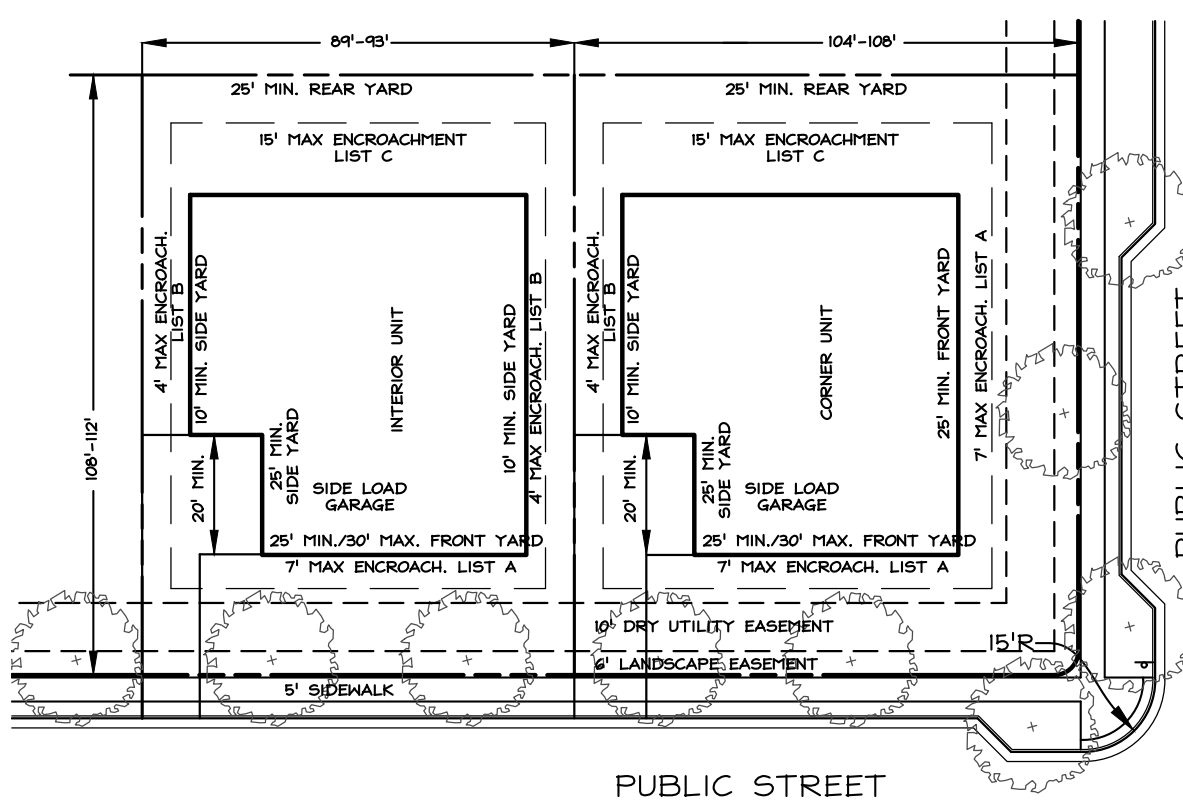
TYPICAL TOWNHOUSE (REAR-LOAD)

NOT TO SCALE



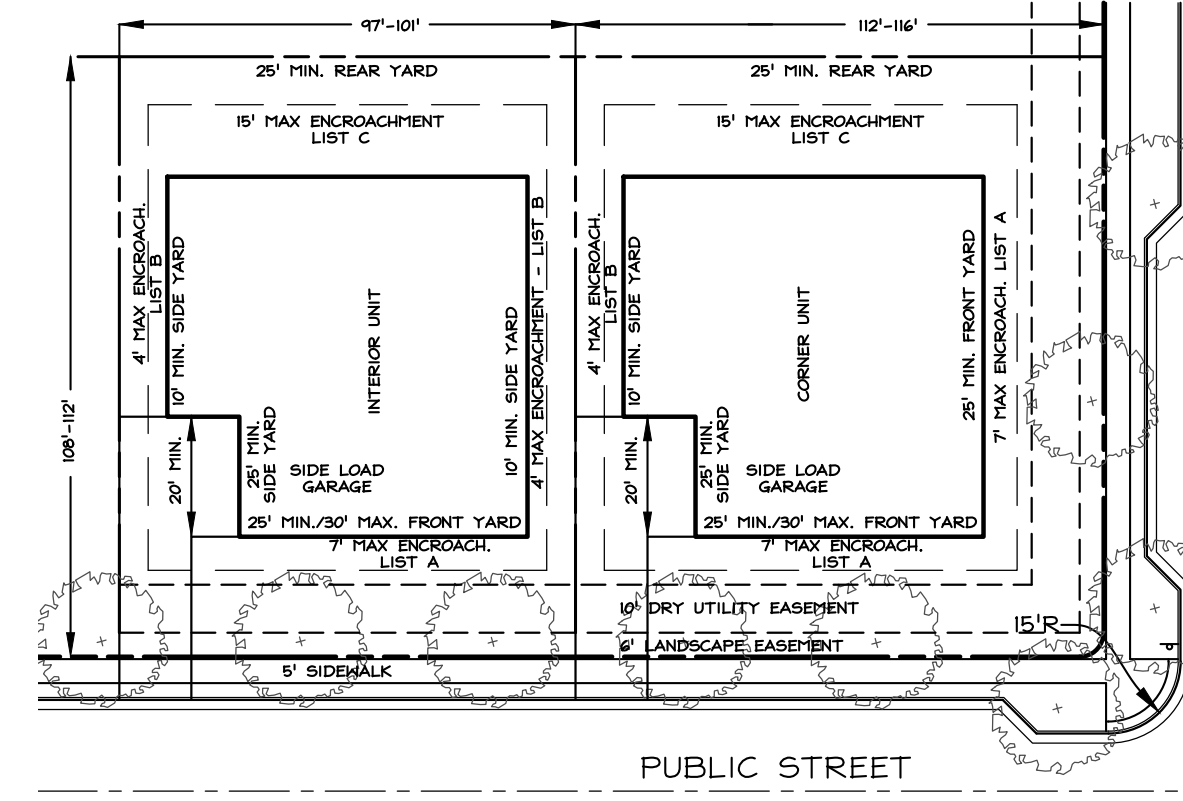
TYPICAL TOWNHOUSE AFFORDABLE (BLOCK 24 & 25) (REAR-LOAD)

NOT TO SCALE



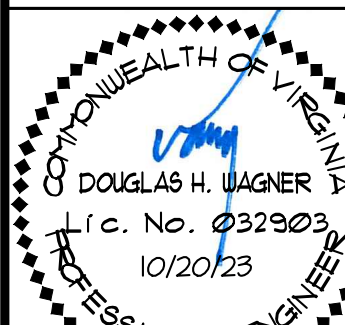
TYPICAL ESTATE TYPE A SINGLE FAMILY DETACHED (SIDE-LOAD)

NOT TO SCALE



TYPICAL ESTATE TYPE B SINGLE FAMILY DETACHED (SIDE-LOAD)

NOT TO SCALE



DATE	DESCRIPTION
12/5/22	REV. PER 1ST SUB. COM.
5/05/23	REV. PER 2ND SUB. COM.
1/07/23	REV. PER 3RD SUB. COM.
9/22/23	REV. PER PG. COM.
10/20/23	REV. PER STAFF COM.

DATE	DESCRIPTION
	BDR DR
	DESIGN DRANN CHKD

OWNER'S TABLE

(A) NF LILLARD, EARL E. & LILLARD, LESLIE MARLYN GPN: 6983-31-4604 DB 294 PG 639 1022 LOVERS LANE WARRENTON, VA 20186	(G) NF LEETON HOA GPN: 6983-25-8814 DB 118 PG 862 7535 LITTLE RIVER TRKE #10 ANNANDALE, VA 22003	(Y) NF WARRENTON BAPTIST CHURCH GPN: 6983-39-5541 DB 168 PG 2157 123 MAIN ST. WARRENTON, VA 20186	(EE) ASSEMBLIES OF GOD, INC. POTOMAC DISTRICT COUNCIL OF GPN: 6983-66-3096 DB 1589 PG 602 & DB 1632 PG 485 & DB 1632 PG 1725 1452 JOHN MARSHALL HWY GAINESVILLE, VA 20186	(KK) NF FAUQUIER COUNTY BOARD OF SUPERVISORS GPN: 6983-50-0145 DB 692 PG 431 & DB 109 PG 363 & DB 109 PG 970 & DB 178 PG 1043 10 HOTEL ST 2ND FLR WARRENTON, VA 20186	(QQ) NF DIAZ, MAILIN S. & MCKEE THOMAS GPN: 6983-50-2143 DB 149 PG 1509 P.O. BOX 451 WARRENTON, VA 20188	(MW) NF SILKOUSKI, JEREMIAH GPN: 6983-50-6783 DB 149 PG 1509 P.O. BOX 451 WARRENTON, VA 20188	(C1) CURVE RADIUS 100.00' LENGTH 63.56' CHORD BEARING S 87°26'29" W CHORD 62.49' DELTA ANGLE 36°24'58" TANGENT 32.89'	(L1) LINE BEARING N 07°19'00" E DISTANCE 60.00'
--	--	--	--	--	---	--	--	--

CURVE TABLE

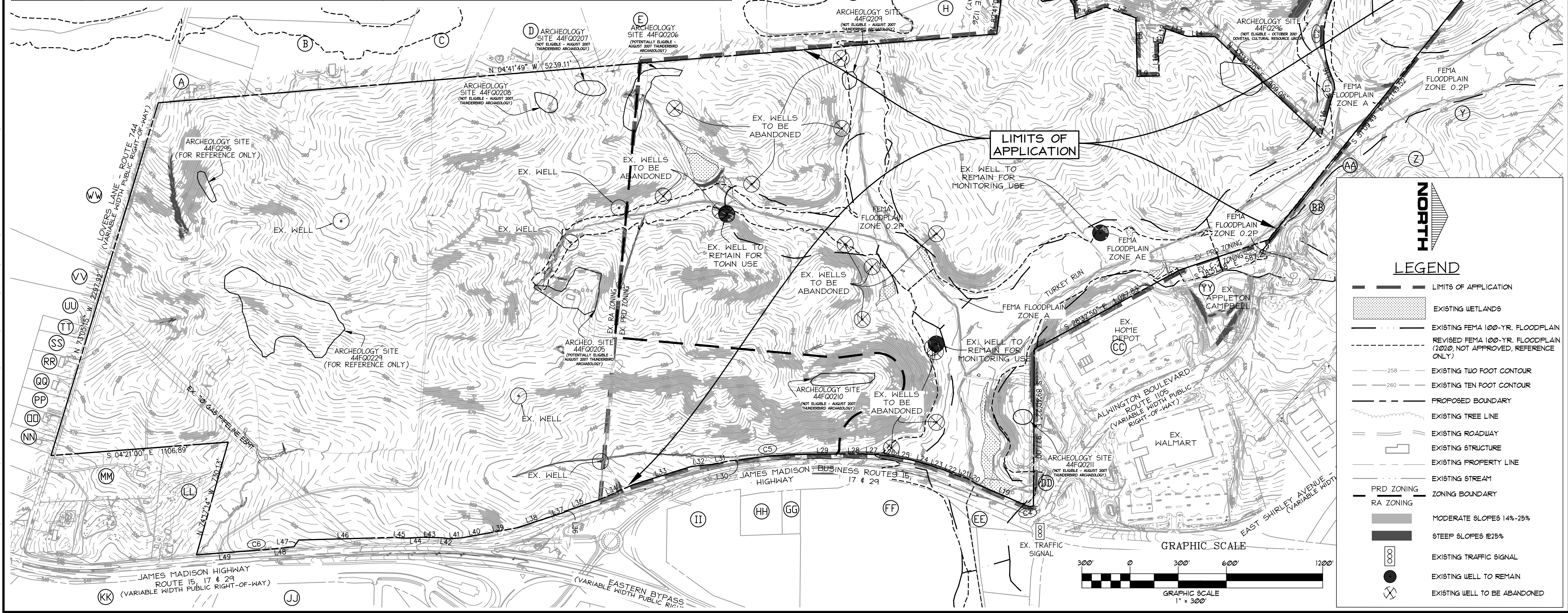
(C2) CURVE RADIUS 600.00' LENGTH 476.44' CHORD BEARING N 88°01'06" W CHORD 464.02' DELTA ANGLE 45°29'49" TANGENT 251.58'	(L2) LINE BEARING N 44°42'38" E DISTANCE 248.17'
(C3) CURVE RADIUS 100.00' LENGTH 72.87' CHORD BEARING N 86°08'41" W CHORD 71.27' DELTA ANGLE 41°45'00" TANGENT 38.14'	(L3) LINE BEARING N 09°04'10" W DISTANCE 163.68'
(C4) CURVE RADIUS 55.00' LENGTH 33.93' CHORD BEARING S 05°10'30" E CHORD 33.39' DELTA ANGLE 35°20'44" TANGENT 17.52'	(L4) LINE BEARING N 57°28'59" E DISTANCE 59.66'
(C5) CURVE RADIUS 2651.48' LENGTH 391.86' CHORD BEARING S 05°10'11" E CHORD 391.50' DELTA ANGLE 8°28'04" TANGENT 196.29'	(L5) LINE BEARING N 82°20'22" E DISTANCE 85.23'
(C6) CURVE RADIUS 5754.58' LENGTH 112.53' CHORD BEARING S 03°48'48" E CHORD 112.53' DELTA ANGLE 1°07'14" TANGENT 56.27'	(L6) LINE BEARING N 20°54'31" W DISTANCE 205.75'

LINE TABLE

(L7) LINE BEARING N 19°48'23" E DISTANCE 195.15'	(L26) LINE BEARING S 07°22'30" W DISTANCE 86.40'
(L8) LINE BEARING N 88°31'08" E DISTANCE 365.64'	(L27) LINE BEARING S 03°07'44" W DISTANCE 117.67'
(L9) LINE BEARING N 01°28'52" W DISTANCE 136.00'	(L28) LINE BEARING S 00°11'47" E DISTANCE 100.00'
(L10) LINE BEARING S 88°31'08" W DISTANCE 204.36'	(L29) LINE BEARING S 00°46'10" E DISTANCE 273.66'
(L11) LINE BEARING N 01°28'52" W DISTANCE 26.41'	(L30) LINE BEARING S 04°19'08" E DISTANCE 52.35'
(L12) LINE BEARING N 76°23'49" W DISTANCE 91.85'	(L31) LINE BEARING S 11°15'54" E DISTANCE 118.14'
(L13) LINE BEARING N 19°48'23" E DISTANCE 141.22'	(L32) LINE BEARING S 05°37'44" E DISTANCE 127.56'
(L14) LINE BEARING N 00°32'50" E DISTANCE 172.37'	(L33) LINE BEARING S 17°17'31" E DISTANCE 382.87'
(L15) LINE BEARING N 74°21'02" W DISTANCE 300.44'	(L34) LINE BEARING S 24°11'01" E DISTANCE 226.12'
(L16) LINE BEARING S 69°14'00" W DISTANCE 57.54'	(L35) LINE BEARING S 18°29'18" E DISTANCE 233.01'
(L17) LINE BEARING N 65°16'10" W DISTANCE 573.23'	(L36) LINE BEARING N 83°58'28" E DISTANCE 5.57'
(L18) LINE BEARING S 72°58'49" W DISTANCE 301.64'	(L37) LINE BEARING S 18°21'08" E DISTANCE 74.89'
(L19) LINE BEARING S 23°19'50" W DISTANCE 346.04'	(L38) LINE BEARING S 18°01'02" E DISTANCE 239.19'
(L20) LINE BEARING S 31°25'06" W DISTANCE 72.79'	(L39) LINE BEARING S 10°23'23" E DISTANCE 193.31'
(L21) LINE BEARING S 13°59'17" W DISTANCE 51.72'	(L40) LINE BEARING S 10°08'05" E DISTANCE 151.33'
(L22) LINE BEARING S 22°04'13" W DISTANCE 103.60'	(L41) LINE BEARING S 05°11'08" E DISTANCE 72.12'
(L23) LINE BEARING S 18°34'38" W DISTANCE 104.43'	(L42) LINE BEARING S 07°01'09" W DISTANCE 50.89'
(L24) LINE BEARING S 15°36'32" W DISTANCE 105.49'	(L43) LINE BEARING S 01°34'04" W DISTANCE 126.90'
(L25) LINE BEARING S 11°00'58" W DISTANCE 106.24'	(L44) LINE BEARING S 03°04'37" E DISTANCE 101.62'
	(L45) LINE BEARING S 03°41'53" W DISTANCE 70.88'
	(L46) LINE BEARING S 01°33'45" E DISTANCE 596.44'
	(L47) LINE BEARING S 54°42'16" W DISTANCE 51.62'
	(L48) LINE BEARING S 05°59'39" E DISTANCE 179.53'
	(L49) LINE BEARING S 04°22'25" E DISTANCE 317.20'

ARCHAEOLOGICAL/ARCHITECTURAL SITES IDENTIFICATION

SITE #	DESCRIPTION	STATUS
44FQ0205	19TH CENTURY-EARLY 20TH CENTURY DOMESTIC SITE ASSOCIATED WITH 030-5429	SITE DETERMINED HISTORICALLY SIGNIFICANT AND POTENTIALLY ELIGIBLE FOR NR
030-5429	CA. 1830 LOG & FRAME DWELLING, OUTBUILDINGS, ANCILLARY STRUCTURES (RUINS)	SITE SIGNIFICANCE & ELIGIBILITY NOT DETERMINED
44FQ0206	18TH CENTURY-EARLY 19TH CENTURY DOMESTIC SITE WITH PREHISTORIC COMPONENT	SITE DETERMINED HISTORICALLY SIGNIFICANT AND POTENTIALLY ELIGIBLE FOR NR
44FQ0207	TEMPORARY PREHISTORIC CAMP SITE	DETERMINED NOT POTENTIALLY ELIGIBLE FOR INCLUSION IN NR
44FQ0208	TEMPORARY PREHISTORIC CAMP SITE	DETERMINED NOT POTENTIALLY ELIGIBLE FOR INCLUSION IN NR
44FQ0209	TEMPORARY PREHISTORIC CAMP SITE	DETERMINED NOT POTENTIALLY ELIGIBLE FOR INCLUSION IN NR
44FQ0210	TURKEY RUN BANNERSTONE SITE (8500 - 1201 B.C.)	DETERMINED NOT POTENTIALLY ELIGIBLE FOR INCLUSION IN NR. ALTHOUGH THIS ARCHAEOLOGICAL PERIOD CAMP SITE WAS FOUND TO BE NEGLIGIBLE DUE TO LACK OF STRATIGRAPHIC INTEGRITY, A RAISE ARTIFACT WAS DISCOVERED HERE, A BANNERSTONE MADE OF STEATITE. BANNERSTONES HAVE BEEN INTERPRETED AS BEING USED AS WEIGHTS FOR ATLATLS OR SPEAR THROWERS.
44FQ0211	TEMPORARY PREHISTORIC CAMP SITE	DETERMINED NOT POTENTIALLY ELIGIBLE FOR INCLUSION IN NR
44FQ0229	18TH CENTURY-EARLY 19TH CENTURY DOMESTIC SITE WITH PREHISTORIC COMPONENT	SITE DETERMINED HISTORICALLY SIGNIFICANT AND POTENTIALLY ELIGIBLE FOR NR
44FQ0295	PREHISTORIC LITHIC SCATTER	DETERMINED NOT POTENTIALLY ELIGIBLE FOR INCLUSION IN NR
44FQ0296	19TH CENTURY DOMESTIC SITE	DETERMINED NOT POTENTIALLY ELIGIBLE FOR INCLUSION IN NR



Bowman

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101 South Street, S.E.
Leesburg, VA 20175
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Fax: (703) 443-2425
www.bowman.com

EXISTING CONDITIONS MAP
ARRINGTON
CONCEPT DEVELOPMENT PLAN
MARSHALL MAGISTERIAL DISTRICT FAUQUIER COUNTY, VIRGINIA

PROJECT NUMBER
REZN - 22 - 01918

PLAN STATUS

12/5/22	REV. PER 1ST SUB. COM.
5/10/23	REV. PER 2ND SUB. COM.
1/07/23	REV. PER 3RD SUB. COM.
9/22/23	REV. PER PG. COM.
10/20/23	REV. PER STAFF COM.

DATE DESCRIPTION

BBR	DR
DESIGN	DRAWN
SCALE: H: 1" = 400'	CHKD
V:	

JOB NO: 2586-08-001
DATE: JULY 18, 2022
FILE NO: 2586-D-24-00X

SHEET 3 OF 17

SOIL LEGEND

2A	CODORUS LOAM	200	CUT AND/OR FILL
8A	CODORUS VARIANT LOAM	240B	CATOCTIN SILT LOAM
12A	ROCHESTERVILLE LOAM	240C	CATOCTIN SILT LOAM
15B	SENECA LOAM	240E	CATOCTIN SILT LOAM
17B	MIDDLEBURG LOAM	241B	ALANTHUS-PIGNUT COMPLEX
17C	MIDDLEBURG LOAM	241C	ALANTHUS-PIGNUT COMPLEX
40B	MYERSVILLE SILT LOAM	241D	PIGNOT-ALANTHUS COMPLEX
40C	MYERSVILLE SILT LOAM	340B	CATOCTIN SILT LOAM
40D	MYERSVILLE SILT LOAM	340C	CATOCTIN SILT LOAM
41B	ALANTHUS-PIGNUT COMPLEX	415B	SENECA VARIANT LOAM
43B	ALANTHUS SILT LOAM	417B	MIDDLEBURG VARIANT LOAM
43C	ALANTHUS SILT LOAM	417C	MIDDLEBURG VARIANT LOAM
43D	ALANTHUS SILT LOAM	440B	ALANTHUS-PIGNUT SILT LOAM
45B	FAUQUIER SILT LOAM	440C	ALANTHUS-PIGNUT SILT LOAM
45C	FAUQUIER SILT LOAM	440D	ALANTHUS-PIGNUT SILT LOAM
45D	FAUQUIER SILT LOAM		
48B	FLETCHERVILLE-MYERSVILLE COMPLEX		
48C	FLETCHERVILLE-MYERSVILLE COMPLEX		
140B	PIGNOT SILT LOAM		
140C	PIGNOT SILT LOAM		
140D	PIGNOT SILT LOAM		

NARRATIVE OF IDENTIFIED SOURCES

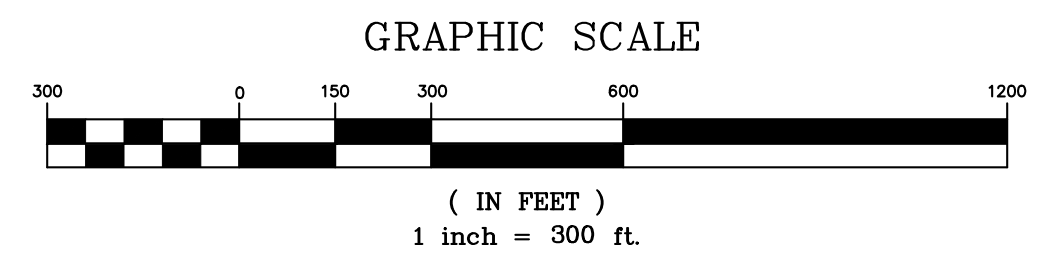
EXISTING SOILS AND DESCRIPTIONS SHOWN ARE FROM A TYPE I SOIL REPORT PREPARED BY THE FAUQUIER COUNTY SOILS SCIENTIST DATED 9/2/2004.

SEE SHEET 5 FOR SOIL DESCRIPTIONS.



LEGEND

- LIMITS OF APPLICATION
- PROPOSED BOUNDARY
- EXISTING PROPERTY LINE
- EXISTING FEMA 100-YR. FLOODPLAIN
- REVISED FEMA 100-YR. FLOODPLAIN (2020, NOT APPROVED, REFERENCE ONLY)
- SOILS DELINEATION LINE AND SOIL TYPE
- DRAINAGEWAY LINES
- ROCK OUTCROP
- WET SPOT
- SPRING
- DITCH
- GULLY
- DF23 APPROVED DRAINFIELD PER AOSE REPORT



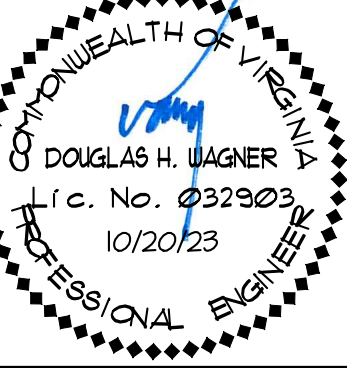
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SOILS MAP
ARRINGTON
 CONCEPT DEVELOPMENT PLAN
 MARSHALL MAGISTERIAL DISTRICT FAUQUIER COUNTY, VIRGINIA

PROJECT NUMBER
 REZN - 22 - 01918



PLAN STATUS

12/5/22	REV. PER 1ST SUB. COM.
5/05/23	REV. PER 2ND SUB. COM.
1/07/23	REV. PER 3RD SUB. COM.
9/22/23	REV. PER PG. COM.
10/20/23	REV. PER STAFF COM.

DATE	DESCRIPTION
BBR DESIGN	DR
	CHKD

SCALE: H: 1" = 300'
 V:
 JOB NO: 2586-08-001
 DATE: JULY 18, 2022
 FILE NO: 2586-D-24-00X

FILE PATH: P:\2586 - Arrington Fauquier County\2586-08-002 (PLN) - Arrington Property - Rezoning\Planning\Rezoning\Sheets\2586-D-24-001-SOILS.dwg

MAP UNIT SYMBOL SOIL NAME SLOPE	SOIL DESCRIPTION	General Characteristics				LAND POTENTIALS	DEVELOPMENT POTENTIAL AND PROBLEMS/ISSUES	
		SOIL FEATURES		K _{sat}	AGRICULTURE		CENTRAL WATER AND CENTRAL SEWER	CONVENTIONAL SEPTIC TANK AND DRAINFIELD
		Slope (%)	Emotional Hazard Potential					
2A	Very deep, moderately well drained, yellowish brown loamy soils with interstratified high water tables on floodplains; developed in alluvium washed from crystalline and metamorphic rocks	Slope (%) 0 - 2 Emotional Hazard Potential: Slight	Surface: Moderate	Subsoil: Moderate	AGRICULTURE	VERY POOR	NOT SUITED	
8A	Very deep, somewhat poorly drained, yellowish brown loamy soils with interstratified high water tables on floodplains; developed in alluvium washed from crystalline and metamorphic rocks	Slope (%) 0 - 2 Emotional Hazard Potential: Slight	Surface: Moderate	Subsoil: Moderate	AGRICULTURE	VERY POOR	NOT SUITED	
12A	Very deep, somewhat poorly drained, brownish yellow loamy soils with interstratified high water tables in drainage ways; developed in recent greenstone colluvium/alluvium	Slope (%) 0 - 2 Emotional Hazard Potential: Slight	Surface: Moderate	Subsoil: Moderate	AGRICULTURE	VERY POOR	NOT SUITED	
15B	Very deep, moderately well drained, yellowish brown loamy soils with interstratified high water tables in drainage ways; developed in recent colluvium and local wash from crystalline and metamorphic uplands	Slope (%) 2 - 7 Emotional Hazard Potential: Mod.	Surface: Moderate	Subsoil: Moderate	AGRICULTURE	POOR	NOT SUITED	
17B	Very deep, well drained, brown loamy soils in concave swales and along small drainages; developed in recent colluvium and local wash from crystalline uplands	Slope (%) 2 - 7 Emotional Hazard Potential: Mod.	Surface: Moderate	Subsoil: Moderate	AGRICULTURE	POOR	NOT SUITED	

MAP UNIT SYMBOL SOIL NAME SLOPE	SOIL DESCRIPTION	General Characteristics				LAND POTENTIALS	DEVELOPMENT POTENTIAL AND PROBLEMS/ISSUES	
		SOIL FEATURES		K _{sat}	AGRICULTURE		CENTRAL WATER AND CENTRAL SEWER	CONVENTIONAL SEPTIC TANK AND DRAINFIELD
		Slope (%)	Emotional Hazard Potential					
17C	Very deep, well drained, brown loamy soils on undulating summits and gently sloping back slopes; developed in recent colluvium and local wash from crystalline uplands	Slope (%) 7 - 15 Emotional Hazard Potential: Mod.	Surface: Moderate	Subsoil: Moderate	AGRICULTURE	POOR	NOT SUITED	
40B	Deep, well drained, strong brown silty soils on undulating summits and gently sloping back slopes; developed in residuum from greenstone and chloritic schist	Slope (%) 2 - 7 Emotional Hazard Potential: Mod.	Surface: Moderate	Subsoil: Moderate	AGRICULTURE	FAIR	MARGINAL	
40C	Deep, well drained, strong brown silty soils on rolling summits and strongly sloping back slopes; developed in residuum from greenstone and chloritic schist	Slope (%) 7 - 15 Emotional Hazard Potential: Mod.	Surface: Moderate	Subsoil: Moderate	AGRICULTURE	FAIR	MARGINAL	
40D	Deep, well drained, strong brown silty soils on moderately steep back slopes; stoniness over 0.03 - 0.1% of soil surface; developed in residuum from greenstone and chloritic schist	Slope (%) 15 - 25 Emotional Hazard Potential: High	Surface: Moderate	Subsoil: Moderate	AGRICULTURE	POOR	MARGINAL	

MAP UNIT SYMBOL SOIL NAME SLOPE	SOIL DESCRIPTION	General Characteristics				LAND POTENTIALS	DEVELOPMENT POTENTIAL AND PROBLEMS/ISSUES	
		SOIL FEATURES		K _{sat}	AGRICULTURE		CENTRAL WATER AND CENTRAL SEWER	CONVENTIONAL SEPTIC TANK AND DRAINFIELD
		Slope (%)	Emotional Hazard Potential					
41B	Very deep, well drained, yellowish red silty soils on undulating summits and gently sloping back slopes; surface cover is represented by 0.1 - 4% stones, 0 - 4% cobbles and 0 - 1% rock outcrop; developed in residuum from greenstone and chloritic schist	Slope (%) 2 - 7 Emotional Hazard Potential: Mod.	Surface: Moderate	Subsoil: Moderate	AGRICULTURE	FAIR	MARGINAL	
43B	Very deep, well drained, yellowish red silty soils on undulating summits and gently sloping back slopes; developed in residuum from greenstone and chloritic schist	Slope (%) 2 - 7 Emotional Hazard Potential: Mod.	Surface: Moderate	Subsoil: Moderate	AGRICULTURE	GOOD	GOOD	
43C	Very deep, well drained, yellowish red silty soils on undulating summits and gently sloping back slopes; developed in residuum from greenstone and chloritic schist	Slope (%) 7 - 15 Emotional Hazard Potential: Mod.	Surface: Moderate	Subsoil: Moderate	AGRICULTURE	GOOD	GOOD	
45B	Very deep, well drained, red clayey soils on undulating summits and gently sloping back slopes; developed in residuum from massive greenstone and chloritic schist	Slope (%) 2 - 7 Emotional Hazard Potential: Mod.	Surface: Moderate	Subsoil: Moderate	AGRICULTURE	GOOD	MARGINAL	

MAP UNIT SYMBOL SOIL NAME SLOPE	SOIL DESCRIPTION	General Characteristics				LAND POTENTIALS	DEVELOPMENT POTENTIAL AND PROBLEMS/ISSUES	
		SOIL FEATURES		K _{sat}	AGRICULTURE		CENTRAL WATER AND CENTRAL SEWER	CONVENTIONAL SEPTIC TANK AND DRAINFIELD
		Slope (%)	Emotional Hazard Potential					
43D	Very deep, well drained, yellowish red silty soils on moderately steep back slopes; developed in residuum from greenstone and chloritic schist	Slope (%) 15 - 25 Emotional Hazard Potential: High	Surface: Moderate	Subsoil: Moderate	AGRICULTURE	FAIR	MARGINAL	

MAP UNIT SYMBOL SOIL NAME SLOPE	SOIL DESCRIPTION	General Characteristics				LAND POTENTIALS	DEVELOPMENT POTENTIAL AND PROBLEMS/ISSUES	
		SOIL FEATURES		K _{sat}	AGRICULTURE		CENTRAL WATER AND CENTRAL SEWER	CONVENTIONAL SEPTIC TANK AND DRAINFIELD
		Slope (%)	Emotional Hazard Potential					
45C	Very deep, well drained, red clayey soils on strongly sloping back slopes; developed in residuum from massive greenstone and chloritic schist	Slope (%) 7 - 15 Emotional Hazard Potential: Mod.	Surface: Moderate	Subsoil: Moderate	AGRICULTURE	GOOD	MARGINAL	
45D	Very deep, well drained, red clayey soils on moderately steep back slopes; developed in residuum from massive greenstone and chloritic schist	Slope (%) 15 - 25 Emotional Hazard Potential: High	Surface: Moderate	Subsoil: Moderate	AGRICULTURE	FAIR	MARGINAL	
48B	Deep, moderately well drained, light yellowish-brown clayey soils in saddles and broad drainages; developed in residuum from greenstone schist	Slope (%) 2 - 7 Emotional Hazard Potential: Mod.	Surface: Moderate	Subsoil: low	AGRICULTURE	POOR	POOR	
48C	Deep, well drained, strong brown silty soils on undulating summits and gently sloping back slopes; developed in residuum from greenstone schist	Slope (%) 7 - 15 Emotional Hazard Potential: Mod.	Surface: Moderate	Subsoil: Moderate	AGRICULTURE	POOR	POOR	

MAP UNIT SYMBOL SOIL NAME SLOPE	SOIL DESCRIPTION	General Characteristics				LAND POTENTIALS	DEVELOPMENT POTENTIAL AND PROBLEMS/ISSUES	
		SOIL FEATURES		K _{sat}	AGRICULTURE		CENTRAL WATER AND CENTRAL SEWER	CONVENTIONAL SEPTIC TANK AND DRAINFIELD
		Slope (%)	Emotional Hazard Potential					
48C	Deep, moderately well drained, light yellowish-brown clayey soils on strongly sloping back slopes; developed in residuum from greenstone schist	Slope (%) 7 - 15 Emotional Hazard Potential: Mod.	Surface: Moderate	Subsoil: low	AGRICULTURE	POOR	POOR	
48D	Deep, well drained, strong brown silty soils on undulating summits and gently sloping back slopes; developed in residuum from greenstone schist	Slope (%) 2 - 7 Emotional Hazard Potential: Mod.	Surface: Moderate	Subsoil: Moderate	AGRICULTURE	FAIR	POOR	
48E	Deep, well drained, strong brown silty soils on undulating summits and gently sloping back slopes; developed in residuum from greenstone schist	Slope (%) 7 - 15 Emotional Hazard Potential: Mod.	Surface: Moderate	Subsoil: Moderate	AGRICULTURE	FAIR	POOR	
48F	Deep, well drained, strong brown silty soils on undulating summits and gently sloping back slopes; developed in residuum from greenstone schist	Slope (%) 2 - 7 Emotional Hazard Potential: Mod.	Surface: Moderate	Subsoil: Moderate	AGRICULTURE	FAIR	POOR	

MAP UNIT SYMBOL SOIL NAME SLOPE	SOIL DESCRIPTION	General Characteristics				LAND POTENTIALS	DEVELOPMENT POTENTIAL AND PROBLEMS/ISSUES	
		SOIL FEATURES		K _{sat}	AGRICULTURE		CENTRAL WATER AND CENTRAL SEWER	CONVENTIONAL SEPTIC TANK AND DRAINFIELD
		Slope (%)	Emotional Hazard Potential					
200	Disturbed areas of cutting and/or filling	HIGHLY VARIABLE						
240B	Shallow, well drained, olive brown, loamy-skeletal soils on gently sloping back slopes; may have a few cobbles and/or stones on the surface; developed in residuum from greenstone	Slope (%) 10 - 20 Emotional Hazard Potential: Mod.	Surface: Moderate	Subsoil: Moderate	AGRICULTURE	POOR	NOT SUITED	
240C	Shallow, well drained, olive brown, loamy-skeletal soils on the strongly sloping back slopes; may have a few cobbles and/or stones on the surface; developed in residuum from greenstone	Slope (%) 7 - 15 Emotional Hazard Potential: Mod.	Surface: Moderate	Subsoil: Moderate	AGRICULTURE	POOR	NOT SUITED	
240E	Shallow, well drained, olive brown, loamy-skeletal soils on steep back slopes; may have a few cobbles and/or stones on the surface; developed in residuum from greenstone	Slope (%) 25 - 45 Emotional Hazard Potential: Very High	Surface: Moderate	Subsoil: Moderate	AGRICULTURE	POOR	NOT SUITED	

MAP UNIT SYMBOL SOIL NAME SLOPE	SOIL DESCRIPTION	General Characteristics				LAND POTENTIALS	DEVELOPMENT POTENTIAL AND PROBLEMS/ISSUES	
		SOIL FEATURES		K _{sat}	AGRICULTURE		CENTRAL WATER AND CENTRAL SEWER	CONVENTIONAL SEPTIC TANK AND DRAINFIELD
		Slope (%)	Emotional Hazard Potential					
241B	Very deep, well drained, yellowish red silty soils on undulating summits and strongly sloping back slopes; soil surface may contain a few cobbles and/or stones; developed in residuum from greenstone	Slope (%) 2 - 7 Emotional Hazard Potential: Mod.	Surface: Moderate	Subsoil: Moderate	AGRICULTURE	FAIR	MARGINAL	
241C	Moderately deep, well drained, strong brown silty soils on rolling summits and gently sloping back slopes; soil surface may contain a few cobbles and/or stones; developed in residuum from greenstone	Slope (%) 7 - 15 Emotional Hazard Potential: Mod.	Surface: Moderate	Subsoil: Moderate	AGRICULTURE	FAIR	MARGINAL	
241D	Moderately deep, well drained, strong brown silty soils on rolling summits and gently sloping back slopes; soil surface may contain a few cobbles and/or stones; developed in residuum from greenstone	Slope (%) 15 - 25 Emotional Hazard Potential: High	Surface: Moderate	Subsoil: Moderate	AGRICULTURE	POOR	POOR	
340B	Moderately deep, well drained, strong brown silty soils on rolling summits and gently sloping back slopes; soil surface may contain a few cobbles and/or stones; developed in residuum from greenstone	Slope (%) 2 - 7 Emotional Hazard Potential: Mod.	Surface: Moderate	Subsoil: Moderate	AGRICULTURE	FAIR	POOR	
340C	Moderately deep, well drained, strong brown silty soils on rolling summits and gently sloping back slopes; soil surface may contain a few cobbles and/or stones; developed in residuum from greenstone	Slope (%) 7 - 15 Emotional Hazard Potential: Mod.	Surface: Moderate	Subsoil: Moderate	AGRICULTURE	FAIR	POOR	
415B	Very deep, moderately well drained, yellowish-brown loamy soils with interstratified high water tables on floodplains; developed in alluvium washed from crystalline and metamorphic rocks	Slope (%) 2 - 7 Emotional Hazard Potential: Mod.	Surface: Moderate	Subsoil: Moderate	AGRICULTURE	FAIR	POOR	

MAP UNIT SYMBOL SOIL NAME SLOPE	SOIL DESCRIPTION	General Characteristics				LAND POTENTIALS	DEVELOPMENT POTENTIAL AND PROBLEMS/ISSUES	
		SOIL FEATURES		K _{sat}	AGRICULTURE		CENTRAL WATER AND CENTRAL SEWER	CONVENTIONAL SEPTIC TANK AND DRAINFIELD
		Slope (%)	Emotional Hazard Potential					
417B	Very deep, well drained, brown loamy soils on gently sloping back slopes; developed in recent colluvium from basic crystalline rock materials	Slope (%) 2 - 7 Emotional Hazard Potential: Mod.	Surface: Moderate	Subsoil: Moderate	AGRICULTURE	GOOD	MARGINAL	
417C	Very deep, well drained, brown loamy soils on strongly sloping back slopes; developed in recent colluvium from basic crystalline rock materials	Slope (%) 7 - 15 Emotional Hazard Potential: Mod.	Surface: Moderate	Subsoil: Moderate	AGRICULTURE	GOOD	MARGINAL	
440B	Very deep, moderately well drained, yellowish-red silty soils on undulating summits and gently sloping back slopes; soil surface may contain a few cobbles and/or stones; developed in residuum from greenstone	Slope (%) 2 - 7 Emotional Hazard Potential: Mod.	Surface: Moderate	Subsoil: Moderate	AGRICULTURE	FAIR	POOR	
440C	Moderately deep, moderately well to somewhat poorly drained, strong brown to yellowish red silty soils on undulating summits and gently sloping back slopes; developed in residuum from greenstone to chloritic schist	Slope (%) 20 - 40 Emotional Hazard Potential: Mod.	Surface: Moderate	Subsoil: Moderate	AGRICULTURE	FAIR	POOR	

MAP UNIT SYMBOL SOIL NAME SLOPE	SOIL DESCRIPTION	General Characteristics				LAND POTENTIALS	DEVELOPMENT POTENTIAL AND PROBLEMS/ISSUES	
		SOIL FEATURES		K _{sat}	AGRICULTURE		CENTRAL WATER AND CENTRAL SEWER	CONVENTIONAL SEPTIC TANK AND DRAINFIELD
		Slope (%)	Emotional Hazard Potential					
440D	Very deep, moderately well drained, yellowish-red silty soils on undulating summits and gently sloping back slopes; soil surface may contain a few cobbles and/or stones; developed in residuum from greenstone	Slope (%) 2 - 7 Emotional Hazard Potential: Mod.	Surface: Moderate	Subsoil: Moderate	AGRICULTURE	FAIR	POOR	
440E	Moderately deep, moderately well to somewhat poorly drained, strong brown to yellowish red silty soils on undulating summits and gently sloping back slopes; developed in residuum from greenstone to chloritic schist	Slope (%) 20 - 40 Emotional Hazard Potential: Mod.	Surface: Moderate	Subsoil: Moderate	AGRICULTURE	FAIR	POOR	

MAP UNIT SYMBOL SOIL NAME SLOPE	SOIL DESCRIPTION	General Characteristics				LAND POTENTIALS	DEVELOPMENT POTENTIAL AND PROBLEMS/ISSUES	
		SOIL FEATURES		K _{sat}	AGRICULTURE		CENTRAL WATER AND CENTRAL SEWER	CONVENTIONAL SEPTIC TANK AND DRAINFIELD
		Slope (%)	Emotional Hazard Potential					
440F	Very deep, moderately well drained, yellowish-red silty soils on undulating summits and gently sloping back slopes; soil surface may contain a few cobbles and/or stones; developed in residuum from greenstone	Slope (%) 2 - 7 Emotional Hazard Potential: Mod.	Surface: Moderate	Subsoil: Moderate	AGRICULTURE	FAIR	POOR	
440G	Moderately deep, moderately well to somewhat poorly drained, strong brown to yellowish red silty soils on undulating summits and gently sloping back slopes; developed in residuum from greenstone to chloritic schist	Slope (%) 7 - 15 Emotional Hazard Potential: Mod.	Surface: Moderate	Subsoil: Moderate	AGRICULTURE	FAIR	POOR	

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ARRINGTON
CONCEPT DEVELOPMENT PLAN
MARSHALL MAGISTERIAL DISTRICT FAUQUIER COUNTY, VIRGINIA

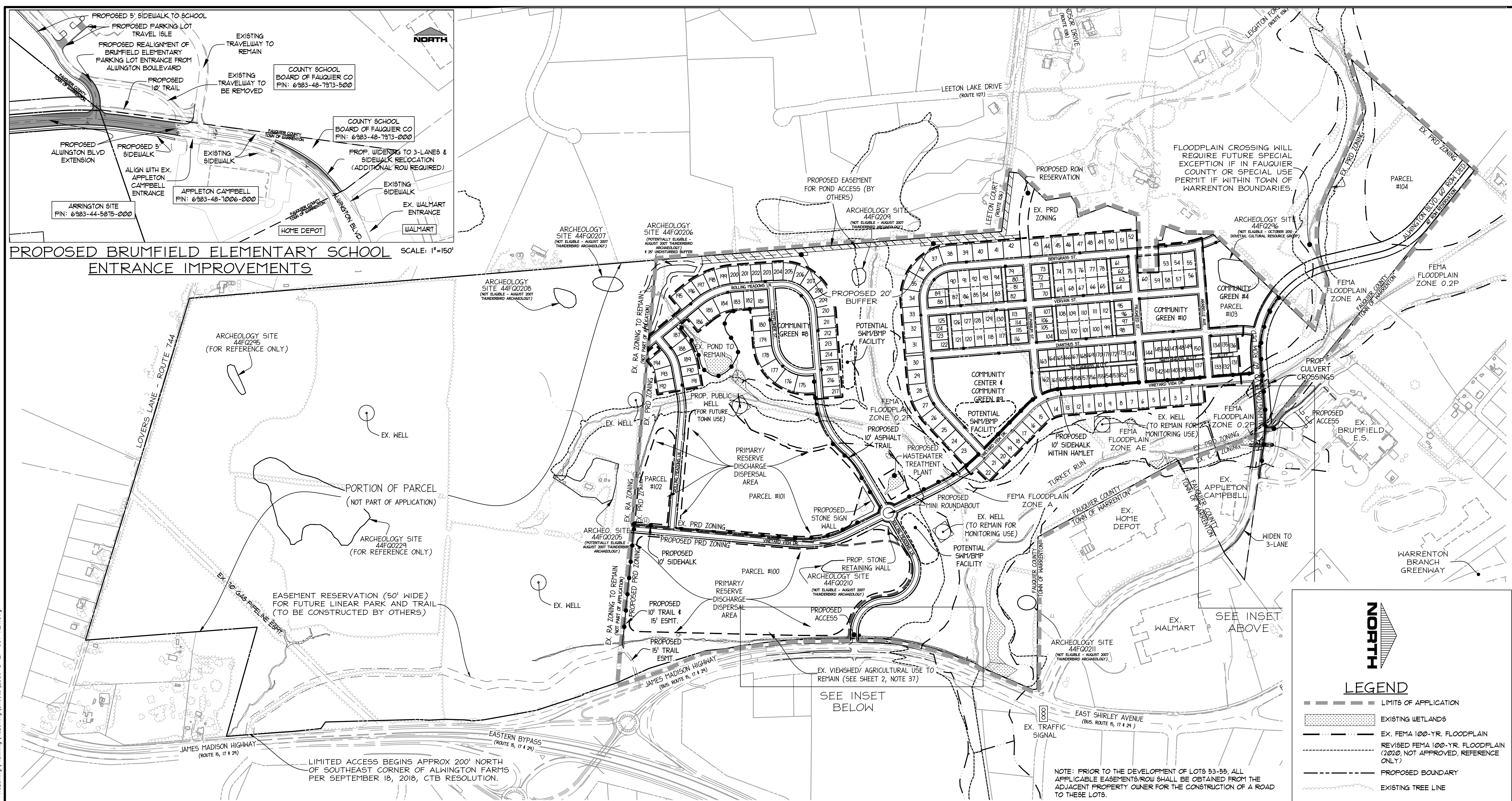
PROJECT NUMBER
REZN - 22 - 01918

DOUGLAS H. WAGNER
PROFESSIONAL ENGINEER

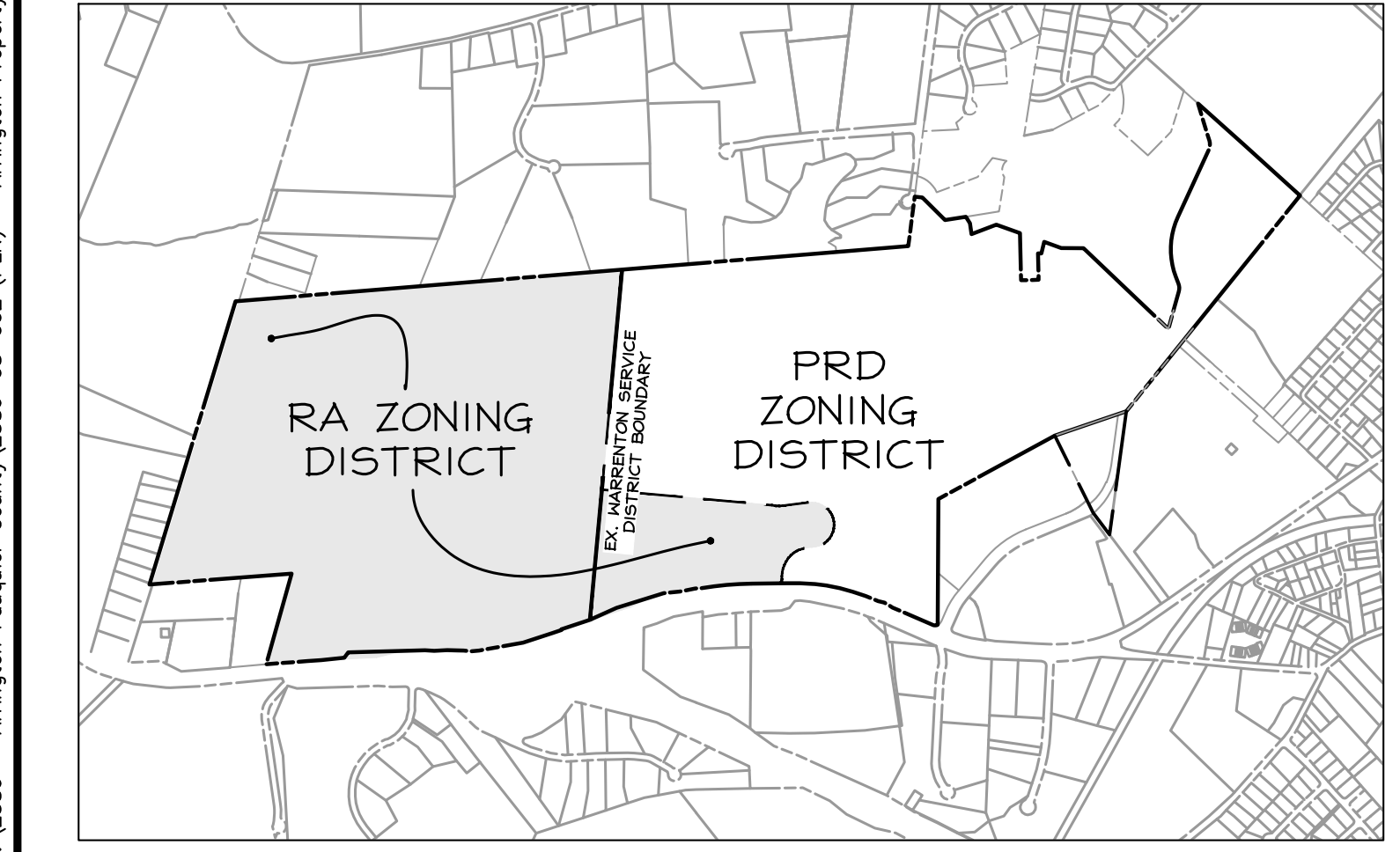
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7/10/23 REV. PER 3RD SUB. COM.
9/22/23 REV. PER PG. COM.
10/20/23 REV. PER STAFF COM.

DATE DESCRIPTION
BDR DR
BDRN DRN
SCALE: H: 1" = 300'
V:
JOB NO: 2586-08-001
DATE: JULY 18, 2022
FILE NO: 2586-D-17-00X

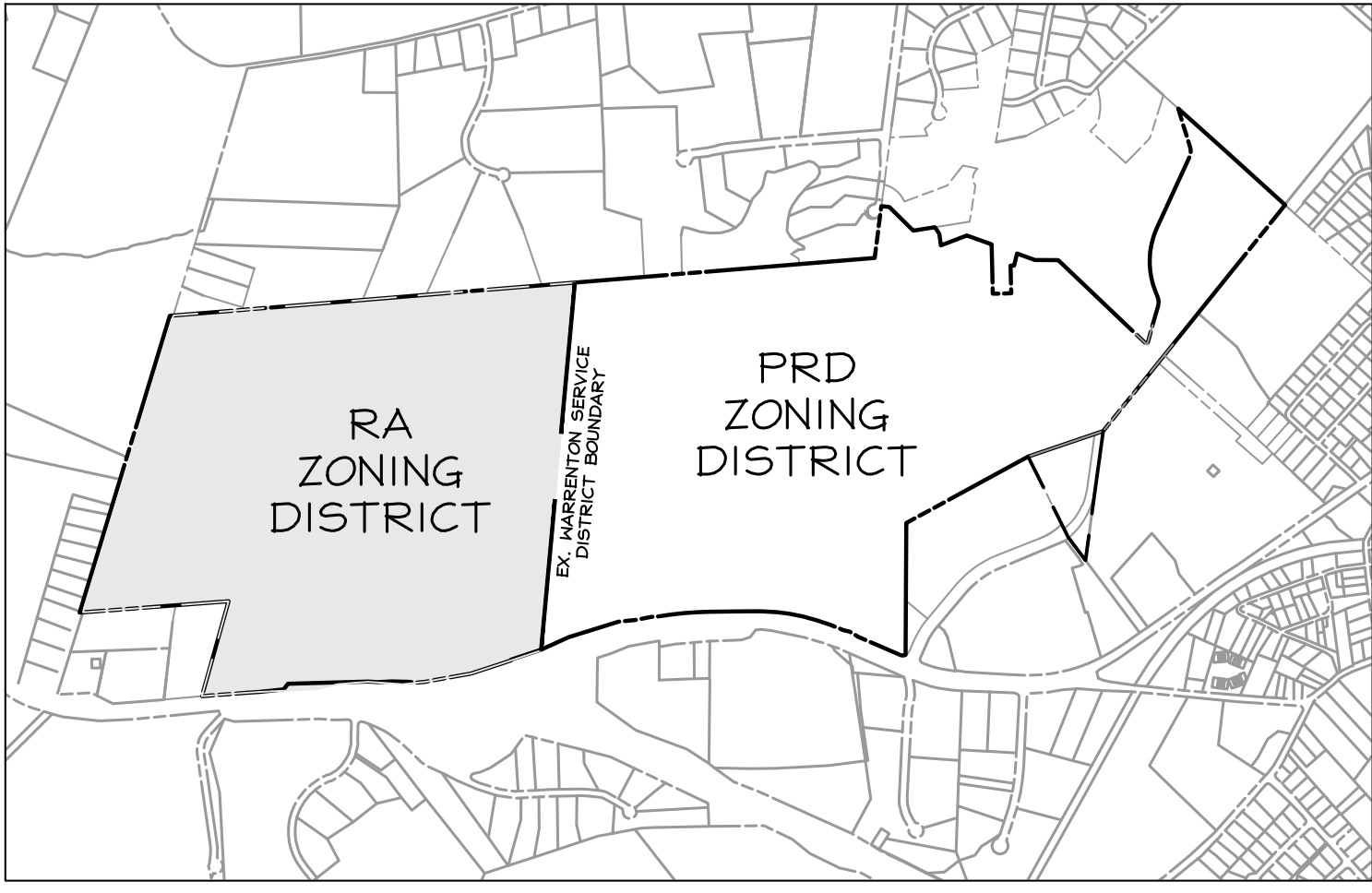
5 OF 17



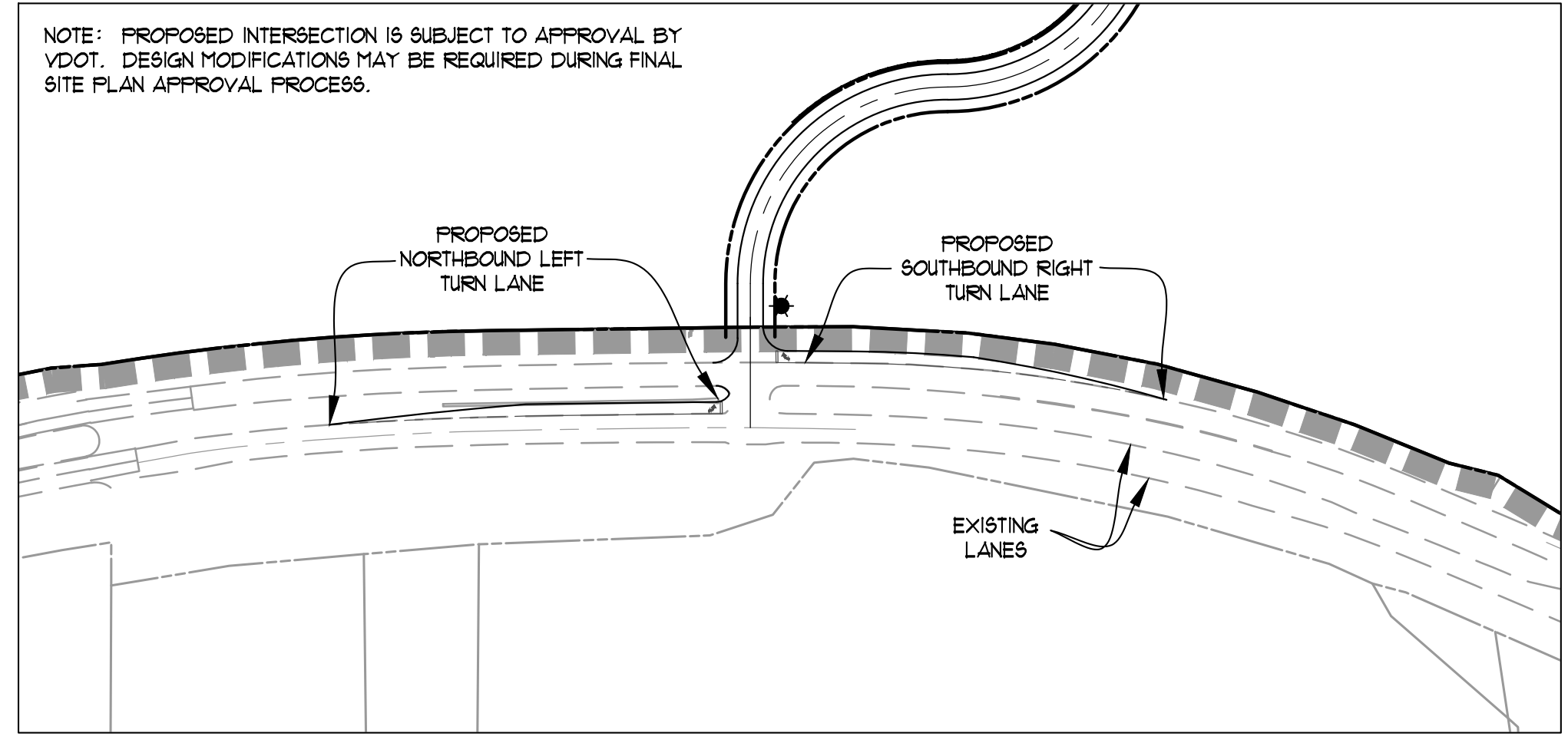
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SCALE: 1"=150'



EXISTING ZONING DISTRICTS
N.T.S.



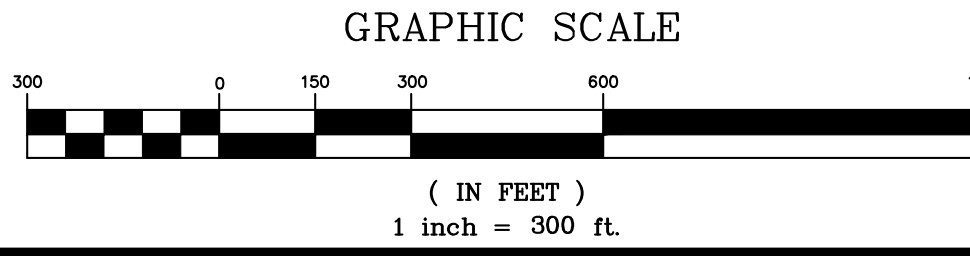
PROPOSED ZONING DISTRICTS
N.T.S.



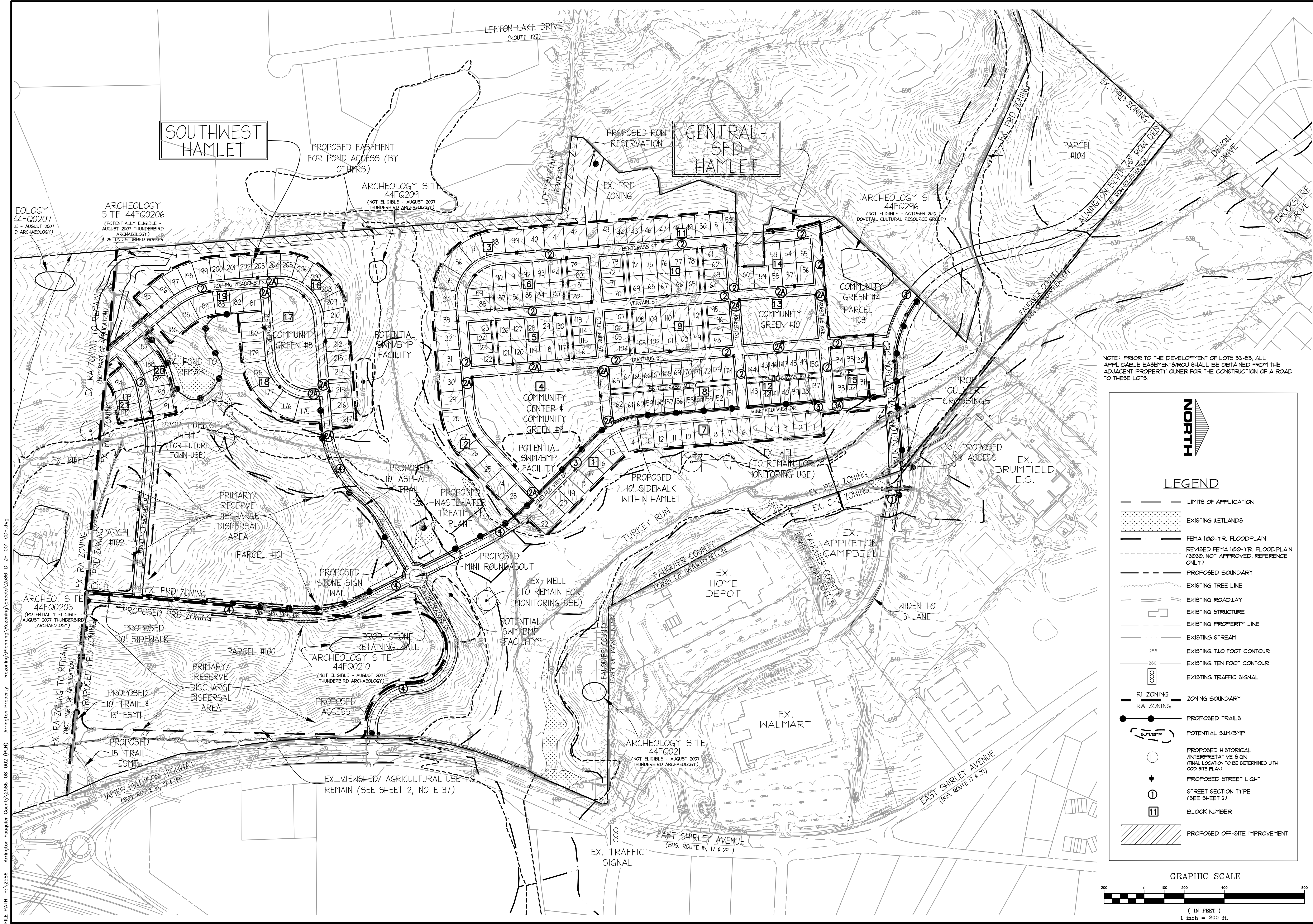
PROPOSED JAMES MADISON HIGHWAY INTERSECTION
SCALE: 1"=150'

LEGEND

- LIMITS OF APPLICATION
- EXISTING WETLANDS
- EX. FEMA 100-YR. FLOODPLAIN
- REVISED FEMA 100-YR. FLOODPLAIN (2018, NOT APPROVED, REFERENCE ONLY)
- PROPOSED BOUNDARY
- EXISTING TREE LINE
- EXISTING ROADWAY
- EXISTING STRUCTURE
- EXISTING PROPERTY LINE
- EXISTING STREAM
- EXISTING TRAFFIC SIGNAL
- ZONING BOUNDARY
- PROPOSED TRAILS
- POTENTIAL SW/BMP
- PROPOSED BENCH
- PROPOSED HISTORICAL/INTERPRETATIVE SIGN (FINAL LOCATION TO BE DETERMINED WITH GOOD SITE PLAN)
- PROPOSED STREET LIGHT



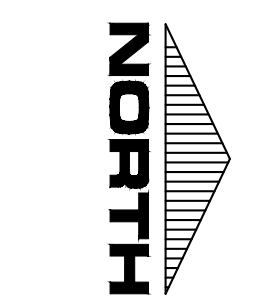
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SOUTHWEST HAMLET

CENTRAL SFD HAMLET

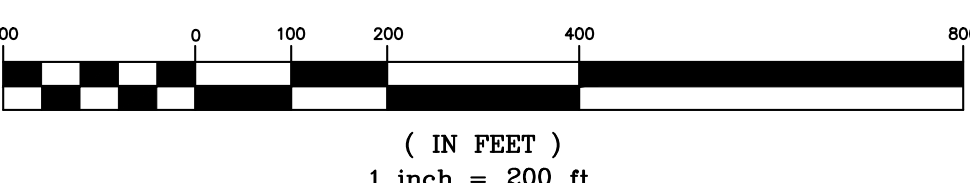
NOTE: PRIOR TO THE DEVELOPMENT OF LOTS 53-55, ALL APPLICABLE EASEMENTS/ROW SHALL BE OBTAINED FROM THE ADJACENT PROPERTY OWNER FOR THE CONSTRUCTION OF A ROAD TO THESE LOTS.



LEGEND

- LIMITS OF APPLICATION
- EXISTING WETLANDS
- FEMA 100-YR. FLOODPLAIN
- REVISED FEMA 100-YR. FLOODPLAIN (2012, NOT APPROVED, REFERENCE ONLY)
- PROPOSED BOUNDARY
- EXISTING TREE LINE
- EXISTING ROADWAY
- EXISTING STRUCTURE
- EXISTING PROPERTY LINE
- EXISTING STREAM
- 258' EXISTING TWO FOOT CONTOUR
- 260' EXISTING TEN FOOT CONTOUR
- EXISTING TRAFFIC SIGNAL
- RI ZONING
- RA ZONING
- ZONING BOUNDARY
- PROPOSED TRAILS
- POTENTIAL SWM/BMP
- PROPOSED HISTORICAL INTERPRETATIVE SIGN (FINAL LOCATION TO BE DETERMINED WITH COD SITE PLAN)
- PROPOSED STREET LIGHT
- STREET SECTION TYPE (SEE SHEET 2)
- BLOCK NUMBER
- PROPOSED OFF-SITE IMPROVEMENT

GRAPHIC SCALE



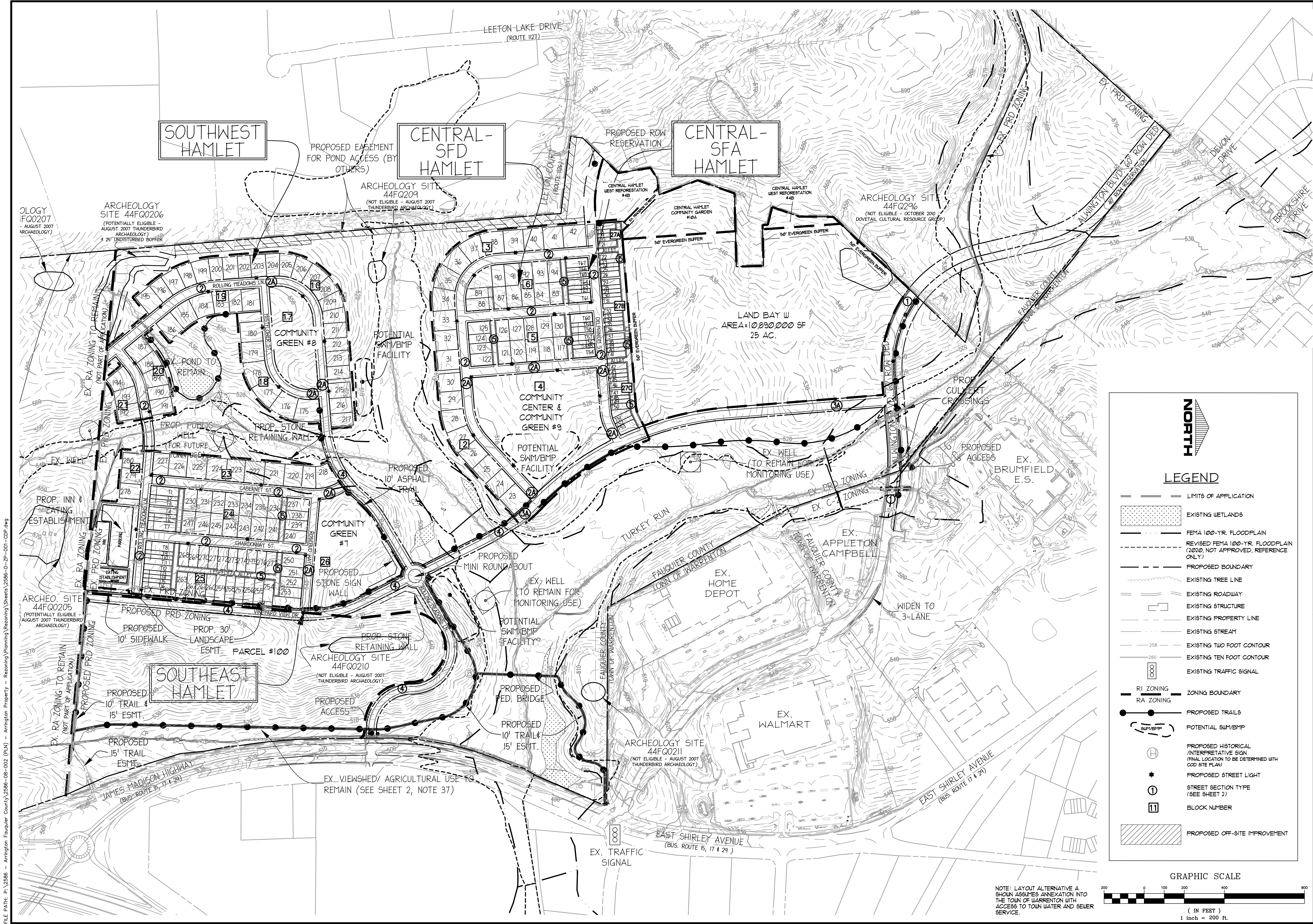
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CONCEPT DEVELOPMENT PLAN
ARRINGTON
 CONCEPT DEVELOPMENT PLAN
 MARSHALL MAGISTERIAL DISTRICT FAUQUIER COUNTY, VIRGINIA

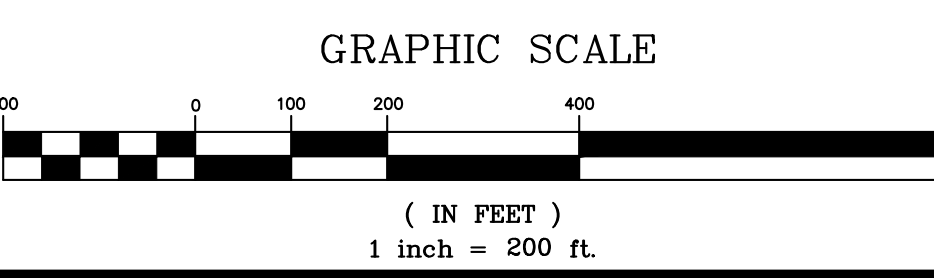
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5/05/23	REV. PER 2ND SUB. COM.		
1/07/23	REV. PER 3RD SUB. COM.		
9/22/23	REV. PER PG. COM.		
10/20/23	REV. PER STAFF COM.		
DATE	DESCRIPTION	DR	CHKD
BBR DESIGN		DRANN	CHKD
SCALE: H: 1" = 200'			
JOB NO: 2586-08-001			
DATE: JULY 18, 2022			
FILE NO: 2586-D-24-00X			
SHEET 7		OF 17	



NORTH

LEGEND

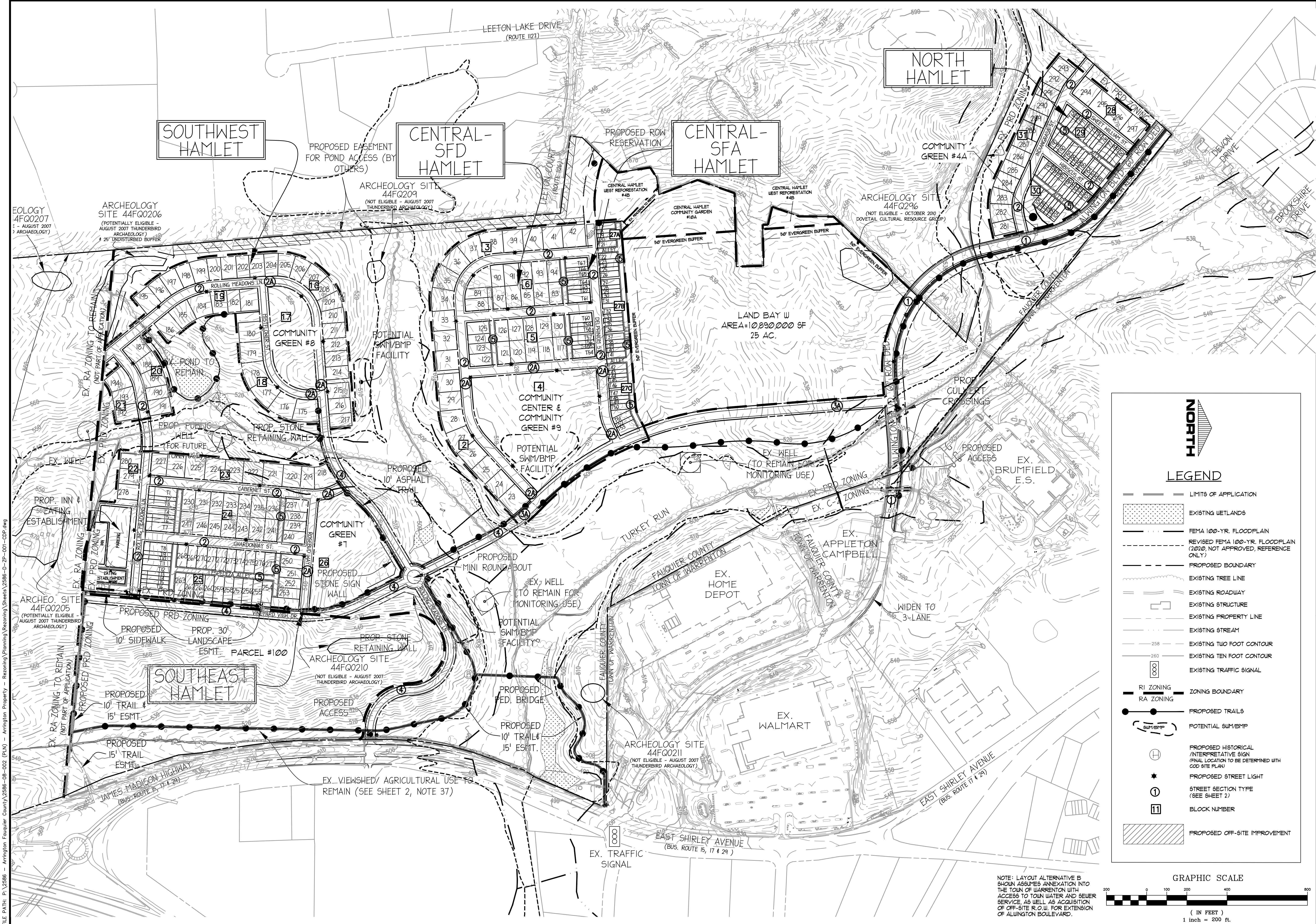
- LIMITS OF APPLICATION
- [Stippled Area] EXISTING WETLANDS
- FEMA 100-YR. FLOODPLAIN
- REVISED FEMA 100-YR. FLOODPLAIN (2020, NOT APPROVED, REFERENCE ONLY)
- PROPOSED BOUNDARY
- EXISTING TREE LINE
- EXISTING ROADWAY
- [House Icon] EXISTING STRUCTURE
- EXISTING PROPERTY LINE
- EXISTING STREAM
- 258' EXISTING TWO FOOT CONTOUR
- 260' EXISTING TEN FOOT CONTOUR
- [Signal Icon] EXISTING TRAFFIC SIGNAL
- RI ZONING
- RA ZONING
- ZONING BOUNDARY
- PROPOSED TRAILS
- [Swamp Icon] POTENTIAL SW/BMP
- [Circle with H] PROPOSED HISTORICAL/INTERPRETIVE SIGN (FINAL LOCATION TO BE DETERMINED WITH COD SITE PLAN)
- [Star] PROPOSED STREET LIGHT
- [Circle with 1] STREET SECTION TYPE (SEE SHEET 2)
- [Square with 11] BLOCK NUMBER
- [Hatched Area] PROPOSED OFF-SITE IMPROVEMENT



NOTE: LAYOUT ALTERNATIVE A SHOWN ASSUMES ANNEXATION INTO THE TOWN OF WARRENTON WITH ACCESS TO TOWN WATER AND SEWER SERVICE.

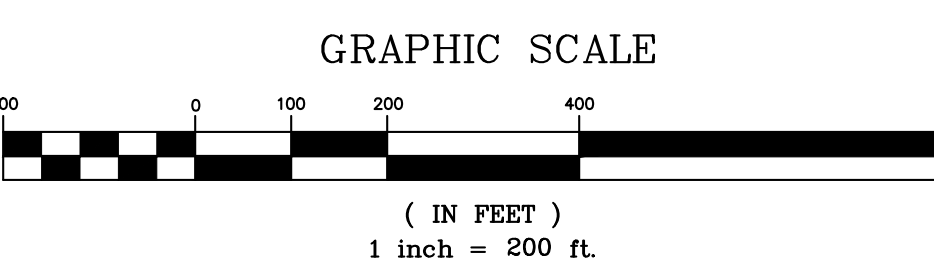
PROJECT NUMBER		REZN - 22 - 011918
PROFESSIONAL ENGINEER		DOUGLAS H. WAGNER Lic. No. 0329203 10/20/23
PLAN STATUS		
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5/05/23	REV. PER 2ND SUB. COM.	
1/07/23	REV. PER 3RD SUB. COM.	
9/22/23	REV. PER PG. COM.	
10/20/23	REV. PER STAFF COM.	
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SCALE: 1/4" = 200'		
JOB NO: 2586-08-001		
DATE: JULY 18, 2022		
FILE NO: 2586-D-24-00X		
SHEET 1A OF 17		

FILE PATH: P:\2586 - Arrington Fauquier County\2586-08-002 (PLN) - Rezoning\Planning\Rezoning\Sheets\2586-0-2P-001-CDP.dwg



LEGEND

- LIMITS OF APPLICATION
- EXISTING WETLANDS
- FEMA 100-YR. FLOODPLAIN
- REVISED FEMA 100-YR. FLOODPLAIN (2022, NOT APPROVED, REFERENCE ONLY)
- PROPOSED BOUNDARY
- EXISTING TREE LINE
- EXISTING ROADWAY
- EXISTING STRUCTURE
- EXISTING PROPERTY LINE
- EXISTING STREAM
- EXISTING TWO FOOT CONTOUR
- EXISTING TEN FOOT CONTOUR
- EXISTING TRAFFIC SIGNAL
- RI ZONING
- RA ZONING
- PROPOSED TRAILS
- POTENTIAL SW/BMP
- PROPOSED HISTORICAL/INTERPRETIVE SIGN (FINAL LOCATION TO BE DETERMINED WITH COD SITE PLAN)
- PROPOSED STREET LIGHT
- STREET SECTION TYPE (SEE SHEET 2)
- BLOCK NUMBER
- PROPOSED OFF-SITE IMPROVEMENT



NOTE: LAYOUT ALTERNATIVE B SHOWN ASSUMES ANNEXATION INTO THE TOWN OF WARRENTON WITH ACCESS TO TOWN WATER AND SEWER SERVICE, AS WELL AS ACQUISITION OF OFF-SITE R.O.W. FOR EXTENSION OF ALLINGTON BOULEVARD.

PROJECT NUMBER
REZN - 22 - 011918

PROFESSIONAL ENGINEER
DOUGLAS H. WAGNER
Lic. No. 0329203
10/20/23

PLAN STATUS	DATE	DESCRIPTION
12/5/22	REV. PER 1ST SUB. COM.	
5/05/23	REV. PER 2ND SUB. COM.	
1/07/23	REV. PER 3RD SUB. COM.	
9/22/23	REV. PER PC COM.	
10/20/23	REV. PER STAFF COM.	

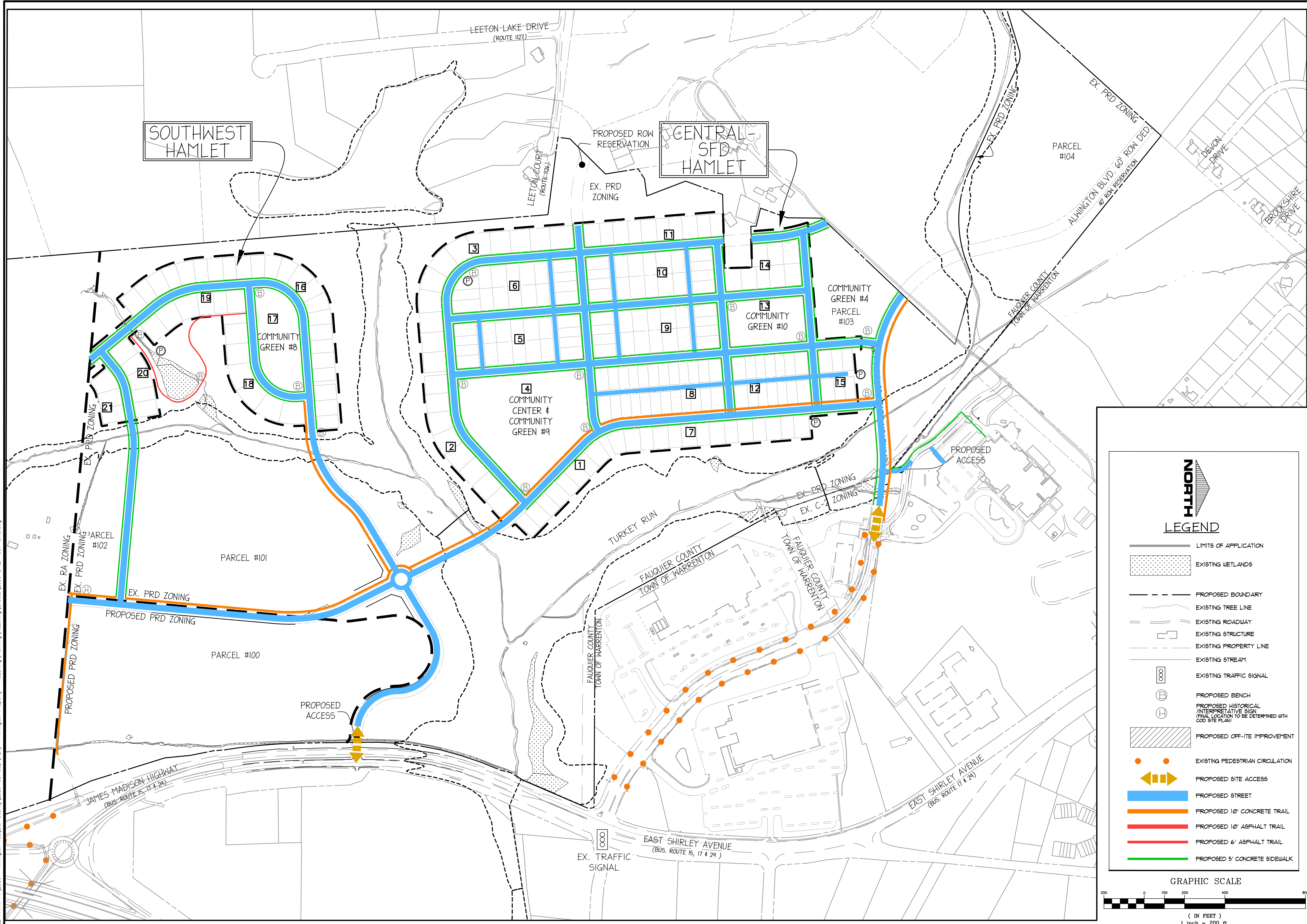
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BDR	DR
DESIGN	DRAWN
	CHKD

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V: 1" = 40'

JOB NO: 2586-08-001
DATE: JULY 18, 2022
FILE NO: 2586-D-24-00X

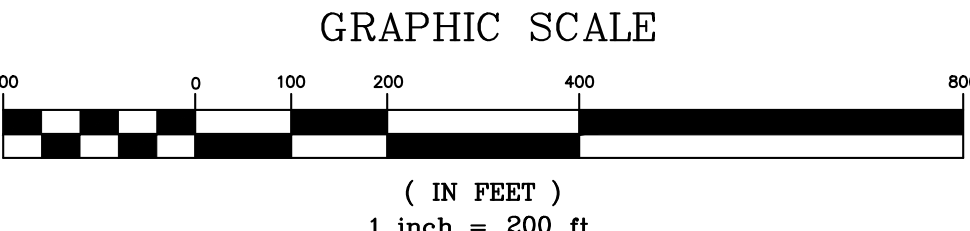
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LEGEND

- LIMITS OF APPLICATION
- EXISTING WETLANDS
- PROPOSED BOUNDARY
- EXISTING TREE LINE
- EXISTING ROADWAY
- EXISTING STRUCTURE
- EXISTING PROPERTY LINE
- EXISTING STREAM
- EXISTING TRAFFIC SIGNAL
- PROPOSED BENCH
- PROPOSED HISTORICAL INTERPRETATIVE SIGN (FINAL LOCATION TO BE DETERMINED WITH GSD SITE PLAN)
- PROPOSED OFF-SITE IMPROVEMENT
- EXISTING PEDESTRIAN CIRCULATION
- PROPOSED SITE ACCESS
- PROPOSED STREET
- PROPOSED 10' CONCRETE TRAIL
- PROPOSED 10' ASPHALT TRAIL
- PROPOSED 6' ASPHALT TRAIL
- PROPOSED 5' CONCRETE SIDEWALK

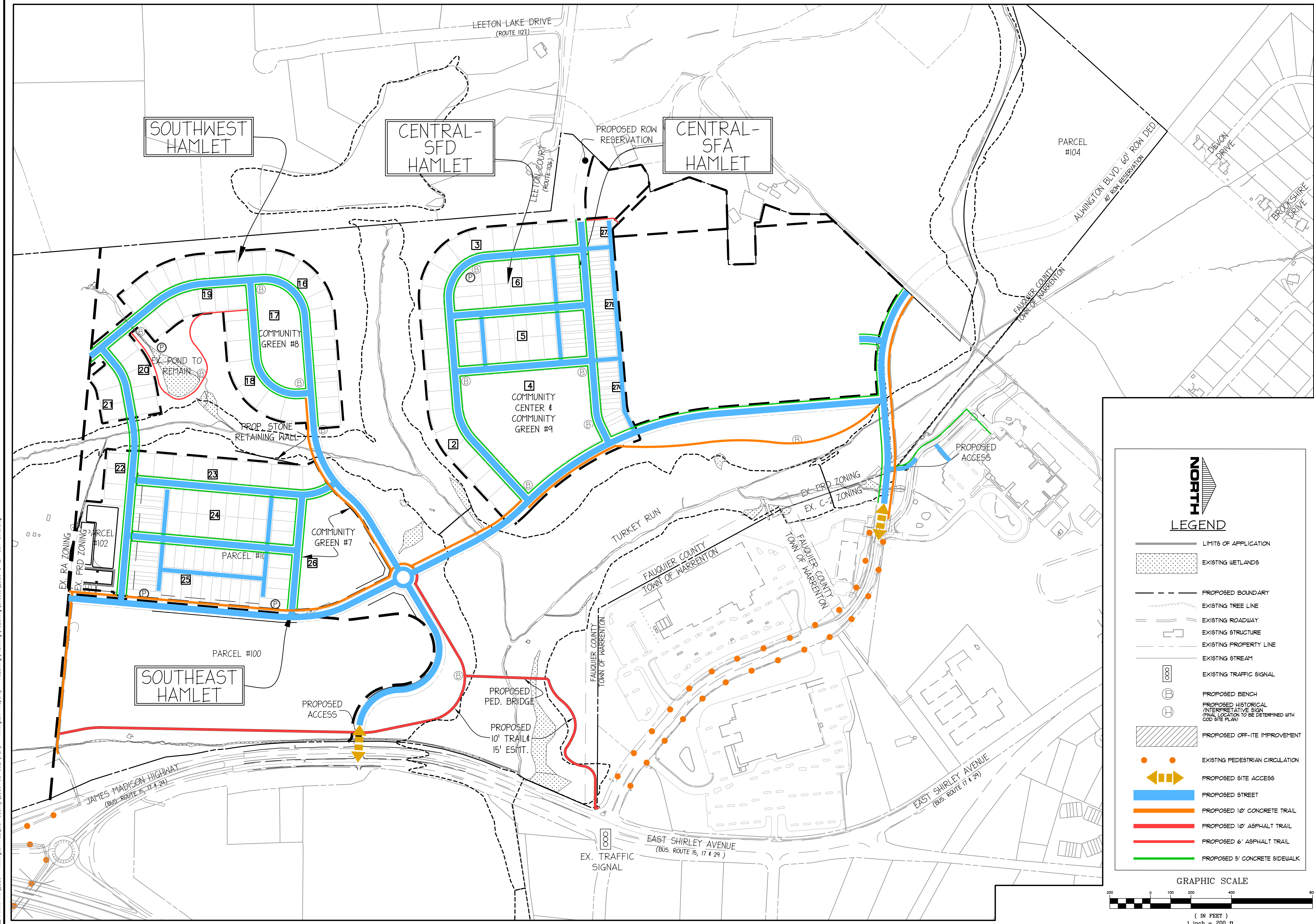


Item A.

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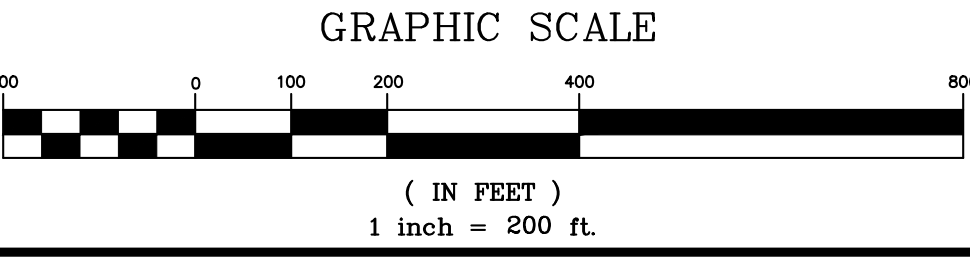
CONCEPT PEDESTRIAN CIRCULATION PLAN
ARRINGTON
CONCEPT DEVELOPMENT PLAN
MARSHALL MAGISTERIAL DISTRICT FAUQUIER COUNTY, VIRGINIA

PROJECT NUMBER	
REZN - 22 - 01918	
PLAN STATUS	
12/5/22	REV. PER 1ST SUB. COM.
5/05/23	REV. PER 2ND SUB. COM.
1/07/23	REV. PER 3RD SUB. COM.
9/22/23	REV. PER PC COM.
10/20/23	REV. PER STAFF COM.
DATE	DESCRIPTION
BBR DESIGN	DR DRAWN
SCALE: H: 1" = 200'	V:
JOB NO: 2586-08-001	DATE: JULY 18, 2022
FILE NO: 2586-D-ZM-00X	SHEET 8 OF 17



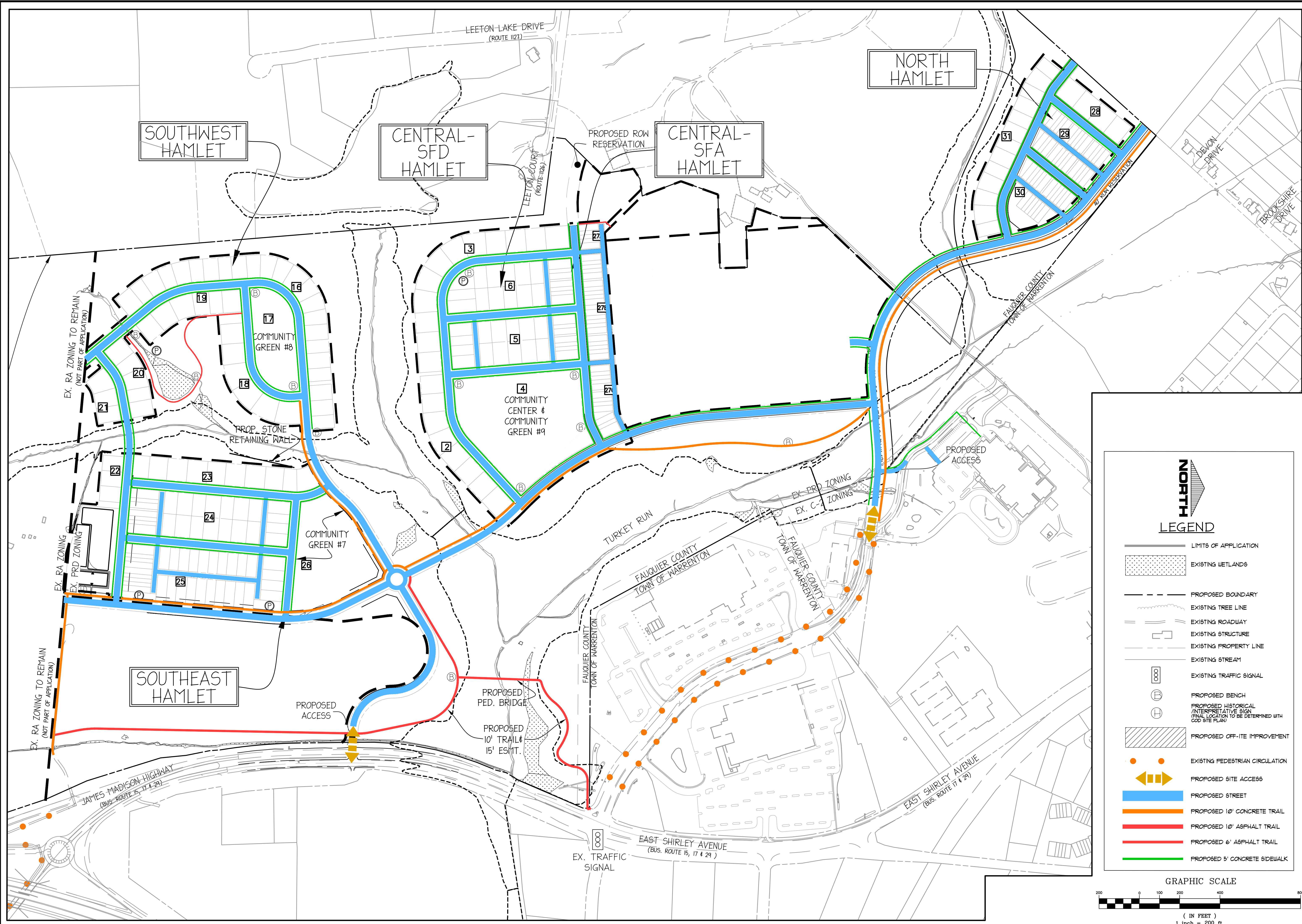
LEGEND

- LIMITS OF APPLICATION
- EXISTING WETLANDS
- PROPOSED BOUNDARY
- EXISTING TREE LINE
- EXISTING ROADWAY
- EXISTING STRUCTURE
- EXISTING PROPERTY LINE
- EXISTING STREAM
- EXISTING TRAFFIC SIGNAL
- PROPOSED BENCH
- PROPOSED HISTORICAL INTERPRETATIVE SIGN (FINAL LOCATION TO BE DETERMINED WITH GSD SITE PLAN)
- PROPOSED OFF-SITE IMPROVEMENT
- EXISTING PEDESTRIAN CIRCULATION
- PROPOSED SITE ACCESS
- PROPOSED STREET
- PROPOSED 10' CONCRETE TRAIL
- PROPOSED 10' ASPHALT TRAIL
- PROPOSED 6' ASPHALT TRAIL
- PROPOSED 5' CONCRETE SIDEWALK



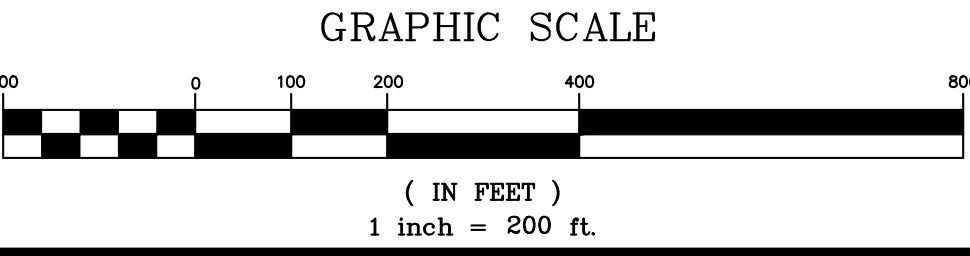
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LEGEND

- LIMITS OF APPLICATION
- EXISTING WETLANDS
- PROPOSED BOUNDARY
- EXISTING TREE LINE
- EXISTING ROADWAY
- EXISTING STRUCTURE
- EXISTING PROPERTY LINE
- EXISTING STREAM
- EXISTING TRAFFIC SIGNAL
- PROPOSED BENCH
- PROPOSED HISTORICAL INTERPRETATIVE SIGN (FINAL LOCATION TO BE DETERMINED WITH GSD SITE PLAN)
- PROPOSED OFF-SITE IMPROVEMENT
- EXISTING PEDESTRIAN CIRCULATION
- PROPOSED SITE ACCESS
- PROPOSED STREET
- PROPOSED 10' CONCRETE TRAIL
- PROPOSED 10' ASPHALT TRAIL
- PROPOSED 6' ASPHALT TRAIL
- PROPOSED 5' CONCRETE SIDEWALK



Item A.

Bowman

ARRINGTON
CONCEPT DEVELOPMENT PLAN

CONCEPT PEDESTRIAN CIRCULATION PLAN ALT B
MARSHALL MAGISTERIAL DISTRICT FAUQUIER COUNTY, VIRGINIA

PROJECT NUMBER
REZN - 22 - 01918

PLAN STATUS	
12/5/22	REV. PER 1ST SUB. COM.
5/05/23	REV. PER 2ND SUB. COM.
1/07/23	REV. PER 3RD SUB. COM.
9/22/23	REV. PER PC COM.
10/20/23	REV. PER STAFF COM.

DATE	DESCRIPTION
BBR DESIGN	DR
DR	CHKD

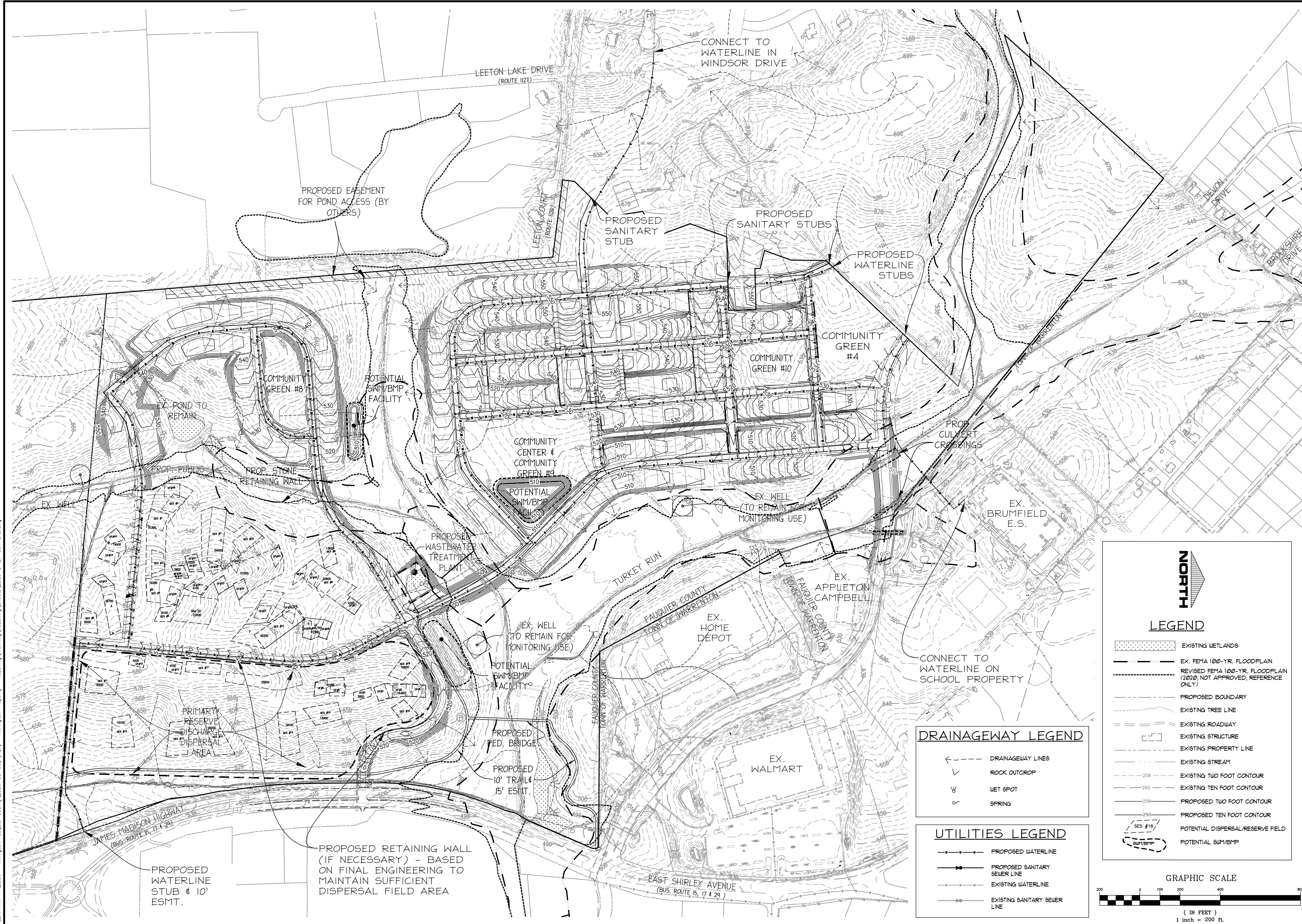
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JOB NO: 2586-08-001
DATE: JULY 18, 2022
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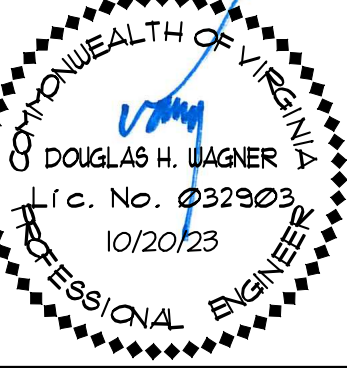
SHEET **8B** OF 17

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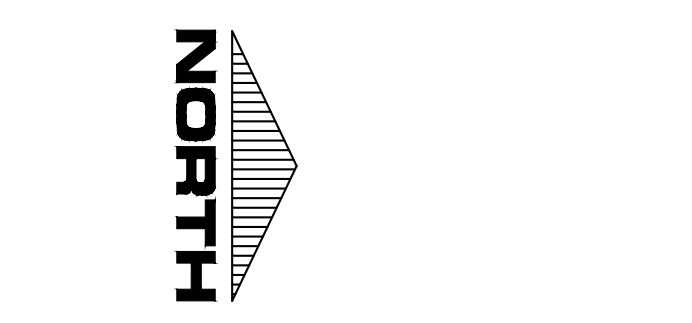
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PLAN STATUS

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1/01/23	REV. PER 3RD SUB. COM.
9/22/23	REV. PER PG. COM.
10/20/23	REV. PER STAFF COM.

DATE	DESCRIPTION
BBR DESIGN	DR
SCALE: H: 1" = 200'	CHKD
JOB NO: 2586-08-001	
DATE: JULY 18, 2022	
FILE NO: 2586-D-24-00X	



LEGEND

- EXISTING WETLANDS
- EX. FEMA 100-YR. FLOODPLAIN
- REVISED FEMA 100-YR. FLOODPLAIN (2020, NOT APPROVED, REFERENCE ONLY)
- PROPOSED BOUNDARY
- EXISTING TREE LINE
- EXISTING ROADWAY
- EXISTING STRUCTURE
- EXISTING PROPERTY LINE
- EXISTING STREAM
- EXISTING TWO FOOT CONTOUR
- EXISTING TEN FOOT CONTOUR
- PROPOSED TWO FOOT CONTOUR
- PROPOSED TEN FOOT CONTOUR
- POTENTIAL DISPERSAL/RESERVE FIELD
- POTENTIAL SWM/BMP

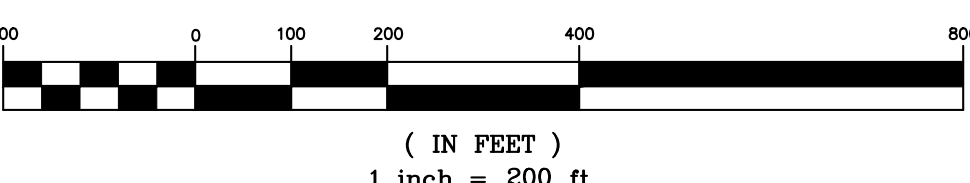
DRAINAGEWAY LEGEND

- DRAINAGEWAY LINES
- ROCK OUTCROP
- WET SPOT
- SPRING

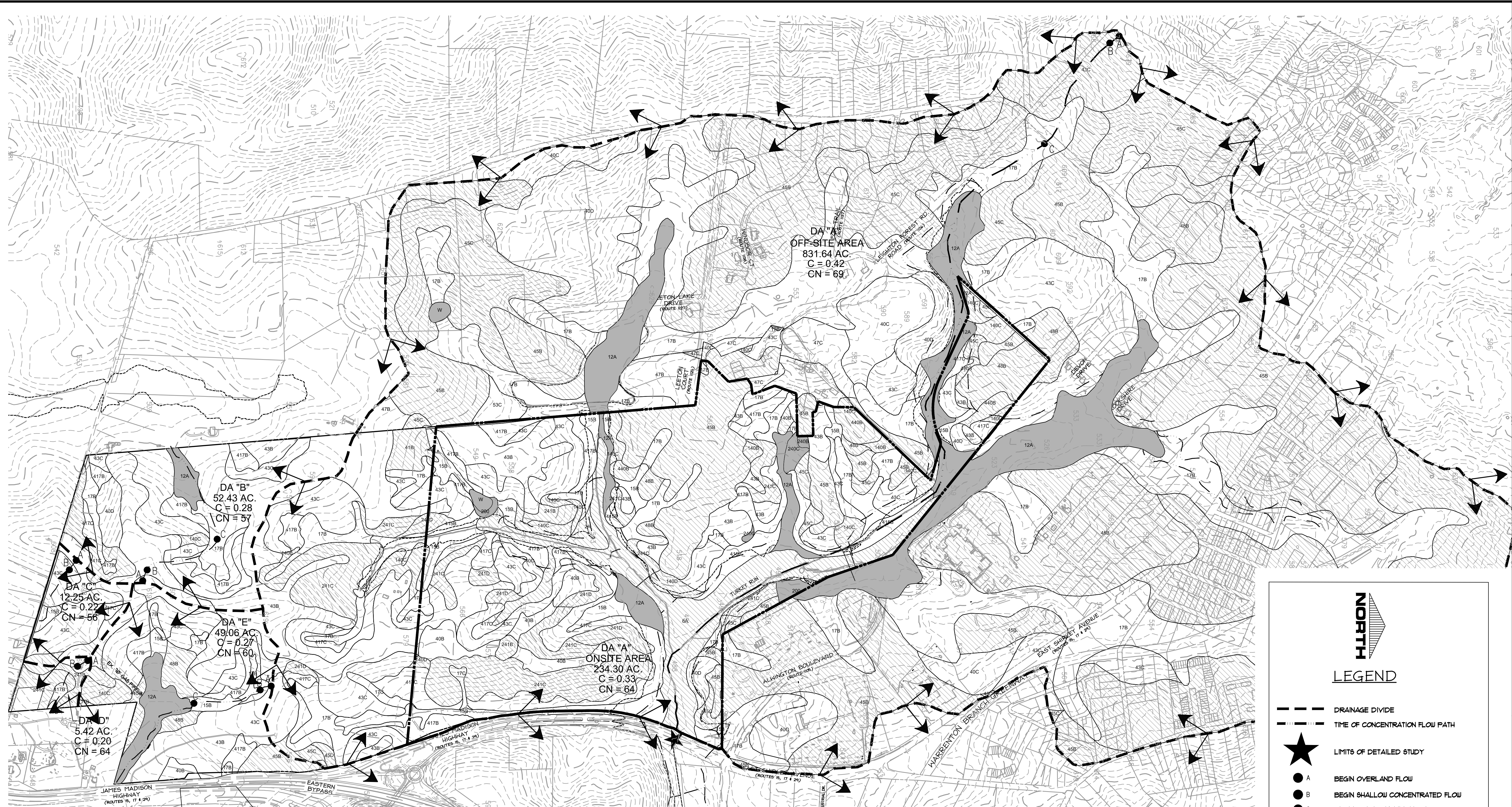
UTILITIES LEGEND

- PROPOSED WATERLINE
- PROPOSED SANITARY SEWER LINE
- EXISTING WATERLINE
- EXISTING SANITARY SEWER LINE

GRAPHIC SCALE



FILE PATH: P:\2586 - Arrington Fauquier County\2586-08-002 (PLN) - Arrington Property - Rezoning\Planning\Rezoning\Sheets\2586-0-2P-001-SWM-PRE.dwg



Drainage Area A Onsite		A soils	B Soils	C Soils	D Soils
Forest/Open Space - undisturbed, protected forest/open space or reforested land	Area (acres)	0.00	104.56	117.24	20.39
	CN	30	55	70	77
Managed Turf - disturbed, graded for yards or other turf to be mowed/managed	Area (acres)	0.00	0.00	0.00	0.00
	CN	39	61	74	80
	Area (acres)	0.00	0.00	0.00	0.00
	CN	98	98	98	98
Impervious Cover					
					98
		Weighted CN			
		64			

Drainage Area A Offsite		A soils	B Soils	C Soils	D Soils
Forest/Open Space - undisturbed, protected forest/open space or reforested land	Area (acres)	0.00	292.19	382.02	42.43
	CN	30	55	70	77
Managed Turf - disturbed, graded for yards or other turf to be mowed/managed	Area (acres)	0.00	0.00	0.00	0.00
	CN	39	61	74	80
	Area (acres)	0.00	57.50	57.50	0.00
	CN	98	98	98	98
Impervious Cover					
					98
		Weighted CN			
		69			

Drainage Area B		A soils	B Soils	C Soils	D Soils
Forest/Open Space - undisturbed, protected forest/open space or reforested land	Area (acres)	0.00	46.56	3.97	1.90
	CN	30	55	70	77
Managed Turf - disturbed, graded for yards or other turf to be mowed/managed	Area (acres)	0.00	0.00	0.00	0.00
	CN	39	61	74	80
	Area (acres)	0.00	0.00	0.00	0.00
	CN	98	98	98	98
Impervious Cover					
					98
		Weighted CN			
		57			

Drainage Area C		A soils	B Soils	C Soils	D Soils
Forest/Open Space - undisturbed, protected forest/open space or reforested land	Area (acres)	0.00	11.46	0.79	0.00
	CN	30	55	70	77
Managed Turf - disturbed, graded for yards or other turf to be mowed/managed	Area (acres)	0.00	0.00	0.00	0.00
	CN	39	61	74	80
	Area (acres)	0.00	0.00	0.00	0.00
	CN	98	98	98	98
Impervious Cover					
					98
		Weighted CN			
		56			

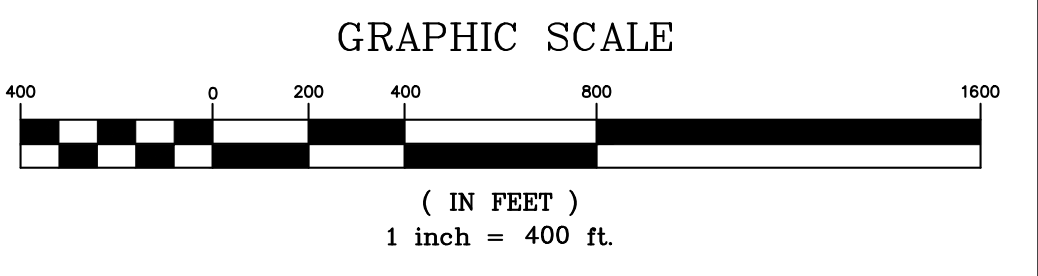
Drainage Area D		A soils	B Soils	C Soils	D Soils
Forest/Open Space - undisturbed, protected forest/open space or reforested land	Area (acres)	0.00	2.06	3.36	0.00
	CN	30	55	70	77
Managed Turf - disturbed, graded for yards or other turf to be mowed/managed	Area (acres)	0.00	0.00	0.00	0.00
	CN	39	61	74	80
	Area (acres)	0.00	0.00	0.00	0.00
	CN	98	98	98	98
Impervious Cover					
					98
		Weighted CN			
		64			

Drainage Area E		A soils	B Soils	C Soils	D Soils
Forest/Open Space - undisturbed, protected forest/open space or reforested land	Area (acres)	0.00	35.10	9.09	4.87
	CN	30	55	70	77
Managed Turf - disturbed, graded for yards or other turf to be mowed/managed	Area (acres)	0.00	0.00	0.00	0.00
	CN	39	61	74	80
	Area (acres)	0.00	0.00	0.00	0.00
	CN	98	98	98	98
Impervious Cover					
					98
		Weighted CN			
		60			

LEGEND

- DRAINAGE DIVIDE
- TIME OF CONCENTRATION FLOW PATH
- ★ LIMITS OF DETAILED STUDY
- A BEGIN OVERLAND FLOW
- B BEGIN SHALLOW CONCENTRATED FLOW
- C BEGIN OPEN CHANNEL FLOW
- FEMA 100-YR. FLOODPLAIN
- REVISED FEMA 100-YR. FLOODPLAIN (2020, NOT APPROVED, REFERENCE ONLY)

DENOTES H&G B SOILS
 DENOTES H&G C SOILS
 DENOTES H&G D SOILS



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PRE-DEVELOPED DRAINAGE DIVIDES

ARRINGTON

CONCEPT DEVELOPMENT PLAN

MARSHALL MAGISTERIAL DISTRICT FAUQUIER COUNTY, VIRGINIA

PROJECT NUMBER
REZN - 22 - 01918

PLAN STATUS

12/5/22	REV. PER 1ST SUB. COM.
5/05/23	REV. PER 2ND SUB. COM.
1/07/23	REV. PER 3RD SUB. COM.
9/22/23	REV. PER PG. COM.
10/20/23	REV. PER STAFF COM.

DATE DESCRIPTION

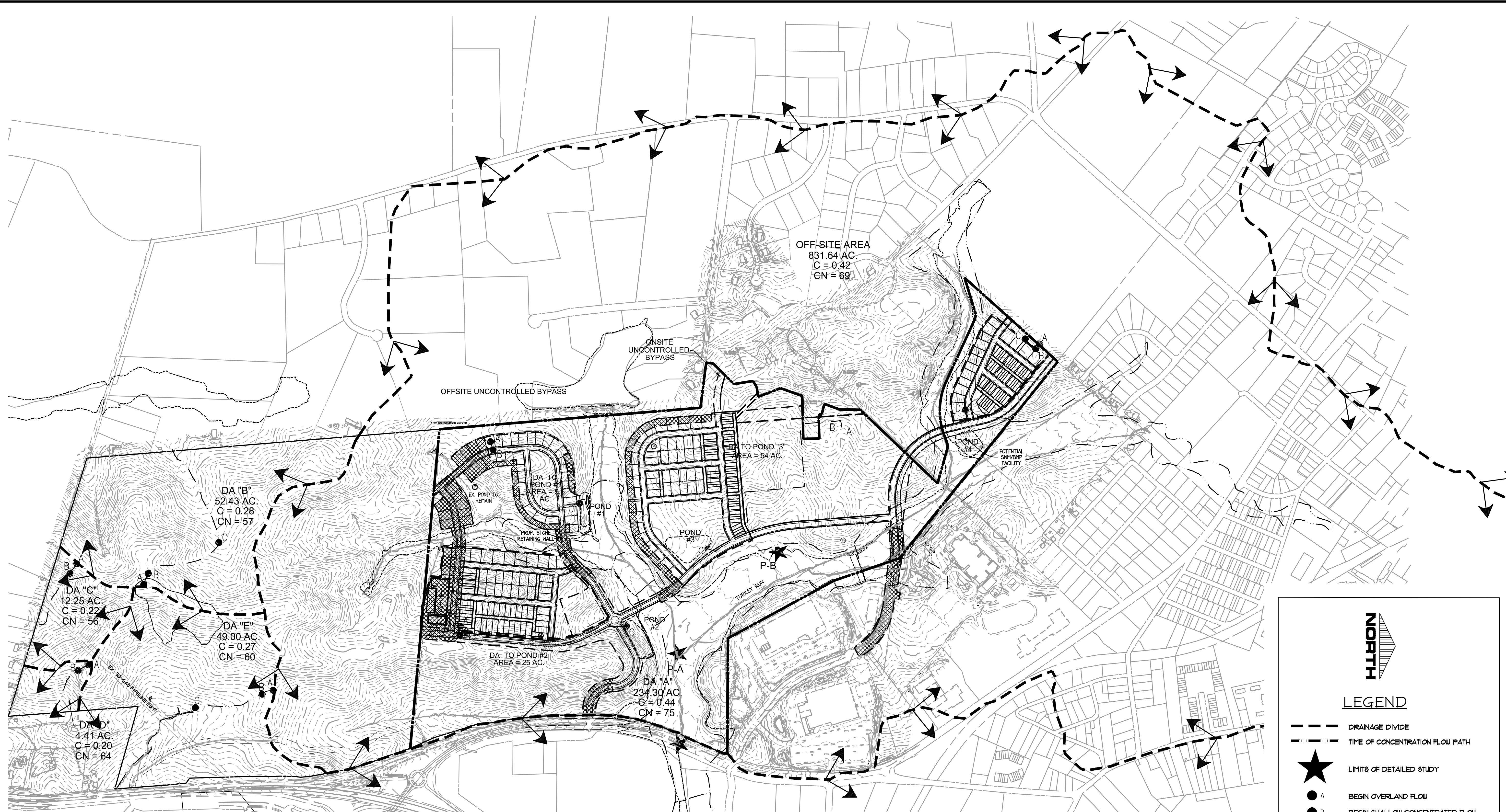
BDR	DR	CHKD
DESIGN	DRAWN	

SCALE: H: 1" = 400'
V: 1" = 400'

JOB NO: 2586-08-001
DATE: JULY 18, 2022
FILE NO: 2586-D-24-00X

SHEET 11 OF 17

FILE PATH: P:\2586 - Arrington Fauquier County\2586-08-002 (PLAN) - Arrington Property - Rezoning\Planning\Rezoning\Sheets\2586-0-2P-001-SWM-POST ALT B.dwg



Drainage Area A				
	A soils	B Soils	C Soils	D Soils
Forest/Open Space -- undisturbed, protected forest/open space or reforested land	0.00	52.16	60.84	10.57
Area (acres)	30	55	70	77
CN	0.00	27.50	31.50	1.93
Managed Turf -- disturbed, graded for yards or other turf to be mowed/managed	0.00	61	74	80
Area (acres)	39	61	74	80
CN	0.00	24.90	24.90	0.00
Impervious Cover	98	98	98	98
Area (acres)	0.00	24.90	24.90	0.00
CN	98	98	98	98
Weighted CN	72			

Drainage Area A Offsite				
	A soils	B Soils	C Soils	D Soils
Forest/Open Space -- undisturbed, protected forest/open space or reforested land	0.00	292.19	382.02	42.43
Area (acres)	30	55	70	77
CN	0.00	0.00	0.00	0.00
Managed Turf -- disturbed, graded for yards or other turf to be mowed/managed	0.00	61	74	80
Area (acres)	39	61	74	80
CN	0.00	57.50	57.50	0.00
Impervious Cover	98	98	98	98
Area (acres)	0.00	57.50	57.50	0.00
CN	98	98	98	98
Weighted CN	69			

Drainage Area B				
	A soils	B Soils	C Soils	D Soils
Forest/Open Space -- undisturbed, protected forest/open space or reforested land	0.00	46.56	3.97	1.90
Area (acres)	30	55	70	77
CN	0.00	0.00	0.00	0.00
Managed Turf -- disturbed, graded for yards or other turf to be mowed/managed	0.00	61	74	80
Area (acres)	39	61	74	80
CN	0.00	0.00	0.00	0.00
Impervious Cover	98	98	98	98
Area (acres)	0.00	0.00	0.00	0.00
CN	98	98	98	98
Weighted CN	57			

Drainage Area C				
	A soils	B Soils	C Soils	D Soils
Forest/Open Space -- undisturbed, protected forest/open space or reforested land	0.00	11.46	0.79	0.00
Area (acres)	30	55	70	77
CN	0.00	0.00	0.00	0.00
Managed Turf -- disturbed, graded for yards or other turf to be mowed/managed	0.00	61	74	80
Area (acres)	39	61	74	80
CN	0.00	0.00	0.00	0.00
Impervious Cover	98	98	98	98
Area (acres)	0.00	0.00	0.00	0.00
CN	98	98	98	98
Weighted CN	56			

Drainage Area D				
	A soils	B Soils	C Soils	D Soils
Forest/Open Space -- undisturbed, protected forest/open space or reforested land	0.00	2.06	3.36	0.00
Area (acres)	30	55	70	77
CN	0.00	0.00	0.00	0.00
Managed Turf -- disturbed, graded for yards or other turf to be mowed/managed	0.00	61	74	80
Area (acres)	39	61	74	80
CN	0.00	0.00	0.00	0.00
Impervious Cover	98	98	98	98
Area (acres)	0.00	0.00	0.00	0.00
CN	98	98	98	98
Weighted CN	64			

Drainage Area E				
	A soils	B Soils	C Soils	D Soils
Forest/Open Space -- undisturbed, protected forest/open space or reforested land	0.00	35.10	9.09	4.87
Area (acres)	30	55	70	77
CN	0.00	0.00	0.00	0.00
Managed Turf -- disturbed, graded for yards or other turf to be mowed/managed	0.00	61	74	80
Area (acres)	39	61	74	80
CN	0.00	0.00	0.00	0.00
Impervious Cover	98	98	98	98
Area (acres)	0.00	0.00	0.00	0.00
CN	98	98	98	98
Weighted CN	60			

LEGEND

- DRAINAGE DIVIDE
- - - TIME OF CONCENTRATION FLOW PATH
- ★ LIMITS OF DETAILED STUDY
- A BEGIN OVERLAND FLOW
- B BEGIN SHALLOW CONCENTRATED FLOW
- C BEGIN OPEN CHANNEL FLOW
- REVISED FEMA 100-YR. FLOODPLAIN (2010, NOT APPROVED, REFERENCE ONLY)
- FEMA 100-YR. FLOODPLAIN
- ▨ DENOTES UNDETAINED IMPERVIOUS AREAS

GRAPHIC SCALE

1 inch = 400 ft

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POST-DEVELOPMENT DRAINAGE DIVIDES (ALT. B)
ARRINGTON
CONCEPT DEVELOPMENT PLAN
MARSHALL MAGISTERIAL DISTRICT FAUQUIER COUNTY, VIRGINIA

PROJECT NUMBER
REZN - 22 - 01918

PLANNING ENGINEER
DOUGLAS H. WAGNER
Lic. No. 032903
10/20/23
PROFESSIONAL ENGINEER

PLAN STATUS

12/5/22	REV. PER 1ST SUB. COM.
5/05/23	REV. PER 2ND SUB. COM.
1/07/23	REV. PER 3RD SUB. COM.
9/22/23	REV. PER PG. COM.
10/20/23	REV. PER STAFF COM.

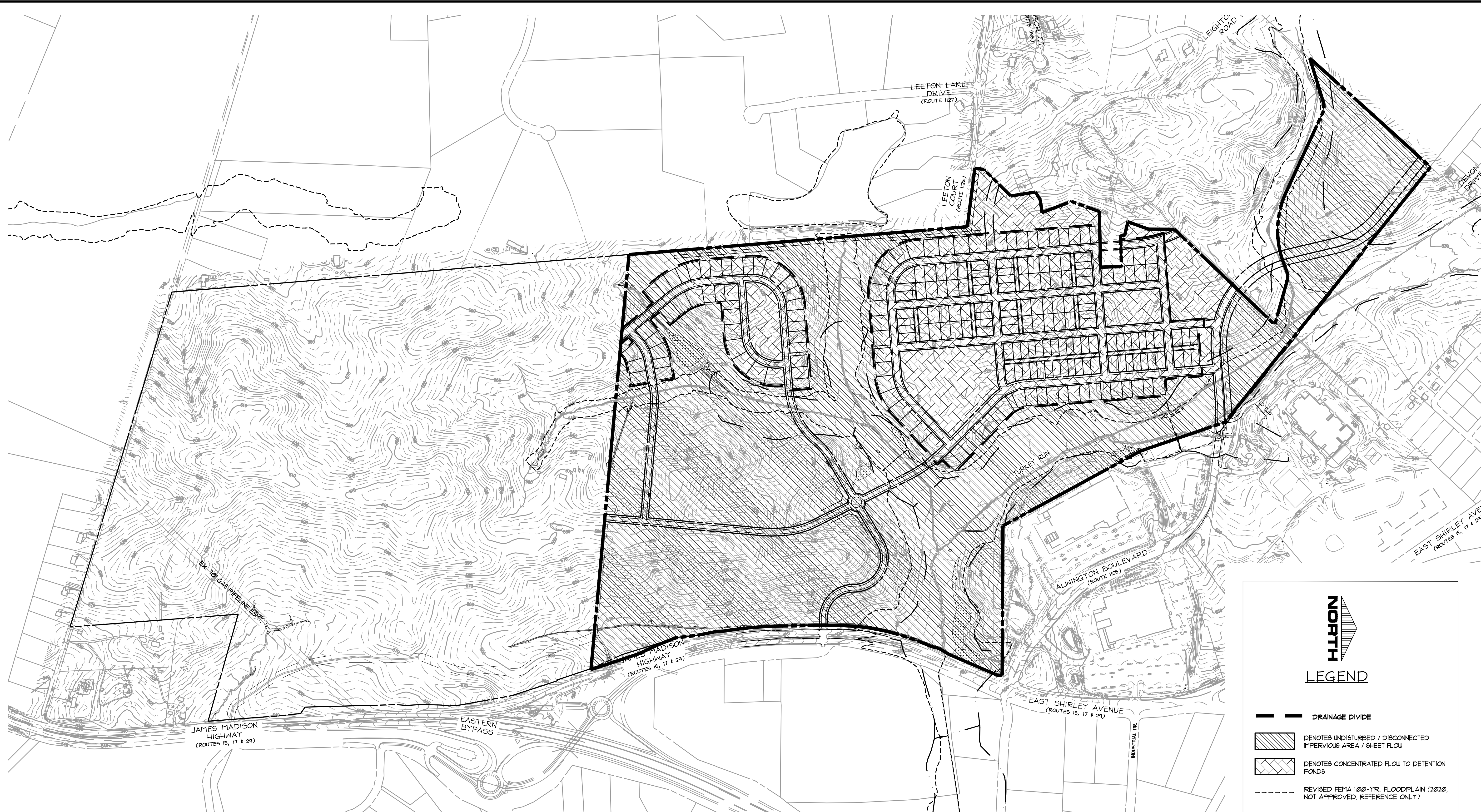
DATE	DESCRIPTION
BBR DESIGN	DR
	DRN
	CHKD

SCALE: 1/4" = 400'
V:

JOB NO: 2586-08-001
DATE: JULY 18, 2022
FILE NO: 2586-D-24-00X

SHEET 12A OF 17

FILE PATH: P:\2586 - Arrington Fauquier County\2586-08-002 (PLN) - Arrington Property - Arrington Planning\Rezoning\Sheets\2586-D-2P-001-SWM-BMP.dwg



NORTH

LEGEND

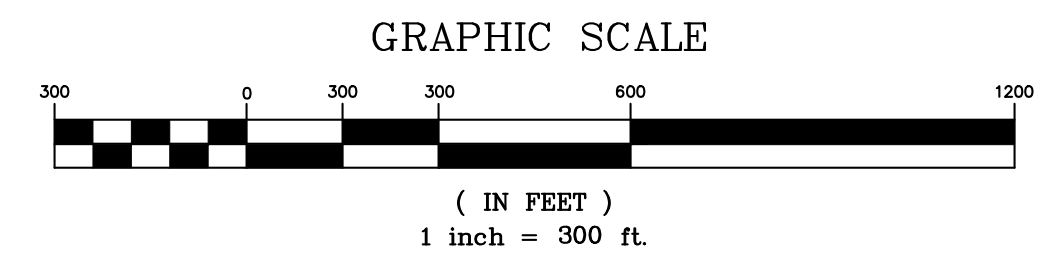
- DRAINAGE DIVIDE
- DENOTES UNDISTURBED / DISCONNECTED IMPERVIOUS AREA / SHEET FLOW
- DENOTES CONCENTRATED FLOW TO DETENTION PONDS
- REVISED FEMA 100-YR. FLOODPLAIN (2020, NOT APPROVED, REFERENCE ONLY)
- FEMA 100-YR. FLOODPLAIN

BMP NARRATIVE:

THE PROPOSED DEVELOPMENT WILL CONSIST OF RESIDENTIAL AND RECREATIONAL USES. SANITARY, WATER AND OTHER NECESSARY INFRASTRUCTURE ARE PROPOSED. THE SITE CONSISTS OF SOILS RANGING FROM H9g "b" TO "d". THERE IS FLOODPLAIN LOCATED ON THE SITE. THE SLOPES RANGE FROM 40% TO 2%.

APPROXIMATELY 46% OF THE SITE WILL REMAIN UNDISTURBED. APPROXIMATELY 10% OF THE SITE WILL BE IMPERVIOUS. THE SITE HAS BEEN ANALYZED USING THE VRRM WATER QUALITY SPREADSHEET PROVIDED FROM DEQ. THE SITE REQUIRES ABOUT 20.81 LBS OF PHOSPHOROUS TO BE REMOVED OR AT LEAST 75% OF THE REQUIRED PHOSPHOROUS REDUCTION REQUIRED IF NUTRIENT CREDIT PURCHASE IS PURSUED. THIS WILL BE ACCOMPLISHED IN THE 3 EXTENDED DETENTION FACILITIES PROPOSED ONSITE. ALL SSM/BMP FACILITIES DESIGNED WITH THE FINAL CONSTRUCTION PLANS FOR THIS PROJECT ARE REQUIRED TO CONFORM TO THE VIRGINIA STATE STORMWATER MANANGMENT HANDBOOK, AND CHAPTER 2 OF THE FAUQUIER COUNTY DESIGN STANDARDS MANUAL. ALL FACILITES SHALL BE DESIGNED IN AREAS THAT HAVE ENOUGH ROOM TO MEET THESE DESIGN REQUIREMENTS. SHOULD FORESTED OPEN SPACE BE USED IN FINAL DESIGN TO MEET PHOSPHOROUS REDUCTION REQUIREMENTS, THESE AREAS MUST BE PROTECTED IN VRRM EASEMENTS.

ADDITIONALLY NATURAL POLLUTANT REMOVAL WILL OCCUR THROUGH DISCONNECTED IMPERVIOUS AREAS AND SHEET FLOW AREAS. THESE SITUATIONS LEAD TO A DECREASE IN RUNOFF RATES THAT WILL BE CREDITED TOWARD CHANNEL PROTECTION REQUIREMENTS WHERE APPLICABLE. SEE THE NARRATIVE ON SHEET 14.



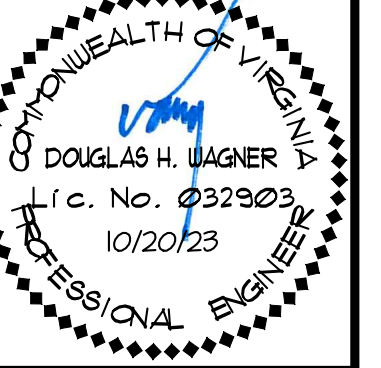
Item A.

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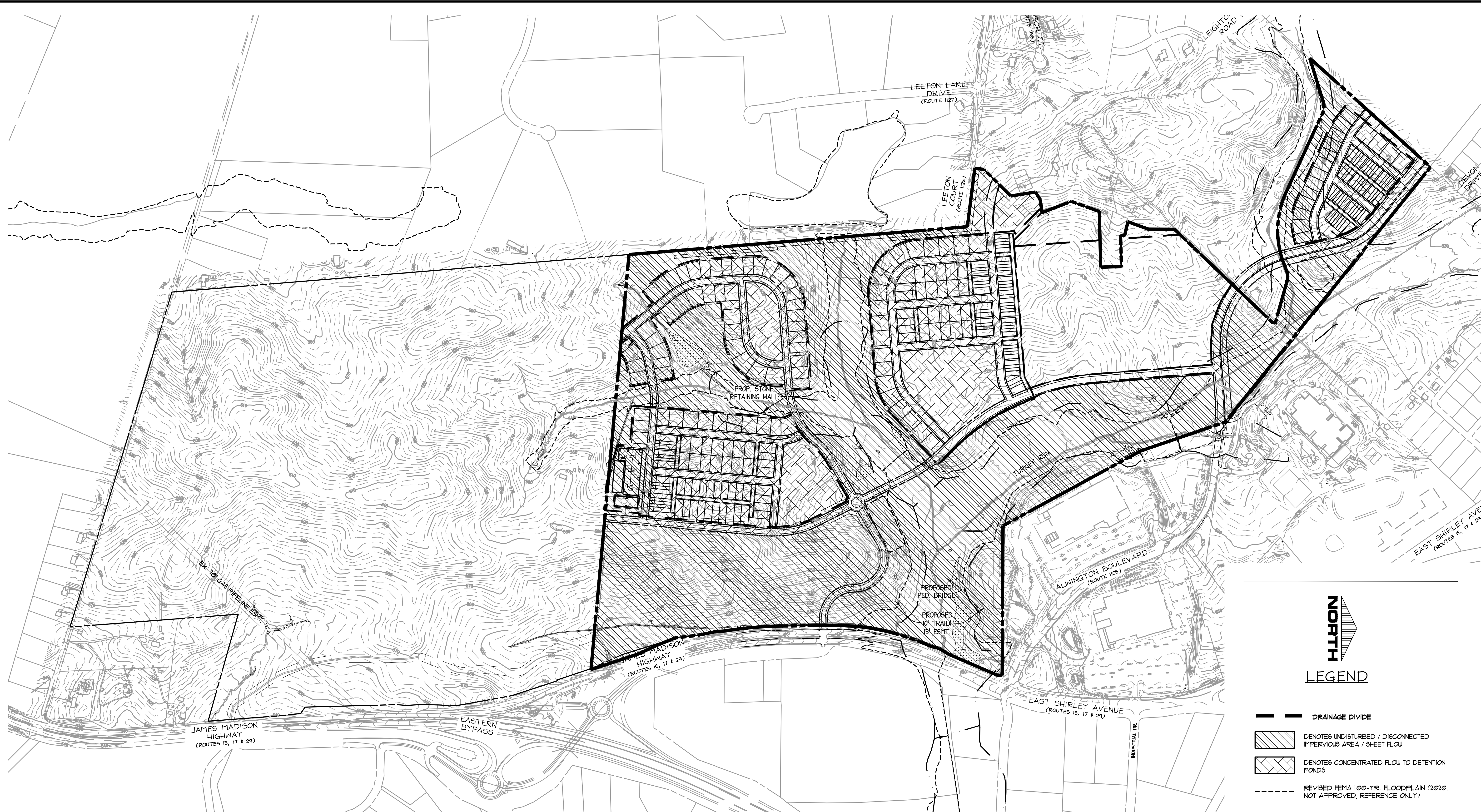
BMP MAP
ARRINGTON
CONCEPT DEVELOPMENT PLAN
MARSHALL MAGISTERIAL DISTRICT FAUQUIER COUNTY, VIRGINIA

PROJECT NUMBER
REZN - 22 - 011918



PLAN STATUS	
12/5/22	REV. PER 1ST SUB. COM.
5/05/23	REV. PER 2ND SUB. COM.
1/01/23	REV. PER 3RD SUB. COM.
9/22/23	REV. PER PG. COM.
10/20/23	REV. PER STAFF COM.

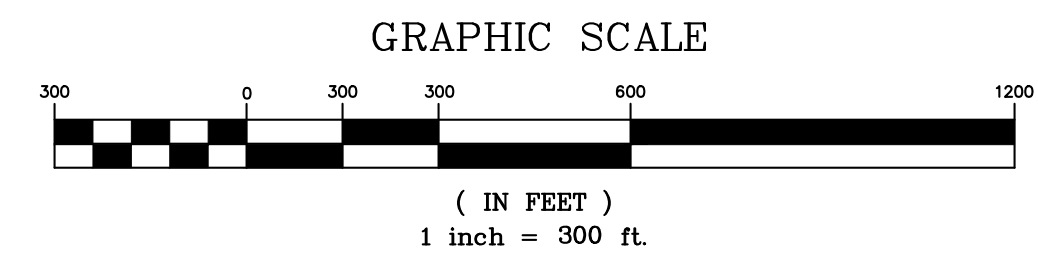
DATE	DESCRIPTION
BBR DESIGN	DR DRAWN CHKD
SCALE: 1/4" = 300'	
JOB NO: 2586-08-001	
DATE: JULY 18, 2022	
FILE NO: 2586-D-24-00X	
SHEET 13 OF 17	



NORTH

LEGEND

- DRAINAGE DIVIDE
- DENOTES UNDISTURBED / DISCONNECTED IMPERVIOUS AREA / SHEET FLOW
- DENOTES CONCENTRATED FLOW TO DETENTION PONDS
- REVISED FEMA 100-YR. FLOODPLAIN (2020, NOT APPROVED, REFERENCE ONLY)
- FEMA 100-YR. FLOODPLAIN



BMP NARRATIVE:

THE PROPOSED DEVELOPMENT WILL CONSIST OF RESIDENTIAL AND RECREATIONAL USES. SANITARY, WATER AND OTHER NECESSARY INFRASTRUCTURE ARE PROPOSED. THE SITE CONSISTS OF SOILS RANGING FROM H9G "b" TO "d". THERE IS FLOODPLAIN LOCATED ON THE SITE. THE SLOPES RANGE FROM 40% TO 2%.

APPROXIMATELY 46% OF THE SITE WILL REMAIN UNDISTURBED. APPROXIMATELY 10% OF THE SITE WILL BE IMPERVIOUS. THE SITE HAS BEEN ANALYZED USING THE VRRM WATER QUALITY SPREADSHEET PROVIDED FROM DEQ. THE SITE REQUIRES ABOUT 51.61 LBS OF PHOSPHOROUS TO BE REMOVED OR AT LEAST 75% OF THE REQUIRED PHOSPHOROUS REDUCTION REQUIRED IF NUTRIENT CREDIT PURCHASE IS PURSUED. THIS WILL BE ACCOMPLISHED IN THE 4 EXTENDED DETENTION FACILITIES PROPOSED ONSITE. ALL S4M/BMP FACILITIES DESIGNED WITH THE FINAL CONSTRUCTION PLANS FOR THIS PROJECT ARE REQUIRED TO CONFORM TO THE VIRGINIA STATE STORMWATER MANANGMENT HANDBOOK, AND CHAPTER 2 OF THE FAUQUIER COUNTY DESIGN STANDARDS MANUAL. ALL FACILITES SHALL BE DESIGNED IN AREAS THAT HAVE ENOUGH ROOM TO MEET THESE DESIGN REQUIREMENTS. SHOULD FORESTED OPEN SPACE BE USED IN FINAL DESIGN TO MEET PHOSPHOROUS REDUCTION REQUIREMENTS, THESE AREAS MUST BE PROTECTED IN VRRM EASEMENTS.

ADDITIONALLY NATURAL POLLUTANT REMOVAL WILL OCCUR THROUGH DISCONNECTED IMPERVIOUS AREAS AND SHEET FLOW AREAS. THESE SITUATIONS LEAD TO A DECREASE IN RUNOFF RATES THAT WILL BE CREDITED TOWARD CHANNEL PROTECTION REQUIREMENTS WHERE APPLICABLE. SEE THE NARRATIVE ON SHEET 14.

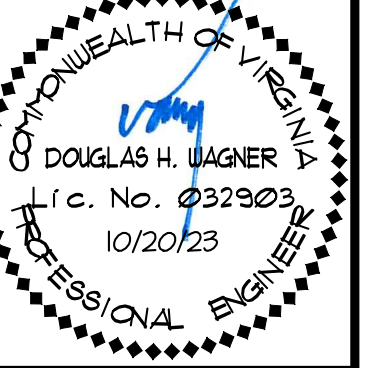
Item A.

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BMP MAP (ALT. B)
ARRINGTON
CONCEPT DEVELOPMENT PLAN
MARSHALL MAGISTERIAL DISTRICT FAUQUIER COUNTY, VIRGINIA

PROJECT NUMBER
REZN - 22 - 011918



PLAN STATUS	
12/5/22	REV. PER 1ST SUB. COM.
5/05/23	REV. PER 2ND SUB. COM.
1/01/23	REV. PER 3RD SUB. COM.
9/22/23	REV. PER PG. COM.
10/20/23	REV. PER STAFF COM.

DATE	DESCRIPTION
BBR DESIGN	DR DRAWN CHKD
SCALE: H: 1" = 300'	
V:	
JOB NO:	2586-08-001
DATE:	JULY 18, 2022
FILE NO:	2586-D-24-00X
SHEET	13A OF 17

VRRM SPREADSHEET:

1. Post-Development Project & Land Cover Information

Constants					
Annual Rainfall (inches)	43				
Target Rainfall Event (inches)	1.00				
Phosphorus EMC (mg/L)	0.26		Nitrogen EMC (mg/L)	1.86	
Target Phosphorus Target Load (lb/acre/yr P)	0.41				
	0.90				
Land Cover (acres)					
	A soils	B Soils	C Soils	D Soils	Totals
Forest/Open Space (acres) -- undisturbed, protected forest/open space or reforested land	0.00	64.35	62.70	10.57	137.62
Managed Turf (acres) -- disturbed, graded for yards or other turf to be mowed/managed	0.00	22.81	37.14	1.93	61.88
Impervious Cover (acres)		17.40	17.40	0.00	34.80
				Total	234.30
Rv Coefficients					
	A soils	B Soils	C Soils	D Soils	
Forest/Open Space	0.02	0.03	0.04	0.05	
Managed Turf	0.15	0.20	0.22	0.25	
Impervious Cover	0.95	0.95	0.95	0.95	
Land Cover Summary					
Forest/Open Space Cover (acres)	137.62				
Weighted Rv(forest)	0.04				
% Forest	59%				
Managed Turf Cover (acres)	61.88				
Weighted Rv(turf)	0.21				
% Managed Turf	26%				
Impervious Cover (acres)	34.80				
Rv(impervious)	0.95				
% Impervious	15%				
Total Site Area (acres)	234.30				
Site Rv	0.22				
Post-Development Treatment Volume (acre-ft)	4.27				
Post-Development Treatment Volume (cubic feet)	186,010				
Post-Development Load (TP) (lb/yr)	116.87		Post-Development Load (TN) (lb/yr)	836.07	
Total Load (TP) Reduction Required (lb/yr)	20.81				

Site Results

	D.A. A	D.A. B	D.A. C	D.A. D	D.A. E	AREA CHECK
IMPERVIOUS COVER	34.80	0.00	0.00	0.00	0.00	OK
IMPERVIOUS COVER TREATED	0.00	0.00	0.00	0.00	0.00	OK
TURF AREA	61.88	0.00	0.00	0.00	0.00	OK
TURF AREA TREATED	0.00	0.00	0.00	0.00	0.00	OK
AREA CHECK	OK	OK	OK	OK	OK	
Phosphorus						
TOTAL TREATMENT VOLUME (cf)	186,010					
TOTAL PHOSPHORUS LOAD REDUCTION REQUIRED (LB/YEAR)	20.81					
RUNOFF REDUCTION (cf)	0					
PHOSPHORUS LOAD REDUCTION ACHIEVED (LB/YR)	0.00					
ADJUSTED POST-DEVELOPMENT PHOSPHORUS LOAD (TP) (lb/yr)	116.87					
REMAINING PHOSPHORUS LOAD REDUCTION (LB/YR) NEEDED	20.81					
Nitrogen (for information purposes)						
TOTAL TREATMENT VOLUME (cf)	186,010					
RUNOFF REDUCTION (cf)	0					
NITROGEN LOAD REDUCTION ACHIEVED (LB/YR)	0.00					
ADJUSTED POST-DEVELOPMENT NITROGEN LOAD (TN) (lb/yr)	836.07					

NOTE:
THE AREAS INCLUDED IN THE VRRM SPREADSHEET IS THE SITE AREA, OR ALL AREA WITHIN THE BOUNDARY REGARDLESS OF ZONE. THIS INCLUDES TURF AREAS ASSOCIATED WITH THE RESIDENTIAL YARDS, GRASSED SWALES ALONG ROADS AND PARK AREAS. IMPERVIOUS AREAS FOR THIS DEVELOPMENT ARE ALSO INCLUDED.

THE COMMERCIAL PROPERTY HAS NOT BEEN ENTERED INTO THE VRRM SPREADSHEET. IN THE EVENT THAT THE PROPERTY IS DEVELOPED, IT SHALL MEET CURRENT STORMWATER MANAGEMENT REQUIREMENTS.

CHANNEL PROTECTION CALCULATIONS:

CULVERT #	OVERLAND FLOW (A-B)				SHALLOW CONCENTRATED FLOW (B-C)				CHANNEL FLOW (C-D)			TOTAL Tc (MIN)	COMMENTS
	LENGTH (FT)	SLOPE (FT/FT)	MANNING'S n	T1 (MIN)	LENGTH (FT)	AVG. SLOPE (FT/FT)	PAVED	T1 (MIN)	LENGTH (FT)	HIEGHT (FT)	T1 (MIN)		
A OFFSITE	100	0.050	0.30	11.50	1100	0.059	NO	4.58	6900	120	33.00	49.1	
A ONSITE PRE	100	0.040	0.30	12.00	360	0.055	NO	1.20	4400	80	22.00	35.2	
A ONSITE POST	100	0.040	0.30	12.00	360	0.055	NO	1.20	4400	80	22.00	35.2	
POND 1	50	0.020	0.30	10.00	250	0.020	YES	1.40	800	18	6.00	17.4	
POND 2	50	0.020	0.30	10.00	250	0.050	YES	0.87	1200	58	6.00	16.9	
POND 3	50	0.020	0.30	10.00	300	0.020	YES	1.70	1600	56	8.00	19.7	

Channel Protection Analysis Pond 1		
YES	IS DISTURBER AEA GREATER THAN 1 AC?	
0.8	I.F. (improvement factor)	
31319.64	RV (developed (IN))	
13024.44	RV (pre developed (IN))	
2.09	Q (pre developed)	
0.6953102	Q (allowable)	

Channel Protection Analysis Pond 2		
YES	IS DISTURBER AEA GREATER THAN 1 AC?	
0.8	I.F. (improvement factor)	
86989.32	RV (developed (IN))	
36198.36	RV (pre developed (IN))	
5.81	Q (pre developed)	
1.9341452	Q (allowable)	

Channel Protection Analysis Pond 3		
YES	IS DISTURBER AEA GREATER THAN 1 AC?	
0.8	I.F. (improvement factor)	
187830.72	RV (developed (IN))	
78146.64	RV (pre developed (IN))	
9.45	Q (pre developed)	
3.1453247	Q (allowable)	

PRELIMINARY STORMWATER MANAGEMENT NARRATIVE:

THE SITE WILL CONFORM TO THE REQUIREMENTS FOR CHANNEL PROTECTION BY INSTALLING 3 PONDS AT THE OUTFALL OF STORM SEWER SYSTEMS AND INSTALLED OUTSIDE OF THE FLOODPLAIN.

PRELIMINARY APPLICATION OF THE ENERGY BALANCE EQUATION TO THE DISTURBED AREAS OF THE DEVELOPMENT RESULT IN A MAXIMUM RELEASE RATE FOR THE PONDS AS SHOWN HEREIN FOR ALL PONDS. SHEETFLOW AND DISCONNECTED IMPERVIOUS AREAS NEED NOT BE EVALUATED FOR CHANNEL PROTECTION. FLOW VELOCITIES WILL BE REDUCED TO NON-EROSIVE VELOCITIES WHILE CONTAINING THE FLOW WITHIN THE DEFINED CHANNEL. IF UNACCOUNTED CHANNEL FLOW IS CREATED WITH THE FINAL DESIGN OF THE PROPOSED IMPROVEMENTS, CHANNEL PROTECTION MEASURES SHALL BE APPLIED.

EACH POND HAS BEEN ROUTED WITH PONDPACK SOFTWARE TO CONFIRM THAT THE REQUIRED STORAGE VOLUME FOR EACH POND CAN BE ACHIEVED WITHOUT DISTURBING AREAS WITHIN THE FLOODPLAIN. EACH POND CAN REDUCE THE 1-YEAR RUN-OFF RATE TO THE TARGET RATE AND PASS THE 100-YEAR STORM WHILE PROVIDING THE APPROPRIATE FREEBOARD. THE ROUTING IS PRELIMINARY AND DOES NOT REFLECT A DETAILED ENGINEERING OF EACH POND. DETAILED ENGINEERING WILL BE PROVIDED WITH CONSTRUCTION PLANNING.

SWM GENERAL NOTES:

PONDS 1 - 3 WILL BE DESIGNED AS EXTENDED DETENTION DRY PONDS AT A MINIMUM WHICH WILL SATISFY THE REQUIRED POLLUTANT REMOVAL FOR THE SITE FOR QUALITY AND ADDITIONALLY BE SIZED TO CONFORM TO THE CHANNEL PROTECTION CRITERIA. FINAL CALCULATIONS FOR THE ENERGY BALANCE WILL BE PROVIDED AT FINAL ENGINEERING. OTHER FACILITIES IN ACCORDANCE WITH VA SWM CLEARINGHOUSE WILL BE EVALUATED AT FINAL DESIGN IF NEEDED.

THIS PROJECT WILL BE REQUIRED TO PULL A VSMP PERMIT UNDER THE STATE IIB SWM/BMP CRITERIA.

VRRM SPREADSHEET:

1. Post-Development Project & Land Cover Information

Constants						
Annual Rainfall (inches)	43					
Target Rainfall Event (inches)	1.00					
Phosphorus EMC (mg/L)	0.26				Nitrogen EMC (mg/L)	1.86
Target Phosphorus Target Load (lb/acre/yr)	0.41					
Pj	0.90					
Land Cover (acres)						
	A soils	B Soils	C Soils	D Soils	Totals	
Forest/Open Space (acres) -- undisturbed, protected forest/open space or reforested land	0.00	52.16	60.84	10.57	123.57	
Managed Turf (acres) -- disturbed, graded for yards or other turf to be mowed/managed	0.00	27.50	31.50	1.93	60.93	
Impervious Cover (acres)		24.90	24.90	0.00	49.80	
				Total	234.30	
Rv Coefficients						
	A soils	B Soils	C Soils	D Soils		
Forest/Open Space	0.02	0.03	0.04	0.05		
Managed Turf	0.15	0.20	0.22	0.25		
Impervious Cover	0.95	0.95	0.95	0.95		
Land Cover Summary						
Forest/Open Space Cover (acres)	123.57					
Weighted Rv(forest)	0.04					
% Forest	53%					
Managed Turf Cover (acres)	60.93					
Weighted Rv(turf)	0.21					
% Managed Turf	26%					
Impervious Cover (acres)	49.80					
Rv(impervious)	0.95					
% Impervious	21%					
Total Site Area (acres)	234.30					
Site Rv	0.28					
Post-Development Treatment Volume (acre-ft)	5.40					
Post-Development Treatment Volume (cubic feet)	235,040					
Post-Development Load (TP) (lb/yr)	147.68				Post-Development Load (TN) (lb/yr)	1056.45
Total Load (TP) Reduction Required (lb/yr)	51.61					

Site Results						
	D.A. A	D.A. B	D.A. C	D.A. D	D.A. E	AREA CHECK
IMPERVIOUS COVER	49.80	0.00	0.00	0.00	0.00	OK
IMPERVIOUS COVER TREATED	0.00	0.00	0.00	0.00	0.00	OK
TURF AREA	60.93	0.00	0.00	0.00	0.00	OK
TURF AREA TREATED	0.00	0.00	0.00	0.00	0.00	OK
AREA CHECK	OK	OK	OK	OK	OK	
Phosphorus						
TOTAL TREATMENT VOLUME (cf)	235,040					
TOTAL PHOSPHORUS LOAD REDUCTION REQUIRED (LB/YEAR)	51.61					
RUNOFF REDUCTION (cf)	0					
PHOSPHORUS LOAD REDUCTION ACHIEVED (LB/YR)	0.00					
ADJUSTED POST-DEVELOPMENT PHOSPHORUS LOAD (TP) (lb/yr)	147.68					
REMAINING PHOSPHORUS LOAD REDUCTION (LB/YR) NEEDED	51.61					
Nitrogen (for information purposes)						
TOTAL TREATMENT VOLUME (cf)	235,040					
RUNOFF REDUCTION (cf)	0					
NITROGEN LOAD REDUCTION ACHIEVED (LB/YR)	0.00					
ADJUSTED POST-DEVELOPMENT NITROGEN LOAD (TN) (lb/yr)	1056.45					

NOTE:
THE AREAS INCLUDED IN THE VRRM SPREADSHEET ARE IS THE SITE AREA, OR ALL AREA WITHIN THE BOUNDARY REGARDLESS OF ZONE. THIS INCLUDES TURF AREAS ASSOCIATED WITH THE RESIDENTIAL YARDS, GRASSED SWALES ALONG ROADS AND PARK AREAS. IMPERVIOUS AREAS FOR THIS DEVELOPMENT ARE ALSO INCLUDED.

THE COMMERCIAL PROPERTY HAS NOT BEEN ENTERED INTO THE VRRM SPREADSHEET. IN THE EVENT THAT THE PROPERTY IS DEVELOPED, IT SHALL MEET CURRENT STORMWATER MANAGEMENT REQUIREMENTS.

CHANNEL PROTECTION CALCULATIONS:

CULVERT #	OVERLAND FLOW (A-B)				SHALLOW CONCENTRATED FLOW (B-C)				CHANNEL FLOW (C-D)			TOTAL Tc (MIN)	COMMENTS
	LENGTH (FT)	SLOPE (FT/FT)	MANNING'S n	Tt (MIN)	LENGTH (FT)	AVG. SLOPE (FT/FT)	PAVED	Tt (MIN)	LENGTH (FT)	HIEGHT (FT)	Tt (MIN)		
A OFFSITE	100	0.050	0.30	11.50	1100	0.059	NO	4.58	6900	120	33.00	49.1	
A ONSITE PRE	100	0.040	0.30	12.00	360	0.055	NO	1.20	4400	80	22.00	35.2	
B ONSITE PRE	100	0.100	0.30	10.20	267	0.670	NO	1.24			5.50	16.9	
C ONSITE PRE	100	0.120	0.30	10.00	534	0.112	NO	1.62	616	14	5.20	16.8	
D ONSITE PRE	100	0.040	0.30	12.20	308	0.068	NO	1.22	925	26	6.00	19.4	
E ONSITE PRE	100	0.030	0.30	12.50	935	0.042	NO	4.87	0	0	0.00	17.4	
A ONSITE POST	100	0.040	0.30	12.00	360	0.055	NO	1.20	4400	80	22.00	35.2	
POND 1	50	0.020	0.30	10.00	250	0.020	YES	1.40	800	18	6.00	17.4	
POND 2	50	0.020	0.30	10.00	250	0.050	YES	0.87	1200	58	6.00	16.9	
POND 3	50	0.020	0.30	10.00	300	0.020	YES	1.70	1600	56	8.00	19.7	
POND 3	50	0.020	0.30	10.00	120	0.010	YES	0.52	800	32	4.00	14.5	

Channel Protection Analysis Pond 4	
YES	IS DISTURBER AEA GREATER THAN 1 AC?
0.8	I.F. (improvement factor)
52228.44	RV (developed (IN))
21692.88	RV (pre developed (IN))
3.49	Q (pre developed)
1.1596464	Q (allowable)

PRELIMINARY STORMWATER MANAGEMENT NARRATIVE:

THE SITE WILL CONFORM TO THE REQUIREMENTS FOR CHANNEL PROTECTION BY INSTALLING 4 PONDS AT THE OUTFALL OF STORM SEWER SYSTEMS AND INSTALLED OUTSIDE OF THE FLOODPLAIN.

PRELIMINARY APPLICATION OF THE ENERGY BALANCE EQUATION TO THE DISTURBED AREAS OF THE DEVELOPMENT RESULT IN A MAXIMUM RELEASE RATE FOR THE PONDS AS SHOWN HEREIN FOR ALL PONDS. SHEETFLOW AND DISCONNECTED IMPERVIOUS AREAS NEED NOT BE EVALUATED FOR CHANNEL PROTECTION. FLOW VELOCITIES WILL BE REDUCED TO NON-EROSIVE VELOCITIES WHILE CONTAINING THE FLOW WITHIN THE DEFINED CHANNEL. IF UNACCOUNTED CHANNEL FLOW IS CREATED WITH THE FINAL DESIGN OF THE PROPOSED IMPROVEMENTS, CHANNEL PROTECTION MEASURES SHALL BE APPLIED.

EACH POND HAS BEEN ROUTED WITH PONDPACK SOFTWARE TO CONFIRM THAT THE REQUIRED STORAGE VOLUME FOR EACH POND CAN BE ACHIEVED WITHOUT DISTURBING AREAS WITHIN THE FLOODPLAIN. EACH POND CAN REDUCE THE 1-YEAR RUN-OFF RATE TO THE TARGET RATE AND PASS THE 100-YEAR STORM WHILE PROVIDING THE APPROPRIATE FREEBOARD. THE ROUTING IS PRELIMINARY AND DOES NOT REFLECT A DETAILED ENGINEERING OF EACH POND. DETAILED ENGINEERING WILL BE PROVIDED WITH CONSTRUCTION PLANNING.

SWM GENERAL NOTES:

PONDS 1 - 4 WILL BE DESIGNED AS EXTENDED DETENTION DRY PONDS AT A MINIMUM WHICH WILL SATISFY THE REQUIRED POLLUTANT REMOVAL FOR THE SITE FOR QUALITY AND ADDITIONALLY BE SIZED TO CONFORM TO THE CHANNEL PROTECTION CRITERIA. FINAL CALCULATIONS FOR THE ENERGY BALANCE WILL BE PROVIDED AT FINAL ENGINEERING. OTHER FACILITIES IN ACCORDANCE WITH VA SWM CLEARINGHOUSE WILL BE EVALUATED AT FINAL DESIGN IF NEEDED.

THIS PROJECT WILL BE REQUIRED TO PULL A VSMP PERMIT UNDER THE STATE IIB SWM/BMP CRITERIA.

OPEN SPACE TABULATIONS

OPEN SPACE REQUIRED:	PRD ZONE
TOTAL AREA (ACRES)	±234.09
REQUIRED OPEN SPACE PERCENTAGE	25%
REQUIRED OPEN SPACE ACREAGE	±58.50
TOTAL OPEN SPACE PROVIDED	±99.15 ACRES
	42%
	(SEE DETAILS BELOW)

PRD ZONE OPEN SPACE AREAS INFORMATION

AREA #	SIZE (ACRES)	COMMUNITY GREEN #	SIZE (ACRES)
1	±25.36	4	±0.00
2	±3.06		(SEE NOTE 2)
3	±0.48	8	±2.10
4	±3.92	9	±6.13
5	±3.26	10	1.89
5A	±3.59		
6	±40.57		
7	±7.59		
8	±1.20		
TOTALS	±89.03 ACRES	TOTALS	±10.12 ACRES

- NOTES:
 1. ABOVE OPEN SPACE TABULATIONS ARE PRELIMINARY AND SUBJECT TO CHANGE WITH FINAL C.O.D. SITE PLAN APPROVAL.
 2. PARCELS 100-104 ARE NOT INCLUDED IN COMMON OPEN SPACE.

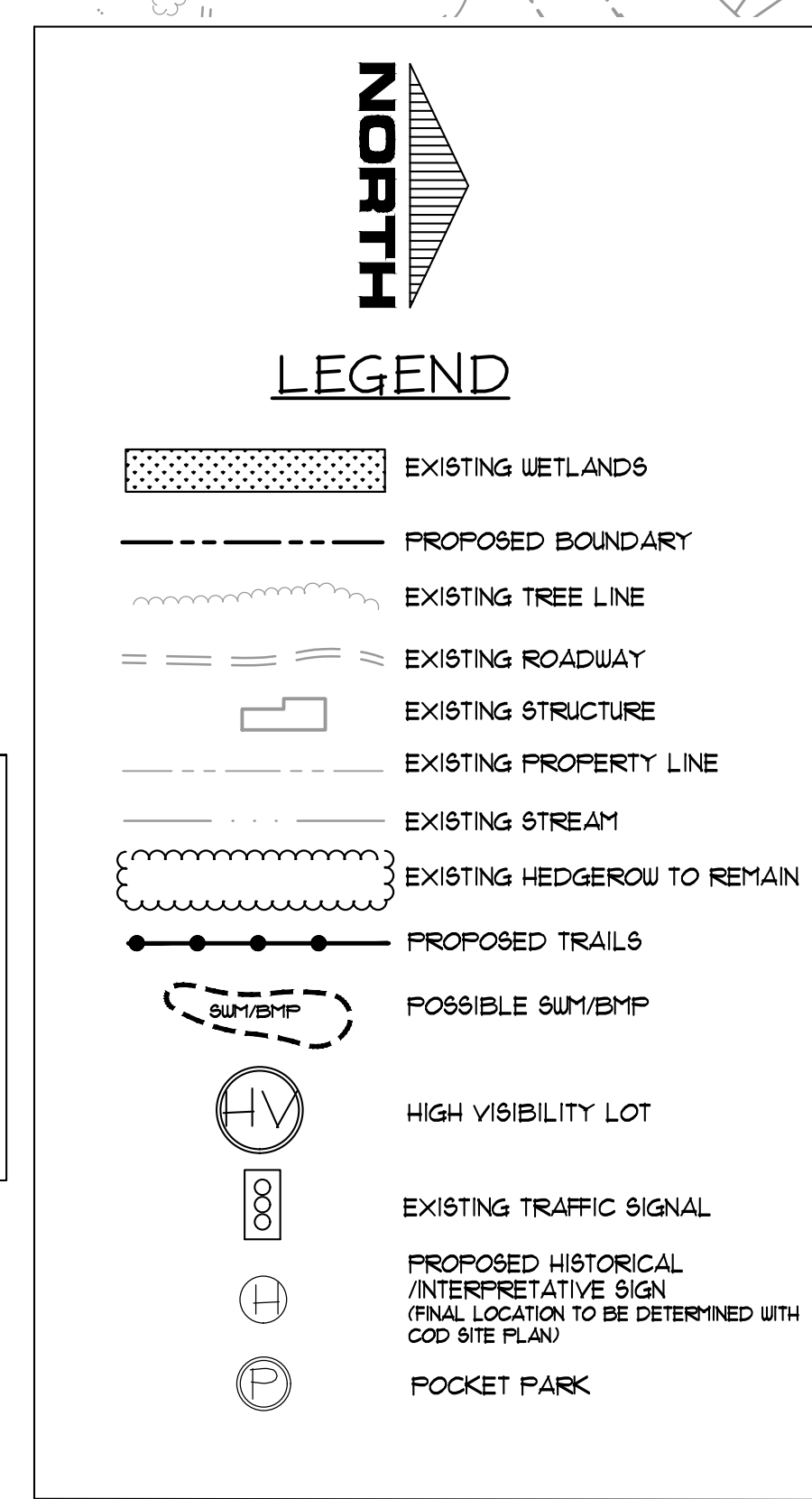
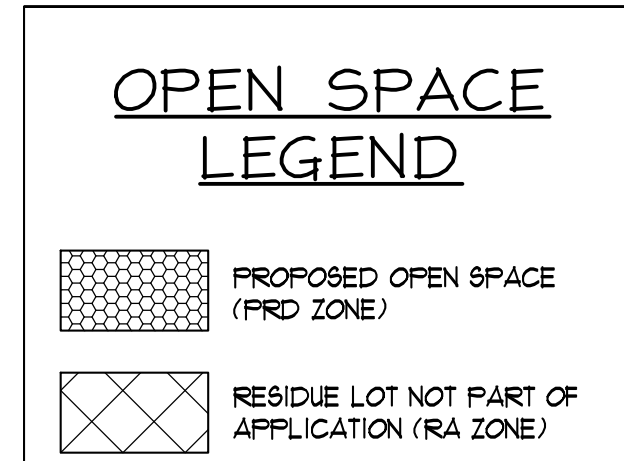
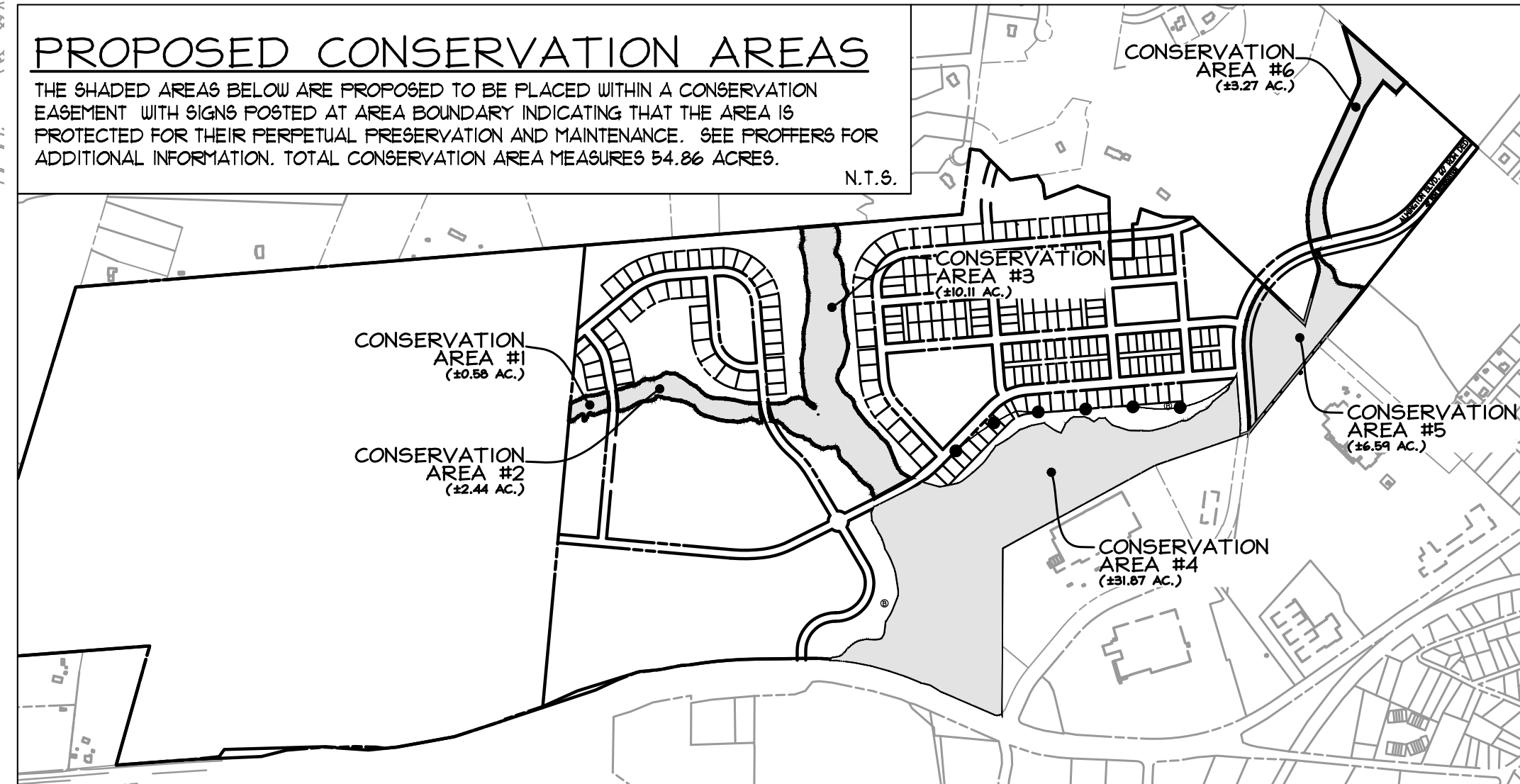
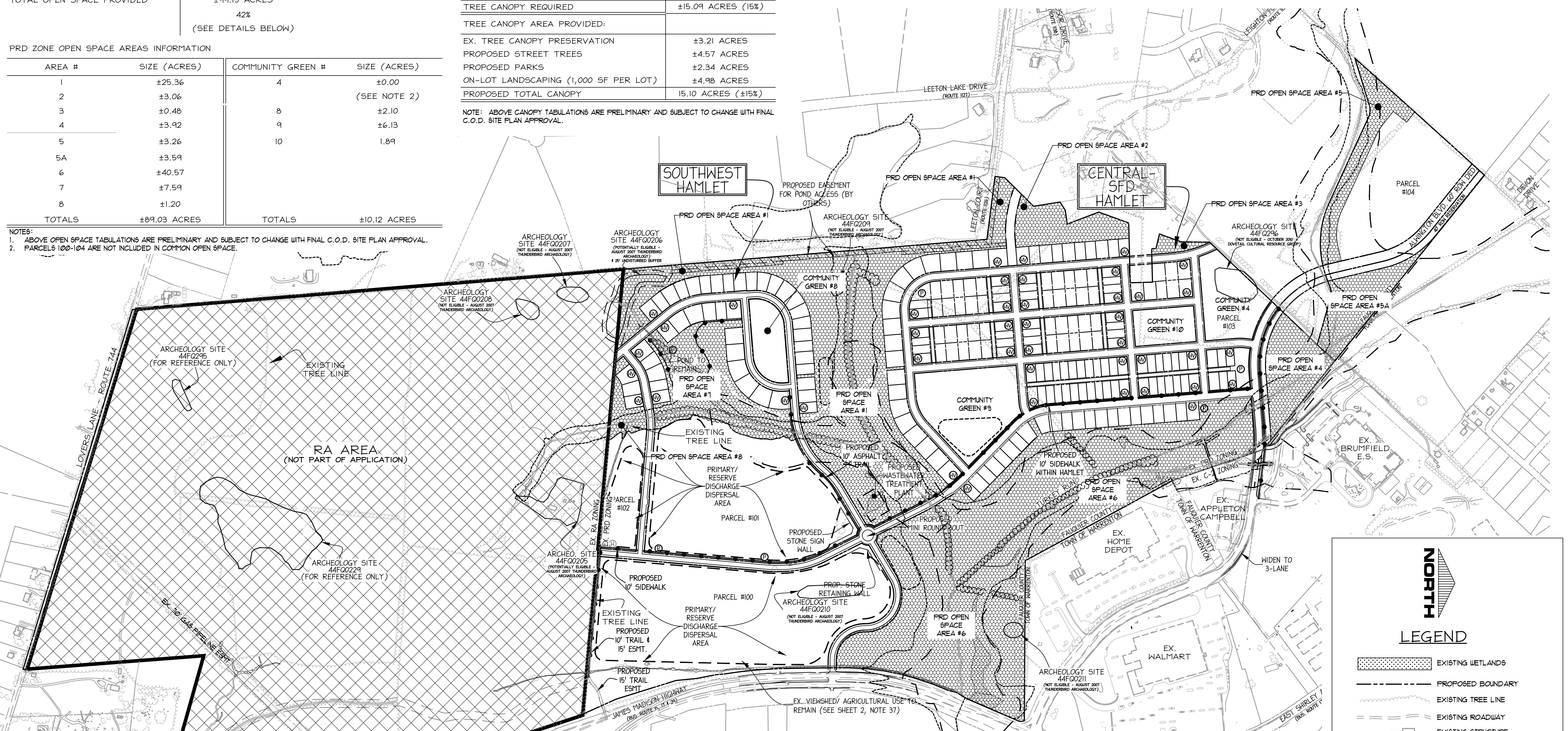
TREE CANOPY TABULATIONS

TREE CANOPY REQUIRED:	PRD ZONE
TOTAL DEVELOPMENT AREA (ACRES)	±101.00
EXCLUDED ACREAGE (PONDS, ETC.)	±0.40
ADJUSTED ACREAGE	±100.60
TREE CANOPY REQUIRED	±15.09 ACRES (15%)
TREE CANOPY AREA PROVIDED:	
EX. TREE CANOPY PRESERVATION	±3.21 ACRES
PROPOSED STREET TREES	±4.57 ACRES
PROPOSED PARKS	±2.34 ACRES
ON-LOT LANDSCAPING (1,000 SF PER LOT)	±4.98 ACRES
PROPOSED TOTAL CANOPY	15.10 ACRES (±15%)

NOTE: ABOVE CANOPY TABULATIONS ARE PRELIMINARY AND SUBJECT TO CHANGE WITH FINAL C.O.D. SITE PLAN APPROVAL.

LANDSCAPING NARRATIVE

IN ORDER TO PROMOTE GOOD SITE DESIGN AND NATURAL BEAUTY LANDSCAPING AND TREE PRESERVATION FOR THIS PROJECT SHALL BE GOVERNED BY THE APPROVED CODE OF DEVELOPMENT (C.O.D.) AND THE FAUQUIER COUNTY ZONING ORDINANCE AND DESIGN STANDARDS MANUAL. IN GENERAL THE C.O.D. SHALL INCLUDE STANDARDS FOR A STREET TREE PLANTING PROGRAM, EXISTING TREE PRESERVATION, HIGHLY VISIBLE LANDSCAPING AREAS, THE COMMUNITY GREENS, AND INDIVIDUAL ON-LOT LANDSCAPING. CONFORMANCE TO THESE STANDARDS SHALL BE DEMONSTRATED AT THE TIME OF C.O.D. SITE PLAN SUBMISSION. IN ADDITION, INDIVIDUAL ON-LOT LANDSCAPING PLANS SHALL BE SUBMITTED AND APPROVED FOR EACH HOME.



Bowman

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HAMLET, OPEN SPACE, & CONSERVATION PLAN

ARRINGTON

CONCEPT DEVELOPMENT PLAN

MARSHALL MAGISTERIAL DISTRICT FAUQUIER COUNTY, VIRGINIA

PROJECT NUMBER
 REZN - 22 - 011918

PLAN STATUS

12/5/22	REV. PER 1ST SUB. COM.
5/05/23	REV. PER 2ND SUB. COM.
1/01/23	REV. PER 3RD SUB. COM.
9/22/23	REV. PER PG. COM.
10/20/23	REV. PER STAFF COM.

DATE	DESCRIPTION
BBR	DR
DESIGN	DRAWN
CHKD	

SCALE: 1/4" = 300'
 V:

JOB NO: 2586-08-001
 DATE: JULY 18, 2022
 FILE NO: 2586-D-24-00X

SHEET **15** OF **17**

OPEN SPACE TABULATIONS

OPEN SPACE REQUIRED:	PRD ZONE
TOTAL AREA (ACRES)	±209.09
REQUIRED OPEN SPACE PERCENTAGE	25%
REQUIRED OPEN SPACE ACREAGE	±58.50
TOTAL OPEN SPACE PROVIDED	±108.44 ACRES 51.9% (SEE DETAILS BELOW)

PRD ZONE OPEN SPACE AREAS INFORMATION

AREA #	SIZE (ACRES)	COMMUNITY GREEN #	SIZE (ACRES)
1	±25.38	7	±4.23
2	±1.02	8	±2.10
3	±0.48	9	±6.45
4	±3.92	10	1.89
5	±3.26	10A	3.59
5A	±3.59		
6	±43.75		
7	±7.58		
8	1.20		
TOTALS	±90.18 ACRES	TOTALS	±18.26 ACRES

NOTES:
 1. ABOVE OPEN SPACE TABULATIONS ARE PRELIMINARY AND SUBJECT TO CHANGE WITH FINAL C.O.D. SITE PLAN APPROVAL.
 2. PARCELS 100-104 ARE NOT INCLUDED IN COMMON OPEN SPACE.

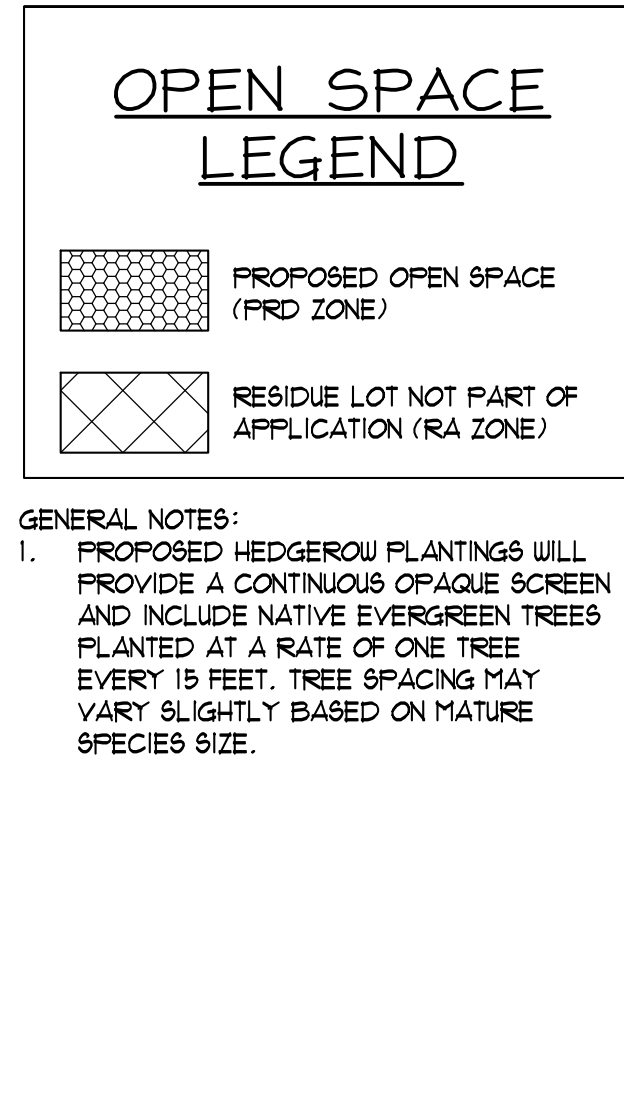
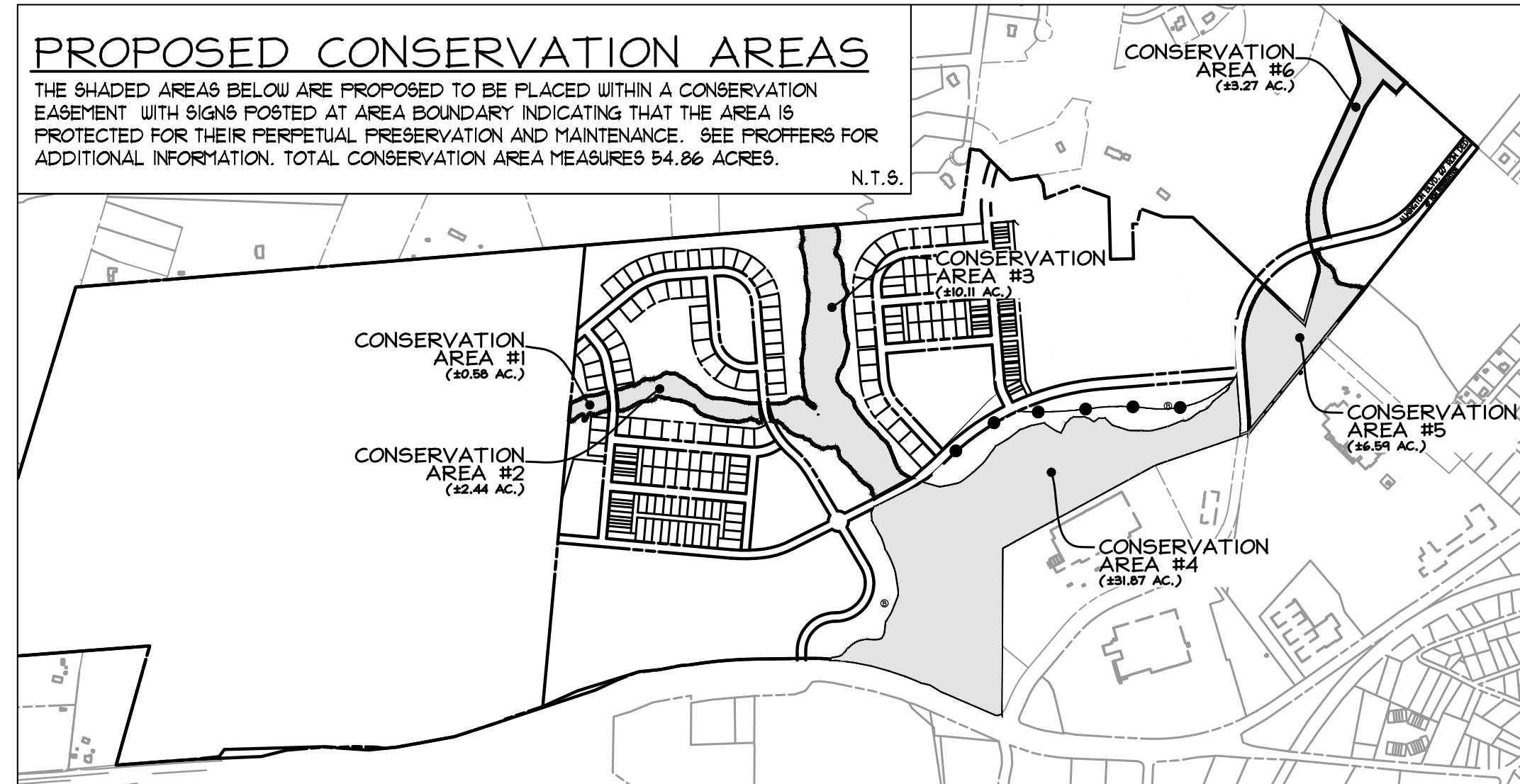
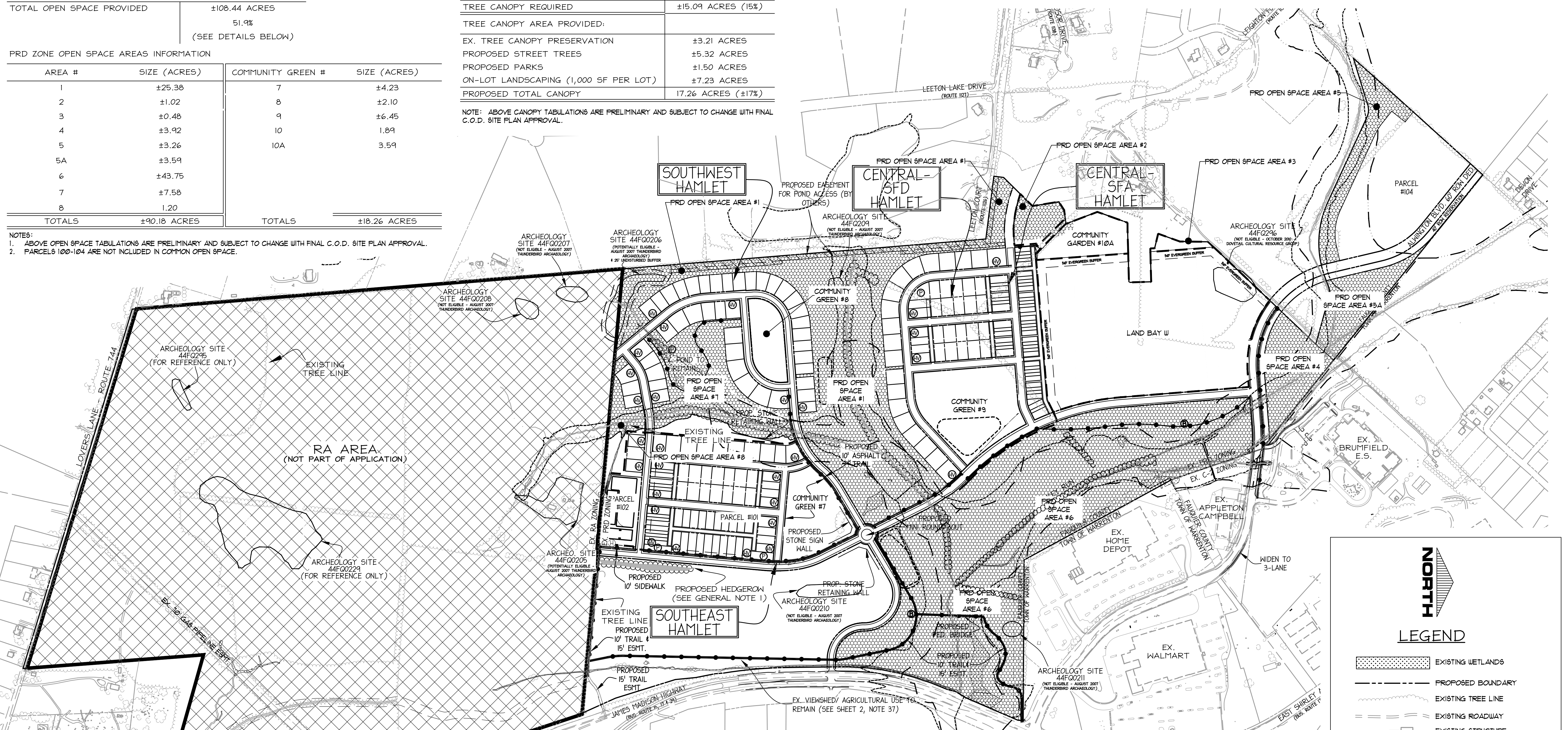
TREE CANOPY TABULATIONS

TREE CANOPY REQUIRED:	PRD ZONE
TOTAL DEVELOPMENT AREA (ACRES)	±101.00
EXCLUDED ACREAGE (PONDS, ETC.)	±0.40
ADJUSTED ACREAGE	±100.60
TREE CANOPY REQUIRED	±15.09 ACRES (15%)
TREE CANOPY AREA PROVIDED:	
EX. TREE CANOPY PRESERVATION	±3.21 ACRES
PROPOSED STREET TREES	±5.32 ACRES
PROPOSED PARKS	±1.50 ACRES
ON-LOT LANDSCAPING (1,000 SF PER LOT)	±7.23 ACRES
PROPOSED TOTAL CANOPY	17.26 ACRES (±17%)

NOTE: ABOVE CANOPY TABULATIONS ARE PRELIMINARY AND SUBJECT TO CHANGE WITH FINAL C.O.D. SITE PLAN APPROVAL.

LANDSCAPING NARRATIVE

IN ORDER TO PROMOTE GOOD SITE DESIGN AND NATURAL BEAUTY LANDSCAPING AND TREE PRESERVATION FOR THIS PROJECT SHALL BE GOVERNED BY THE APPROVED CODE OF DEVELOPMENT (C.O.D.) AND THE FAUQUIER COUNTY ZONING ORDINANCE AND DESIGN STANDARDS MANUAL. IN GENERAL THE C.O.D. SHALL INCLUDE STANDARDS FOR A STREET TREE PLANTING PROGRAM, EXISTING TREE PRESERVATION, HIGHLY VISIBLE LANDSCAPING AREAS, THE COMMUNITY GREENS, AND INDIVIDUAL ON-LOT LANDSCAPING. CONFORMANCE TO THESE STANDARDS SHALL BE DEMONSTRATED AT THE TIME OF C.O.D. SITE PLAN SUBMISSION. IN ADDITION, INDIVIDUAL ON-LOT LANDSCAPING PLANS SHALL BE SUBMITTED AND APPROVED FOR EACH HOME.



NORTH

LEGEND

- EXISTING WETLANDS
- PROPOSED BOUNDARY
- EXISTING TREE LINE
- EXISTING ROADWAY
- EXISTING STRUCTURE
- EXISTING PROPERTY LINE
- EXISTING STREAM
- EXISTING HEDGEROW TO REMAIN
- PROPOSED TRAILS
- POSSIBLE SUM/BMP
- HIGH VISIBILITY LOT
- EXISTING TRAFFIC SIGNAL
- PROPOSED BENCH
- PROPOSED HISTORICAL/INTERPRETATIVE SIGN (FINAL LOCATION TO BE DETERMINED WITH COD SITE PLAN)
- POCKET PARK

GRAPHIC SCALE

300 0 300 300 600 1200

(IN FEET)
1 inch = 300 ft.

ARRINGTON

CONCEPT DEVELOPMENT PLAN

HAMLET, OPEN SPACE, & CONSERVATION PLAN (ALT. A)

MARSHALL MAGISTERIAL DISTRICT FAUQUIER COUNTY, VIRGINIA

Bowman

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 Leesburg, VA 20175
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PROJECT NUMBER
REZN - 22 - 01918

PLAN STATUS

12/5/22	REV. PER 1ST SUB. COM.
5/05/23	REV. PER 2ND SUB. COM.
1/01/23	REV. PER 3RD SUB. COM.
9/22/23	REV. PER PG. COM.
10/20/23	REV. PER STAFF COM.

DATE	DESCRIPTION
BBR DESIGN	DR
	DRAWN
	CHKD

SCALE: H: 1" = 300'
V: 1" = 300'

JOB NO: 2586-08-001
DATE: JULY 18, 2022
FILE NO: 2586-D-24-00X

SHEET 15A OF 17

FILE PATH: P:\2586 - Arrington Fauquier County\2586-08-002 (PLN) - Arrington Property - Rezoning\Planning\Rezoning\Sheets\2586-0-2P-001-NEIGHBORHOOD.dwg

OPEN SPACE TABULATIONS

OPEN SPACE REQUIRED:	PRD ZONE
TOTAL AREA (ACRES)	±209.09
REQUIRED OPEN SPACE PERCENTAGE	25%
REQUIRED OPEN SPACE ACREAGE	±52.07
TOTAL OPEN SPACE PROVIDED	±108.88 ACRES 52.1% (SEE DETAILS BELOW)

PRD ZONE OPEN SPACE AREAS INFORMATION

AREA #	SIZE (ACRES)	COMMUNITY GREEN #	SIZE (ACRES)
1	±25.38	4A	±0.44
2	±1.02	7	±4.23
3	±0.48	8	±2.10
4	±3.92	9	±6.45
5	±3.26	10	1.89
5A	±3.59	10A	3.59
6	±43.75		
7	±7.58		
8	1.20		
TOTALS	±90.18 ACRES	TOTALS	±18.70 ACRES

NOTES:
 1. ABOVE OPEN SPACE TABULATIONS ARE PRELIMINARY AND SUBJECT TO CHANGE WITH FINAL C.O.D. SITE PLAN APPROVAL.
 2. PARCELS 100-104 ARE NOT INCLUDED IN COMMON OPEN SPACE.

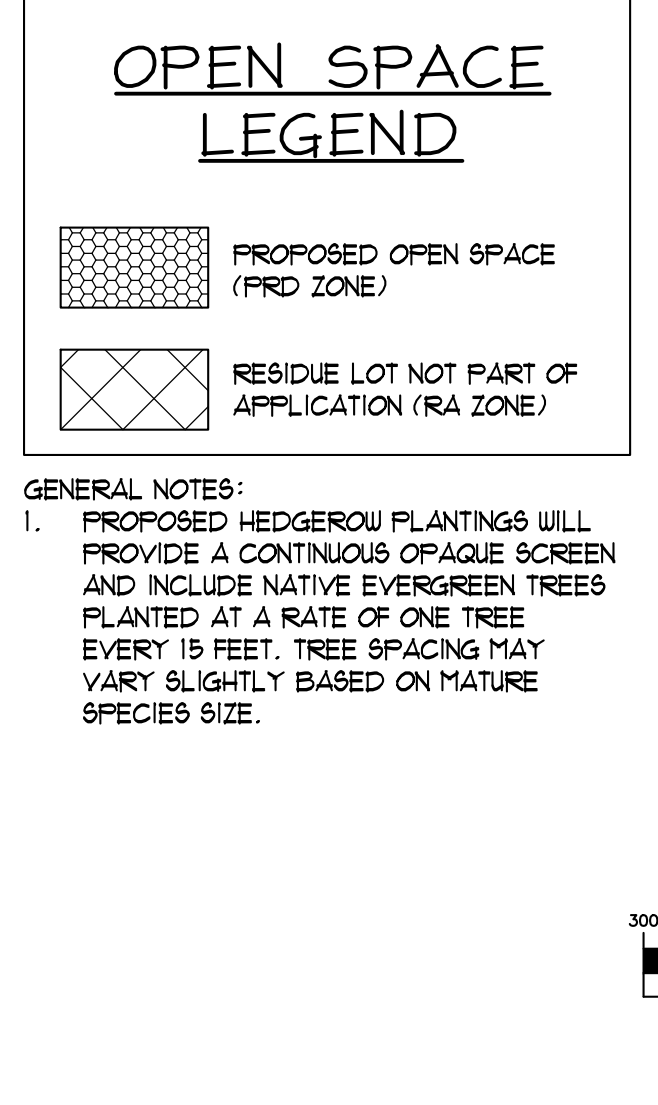
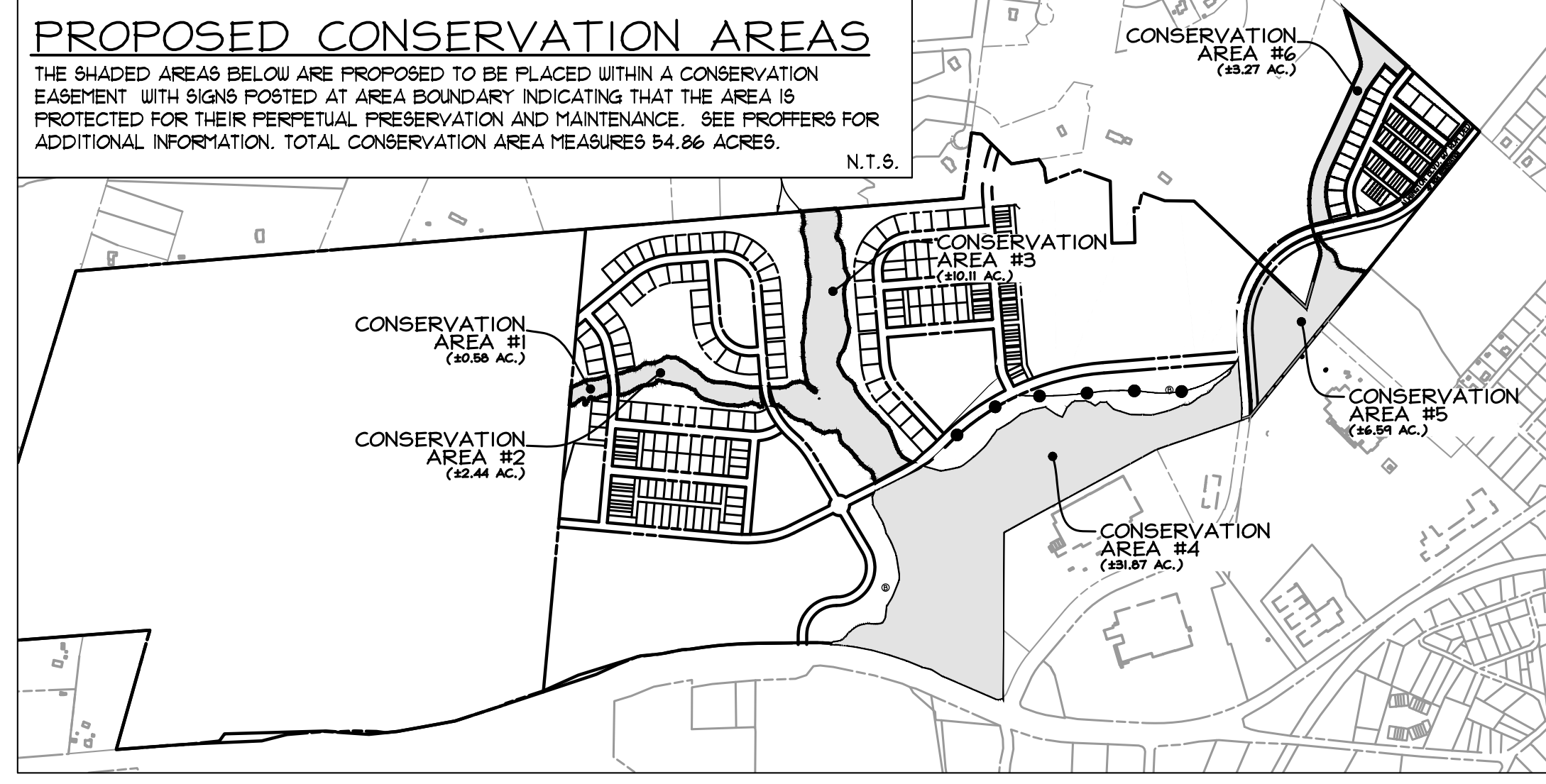
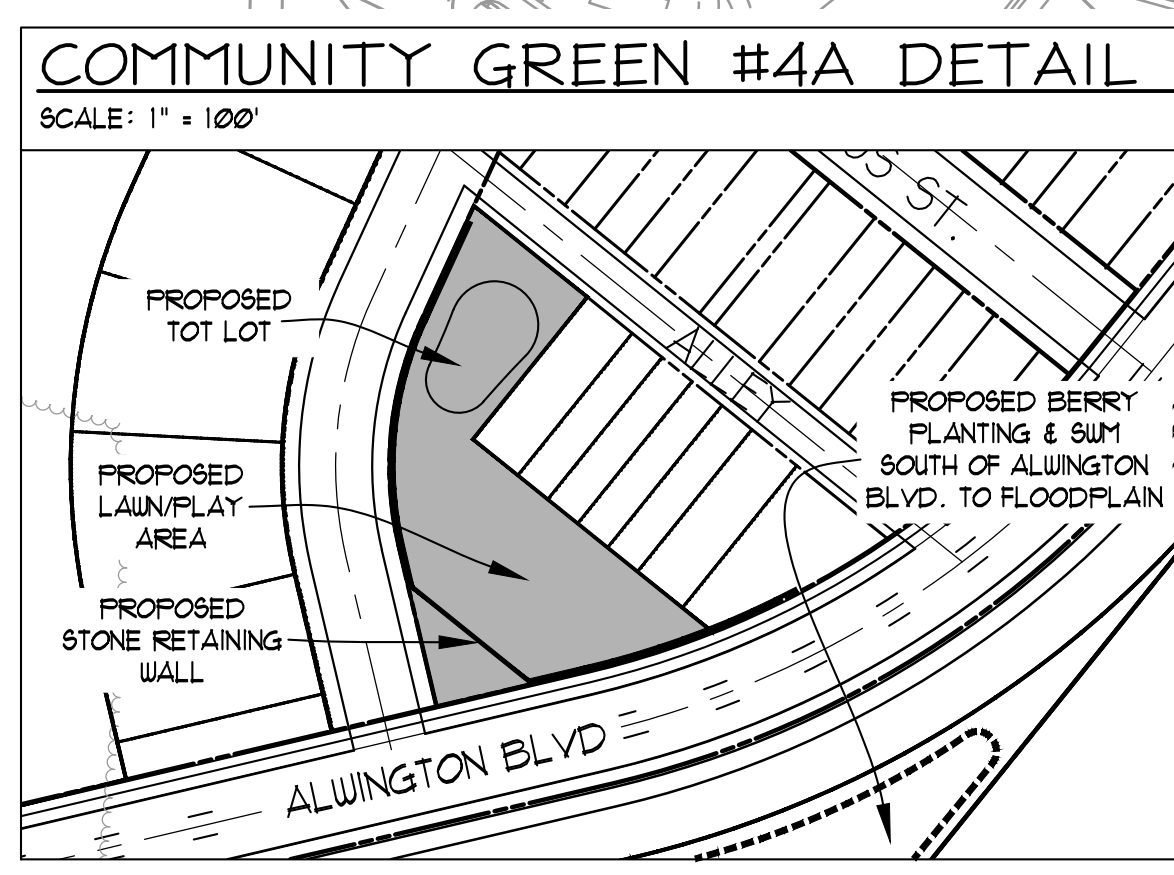
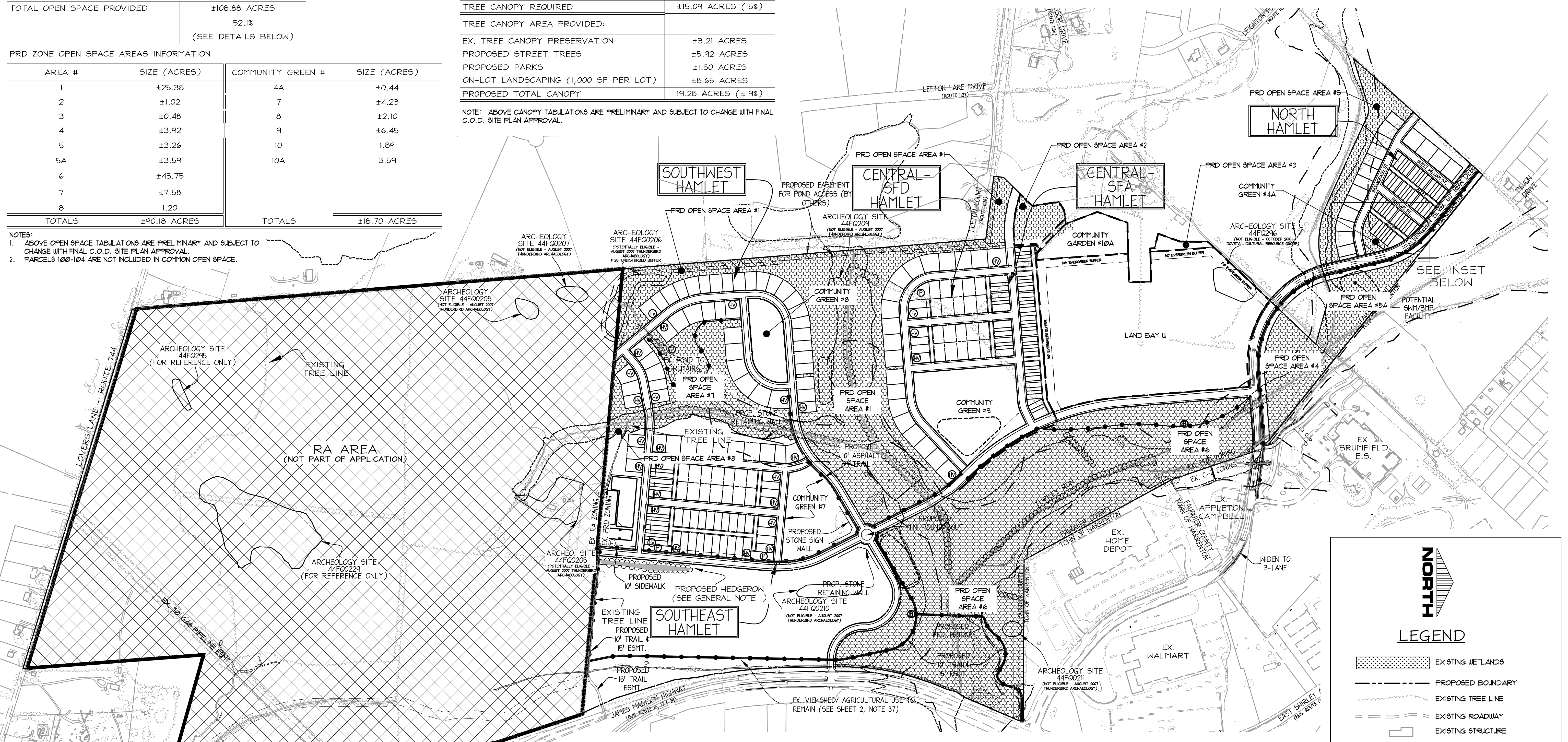
TREE CANOPY TABULATIONS

TREE CANOPY REQUIRED:	PRD ZONE
TOTAL DEVELOPMENT AREA (ACRES)	±101.00
EXCLUDED ACREAGE (PONDS, ETC.)	±0.40
ADJUSTED ACREAGE	±100.60
TREE CANOPY REQUIRED	±15.09 ACRES (15%)
TREE CANOPY AREA PROVIDED:	
EX. TREE CANOPY PRESERVATION	±3.21 ACRES
PROPOSED STREET TREES	±5.92 ACRES
PROPOSED PARKS	±1.50 ACRES
ON-LOT LANDSCAPING (1,000 SF PER LOT)	±8.65 ACRES
PROPOSED TOTAL CANOPY	19.28 ACRES (±19%)

NOTE: ABOVE CANOPY TABULATIONS ARE PRELIMINARY AND SUBJECT TO CHANGE WITH FINAL C.O.D. SITE PLAN APPROVAL.

LANDSCAPING NARRATIVE

IN ORDER TO PROMOTE GOOD SITE DESIGN AND NATURAL BEAUTY LANDSCAPING AND TREE PRESERVATION FOR THIS PROJECT SHALL BE GOVERNED BY THE APPROVED CODE OF DEVELOPMENT (C.O.D.) AND THE FAUQUIER COUNTY ZONING ORDINANCE AND DESIGN STANDARDS MANUAL. IN GENERAL THE C.O.D. SHALL INCLUDE STANDARDS FOR A STREET TREE PLANTING PROGRAM, EXISTING TREE PRESERVATION, HIGHLY VISIBLE LANDSCAPING AREAS, THE COMMUNITY GREENS, AND INDIVIDUAL ON-LOT LANDSCAPING. CONFORMANCE TO THESE STANDARDS SHALL BE DEMONSTRATED AT THE TIME OF C.O.D. SITE PLAN SUBMISSION. IN ADDITION, INDIVIDUAL ON-LOT LANDSCAPING PLANS SHALL BE SUBMITTED AND APPROVED FOR EACH HOME.



LEGEND

- EXISTING WETLANDS
- PROPOSED BOUNDARY
- EXISTING TREE LINE
- EXISTING ROADWAY
- EXISTING STRUCTURE
- EXISTING PROPERTY LINE
- EXISTING STREAM
- EXISTING HEDGEROW TO REMAIN
- PROPOSED TRAILS
- POSSIBLE SUM/BMP
- HIGH VISIBILITY LOT
- EXISTING TRAFFIC SIGNAL
- PROPOSED BENCH
- PROPOSED HISTORICAL/INTERPRETATIVE SIGN
- POCKET PARK

GENERAL NOTES:
 1. PROPOSED HEDGEROW PLANTINGS WILL PROVIDE A CONTINUOUS OPAQUE SCREEN AND INCLUDE NATIVE EVERGREEN TREES PLANTED AT A RATE OF ONE TREE EVERY 15 FEET. TREE SPACING MAY VARY SLIGHTLY BASED ON MATURE SPECIES SIZE.

GRAPHIC SCALE
 1 inch = 300 feet

Bowman

Bowman Consulting Group Ltd
 101 South Street, S.E.
 Leesburg, VA 20175
 Phone: (703) 443-2400
 Fax: (703) 443-2425
 www.bowman.com

HAMLET, OPEN SPACE, & CONSERVATION PLAN (ALT. B)

ARRINGTON

CONCEPT DEVELOPMENT PLAN

MARSHALL MAGISTERIAL DISTRICT FAUQUIER COUNTY, VIRGINIA

PROJECT NUMBER	PLAN STATUS
REZN - 22 - 01918	12/5/22 REV. PER 1ST SUB. COM.
	5/05/23 REV. PER 2ND SUB. COM.
	1/07/23 REV. PER 3RD SUB. COM.
	9/22/23 REV. PER PG. COM.
	10/20/23 REV. PER STAFF COM.

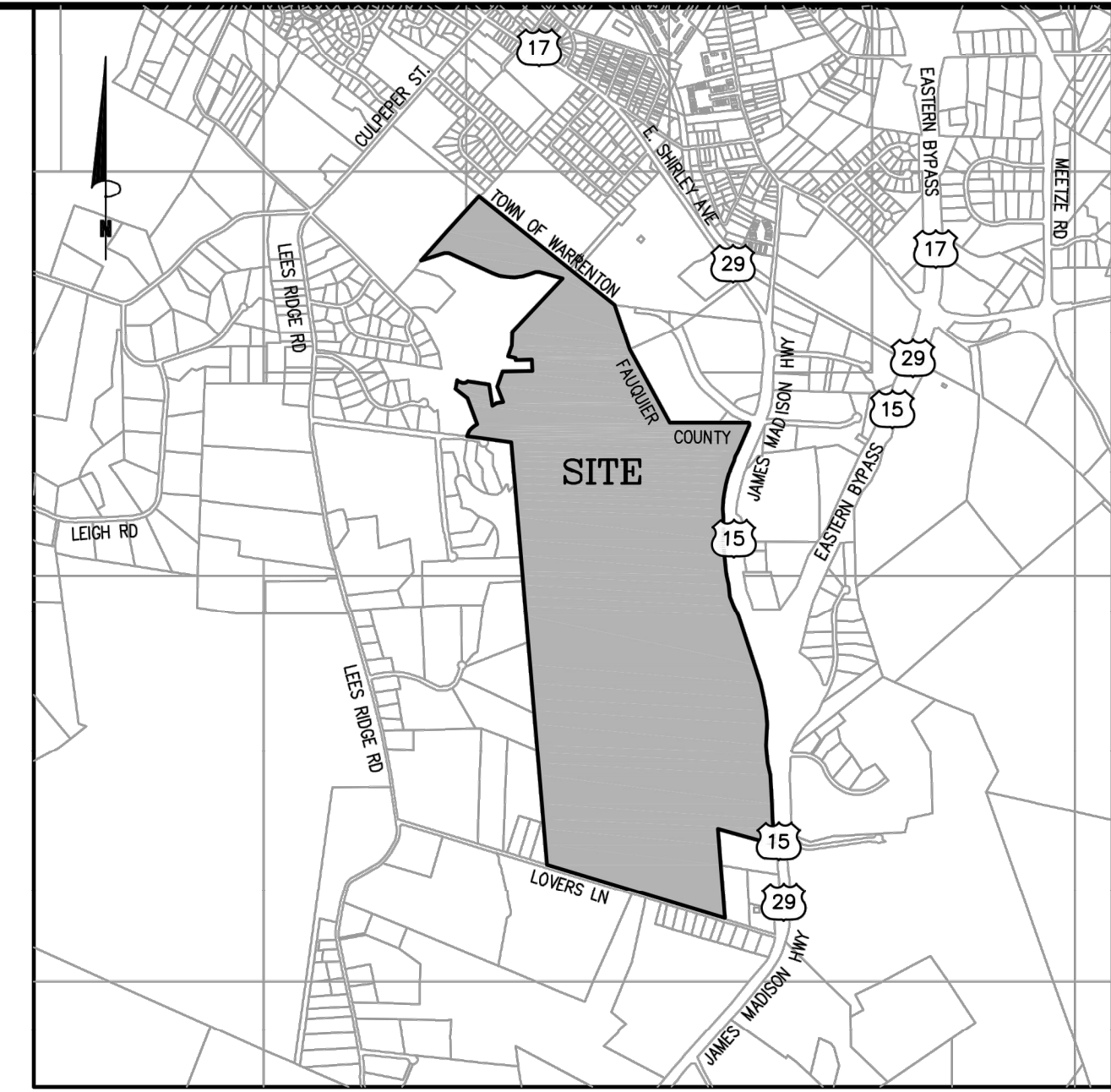
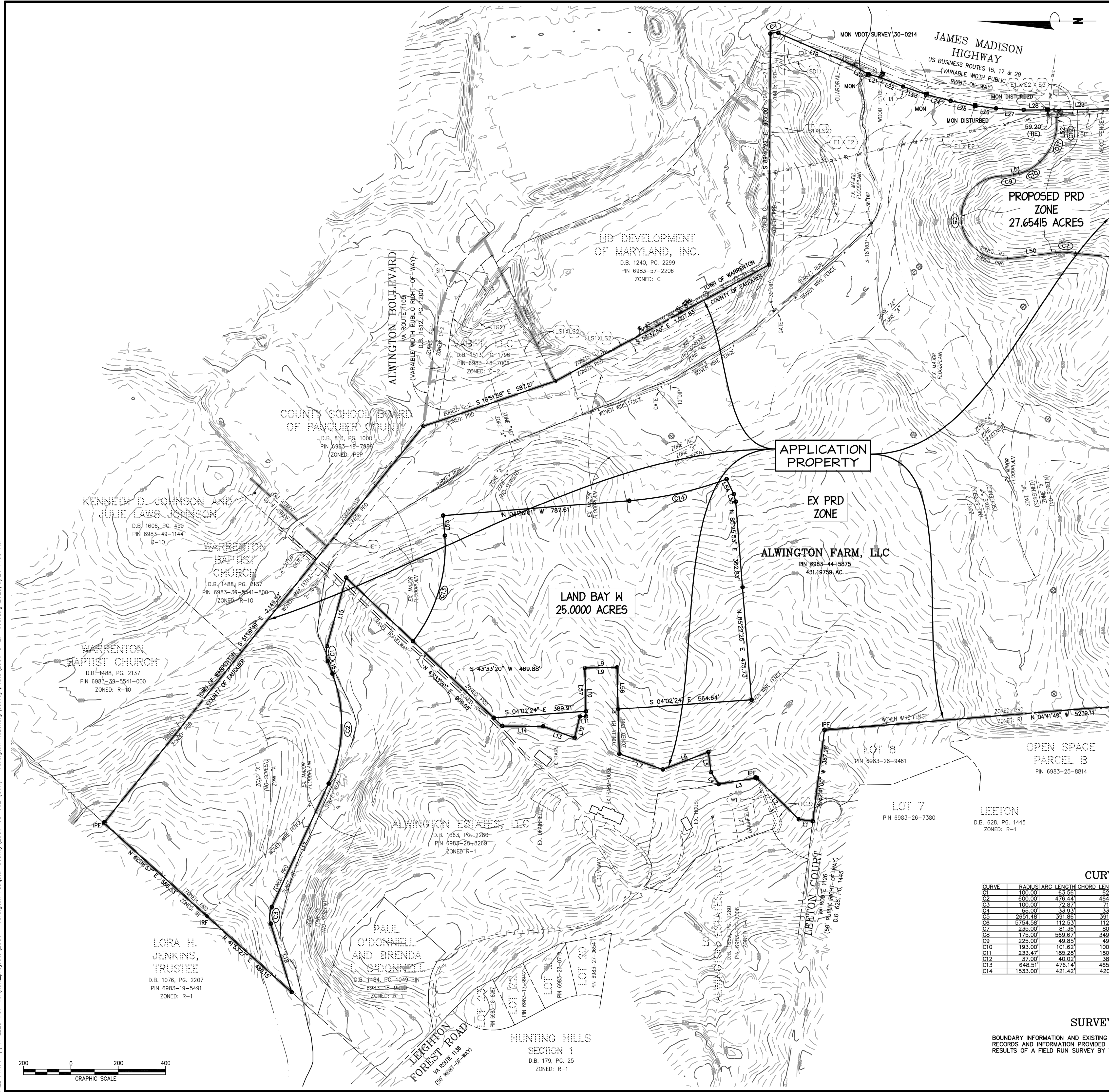
DATE	DESCRIPTION
BBR DESIGN	DR. DRANNI CHKD

SCALE: H: 1" = 300'
 V: 1" = 300'

JOB NO: 2586-08-001
 DATE: JULY 18, 2022
 FILE NO: 2586-D-24-00X

SHEET 15B OF 17

FILE PATH: \\VA-LEES-FSI-WM\new_projects\2586 - Arrington Rezoning\Survey\Plots\2586-D-ZP-003.dwg, 2022/9/26 7:35 AM



VICINITY MAP
SCALE: 1"=2,000'

EASEMENT LEGEND

- (E1) EX. VIRGINIA ELECTRIC AND POWER COMPANY EASEMENT D.B. 347, PG. 591
- (E2) EX. VIRGINIA ELECTRIC AND POWER COMPANY EASEMENT D.B. 374, PG. 621 (APPROX. LOCATION)
- (E3) EX. VIRGINIA ELECTRIC AND POWER COMPANY EASEMENT D.B. 228, PG. 578 (APPROX. LOCATION)
- (E4) EX. VIRGINIA ELECTRIC AND POWER COMPANY EASEMENT D.B. 1600, PG. 2243
- (G1) EX. ATLANTIC SEABOARD CORPORATION EASEMENT D.B. 240, PG. 74
- (IE1) EX. 50' INGRESS/EGRESS EASEMENT D.B. 1175, PG. 2201
- (LS1) EX. 60' GRADING AND LANDSCAPE EASEMENT D.B. 1145, PG. 2265
- (LS2) EX. 60' LANDSCAPE BUFFER D.B. 1145, PG. 2273
- (SD1) EX. PERMANENT DRAINAGE EASEMENT D.B. 347, PG. 716
- (SD2) EX. STORM DRAIN EASEMENT D.B. 818, PG. 51
- (SD3) EX. PERMANENT DRAINAGE EASEMENT D.B. 1598, PG. 278
- (SI) EX. SIGHT DISTANCE EASEMENT D.B. 1145, PG. 2265
- (T1) EX. 20' CHESAPEAKE AND POTOMAC TELEPHONE COMPANY OF VIRGINIA EASEMENT D.B. 265, PG. 380
- (T2) EX. VERIZON VIRGINIA INC. EASEMENT D.B. 1621, PG. 2468
- (TC1) EX. TEMPORARY GRADING EASEMENT D.B. 1145, PG. 2265
- (TC2) EX. TEMPORARY CONSTRUCTION EASEMENT D.B. 1598, PG. 278
- (TC3) EX. 30' TEMPORARY CONSTRUCTION EASEMENT D.B. 1662, PG. 2269
- (W1) EX. 15' WATERLINE EASEMENT D.B. 1662, PG. 2269

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 07°19'00" E	60.00'
L2	N 44°42'38" E	248.17'
L3	N 08°04'30" E	163.68'
L4	N 57°28'59" E	59.66'
L5	N 82°20'22" E	85.23'
L6	N 20°54'31" W	205.75'
L7	N 19°48'23" E	195.15'
L8	N 88°31'08" E	385.84'
L9	N 01°28'52" W	136.00'
L10	S 88°31'08" W	204.36'
L11	N 01°28'52" W	26.41'
L12	N 76°23'49" W	91.85'
L13	N 19°48'23" E	141.22'
L14	N 00°32'50" W	172.37'
L15	N 74°21'02" W	300.44'
L16	S 69°14'00" W	57.54'
L17	N 65°16'11" W	573.23'
L18	S 72°58'49" W	301.84'
L19	S 23°19'50" W	346.04'
L20	S 31°25'06" W	72.79'
L21	S 13°59'17" W	51.72'
L22	S 22°04'13" W	103.60'
L23	S 18°34'38" W	104.43'
L24	S 15°36'32" W	105.81'
L25	S 11°00'58" W	106.24'
L26	S 07°22'30" W	88.40'
L27	S 03°07'44" W	117.67'
L28	S 00°11'47" E	100.00'
L29	S 00°46'10" E	273.66'
L30	S 04°19'08" E	392.37'
L31	S 18°29'51" E	243.01'
L32	S 05°37'44" E	127.56'
L33	S 17°17'31" E	382.87'
L34	S 24°11'53" E	226.12'
L35	S 19°29'18" E	233.01'
L36	N 83°58'28" E	5.57'
L37	S 18°21'08" E	74.89'
L38	S 18°01'02" E	239.19'
L39	S 10°23'23" E	193.31'
L40	S 10°08'09" E	151.33'
L41	S 05°11'08" E	72.12'
L42	S 07°01'09" W	50.89'
L43	S 01°34'04" W	126.90'
L44	S 03°04'37" E	101.62'
L45	S 03°41'53" W	70.98'
L46	S 01°33'45" E	598.44'
L47	S 54°42'16" E	51.62'
L48	S 05°59'39" E	179.53'
L49	S 04°22'25" E	317.20'
L50	N 07°16'15" W	205.16'
L51	S 13°27'35" W	22.86'
L52	N 90°00'00" E	22.72'
L53	S 85°24'00" W	84.34'
L54	N 63°31'33" E	69.99'
L55	N 78°58'19" E	32.94'
L56	S 88°31'08" W	176.69'
L57	N 88°31'08" E	182.86'

ZONING AREA TABULATION

APPLICATION PROPERTY:	181.43350 AC.
EXISTING/PROPOSED PRD ZONE:	27.65415 AC.
EXISTING RA/PROPOSED PRD ZONE:	25.00000 AC.
LAND BAY W:	25.00000 AC.
RESIDUAL PROPERTY:	197.10994 AC.
EXISTING RA ZONE:	197.10994 AC.
TOTAL:	431.19759 AC.

SYMBOL LEGEND

- IRON PIPE FOUND
- IRON ROD FOUND
- CONCRETE MOUNT FOUND
- GUY WIRE
- HYDRANT
- LIGHT POLE
- SIGN
- STORM END SECTION
- STORM INLET GRATE
- STORM MANHOLE
- TELEPHONE PEDESTAL
- UTILITY MARKER POST
- UTILITY POLE
- WATER METER
- WATER MANHOLE
- WATER VALVE
- WELL
- FENCELINE
- CURB
- EP EDGE OF GRAVEL
- EDGE OF PAVEMENT
- GUARDRAIL
- STREAM
- OVERHEAD UTILITY LINE

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT
C1	100.00	63.56	62.49	N 87°28'29" E	387°45'	152.89
C2	600.00	476.44	464.02	S 88°01'06" E	45°29'49"	251.58'
C3	100.00	72.87	71.27	S 86°08'41" E	41°45'00"	38.14'
C4	55.00	33.93	33.39	N 05°10'30" W	33°29'44"	17.82'
C5	2651.48	391.88	391.50	N 05°00'11" W	8°28'04"	196.29'
C6	5754.58	112.53	112.53	N 03°48'48" W	1°07'14"	56.27'
C7	235.00	81.39	80.98	N 02°38'25" E	1°50'17"	41.09'
C8	175.00	569.67	349.43	N 85°58'43" E	186°30'48"	3075.54'
C9	225.00	49.85	49.75	S 07°06'44" E	12°41'42"	25.03'
C10	193.00	101.62	100.45	S 28°32'27" E	30°10'04"	52.02'
C11	233.47	165.29	160.45	S 66°21'44" E	43°28'08"	89.43'
C12	37.00	40.02	38.09	S 59°01'02" E	61°57'58"	22.22'
C13	848.51	478.14	465.52	N 73°15'25" W	42°04'03"	249.38'
C14	1533.00	421.42	420.10	N 12°28'12" W	15°43'02"	212.09'

SURVEYOR'S NOTE

BOUNDARY INFORMATION AND EXISTING CONDITIONS SHOWN ARE BASED ON AVAILABLE LAND RECORDS AND INFORMATION PROVIDED TO THE SURVEYOR AND ARE NOT BASED ON THE RESULTS OF A FIELD RUN SURVEY BY THIS FIRM.

Bowman
CONSULTING

Bowman Consulting Group, Ltd.
101 South Street, S. E.
Leesburg, VA 20175
Phone: (703) 443-2400
Fax: (703) 443-2425
www.bowmanconsulting.com
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CERTIFIED ZONING PLAN

ARRINGTON

FAUQUIER COUNTY, VIRGINIA

MARSHALL MAGISTERIAL DISTRICT

PROJECT NUMBER
2022-00

COMMONWEALTH OF VIRGINIA
TIMOTHY J. GRIFFITH
Lic. No. 3343
09/25/23
LAND SURVEYOR

PLAN STATUS
9/25/23 PLAN REVISION

DATE	DESCRIPTION	
BR	SKS	TJG
DESIGN	DRAWN	CHKD

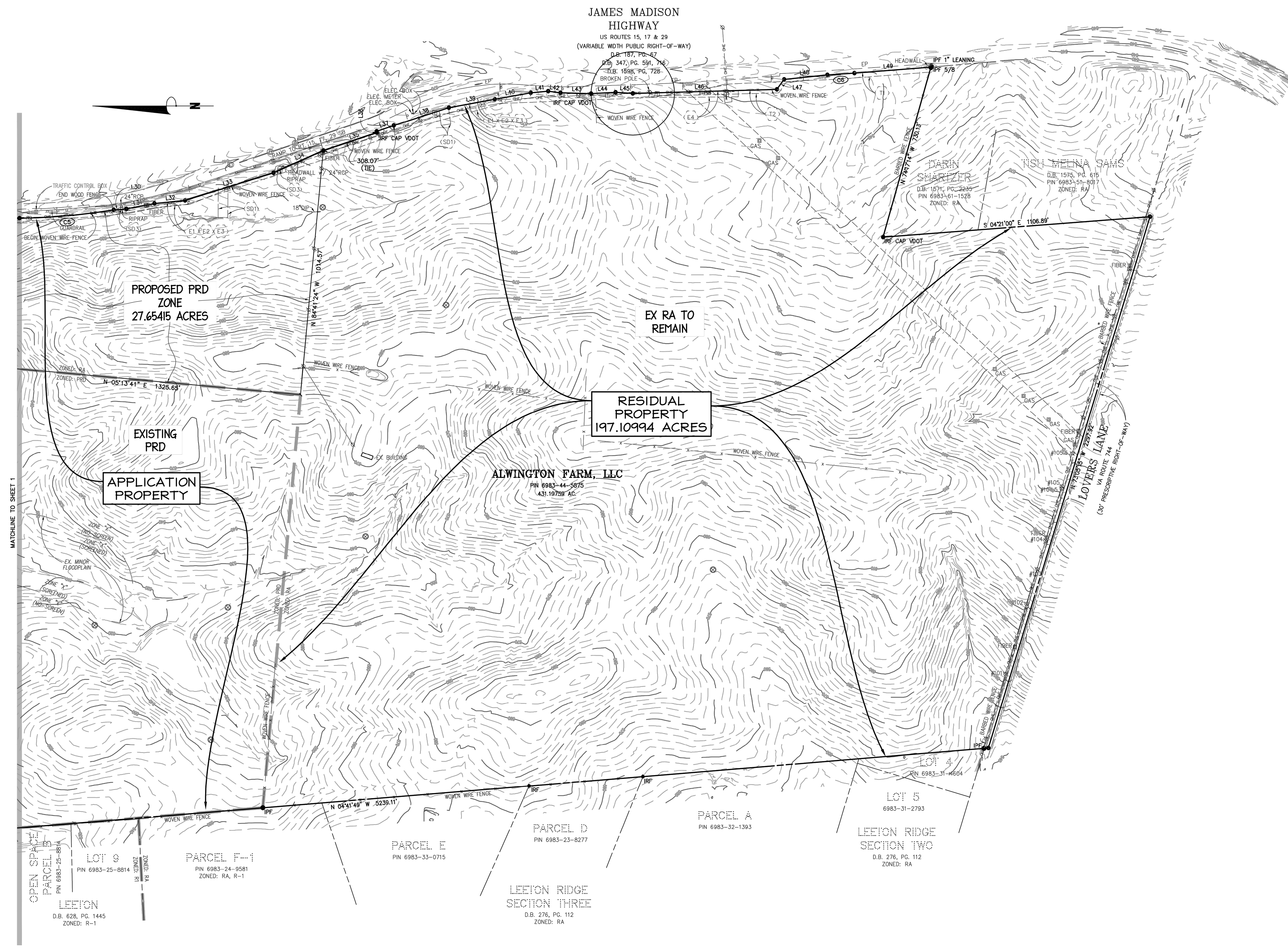
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V: N/A

JOB NO: 2586-08-002

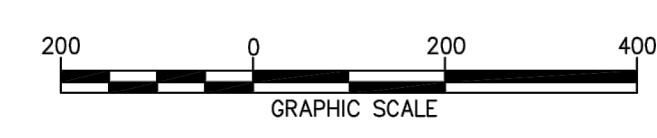
DATE: JUNE 3, 2022

16 of 17
SHEET

DATE	DESCRIPTION
BR	SKS
DESIGN	DRAWN
	TJG
	CHKD



MATCHLINE TO SHEET 1





Town Council Public Hearing
SUP 23-1 St John the Evangelist
December 12, 2023

Request

Item B.

Amend June 3, 1986 SUP

- **GPIN Applicant:** 6984-36-7135-000
- **Property Owner:** Catholic Diocese of Arlington (St Johns Catholic School Tees)
- **Representative:** Jim Carson
- **Zoning:** R-10 Residential
- **Comprehensive Plan:** Live Work Neighborhood
- SUP Amendment to allow for *(demolition permit approval required)* the demolition of a 11,000 sq ft classroom/dormitory building and construction of a 13,000 sq ft, three floor office building *(ARB COA required)*

Proposed Location



Previous SUP Approval

Item B.

- June 3, 1986 SUP Approval for Expansion of Church and School
- Town Council Minutes/2017 Zoning Determination Letter
 1. Construct School in two phases
 2. Phase 1 enrollment 270
 3. Phase 2 enrollment 540
 4. Relocate the convent
 5. Right of way dedication to centerline of King Street (aka John E Mann Street) and Winchester
- SDP 2017 -01
 - Note on Approved SDP - Public Works and Utility stated SWM/BMP calculations would not be required at that time *“however, as new projects are proposed by the Church, the additional work will be considered accumulative to this plan and will trigger the Commonwealth’s SWM Regulations.”*

Adjacent Uses

Item B.

Zoning Map



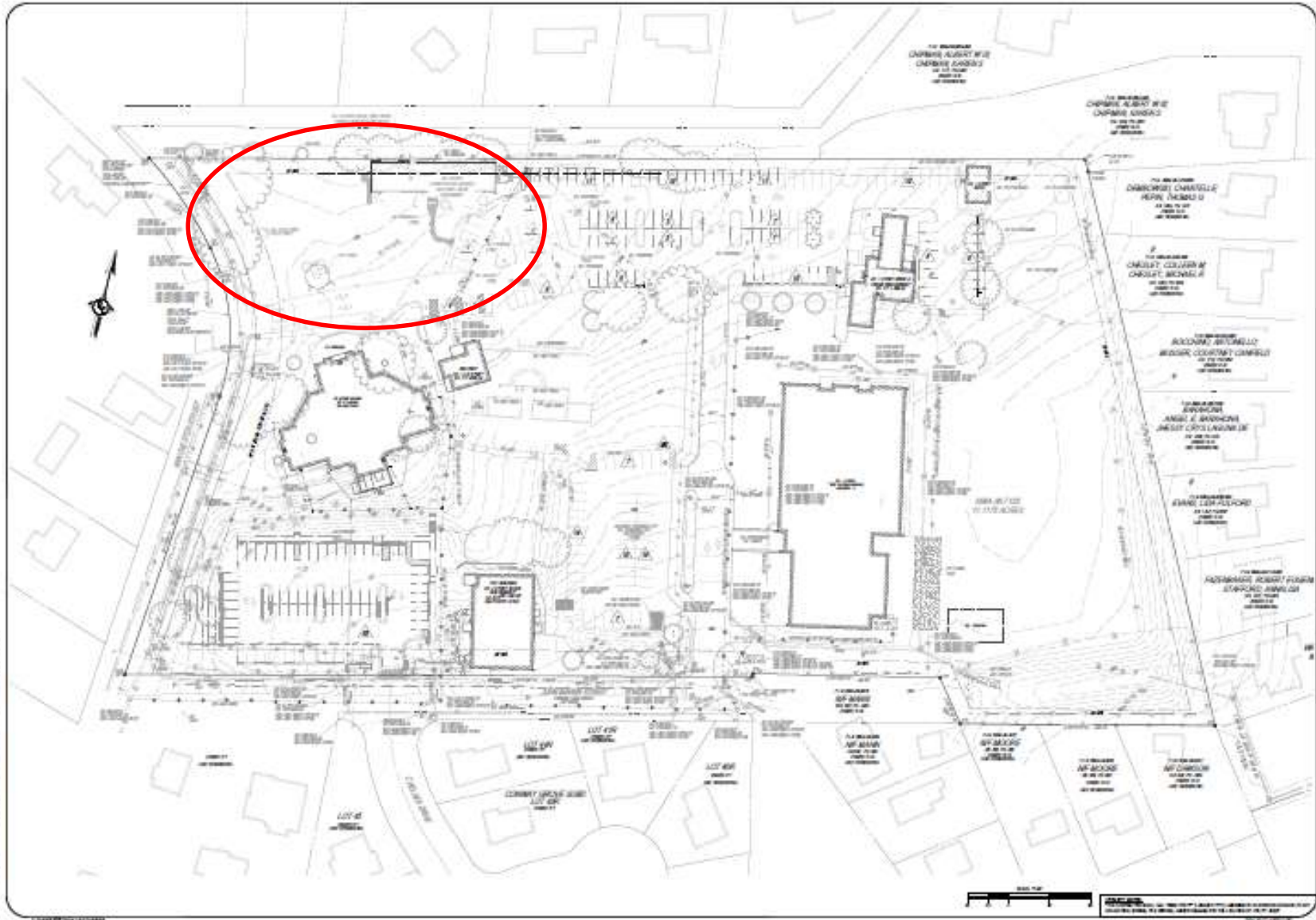
- R-10 Single Family Residential
- Conway Grove Single Family Residential, Reserve at Moorhead Single Family Residential, Richards Lane/Winchester Street/John E Mann Single Family Residential
- Historic District

Zoning Districts

- R-15
- R-10
- R-6
- RT
- RMF
- RO
- PSP
- C

Existing Conditions Plan

Item B.



CARLSON
LAND MANAGEMENT

NOT FOR CONSTRUCTION

**SAINT JOHN THE EVANGELIST
CATHOLIC CHURCH**
MANASSAS, VA

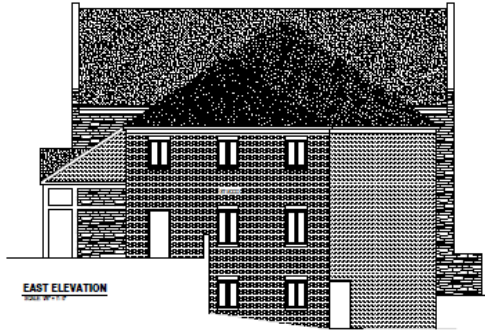
COURTESY OF THE ARCHDIOCESE OF WASHINGTON



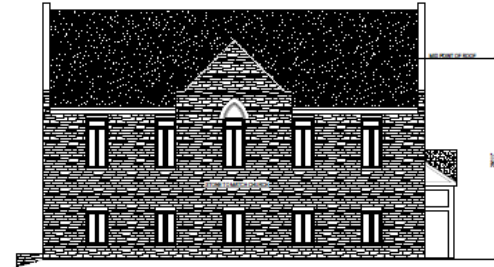
EXISTING
CONDITIONS
PLAN

Elevations

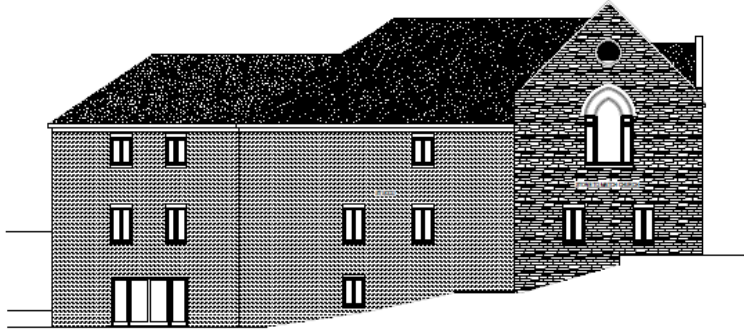
Item B.



EAST ELEVATION
SCALE 3/4" = 1'-0"



WEST ELEVATION - FACING WINCHESTER STREET
SCALE 3/4" = 1'-0"



NORTH ELEVATION
SCALE 3/4" = 1'-0"



SOUTH ELEVATION
SCALE 3/4" = 1'-0"

QUALITY SOURCE
THIS DRAWING IS FOR INFORMATION ONLY. IT IS NOT TO BE USED FOR CONSTRUCTION OR AS A BASIS FOR ANY OTHER DRAWING. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS IN ADVANCE OF ANY CONSTRUCTION. MATERIALS, PALETTE COLORS, AND/OR FINISHES FOR THIS LOCATION OF ITEM B ARE NOT SHOWN.

PROJECT #1802540

ARB Approval Required

Artist Rendering

Item B.



261

ARB Approval Required

Planning Commission May 16 – June 20, 2023 Public Hearing

Item B.

- Public Hearings May 16 and June 20
- Three citizens spoke at each PH raising:
 - Building proximity to road
 - Water run off issues
 - Potential noise/lighting
 - Loss of green space
 - Support for new building
- Planning Commission voted (4-0-1; Lawrence abstain) to recommend Approval with Conditions

Town Council Meetings

Item B.

1. July 2023
Applicant requested deferral to investigate Right-of-Way on Winchester Street
Public Hearing Held Open
2. August 2023
Applicant requested deferral
3. September 2023
Applicant requested deferral
Adjacent property owner testified regarding water runoff and green space
4. October 2023
Applicant requested deferral
5. November 2023
Applicant requested deferral after legally advertised deadlines to discuss new submission of redlined Conditions of Approval recommended by the Planning Commission

Outstanding Issues

1. July 2023

Applicant requested deferral, investigated Right-of-Way dedication on Winchester Street, held meetings with staff and Town Attorney

2. October 27, 2023, Submission

Resolved on SUP Plan - Applicant revised SUP Plan Winchester Street dedication from the previously submitted 25' to +/- 15' from centerline

Applicant submitted redlined version of the Planning Commission recommended Conditions of Approval

3. December 2023

Applicant submitted new redlined version of the Planning Commission recommended Conditions of Approval

PC Recommended Conditions of Approval

Item B.

With Required Updates for Town Council

- Update Dates (Title & Condition 2)
- Update Scrivener's Error (Condition 4)
- Update Winchester Street Dedication (Condition 9.d)

Applicant Meeting

- December 11, 2023 Meeting With Applicant
- Agreement on Conditions
 - Modified #8.d to address temporary lighting approvals.
 - Modified #9.d clarify easement language
- Modified Resolution to Capture Note on SDP for Stormwater



Planning Commission Public Hearing
SUP 23-1 St John the Evangelist
December 12, 2023

December 12th, 2023
Town Council
Regular Meeting
Version 2

RESOLUTION TO APPROVE SPECIAL USE PERMIT 23-01 ST. JOHN THE EVANGELIST CATHOLIC CHURCH PURSUANT TO SECTION 11-3.10 OF THE ZONING ORDINANCE OF THE TOWN OF WARRENTON TO AMEND PREVIOUSLY APPROVED CONDITIONS FOR SPECIAL USE PERMIT JUNE 3, 1986 (GPIN 6984-36-7135-000)

WHEREAS, Warrenton, VA (Hereinafter "the Town") is a municipal corporation located within the County of Fauquier; and

WHEREAS, St. John the Evangelist Catholic Church, and the owner, the St Johns Catholic School TEES, ("the Applicant"), is the requesting a Special Use Permit approval on a parcel of land containing approximately 11.0664 acres, identified as GPIN 6984-36-7135-000, located at 271 Winchester Street in the Town of Warrenton and hereinafter referred to as the "Property"; and

WHEREAS, the Applicant has applied for a Special Use Permit pursuant to §3-4.2.3 of the Zoning Ordinance, to amend a June 3, 1986, approval to allow for the demolition of an existing building and the construction of a new approximate 13,000 square foot office building allow to be located on the Property, hereinafter the "Special Use Permit"; and

WHEREAS, the Applicant's Site Development Plan SDP 2017-01 was approved with a note indicating the "owner is aware that any future projects adding more than 5,050 SF of impervious area will have to comply with the State's VSMP requirements for the area shown here and the additional impervious area," and

WHEREAS, the adopted Condition of Approval 7.c states the property owner is required to account for all improvements, regardless of square footage, made to the property since July 1, 2014, and design and construct for the accumulative stormwater management for both quantity and quality in accordance with all applicable State and local requirements in effect at the time of site development plan approval; and

WHEREAS, the amended Site Development Plan for the property, once satisfying SUP 2023-01 Condition of Approval 7.c, may include a note indicating the SDP 2017-01 note has been addressed; and

WHEREAS, pursuant to §11-3 of the Zoning Ordinance upon petition of the Applicant for approval of the Special Use Permit, the Planning Commission upon advertisement and notice properly given pursuant to §15.2-2204 of the Virginia Code held a Public Hearing on May 16, 2023 and June 20, 2023; and

WHEREAS, the Town Council received and considered the recommendation of the Planning Commission for approval of the Special Use Permit based on Conditions of Approval; and

WHEREAS, the Town Council of the Town of Warrenton held a Public Hearing on July 12, 2023, upon notice properly and duly given; and

WHEREAS, the Town Council of the Town of Warrenton deferred and held open the Public Hearing, upon the request of the Applicant, to December 12th, 2023, upon notice properly and duly given; and

WHEREAS, the Town Council finds that the Application meets the criteria for approval in the Town of Warrenton Zoning Ordinance; and

WHEREAS, the Town Council, in consideration of all of the foregoing, is of the opinion that the application for the Special Use Permit be approved subject to certain conditions;

NOW, THEREFORE, BE IT RESOLVED that the Warrenton Town Council on this 12th day of December 2023, that SUP 23-01 be, and is hereby, approved, subject the following conditions:

1. General: This Special Use Permit is issued covering the entire Property pursuant to the provisions of § 11-3.10 of the Town of Warrenton Zoning Ordinance.
2. Site Development: The Property shall be developed in substantial conformance with the Special Use Permit Plan entitled, "Special Use Permit Plat," prepared by Carson Land Consultants, Page 1 dated February 10, 2023 and Pages 2-4 dated December 6, 2022, all revised October 26, 2023, consisting of four (4) sheets (the "SUP Plan"). Minor changes and adjustments may be made to the road and street alignments, entrances, parking, dimensions and location of SWM/BMP facilities, the exact configuration and location of building footprints, and other similar features as shown on the SUP Plan, provided they meet the intent of these Conditions and are approved by the Director of Community Development or the Zoning Administrator.

3. Use Parameters:
 - a. Special Use Permit Area – The Special Use Permit shall apply to the entire +/- 11.0664 acre site.
 - b. Use Limitations – The use shall be limited to a religious institution and related facilities including the church, school, and those accessory uses customarily incidental to the primary uses.
 - c. Maximum Students – The maximum number of students shall be 540 as approved in the previous SUP dated June 3, 1986.
4. Architecture: The site is located within the Historic District and is subject to Architectural Review Board, Certificates of Appropriateness (COA), and the Town of Warrenton Guide to Historic Resources. No structures shall be modified or erected until a COA has been issued. This includes walls and fences exceeding 42” in height.
5. Signage: All signage shall comply with the applicable provisions of Article 6 of the Town of Warrenton Zoning Ordinance.
6. Site Maintenance and Refuse Collection: Any refuse storage areas shall be screened with a solid enclosure constructed of materials that are compatible with the buildings on the property. The enclosure shall have gates that prohibit viewing this area from adjoining properties and public rights-of-way. The gates shall remain closed when not in use and the trash containers shall be emptied as necessary to prevent odors or infestation by vermin. Compliance with this condition shall be demonstrated on each final site plan(s). Deliveries and refuse collection shall follow Town Code Section 11-19(9).
7. Environment: All landscaping shall be native and drought-resistant or other species as may be approved on the final site plan(s).
 - a) Landscaping – The Applicant shall make all efforts to maintain and preserve the existing mature vegetation and hardwood trees when feasible.
 - b) Minimize Clearing and Grading – The Applicant shall show the limits of clearing and grading for the site on the approved final site plan(s). For portions of buffers located outside the limits of clearing and grading, the existing vegetation shall be preserved and supplemented to meet the intent the buffer as noted above. In addition, existing trees and shrubs shall be incorporated into the landscaping plan. This does not preclude the removal of diseased, noxious and/or invasive vegetation.
 - c) Stormwater Management – The property owner is required to account for all improvements, regardless of square footage, made to the property since July 1, 2014, and design and construct for the accumulative stormwater management for both quantity and quality in accordance with all applicable

State and local requirements in effect at the time of site development plan approval.

8. Lighting:
 - a. Proposed lighting shall be reviewed during the review of the Certificate of Appropriateness and at the time of site plan in accordance with the Zoning Ordinance.
 - b. Building-mounted security lighting, which is full cut-off and directed toward the building and in compliance with the Zoning Ordinance, shall be permitted.
 - c. All new and replacement light fixtures shall consist of full cut-off fixtures with a color temperature of 3,000 K or lower, and a maximum mounting height of 14 feet.
 - d. Permanent lighting on the school managed turf fields is prohibited. Temporary lighting is considered on a case by case basis.
 - e. All other proposed lighting shall be addressed at site plan in accordance with the Zoning Ordinance.
9. Transportation:
 - a) Vehicular Access – The site shall be accessed from the Winchester Street and John E. Mann entrances. Egress shall be controlled via a stop sign traffic control with stop bar at the exits.
 - b) There shall be no stacking of vehicles into the public right-of-way. The school is responsible for ensuring drop off and pick up from the school do not result in backs ups on the public streets. Stacking on the property by accessing the school by way of Winchester Street or staggering times is required to achieve this condition.
 - c) Handicapped Parking and Signage – Handicapped parking and signage for shall be provided in accordance with the PFM and the Americans with Disabilities Act.
 - d) Dedication of public right-of-way on Winchester Street to back of curb, and an easement outside this right-of-way dedication over Town owned utilities, shall be included on the Site Development Plan and be recorded prior to occupancy permit.
10. Parking: Parking located on the north side of the property, adjacent to Richards Lane shall buffer and shield the headlights of vehicles from the adjacent residences. Headlights shall be screened from view from the residential-zoned property located to the north to at least 3.5 feet in height above the parking surface elevation with a solid wall, sight-tight fence, evergreen shrubs, or other method as approved by the Zoning Administrator as a part of the Site Development Plan, to extend the length of the parking on the north side.

11. Water and Sewer: The site shall continue to be served by public water, with the property owner bearing all costs associated with providing the additional services that will be required. Construction of a new 3-story building, +/- 13,000 square foot located at the northwest corner of the property on Winchester Street will require a separate water meter, per Town Code

12. Demolition: Demolition of the existing 3 story stone and block building located in the northwest portion of the property adjacent to Richards Lane shall require a permit from the Town. No final occupancy permit shall be issued on a new 3-story building, +/- 13,000 square foot located at the northwest corner of the property on Winchester Street until the above existing building has been demolished. The old building will be demolished within 6 months after the issuance of the temporary occupancy permit.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

For Information:

Community Development Director,
Town Attorney

ATTEST: _____
Town Recorder

SPECIAL USE PERMIT CONDITIONS**Applicant: ST. JOHN THE EVANGELIST CATHOLIC
CHURCH****Owner: CATHOLIC DIOCESE OF ARLINGTON
(ST JOHNS CATHOLIC SCHOOL TEES)****SUP 23-01 (Supersedes SUP Dated June 3, 1986)****PINs 6984-36-7135-0000 (the "Property")****Special Use Permit Area: ± 11.0664 Zoning: R-10
Residential****Date: December 12, 2023**

In approving a Special Use Permit, the Town Council may impose such conditions, safeguards, and restrictions as may be necessary to avoid, minimize, or mitigate any potentially adverse or injurious effect of such special uses upon other properties in the neighborhood, and to carry out the general purpose and intent of this Ordinance. The Council may require a guarantee or bond to ensure that compliance with the imposed conditions. All required conditions shall be set out in the documentation approving the Special Use Permit (SUP).

1. General: This Special Use Permit is issued covering the entire Property pursuant to the provisions of § 11-3.10 of the Town of Warrenton Zoning Ordinance.
2. Site Development: The Property shall be developed in substantial conformance with the Special Use Permit Plan entitled, "Special Use Permit Plat," prepared by Carson Land Consultants, Page 1 dated February 10, 2023 and Pages 2-4 dated December 6, 2022, all revised October 26, 2023, consisting of four (4) sheets (the "SUP Plan"). Minor changes and adjustments may be made to the road and street alignments, entrances, parking, dimensions and location of SWM/BMP facilities, the exact configuration and location of building footprints, and other similar features as shown on the SUP Plan, provided they meet the intent of these Conditions and are approved by the Director of Community Development or the Zoning Administrator.

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Community Development
Department

STAFF REPORT

Town Council Meeting Date:	December 12, 2023
Agenda Title:	Special Use Permit 2023-01 St John the Evangelist
Requested Action:	Continue Public Hearing
Decision Deadline:	February 12, 2024
Staff Lead:	Denise Harris, Planning Manager

EXECUTIVE SUMMARY

Special Use Permit (SUP) 2023-01 St John the Evangelist, the Applicant, and the Owner, the Catholic Diocese of Arlington (St Johns Catholic School Tees), seeks to amend a June 3, 1986, SUP approval to allow for the demolition of an existing building and the construction of a new 13,000 square foot office building. The subject parcel is located in the Residential (R-10) District of the Town of Warrenton Zoning Ordinance and is designated as Live/Work on the Future Land Use Map. The subject parcel (GPIN 6984-36-7135-000) is located at 271 Winchester Street on approximately 11.0664 acres.

The Town Council held a public hearing in July, 2023, on the application. At that time, The Applicant requested a of action to further investigate the right-of way dedication on Winchester Street. Subsequently the Applicant requested a deferral, which Town Council granted, until the December public hearing. The Applicant requested the Archdiocese of Arlington’s General Counsel to work with the Town Attorney regarding the Condition of Approval regarding the right-of-way dedication on Winchester Street. This was completed and a solution was agreed upon that would dedicate the road from centerline to back of curb. Updated SUP Plans and Conditions of Approval dated December 12, 2023, reflect this modification, as well as Scrivener’s error correction on height requirements for a Certificate of Appropriateness.

However, the Applicant’s October 27, 2023, and subsequent December 1, 2023, submission include multiple proposed changes to the Planning Commission recommended Conditions of Approval beyond Winchester Street (see attached Applicant Proposed Conditions of Approval REDLINE), and those conditions contained in the Town Council July public hearing, that go beyond the discussions of Winchester Street. The proposed Conditions of Approval seek to make the Planning Commission

recommendations less restrictive after the Planning Commission spent time discussing items, including substantial conformance, stormwater, lighting, and stacking in the right of way.

The Planning Commission held a Work Session on April 18, 2023, and a Public Hearing on May 16, 2023. Three members of the public spoke to the application. Items brought up included proximity of the new building to Winchester Street, potential loss of old growth trees, noise “bounce back” to residences, no crosswalk on Winchester to entrance, water run-off, topo/grade changes, no lighting on building, loss of green space, question if additional parking is necessary, and support for the existing building to be demolished. The Planning Commission requested the Applicant work to address items missing on the SUP Plans and issues raised. The Planning Commission also suggested the Applicant look at the potential of green space vs additional parking. The Planning Commission voted 3-0 (Lawrence, Lasher absent) to hold the Public Hearing open until the June Planning Commission meeting.

On June 1, 2023, the Applicant submitted an updated SUP Plan to address the requested missing information, including parking, topography, improvements on the site, refuse locations, adjacent properties, and other miscellaneous items. The Applicant piloted a new student pick up/drop off pattern to address draft Condition of Approval 9.b and found it to be successful in preventing stacking in the public-right-of way.

The Planning Commission continued the Public Hearing on June 20, 2023. Three members of the public spoke to the application. One in support of the church and two adjacent property owners, while generally in support, raised questions regarding water runoff. The residents questioned if leaving the old building in place while the new one is constructed will impact and hinder the ability to properly grade the site to resolve ongoing water runoff issues to properties on Richards Drive and Winchester Street. Citizens spoke to the desire for reassurance that the new building will deal with the water issues.

The Planning Commission voted to recommend approval to the Town Council subject to draft Conditions of Approval (4-0-1; Lawrence abstained).

BACKGROUND

In 1986, St Johns the Evangelist received a Special Use Permit for a school. The minutes from the Town Council meeting indicate the intent was to allow:

1. Construction of the School in two phases
2. Phase 1 enrollment 270
3. Phase 2 enrollment 540
4. Relocate the convent
5. Obtain Right of way dedication to centerline of King Street (aka John E Mann Street) and Winchester

When the church school sought an expansion in 2017, a Zoning Determination letter found the building expansion could proceed without a Special Use Permit amendment as the enrollment numbers were not changing. However, during the Site Development Plan (SDP 2017-01), the Town indicated that *“as new projects are proposed by the Church, the additional work will be considered accumulative to this plan and will trigger the Commonwealth’s SWM Regulations.”* The Town’s willingness to work with the applicant in 2017 was predicated on the shared knowledge that the next proposed improvement would include a comprehensive update of the site’s uses and existing conditions. This Special Use Permit application is the opportunity for the Applicant to bring the last 37 years of property uses up to date.

During agency review of the application, staff raised several potential issues and asked the Applicant to address them. Highlights of issues include the potential inability to meet landscaping buffer requirements, no details on lighting, preliminary stormwater design, proposed refuse locations, and no height and dimensions of the building, retaining walls, parking, travelways, setbacks, and landscape buffers for staff to ensure the proposal will meet requirements. Staff is aware that stormwater and landscape buffer solutions can be expensive to engineer. Staff sought to help the Applicant understand that staff cannot ensure this proposal works without more information and/or requested waivers.

The Planning Commission held a work session and two public hearing dates on this proposal. The Planning Commission discussed buffers and landscaping along the length of the northern boundary of the property; energy, water, and sewer demands; intentions of existing building and timing of demolition; parking overflow into adjacent neighborhoods and stacking in the public right-of-way; elevations from Winchester Street and the request for artist’s rendering; appropriate stormwater, sediment control, and boundary line adjustments; and ARB approvals. The recommended Conditions of Approval are comparable to other approved Special Use Permits of similar land uses. Unique conditions relate to the Planning Commission addressing site specific issues of stormwater, potential adjacent property impacts, and demolition.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommended approval to the Town Council subject to the draft Condition of Approval.

Suggested Motions

1. I move the Town Council approve SUP 23-01 with Conditions of Approval dated December 12, 2023, per the Planning Commission recommendation and subsequent modifications, through the attached December 12, 2023, Resolution.
2. Due to the Applicant submitting redlined language to the Planning Commission’s previously recommended Conditions of Approval that seek to remove or modify mitigations, I move the Town Council refer the application back to the Planning Commission based on Zoning Ordinance 11-3.10.9 Modifications to the Application or Conditions which states *“...after the Planning Commission has made its recommendation to the Town Council, should the application be modified, or additional conditions...offered by the applicant that results in...altered conditions that were intended to mitigate the impact of the development...then a second public hearing shall be held by the Planning Commission before the modified application may be heard by Town Council.”*

ATTACHMENTS

1. Attachment A – Maps
2. Attachment B – May 13, 2023, Staff Analysis
3. Attachment C – October 26, 2023, Special Use Permit Plan
4. Attachment D – December 12, 2023, update to the July 11, 2023, Conditions of Approval (Planning Commission Recommendation)
5. Attachment E – Applicant Redline of July 11, 2023, Conditions of Approval
6. Attachment F – Applicant Clean Proposed Conditions of Approval
7. Attachment G - Statement of Justification/Addendum to the Statement of Justification
8. Attachment H - Overall Site Access Plan
9. Attachment I – March 23, 2023/Revised April 27, 2023, Comment Response Letter
10. Attachment J – Town Council 1986 Meeting Minutes
11. Attachment K – Artist Renderings from Winchester Street
12. Attachment L – 1986 Town Council Minutes
13. Attachment M – July 11, Town Council Presentation

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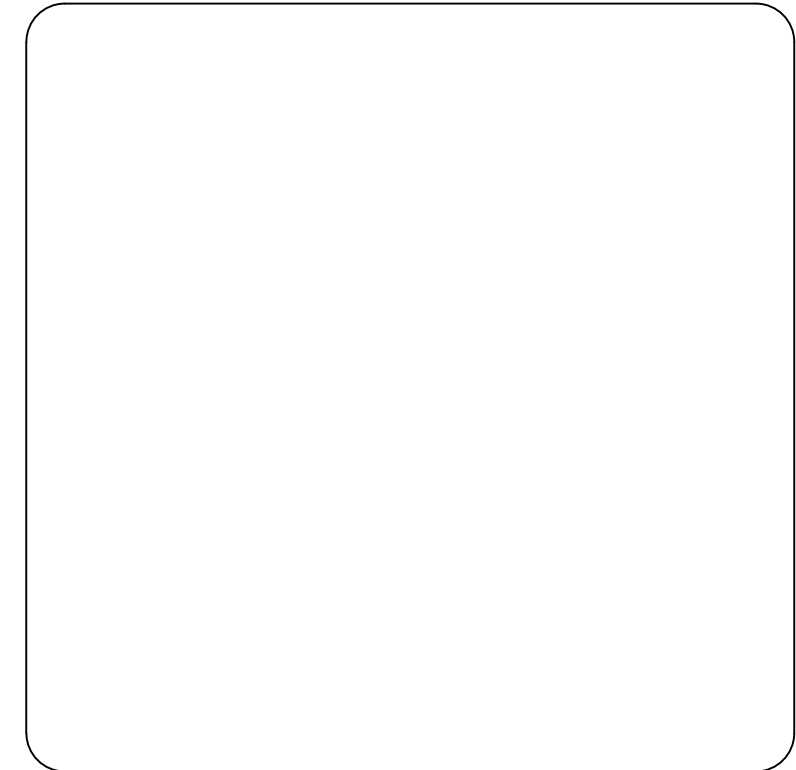
11. **Water and Sewer:** The site shall continue to be served by public water, with the property owner bearing all costs associated with providing the additional services that will be required. Construction of a new 3-story building, +/- 13,000 square foot located at the northwest corner of the property on Winchester Street will require a separate water meter, per Town Code

12. **Demolition:** Demolition of the existing 3 story stone and block building located in the northwest portion of the property adjacent to Richards Lane shall require a permit from the Town. No final occupancy permit shall be issued on a new 3-story building, +/- 13,000 square foot located at the northwest corner of the property on Winchester Street until the above existing building has been demolished. The old building will be demolished within 6 months after the issuance of the temporary occupancy permit.

SPECIAL USE PERMIT AMENDMENT PLAT ST JOHN THE EVANGELIST CATHOLIC CHURCH

SUP 2023-1 (AMENDMENT TO
SUP DATED JUNE 3, 1986)
271 WINCHESTER STREET
TOWN OF WARRENTON
FAUQUIER COUNTY, VIRGINIA
FEBRUARY 10, 2023
LAST REVISED: OCTOBER 26, 2023

APPROVAL BLOCK



LEGEND	
Q	CENTERLINE
CO	CLEANOUT
EX	EXISTING
HC	HANDICAPPED
EP	EDGE OF PAVEMENT
S/C	SIAMESE YARD CONNECTION
IPS	IRON PIPE SET
IPF	IRON PIPE FOUND
RET	RETAINING
PKS	PK-NAIL SET
DHS	DRILL HOLE MADE
CONC	CONCRETE
CONN	CONNECTION
TELE	TELEPHONE
STM STR	STORM SEWER STRUCTURE
STM MH	STORM SEWER MANHOLE
SAN MH	SANITARY SEWER MANHOLE
ELEC TRANS	ELECTRIC TRANSFORMER
O	WATER VALVE UNLESS NOTED
Q	SIGN
⊕	FIRE HYDRANT
⊕	LIGHT OR UTILITY POLE
FC	FACE OF CURB
7	NUMBER OF PARKING SPACES
1 LS	NUMBER OF LOADING SPACES
5 HC	NUMBER OF HANDICAP SPACES
---	PROPERTY OR RW LINES
---	CENTER LINE
---	EASEMENT LINE
---	EXISTING TRAVEL WAY/ EDGE OF PAVEMENT
---	PROPOSED EDGE OF PAVEMENT
---	EXISTING CURB AND GUTTER
---	PROPOSED CURB AND GUTTER
---	FENCE LINE
---	ROADSIDE DELINEATORS
---	RAILROAD
---	ADJACENT PROPERTY OWNERS
---	EXISTING CULVERT OR STORM LINE
---	PROPOSED CULVERT OR STORM LINE
---	STORM SEWER (PROPOSED BY OTHERS)
---	EXISTING WATERLINE
---	PROPOSED WATERLINE
---	WATERLINE (PROPOSED BY OTHERS)
---	EXISTING FIRE HYDRANT
---	PROPOSED FIRE HYDRANT
---	EXISTING SANITARY SEWER
---	PROPOSED SANITARY SEWER
---	SANITARY SEWER (PROPOSED BY OTHERS)
---	EXISTING GAS LINE
---	PROPOSED GAS LINE
---	EXISTING OVERHEAD TELEPHONE
---	EXISTING OVERHEAD ELECTRIC
---	EXISTING OVERHEAD TELEPHONE & ELECTRIC
---	EXISTING UNDERGROUND TELEPHONE
---	EXISTING UNDERGROUND ELECTRIC
---	EXISTING RETAINING WALL
---	PROPOSED RETAINING WALL
---	EXISTING POWER OR TELEPHONE POLE
---	LIGHT POLE
---	EXISTING CONTOUR W/ ELEVATION
---	PROPOSED CONTOUR W/ ELEVATION
---	EXISTING SPOT ELEVATION
---	PROPOSED SPOT ELEVATION
---	EARTH DEPRESSION
---	DITCH, SWALE, STREAM OR SPRING
---	SWAMP OR MARSH AREA
---	DRAINAGE DIVIDE
---	PATH (DIRT, GRAVEL, CRUSHED STONE, ETC.)
---	TREE LINE
---	LIMITS OF CLEARING & GRADING
---	NORTH ARROW
---	TREES AND SHRUBS
---	STD. VDOT CG-12, CURB RAMP
---	PROPOSED CONCRETE
---	PROPOSED GRAVEL
---	PROPOSED UNDERDRAIN

ADJACENT OWNERS

6984-45-0901-000
MANN, FAYE A/K/A, MANN, FAYE O
101 JOHN E MANN ST
WARRENTON VA 20186
BK 265 / PG 1584
ZONING: R-10

6984-45-1877-000
ELLIOTT, KELSEY A
216 ROBINSON ST
WARRENTON VA 20186
BK 1453 / PG 2270
ZONING: R-10

6984-45-2940-000
JAMES, CHERYL M
220 ROBINSON ST
WARRENTON VA 20186
BK 1458 / PG 1263
ZONING: R-10

6984-45-3912-000
PAYNE, MICHELLE A TRUSTEE;
PAYNE, MICHELLE ANN TRUST;
PAYNE, STEVEN C TRUSTEE;
PAYNE, STEVEN CARL TRUST
232 ROBINSON ST
WARRENTON VA 20186
BK 1587 / PG 69
ZONING: R-10

6984-46-1478-000
DEMBOVSKI, CHANTHELLE;
PEPIN, THOMAS G
348 PRESTON DR
WARRENTON VA 20186
BK 1594 / PG 1231
ZONING: R-10

6984-46-2402-000
CHESLEY, COLLEEN M;
CHESLEY, MICHAEL R
340 PRESTON DR
WARRENTON VA 20186
BK 1203 / PG 2334
ZONING: R-10

6984-46-2324-000
MUSSER, COURTNEY CANFIELD
332 PRESTON DR
WARRENTON VA 20186
BK 1587 / PG 2406
ZONING: R-10

PARKING TABULATION

IN ACCORDANCE WITH ARTICLE 7 OF THE TOWN OF WARRENTON ZONING ORDINANCE THE PARKING REQUIRED FOR THE SITE ARE AS FOLLOWS:

CHURCH: ONE (1) SPACE PER FOUR (4) SEATS DESIGN CAPACITY OF THE PRINCIPLE PLACE OF WORSHIP
SCHOOL: ONE (1) SPACE PER TWENTY-FIVE (25) CLASSROOM SEATS PLUS ONE (1) PER EMPLOYEE CALCULATED FOR THE WORK PERIOD CONTAINING THE LARGEST NUMBER OF EMPLOYEES.

REQUIREMENTS

CHURCH = 793 SEATS (PER APPROVED AMENDED SITE PLAN)
PARKING REQUIRED: 750 SEATS / 4 = 187.5 = 188 SPACES
HC PARKING REQUIRED: 7 SPACES (PER ADA)

PRESCHOOL = 100 CLASSROOM SEATS / 25 = 4 SPACES
12 EMPLOYEES = 12 SPACES
= 16 SPACES TOTAL

ST. JOHN'S SCHOOL (K-8) = 250 CLASSROOM SEATS / 25 = 10 SPACES
30 EMPLOYEES = 30 SPACES
= 40 SPACES

TOTAL NUMBER OF PARKING SPACES REQUIRED:

CHURCH 188
PRE-SCHOOL 16
SCHOOL 40
SPACES 244

TOTAL NUMBER OF PARKING SPACES PROVIDED:

244 SPACES REQUIRED
248 SPACES PROVIDED (CURRENTLY)
277 SPACES PROVIDED (WITH THIS SUP AMENDMENT)

TOTAL CHANGE WITH THIS SUP AMENDMENT:

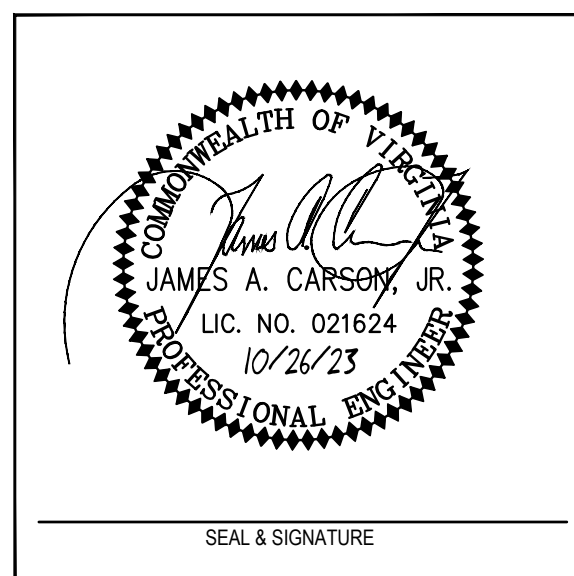
ADDITION OF 229 SPACES (SUBJECT TO CHANGE)

ENGINEER'S CERTIFICATE

I, JAMES A. CARSON, JR., A LICENSED PROFESSIONAL ENGINEER IN THE COMMONWEALTH OF VIRGINIA, DO HEREBY CERTIFY THAT THE PROPERTIES UPON WHICH THIS SITE PLAN IS PROPOSED LIE IN THE NAME OF ST. JOHN'S CATHOLIC SCHOOL TEES, AS FOUND AMONG THE LAND RECORDS OF FAUQUIER COUNTY, VIRGINIA, IN DEED BOOK 205, PAGE 59.

James A. Carson, Jr.
JAMES A. CARSON, JR. P.E. NO. 021624

**NOT FOR
CONSTRUCTION**
UNDER REVIEW



VICINITY MAP

SCALE 1"= 100'

SHEET INDEX

SHEET NO.	DESCRIPTION
1	COVER SHEET
2	EXISTING CONDITIONS PLAN
3	SPECIAL USE PERMIT PLAT
4	BUILDING ELEVATIONS
4	TOTAL NUMBER OF SHEETS IN PLAN

GENERAL NOTES

- PROJECT DESCRIPTION: THIS PROJECT PROPOSES THE CONSTRUCTION OF AN APPROXIMATELY 13,000 SQUARE FOOT, THREE FLOOR OFFICE BUILDING, SIDEWALK, SITE GRADING AND PARKING LOT IMPROVEMENTS ARE ALSO A PART OF THE PROPOSED PROJECT. APPROXIMATE 0.90 ACRE WILL BE DISTURBED DURING THE CONSTRUCTION OF THE PROJECT.
- PINS: 6984-36-7135-000
- ACREAGE: 11.0664 AC
- CURRENT USE: CHURCH, SCHOOL
- PROPOSED USE: CHURCH, SCHOOL
- OWNERS/APPLICANT: ST. JOHN'S CATHOLIC SCHOOL TEES
271 WINCHESTER STREET
WARRENTON VIRGINIA 20186
DEED BOOK 205, PAGE 59
- ZONING: RESIDENTIAL (R-10)
- ZONING REQUIREMENTS:
 - MINIMUM LOT AREA: 10,000 SQ. FT
 - MINIMUM LOT FRONTAGE: 75 FEET
 - FRONT SETBACK: MINIMUM 25 FEET
 - SIDE SETBACKS: 15 FEET
 - REAR SETBACK: 20 FEET
 - MAXIMUM LOT COVERAGE: 65% IMPERVIOUS SURFACE
 - MAXIMUM BUILDING HEIGHT: 35 FEET
- TOPOGRAPHIC INFORMATION FIELD RUN BY CARSON LAND CONSULTANTS.
CONTOUR INTERVAL: 2 FT
DATUM: NAVD 88
- THE SUBJECT PROPERTY IS LOCATED ON FEMA FLOOD INSURANCE RATE MAP, COMMUNITY-PANEL NUMBER 51061C 0306 C, DATED FEB. 6, 2008. THE PROPERTY IS LOCATED IN ZONE "X". THIS DOES NOT CONSTITUTE A FLOOD STUDY BY THIS FIRM.
- STORMWATER MANAGEMENT WILL BE ADDRESSED WITH FINAL SITE DEVELOPMENT PLAN. THE PROPOSED OFFICE BUILDING AND ASSOCIATED PARKING AND CIRCULATION IMPROVEMENTS WILL BE TREATED AS A COMMON PLAN OF DEVELOPMENT. STORMWATER MANAGEMENT WILL BE ADDRESSED BY A COMBINATION OF ON-SITE TREATMENT WITH STRUCTURAL BMPs SUCH AS BIORETENTION, DETENTION, AND/OR PURCHASE OF OFF-SITE NUTRIENT CREDITS. AS CONSULT WITH THE TOWN WILL BE REQUIRED TO DETERMINE AND APPROVE ALLOWABLE DISCHARGE INTO THE EXISTING STORM SEWER SYSTEM. THE LOCATION AND ORIENTATION OF ON-SITE FACILITIES WILL BE DETERMINED WITH THE SITE DEVELOPMENT PLANS. LOCATION AND SIZE HAVE NOT BEEN INDICATED ON THIS PLAN AS SUBSTANTIAL COMPLIANCE WITH THE SUP AMENDMENT LAYOUT WOULD BE REQUIRED. PLANS FOR STORMWATER MANAGEMENT ARE TENTATIVE AND SUBJECT TO CHANGE.

**SPECIAL USE PERMIT AMENDMENT PLAT
ST JOHN THE EVANGELIST
CATHOLIC CHURCH**
SUP 2023-1 (AMENDMENT TO
SUP DATED JUNE 3, 1986)
271 WINCHESTER STREET
TOWN OF WARRENTON
FAUQUIER COUNTY, VIRGINIA
FEBRUARY 10, 2023
LAST REVISED: OCTOBER 26, 2023



45 Main Street, 1st Floor • Warrenton VA 20186 • (540) 347-9191
CarsonLC

NOT FOR CONSTRUCTION

SAINT JOHN THE EVANGELIST CATHOLIC CHURCH
WARRENTON, VA

FAUQUIER COUNTY VIRGINIA

CENTER MAGISTERIAL DISTRICT

REVISIONS

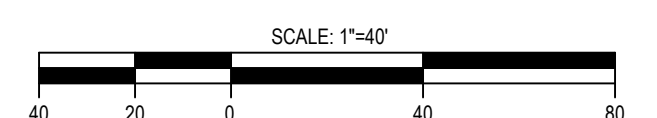
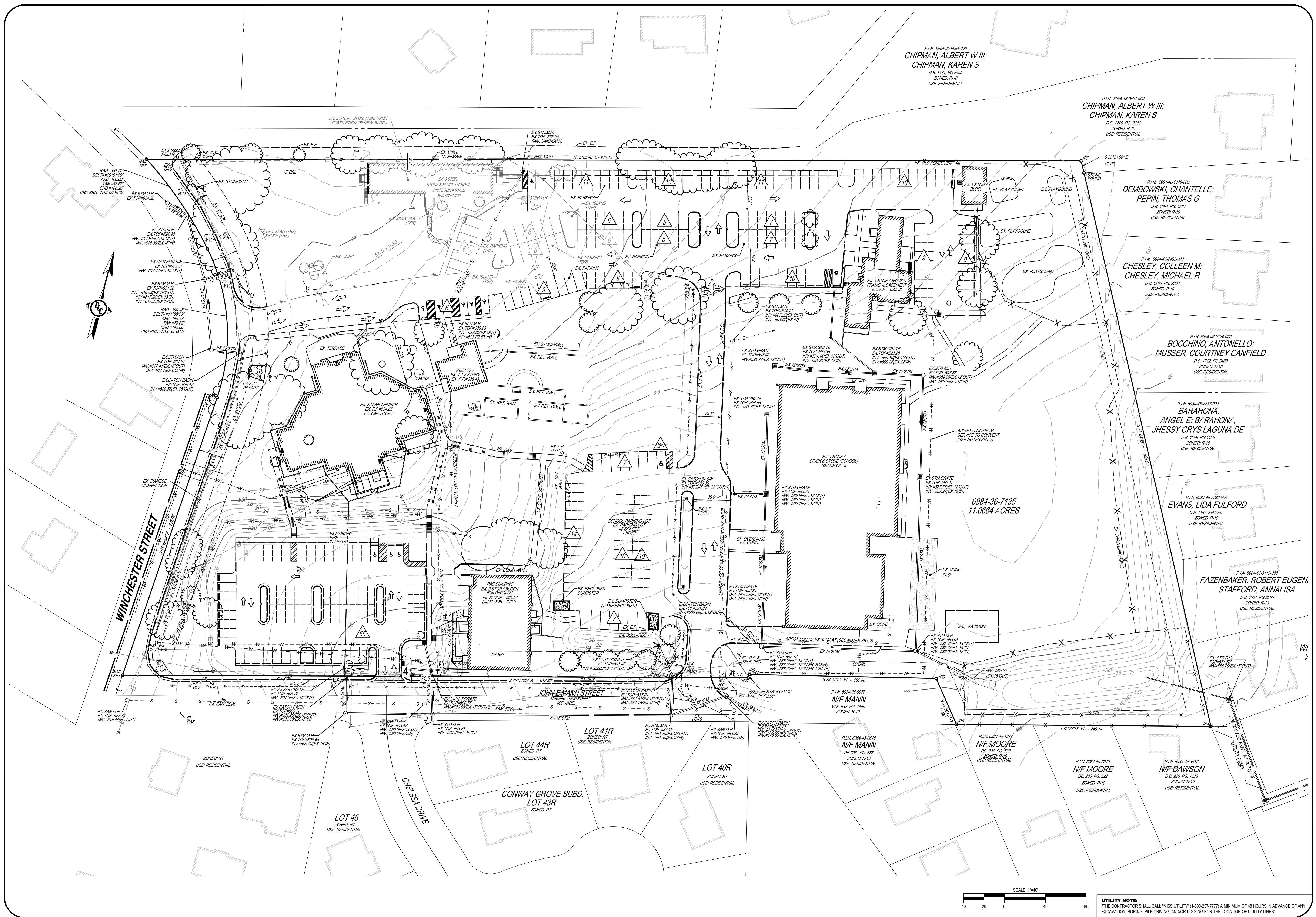
DESCRIPTION	DATE
TOWN COMMENTS	04/27/23
TOWN COMMENTS	05/23/23
TOWN COMMENTS	05/23/23
CLIENT REVISION	05/23/23
CLIENT REVISION	10/26/23

EXISTING CONDITIONS PLAN

DATE: 12/6/22
SCALE: 1"=40'
SHEET 2 OF 4

UTILITY NOTE:
THE CONTRACTOR SHALL CALL "MISS UTILITY" (1-800-257-7777) A MINIMUM OF 48 HOURS IN ADVANCE OF ANY EXCAVATION, BORING, PILE DRIVING, AND/OR DIGGING FOR THE LOCATION OF UTILITY LINES.

SAINT JOHN'S OFFICE BUILDING



NOT FOR CONSTRUCTION

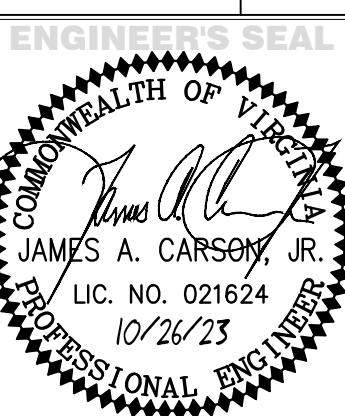
SAINT JOHN THE EVANGELIST CATHOLIC CHURCH
WARRENTON, VA

FAUQUIER COUNTY VIRGINIA

CENTER MAGISTERIAL DISTRICT

REVISIONS

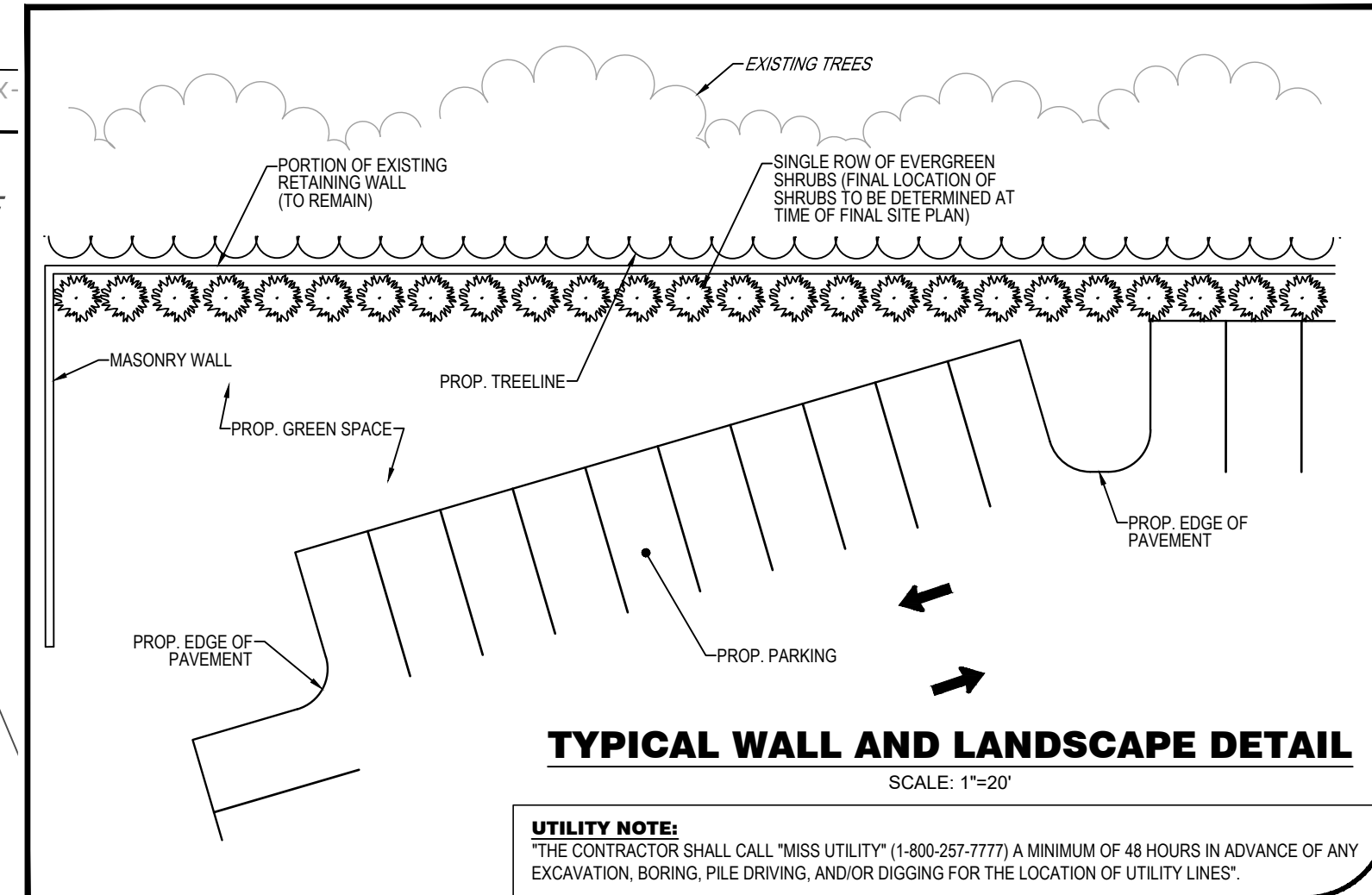
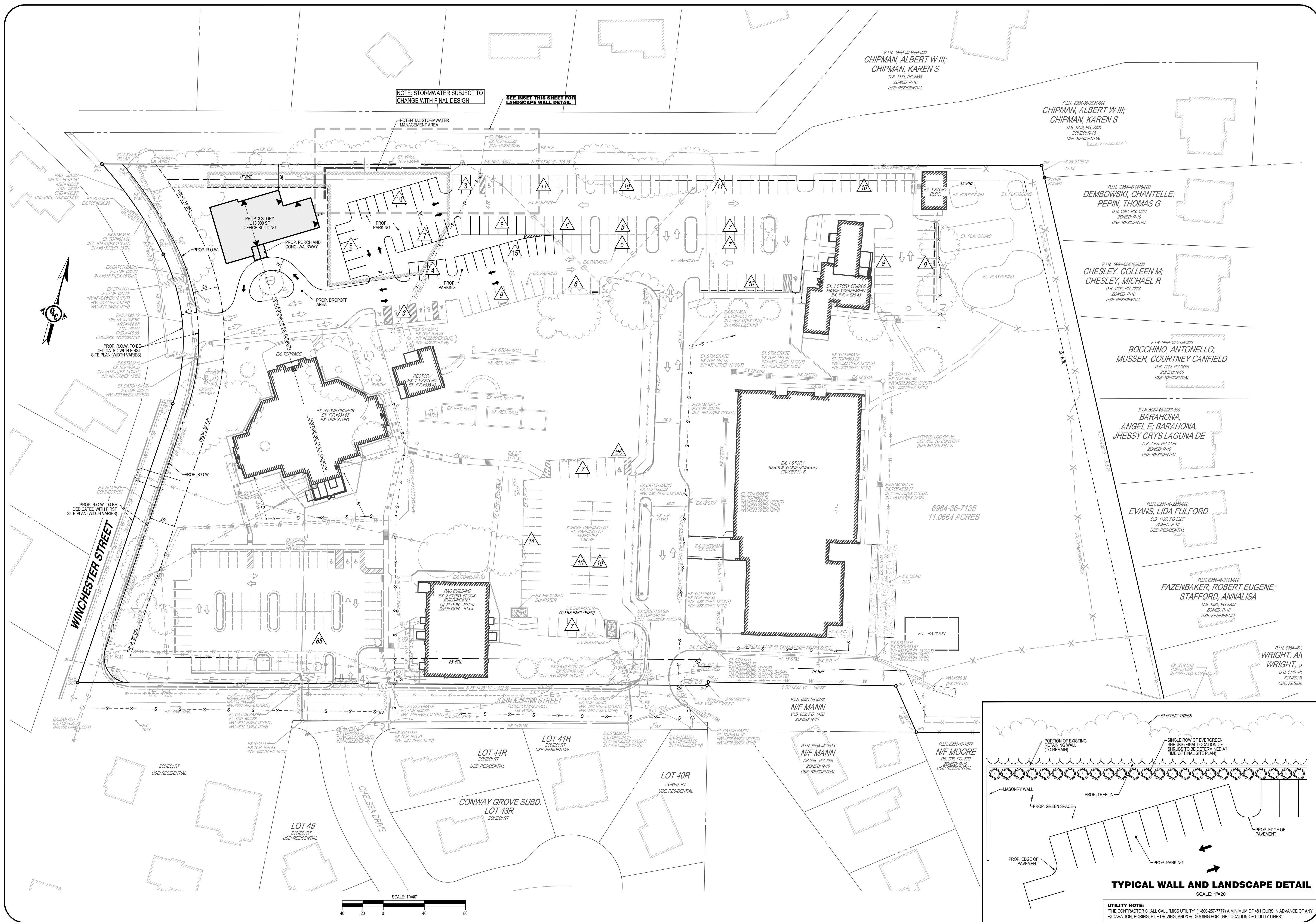
REVISIONS	DATE
DESCRIPTION	DATE
TOWN COMMENTS	02/27/23
TOWN COMMENTS	03/09/23
CLIENT REVISION	05/19/23
CLIENT REVISION	10/26/23



SPECIAL USE PERMIT AMENDMENT PLAT

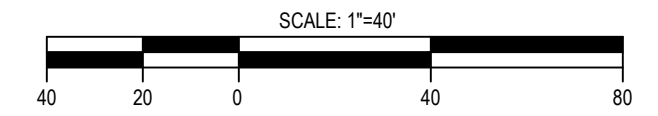
DATE: 12/6/22
SCALE: 1"=40'
SHEET 3 OF 4

SAINT JOHN'S OFFICE BUILDING



TYPICAL WALL AND LANDSCAPE DETAIL
SCALE: 1"=20'

UTILITY NOTE:
THE CONTRACTOR SHALL CALL "MISS UTILITY" (1-800-257-7777) A MINIMUM OF 48 HOURS IN ADVANCE OF ANY EXCAVATION, BORING, PILE DRIVING, AND/OR DIGGING FOR THE LOCATION OF UTILITY LINES.



NOT FOR CONSTRUCTION

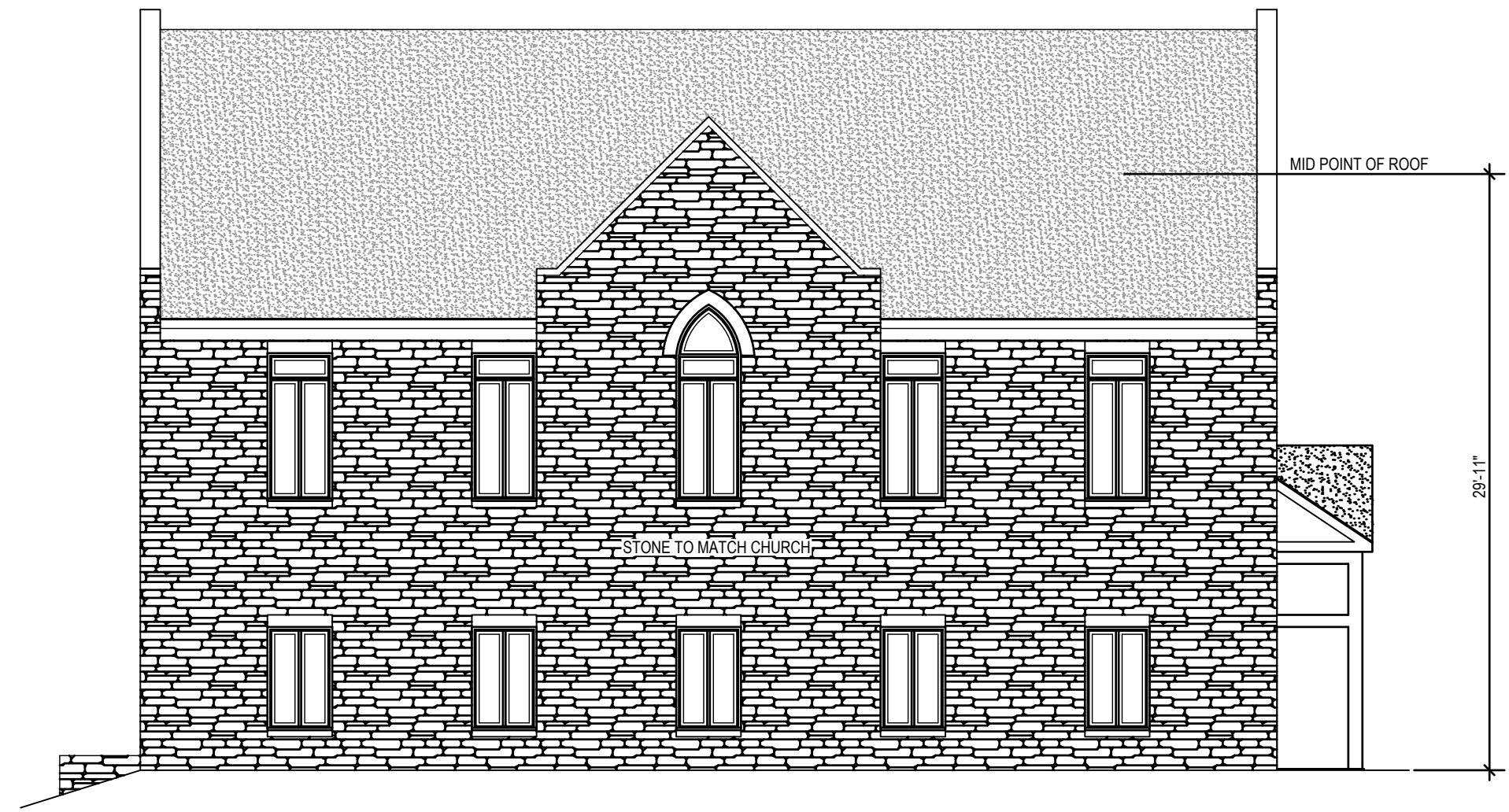
FAUQUIER COUNTY VIRGINIA

**SAINT JOHN THE EVANGELIST
 CATHOLIC CHURCH**
 WARRENTON, VA

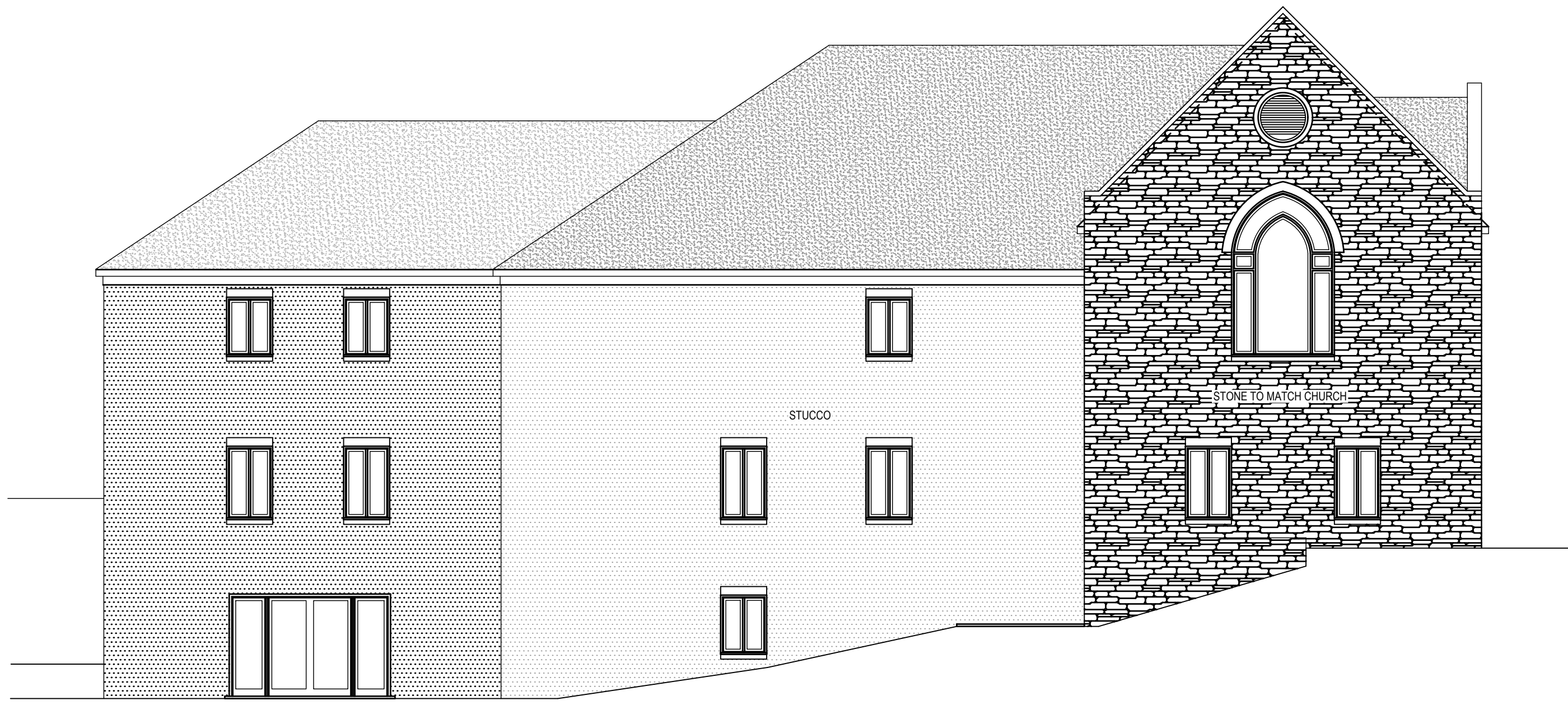
CENTER MAGISTERIAL DISTRICT



EAST ELEVATION
SCALE: 1/8" = 1'-0"



WEST ELEVATION - FACING WINCHESTER STREET
SCALE: 1/8" = 1'-0"



NORTH ELEVATION
SCALE: 1/8" = 1'-0"



SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

REVISIONS	
DESCRIPTION	DATE
TOWN COMMENTS	03/22/23
TOWN COMMENTS	04/27/23
TOWN COMMENTS	05/30/23
CLIENT REVISION	08/11/23
CLIENT REVISION	10/26/23

ENGINEER'S SEAL
 COMMONWEALTH OF VIRGINIA
James A. Carson, Jr.
 JAMES A. CARSON, JR.
 LIC. NO. 021624
 10/26/23
 PROFESSIONAL ENGINEER

BUILDING ELEVATIONS

DATE:	12/6/22
SCALE:	1"=20'
SHEET	4
	OF 4

UTILITY NOTE:
 THE CONTRACTOR SHALL CALL "MISS UTILITY" (1-800-257-7777) A MINIMUM OF 48 HOURS IN ADVANCE OF ANY EXCAVATION, BORING, PILE DRIVING, AND/OR DIGGING FOR THE LOCATION OF UTILITY LINES.

P:\001\1600 - Office Building\Engineering\Special Permit\Presentation Drawings\0013-50 Special Permit.dwg, 10/26/2023 2:25:29 PM, vcrain

SPECIAL USE PERMIT AMENDMENT CONDITIONS

Applicant: ST. JOHN THE EVANGELIST CATHOLIC CHURCH

Owner: CATHOLIC DIOCESE OF ARLINGTON (ST JOHNS CATHOLIC SCHOOL TEES)

SUP 23-01 (Supersedes SUP Dated June 3, 1986)

PINs 6984-36-7135-0000 (the "Property")

Special Use Permit Area: ± 11.0664 Zoning: R-10 Residential

Date: ~~July 11~~ December 12, 2023

In approving a Special Use Permit, the Town Council may impose such conditions, safeguards, and restrictions as may be necessary to avoid, minimize, or mitigate any potentially adverse or injurious effect of such special uses upon other properties in the neighborhood, and to carry out the general purpose and intent of this Ordinance. ~~The Council may require a guarantee or bond to ensure that compliance with the imposed conditions. All required conditions shall be set out in the documentation approving the Special Use Permit (SUP).~~

Commented [Applicant1]: Applicant notes this is an SUP Amendment as Church is amending existing Church use; no new use proposed.

- 1 General: This Special Use Permit is issued covering the entire Property pursuant to the provisions of § 11-3.10 of the Town of Warrenton Zoning Ordinance.
- 2 Site Development: The Property shall be developed in substantial-general conformance with the Special Use Permit Plan entitled, "Special Use Permit Plat," prepared by Carson Land Consultants, Page 1 dated February 10, 2023 and Pages 2-4 dated December 6, 2022, ~~all revised May 30, last revised October 26, 2023~~, consisting of four (4) sheets (the "SUP Plan"). Minor changes and adjustments may be made to the road and street alignments, entrances, parking, dimensions and location of SWM/BMP facilities, the exact configuration and location of building footprints, and other similar features as shown on the SUP Plan, provided they meet the intent of these Conditions and are approved by the Director of Community Development or the Zoning Administrator.

3 Use Parameters:

- a Special Use Permit Area – The Special Use Permit shall apply to the entire +/- 11.0664-acre site.
- b Use Limitations – The use shall be limited to a religious institution and related facilities including the church, school, and those accessory uses customarily incidental to the primary uses.
- c Maximum Students – The maximum number of students shall be 540 as approved in the previous SUP dated June 3, 1986.

4 Architecture: The site is located within the Historic District and is subject to Architectural Review Board, Certificates of Appropriateness (COA), and the Town of Warrenton Guide to Historic Resources. No structures shall be modified or erected until a COA has been issued. This includes walls and fences exceeding 36" in height.

5 Signage: All signage shall comply with the applicable provisions of Article 6 of the Town of Warrenton Zoning Ordinance.

6 Site Maintenance and Refuse Collection: Any refuse storage areas shall be screened with a solid enclosure constructed of materials that are compatible with the buildings on the property. The enclosure shall have gates that prohibit viewing this area from adjoining properties and public rights-of-way. The gates shall remain closed when not in use and the trash containers shall be emptied as necessary to prevent odors or infestation by vermin. Compliance with this condition shall be demonstrated on each final site plan(s). Deliveries and refuse collection shall follow Town Code Section 11-19(9).

7 Environment: All landscaping shall be native and drought-resistant or other species as may be approved on the final site plan(s).

- a) Landscaping – The Applicant shall make all efforts to maintain and preserve the existing mature vegetation and hardwood trees when feasible.
- b) Minimize Clearing and Grading – The Applicant shall show the limits of clearing and grading for the site on the approved final site plan(s). For portions of buffers located outside the limits of clearing and grading, the existing vegetation shall be preserved and supplemented to meet the intent the buffer as noted above. In addition, existing trees and shrubs shall be incorporated into the landscaping plan. This does not preclude the removal of diseased, noxious and/or invasive vegetation.
- c) Stormwater Management – The property owner is required to account for all improvements, regardless of square footage, made to the property since July 1, 2014, and design and construct for the accumulative stormwater management for both quantity and quality in accordance with all applicable State and local

requirements in effect at the time of site development plan approval.

APPLICANT'S PROPOSED LANGUAGE CHANGE FOR CLARITY:

c) Stormwater Management – Stormwater Management shall be designed and constructed in accordance with Virginia DEQ and Town ordinances in effect at the time said SWM is required.

8 Lighting:

- a Proposed lighting shall be reviewed during the review of the Certificate of Appropriateness and at the time of site plan in accordance with the Zoning Ordinance.
- b Building-mounted security lighting, which is full cut-off and directed toward the building and in compliance with the Zoning Ordinance, shall be permitted.
- c All new and replacement light fixtures shall consist of full cut-off fixtures with a color temperature of 3,000 K or lower, and a maximum mounting height of 14 feet.
- d Lighting on the school managed turf fields is prohibited.

APPLICANT'S PROPOSED LANGUAGE CHANGE FOR CLARITY:

d) Permanent lighting on the school-managed turf fields is prohibited unless approved by the Town.

- e All other proposed lightings shall be addressed at site plan in accordance with the Zoning Ordinance.

9 Transportation:

- a) Vehicular Access – The site shall be accessed from the Winchester Street and John E. Mann entrances. Egress shall be controlled via a stop sign traffic control with stop bar at the exits.
- b) There shall be no stacking of vehicles into the public right-of-way. The school is responsible for ensuring drop off and pick up from the school do not result in backups on the public streets. Stacking on the property by accessing the school by way of Winchester Street or staggering times is required to achieve this condition.
- c) Handicapped Parking and Signage – Handicapped parking and signage for shall be provided in accordance with the PFM and the Americans with Disabilities Act.
- d) Dedication of public right-of-way on Winchester Street shall be included on the Site Development Plan and be recorded prior to occupancy permit. With the dedication of the right-of-way frontage, the property owner will submit with the site plan an agreement to retain the maintenance of the existing perimeter wall and entrance features, including the entrance apron on Winchester Street for Town review and approval.

Commented [Applicant2]: Applicant states this situation has been resolved as indicated to Planning Commission. Can language be revised for greater clarity?

APPLICANT'S PROPOSED LANGUAGE CHANGE FOR CLARITY:

d) Dedication of public street right-of-way to the back of the existing curb along Winchester Street and easements over Town-owned utilities beyond said right-of-way shall be included on the Site Development Plan and be recorded prior to occupancy permit. Upon dedication of said right-of-way and utility

easements, the Town will assume ownership and maintenance of the existing facilities therein.

STAFF'S 11/17/23 PROPOSED LANGUAGE:

d) Winchester Street – Dedication of the right-of-way to the back of the curb and recordation of an easement over Town-owned utilities on Winchester Street will occur at the time of site plan approval.

10. **Parking:** Parking located on the north side of the property, adjacent to Richards Lane shall buffer and shield the headlights of vehicles from the adjacent residences. Headlights shall be screened from view from the residential-zoned property located to the north to at least 3.5 feet in height above the parking surface elevation with a solid wall, sight-tight fence, evergreen shrubs, or other method as approved by the Zoning Administrator as a part of the Site Development Plan, to extend the length of the parking on the north side.
11. **Water and Sewer:** The site shall continue to be served by public water, with the property owner bearing all costs associated with providing the additional services that will be required. Construction of a new 3-story building, +/- 13,000 square foot located at the northwest corner of the property on Winchester Street will require a separate water meter, per Town Code
12. **Demolition:** Demolition of the existing 3 story stone and block building located in the northwest portion of the property adjacent to Richards Lane shall require a permit from the Town. No final occupancy permit shall be issued on a new 3-story building, +/- 13,000 square foot located at the northwest corner of the property on Winchester Street until the above existing building has been demolished. The old building will be demolished within 6 months after the issuance of the temporary occupancy permit.

SPECIAL USE PERMIT AMENDMENT CONDITIONS

**Applicant: ST. JOHN THE EVANGELIST CATHOLIC
CHURCH**

**Owner: CATHOLIC DIOCESE OF ARLINGTON (ST JOHN'S CATHOLIC
SCHOOL TEES)**

**SUP 23-01 (Supersedes SUP Dated June 3, 1986) PINs 6984-36-7135-0000
(the "Property") Special Use Permit Area :± 11.0664 Zoning: R-10
Residential**

Date: November 14, 2023

In approving a Special Use Permit Amendment, the Town Council may impose such conditions, safeguards, and restrictions as may be necessary to avoid, minimize, or mitigate any potentially adverse or injurious effect of such special uses upon other properties in the neighborhood, and to carry out the general purpose and intent of this Ordinance. The Council may require a guarantee or bond to ensure that compliance with the imposed conditions. All required conditions shall be set out in the documentation approving the Special Use Permit Amendment (SUP).

1. General: This Special Use Permit Amendment is issued covering the entire Property pursuant to the provisions of § 11-3.10 of the Town of Warrenton Zoning Ordinance.
2. Site Development: The Property shall be developed in general conformance with the Special Use Permit Amendment Plan entitled, "Special Use Permit Amendment Plat," prepared by Carson Land Consultants, Page 1 dated February 10, 2023 and Pages 2-4 dated December 6, 2022, last revised October 26, 2023, consisting of four (4) sheets (the "SUP Amendment Plan"). Minor changes and adjustments may be made to the site layout shown on the SUP Plan, provided they meet the intent of these Conditions and are approved by either the Director of Community Development or the Zoning Administrator.
3. Use Parameters:
 - a. Special Use Permit Area – The Special Use Permit shall apply to the entire site.
 - b. Use Limitations – The permitted uses shall be limited to the church, to the school and those other uses and activities that are ancillary to and customarily incidental to a place of worship and to a school. Such uses include, but are not limited to, parish houses, rectories, parsonages, Sunday schools, accessory nursery/childcare during services, church-sponsored events, administrative offices, etc.

Maximum Students – The maximum number of students shall be 540
4. Site Maintenance and Refuse Collection: New refuse storage areas shall be screened with a solid enclosure constructed of materials that are compatible with the buildings on the property. The enclosure shall have gates that prohibit viewing this area from adjoining properties and public rights-of-way. The gates shall remain closed when not in use and the trash containers shall be emptied as necessary to prevent odors or infestation by vermin. Compliance with this condition shall be demonstrated on each final site plan(s). Deliveries and refuse collection shall follow Town Code Section 11- 19(9).
5. Environment: All landscaping shall be native and drought-resistant or other species may be approved on the final site plan(s).

- a. Landscaping – The Applicant shall make all reasonable efforts to maintain and preserve the existing mature vegetation and hardwood trees when feasible.
- b. Minimize Clearing and Grading – The Applicant shall show the limits of clearing and grading for the site on the approved final site plan(s). For portions of buffers located outside the limits of clearing and grading, the existing vegetation shall be preserved to the extent reasonable and supplemented to meet the intent of the buffer as noted below. In addition, existing trees and shrubs shall be incorporated into the landscaping plan. This does not preclude the removal of diseased, failing, noxious and/or invasive vegetation.
- c. Stormwater Management (SWM) – Stormwater Management shall be designed and constructed in accordance with DEQ and Town ordinances in effect at the time said SWM is required.

6. Lighting:

- a. Proposed lighting shall be reviewed during the review of the Certificate of Appropriateness and at the time of site plan in accordance with the Zoning Ordinance.
- b. Building-mounted security lighting, which is full cut-off and directed toward the building and in compliance with the Zoning Ordinance, shall be permitted.
- c. All new and replacement light fixtures shall consist of full cut-off fixtures with a color temperature of 3,000 K or lower, and a maximum mounting height of 14 feet.
- d. Permanent lighting on the school managed turf fields is prohibited unless approved by the Town.
- e. All other proposed lighting shall be addressed at site plan in accordance with the Zoning Ordinance.

7. Transportation:

- a) Vehicular Access – The site shall be accessed from the Winchester Street and the John E. Mann entrances.
- b) Applicant will make reasonable effort to continue to minimize stacking of vehicles into the public right-of-way through the use of stacking on the property by accessing the school by way of Winchester Street and/ or by staggering times to achieve this condition.
- c) Dedication of right-of-way to the back of the existing curb on Winchester Street shall be included on the Site Development Plan and be recorded prior to occupancy permit. Upon dedication of the right-of-way to the back of the existing curb , the Town will assume ownership and maintenance of existing facilities therein.

8.

Parking: Parking located on the north side of the property, adjacent to Richards Lane shall

be buffered to shield the headlights of vehicles from the adjacent residences. Headlights shall be screened from view of the residentially-zoned property located to the north to at least 3(three) feet in height above the parking surface with, at the owner's discretion, either a solid wall, sight-tight fence, evergreen shrubs, or other method as approved by the Zoning Administrator as a part of the Site Development Plan. Any new shrubs planted to supplement the existing screen shall be at least 2 (two) feet in height within 1 (one) year of planting.

9.

Demolition: Demolition of the existing administration building located in the northwest portion of the property adjacent to Richards Lane shall require a permit from the Town. Upon construction of the new administration building, the Town will issue a temporary occupancy permit. No final occupancy permit shall be issued on a new administration building located at the northwest corner of the property on Winchester Street until the existing administration building has been demolished, which must occur within 6 months from the issuance of the temporary occupancy permit for the new administration building.

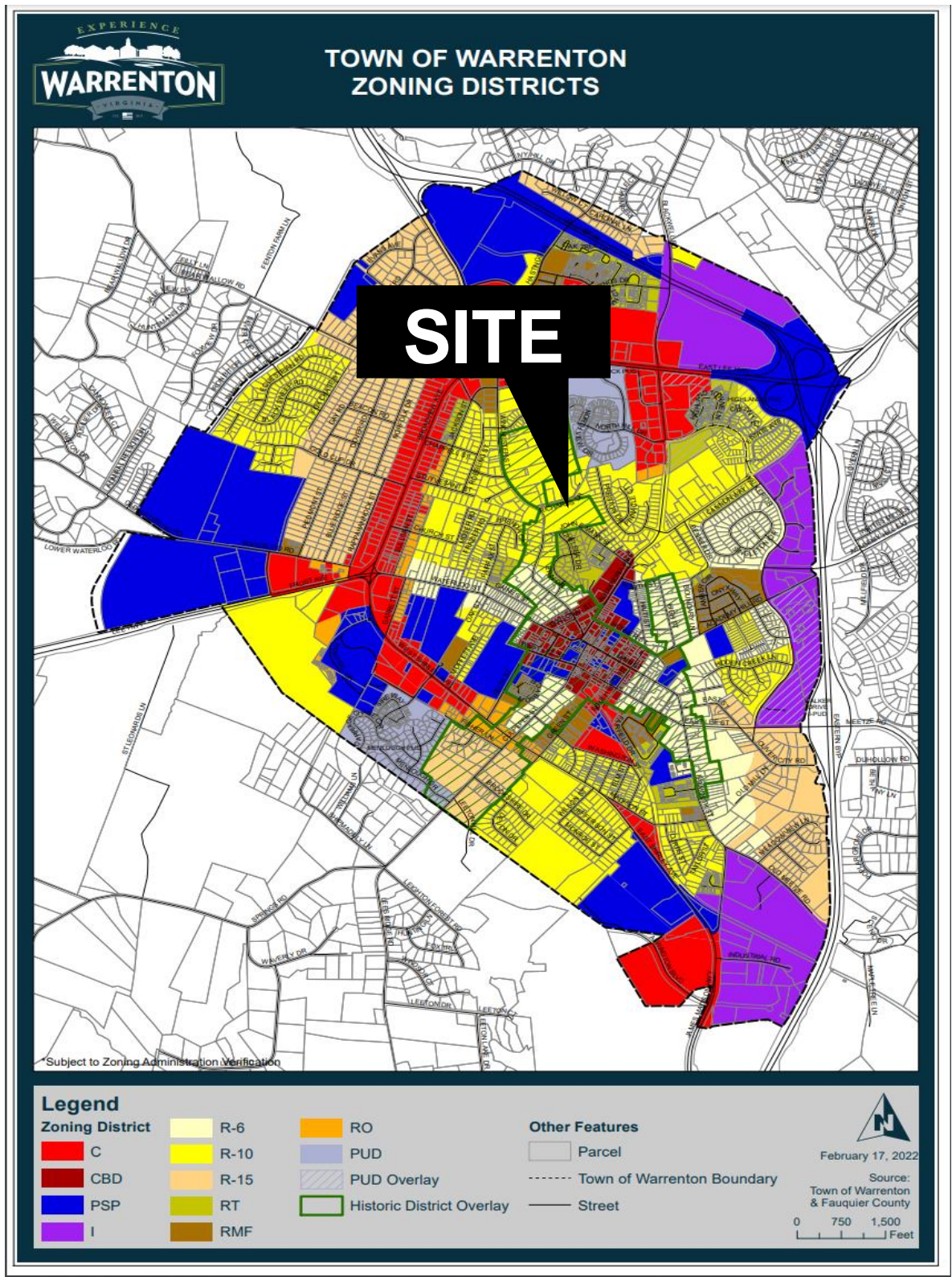
Attachment A - Map
VICINITY MAP



Attachment A - Map
AERIAL MAP



Attachment A - Map EXISTING ZONING MAP



Attachment A - Map
FUTURE LAND USE MAP

FUTURE LAND USE

Character Districts

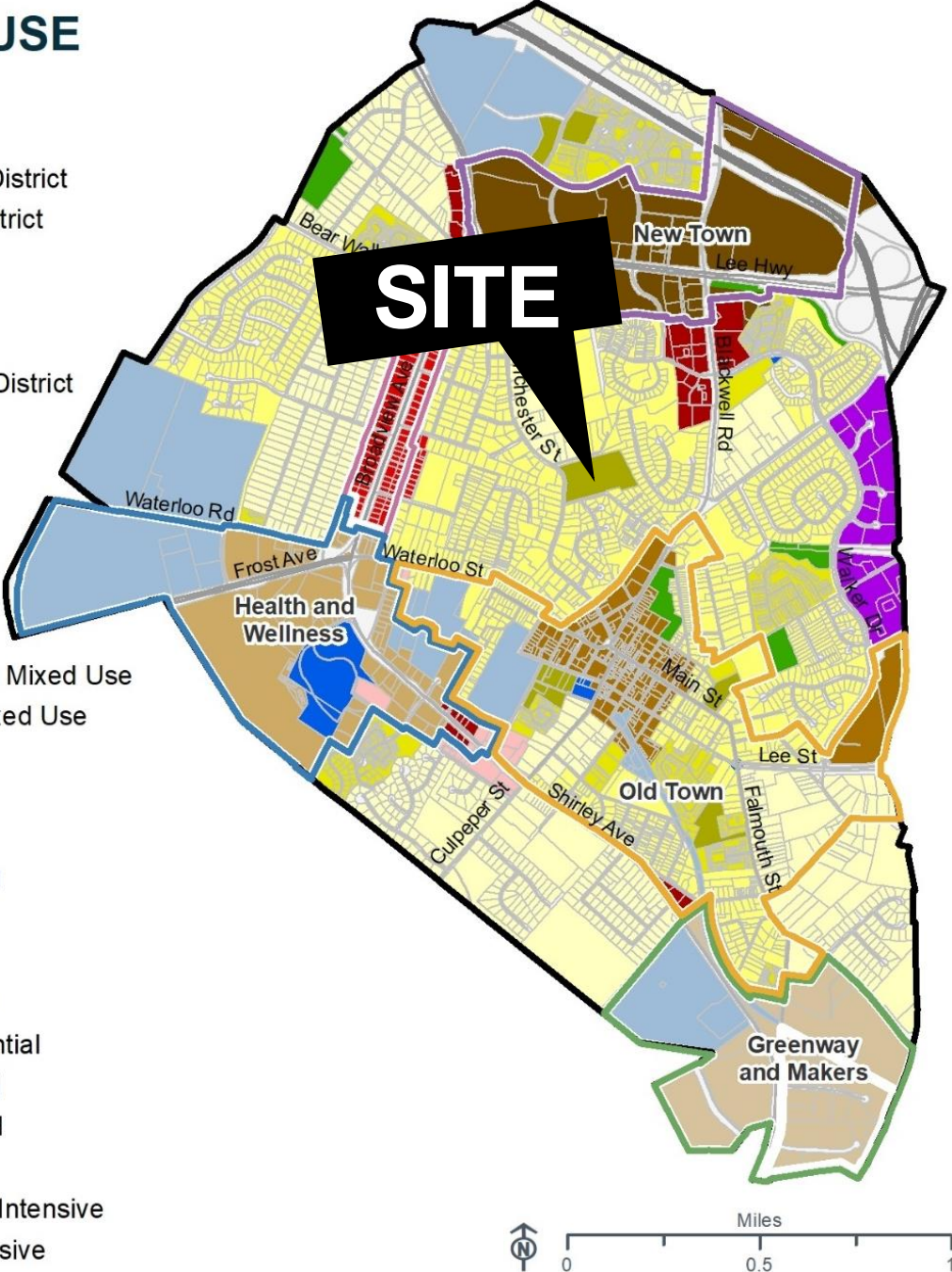
- Greenway and Makers District
- Health and Wellness District
- New Town District
- Old Town District

Overlay Districts

- Broadview Commercial District
- Makers District

Future Land Use

- Greenway and Wellness Mixed Use
- Health and Wellness Mixed Use
- Old Town Mixed Use
- New Town Mixed Use
- Office
- Re-Planned Commercial
- Commercial
- Light Industrial
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Live-Work Neighborhood
- Park
- Public/Semi-Public Non-Intensive
- Public/Semi-Public Intensive



Staff Analysis

This analysis is based on the Comprehensive Plan, Zoning Ordinance, and review comments by Town Departments. The standards/analysis tables in the sections below contain the criteria for Planning Commission and Town Council consideration of Special Use Permits, per Article 11-3.1.3.

This request for a Special Use Permit for St John the Evangelist to amend the exiting 1986 SUP to allow for a new building in accordance with Article 3-4.2 and Article 11-3.10 of the Town Zoning Ordinance. The proposal is to demolish an existing approximately 11,000 square foot building with a new 13,000 square foot building. The property is operating under a Special Use Permit that was approved to allow for a school. The Special Use Permit has not been updated since 1986 to reflect the uses and needs of the property. However, through time, multiple improvements have been made to the property, including the church expanded in 2002/3, modifications to the stone wall in 2007, improvements were done to the Parish Activity Center in 2015, and the school expanded in 2017. This SUP application is the opportunity to update the 11 acres to reflect the proposed new building and provide an accounting stormwater, parking, refuse, open space, and lighting for the uses contained on the parcel.

The following table summarizes the area characteristics (see maps in Attachment A):

Direction	Land Use	Future Land Use Map Designation	Zoning
North	SF Residential	Residential	R-10 Residential
South	SF Residential	Residential	RT Multi-Family
East	SF Residential	Residential	R-10 Residential
West	SF Residential	Residential	R-10 Residential

The subject parcel is zoned to the R-10 Residential District of the Town of Warrenton Zoning Ordinance and is designated as Live Work Neighborhood on the Future Land Use Map. The subject parcel (GPIN 6984-36-7135-000) is located at 271 Winchester Street on approximately 11.0664 acres.

Comprehensive Plan Future Land Use and Historic Resources Analysis

Plan Warrenton 2040 labels this parcel in the Future Land Use Map is designated as Live Work outside of a Character District. It is also located within the Historic District. The Historic District goals state:

- Conserve, reuse, and promote historic resources to enhance the Town’s sense of place and grow the economy.
- Preserve the authenticity and tell the stories of historic resources for generations to come through documentation. Educate the community on the value of historic resources.
- Enhance the environment through preservation and sustainability best practices.

- Protect the rich histories of existing neighborhoods.
- Promote asset-based economic development through historic resources.

Standard	Analysis
<i>Whether the proposed Special Use Permit is consistent with the Comprehensive Plan.</i>	The proposed use falls within the future land use designation of Live Work as listed in the Comprehensive Plan and is located within the Historic District.
<i>The compatibility of the proposed use with other existing or proposed uses in the neighborhood, and adjacent parcels.</i>	The church property is adjacent to existing residential single-family homes. A church and school are permissible uses within the Residential R-10 zoning district, requiring a Special Use Permit.

Staff Findings

The historical survey of the existing building found it to be non-contributing. The applicant has held a work session with the Architectural Review Board to begin the process of discussion for the new building scale, massing, and materials. A Condition of Approval for the SUP addresses the need to obtain a Certificate of Appropriateness. The applicant intends to develop a building up that meets new building codes, in keeping with the context and character of the area.

Zoning Analysis

The legislative intent of the Residential R-10 District is this district is composed of certain low concentrations of residential uses, plus certain open space areas where similar development would be consistent with the provisions of the Town's Comprehensive Plan. The regulations of this district are designed to stabilize and protect the essential characteristics of the district and promote and encourage suitable environment for single-family residential units and prohibit all activities of a commercial nature, except neighborhood professional businesses. To these ends, development in low density single unit dwellings, plus certain compatible uses by special use permit.

Standard	Analysis
<i>The level and impact of any noise emanating from the site, including that generated by the proposed use, in relation to the uses in the immediate area.</i>	The proposed use is adjacent to existing residential single-family detached dwellings. All non-residential uses must meet the noise standards under Article 9-14.2. No change of use is proposed.
<i>The proposed location, lighting and type of signs in relation to the proposed use, uses in the area, and the sign requirements of this Ordinance.</i>	The applicant has not proposed any new signage with the new building.

Standard	Analysis
<p><i>The location and area footprint with dimensions (all drawn to scale), nature and height of existing or proposed buildings, structures, walls, and fences on the site and in the neighborhood.</i></p>	<p>An SUP plan has been provided showing the location of the existing church, associated accessory buildings and proposed office building.</p> <p>The proposed 3-story office building is noted at 13,000 square feet. The plan shows an existing church, 1-story school, rectory, and 1 story building with a basement.</p> <p>There is an existing retaining wall located at the northwestern corner of the property, and a proposed retaining wall is noted along the proposed office building. The applicant states “the proposed building height will be approximately 35’ or less” based on a calculation using the average proposed grade along the outside of the building. The applicant states “variations in the final site grading will change the building height calculation.”</p> <p>The ARB will review the retaining wall to ensure compliance with the Historic District.</p>
<p><i>The nature and extent of existing or proposed landscaping, screening and buffering on the site and in the neighborhood.</i></p>	<p>No new landscaping detail is proposed on the SUP Plan, except a call out for the area around the existing retaining wall. Staff has indicated to the applicant that as presented it does not meet the ordinance requirements, which will be required at time of site plan submission</p>
<p><i>The timing and phasing of the proposed development and the duration of the proposed use.</i></p>	<p>Timing of construction will depend on receiving site plan approval. The applicant has proposed a condition that would call for the demolition of the existing building prior to final occupancy of the new building.</p>
<p><i>Whether the proposed Special Use Permit at the specified location will contribute to or promote the welfare or convenience of the public.</i></p>	<p>The additional office space may allow the church to better serve the community. Updating the Conditions of Approval to address stacking in the public right-of-way will promote safety on John E. Mann Street.</p>
<p><i>Whether, in the case of existing structures proposed to be converted to uses requiring a Special Use Permit, the structures meet all code requirements of the Town of Warrenton.</i></p>	<p>Any new structures will be required to meet current codes.</p>

Standard	Analysis
<i>The location, character, and size of any outdoor storage.</i>	No outdoor storage is shown on the SUP plan.
<i>The location of any major floodplain and steep slopes.</i>	No floodplain is located on site.
<i>The location and use of any existing non-conforming uses and structures.</i>	The proposed structure must meet all required setbacks and permissible uses should the SUP be granted.
<i>The location and type of any fuel and fuel storage.</i>	No fuel storage areas are noted on site.
<i>The location and use of any anticipated accessory uses and structures.</i>	The office building is proposed to be built at the Northwest corner of the site.
<i>The area of each proposed use.</i>	The proposed area for the new office building is 13,000 square feet.
<i>The location and screening of parking and loading spaces and/or areas.</i>	The applicant has revised the plan to show all existing parking spaces; conformance with the minimum required parking for the use(s) a found in Article 7 will be reviewed in detail as a part of the Site Development Plan. Perimeter parking lot landscaping is required The applicant provided a “Typical Wall and Landscape Detail” on the SUP Plan but it will have to meet ordinance requirements.
<i>The location and nature of any proposed security features and provisions.</i>	Not applicable.
<i>Any anticipated odors which may be generated by the uses on site.</i>	The site must remain in compliance with Article 9-14.5 regarding the control of odors.
<i>Refuse and service areas.</i>	Refuse is identified on the SUP Plan. The Statement of Justification acknowledges conformance with refuse storage requirements will be verified at the time of site plan.
<i>Whether the proposed Special Use Permit will result in the preservation or destruction, loss or damage of any significant topographic or physical, natural, scenic, archaeological or historic feature.</i>	No significant or topographic areas are noted on site.
<i>The effect of the proposed Special Use Permit on environmentally sensitive land or natural features, wildlife habitat and vegetation, water quality and air quality. The location of any major floodplain and steep slopes.</i>	The applicant will address stormwater at time of site plan. The SUP Plan includes topo and general placement of improvements. The applicant stated they do not anticipate blasting.
<i>The glare or light that may be generated by the proposed use in relation to uses in the immediate area.</i>	A condition of approval includes lighting standards for the site and the applicant will be required to meet the ordinance.

Staff Findings

During agency review of the application, staff raised several potential issues and asked the applicant to address them. Highlights of issues include the potential inability to meet landscaping buffer requirements, details on lighting, preliminary stormwater design, proposed refuse locations, and height and dimensions of the building to confirm required setbacks, retaining walls, parking, travelways, and landscape buffers for staff to ensure the proposal will meet requirements. Staff is aware that stormwater and landscape buffer solutions can be expensive to engineer. Staff sought to help the applicant understand that staff cannot ensure this proposal works at Site Development Plan without more information and/or requested waivers.

As part of the agreement between the church for the pre-school expansion in 2017, in an email from Carson Land Consultants to the Town on August 4, 2017, the applicant’s engineer confirmed “but if and when St John’s does anything else in the future, the land disturbance from this project plus the next will trigger the VPDES permit.” The Town engineer responded with the statement “However, when they move to the next phase, we will go back to any upgrade during and after 2014.”

Draft Conditions of Approval have been drafted to attempt to address potential stormwater and lighting issues.

Transportation and Circulation Analysis

The Transportation and Circulation goals for the Town of Warrenton are:

- Improve multi-modal capacity and safety that encourages trips by walking, bicycling, and transit. Enhance the traveling experience by creating great streets.
- Promote livability in the Town by creating great places where residents and visitors feel welcome and safe.
- Provide an equitable and connected Multi-Modal Network.

<u>Standard</u>	<u>Analysis</u>
<p><i>The traffic expected to be generated by the proposed use, the adequacy of access roads and the vehicular and pedestrian circulation elements (on and off-site) of the proposed use, all in relation to the public's interest in pedestrian and vehicular safety, efficient traffic movement and access in case of fire or catastrophe.</i></p>	<p>The church site is used for multiple uses including a pre-school – 8th grade school, parish activity center for community events, outdoor managed turf fields, a rectory, and the multi-use office building.</p>
<p><i>Whether the proposed use will facilitate orderly and safe road development and transportation.</i></p>	

Staff Findings

The Warrenton Volunteer Fire Department requested consideration of wider access roads, strict enforcement of no parking areas, more fire hydrants, and ensuring flat areas 1/4th of the height of the

building. Community Development staff raised concerns about perimeter parking, understanding of the impervious surface dimensions (e.g. parking and travelways), and information regarding school pick off and drop off to prevent stacking in the public right-of-way. Public Works and Utilities raised the 1986 condition of dedicating the right-of-way to the centerline of Winchester Street. The applicant acknowledged these items and stated they would be addressed at site plan. Staff has worked to try to develop a set of draft conditions of approval to address the right of way, potential maintenance needs and who is responsible for them, and vehicle stacking in the public right-of-way. It should also be noted there is no proposed sidewalk along the frontage of Winchester Street. Normally a subdivision is the trigger for installing a sidewalk. In this case, the applicant is not subdividing the property.

Community Facilities and Environmental Analysis

Plan Warrenton 2040 outlines Community Facilities goals and Environmental goals by stating:

- Green infrastructure and sustainability are incorporated into community facilities to promote energy efficiency and environmental protections.
- Ensure healthy, safe, adequate water and wastewater services.
- Preserve, enhance, and protect the environmental, scenic, and natural quality of the Town.

<u>Standard</u>	<u>Analysis</u>
<i>Whether the proposed Special Use Permit will be served adequately by essential public facilities, services and utilities.</i>	There is an existing water and sewer system on the parcel. The applicant has indicated a potential stormwater management area with a note that stormwater is subject to change with final design on the SUP Plan.
<i>The location of any existing and/or proposed adequate on and off-site infrastructure.</i>	

Staff Findings

The Town Public Works and Utilities Department cannot verify the disturbance work or the erosion and sediment control measures and calculations without more information provided. The applicant was provided information from 2017 site development plan that stated the additional disturbance related to the recently constructed education building (per SDP 2017-01) will be considered accumulative to this new SUP application (per SUP-23-01) and will trigger the Commonwealth’s SWM Regulations, as indicated in General Note 12 of the 2017of the Saint John the Evangelist Roman Catholic Church SDP sheet 2. Public Works and Utilities also informed the applicant that at least a 10% reduction in runoff and nutrients from the site. Per February 2, 2017, memorandum (SDP 2017-01 St. John’s Catholic Church Pre-School Addition letter), the additional disturbance will be considered accumulative to this SUP application and will trigger the Commonwealth’s SWM Regulations, as indicated in General Note 12 of the 2017of the Saint John the Evangelist Roman Catholic Church SDP sheet 2. Further concern from Public Works is the site plan must ensure that the existing drainage on Winchester Street has adequate capacity to convey drainage from this improved site.

Public Works requested a Stormwater Master Plan for the site showing how stormwater is proposed to leave the site and how it meets the Stormwater Town’s Ordinance criteria. This relates to the recently constructed education building (per SDP 2017-01) and the proposed new building. Staff is unable to ensure all these concerns have been addressed until more detail is provided at site plan.

The applicant states they will address all outstanding issues at time of Site Development Plan.

Economic Resources Analysis

An economic goal of Plan Warrenton 2040 is to promote a diverse, equitable stable tax base while preserving the character of the community.

<u>Standard</u>	<u>Analysis</u>
<i>Whether the proposed Special Use Permit use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan.</i>	The proposed use does not change the existing uses on the property.
<i>The number of employees.</i>	Unknown. Students is capped at 540.
<i>The proposed days/hours of operation.</i>	Unknown.

Staff Findings

The proposal does not change the existing economic use of the site.

Conditions of Approval

The Planning Commission recommended conditions of approval for the Town Council's consideration.

There being no further business, the meeting adjourned.

Respectfully submitted,

Evelyn J. Weimer
Evelyn J. Weimer
Recorder

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE TOWN OF
WARRENTON HELD ON TUESDAY, JUNE 3, 1986

The regular meeting of the Council of the Town of Warrenton was held on Tuesday, June 3, 1986 at 7:00 p.m. in the Council Chambers of the Municipal Building.

The following members were present: Mr. J. W. Lineweaver, Mayor; Benjamin T. Harris, Vice-Mayor; Councilmen J. Frederick Austin, Jr.; Frank S. Foley; Robert J. Hockensmith; John L. Mann, Sr.; Councilwoman Kathryn A. Carter; Donald A. Smith, Acting Town Manager; Carroll J. Martin, Jr., Town Attorney, and Evelyn J. Weimer, Town Recorder.

The meeting was opened with invocation by Reverend Donald W. Pickens, Pastor, Warrenton Assembly of God.

All members received copies of the minutes of the regular meeting of May 6, 1986 and the recessed meeting of May 8, 1986. Miss Carter requested that page 3, paragraph 2 of the minutes of the recessed meeting of May 8, 1986 be corrected to read: "On a motion by Miss Carter, seconded by Mr. Austin, Council voted to ask Mr. Bendall to see if elections could be held the first Tuesday in May. If this is not possible, Council requested elections take place the last Tuesday in April preceding April 22nd."

On a motion by Mr. Hockensmith, seconded by Mr. Foley, Council approved the minutes of the regular meeting as presented and the minutes of the recessed meeting of May 8, 1986 as corrected.

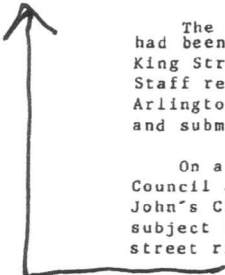
Next on the agenda was to hear from visitors. Mrs. Beverly K. Hunsaker, Secretary of the Baha'i Local Spiritual Assembly of Fauquier County, appeared before Council to request Council passage of a proclamation declaring 1986 the year of Peace in the Town of Warrenton. Miss Carter expressed concern that the Town would be setting a precedent to allow visitors to speak on matters other than Town business. The Mayor told Mrs. Hunsaker it was not Council policy to pass a proclamation without first reviewing it. Mrs. Hunsaker left a copy of the proclamation for consideration.

Next was the Public Hearing on the application of Arlington Catholic Diocese for a special use permit for expansion of the St. John Catholic School and Church at 271 Winchester Street.

The Mayor stated the Public Hearing had been properly advertised.

The Mayor declared the Public Hearing open at 7:08 p.m. Mr. James Downey, Attorney, addressed Council on behalf of the Arlington Catholic Diocese. Mr. Downey stated the Church had been at its present location for 25 years. The current enrollment of the school is 203. Mr. Downey stated the school would be constructed in two phases. In Phase I, the present school would be closed and used for meetings and special functions. Phase I would increase enrollment to 270 students and would be completed in approximately 1 1/2 years. Phase II, would increase enrollment to 540 and include a relocation of the convent. The church would be constructed over a period of ten years or more.

There being no one other person to speak for and no one to speak against the application, the Mayor declared the Public Hearing closed at 7:15 p.m.



The Acting Town Manager stated that the architect's plans had been submitted indicating that the Church owned all of King Street and to the centerline of Winchester Street. Town Staff recommended a special use permit be granted only if the Arlington Diocese agreed to construct the public improvements and submit a plan prepared by a registered surveyor.

On a motion by Mr. Hockensmith, seconded by Mr. Mann, Council approved the special use permit for expansion of St. John's Church and School located at 271 Winchester Street subject to proper site plan review and resolution of the street right-of-ways.

Next was the Public Hearing on the application of the Warrenton Assembly of God Church for a special use permit to operate a pre-school program in the Church located at 276 Cleveland Street.

The Public Hearing had been properly advertised and the Mayor opened the Public Hearing at 7:28 p.m.

Reverend Donald Pickens stated that the Warrenton Assembly of God would like to operate a pre-school for children ages 2-5. He stated they were going through the process of obtaining all necessary permits.

There being no one else to speak for and no one to speak against the application, the Mayor declared the Public Hearing closed at 7:29 p.m.

On a motion by Mr. Harris, seconded by Miss Carter, Council approved the application of Warrenton Assembly of God for a special use permit to operate a pre-school program in the Church located at 276 Cleveland Street.

Next on the agenda was a Public Hearing on the application of Fauquier Temporary Family Shelter Coalition for a special use permit to operate a temporary shelter in an RMF zone on land owned by the County of Fauquier located at Keith and E. Franklin Streets.

The Public Hearing had been properly advertised and the Mayor declared the public hearing open at 7:31 p.m.

Mr. Steve Crosby, Fauquier County Administrator, stated the Board of Supervisors approved a portion of County land to be used by the shelter. The costs of relocation of the house will be funded by the Department of Social Services and FISH. The County will be responsible for the maintenance of the house after relocation.

Mrs. Jan Selbo, Director of the Department of Social Services, stated that her agency would be responsible for admissions to the shelter. She stated they would receive referrals from other community service organizations such as FISH, Community Action, and the Health Department. Social Services would use the services of the Town Police Department to screen people who would be using the shelter. Department of Social Services will make daily visits to the shelter when it is occupied and would be on call for emergencies.

Mrs. Jean Davis of FISH stated her organization is all-volunteer. They provide food, transportation, fuel, pay utility bills, purchase medical supplies and subscriptions and supply emergency housing for those who cannot obtain it through other sources. She stated the need was great for a shelter of this kind. She stated from July 1 through December 31, 1985, FISH received 41 requests for emergency housing assistance, but they only handled 7 of these, involving 14 people. FISH volunteers housed these 14 people in their own homes. She stated the Social Services Department has received 45 calls this year and only helped 2. Fauquier Community Action receives 5-10 calls per week for this kind of assistance.

Moving and renovating the house will be financed entirely by donations.



TOWN OF WARRENTON

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January 6, 2017

David A. Norden, AIA
 Hinckley, Shepherd, Norden, Architects
 19 Winchester Street
 Warrenton, Virginia 20186

RE: Zoning Determination Letter for 271 Winchester Street (GPIN 6984-36-7135-000)

Dear Mr. Norden:

In response to your request for a Zoning Determination Letter for the above-mentioned property within the Town of Warrenton, please note the following:

- The zoning district for the parcel in question is R-10 (Residential). The parcel lies within the Historic District and is subject to the regulations of this Zoning Overlay District.
- The 2006 Zoning Ordinance R-10 District requires a Special Use Permit for church and school uses. However, the existing uses, Saint John the Evangelist Catholic Church and School received a Special Use Permit on June 3, 1986 to expand the church and school. The Special Use Permit included the following:
 - Construction of a school within two phases:
 - Phase I: Use of existing school for meetings and special functions. Increase enrolment from 203 to 270 students within approximately 1 ½ years.
 - Phase II: Increase enrolment to 540 students and relocate the convent.
 - Construction of the church would occur over a period of 10 years or more.

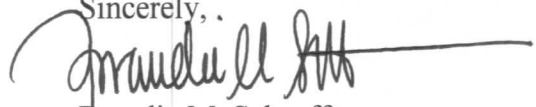
Conditions for the Special Use Permit approved on June 3, 1986 included:

- Proper Site Plan Review
- Resolution of Street Right-of-Ways
- As per the Special Use Permit approved on June 3, 1986, expansion of the school to allow the enrolment of up to 540 students is allowed by right upon approval of a Site Plan. All applicable Federal, state, and local regulations will need to be met for Site Plan approval. This includes, but is not limited to items such as:
 - Approval by the Architectural Review Board

- Building Code Regulations
- Public Facilities Manual Regulations
- Storm Water Management Regulations
- Zoning Ordinance Regulations
 - Impervious surfaces maximums (65%)
 - Setbacks (30ft front; 15ft side; 20ft rear)
 - Height (35 ft – up to 60 feet for institutional/church uses provided setbacks are increased 1ft per each foot above 35ft)
 - Parking requirements per Article 7
 - Landscaping requirements per Article 8

As the documentation that the Town has regarding the approved Special Use Permit is limited, it would be helpful if we could obtain a copy of the architect's plans submitted for the Special Use Permit application. Mr. James Downey was the attorney for the Special Use Permit application.

This Zoning Confirmation Letter only applies to the subject property noted above. This is a formal decision by the Zoning Administrator of the Town of Warrenton, Virginia. Any person aggrieved by any decision of the Zoning Administrator may take an appeal to the Board of Zoning Appeals. Such appeal shall be taken within thirty (30) days of the date of this letter by filing with the Zoning Administrator a notice of such appeal specifying the grounds thereof. The decision shall be final and unappealable if not appealed within thirty (30) days. The fees for filing an appeal are \$250.00 plus the cost of advertising and property notice mailings. Classified advertising is placed in the local paper for two consecutive weeks prior to the meeting with costs averaging around \$500.00. The cost for property notice mailings varies and depends on the number of adjacent owners. The adjacent property notices are sent via first class mail at the current first class postage rate, which is \$.48. The Zoning Office is located at 18 Court Street within Town Hall. Hours of operation are from 8 AM until 4:30 PM Monday through Friday. If you have any questions regarding this notice or would like additional information about the appeal process, please do not hesitate to contact me at (540) 347-2405.

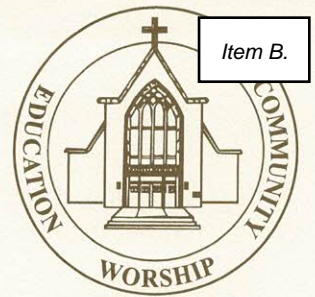
Sincerely, .

Brandie M. Schaeffer
Director of Planning & Community
Development Department
Town of Warrenton

CC: File



SAINT JOHN THE EVANGELIST CHURCH

271 Winchester Street
Warrenton, Virginia 20186
(540) 347-2922



Statement of Justification

The church has an existing Special Use Permit for all the current uses on this property and has been operating on this site for 63 years. No new use is being requested. The church would like to demolish the existing cinder block office building and replace it with a new office building of similar size. The existing building was constructed as classroom and dormitory space in the early '40's and is located right on the property line abutting a residential neighborhood with no setback. The church has worked for the past two years to develop a plan to renovate the existing building to make it ADA accessible, install central HVAC, and manipulate the configuration to accommodate the modern needs of the church, but the cost was tremendous and given the shape of the existing building, the space was still not suitable for current needs.

The new building would be placed on the site to be on axis with the church and will meet all current setbacks. It will be finished in stone and stucco to match the church. The demolition of the existing building will allow for increased parking on the site to help mitigate any overflow onto neighboring streets. All new landscaping and any change in parking lot lighting will be presented on the site development plan and will be in accordance with all town ordinances. The schematic design of the building has already been presented to the town Architectural Review Board and has received their blessing.

The new building will provide a much better, fully accessible work environment, but will not increase the number of employees or increase the hours of operation. There will be no change to the service or refuse areas already located on the site.

As mentioned above, the church has had this use on the property for 63 years and it was used as the Stuyvesant School for decades before that. For as far back in the records as we could find, the future land use map has designated this parcel as Public/Semi Public – Intense. Only recently, and undisclosed to the church, this was changed to Live/Work Neighborhood. The church is an established use and has no intention of vacating this property. The zoning on the ground is still R-10 and allows for this use with a Special Use Permit which the church already possesses. Therefore, we are requesting that the existing Special Use Permit be amended to allow the existing office building to be demolished and reconstructed in a more favorable location on the site.



Civil Engineering ♦ Land Surveying ♦ Land Planning

Saint John – SUP Amendment Addendum to Statement of Justification

January 26, 2023

Revised February 10, 2023

Additional items requested in letter from Town dated January 23, 2023

- The existing conditions are shown on sheet 2 of the permit plat. Existing conditions are provided for the entire parcel.
- The SUP plat shows existing trees in vicinity of the existing building and the proposed building that will replace it. All previous approved plans and amendments have an approved landscape plan. A landscape plan associated with the proposed building will be required and provided at site development plan. At that time screening and buffering will be provided per Ordinance requirements. In addition, and in accordance with final design plans, existing trees between Winchester Street and the proposed building will be preserved to the extent possible.
- A copy of the previous SUP plat and conditions of approval have been provided in the form of a zoning determination letter dated January 6, 2017. We have also provided a copy of a master plan that may have been associated with the original special use permit approved June 3, 1986.
- Existing and proposed parking has been shown on the SUP amendment. No change is made to the existing required parking tabulation as provided in the Pre-School Addition plan approved on August 1, 2017. For the purposes of this application, more parking is being added to the site, while no increase to use/intensity is proposed. Therefore, adequate parking will be provided. Detailed parking tabulation will be required and provided with the site development plan.

Evaluation Criteria; Issues for Consideration

1. Whether the proposed Special Use Permit is consistent with the Comprehensive Plan.

Evaluation: The amended Special Use Permit is consistent with the Comprehensive Plan, as no change in use is proposed.

2. Whether the proposed Special Use Permit will adequately provide for safety from fire hazards and have effective measures of fire control.

Evaluation: The new office building is the same size as the old one, therefore current provisions for safety from fire hazards and effective

measures of fire control should be adequate. In addition, measures will be evaluated with site development and building plan as appropriate.

3. The level and impact of any noise emanating from the site, including that generated by the proposed use, in relation to the uses in the immediate area.

Evaluation: No additional noise shall be generated. Intensity of use is not being changed.

4. The glare or light that may be generated by the proposed use in relation to uses in the immediate area.

Evaluation: No additional light shall be generated. Intensity of use is not being changed. Commercial building and parking lot lighting if proposed will be required to meet Ordinance standards.

5. The proposed location, lighting and type of signs in relation to the proposed use, uses in the area, and the sign requirements of this Ordinance.

Evaluation: No signs are being proposed with the new building.

6. The compatibility of the proposed use with other existing or proposed uses in the neighborhood, and adjacent parcels.

Evaluation: No changes to the site's use is proposed. The site is compatible currently and this application only proposes to replace an existing building.

7. The location and area footprint with dimensions (all drawn to scale), nature and height of existing or proposed buildings, structures, walls, and fences on the site and in the neighborhood.

Evaluation: Shown on the SUP plat.

8. The nature and extent of existing or proposed landscaping, screening and buffering on the site and in the neighborhood.

Evaluation: No changes to landscaping, existing features are shown on the SUP plat. Additional landscaping will be required associated with the new building location and parking layout. A landscape plan will be provided and approved with a site development plan following the SUP amendment process.

9. The timing and phasing of the proposed development and the duration of the proposed use.

Evaluation: No changes to timing and phasing and duration of the proposed use. The church property is long-standing and is already integrated into the community.

10. Whether the proposed Special Use Permit will result in the preservation or destruction, loss or damage of any significant topographic or physical, natural, scenic, archaeological or historic feature.

Evaluation: The applicant is working with the ARB in terms of the existing building and any historical significance. It should be noted that a portion of the existing building foundation will be preserved to the extent practical and used as a retaining wall. This will reduce the impact of grading and construction on the existing features to be preserved.

11. Whether the proposed Special Use Permit at the specified location will contribute to or promote the welfare or convenience of the public.

Evaluation: The church property is long-standing and is integrated into the community.

12. The traffic expected to be generated by the proposed use, the adequacy of access roads and the vehicular and pedestrian circulation elements (on and off-site) of the proposed use, all in relation to the public's interest in pedestrian and vehicular safety, efficient traffic movement and access in case of fire or catastrophe.

Evaluation: No additional traffic beyond what is already existing.

13. Whether the proposed use will facilitate orderly and safe road development and transportation.

Evaluation: No change to roads or internal travelways.

14. Whether, in the case of existing structures proposed to be converted to uses requiring a Special Use Permit, the structures meet all code requirements of the Town of Warrenton.

Evaluation: The existing structure is to be demolished as the building can longer be serviced and maintained to current building standards. A new building is necessary to provide all code requirements.

15. Whether the proposed Special Use Permit will be served adequately by essential public facilities, services and utilities.

Evaluation: The new office building is the same size and use as the old one, so all services will be adequate.

16. The effect of the proposed Special Use Permit on environmentally sensitive land or natural features, wildlife habitat and vegetation, water quality and air quality.

Evaluation: The proposed building will be constructed in an existing open grass area. The land does not contain environmentally sensitive features that contribute to wildlife, water or air quality.

17. Whether the proposed Special Use Permit use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan.

Evaluation: Not applicable.

18. The effect of the proposed Special Use Permit use in enhancing affordable shelter opportunities for residents of the Town, if applicable.

Evaluation: Not applicable.

19. The location, character, and size of any outdoor storage.

Evaluation: Not applicable.

20. The proposed use of open space.

Evaluation: Not applicable.

21. The location of any major floodplain and steep slopes.

Evaluation: Not applicable.

22. The location and use of any existing non-conforming uses and structures.

Evaluation: Not applicable.

23. The location and type of any fuel and fuel storage.

Evaluation: Not applicable.

24. The location and use of any anticipated accessory uses and structures.

Evaluation: Not applicable.

25. The area of each proposed use.

Evaluation: No changes of use. Only replacement of an existing building.

26. The proposed days/hours of operation.

Evaluation: No change to operation. Church use is predominantly on Sunday and the school is Monday through Friday during the day. The purpose of the amendment is the replacement building.

27. The location and screening of parking and loading spaces and/or areas.

Evaluation: Location of parking indicated on the plat. Screening to be addressed with landscape plan required at site development plan.

28. The location and nature of any proposed security features and provisions.

Evaluation: Provided on SUP plat, if applicable.

29. The number of employees.

Evaluation: Not applicable, existing uses with no changes.

30. The location of any existing and/or proposed adequate on and off-site infrastructure.

Evaluation: Provided.

31. Any anticipated odors which may be generated by the uses on site.

Evaluation: Not applicable.

32. Refuse and service areas.

Evaluation: Refuse and service areas will be accommodated with site development plan. Adequate area is available across the parcel.



Town Council Public Hearing
SUP 23-1 St John the Evangelist
July 11, 2023

Request

Item B.

Amend June 3, 1986 SUP

- **GPIN Applicant:** 6984-36-7135-000
- **Property Owner:** Catholic Diocese of Arlington (St Johns Catholic School Tees)
- **Representative:** Jim Carson
- **Zoning:** R-10 Residential
- **Comprehensive Plan:** Live Work Neighborhood
- SUP Amendment to allow for *(demolition permit approval required)* the demolition of a 11,000 sq ft classroom/dormitory building and construction of a 13,000 sq ft, three floor office building *(ARB COA required)*

Proposed Location



Previous SUP Approval

Item B.

- June 3, 1986 SUP Approval for Expansion of Church and School
- Town Council Minutes/2017 Zoning Determination Letter
 1. Construct School in two phases
 2. Phase 1 enrollment 270
 3. Phase 2 enrollment 540
 4. Relocate the convent
 5. Right of way dedication to centerline of King Street (aka John E Mann Street) and Winchester
- SDP 2017 -01
 - Public Works and Utility stated SWM/BMP calculations would not be required at that time *“however, as new projects are proposed by the Church, the additional work will be considered accumulative to this plan and will trigger the Commonwealth’s SWM Regulations.”*

Adjacent Uses

Item B.

Zoning Map



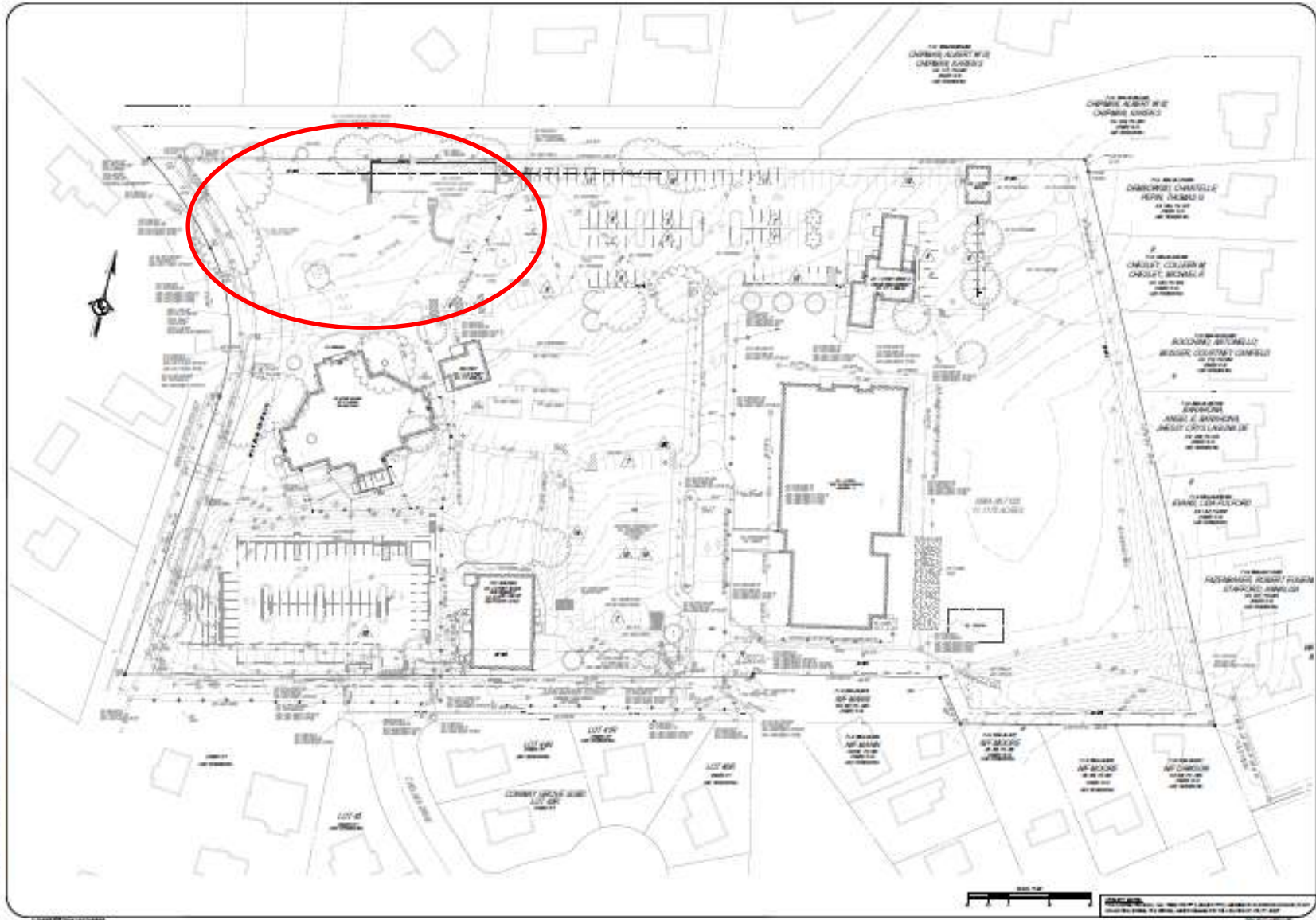
- R-10 Single Family Residential
- Conway Grove Single Family Residential, Reserve at Moorhead Single Family Residential, Richards Lane/Winchester Street/John E Mann Single Family Residential
- Historic District

Zoning Districts

- R-15
- R-10
- R-6
- RT
- RMF
- RO
- PSP
- C

Existing Conditions Plan

Item B.



CARLSON
LAND MANAGEMENT

NOT FOR CONSTRUCTION

**SAINT JOHN THE EVANGELIST
CATHOLIC CHURCH**
MORNINGSTAR, VA

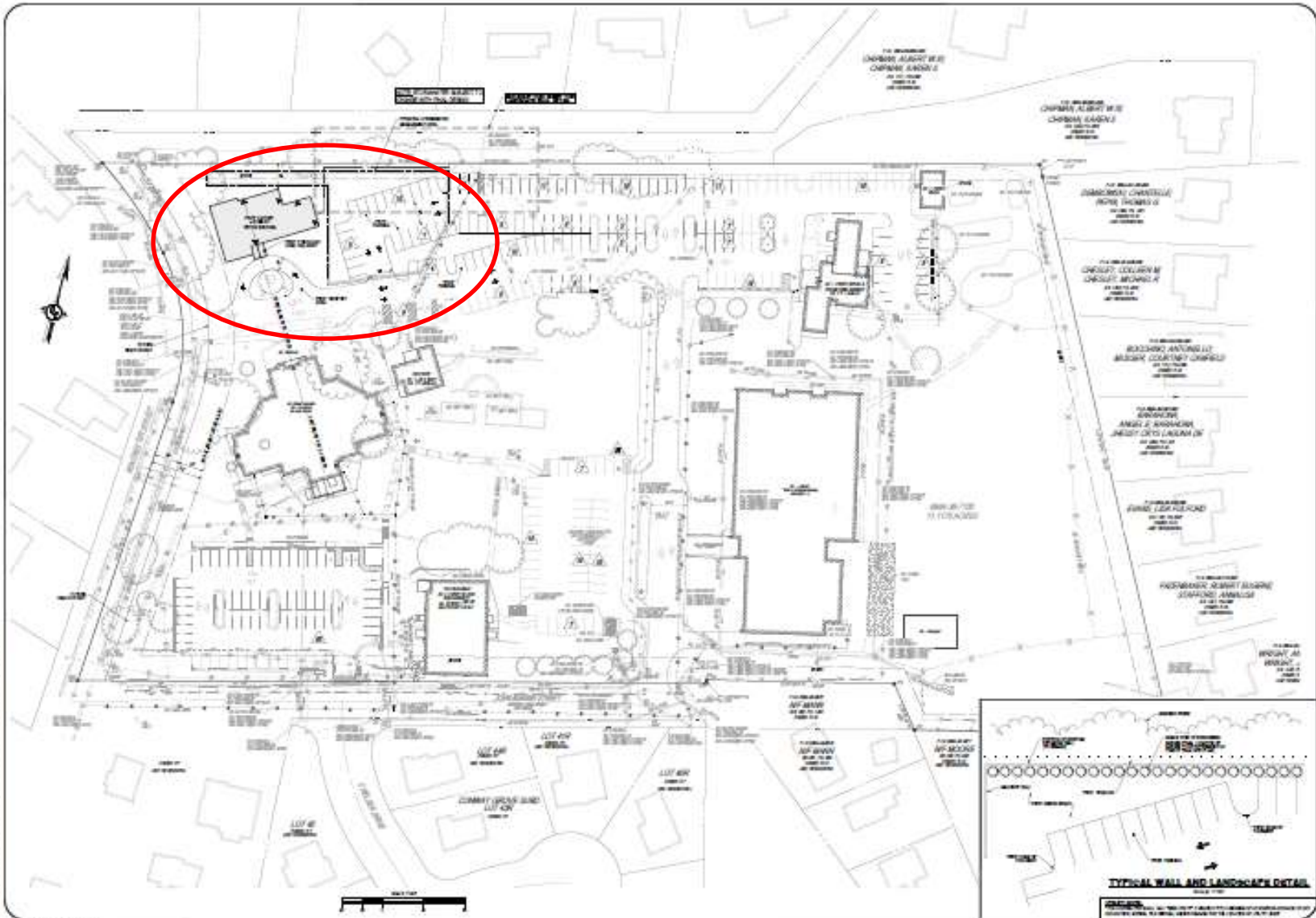
COURTESY MA. BENTONAL D. BENTON



EXISTING
CONDITIONS
PLAN

SUP Plan

Item B.



CARSON
LANDSCAPE ARCHITECTURE
1100 N. G. Street, Suite 100
Arlington, VA 22201
Tel: 703.241.1100

NOT FOR CONSTRUCTION

**SAINT JOHN THE EVANGELIST
CATHOLIC CHURCH**
MANASSAS, VA
CENTRAL DISTRICT

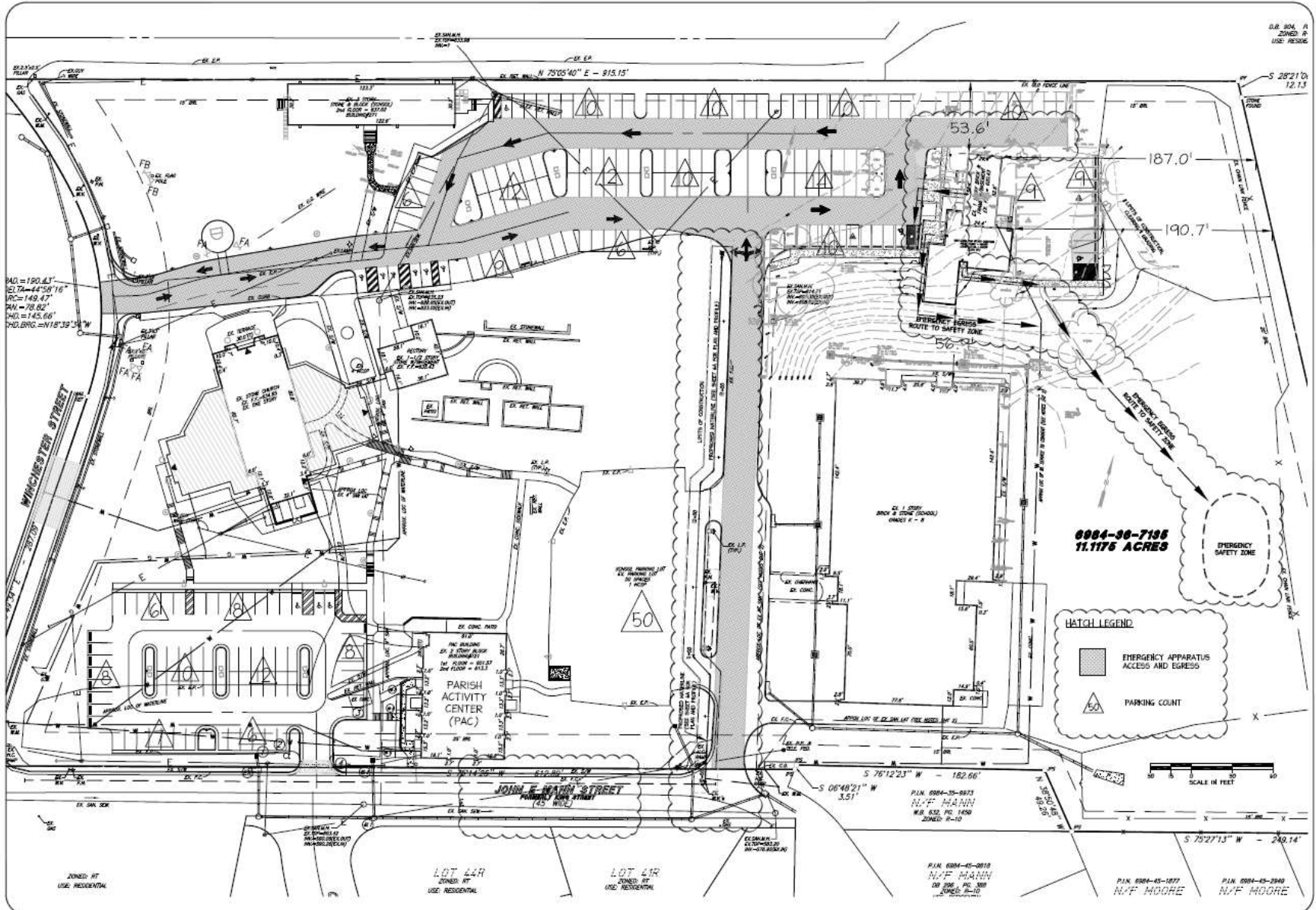
SPECIAL USE PERMIT PLAN

DATE: 10/1/14
SCALE: 1/8" = 1'-0"

332

Emergency Access Plan

Item B.



CARSON
LAND CONSULTANTS

OVERALL SITE & EMERGENCY ACCESS PLAN
SAINT JOHN THE EVANGELIST
ROMAN CATHOLIC CHURCH
FAUQUIER COUNTY, VIRGINIA
TOWN OF WARRENTON

REVISIONS
DATE
BY

DATE
BY
PROJECT

333

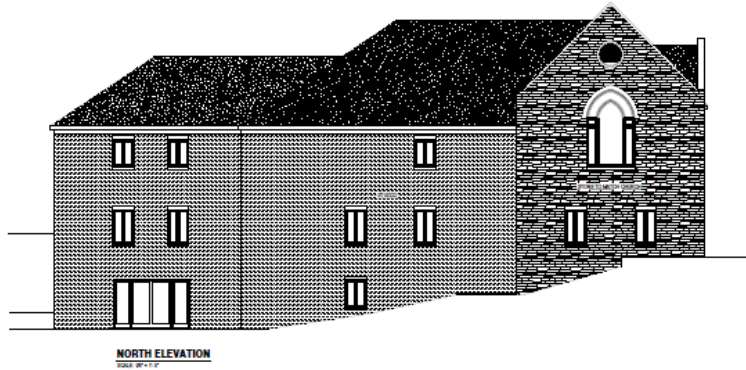
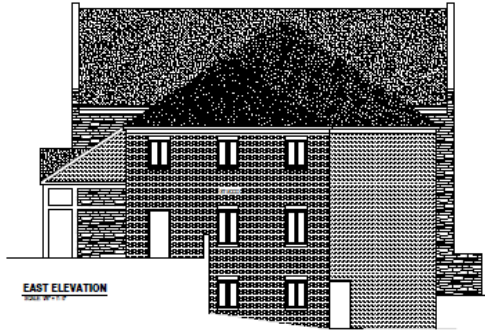
SHEET 4

OF 13

SAINT JOHN'S (PRE-SUBDIVISION) SITE PLAN

Elevations

Item B.



QUALITY SOURCE
THIS DRAWING IS FOR INFORMATION ONLY. IT IS NOT TO BE USED FOR CONSTRUCTION OR AS A BASIS FOR ANY DECISIONS. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS IN ADVANCE OF ANY CONSTRUCTION. MATERIALS, PALETTE COLORS, AND/OR FINISHES FOR THIS LOCATION OF ITEM B.1.0001.

PROJECT #1802540

ARB Approval Required

Artist Rendering

Item B.



335

ARB Approval Required

Planning Commission Review

Item B.

- Buffers and landscaping along the length of the northern boundary of the property
- Energy, water, and sewer demands
- Intentions of existing building and timing of demolition
- Parking overflow into adjacent neighborhoods and stacking in the public right-of-way
- Elevations from Winchester Street and the request for artist's rendering
- Appropriate stormwater and sediment control
- Boundary line adjustments
- ARB approvals

Planning Commission May 16, 2023 Public Hearing

Item B.

- Public Hearings May 16 and June 20
- Three citizens spoke at each PH raising:
 - Building proximity to road
 - Water run off issues
 - Potential noise/lighting
 - Loss of green space
 - Support for new building
- Planning Commission voted (4-0-1; Lawrence abstain) to recommend Approval with Conditions

Conditions of Approval

1. General: This Special Use Permit is issued covering the entire Property pursuant to the provisions of § 11-3.10 of the Town of Warrenton Zoning Ordinance.
2. Site Development: The Property shall be developed in substantial conformance with the Special Use Permit Plan entitled, “Special Use Permit Plat,” prepared by Carson Land Consultants, , Page 1 dated February 10, 2023 and Pages 2-4 dated December 6, 2022, all revised May 30, 2023, consisting of four (4) sheets (the “SUP Plan”). Minor changes and adjustments may be made to the road and street alignments, entrances, parking, dimensions and location of SWM/BMP facilities, the exact configuration and location of building footprints, and other similar features as shown on the SUP Plan, provided they meet the intent of these Conditions and are approved by the Director of Community Development or the Zoning Administrator.

Conditions of Approval

3. Use Parameters:

- a. Special Use Permit Area – The Special Use Permit shall apply to the entire +/-11.0664 acre site.
- b. Use Limitations – The use shall be limited to a religious institution and related facilities including the church, school, and those accessory uses customarily incidental to the primary uses.
- c. Maximum Students – The maximum number of students shall be 540 as approved in the previous SUP dated June 3, 1986.

4. Architecture: The site is located within the Historic District and is subject to Architectural Review Board, Certificates of Appropriateness (COA), and the Town of Warrenton Guide to Historic Resources. No structures shall be modified or erected until a COA has been issued. This includes walls and fences exceeding 36” in height.

5. Signage: All signage shall comply with the applicable provisions of Article 6 of the Town of Warrenton Zoning Ordinance.

6. Site Maintenance and Refuse Collection: Any refuse storage areas shall be screened with a solid enclosure constructed of materials that are compatible with the buildings on the property. The enclosure shall have gates that prohibit viewing this area from adjoining properties and public rights-of-way. The gates shall remain closed when not in use and the trash containers shall be emptied as necessary to prevent odors or infestation by vermin. Compliance with this condition shall be demonstrated on each final site plan(s). Deliveries and refuse collection shall follow Town Code Section 11-19(9).

Conditions of Approval

Item B.

7. Environment: All landscaping shall be native and drought-resistant or other species as may be approved on the final site plan(s).

- a) Landscaping – The Applicant shall make all efforts to maintain and preserve the existing mature vegetation and hardwood trees when feasible.
- b) Minimize Clearing and Grading – The Applicant shall show the limits of clearing and grading for the site on the approved final site plan(s). For portions of buffers located outside the limits of clearing and grading, the existing vegetation shall be preserved and supplemented to meet the intent the buffer as noted above. In addition, existing trees and shrubs shall be incorporated into the landscaping plan. This does not preclude the removal of diseased, noxious and/or invasive vegetation.
- c) Stormwater Management – The property owner is required to account for all improvements, regardless of square footage, made to the property since July 1, 2014, and design and construct for the accumulative stormwater management for both quantity and quality in accordance with all applicable State and local requirements in effect at the time of site development plan approval.

Conditions of Approval

8. Lighting:

- a. Proposed lighting shall be reviewed during the review of the Certificate of Appropriateness and at the time of site plan in accordance with the Zoning Ordinance.
- b. Building-mounted security lighting, which is full cut-off and directed toward the building and in compliance with the Zoning Ordinance, shall be permitted.
- c. All new and replacement light fixtures shall consist of full cut-off fixtures with a color temperature of 3,000 K or lower, and a maximum mounting height of 14 feet.
- d. Lighting on the school managed turf fields is prohibited.
- e. All other proposed lighting shall be addressed at site plan in accordance with the Zoning Ordinance.

Conditions of Approval

9. Transportation:

- a) Vehicular Access – The site shall be accessed from the Winchester Street and John E. Mann entrances. Egress shall be controlled via a stop sign traffic control with stop bar at the exits.
- b) There shall be no stacking of vehicles into the public right-of-way. The school is responsible for ensuring drop off and pick up from the school do not result in backs ups on the public streets. Stacking on the property by accessing the school by way of Winchester Street or staggering times is required to achieve this condition.
- c) Handicapped Parking and Signage – Handicapped parking and signage for shall be provided in accordance with the PFM and the Americans with Disabilities Act.
- d) Dedication of public right-of-way on Winchester Street shall be included on the Site Development Plan and be recorded prior to occupancy permit. With the dedication of the right-of-way frontage, the property owner will submit with the site plan an agreement to retain the maintenance of the existing perimeter wall and entrance features, including the entrance apron on Winchester Street for Town review and approval.

10. Parking: Parking located on the north side of the property, adjacent to Richards Lane shall buffer and shield the headlights of vehicles from the adjacent residences. Headlights shall be screened from view from the residential-zoned property located to the north to at least 3.5 feet in height above the parking surface elevation with a solid wall, sight-tight fence, evergreen shrubs, or other method as approved by the Zoning Administrator as a part of the Site Development Plan, to extend the length of the parking on the north side.

Draft Conditions of Approval for Consideration

Item B.

11. Water and Sewer: The site shall continue to be served by public water, with the property owner bearing all costs associated with providing the additional services that will be required. Construction of a new 3-story building, +/- 13,000 square foot located at the northwest corner of the property on Winchester Street will require a separate water meter, per Town code.

12. Demolition: Demolition of the existing 3 story stone and block building located in the northwest portion of the property adjacent to Richards Lane shall require a permit from the Town. No final occupancy permit shall be issued on a new 3-story building, +/- 13,000 square foot located at the northwest corner of the property on Winchester Street until the above existing building has been demolished. The old building will be demolished within 6 months after the issuance of the temporary occupancy permit.

Draft Motions for Consideration

Item B.

1. I move that the Town Council approve of SUP 23-1, St John Catholic Church to amend the approved SUP in June 3, 1986, to allow for the 13,000 square foot accessory use building the church and school, subject to the Conditions of Approval dated July 11, 2023, sheets 1 through 4 of the Special Use Permit Plan created by Carson Land Consultants dated February 10, 2023 and revised through May 30, 2023.

OR

2. I move that the Town Council forward SUP 23-1, St John the Evangelist to the next Town Council meeting.

OR

3. I move an alternative motion.

OR

4. I move to deny SUP 23-01 for the following reasons...



Planning Commission Public Hearing
SUP 23-1 St John the Evangelist
July 11, 2023



Office of the Town Manager
Frank Cassidy

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

Item C.

STAFF REPORT

Council Meeting Date:	December 12, 2023
Agenda Title:	Auditor’s presentation – Fiscal Year Ended June 30, 2023
Requested Action:	Receive the information
Department / Agency Lead:	Department of Finance
Staff Lead:	Stephanie Miller, Director of Finance

EXECUTIVE SUMMARY

Code of Virginia Section 15.2-2511 requires that localities have their accounts and records audited annually as of June 30 by an independent certified public accountant in accordance with the specifications furnished by the Auditor of Public Accounts. The certified public accountant shall present a detailed written report to the local governing body at a public session by the following December 31.

If the town expends \$750,000 or more in federal funds in a given fiscal year, the auditor must also perform an audit in accordance with Single Audit requirements, as set forth in the regulations at 45 CFR Part 75, Subpart F.

BACKGROUND

Our external audit firm is Brown Edwards and Company, LLP. Chris Murray, Director, will present the results of the audit for the fiscal year ended June 30, 2023. The presentation will provide highlights, budgetary comparisons, and financial ratios.

Mr. Murray will also provide hardcopies of the following documents to Council:

- Annual Comprehensive Financial Report for the Fiscal Year Ended June 30, 2023
- Required Communication with Those Charged with Governance
- Comments on Internal Control and Other Suggestion for Your Consideration

STAFF RECOMMENDATION

Receive the presentation from our external auditors. This is also an opportunity to ask any questions regarding the information presented.

Service Level/Collaborative Impact

n/a

Policy Direction/Warrenton Plan 2040

n/a

Fiscal Impact

n/a

Legal Impact

n/a

ATTACHMENTS

1. Annual Comprehensive Financial Report for the Fiscal Year Ended June 30, 2023

Town of Warrenton, Virginia Auditor's Presentation Fiscal Year Ended June 30, 2023



Introduction

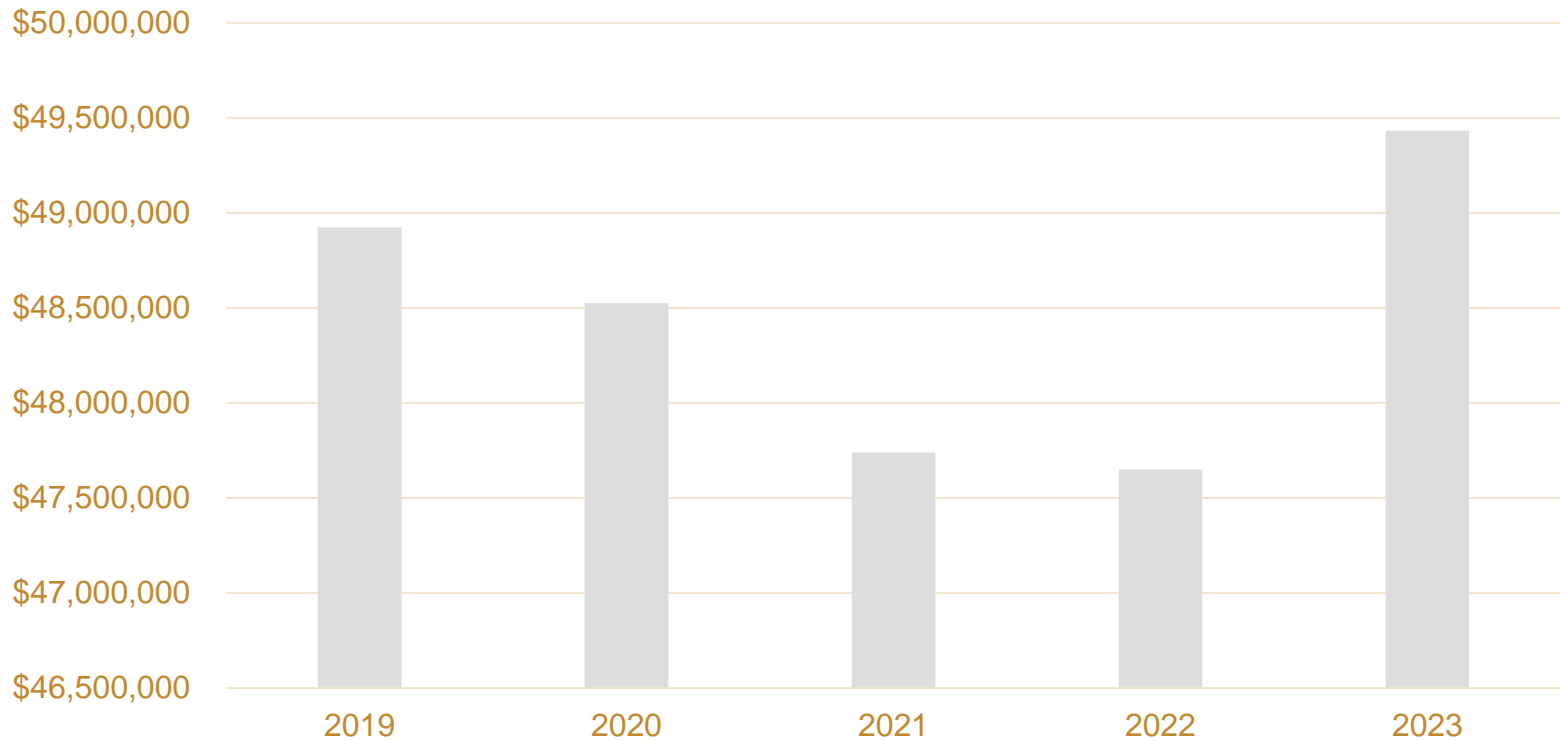
Chris Murray, Director
cmurray@becpas.com
434-948-9000

Annual Comprehensive Financial Report (ACFR)

- ❖ The Town received the Certificate for fiscal year 2022.
- ❖ An unmodified (clean) opinion.
- ❖ Single audit – no comments or findings.

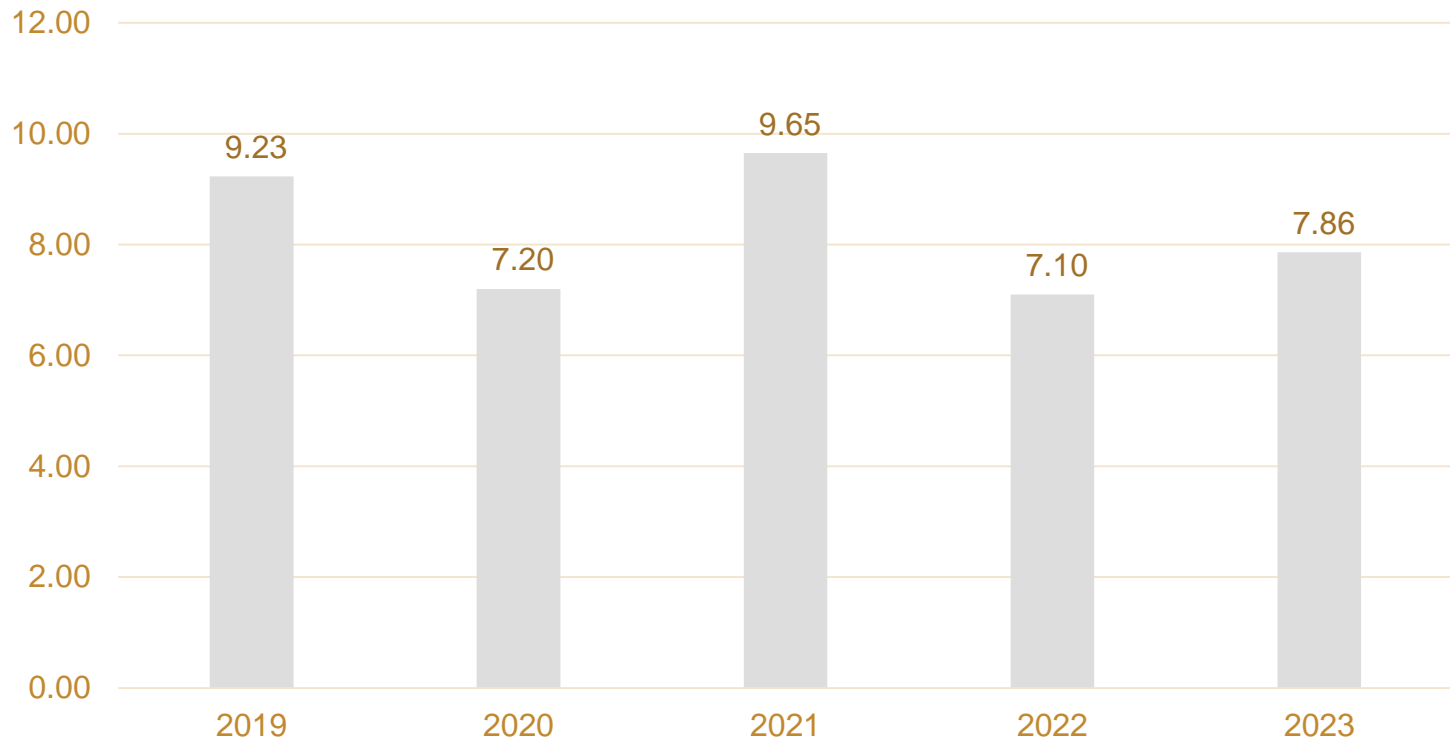
Level of Net Position

How does our equity look for governmental activities?



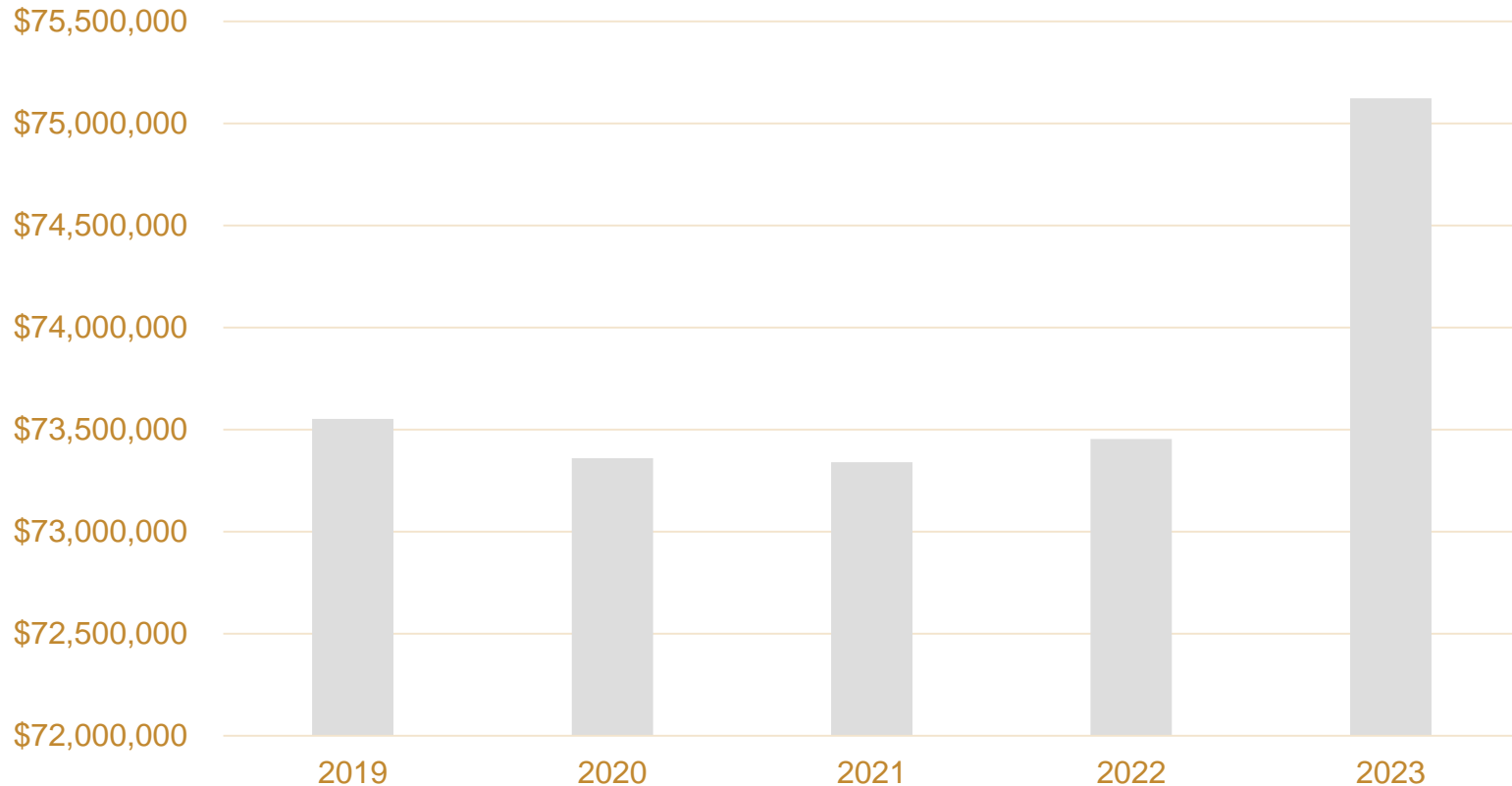
The Town's net position increased early \$1.8M in fiscal year 2023.

Months in General Fund – Unassigned Fund Balance



Change in Net Position

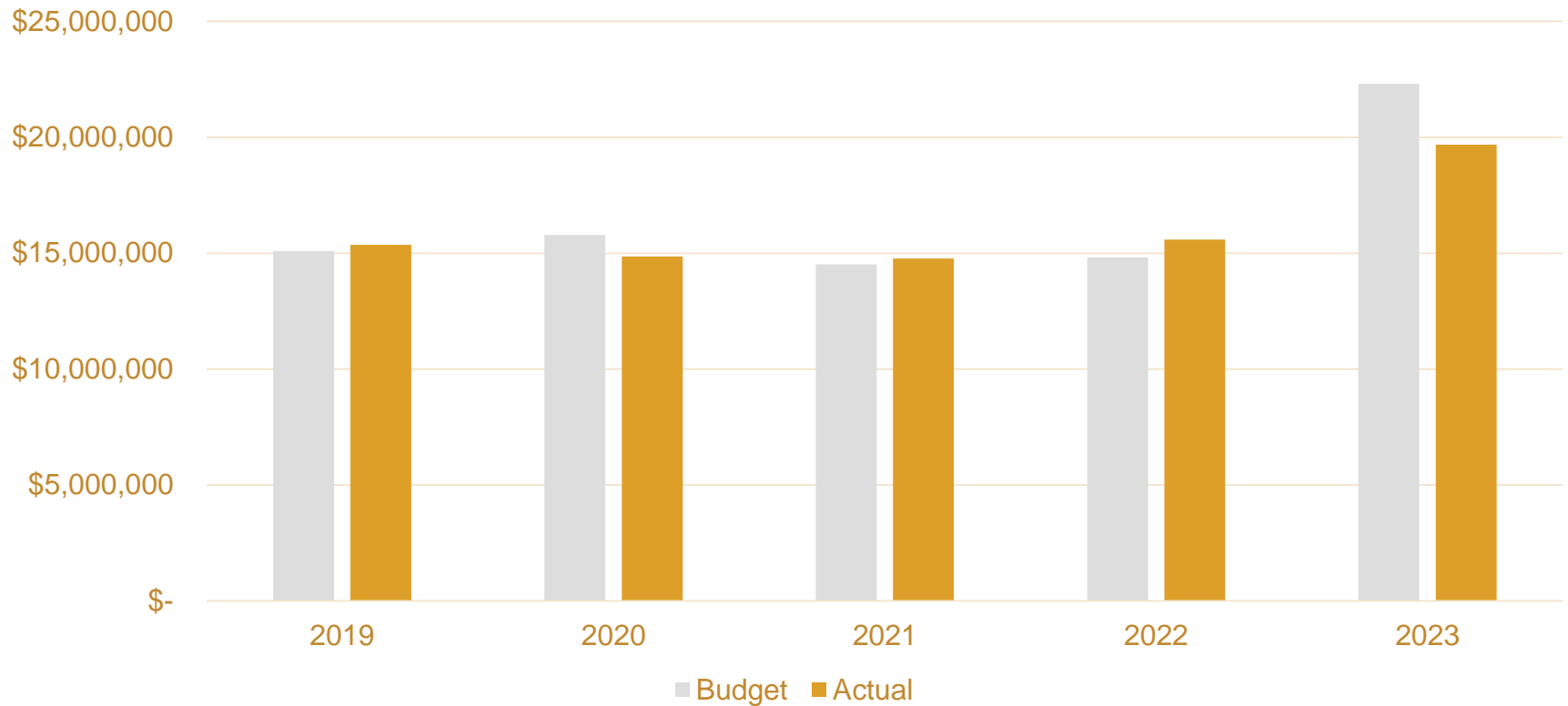
Did our overall financial condition improve, decline, or remain steady?



Overall net position was a \$1.7M increase in fiscal year 2023.

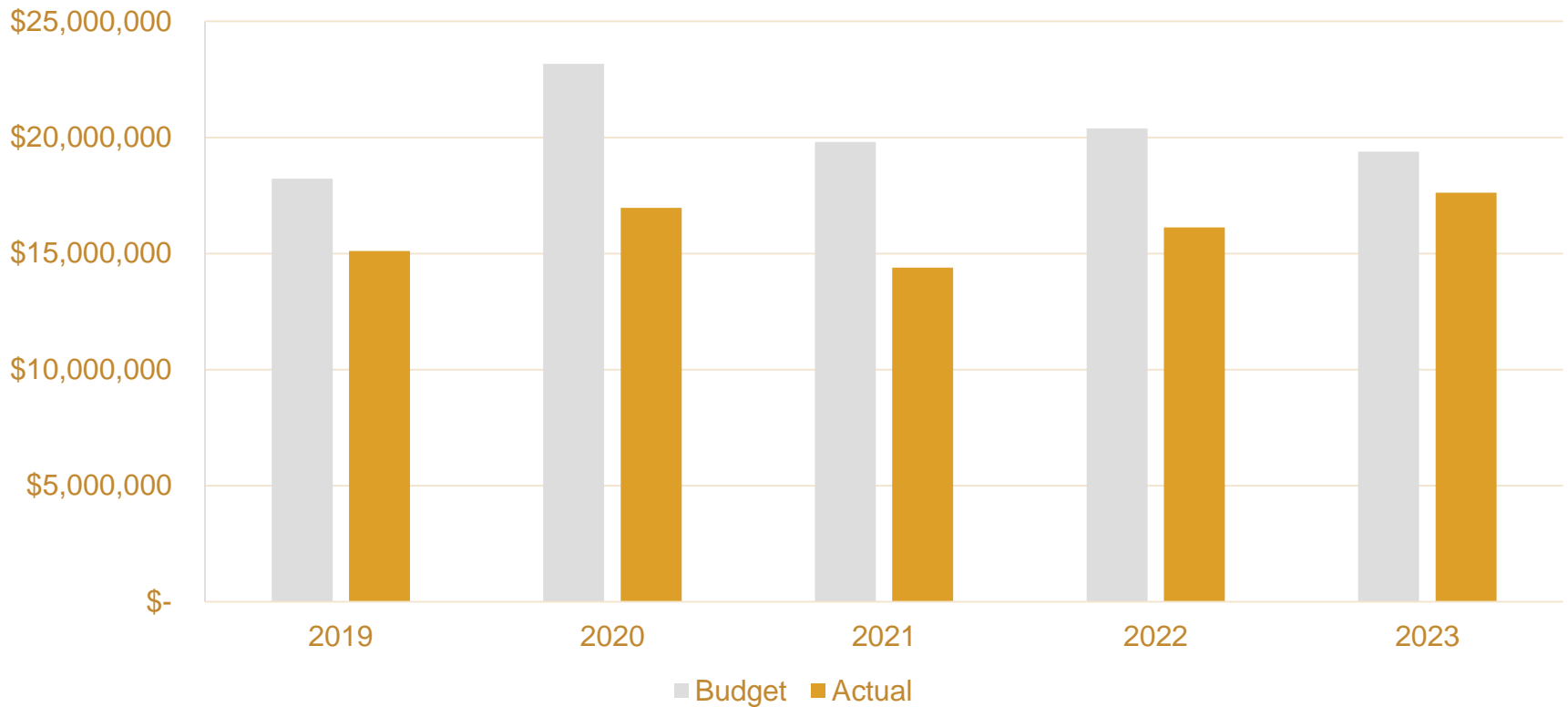
Budgetary Comparison

How does our general fund revenue compare to budget?

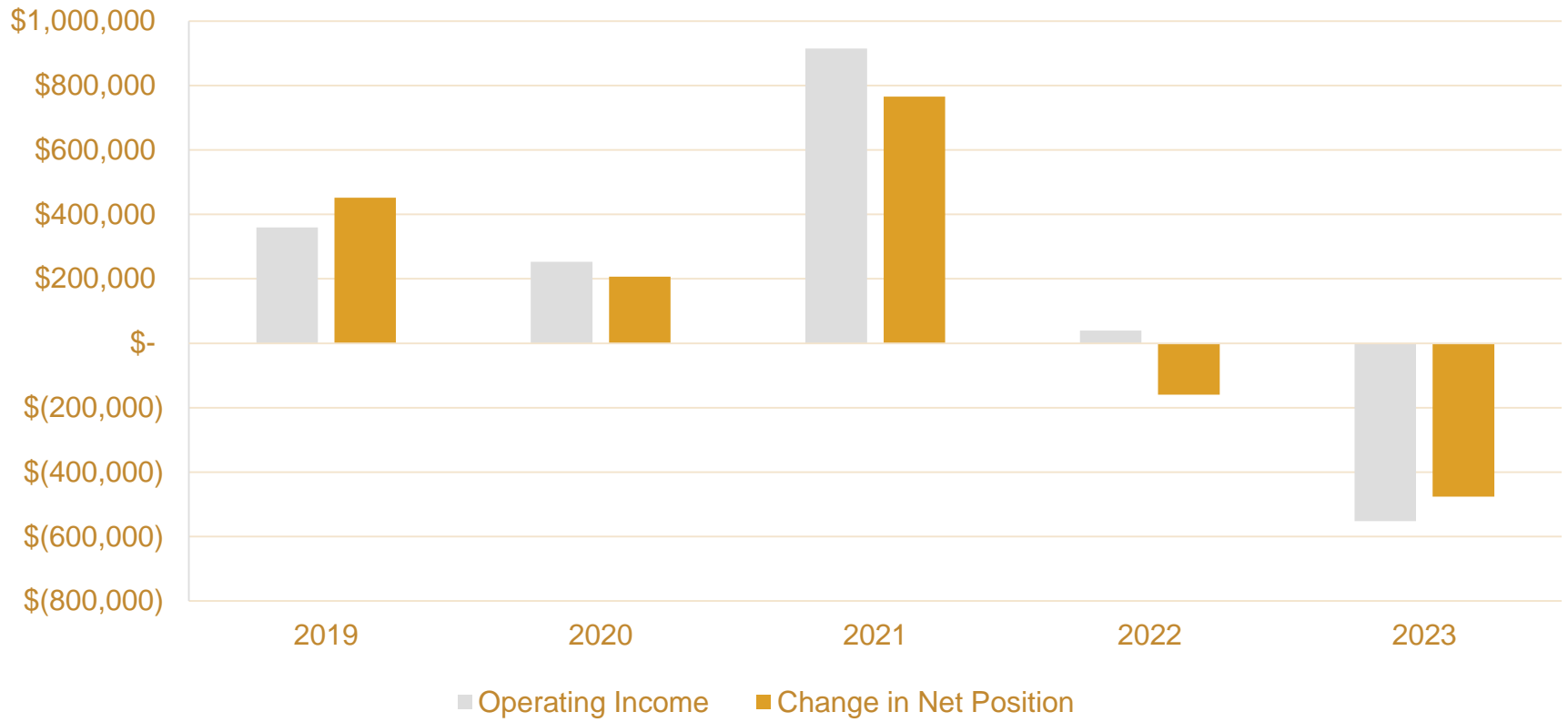


Budgetary Comparison

How does our general fund expenditures compare to budget?

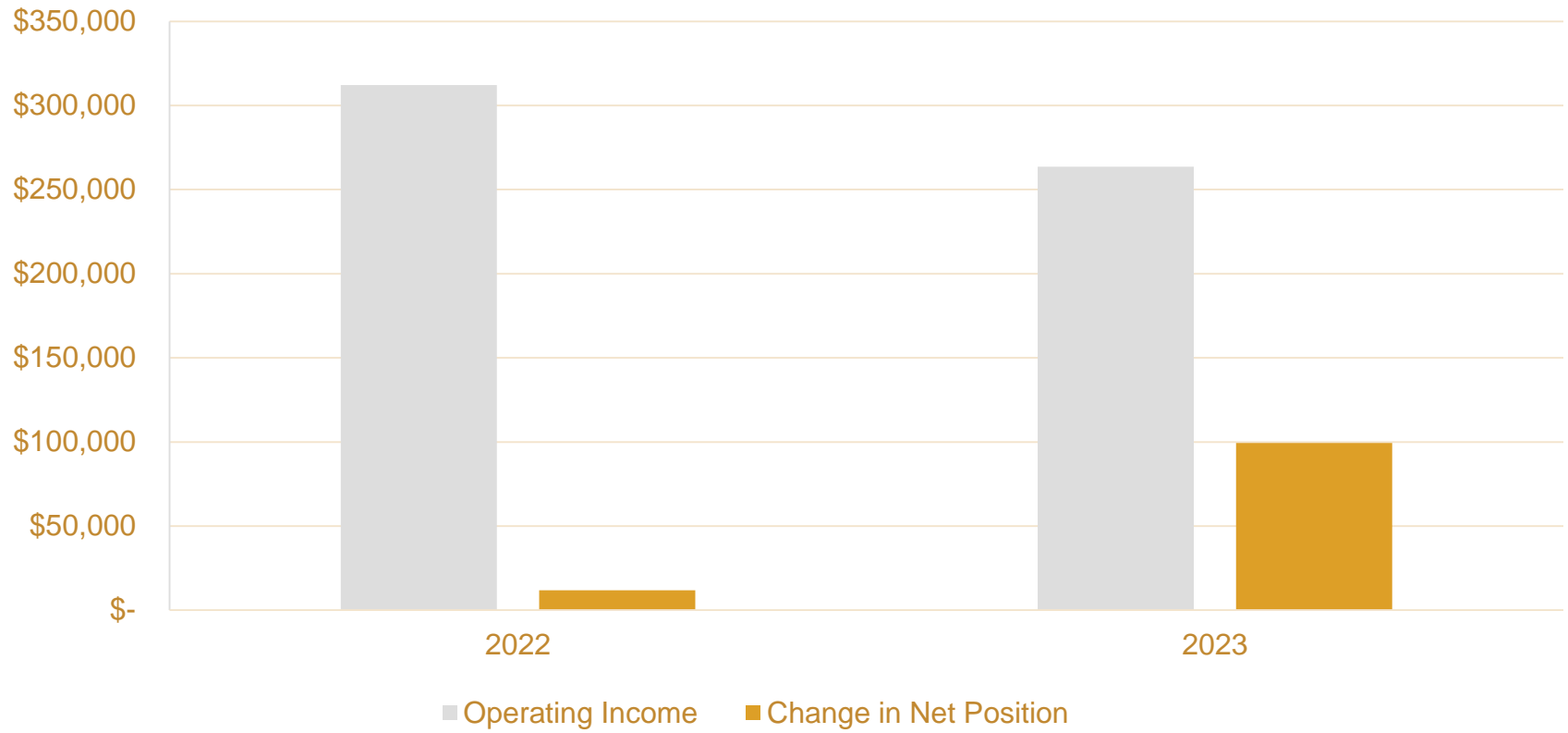


Water & Sewer Operations



Decrease is result of rise in costs to operate.

Stormwater Operations

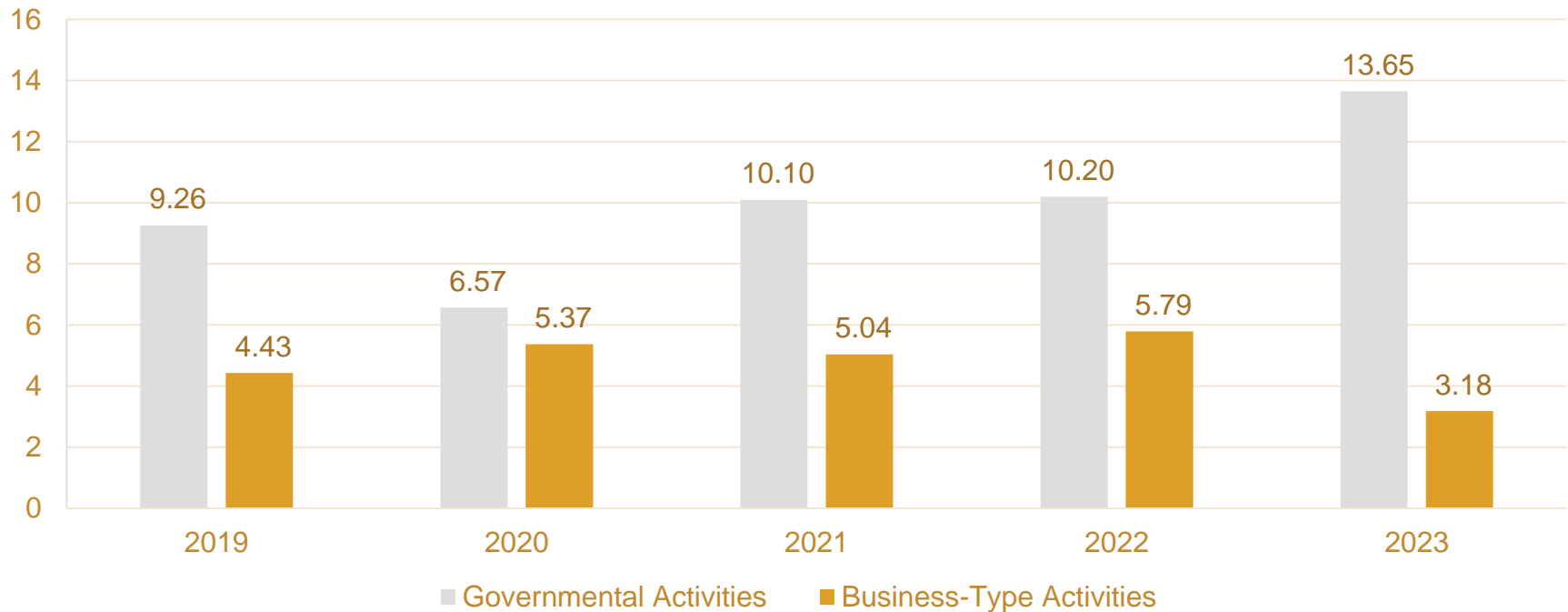


Fairly flat for operations. Slight increase in grant funding.

Quick Ratio

How do our quickly convertible assets compare to our current obligations?

Governmental Activities and Business-Type Activities
Cash and Cash Equivalents Compared to Current Liabilities



The quick ratio is one way to measure the government's ability to pay its short-term obligations. The quick ratio compares total current assets, less any inventory, restricted cash and other assets which are not currently convertible to cash, to current liabilities. A quick ratio of 1 to 1 or greater indicates good current liquidity and an ability to meet the short-term obligations.

Letters

- Required Communication with Those Charged with Governance
- Comments on Internal Control and Other Suggestions for Your Consideration

Questions?

Chris Murray, Director
cmurray@becpas.com
434-948-9000

Brown Edwards

The Right Firm

- ❖ Personal, timely, and quality service at a competitive price
- ❖ Local governments is a core focus of our Firm
- ❖ Efficient and effective audit process
- ❖ Value-added service
 - ❖ Comprehensive management letter/financial highlights
 - ❖ Government seminar





ANNUAL COMPREHENSIVE FINANCIAL REPORT

YEAR ENDED JUNE 30, 2023

Prepared by:
The Finance Department of the
Town of Warrenton, Virginia

**TOWN OF WARRENTON, VIRGINIA
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INTRODUCTORY SECTION

TOWN OF WARRENTON, VIRGINIA
DIRECTORY OF PRINCIPAL OFFICIALS

June 30, 2023

TOWN COUNCIL

H.E. Carter Nevill, Mayor
James Hartman III, Vice Mayor

Paul Mooney, At Large
Heather Sutphin, Ward 1
William Semple II, Ward 2
Brett Hamby, Ward 3
David McGuire, At Large
John B. Heroux III, Ward 5

APPOINTED OFFICIALS

Frank Cassidy Interim Town Manager
Martin Crim Town Attorney
Stephen Clough..... Town Clerk
Stephanie Miller..... Finance Director
Tommy Cureton.....Parks & Recreation Director
Rob Walton..... Community Development Director
Frank Cassidy Public Works/Utilities Director
Timothy Carter..... Chief of Police



The Town of Warrenton
P.O. Box 341
Warrenton, VA 20188
P (540) 347-1101
F (540) 349-2414

December 1, 2023

**To The Honorable Mayor, Members of Town Council
And The Citizens of the Town of Warrenton**

We are pleased to present the Annual Comprehensive Financial Report (ACFR) of the Town of Warrenton for the fiscal year ended June 30, 2023. The *Code of Virginia* requires that localities have their accounts and records audited annually as of June 30 by an independent certified public accountant, and that a detailed written report be presented to the local governing body within six months of the close of the fiscal year.

This report has been prepared in accordance with accounting principles generally accepted in the United States (GAAP) as promulgated by the Governmental Accounting Standards Board (GASB). It consists of management’s representations concerning the finances of the Town. Responsibility for the accuracy of the data and the completeness and fairness of the presentation, including all disclosures, rests with management. To the best of our knowledge and belief, the data presented are accurate in all material respects and are reported in a manner that presents fairly the financial position and results of operations of the various funds of the Town. Disclosures have been included to enable the reader to gain the maximum understanding of the Town’s financial affairs.

The Town’s management is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the Town are protected from loss, theft or misuse. It is further responsible to ensure that adequate accounting data are compiled to allow for the preparation of financial statements in conformity with GAAP. The internal control structure is designed to provide reasonable, but not absolute, assurance that these objectives are met. The concept of reasonable assurance recognizes that the cost of a control should not exceed the benefits likely to be derived.

The Town’s financial statements have been audited by Brown, Edwards and Company, LLP, a firm of licensed certified public accountants. The audit was conducted in accordance with generally accepted auditing standards. The goal of the independent audit was to provide reasonable assurance that the financial statements for the fiscal year ended June 30, 2023, are free of material misstatement. The independent audit involved examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; assessing the accounting principles used and significant estimates made by Town management; and evaluating the overall financial statement presentation. The independent auditors’ report expresses an unmodified opinion on the fair presentation of the financial statements and is presented as the first part of the Financial Section of this report.

All the financial activities of the reporting entity are included within this report. The reporting entity is comprised solely of the primary government. Under GASB pronouncements, component units are legally separate entities for which the primary government is financially accountable. The Town of Warrenton does not have any component units.

PROFILE OF THE TOWN

The Town of Warrenton, which serves as the County Seat and is the largest town in Fauquier County, is located in the Upper Piedmont region of Virginia at the foot of the Blue Ridge mountains about 45 miles southwest of Washington, DC. The Town encompasses 4.25 square miles and has a population of 10,065. Settled in the late seventeenth century, the Town of Warrenton, then known as Courthouse Village, was formally incorporated in 1810. Since 1992, Warrenton has been considered part of the Washington-Baltimore Metropolitan Statistical Area. Warrenton is easily accessible via four U.S. primary routes – 17, 15, 29 and 211. These routes provide access to Interstates 66, 64, 95 and 81 which link Warrenton to major trade routes across the Nation.

The Town is organized under the Council-Manager form of government with an elected mayor and a seven-member Council. Five members are elected by ward and two are elected at large, with staggered four-year terms. The Council appoints a Town Manager who serves as the chief executive officer of the Town and is responsible to the Council for the proper administration of the Town government. The Town Manager performs the daily tasks required by the Town Council in accordance with the Town’s Charter and oversees the activities of all Town departments and personnel.

The Town provides a wide range of municipal services including public safety, sanitation and recycling services, community development and planning, the construction and maintenance of highways, streets, and public works infrastructure, parks and recreation programs, and the provision of water and wastewater services. In addition, the Town contributes to cultural events, recreational activities and supports various health and welfare programs.

An annual budget is prepared for all funds, except the fiduciary funds, to include revenues, expenditures, transfers, and debt service. The Code of Virginia requires the Town Manager to submit a balanced budget to the Town Council no later than the first day of April each year. Each department prepares its own budget request for review and amendment by the Town Manager prior to inclusion in the Town’s budget. After duly advertised public hearings are held, the Town adopts an annual budget by July 1 of each year as required by 15.2-2503, Code of Virginia of 1950, as amended.

When necessary, the Town Council approves amendments to the adopted budget in accordance with 15.2-2507, Code of Virginia of 1950, as amended. The Town Manager may transfer appropriations at the department appropriation level without approval from Town Council. Budgetary compliance is monitored and reported at the department level each month.

ECONOMIC CONDITION AND OUTLOOK

The Local Economy

The Northern Virginia region is highly competitive and influenced by changing economic forces. The region is home base for the federal government and related industries and many residents commute to work further north. Warrenton has historically remained on the fringe but continues to build on enhancing its gateway location to Shenandoah National Park, wine and horse country, and its recreational opportunities. The Town’s guiding principles include a robust strategy for housing and employment coupled with proactive business retention and recruitment, all while maintaining a small-town character.

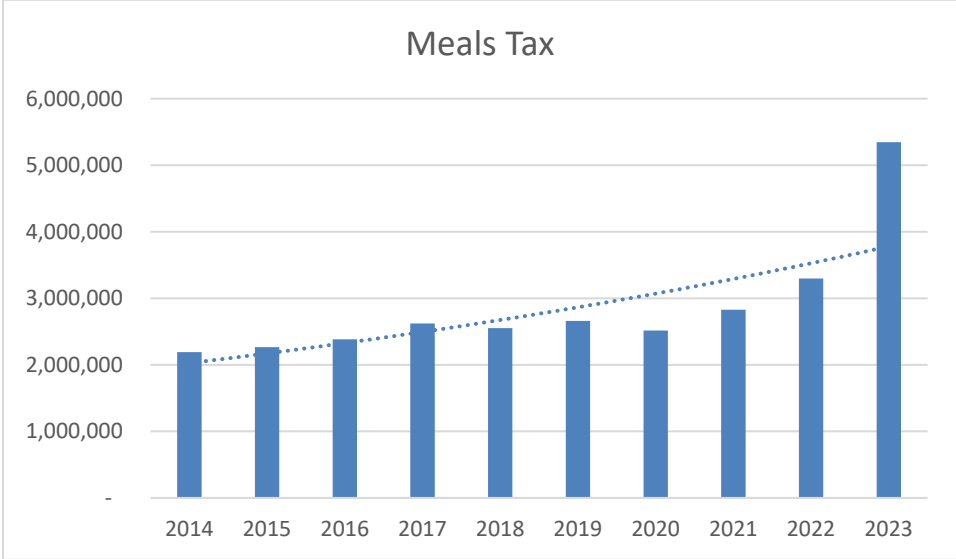
Warrenton continues to strive for inclusive and attainable housing for all ages, incomes, and needs that preserve established residential neighborhoods, while supporting infill development. Housing is not often seen as an economic driver, but it serves as a balance in the overall quality of life for Warrenton by catering to the needs of a diverse community. This seeks to include young families, professionals early in their careers, essential workforce (e.g., teachers and police officers), and retirees. This creates a diverse and circular housing need.

With a strategic transportation location, the Town enjoys two major retail economic corridors in a series of shopping centers along the by-pass and big box stores along the most southern point of Town. The shopping centers are focal points for revitalization. Allowing for mixed-use and multi-family development will transform aging commercial corridors into vibrant neighborhoods. This effort is creating the ability to significantly grow property tax revenue and particularly meals tax and sales tax to solidify stability of the commercial corridor for years to come. In addition to the major retail developments, the Town has provisions for health care services in Fauquier Hospital and the recent investments in enhanced offerings in the devoted cancer treatment center. Fauquier Hospital continues to add services to meet demands, as do other local providers demonstrating ongoing economic potential. This serves as an attractive feature for those looking to relocate to Warrenton.

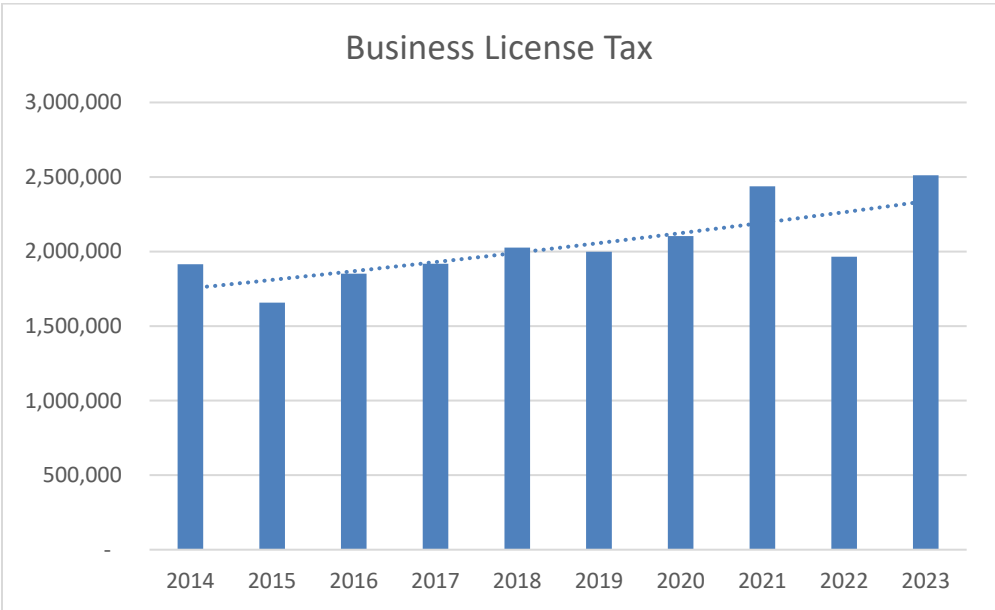
The Old Town Historic District is a mainstay of the Town and serves as an economic driver when considering the small land footprint compared to economic output. The popular Farmers Market is held just off of Main Street and serves to drive pedestrian traffic to local stores on the weekend. Weekend night-time street closures and monthly events held on Main Street also attract residents and visitors to the restaurants and stores in Old Town. A successful parklet program developed during the pandemic has been continued. Local restaurants enjoy the expanded outdoor seating, and it provides a vibrant addition to Main Street. Some side streets have also been closed intermittently to vehicular traffic to expand outdoor dining and pedestrian options.

Primary local revenue sources for the Town continue to be meals tax and business, professional, and occupational license (BPOL) tax. Meals tax accounted for 27.1% and BPOL accounted for 12.7% of general fund revenue for fiscal year 2023.

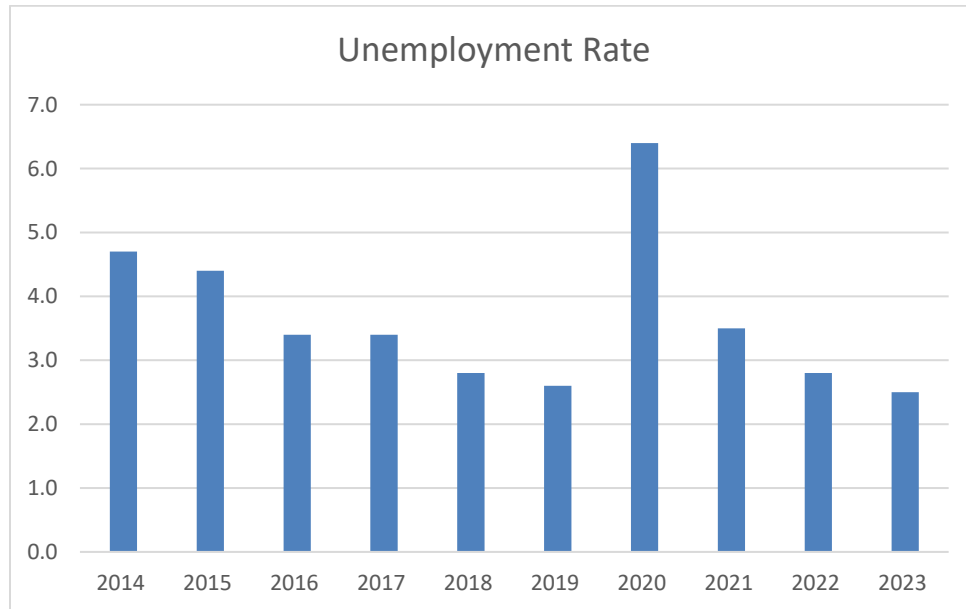
Over the past ten years, Meals Tax has risen by a total of 144.0% and has been the most consistent local tax source for the town. The average annual increase is 10.8%. However, these figures are somewhat distorted by the fact that the meals tax rate was raised from 4% to 6% effective July 1, 2023. Removing the impact of the tax rate increase, the 10-year increase is 62.6% and the average annual increase is 5.4%. The chart below shows the trend over the last 10 years.



Business license tax is based on prior calendar year gross receipts. This means that the amount collected for fiscal year 2023 reflects the performance of local businesses in calendar year 2022. Over the past ten years, business license tax revenue has grown by 31.2 percent with an average annual increase of 7.6%.



Unemployment rates are not available for the Town. The rate for Fauquier County as of June 2023 was 2.5 percent. This was a 0.3 percent decrease from June of 2022. The June 2021 unemployment rate compares favorably to the 2.8 percent reported for Virginia and 3.8 percent reported nationally. As can be seen from the chart below, the unemployment rate for Fauquier County appears to be returning to pre-Covid trends.

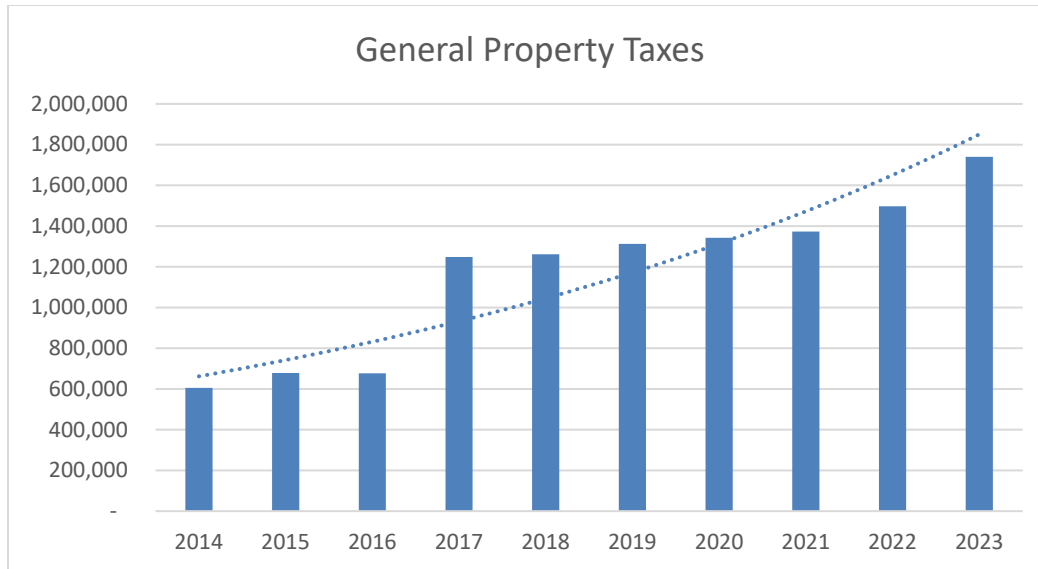


Every four years, the County of Fauquier conducts a general real estate reassessment in accordance with Section 58.1-3252 of the Code of Virginia. The current assessments went into effect on January 1, 2022. And reflected an increase of approximately 22%. The next reassessment will be conducted during 2024 and 2025, with an effective date of January 1, 2026.

The local real estate market has slowed recently due to rising interest rates. The Greater Piedmont Realtors Association published the following statistics for Fauquier County for June 2023 compared to June 2022:

- Sales activity is down 11%
- Median sales price is up 9% to \$605,000.
- Days on the market is up 50% to 24 days.

Despite the cooling in the real estate market, general property taxes, which includes real estate and personal property, have maintained a positive trend. Much of this owes to the four-year reassessment cycle and increases in the values of used cars since the pandemic. The chart below shows the 14.6% increase in general property taxes over the last ten years.



Long-term Financial Planning

Town staff develops a five (5) year Capital Improvement Program (CIP) annually in conjunction with the budget cycle. The proposed projects are coordinated with available funding in the budget approval process. Projects are assembled based on staging and prospective implementation to maximize the effectiveness and coordination of the program.

The CIP is reviewed by the Planning Commission to determine that projects are consistent with the Town's long-range Comprehensive Plan. The Comprehensive Plan is a powerful tool to optimize the whole planning process. Its role in the CIP allows jurisdictions to be strategic in their programming, budgeting, and resource allocation. All CIP projects should be tied to a goal or implementation strategy in the Comprehensive Plan. This enables the Town to prioritize projects in view of the needs of the community, while remaining mindful of fiscal constraints related to debt service expenditures and available cash funding.

The Town updated the Comprehensive Plan on April 13, 2021. The updated plan, called Plan Warrenton 2040, ensures funding allocation is relevant to present goals and contemplates the life cycle costs of projects. It is financially prudent to ensure decision makers are aware of the financial commitment beyond the capital project. Life Cycle costs consider the impact of items like the estimated useful life of vehicles, buildings, equipment, and other capital investments. A fiscal impact model was developed in conjunction with Plan Warrenton 2040 so that the impact of new development or expansion can be quantified.

Town staff provided the Town Council with a five-year financial projection at the fiscal retreat held in February 2023. This will be updated annually in conjunction with the budget process to aid in decision-making.

Relevant Financial Policies

The Town follows a formal Investment Policy that provides for the safeguarding of the Town's financial assets. The policy requires that all investments be in accordance with those authorized by the Code of Virginia. The Town updated the Investment Policy in 2016 to authorize additional investment options to attain higher earnings while preserving capital.

The Town maintains strict adherence to its Purchasing Policy, which is based on the Virginia Public Procurement Act, and relevant Federal purchasing guidelines. The most restrictive of these policies is applied when there is a conflict between the two. The Town also complies with formal policies regarding the capitalization and disposal of assets.

The Town follows an adopted Fund Balance Policy for the General Fund that sets a reserve requirement at 50% of the currently adopted budget expenditures. This serves to guide the Town Council whenever there is a request to appropriate additional funds. The Water and Sewer Operating Fund maintains by policy a cash balance equivalent to 200 days of operating expenses.

Town staff has consolidated the approved financial policies listed above along with other policies in one document. The Comprehensive Financial Policies were adopted by the Town Council at the July 2021 meeting and will serve the Town by providing a sound basis for prudent financial decision-making. These policies are reviewed annually for updates.

Major Initiatives

The Town continues to focus on necessary capital investments that provide services to the community. The modernization of the Town's Water and Sewer utility system is a top priority, as some of the system's key infrastructure dates to the 1950's. Coronavirus State and Local Fiscal Recovery Funds have been appropriated in the amount of \$4.5 million to support modernization of the primary clarifier. The 2024-2029 Capital Improvement Program estimates \$69.4 million for Water and Sewer projects. During fiscal year 2023, staff worked with the Town's financial advisors and NewGen Strategies & Solutions to update a rate model that seeks to balance cash funding with strategic issuance of debt to properly fund the program. The model recommended a rate increase of 23%, which was adopted by Council with an effective date of July 1, 2023. In September 2022, the Town issued a \$5 million general obligation bond to provide additional funding for the projects.

Improving pedestrian safety and relieving traffic congestion continue to be top priorities for the Town, especially given development in neighboring Counties. The Virginia Department of Transportation has recently issued a solicitation for the construction of the redesigned Broadview Avenue project, the Town's main commercial corridor. We believe that Town investment in this redesign will catalyze private reinvestment in the business properties along this important commercial corridor. In addition to ensuring that Town roads and streets are properly maintained, the impact of proposed developments on traffic is thoroughly analyzed prior to approval.

Public Safety is always a major focus of the Town government. The Town has twenty-eight sworn police officers. The Police Department is fully accredited by the Virginia Law Enforcement Professional Standard Commission. It received its initial accreditation in October 2007 and received its fourth award in October 2020.

The Parks and Recreation Department operates the Warrenton Aquatic and Recreation Facility (WARF), a 59,738 square foot aquatic and fitness facility, along with six parks throughout town. The second phase of Timber Fence Trail is underway. This project was funded 80% by Federal funds awarded by the Commonwealth Transportation Board and Fauquier County has agreed to contribute 10% of the project costs. This trail will connect the Gold Cup subdivision to the WARF along property owned by the Fauquier County School Board.

IMPLEMENTATION OF NEW ACCOUNTING REQUIREMENTS

During Fiscal Year 2024, the Town will analyze the impact of the following GASB Statements:

- GASB Statement No. 100, *Accounting Changes and Error Corrections* – an amendment of GASB Statement No. 62
- GASB Statement No. 101, *Compensated Absences*

AWARDS

The Government Finance Officers Association of the United States and Canada (GFOA) awarded a Certificate of Achievement for Excellence in Financial Reporting to the Town of Warrenton for its Annual Comprehensive Financial Report (ACFR) for the fiscal year ended June 30, 2022. To be awarded a Certificate of Achievement, a government must publish an easily readable and efficiently organized annual comprehensive financial report. This report must satisfy both generally accepted accounting principles and applicable legal requirements.

A Certificate of Achievement is valid for a period of one year only. We believe our current financial report continues to conform to the Certificate of Achievement program requirements, and we are submitting our ACFR for the current year to the GFOA to determine its eligibility for another certificate.

ACKNOWLEDGMENTS

We would like to express our sincere appreciation to each member of the Finance Department for their efforts in making this report possible on a timely basis. We would also like to thank the Town Council for their leadership and support in planning and conducting the financial operation of the Town in a responsible and progressive manner. Finally, we commend the efforts of all Town departments and staff to make Warrenton a better place to live and work.

Respectfully submitted,



Frank Cassidy
Interim Town Manager



Stephanie Miller
Director of Finance



Government Finance Officers Association

Certificate of
Achievement
for Excellence
in Financial
Reporting

Presented to

**Town of Warrenton
Virginia**

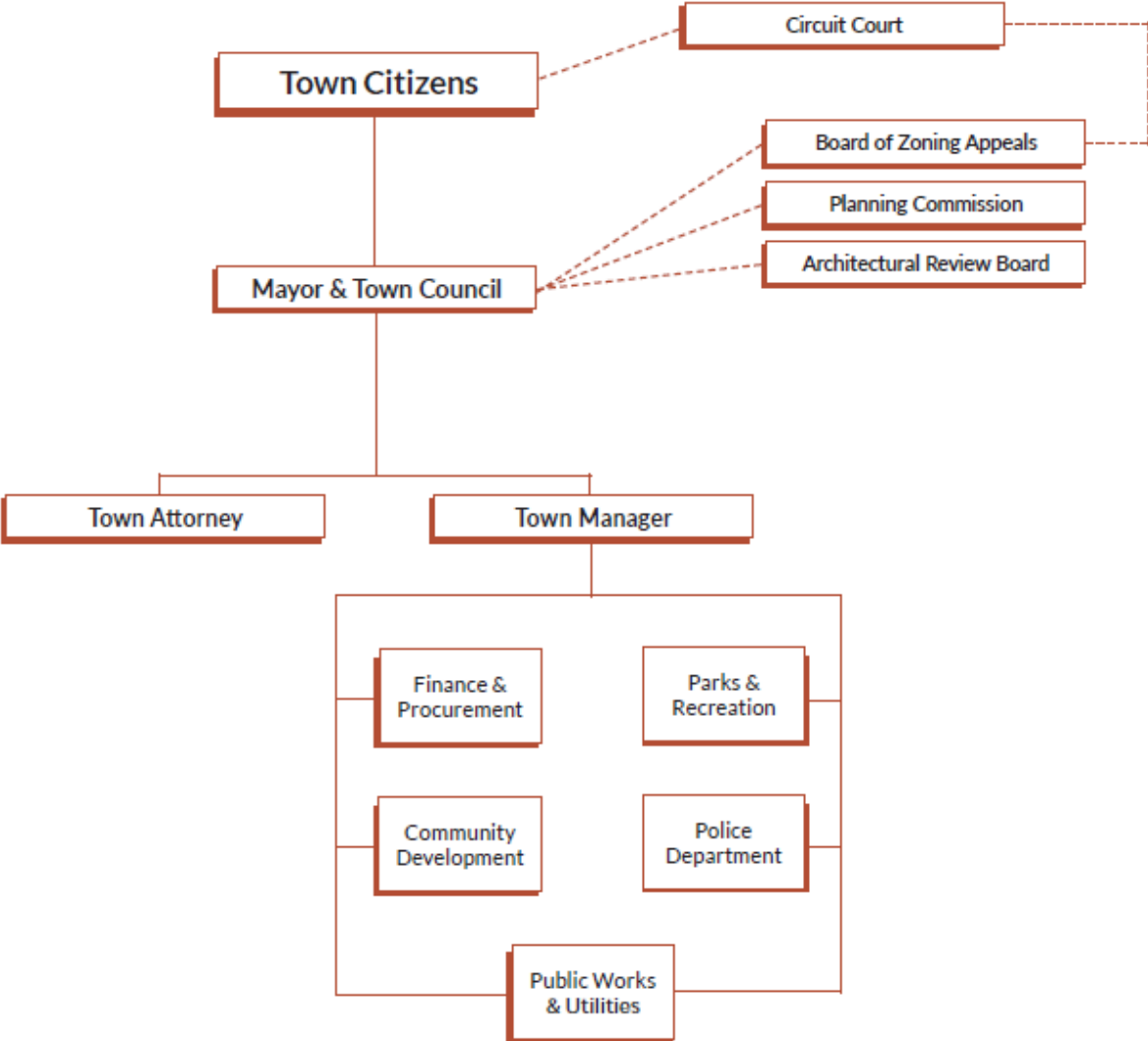
For its Annual Comprehensive
Financial Report
For the Fiscal Year Ended

June 30, 2022

Christopher P. Morill

Executive Director/CEO

ORGANIZATIONAL CHART



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FINANCIAL SECTION



INDEPENDENT AUDITOR'S REPORT

To the Honorable Members of Town Council
Town of Warrenton, Virginia
Warrenton, Virginia

Report on the Audit of the Financial Statements

Opinions

We have audited the accompanying financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the Town of Warrenton, Virginia (the "Town") as of and for the year ended June 30, 2023, and the related notes to the financial statements, which collectively comprise the Town's basic financial statements as listed in the table of contents.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the Town as of June 30, 2023, and the respective changes in financial position and, where applicable, cash flows thereof and the respective budgetary comparison for the General Fund for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinions

We conducted our audit in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and *Specifications for Audits of Counties, Cities, and Towns* issued by the Auditor of Public Accounts of the Commonwealth of Virginia. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the Town of Warrenton, Virginia and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Report on the Audit of the Financial Statements (Continued)

Responsibilities of Management for the Financial Statements (Continued)

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Town's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with generally accepted auditing standards and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with generally accepted auditing standards and *Government Auditing Standards*, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Town's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about Town's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Report on the Audit of the Financial Statements (Continued)

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis and the other required supplementary information be presented to supplement the basic financial statements. Such information is the responsibility of management, and, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Supplementary Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Town of Warrenton's basic financial statements. The other supplementary information and schedule of expenditures of federal awards, as required by Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*, are presented for purposes of additional analysis and are not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. The information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the other supplementary information and the schedule of expenditures of federal awards are fairly stated, in all material respects, in relation to the basic financial statements as a whole.

Other Information

Management is responsible for the other information included in the annual report. The other information comprises the introductory and statistical sections but does not include the basic financial statements and our auditor's report thereon. Our opinions on the basic financial statements do not cover the other information, and we do not express an opinion or any form of assurance thereon.

In connection with our audit of the basic financial statements, our responsibility is to read the other information and consider whether a material inconsistency exists between the other information and the basic financial statements, or the other information otherwise appears to be materially misstated. If, based on the work performed, we conclude that an uncorrected material misstatement of the other information exists, we are required to describe it in our report.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated December 1, 2023 on our consideration of the Town's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Town's internal control over financial reporting and compliance.

Brown, Edwards & Company, L.L.P.

CERTIFIED PUBLIC ACCOUNTANTS

Roanoke, Virginia
December 1, 2023

MANAGEMENT'S DISCUSSION AND ANALYSIS

The management of the Town of Warrenton, Virginia presents the following discussion and analysis of the Town's financial activities for the fiscal year ended June 30, 2023. This analysis is intended to be read in conjunction with the Letter of Transmittal in the Introductory Section of this report and the Financial Statements, Notes, and other required supplementary information, which follow this discussion and analysis.

OVERVIEW OF THE FINANCIAL STATEMENTS

This Annual Comprehensive Financial Report (ACFR) consists of four sections: Introductory, Financial, Statistical, and Compliance.

- The Introductory Section includes a listing of Principal Town Officials, the Letter of Transmittal, a copy of the Fiscal Year 2022 Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association, and the Town's organizational chart.
- The Financial Section includes the Independent Auditors' Report, Management's Discussion and Analysis, the basic financial statements, required supplementary information, other supplementary information, and supporting schedules.
- The Statistical Section provides selected financial and demographic data related to the Town presented on a multi-year basis.
- The Compliance Section includes the auditors' report on compliance and internal controls.

Financial Section Overview

Management's Discussion and Analysis serves as an introduction to the Financial Section of the ACFR. It is followed by four additional sections – the basic financial statements, required supplementary information, other supplementary information, and supporting schedules.

The basic financial statements are comprised of three components: (1) government-wide financial statements, (2) fund financial statements, and (3) notes to the financial statements. The government-wide financial statements and the fund financial statements present different views of the Town's financial activities. These differences are explained in more detail in the following sections.

Required supplementary information consists of this discussion and analysis and the Schedules of Changes in the Net Pension Liability and Related Ratios, Employer Pension Contributions, Employer's Share of Net OPEB Liability – VRS GLI, and Employer OPEB Contributions – VRS GLI.

Other supplementary information consists of combining schedules for Fiduciary and Agency Funds and the Schedule of Revenues, Expenditures – Budget and Actual – General Fund.

The supporting schedules provide detailed schedules of revenues and expenditures for governmental and proprietary funds.

Government-wide Financial Statements

The government-wide financial statements (Exhibits 1 and 2) provide financial statement users with a general overview of Town finances. These statements report on the Town’s net position and how the net position has changed during the fiscal year using accounting methods like those used in the private sector. The two financial statements that present this information are the statement of net position and the statement of activities.

The Statement of Net Position (Exhibit 1) presents all the Town’s assets, deferred outflows of resources, liabilities, deferred inflows of resources, and net position. The difference between assets plus deferred outflows of resources and liabilities plus deferred inflows of resources is reported as net position. Increases or decreases in net position may serve as a useful indicator of whether the financial condition of the Town is improving or deteriorating. Other non-financial factors will also need to be considered to determine the overall financial condition of the Town, such as changes in the Town’s property tax base and the condition of Town facilities.

The Statement of Activities (Exhibit 2) utilizes the accrual basis of accounting to present information detailing how the government’s net position changed during the fiscal year. The statement is focused on the gross and net cost of various government functions which are supported by general tax and other revenues. The statement of activities presents expenses before revenues, emphasizing that in government, revenues are generated for the express purpose of providing services.

Both government-wide financial statements are separated into governmental activities and business-type activities. Governmental activities are principally supported by taxes and intergovernmental revenues and include general government administration; public safety; public works; health and welfare; parks, recreation and cultural; and community development. Business-type activities recover all or a significant portion of their costs through user fees and charges. The business-type activities of the Town are the Water and Sewer and Stormwater Funds.

Fund Financial Statements

The fund financial statements focus on individual parts of the Town government. A fund is a group of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. Fund accounting is used to ensure and demonstrate compliance with finance-related legal requirements. The Town’s funds can be divided into three categories:

- **Governmental Funds** - Governmental funds are used to account for essentially the same functions, or services, reported as governmental activities in the government-wide financial statements. Whereas the government-wide financial statements are prepared on the accrual basis of accounting, the governmental fund financial statements are prepared on the modified accrual basis of accounting. Because the focus of governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the information presented for governmental funds with similar information presented for governmental activities in the government-wide financial statements. By doing so, readers may better understand the long-term impact of the government’s near-term financing decisions. Both the governmental fund balance sheet and the governmental fund statement of revenues, expenditures, and changes in fund balances provide a reconciliation to facilitate this comparison between governmental funds and governmental activities. There are two governmental funds for the Town: the General Fund and the Perpetual Care Fund, which is a permanent fund established for the maintenance of the Warrenton Cemetery. The Town of Warrenton adopts an annual appropriated budget for its general fund. A budgetary comparison statement has been provided for the general fund to demonstrate compliance with this budget.

- **Proprietary Funds** - There are two types of proprietary funds: enterprise funds which are established to account for the delivery of goods and services to the general public and internal service funds which account for the delivery of goods and services to other departments or agencies of the government. Proprietary funds use the accrual basis of accounting, similar to private sector business. Proprietary funds provide the same type of information as the government-wide financial statements, only in more detail. The Town of Warrenton has two proprietary funds, the Water and Sewer Fund and the Stormwater Fund. The Water and Sewer Fund accounts for all revenues and expenses related to water production, billing, and sewage treatment. The Stormwater Fund accounts for the fees and expenses related to the management of the Town’s designation as a small Municipal Separate Storm Sewer System (MS4), in accordance with the requirements of the Virginia Stormwater Management Act.
- **Fiduciary Funds** - Fiduciary funds account for assets held by the government as a trustee or agent for another organization or individual. The Town is responsible for ensuring that the assets reported in these funds are used for their intended purposes. Fiduciary funds are not reflected in the government-wide financial statements because the funds are not available to support the Town’s own activities.

FISCAL YEAR 2023 FINANCIAL HIGHLIGHTS

Net Position

The Town reported a positive net position at the close of the last two fiscal years. The unrestricted portion of this figure may be used to meet the Town’s ongoing obligations to creditors and citizens.

	<u>June 30, 2023</u>	<u>June 30, 2022</u>
Net Position	\$ 75,123,838	\$ 73,453,846
Unrestricted	20,383,586	19,794,215

The Town’s total net position increased \$1,669,992 in fiscal year 2023. This is primarily due to the change in the net pension liability and deferred outflows related to pensions. In fiscal year 2022, the Town reported a net pension asset of \$324,213. In fiscal year 2023, the Town is reporting a net pension liability of \$1,081,471. The changes related to the Defined Benefit Pension Plan are described in detail in Note 8.

Business-type activities decreased net position by \$112,913. This decrease is partly due to inflationary pressures driving up expenses related to items such as electricity and chemicals. Additionally, capital project expenses have risen due to a large multi-year capital program to modernize the water and sewer system.

Governmental activities increased net position by \$1,782,905. Compared to fiscal year 2022, expenses rose by \$2,041,789. This is primarily due to increased public works road maintenance activities and a focus on facilities maintenance. The increase in expenses was offset by increases in most governmental revenue categories, resulting in a total revenue increase compared to fiscal year 2022 for governmental activities of \$3,914,167. Further information on various revenue sources is provided in the paragraph on governmental revenues below.

The unrestricted portion of net position increased by \$589,371. This is a smaller increase than in fiscal year 2022, which reported an increase in unrestricted net position of \$2,883,453. The net investment in capital assets has remained stable, decreasing by \$55,008 compared to fiscal year 2022.

Governmental revenues increased by \$3,914,167 compared to fiscal year 2022 and expenses increased by \$2,041,789. The bulk of the revenue increase is related to the increases in general revenues, which includes property tax, sales tax, consumer utility tax, business license tax, meals tax, bank stock tax and other miscellaneous taxes. The fiscal year 2023 budget increased the meals tax rate from 4% to 6%, generating an additional \$2,049,867 compared to fiscal year 2022. Business license taxes increased by \$547,174 due to an increase in business activity and the timing of receipts. Property taxes increased by \$249,264 due to increases in underlying assessments. Other areas driving the increase in governmental revenues included the use of money and property, which rose by \$583,287 due to higher prevailing interest rates. Intergovernmental revenue rose by \$490,657 compared to fiscal year 2022. A capital grant related to the construction of a trail drove increased revenue in fiscal year 2022 and there was no similar effort in fiscal year 2023. In 2022, the Town sold a property for a gain of \$175,275, which is an unusual item. Operating grant revenue related to the maintenance of roads in Town increased by \$261,942 compared to fiscal year 2022.

On the expense side for governmental activities, public works is the primary driver of the \$2,041,789 increase compared to fiscal year 2022. Collector road maintenance activities increased due to repaving of Timber Fence Parkway and Walker Drive. Funding from fiscal year 2022 was carried over and combined with fiscal year 2023 funds to accomplish this effort. The Town also spent more on the maintenance of Town facilities in fiscal year 2023.

Revenues for business-type activities increased by \$516,158. Water and Sewer charges for services increased by 4.4%, which follows the planned rate increase. Connection fees for Water and Sewer service increased by \$100,000. Expenses increased by \$832,807 compared to fiscal year 2022, primarily for Water and Sewer. The increase in Water and Sewer expenses is related to general increases due to personnel costs and inflation for items such as chemicals.

Fund Balance

Fund balance for governmental funds increased by \$2,092,824 for the fiscal year. Unassigned fund balance increased by \$1,995,084 due primarily to an increase in receivables and cash. Unassigned fund balance represents 63.0% of total fund balance. Note 12 provides more details regarding the classification of fund balance.

	<u>June 30, 2023</u>	<u>June 30, 2022</u>
Fund balance, ending	\$ 18,309,478	\$ 16,216,654
Increase (decrease) from prior year	2,092,824	119,561
Unassigned fund balance	\$ 11,537,274	\$ 9,542,190
Percentage unassigned	63.0%	58.8%

GOVERNMENT-WIDE FINANCIAL ANALYSIS

As previously noted, net position may serve as a useful indicator of a government’s financial condition. For the Town of Warrenton, assets plus deferred outflows of resources exceeded liabilities plus deferred inflows of resources by \$75,123,838 at June 30, 2023.

Town of Warrenton
Summary of Net Position

	Governmental activities		Business-type activities		Total	
	June 30, 2023	June 30, 2022	June 30, 2023	June 30, 2022	June 30, 2023	June 30, 2022
Assets:						
Current and other assets	\$ 28,817,889	\$ 22,822,759	\$ 14,091,117	\$ 10,716,535	\$ 42,909,006	\$ 33,539,294
Capital assets	41,959,064	43,482,031	31,299,925	30,320,987	73,258,989	73,803,018
Total assets	\$ 70,776,953	\$ 66,304,790	\$ 45,391,042	\$ 41,037,522	\$ 116,167,995	\$ 107,342,312
Deferred outflows of resources:						
Deferred charge on refunding	\$ 291,515	\$ 341,684	\$ -	\$ -	\$ 291,515	\$ 341,684
Pension-related deferred outflows	871,464	1,064,251	324,166	378,130	1,195,630	1,442,381
OPEB-related deferred outflows	85,102	100,805	22,137	27,688	107,239	128,493
Total deferred outflows of resources	\$ 1,248,081	\$ 1,506,740	\$ 346,303	\$ 405,818	\$ 1,594,384	\$ 1,912,558
Total assets and deferred outflows of resources	\$ 72,025,034	\$ 67,811,530	\$ 45,737,345	\$ 41,443,340	\$ 117,762,379	\$ 109,254,870
Liabilities:						
Long-term liabilities	\$ 10,879,994	\$ 10,723,613	\$ 16,368,247	\$ 11,394,139	\$ 27,248,241	\$ 22,117,752
Other liabilities	10,544,708	6,415,912	1,116,320	896,414	11,661,028	7,312,326
Total liabilities	\$ 21,424,702	\$ 17,139,525	\$ 17,484,567	\$ 12,290,553	\$ 38,909,269	\$ 29,430,078
Deferred inflows of resources:						
Property taxes	\$ 670	\$ 670	\$ -	\$ -	\$ 670	\$ 670
Pension-related deferred inflows	1,099,312	2,901,123	408,920	1,030,775	1,508,232	3,931,898
OPEB-related deferred inflows	68,324	121,091	17,773	33,260	86,097	154,351
Lease-related deferred inflows	-	-	2,134,273	2,284,027	2,134,273	2,284,027
Total deferred inflows of resources	\$ 1,168,306	\$ 3,022,884	\$ 2,560,966	\$ 3,348,062	\$ 3,729,272	\$ 6,370,946
Net position:						
Net investment in capital assets	\$ 33,258,007	\$ 34,401,208	\$ 20,282,634	\$ 19,194,441	\$ 53,540,641	\$ 53,595,649
Restricted	929,200	1,123,916	270,411	331,724	1,199,611	1,455,640
Unrestricted	15,244,819	12,123,997	5,138,767	6,278,560	20,383,586	18,402,557
Total net position	\$ 49,432,026	\$ 47,649,121	\$ 25,691,812	\$ 25,804,725	\$ 75,123,838	\$ 73,453,846
Total liabilities and deferred inflows of resources and net position	\$ 72,025,034	\$ 67,811,530	\$ 45,737,345	\$ 41,443,340	\$ 117,762,379	\$ 109,254,870

The Town's net position is divided into three categories: (1) net investment in capital assets; (2) restricted; and (3) unrestricted. At the end of the fiscal year, the Town reports positive balances in all three categories of net position.

Net Investment in Capital Assets: The net investment in capital assets represents the Town's total investment in capital assets, net of accumulated depreciation and outstanding debt obligations related to those assets. Debt incurred, but not yet expended for capital assets, is not included as a component of net investment in capital assets. Although the investment in capital assets is reported net of related debt, it should be noted that the resources needed to repay this debt must be provided from other sources, since the capital assets themselves cannot be used to liquidate these liabilities. The Town uses capital assets to provide services to citizens. For the Town, the net investment in capital assets (i.e., land, buildings, machinery, equipment, and infrastructure) as of June 30, 2023, is \$53,540,641 and represents 71.3 % of total net position. This is a decrease of \$55,008 compared to fiscal year 2022. In fiscal year 2023, the Town has several major capital projects underway to address deferred maintenance and other capital needs, particularly for the Water and Sewer enterprise fund.

Restricted Net Position: Restricted net position represents resources that are subject to external restrictions on how they may be used. The restricted net position includes amounts reserved for perpetual care of the Warrenton Cemetery, which the Town maintains. The Town’s restricted net position is \$1,199,611, or 1.6% of total net position.

Unrestricted Net Position: The remaining balance of unrestricted net position at June 30, 2023 is \$20,383,586, or 27.1 % of total net position, and may be used to meet the government’s ongoing obligations to citizens and creditors.

Total Net Position: During fiscal year 2023, the net position of the government increased by \$1,669,992 primarily due to changes related to the Defined Benefit Pension Plan, which is described in Note 8.

CHANGE IN NET POSITION

Table 2 outlines the key elements of the change in net position for the reporting entity for the year ended June 30, 2023.

Table 2

Town of Warrenton Changes in Net Position						
	Governmental activities		Business-type activities		Total	
	June 30, 2023	June 30, 2022	June 30, 2023	June 30, 2022	June 30, 2023	June 30, 2022
Revenues:						
Program revenues:						
Charges for services	\$ 1,311,834	\$ 1,359,770	\$ 6,890,549	\$ 6,744,715	\$ 8,202,383	\$ 8,104,485
Operating grants & contributions	2,021,815	1,759,873	-	-	2,021,815	1,759,873
Capital grants & contributions	4,500	285,212	-	-	4,500	285,212
General revenues:						
General property taxes	1,746,616	1,497,352	-	-	1,746,616	1,497,352
Other local taxes	11,581,881	8,785,869	-	-	11,581,881	8,785,869
Intergovernmental revenue, unrestricted	1,038,391	547,734	99,318	34,757	1,137,709	582,491
Use of money and property	488,121	(95,166)	561,677	255,914	1,049,798	160,748
Gain on sale of property	-	175,275	-	-	-	175,275
Miscellaneous	283,266	238,715	-	-	283,266	238,715
Grants and contributions not restricted to specific programs	1,239,149	1,246,772	-	-	1,239,149	1,246,772
Total revenues	\$ 19,715,573	\$ 15,801,406	\$ 7,551,544	\$ 7,035,386	\$ 27,267,117	\$ 22,836,792
Expenses:						
General government	\$ 2,208,282	\$ 2,186,451	\$ -	\$ -	\$ 2,208,282	\$ 2,186,451
Public safety	4,945,463	4,715,140	-	-	4,945,463	4,715,140
Public works	6,589,800	4,779,200	-	-	6,589,800	4,779,200
Health and welfare	259,011	173,245	-	-	259,011	173,245
Parks, recreation and cultural	3,138,550	2,871,147	-	-	3,138,550	2,871,147
Community development	622,434	713,617	-	-	622,434	713,617
Water and Sewer	-	-	6,907,828	6,070,323	6,907,828	6,070,323

Stormwater	-	-	390,701	462,033	390,701	462,033
Interest on long-term debt	<u>169,128</u>	<u>452,079</u>	<u>365,928</u>	<u>299,294</u>	<u>535,056</u>	<u>751,373</u>
Total expenses	\$ <u>17,932,668</u>	\$ <u>15,890,879</u>	\$ <u>7,664,457</u>	\$ <u>6,831,650</u>	\$ <u>25,597,125</u>	\$ <u>22,722,529</u>
Change in net position	\$ 1,782,905	\$ (89,473)	\$ (112,913)	\$ 203,736	\$ 1,669,992	\$ 114,263
Net position, beginning of year	<u>47,649,121</u>	<u>47,738,594</u>	<u>25,804,725</u>	<u>25,600,989</u>	<u>73,453,846</u>	<u>73,339,583</u>
Net position, end of year	\$ <u><u>49,432,026</u></u>	\$ <u><u>47,649,121</u></u>	\$ <u><u>25,691,812</u></u>	\$ <u><u>25,804,725</u></u>	\$ <u><u>75,123,838</u></u>	\$ <u><u>73,453,846</u></u>

Governmental Activities: For the year ended June 30, 2023, Governmental activities increased net position by \$1,782,905. In fiscal year 2022, net position for governmental activities decreased by \$89,473. This year’s improvement was driven by an increase in revenues of \$3,914,167 offset by an increase of \$2,041,789 in expenses.

For revenues, the largest increases were in operating grants, general property taxes, other local taxes, intergovernmental revenue, and the use of money and property.

- Operating grants and contributions consist of funding from the Commonwealth in support of public safety and road maintenance activities. This category increased by \$261,942 compared to fiscal year 2022.
- General property taxes for real estate and personal property increased by \$249,264 due to increases in the underlying assessments.
- The \$2,796,012 increase in the other local taxes category is primarily composed of the following:
 - Meals tax increased by \$2,049,867 due to a 50% increase in the tax rate.
 - Business license tax increased by \$547,174 due to the timing of receipts and general increase in business activity.
- Intergovernmental revenue increased by \$490,657.
- The use of money and property increased by \$583,287 due to increases in interest rates.

Total expenses increased by \$2,041,789 due mostly to public works activities.

- Repaving of two major thoroughfares in town was accomplished by carrying over funds from fiscal year 2022 to increase the available allocation.
- Facilities maintenance expenses increased due to aging facilities. Work began on the old town hall location in preparation for future uses. Several projects related to the aquatic facility constructed in 2007 were addressed.

Business-type Activities: Business-type activities decreased net position by \$112,913. On the revenue side, charges for services increased by \$145,834. Intergovernmental revenue and the use of money and property increased net position by \$370,324. Water and Sewer expenses increased by \$837,505 compared to the prior year due to inflation. Stormwater Management expenses decreased by \$71,332 compared to fiscal year 2022. Interest on long-term debt increased by \$66,634 due to the issuance of \$5 million in debt to support capital projects.

FINANCIAL ANALYSIS OF THE TOWN’S FUNDS

As mentioned earlier, the Town uses fund accounting to ensure compliance with finance-related legal requirements and to demonstrate accountability. The following highlights of the Town’s funds are provided.

Governmental Funds: The focus of the Town’s governmental funds is to provide information on near-term inflows, outflows, and balances of financial resources. Such information is useful in assessing the Town’s financing requirements. Unassigned fund balance may serve as a useful measure of a government’s net resources available for spending at the end of the fiscal year.

At the end of the fiscal year, the Town’s governmental funds reported ending fund balances of \$18,309,4 increase of \$2,092,824 compared to the prior year. Approximately 63.0%, or \$11,537,274, of total fund balance is unassigned, which is available for spending at the government’s discretion. The remainder of fund balance is classified as nonspendable, restricted, committed, or assigned to indicate that it is not available for new spending.

Proprietary Funds: The Town’s proprietary funds provide the same type of information found in the government-wide financial statements, but in greater detail. The Town reports two proprietary funds - the Water and Sewer Fund and the Stormwater Fund.

For the Water and Sewer Fund, total net position as of June 30, 2023, is \$25,691,812, a decrease of \$112,913 compared to June 30, 2022. The net investment in capital assets is \$20,282,634, which reflects an increase of \$1,088,193. The Town has recently completed several capital projects and is in the engineering phase of additional projects expected to begin construction in fiscal year 2024. The unrestricted net position of the Water and Sewer Fund at the end of the year was \$5,138,767, or 20.0%, of the fund’s net position. This reflects a decrease in unrestricted net position from fiscal year 2022 of \$1,139,793, which is mostly related to the increased efforts related to capital projects.

The Stormwater Fund reported net position of \$686,761 as of June 30, 2023.

The greatest impact year after year for the proprietary fund is depreciation expense. Depreciation expense for the fiscal year ended June 30, 2023, was \$1,315,913 for the Water and Sewer Fund. The activity of this fund is capital intensive, requiring extensive ongoing annual maintenance expenses and a proactive capital improvement program.

For the Stormwater Fund, total net position as of June 30, 2023, is \$686,761. This fund was established in fiscal year 2022. In fiscal year 2023, two capital projects were completed, resulting in a net investment in capital assets of \$135,996. The unrestricted portion of net position is \$550,765, which represents 80.2% of net position.

GENERAL FUND BUDGETARY HIGHLIGHTS

The difference between the original budgeted appropriation and the final amended budgeted appropriation for the general fund was \$3,460,116, or 21.7%, of the total original budget. Final actual expenditures were \$1,775,761, or 9.2%, less than final amended appropriations. The two functional areas that realized the greatest variance with the budget were general government administration and capital projects. For general government, this is related to information technology projects that were carried over into fiscal year 2024. Similarly for capital outlay, there were multi-year projects that were carried over into the next fiscal year.

Final actual revenue was \$2,617,670 less than the final amended budget amounts. This was largely due to the budget for Coronavirus State and Local Fiscal Recovery Funds (CSLFRF). Some of the projects planned for these funds span multiple years, resulting in carryover appropriations. For local revenue sources, the largest variance was in the other local taxes category, in particular, local sales and use taxes, business license taxes, bank stock taxes, and restaurant food tax. Local sales and use tax has been trending up and exceeded the budgeted amount by \$348,401. Business license taxes exceeded the estimate by \$239,435 due to increased business activity. Bank stock taxes exceeded the budget by \$448,013. This is a difficult category to predict because of limited insight into the nature of the bank’s operations and the deductions allowed on the return filed with the Virginia Department of Taxation. Restaurant food tax exceeded the budget by \$773,081. This is the largest revenue source for the general fund and has been trending higher since the pandemic.

Capital assets

The Town's capital asset classes include land, utility plant in service, buildings, infrastructure, machinery and equipment, and construction in progress. The total value of capital assets reported for the entity was \$73,258,989, which is a decrease of \$544,029 compared to fiscal year 2022. It should be noted that the totals reported in this section are net of accumulated depreciation but not of related debt, and as a result vary from the net investment in capital assets reported earlier in this discussion and analysis.

Capital assets for the Town's governmental activities as of June 30, 2023, total \$41,959,064 (net of accumulated depreciation). As noted in Table 3, the largest class of assets for governmental activities is buildings and improvements. This asset class includes the Warrenton Aquatic and Recreation Facility (WARF), Town Hall, the old Town Hall location, the old Visitor Center building, the Public Safety Facility, and the Public Works Facility. The total net decrease in governmental activities capital assets for the current fiscal year was \$1,522,967. Depreciation and amortization expense charged for governmental activities for the period ended June 30, 2023, was \$2,592,173.

Capital asset additions during fiscal year 2023 for governmental activities totaled \$1,069,206. The following are some of the major additions in this category:

- Parks and recreation improvements - \$265,705
- Public safety vehicle replacements - \$98,129
- Public works equipment replacements - \$584,322

The Town's business-type activity capital assets total \$31,299,925 (net of accumulated depreciation) which reflects a net increase of \$978,938 from the prior year. The increase is partially due to the completion of the first two projects in the Stormwater Fund, which was established in fiscal year 2022. The Water and Sewer fund completed several large-scale projects.

The largest class of assets for business-type activities is Utility plant in service, which includes the Water Treatment Plant, the Wastewater Treatment Plant, and the transmission and distribution lines for the system. Depreciation expense for business-type activities for the period ended June 30, 2023, was \$1,316,687.

For business-type activities, capital asset additions totaled \$4,258,366, including the following major items:

- Construction of an automated truck water filling station at the County landfill - \$493,722
- Cured in place pipe lining throughout the town's water and sewer transmission and distribution system - \$1,510,648
- Purchase of a 2022 Vactor - \$318,000
- Manhole rehabilitation - \$988,233
- Stormwater improvements - \$224,814

Town of Warrenton						
Capital Assets (net of depreciation)						
	Governmental activities		Business-type activities		Total	
	June 30, 2023	June 30, 2022	June 30, 2023	June 30, 2022	June 30, 2023	June 30, 2022
Land	\$ 4,627,473	\$ 4,627,473	\$ 665,660	\$ 665,660	\$ 5,293,133	\$ 5,293,133
Construction in progress	64,317	82,167	861,960	2,753,784	926,277	2,835,951
Utility plant in service	-	-	27,892,751	25,915,279	27,892,751	25,915,279
Buildings and improvements	20,863,204	21,540,136	-	-	20,863,204	21,540,136
Infrastructure	11,898,352	12,970,590	224,814	-	12,123,166	12,970,590
Furniture, equipment, and vehicles	4,393,542	4,120,438	1,654,740	986,264	6,048,282	5,106,702
Intangible Right to use assets	112,176	141,227	-	-	112,176	141,227
Total	\$ 41,959,064	\$ 43,482,031	\$ 31,299,925	\$ 30,320,987	\$ 73,258,989	\$ 73,803,018

Additional information on the Town’s capital assets may be found in Note 6 of the financial statements.

Long-term Obligations

At the end of the fiscal year, the Town had \$27.2 million in outstanding obligations. This represents an increase of \$5,130,489 from the prior year. Table 4 summarizes the outstanding obligations of the Town:

Table 4

Town of Warrenton						
Long-term Obligations						
	Governmental activities		Business-type activities		Total	
	June 30, 2023	June 30, 2022	June 30, 2023	June 30, 2022	June 30, 2023	June 30, 2022
General obligation bonds	\$ 7,690,000	\$ 8,165,000	\$ 15,301,000	\$ 10,583,000	\$ 22,991,000	\$ 18,748,000
Premium on refunding	1,308,290	1,532,885	479,728	543,546	1,788,018	2,076,431
Capital lease	-	31,383	-	-	-	31,383
Net pension liability	788,257	-	293,214	-	1,081,471	-
Net OPEB liability	308,542	291,829	80,261	80,156	388,803	371,985
Lease liability	112,176	141,227	-	-	112,176	141,227
Compensated absences	672,729	561,289	214,044	187,437	886,773	748,726
Total	\$ 10,879,994	\$ 10,723,613	\$ 16,368,247	\$ 11,394,139	\$ 27,248,241	\$ 22,117,752

In September 2022, the Town issued \$5 million in general obligation bonds for Water and Sewer capital projects. Additional information on the Town’s long-term debt can be found in Note 7 of the financial statements. Details regarding the Town’s net pension liability can be found in Note 8 and information on the net other postemployment benefits liability can be found in Note 9.

Economic Factors

The following economic factors were considered in the preparation of the budget for Fiscal Year 2024:

- The Town monitors monthly receipts in the areas of Meals Tax, Lodging Tax, and Sales Tax to gauge the impact on our local economy. Several revenue categories continued positive upward trends in 2023 compared to fiscal year 2022:
 - Meals tax – revenue increased by \$2,072,343, or 63.3%. A portion of this increase is due to the tax rate increasing by 50% in FY23 from 4% to 6%.
 - Transient occupancy tax – revenue increased by \$9,761, or 3.7%
 - Sales tax – revenue increased by \$39,986, or 4.0%
- The unemployment rate for Fauquier County improved from 2.8% in June 2022 to 2.5% in June 2023 and per capita personal income rose from \$38,543 to \$41,385.

Fiscal Year 2024 Budget and Rates

- The Fiscal Year 2024 Adopted Budget did not include any increases in tax rates but did include an increase in Water and Sewer rates based on a rate study update completed in 2022.
- The total appropriation for all funds is \$40,416,290, which is an increase of \$9,235,660, or 30%, from the Fiscal Year 2023 Adopted Budget.
- The adopted General Fund budget for fiscal year 2024 is \$22,736,827, an increase of \$6,323,743, or 39%, from the adopted budget for fiscal year 2023. The increase is largely driven by a \$4 million increase in capital projects and capital asset replacements.
- The largest revenue categories for the general fund are the other local taxes category at 50%, which includes the Town's two largest revenue sources - business license taxes and meals taxes; State revenue at 13%, which consists primarily of funding for the maintenance of Town streets and roads; and general property taxes at 6%. Charges for services account for 5% of general fund revenue and represent user fees for the Warrenton Aquatic and Recreation Facility (WARF).
- The Town received \$10.4 million in Coronavirus State and Local Fiscal Recover Funds (CSLFRF). The Fiscal Year 2024 Adopted Budget appropriates \$3,269,910 of those funds for park land acquisition, Wastewater Treatment Plant capital and ADA playground replacements.
- A classification and compensation study was conducted using CSLFRF funds during fiscal year 2023, resulting in an updated pay scale. The Fiscal Year 2024 Adopted Budget included a 10% compensation adjustment for all personnel employed as of April 1, 2023. Additionally, merit increases of up to 3% were programmed with an effective date of January 1, 2024.
- Five positions were added in the General Fund with a total cost of \$569,202. Additionally, four part-time maintenance workers were upgraded to full-time status at a net cost of \$163,626.
- The largest functional expenditure areas for the general fund are general government at 24%, public works at 30%, and public safety at 20%.

- The fiscal year 2024 adopted budget for the general fund plans for the use of \$4,394,803 of fund balance. Fund balance is utilized to support capital expenditures. The use of fund balance for this purpose is in line with the Town Council’s adopted policy.
- The Water and sewer capital program totals \$5,311,700. Capital projects total \$5,056,700 and asset replacements total \$255,000.
- The Fiscal Year 2024 Adopted Budget dissolves the two internal service funds - Motor Pool and Information Technology. These functions are included in the General Fund starting with FY24. This has resulted in large increases in the general government and public works functions compared to fiscal year 2023.

REQUESTS FOR INFORMATION

This financial report is designed to provide readers with a general overview of the Town of Warrenton’s finances. Questions concerning any of the information provided in this report or requests for additional financial information should be addressed to the Town of Warrenton, Finance Department, P.O. Box 341, Warrenton, Virginia 20188.

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BASIC FINANCIAL STATEMENTS

EXHIBIT 1

TOWN OF WARRENTON, VIRGINIA

STATEMENT OF NET POSITION

June 30, 2023

	Primary Government		Total
	Governmental Activities	Business-Type Activities	
ASSETS			
Cash and cash equivalents (Note 2)	\$ 22,813,154	\$ 4,872,091	\$ 27,685,245
Cash and cash equivalent, restricted (Note 2)	389,915	5,546,146	5,936,061
Investments (Note 2)	3,679,213	-	3,679,213
Receivables, net (Note 3)	1,319,972	1,074,427	2,394,399
Due from other governmental units (Note 4)	318,303	63,921	382,224
Lease receivable (Note 5)	-	2,269,586	2,269,586
Inventories	194,520	264,946	459,466
Prepays	102,812	-	102,812
Capital assets: (Note 6)			
Nondepreciable	4,691,790	1,527,620	6,219,410
Depreciable, net	37,267,274	29,772,305	67,039,579
Total assets	70,776,953	45,391,042	116,167,995
DEFERRED OUTFLOWS OF RESOURCES			
Deferred charge on refunding	291,515	-	291,515
Deferred outflows related to pensions (Note 8)	871,464	324,166	1,195,630
Deferred outflows related to other postemployment benefits (Note 9)	85,102	22,137	107,239
Total deferred outflows of resources	1,248,081	346,303	1,594,384
LIABILITIES			
Accounts payable	983,759	645,740	1,629,499
Accrued payroll and related liabilities	164,861	141,337	306,198
Customer deposits	-	108,707	108,707
Accrued interest payable	83,326	151,315	234,641
Unearned revenue	9,312,762	69,221	9,381,983
Long-term liabilities:			
Due within one year (Note 7)	805,790	821,792	1,627,582
Due in more than one year (Note 7)	8,977,405	15,172,980	24,150,385
Net pension liability (Note 8)	788,257	293,214	1,081,471
Net other postemployment benefit liability (Note 9)	308,542	80,261	388,803
Total liabilities	21,424,702	17,484,567	38,909,269
DEFERRED INFLOWS OF RESOURCES			
Property taxes	670	-	670
Deferred inflows related to pensions (Note 8)	1,099,312	408,920	1,508,232
Deferred inflows related to other postemployment benefits (Note 9)	68,324	17,773	86,097
Deferred inflows related to leases (Note 5)	-	2,134,273	2,134,273
Total deferred inflows of resources	1,168,306	2,560,966	3,729,272
NET POSITION			
Net investment in capital assets	33,258,007	20,282,634	53,540,641
Restricted:			
Unspent maintenance funds	-	270,411	270,411
Capital outlay	272,021	-	272,021
Perpetual Care – nonexpendable	657,179	-	657,179
Unrestricted	15,244,819	5,138,767	20,383,586
Total net position	\$ 49,432,026	\$ 25,691,812	\$ 75,123,838

The Notes to Financial Statements are an integral part of this statement.

EXHIBIT 2

TOWN OF WARRENTON, VIRGINIA

STATEMENT OF ACTIVITIES
Year Ended June 30, 2023

Functions/Programs	Expenses	Program Revenues			Net (Expense) Revenue and Changes in Net Position		
		Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	Governmental Activities	Business-Type Activities	Total
Primary Government:							
Governmental activities							
General government administration	\$ 2,208,282	\$ 219,987	\$ -	\$ -	\$ (1,988,295)		\$ (1,988,295)
Public safety	4,945,463	72,505	302,590	-	(4,570,368)		(4,570,368)
Public works	6,589,800	-	1,719,225	-	(4,870,575)		(4,870,575)
Health and welfare	259,011	-	-	-	(259,011)		(259,011)
Parks, recreation, and cultural	3,138,550	1,019,342	-	4,500	(2,114,708)		(2,114,708)
Community development	622,434	-	-	-	(622,434)		(622,434)
Interest on long-term debt	169,128	-	-	-	(169,128)		(169,128)
Total governmental activities	17,932,668	1,311,834	2,021,815	4,500	(14,594,519)		(14,594,519)
Business-type activities							
Water and sewer	7,273,756	6,236,259	-	-		(1,037,497)	(1,037,497)
Stormwater	390,701	654,290	-	-		263,589	263,589
Total business-type activities	7,664,457	6,890,549	-	-		(773,908)	(773,908)
Total primary government	\$ 25,597,125	\$ 8,202,383	\$ 2,021,815	\$ 4,500	(14,594,519)	(773,908)	(15,368,427)
General revenues:							
Property taxes					1,746,616	-	1,746,616
Sales and use taxes					1,018,823	-	1,018,823
Consumers' utility taxes					578,030	-	578,030
Business license taxes					2,511,960	-	2,511,960
Meals taxes					5,346,726	-	5,346,726
Bank stock taxes					1,248,013	-	1,248,013
Other local taxes					878,329	-	878,329
Intergovernmental revenue, unrestricted					1,038,391	99,318	1,137,709
Unrestricted revenues (loss) from use of money and property					488,121	561,677	1,049,798
Miscellaneous					283,266	-	283,266
Grants and contributions not restricted to specific programs					1,239,149	-	1,239,149
Total general revenues					16,377,424	660,995	17,038,419
Change in net position					1,782,905	(112,913)	1,669,992
NET POSITION AT JULY 1					47,649,121	25,804,725	73,453,846
NET POSITION AT JUNE 30					\$ 49,432,026	\$ 25,691,812	\$ 75,123,838

The Notes to Financial Statements are an integral part of this statement.

EXHIBIT 3

TOWN OF WARRENTON, VIRGINIA

BALANCE SHEET
GOVERNMENTAL FUNDS

June 30, 2023

	<u>General Fund</u>	<u>Permanent Perpetual Care Fund</u>	<u>Total</u>
ASSETS			
Cash and cash equivalents (Note 2)	\$ 22,155,975	\$ 657,179	\$ 22,813,154
Cash and cash equivalents, restricted (Note 2)	389,915	-	389,915
Investments (Note 2)	3,679,213	-	3,679,213
Receivables, net (Note 3)	1,319,972	-	1,319,972
Due from other governmental units (Note 4)	318,303	-	318,303
Inventories	194,520	-	194,520
Prepays	102,812	-	102,812
	<u>\$ 28,160,710</u>	<u>\$ 657,179</u>	<u>\$ 28,817,889</u>
LIABILITIES, DEFERRED INFLOWS OF RESOURCES, AND FUND BALANCES			
LIABILITIES			
Accounts payable	\$ 983,759	\$ -	\$ 983,759
Accrued payroll and related liabilities	164,861	-	164,861
Unearned revenue	9,312,762	-	9,312,762
	<u>10,461,382</u>	<u>-</u>	<u>10,461,382</u>
DEFERRED INFLOWS OF RESOURCES			
Unavailable revenue	47,029	-	47,029
FUND BALANCES (Note 12)			
Nonspendable	297,332	657,179	954,511
Restricted	389,915	-	389,915
Committed	2,532,750	-	2,532,750
Assigned	2,895,028	-	2,895,028
Unassigned	11,537,274	-	11,537,274
	<u>17,652,299</u>	<u>657,179</u>	<u>18,309,478</u>
Total liabilities, deferred inflows of resources, and fund balances	<u>\$ 28,160,710</u>	<u>\$ 657,179</u>	<u>\$ 28,817,889</u>

The Notes to Financial Statements are an integral part of this statement.

EXHIBIT 4

TOWN OF WARRENTON, VIRGINIA

**RECONCILIATION OF THE BALANCE SHEET OF GOVERNMENTAL FUNDS
TO THE STATEMENT OF NET POSITION**

June 30, 2023

Ending fund balance – governmental fund \$ 18,309,478

Amounts reported for governmental activities in the statement of net position are different because:

Capital assets used in governmental activities are not financial resources and, therefore, are not reported in the funds.

Governmental capital assets	\$ 92,445,795	
Less: accumulated depreciation and amortization	<u>(50,486,731)</u>	
		41,959,064

Certain receivables are not available to pay for current period expenditures and, therefore, are deferred in the funds.

46,359

Financial statement elements related to other postemployment benefits and pensions are applicable to future periods and, therefore, are not reported in the funds.

Deferred outflows related to:

Pensions	871,464	
Other postemployment benefits	85,102	

Deferred inflows related to:

Pensions	(1,099,312)	
Other postemployment benefits	(68,324)	

Net pension liability

(788,257)

Net other postemployment benefit liability

(308,542)

(1,307,869)

Long-term liabilities are not due and payable in the current period and, therefore, are not reported in the funds.

General obligation bonds, including unamortized premium	(8,998,290)	
Deferred charge on refunding	291,515	
Lease liabilities	(112,176)	
Accrued interest payable	(83,326)	
Compensated absences	<u>(672,729)</u>	

(9,575,006)

Total net position – governmental activities

\$ 49,432,026

EXHIBIT 5

TOWN OF WARRENTON, VIRGINIA

STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES –
GOVERNMENTAL FUNDS

Year Ended June 30, 2023

	<u>General Fund</u>	<u>Permanent Perpetual Care Fund</u>	<u>Total</u>
REVENUES			
General property taxes	\$ 1,739,907	\$ -	\$ 1,739,907
Other local taxes	11,581,881	-	11,581,881
Permits, privilege fees, and regulatory licenses	219,987	-	219,987
Fines and forfeitures	72,505	-	72,505
Revenue from use of money and property	464,302	23,819	488,121
Charges for services	1,019,342	-	1,019,342
Miscellaneous	283,266	-	283,266
Intergovernmental			
Commonwealth	3,258,781	-	3,258,781
Federal	1,045,074	-	1,045,074
	<u>19,685,045</u>	<u>23,819</u>	<u>19,708,864</u>
EXPENDITURES			
Current			
General government administration	2,168,979	-	2,168,979
Public safety	4,856,095	-	4,856,095
Public works	5,144,171	-	5,144,171
Health and welfare	259,011	-	259,011
Parks, recreation, and cultural	2,454,818	-	2,454,818
Community development	616,632	-	616,632
Capital outlay	1,231,327	-	1,231,327
Debt service			
Principal retirement	535,434	-	535,434
Interest and other fiscal charges	349,573	-	349,573
	<u>17,616,040</u>	<u>-</u>	<u>17,616,040</u>
Excess of revenues over expenditures	<u>2,069,005</u>	<u>23,819</u>	<u>2,092,824</u>
Net change in fund balance	2,069,005	23,819	2,092,824
FUND BALANCE AT JULY 1	<u>15,583,294</u>	<u>633,360</u>	<u>16,216,654</u>
FUND BALANCE AT JUNE 30	<u>\$ 17,652,299</u>	<u>\$ 657,179</u>	<u>\$ 18,309,478</u>

The Notes to Financial Statements are an integral part of this statement.

EXHIBIT 6

TOWN OF WARRENTON, VIRGINIA

**RECONCILIATION OF THE STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN
FUND BALANCES OF GOVERNMENTAL FUNDS TO THE STATEMENT OF ACTIVITIES
Year Ended June 30, 2023**

Net change in fund balance – total governmental fund \$ 2,092,824

Amounts reported for governmental activities in the statement of activities are different because:

Governmental funds report capital outlays as expenditures; however, in the Statement of Activities the cost of those assets is allocated over their estimated useful lives and reported as depreciation and amortization expense.

Capital outlay	\$ 1,069,206	
Depreciation and amortization expense	(2,592,173)	
		(1,522,967)

Revenues in the Statement of Activities that do not provide current financial resources are not reported as revenues in the funds.		6,709
--	--	-------

Governmental funds report employer contributions as expenditures. However, in the Statement of Activities the cost of pension benefits earned net of employee contributions is reported as pension expense.

Employer pension contributions	599,905	
Pension expense net of employer contributions	(18,356)	
		581,549

Governmental funds report employer other postemployment benefit contributions as expenditures. However, in the Statement of Activities the cost of these benefits earned, net of employee contributions, is reported as other postemployment benefit expense.

Employer life insurance contributions	30,102	
Life insurance expense	(9,751)	
		20,351

The issuance of long-term debt (e.g., bonds, leases) provides current financial resources to governmental funds, while the repayment of the principal of long-term debt consumes the current financial resources of governmental funds. Neither transaction, however, has any effect on net position. Also, governmental funds report the effect of premiums, discounts, and similar items when debt is first issued, whereas their amounts are deferred and amortized in the Statement of Activities. This amount is the net effect of these differences in the treatment of long-term debt and related items. Details supporting this adjustment are as follows:

Amortization of deferred amounts	(50,169)	
Amortization of premium	224,595	
Principal retired on general obligation bonds	475,000	
Principal retired on lease liabilities	29,051	
Principal retired on financed purchases	31,383	
		709,860

Some expenses reported in the Statement of Activities do not require the use of current financial resources and, therefore, are not reported as expenditures in governmental funds. This adjustment combines the net changes of the following:

Change in compensated absences	(111,440)	
Change in accrued interest payable	6,019	
		(105,421)

Change in net position of governmental activities \$ 1,782,905

EXHIBIT 7

TOWN OF WARRENTON, VIRGINIA

**STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE –
BUDGET AND ACTUAL – GENERAL FUND
Year Ended June 30, 2023**

	Budgeted Amounts		Actual	Variance with Final Budget Positive (Negative)
	Original	Final		
REVENUES				
General property taxes	\$ 1,449,235	\$ 1,449,235	\$ 1,739,907	\$ 290,672
Other local taxes	9,675,001	9,748,646	11,581,881	1,833,235
Permits, privilege fees, and regulatory licenses	308,064	308,064	219,987	(88,077)
Fines and forfeitures	139,871	139,871	72,505	(67,366)
Revenue from use of money and property	125,000	125,000	464,302	339,302
Charges for services	714,877	668,877	1,019,342	350,465
Miscellaneous	264,020	271,577	283,266	11,689
Intergovernmental				
Commonwealth	2,967,138	2,970,797	3,258,781	287,984
Federal	2,101,642	6,620,648	1,045,074	(5,575,574)
Total revenues	17,744,848	22,302,715	19,685,045	(2,617,670)
EXPENDITURES				
Current				
General government administration	4,010,640	4,253,141	3,630,761	622,380
Public safety	3,926,612	3,958,709	4,121,551	(162,842)
Public works	3,857,839	4,840,497	4,633,458	207,039
Health and welfare	323,361	334,011	334,011	-
Parks, recreation, and cultural	2,396,846	2,415,433	2,290,302	125,131
Community development	560,769	692,136	489,623	202,513
Capital outlay	-	2,042,256	1,231,327	810,929
Debt service				
Principal retirement	506,045	506,045	535,434	(29,389)
Interest and other fiscal charges	349,573	349,573	349,573	-
Total expenditures	15,931,685	19,391,801	17,616,040	1,775,761
Excess of revenues over expenditures	1,813,163	2,910,914	2,069,005	(841,909)
Net change in fund balance	\$ 1,813,163	\$ 2,910,914	\$ 2,069,005	\$ (841,909)

The Notes to Financial Statements are an integral part of this statement.

EXHIBIT 8

TOWN OF WARRENTON, VIRGINIA

STATEMENT OF NET POSITION –
PROPRIETARY FUND

June 30, 2023

	Business-Type Activities - Enterprise Fund		
	Water and Sewer	Stormwater	Total
ASSETS			
CURRENT ASSETS			
Cash and cash equivalents (Note 2)	\$ 4,329,251	\$ 542,840	\$ 4,872,091
Cash and cash equivalents, restricted (Note 2)	5,546,146	-	5,546,146
Receivables, net (Note 3)	1,038,936	35,491	1,074,427
Due from other governmental units (Note 4)	-	63,921	63,921
Lease receivables (Note 5)	90,348	-	90,348
Inventories	264,946	-	264,946
Total current assets	11,269,627	642,252	11,911,879
NONCURRENT ASSETS			
Lease receivables (Note 5)	2,179,238	-	2,179,238
Capital assets (Note 6)			
Non-depreciable	1,527,620	-	1,527,620
Depreciable, net	29,547,491	224,814	29,772,305
Total noncurrent assets	33,254,349	224,814	33,479,163
Total assets	44,523,976	867,066	45,391,042
DEFERRED OUTFLOWS OF RESOURCES			
Deferred outflows related to pensions (Note 8)	284,755	39,411	324,166
Deferred outflows related to other postemployment benefits (Note 9)	19,381	2,756	22,137
Total deferred inflows of resources	304,136	42,167	346,303
LIABILITIES			
CURRENT LIABILITIES			
Accounts payable	550,415	95,325	645,740
Accrued payroll and related liabilities	132,259	9,078	141,337
Customer deposits	108,707	-	108,707
Accrued interest payable	151,315	-	151,315
Current portion of unearned revenue	13,006	-	13,006
Long-term liabilities – due within one year (Note 7)	818,366	3,426	821,792
Total current liabilities	1,774,068	107,829	1,881,897
NONCURRENT LIABILITIES			
Unearned revenue – net of current portion	56,215	-	56,215
Net pension liability (Note 8)	257,566	35,648	293,214
Net other postemployment benefit liability (Note 9)	70,267	9,994	80,261
Long-term liabilities – due in more than one year (Note 7)	15,155,907	17,073	15,172,980
Total noncurrent liabilities	15,539,955	62,715	15,602,670
Total liabilities	17,314,023	170,544	17,484,567
DEFERRED INFLOWS OF RESOURCES			
Deferred inflows related to pensions (Note 8)	359,205	49,715	408,920
Deferred inflows related to other postemployment benefits (Note 9)	15,560	2,213	17,773
Deferred inflows related to leases (Note 5)	2,134,273	-	2,134,273
Total deferred inflows of resources	2,509,038	51,928	2,560,966
NET POSITION			
Net investment in capital assets	20,146,638	135,996	20,282,634
Restricted for maintenance	270,411	-	270,411
Unrestricted	4,588,002	550,765	5,138,767
Total net position	\$ 25,005,051	\$ 686,761	\$ 25,691,812

The Notes to Financial Statements are an integral part of this statement.

EXHIBIT 9

TOWN OF WARRENTON, VIRGINIA

STATEMENT OF REVENUES, EXPENSES, AND CHANGES IN
FUND NET POSITION – PROPRIETARY FUND

Year Ended June 30, 2023

	Business-Type Activities - Enterprise Fund		
	Water and Sewer	Stormwater	Total
OPERATING REVENUES			
Charges for services:			
Sale of water	\$ 2,497,514	\$ -	\$ 2,497,514
Sewer service charges	3,410,119	-	3,410,119
Stormwater service charges	-	653,734	653,734
Connection fees	236,250	-	236,250
Other fees	92,376	556	92,932
	<u>6,236,259</u>	<u>654,290</u>	<u>6,890,549</u>
OPERATING EXPENSES			
Source of supply	1,150,929	-	1,150,929
Transmission and distribution	782,025	-	782,025
Meter reading	251,444	-	251,444
Wastewater treatment operation	2,098,194	-	2,098,194
Public utilities administration	911,951	389,927	1,301,878
Maintenance and repairs	277,530	-	277,530
Depreciation	1,315,913	774	1,316,687
	<u>6,787,986</u>	<u>390,701</u>	<u>7,178,687</u>
Total operating expenses			
	<u>6,787,986</u>	<u>390,701</u>	<u>7,178,687</u>
Operating income (loss)	<u>(551,727)</u>	<u>263,589</u>	<u>(288,138)</u>
NON-OPERATING REVENUES (EXPENSES)			
Federal grants	-	99,318	99,318
Bond issuance cost	(119,842)	-	(119,842)
Interest revenue	419,183	-	419,183
Lease revenue	142,494	-	142,494
Interest expense	(365,928)	-	(365,928)
	<u>75,907</u>	<u>99,318</u>	<u>175,225</u>
Net non-operating revenues (expenses)			
	<u>75,907</u>	<u>99,318</u>	<u>175,225</u>
Change in net position	(475,820)	362,907	(112,913)
NET POSITION AT JULY 1	<u>25,480,871</u>	<u>323,854</u>	<u>25,804,725</u>
NET POSITION AT JUNE 30	<u>\$ 25,005,051</u>	<u>\$ 686,761</u>	<u>\$ 25,691,812</u>

The Notes to Financial Statements are an integral part of this statement.

EXHIBIT 10

TOWN OF WARRENTON, VIRGINIA

STATEMENT OF CASH FLOWS – PROPRIETARY FUND
Year Ended June 30, 2023

	Business-Type Activities – Enterprise Fund		
	Water and Sewer	Stormwater	Total
OPERATING ACTIVITIES			
Receipts from customers	\$ 6,077,607	\$ 698,532	\$ 6,776,139
Payments to employees	(2,872,488)	(373,072)	(3,245,560)
Payments to suppliers	(3,015,382)	(47,041)	(3,062,423)
Other receipts	92,376	-	92,376
Net cash provided by operating activities	282,113	278,419	560,532
NONCAPITAL FINANCING ACTIVITIES			
Federal grants	-	35,397	35,397
CAPITAL AND RELATED FINANCING ACTIVITIES			
Purchase of capital assets	(1,786,695)	(136,770)	(1,923,465)
Proceeds from sale of capital assets	70,917	-	70,917
Proceeds from debt issued	5,150,000	-	5,150,000
Principal paid on debt	(432,000)	-	(432,000)
Bond issuance costs	(119,842)	-	(119,842)
Interest paid on capital debt	(398,277)	-	(398,277)
Net cash provided by (used in) capital and related financing activities	2,484,103	(136,770)	2,347,333
INVESTING ACTIVITIES			
Interest revenue	419,183	-	419,183
Rental and other income	76,680	-	76,680
Net cash provided by investing activities	495,863	-	495,863
Net increase in cash and cash equivalents	3,262,079	177,046	3,439,125
CASH AND CASH EQUIVALENTS			
Beginning at July 1	6,613,318	365,794	6,979,112
Ending at June 30	\$ 9,875,397	\$ 542,840	\$ 10,418,237
RECONCILIATION TO EXHIBIT 8			
Cash and cash equivalents	\$ 4,329,251	\$ 542,840	\$ 4,872,091
Cash and cash equivalent, restricted	5,546,146	-	5,546,146
	\$ 9,875,397	\$ 542,840	\$ 10,418,237

(Continued)

The Notes to Financial Statements are an integral part of this statement.

EXHIBIT 10

TOWN OF WARRENTON, VIRGINIA

STATEMENT OF CASH FLOWS – PROPRIETARY FUND
Year Ended June 30, 2023

	<u>Business-Type Activities – Enterprise Fund</u>		
	<u>Water and Sewer</u>	<u>Stormwater</u>	<u>Total</u>
RECONCILIATION OF OPERATING INCOME (LOSS) TO NET CASH PROVIDED BY OPERATING ACTIVITIES			
Operating income (loss)	\$ (551,727)	\$ 263,589	\$ (288,138)
Adjustments to reconcile operating income (loss) to net cash provided by operating activities:			
Depreciation	1,315,913	774	1,316,687
Pension expense net of employer contribution	(170,513)	(19,169)	(189,682)
Other postemployment benefit expense net of employer contribution	(9,820)	(11)	(9,831)
Change in assets and liabilities:			
(Increase) decrease in:			
Accounts receivable	(59,979)	44,242	(15,737)
Inventories	(24,803)	69	(24,734)
Increase (decrease) in:			
Accounts payable	(121,273)	(5,394)	(126,667)
Accrued payroll and related liabilities	(95,496)	(26,180)	(121,676)
Customer deposits	3,868	-	3,868
Unearned revenue	(10,165)	-	(10,165)
Compensated absences	6,108	20,499	26,607
	<u>\$ 282,113</u>	<u>\$ 278,419</u>	<u>\$ 560,532</u>
SCHEDULE OF NON-CASH CAPITAL ACTIVITIES			
Capital asset obtained through accounts payable	<u>\$ 354,259</u>	<u>\$ 88,818</u>	<u>\$ 443,077</u>

EXHIBIT 11

TOWN OF WARRENTON, VIRGINIA

STATEMENT OF FIDUCIARY NET POSITION – CUSTODIAL FUND
June 30, 2023

	<u>General Custodial Fund</u>
ASSETS	
Cash and cash equivalents (Note 2)	<u>\$ 377,509</u>
LIABILITIES	
Accounts payable	<u>790</u>
NET POSITION	
Restricted for:	
Benefit of individuals	<u><u>\$ 376,719</u></u>

EXHIBIT 12

TOWN OF WARRENTON, VIRGINIA

STATEMENT OF CHANGES IN FIDUCIARY NET POSITION – CUSTODIAL FUND
Year Ended June 30, 2023

	<u>General Custodial Fund</u>
ADDITIONS	
Contributions for the benefit of individuals	\$ 28,613
DEDUCTIONS	
Payments to benefit individuals	<u>750</u>
Increase in fiduciary net position	<u>27,863</u>
NET POSITION – beginning	<u>348,856</u>
NET POSITION – ending	<u><u>\$ 376,719</u></u>

TOWN OF WARRENTON

NOTES TO FINANCIAL STATEMENTS

June 30, 2023

Note 1. Summary of Significant Accounting Policies

A. The Financial Reporting Entity

The Town of Warrenton (the “Town”) was established in 1810. It is a political subdivision of the Commonwealth of Virginia operating under the Council-Manager form of government. The Town Council consists of an elected Mayor and seven-member Council. The Town has no component units.

B. Government-Wide and Fund Financial Statements

The government-wide financial statements (i.e., the statement of net position and the statement of activities) report information on all of the nonfiduciary activities of the Town. For the most part, the effect of interfund activity has been removed from these statements. *Governmental activities*, which normally are supported by taxes and intergovernmental revenues, are reported separately from *business-type activities*, which rely to a significant extent on fees and charges for support.

The statement of activities demonstrates the degree to which the direct expenses, of a given function or segment, are offset by program revenues. *Direct expenses* are those that are clearly identifiable with a specific function or segment. *Program revenues* include 1) charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privileges provided by a given function or segment; and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment. Taxes and other items not properly included among program revenues are reported instead as *general revenues*.

Separate financial statements are provided for governmental funds and proprietary funds. Major individual government funds and enterprise funds are reported as separate columns in the fund financial statements.

C. Measurement Focus, Basis of Accounting, and Financial Statement Presentation

The government-wide financial statements are reported using the *economic resources measurement focus* and the *accrual basis of accounting*, as are the proprietary fund and fiduciary funds financial statements. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Property taxes are recognized as revenues in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

Governmental fund financial statements are reported using the *current financial resources measurement focus* and the *modified accrual basis of accounting*. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be *available* when they are collected within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the government considers revenues to be available if they are collected within 60 days of the end of the current fiscal period. Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures, as well as expenditures related to compensated absences and claims and judgments, are recorded only when payment is due.

TOWN OF WARRENTON
NOTES TO FINANCIAL STATEMENTS
June 30, 2023

Note 1. Summary of Significant Accounting Policies (Continued)

C. Measurement Focus, Basis of Accounting, and Financial Statement Presentation
(Continued)

Property taxes, meals taxes, franchise taxes, licenses, and interest associated with the current fiscal period are all considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. All other revenue items are considered to be measurable and available only when cash is received by the government.

The Town reports the following major governmental funds:

The *general fund* is the government’s primary operating fund. It accounts for all financial resources of the general government, except those required to be accounted for in another fund.

The *perpetual care fund* which is used to account for funds received for the Town’s cemetery. The interest income can be used to maintain the cemetery.

The Town reports the following major proprietary funds:

The *water and sewer fund* accounts for the financing of services to the general public where all or most of the operating expenses involved are intended to be recovered in the form of user charges. The water and sewer enterprise fund consists of the activities relating to providing water and sewer services to the Town’s residents, businesses, and other organizations.

The *stormwater fund* accounts for the operations and maintenance of the storm sewer collection.

Additionally, the Town reports the following fund type:

The *fiduciary fund* accounts for assets held by the Town in a trustee capacity or as an agent or custodian for individuals, private organizations, other governmental units, or other funds. The Town’s custodial fund accounts for funds held for other entities.

As a general rule, the effect of interfund activity has been eliminated from the government-wide financial statements. Exceptions to this general rule are charges between the government’s proprietary funds and various other functions of the government. Elimination of these charges would distort the direct costs and program revenues reported for the various functions concerned.

Proprietary funds distinguish *operating* revenues and expenses from *nonoperating* items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund’s principal ongoing operations. The principal operating revenues of the water and sewer enterprise fund are charges to customers for sales and services. Operating expenses of the water and sewer fund include the cost of sales and services, administrative expenses, and depreciation on capital assets. All revenues and expenses not meeting this definition are reported as nonoperating revenues and expenses.

TOWN OF WARRENTON
NOTES TO FINANCIAL STATEMENTS
June 30, 2023

Note 1. Summary of Significant Accounting Policies (Continued)

D. Budgets and Budgetary Accounting

The following procedures are used by the Town in establishing the budgetary data reflected in the financial statements:

- 1) Prior to May 1st, the Town Manager submits to Town Council a proposed operating and capital budget for the fiscal year commencing the following July 1st. This budget includes proposed expenditures and the means of financing them. There is no legally adopted budget for the perpetual care fund.
- 2) Public hearings are conducted to obtain citizen comments.
- 3) Prior to July 1st, the budget is legally enacted through passage of an appropriations resolution. Town Council may, from time to time, amend the budget, providing for additional expenditures and the means for financing them.
- 4) The appropriations resolution places legal restrictions on expenditures at the department or category level. The appropriation for each department or category can be revised only by Town Council. The Town Manager is authorized to transfer budgeted amounts within departments.
- 5) Formal budgetary integration is employed as a management control device during the year.
- 6) Budgets are adopted on a basis consistent with accounting principles generally accepted in the United States of America.
- 7) Appropriations lapse on June 30th for all Town funds, unless they are carried forward by a resolution of Town Council.
- 8) All budget data presented in the accompanying financial statements includes the original and revised budgets as of June 30th.

Certain functions of the primary government provide services, such as information technology and fleet services, to all functions of the Town. For financial reporting purposes, the cost of these services are allocated to all the functions within the General Fund. For budget presentation, these costs are presented in their entirety within the general government administration function.

E. Cash and Cash Equivalents

Cash and cash equivalents are defined as short-term highly liquid investments with an original maturity of three months or less when purchased. Certificates of deposit with a maturity greater than three months are considered investments.

F. Investments and Fair Measurement

Investments in the Virginia Investment Pool are invested in high-quality corporate and government securities and the Town's investment is reported at fair value using its net asset value per share in the pool.

TOWN OF WARRENTON
NOTES TO FINANCIAL STATEMENTS
June 30, 2023

Note 1. Summary of Significant Accounting Policies (Continued)

G. Inventories

Inventories are stated at cost (first-in, first-out) and are expensed when used. Inventories consist of parts and materials held for consumption, which are recorded as an expenditure or expense when used.

H. Prepaid Items

Prepaid items consist primarily of membership dues incurred for periods in a subsequent fiscal year. Prepaid items are accounted for using the consumption method. The payments are recorded as expenditures in the fiscal year related to the coverage period.

I. Capital Assets

Capital assets, which include property, plant, equipment, and infrastructure assets, are assets with an initial, individual cost of more than \$5,000 and a useful life of more than one year. Infrastructure assets capitalized have an original cost of \$25,000 or more. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at acquisition value at the date of donation.

The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend asset lives are not capitalized.

Capital assets are depreciated using the straight-line method over the following estimated useful lives:

Buildings and improvements	50 years
Utility plant in service	50 years
Furniture, equipment, vehicles	5-10 years
Infrastructure	30-50 years

Lease assets are amortized over the shorter of the lease term or useful life of the underlying asset.

J. Allowance for Uncollectible Accounts

The Town calculates its allowance for uncollectible accounts using historical collection data and specific account analysis. The allowance is comprised of the following:

Real estate taxes – general fund	\$ 8,046
Personal property taxes – general fund	49,768
Water and sewer fund receivables – water and sewer fund	42,640
Stormwater receivables – stormwater fund	1,280
	<hr/>
	\$ 101,734
	<hr/> <hr/>

(Continued)

TOWN OF WARRENTON
NOTES TO FINANCIAL STATEMENTS
June 30, 2023

Note 1. Summary of Significant Accounting Policies (Continued)

K. Deferred Outflows/Inflows of Resources

In addition to assets, the statements that present net position report a separate section for deferred outflows of resources. These items represent a consumption of net assets that applies to future periods and so will *not* be recognized as an outflow of resources (expenses/expenditure) until then.

In addition to liabilities, the statements that present financial position report a separate section for deferred inflows of resources. These items represent an acquisition of net assets that applies to future periods and so will *not* be recognized as an inflow of resources (revenue) until that time. The Town has the following items that qualify for reporting as deferred inflows or outflows:

- Deferred loss on refunding. A deferred loss on refunding results from the difference in the carrying value of refunded debt and its reacquisition price. This amount is deferred and amortized over the shorter of the life of the refunded or refunding debt. Due to the relationship with outstanding debt, these deferred outflows are included in the calculation of net position, net investment in capital assets.
- Differences between expected and actual experience for economic/demographic factors in the measurement of the total pension or OPEB liability. This difference will be recognized in pension or OPEB expense over the remaining service life of the employees subject to the plan, and may be reported as a deferred inflow or outflow as applicable.
- Changes in assumptions on pension plan or OPEB investments. This difference will be recognized in pension or OPEB expense over the remaining service life of the employees subject to the plan, and may be reported as a deferred inflow or outflow as appropriate.
- Differences between projected and actual earnings on pension and OPEB plan investments. This difference will be recognized in pension or OPEB expense over a closed five-year period and may be reported as a deferred inflow or outflow as appropriate.
- Changes in proportionate share between measurement dates on OPEB liability. This difference will be recognized in OPEB expense over the remaining service life of the employees subject to the plan, and is reflected as a deferred inflow or outflow as appropriate.
- Contributions subsequent to the measurement date for pensions and other postemployment benefits (OPEB); this will be applied to the net pension or OPEB liability in the next fiscal year and is reflected as a deferred outflow.
- The governmental funds report unavailable revenue from delinquent property taxes not collected within 60 days of year end. These amounts are deferred and recognized in the period that the amounts become available.
- On the government-wide statements, amounts prepaid on the 2nd half installment of property taxes. These amounts are deferred and recognized in the following period.
- Lease-related amounts are recognized at the inception of leases in which the Town is the lessor. The deferred inflow of resources is recorded in an amount equal to the corresponding lease receivable plus certain additional amounts received from the lessee at or before the commencement of the lease term that related to future periods, less any lease incentives paid to, or on behalf of, the lessee at or before the commencement of the lease term. The inflow of resources is recognized in a systematic and rational manner over the term of the lease.

TOWN OF WARRENTON
NOTES TO FINANCIAL STATEMENTS
June 30, 2023

Note 1. Summary of Significant Accounting Policies (Continued)

L. Pensions and Other Postemployment Benefits (OPEB)

For purposes of measuring all financial statement elements related to pension and OPEB plans, information about the fiduciary net position of the Town’s Plans and the additions to/deductions from the Town’s Plans net fiduciary position have been determined on the same basis as they were reported by the VRS. For this purpose, benefit payments (including refunds of employee contributions) are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value.

M. Compensated Absences

The Town has policies that allow for the accumulation and vesting of limited amounts of paid time off until termination or retirement. Amounts of such absences are accrued when incurred in the government-wide and proprietary fund financial statements. A liability for these amounts is reported in governmental funds when the leave is due and payable.

N. Long-Term Obligations

In the government-wide financial statements and proprietary fund type financial statements, *long-term debt* and other long-term obligations are reported as liabilities in the applicable fund-type statements of net position. Bond premiums and discounts are deferred and amortized over the life of the bonds using the effective interest method. Bonds payable are reported net of the applicable bond premium or discount.

In the fund financial statements, governmental fund types recognize bond premiums and discounts, as well as bond issuance costs, during the period of debt issuance. The face amount of debt issued and premiums received on debt issuances are reported as other financing sources, while discounts on debt issuances are reported as other financing uses. Issuance costs, whether or not withheld from the actual debt proceeds received, are reported as expenditures.

O. Unearned/Unavailable Revenue

In the statement of net position, unearned revenue arises when assets are received or recognized before revenue recognition criteria is satisfied and which consists of amounts received for maintaining the Warrenton Training Center in future years, as well as unspent and ARPA funding.

In the balance sheet of governmental funds, unearned/unavailable revenue arises when assets are recognized but are not available to finance expenditures of the current fiscal period or when assets are recognized before revenue recognition criteria is satisfied as described. Unearned/unavailable revenue consists of property taxes and ARPA funding.

TOWN OF WARRENTON
NOTES TO FINANCIAL STATEMENTS
June 30, 2023

Note 1. Summary of Significant Accounting Policies (Continued)

P. Net Position/Fund Balance

Net position in the government-wide and proprietary financial statements is classified as net investment in capital assets, restricted, and unrestricted. Restricted net position represents constraints on resources that are either externally imposed by creditors, grantors, contributors, or laws or regulations of other governments, or imposed by law through state statute. Net investment in capital assets represents capital assets net of debt related to it.

Fund balance is divided into five classifications based primarily on the extent to which the Town is bound to observe constraints imposed upon the use of the resources in the governmental fund.

The classifications are as follows:

- **Nonspendable** – Amounts that cannot be spent because they are not in spendable form, or legally or contractually required to be maintained intact. The “not in spendable form” criterion includes items that are not expected to be converted to cash.
- **Restricted** – Amounts constrained to specific purposes by their providers (such as grantors, bondholders, and higher levels of government), through constitutional provisions, or by enabling legislation.
- **Committed** – Amounts constrained to specific purposes by the Town, using its highest level of decision making authority; to be reported as committed, amounts cannot be used for any other purposes unless the same highest level of action is taken to remove or change the constraint.
- **Assigned** – Amounts the Town intends to use for a specified purpose; intent can be expressed by the governing body or by an official or body to which the governing body delegates the authority.
- **Unassigned** – Amounts that are available for any purpose; positive amounts are reported only in the general fund.

Council establishes fund balance commitments by passage of a resolution. This is typically done through adoption and amendment of the budget. Assigned fund balance is established by Council through adoption or amendment of the budget as intended for a specific purpose (such as the purchase of capital assets, construction, debt service, or for other purposes).

Q. Restricted Resources

The Town applies restricted resources first when expenditures are incurred for purposes for which either restricted or unrestricted (committed, assigned, and unassigned) amounts are available. Similarly, within unrestricted fund balance, committed amounts are reduced first followed by assigned, and then unassigned amounts when expenditures are incurred for purposes for which amounts in any of the unrestricted fund balance classifications could be used.

TOWN OF WARRENTON
NOTES TO FINANCIAL STATEMENTS
June 30, 2023

Note 1. Summary of Significant Accounting Policies (Continued)

R. Minimum Fund Balance Policy

The General Fund unassigned fund balance is targeted at no less than 50% of the current annual operating expenditure budget.

S. Encumbrances

Encumbrance accounting, under which purchase orders, contracts, and other commitments for the expenditure of monies are recorded in order to reserve that portion of the appropriation, is employed as an extension of formal budgetary integration in the governmental funds. Significant encumbrances as of June 30th total \$2,895,028 in the general fund.

T. Estimates

Management uses estimates and assumptions in preparing its financial statements. Those estimates and assumptions affect the reported amounts of assets and liabilities, the disclosure of contingent liabilities, and reported revenues, expenditures, and expenses. Actual results could differ from those estimates.

Note 2. Deposits and Investments

Deposits

Deposits with banks are covered by the Federal Deposit Insurance Corporation (FDIC) and collateralized in accordance with the Virginia Security for Public Deposits Act (the “Act”) Section 2.2-4400 et seq. of the *Code of Virginia*. Under the Act, banks and savings institutions holding public deposits in excess of the amount insured by the FDIC must pledge collateral to the Commonwealth of Virginia Treasury Board. Financial institutions may choose between two collateralization methodologies and depending upon that choice, will pledge collateral that ranges in the amounts from 50% to 130% of excess deposits. Accordingly, all deposits are considered fully collateralized.

Investments

Investment policy

Statutes authorize the Town to invest in obligations of the United States or agencies thereof; obligations of the Commonwealth of Virginia or political subdivisions thereof; obligations of the International Bank for Reconstruction and Development (World Bank); the Asian Development Bank; the African Development Bank; “prime quality” commercial paper and certain corporate notes; banker’s acceptances; repurchase agreements; the Virginia Investment Pool (VIP); the Virginia State Non-Arbitrage Program (SNAP); and the State Treasurer’s Local Government Investment Pool (LGIP). The VIP, LGIP, and SNAP are not registered with the SEC but are overseen by the Treasurer of Virginia and the State Treasury Board. The fair value of the Town’s position in the pools is the same as the value of the pool shares and is reported within the guidelines of GASB Statement No. 79.

TOWN OF WARRENTON
NOTES TO FINANCIAL STATEMENTS
June 30, 2023

Note 2. Deposits and Investments (Continued)

Investments (Continued)

Investment policy (Continued)

As of June 30th, the Town had the following deposits and investments:

<u>Type</u>	<u>Fair Value</u>	<u>Credit Rating</u>	<u>Weighted Average Maturity*</u>	<u>Percent of Portfolio</u>
Demand deposits	\$ 11,886,641	N/A	N/A	31.55 %
LGIP	16,785,185	AAAm	0.77	44.55
SNAP	5,324,409	AAAm	1 day	14.13
Virginia Investment Pool	3,679,213	AAAm	1.83	9.76
Cash on hand	<u>2,580</u>	N/A	N/A	<u>0.01</u>
	<u>\$ 37,678,028</u>			<u>100.00%</u>

*Average maturity in years

Reconciliation of deposits and investments to Exhibit 1:

Cash and cash equivalents	\$ 27,685,245
Cash and cash equivalents, restricted	5,936,061
Investments	<u>3,679,213</u>

Total Exhibit 1 deposits and investments	<u>37,300,519</u>
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Exhibit 11:

Cash and cash equivalents	<u>377,509</u>
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Total Exhibit 11 deposits and investments	<u>377,509</u>
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Total Exhibits deposits and investments	<u>\$ 37,678,028</u>
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TOWN OF WARRENTON
NOTES TO FINANCIAL STATEMENTS
June 30, 2023

Note 2. Deposits and Investments (Continued)

Investments (Continued)

Credit risk

As required by state statute or by the Town, the policy requires that commercial paper must have a short-term debt rating of no less than “A-1” (or its equivalent) from at least two of the following; Moody’s Investors Service, Standard & Poor’s, and Fitch Investor’s Service, provided that the issuing corporation has a net worth of \$50 million and its long-term debt is rated A or better by Moody’s and Standard & Poor’s. Bankers’ acceptances and certificates of deposit maturing in less than one year must have a short-term debt rating of at least “A-1” by Standard & Poor’s and “P-1” by Moody’s Investor Service. Open-end investment funds must be registered under the Securities Act of the Commonwealth or the Federal Investment Company Act of 1940, provided that they invest only in securities approved for investment herein. Commonwealth of Virginia and Virginia Local Government Obligations secured by debt service reserve funds not subject to annual appropriation must be rated AA or higher by Moody’s or Standard & Poor’s. Repurchase agreements require that the counterparty be rated “A” or better by Moody’s and Standard & Poor’s.

Concentration of credit risk

Although the intent of the Policy is for the Town to diversify its investment portfolio to avoid incurring unreasonable risks regarding (i) security type, (ii) individual financial institution or issuing entity, and (iii) maturity, the Policy places no limit on the amount the Town may invest in any one issuer.

Interest rate risk

In accordance with its investment policy, the Town manages its exposure to declines in fair values by limiting its weighted-average maturity of its investment portfolio to less than five years.

Custodial credit risk

The policy requires that all investment securities purchased be held in safekeeping by a third party and evidenced by safekeeping receipts. As required by the *Code of Virginia*, all security holdings with maturities over 30 days may not be held in safekeeping with the “counterparty” to the investment transaction. As of June 30, investments are held in a bank’s trust department in the Town’s name.

Restricted cash and cash equivalents

The water and sewer fund has restricted cash that consists of \$339,632 to maintain water lines for the Warrenton Training Center and \$5,206,514 in unspent bond proceeds. Restricted cash in the general fund consists of \$272,021 in funds designated for capital outlay and \$117,894 in unspent bond proceeds.

TOWN OF WARRENTON
NOTES TO FINANCIAL STATEMENTS
June 30, 2023

Note 3. Receivables

Receivables are as follows:

	<u>General</u>	<u>Water and Sewer</u>	<u>Stormwater</u>	<u>Total</u>
Receivables:				
Property taxes	\$ 138,258	\$ -	\$ -	\$ 138,258
Other local taxes	1,175,363	-	-	1,175,363
Accounts	64,165	1,081,576	36,771	1,182,512
	<u>1,377,786</u>	<u>1,081,576</u>	<u>36,771</u>	<u>2,496,133</u>
Gross receivables				
Less: allowance for uncollectibles	(57,814)	(42,640)	(1,280)	(101,734)
Net receivables	<u>\$ 1,319,972</u>	<u>\$ 1,038,936</u>	<u>\$ 35,491</u>	<u>\$ 2,394,399</u>

Note 4. Due from Other Governmental Units

Amounts due from other governmental units are as follows:

	<u>Governmental Activities</u>	<u>Business-Type Activities</u>	<u>Total</u>
Commonwealth of Virginia:			
Sales tax	\$ 175,910	\$ -	\$ 175,910
Communications tax	59,349	-	59,349
Motor vehicle tax	24,500	-	24,500
Other	58,544	63,921	122,465
	<u>\$ 318,303</u>	<u>\$ 63,921</u>	<u>\$ 382,224</u>

Note 5. Lease Receivable

The water and sewer fund is the lessor of cell tower land usage for five-year terms through 2045. Monthly payments are \$13,075 through 2045, at which time the guaranteed residual value is due.

The lease receivable is due as follows:

<u>Year Ending</u>	<u>Principal</u>	<u>Interest</u>
2024	\$ 90,348	\$ 70,922
2025	97,301	67,950
2026	105,710	64,732
2027	114,560	61,241
2028	123,872	57,461
2029 and beyond	<u>1,737,795</u>	<u>445,990</u>
	<u>\$ 2,269,586</u>	<u>\$ 768,296</u>

Lease and interest revenue was \$83,940 and \$73,686, respectively, for 2023.

(Continued)

TOWN OF WARRENTON
NOTES TO FINANCIAL STATEMENTS
June 30, 2023

Note 6. Capital Assets

Capital asset activity for the year was as follows:

<u>Governmental Activities</u>	<u>Beginning Balance</u>	<u>Increases</u>	<u>Decreases</u>	<u>Ending Balance</u>
Capital assets, not depreciated:				
Land	\$ 4,627,473	\$ -	\$ -	\$ 4,627,473
Construction in progress	82,167	62,420	(80,270)	64,317
Total capital assets, not depreciated	<u>4,709,640</u>	<u>62,420</u>	<u>(80,270)</u>	<u>4,691,790</u>
Capital assets, depreciated and amortized:				
Buildings and improvements	32,623,289	108,550	-	32,731,839
Infrastructure	42,961,612	94,811	-	43,056,423
Furniture, equipment, and vehicles	11,135,014	883,695	(194,193)	11,824,516
Intangible right-to-use assets	141,227	-	-	141,227
Total capital assets, depreciated and amortized	<u>86,861,142</u>	<u>1,087,056</u>	<u>(194,193)</u>	<u>87,754,005</u>
Less accumulated depreciation and amortization for:				
Buildings and improvements	11,083,153	785,482	-	11,868,635
Infrastructure	29,991,022	1,167,049	-	31,158,071
Furniture, equipment, and vehicles	7,014,576	610,591	(194,193)	7,430,974
Intangible right-to-use assets	-	29,051	-	29,051
Total accumulated, depreciation and amortization	<u>48,088,751</u>	<u>2,592,173</u>	<u>(194,193)</u>	<u>50,486,731</u>
Total capital assets, depreciated and amortized, net	<u>38,772,391</u>	<u>(1,505,117)</u>	<u>-</u>	<u>37,267,274</u>
Governmental activities capital assets, net	<u>\$ 43,482,031</u>	<u>\$ (1,442,697)</u>	<u>\$ (80,270)</u>	<u>\$ 41,959,064</u>

TOWN OF WARRENTON
NOTES TO FINANCIAL STATEMENTS
June 30, 2023

Note 6. Capital Assets (Continued)

<u>Business-Type Activities</u>	<u>Beginning Balance</u>	<u>Increases</u>	<u>Decreases</u>	<u>Ending Balance</u>
Capital assets, not depreciated				
Land	\$ 665,660	\$ -	\$ -	\$ 665,660
Construction in progress	<u>2,753,784</u>	<u>623,873</u>	<u>(2,515,697)</u>	<u>861,960</u>
Total capital assets, not depreciated	<u>3,419,444</u>	<u>623,873</u>	<u>(2,515,697)</u>	<u>1,527,620</u>
Infrastructure	-	225,588	-	225,588
Utility plant in service	56,141,881	3,062,175	-	59,204,056
Furniture, equipment, and vehicles	<u>3,481,849</u>	<u>970,603</u>	<u>(332,665)</u>	<u>4,119,787</u>
Total capital assets, depreciated	<u>59,623,730</u>	<u>4,258,366</u>	<u>(332,665)</u>	<u>63,549,431</u>
Less accumulated depreciation for:				
Infrastructure	-	774	-	774
Utility plant in service	30,226,602	1,084,703	-	31,311,305
Furniture, equipment, and vehicles	<u>2,495,585</u>	<u>231,210</u>	<u>(261,748)</u>	<u>2,465,047</u>
Total accumulated depreciation	<u>32,722,187</u>	<u>1,316,687</u>	<u>(261,748)</u>	<u>33,777,126</u>
Total capital assets, depreciated, net	<u>26,901,543</u>	<u>2,941,679</u>	<u>(70,917)</u>	<u>29,772,305</u>
Business-type activities capital assets, net	<u>\$ 30,320,987</u>	<u>\$ 3,565,552</u>	<u>\$ (2,586,614)</u>	<u>\$ 31,299,925</u>

Depreciation and amortization expense was charged to functions/programs as follows:

Governmental activities	
Public works	\$ 1,463,460
Public safety	278,284
Parks, recreation, and cultural	699,362
General government	123,453
Community development	<u>27,614</u>
Total depreciation and amortization expense – governmental activities	<u>\$ 2,592,173</u>
Business-type activities	
Water and sewer	\$ 1,315,913
Stormwater	<u>774</u>
	<u>\$ 1,316,687</u>

(Continued)

TOWN OF WARRENTON
NOTES TO FINANCIAL STATEMENTS
June 30, 2023

Note 7. Long-Term Liabilities

The following is a summary of changes in long-term liabilities for the year:

	<u>Beginning Balance</u>	<u>Increases</u>	<u>Decreases</u>	<u>Ending Balance</u>	<u>Due Within One Year</u>
Governmental activities:					
General obligation bonds –					
direct borrowings	\$ 8,165,000	\$ -	\$ (475,000)	\$ 7,690,000	\$ 500,000
Premium on refunding	1,532,885	-	(224,595)	1,308,290	208,528
Financed purchases	31,383	-	(31,383)	-	-
Lease liabilities	141,227	-	(29,051)	112,176	29,989
Compensated absences	561,289	167,569	(56,129)	672,729	67,273
	<u>\$ 10,431,784</u>	<u>\$ 167,569</u>	<u>\$ (816,158)</u>	<u>\$ 9,783,195</u>	<u>\$ 805,790</u>
Business-type activities:					
General obligation bonds –					
direct borrowings	\$ 10,583,000	\$ 5,150,000	\$ (432,000)	\$ 15,301,000	\$ 740,000
Premium on refunding	543,546	-	(63,818)	479,728	60,387
Compensated absences	187,437	45,352	(18,745)	214,044	21,405
	<u>\$ 11,313,983</u>	<u>\$ 5,195,352</u>	<u>\$ (514,563)</u>	<u>\$ 15,994,772</u>	<u>\$ 821,792</u>

For governmental activities, compensated absences, pension, and other post-employment benefits liabilities are liquidated by the general fund.

The annual requirements to amortize long-term debt and related interest are as follows:

<u>Fiscal Year</u>	<u>Governmental Activities</u>				<u>Business-Type Activities</u>	
	<u>General Obligation Bonds</u>		<u>Lease Liabilities</u>		<u>General Obligation Bonds</u>	
	<u>Principal</u>	<u>Interest</u>	<u>Principal</u>	<u>Interest</u>	<u>Principal</u>	<u>Interest</u>
2024	\$ 500,000	\$ 324,238	\$ 29,989	\$ 3,147	\$ 740,000	\$ 453,627
2025	525,000	297,972	30,956	2,179	767,000	428,999
2026	560,000	270,169	26,340	1,247	790,000	403,510
2027	585,000	240,828	24,891	398	816,000	377,130
2028	615,000	210,078	-	-	845,000	349,773
2029-2033	3,045,000	544,922	-	-	4,652,000	1,442,566
2034-2038	1,300,000	138,003	-	-	5,401,000	564,165
2039-2040	560,000	3,028	-	-	1,290,000	33,399
	<u>\$ 7,690,000</u>	<u>\$ 2,029,238</u>	<u>\$ 112,176</u>	<u>\$ 6,971</u>	<u>\$ 15,301,000</u>	<u>\$ 4,053,169</u>

TOWN OF WARRENTON
NOTES TO FINANCIAL STATEMENTS
June 30, 2023

Note 7. Long-Term Liabilities (Continued)

Details of long-term indebtedness are as follows:

	<u>Interest Rates</u>	<u>Date Issued</u>	<u>Final Maturity Date</u>	<u>Amount of Original Issue</u>	<u>Governmental Activities</u>	<u>Business-Type Activities</u>
General obligation bonds:						
Refunding Series 2021A	2.750%	6/8/2021	2/15/2038	\$ 7,100,000	\$ -	\$ 6,436,000
Refunding Series 2021B	5.125%	11/1/2021	6/30/2040	12,695,000	7,690,000	3,715,000
Series 2022	2.900%	9/30/2022	10/1/2039	5,150,000	-	5,150,000
					<u>\$ 7,690,000</u>	<u>\$ 15,301,000</u>
Lease liabilities:						
Canon	3.180%	6/30/2022	5/1/2027	\$ 125,413	\$ 101,467	-
Pitney Bowes	3.180%	6/30/2022	6/30/2025	15,814	10,709	-
					<u>\$ 112,176</u>	<u>\$ -</u>

Issuance

In September 2022, the Town issued \$5,150,000 in general obligation bonds within the water and sewer fund. This bond will finance capital improvements.

Note 8. Defined Benefit Pension Plan

Plan Description

All full-time, salaried permanent employees of the Town of Warrenton, Virginia (the “Political Subdivision”) are automatically covered by the VRS Retirement Plan upon employment. This multi-employer cost-sharing plan is administered by the Virginia Retirement System (the “System”) along with plans for other employer groups in the Commonwealth of Virginia. Members earn one month of service credit for each month they are employed and for which they and their employer pay contributions to VRS. Members are eligible to purchase prior service, based on specific criteria as defined in the *Code of Virginia*, as amended. Eligible prior service that may be purchased includes prior public service, active military service, certain periods of leave, and previously refunded service.

The System administers three different benefit structures for covered employees – Plan 1, Plan 2, and Hybrid. Each of these benefit structures has a different eligibility criteria. The specific information for each plan and the eligibility for covered groups within each plan are available at:

- <https://www.varetire.org/members/benefits/defined-benefit/plan1.asp>,
- <https://www.varetire.org/members/benefits/defined-benefit/plan2.asp>,
- <https://www.varetirement.org/hybrid.html>.

TOWN OF WARRENTON
NOTES TO FINANCIAL STATEMENTS
June 30, 2023

Note 8. Defined Benefit Pension Plan (Continued)

Employees Covered by Benefit Terms

As of the June 30, 2021 actuarial valuation, the following employees were covered by the benefit terms of the pension plan:

	Members
Inactive members or their beneficiaries currently receiving benefits	101
Inactive members:	
Vested inactive members	25
Non-vested inactive members	48
Inactive members active elsewhere in VRS	41
Total inactive members	114
Active members	115
Total covered employees	330

Contributions

The contribution requirement for active employees is governed by §51.1-145 of the *Code of Virginia*, as amended, but may be impacted as a result of funding options provided to political subdivisions by the Virginia General Assembly. Employees are required to contribute 5.00% of their compensation toward their retirement.

The political subdivision’s contractually required contribution rate for the year ended June 30, 2023 was 10.55% of covered employee compensation. This rate was based on an actuarially determined rate from an actuarial valuation as of June 30, 2021.

This rate, when combined with employee contributions, was expected to finance the costs of benefits earned by employees during the year, with an additional amount to finance any unfunded accrued liability. Contributions to the pension plan from the political subdivision were \$823,057 and \$636,584 for the years ended June 30, 2023 and June 30, 2022, respectively.

Net Pension Liability

The political subdivision’s net pension liability is calculated separately for each employer and represents that particular employer’s total pension liability determined in accordance with GASB Statement No. 68, less that employer’s fiduciary net position. For political subdivisions, the net pension liability was measured as of June 30, 2022. The total pension liability to calculate the net pension liability was determined by an actuarial valuation performed as of June 30, 2021 and rolled forward to the measurement date of June 30, 2022.

TOWN OF WARRENTON
NOTES TO FINANCIAL STATEMENTS
June 30, 2023

Note 8. Defined Benefit Pension Plan (Continued)

Actuarial Assumptions

The total pension liability for General Employees and Public Safety Employees with Hazardous Duty Benefits in the Political Subdivision's Retirement Plan was based on an actuarial valuation as of June 30, 2021, using the Entry Age Normal actuarial cost method and the following assumptions, applied to all periods included in the measurement and rolled forward to the measurement date of June 30, 2022.

Inflation	2.50%
General Employees – Salary increases, including inflation	3.50 – 5.35%
Public Safety Employees with hazardous duty benefits – Salary increases, including inflation	3.50 – 4.75%
Investment rate of return	6.75%, net of pension plan investment expense, including inflation

Mortality rates: General employees – 15 to 20% of deaths are assumed to be service related. Public Safety Employees – 45% to 70% of deaths are assumed to be service related. Mortality is projected using the applicable RP-2010 Mortality Table with various set backs or set forwards for both males and females.

The actuarial assumptions used in the June 30, 2021 valuation were based on the results of an actuarial experience study for the period from July 1, 2016 through June 30, 2020, except the change in the discount rate, which was based on VRS Board action effective as of July 1, 2019. Changes to the actuarial assumptions as a result of the experience study are as follows:

General Employees – Largest 10 – Non-Hazardous Duty and All Others (Non 10 Largest): Update mortality table; adjusted retirement rates; adjusted withdrawal rates to better fit experience at each year age and service through 9 years of service; no change to disability rates; no change to salary scale; no change to line of duty disability; and no change to discount rate.

Public Safety Employees – Largest 10 – Hazardous Duty and All Others (Non 10 Largest): Update mortality table; adjusted retirement rate to better fit experience and increased final retirement age to 70; decreased rates of withdrawal; no change to disability rates; no changes to salary scale; no change to line of duty disability; and no change to discount rate.

TOWN OF WARRENTON
NOTES TO FINANCIAL STATEMENTS
June 30, 2023

Note 8. Defined Benefit Pension Plan (Continued)

Long-Term Expected Rate of Return

The long-term expected rate of return on pension System investments was determined using a log-normal distribution analysis in which best-estimate ranges of expected future real rates of return (expected returns, net of pension System investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation. The target asset allocation and best estimate of arithmetic real rates of return for each major asset class are summarized in the following table:

<u>Asset Class (Strategy)</u>	<u>Target Allocation</u>	<u>Arithmetic Long-Term Expected Rate of Return</u>	<u>Weighted Average Long-Term Expected Rate of Return</u>
Public equity	34.00 %	5.71 %	1.94 %
Fixed income	15.00	2.04	0.31
Credit strategies	14.00	4.78	0.67
Real assets	14.00	4.47	0.63
Private equity	14.00	9.73	1.36
MAPS –Multi-asset Public Strategies	6.00	3.73	0.22
PIP – Private Investment Partnership	3.00	6.55	0.20
Total	100.00 %		<u>5.33 %</u>
	Inflation		<u>2.50</u>
	*Expected arithmetic nominal return		<u>7.83 %</u>

* The above allocation provides for a one-year return of 7.83%. However, one-year returns do not take into account the volatility present in each of the asset classes. In setting the long-term expected rate of return for the system, stochastic projections are employed to model future returns under various economic conditions. The results provide a range of returns over various time periods that ultimately provide a median return of 6.72%, including expected inflation of 2.50%. On October 10, 2019, the VRS Board elected a long-term rate of 6.75% which is roughly at the 40th percentile of expected long-term results of the VRS fund asset allocation at that time, providing a median return of 7.11%, including expected inflation of 2.50%.

TOWN OF WARRENTON
NOTES TO FINANCIAL STATEMENTS
June 30, 2023

Note 8. Defined Benefit Pension Plan (Continued)

Discount Rate

The discount rate used to measure the total pension liability was 6.75%. The projection of cash flows used to determine the discount rate assumed that System member contributions will be made per the VRS Statutes and the employer contributions will be made in accordance with the VRS funding policy at rates equal to the difference between actuarially determined contribution rates adopted by the VRS Board of Trustees and the member rate. Consistent with the phased-in funding provided by the General Assembly for state and teacher employer contributions; political subdivisions were also provided with an opportunity to use an alternate employer contribution rate. For the year ended June 30, 2023, the alternate rate was the employer contribution rate used in the fiscal year 2012 or 100% of the actuarially determined employer contribution rate from the June 30, 2021, actuarial valuations, whichever was greater. From July 1, 2022 on, participating employers are assumed to continue to contribute 100% of the actuarially determined contribution rates. Based on those assumptions, the pension plan's fiduciary net position was projected to be available to make all projected future benefit payments of current active and inactive employees. Therefore, the long-term expected rate of return was applied to all periods of projected benefit payments to determine the total pension liability.

Changes in Net Pension Liability (Asset)

	Increase (Decrease)		
	Total Pension Liability (a)	Plan Fiduciary Net Position (b)	Net Pension Liability (Asset) (a) – (b)
Balances at June 30, 2021	\$ 33,425,044	\$ 33,749,257	\$ (324,213)
Changes for the year:			
Service cost	703,886	-	703,886
Interest	2,235,562	-	2,235,562
Differences between expected and actual experience	(667,626)	-	(667,626)
Contributions – employer	-	573,545	(573,545)
Contributions – employee	-	330,374	(330,374)
Net investment income (loss)	-	(17,340)	17,340
Benefit payments, including refunds of employee contributions	(2,018,975)	(2,018,975)	-
Administrative expenses	-	(21,207)	21,207
Other changes	-	766	(766)
Net changes	252,847	(1,152,837)	1,405,684
Balances at June 30, 2022	\$ 33,677,891	\$ 32,596,420	\$ 1,081,471

(Continued)

TOWN OF WARRENTON
NOTES TO FINANCIAL STATEMENTS
June 30, 2023

Note 8. Defined Benefit Pension Plan (Continued)

Sensitivity of the Net Pension Liability (Asset) to Changes in the Discount Rate

The following presents the net pension liability (asset) of the political subdivision using the discount rate of 6.75%, as well as what the political subdivision's net pension liability (asset) would be if it were calculated using a discount rate that is one percentage point lower (5.75%) or one percentage point higher (7.75%) than the current rate:

	1.00% Decrease (5.75%)	Current Discount Rate (6.75%)	1.00% Increase (7.75%)
Political subdivision's net pension liability (asset)	\$ 5,184,574	\$ 1,081,471	\$ (2,299,920)

Pension Expense and Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions

For the year ended June 30, 2023, the political subdivision recognized pension benefit of \$11,211. At June 30, 2023, the political subdivision reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Differences between expected and actual experience	\$ -	\$ 504,565
Change in assumptions	372,573	-
Net difference between projected and actual earnings on pension plan investments	-	1,003,667
Employer contributions subsequent to the measurement date	823,057	-
Total	<u>\$ 1,195,630</u>	<u>\$ 1,508,232</u>

TOWN OF WARRENTON
NOTES TO FINANCIAL STATEMENTS
June 30, 2023

Note 8. **Defined Benefit Pension Plan (Continued)**

Pension Expense and Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions (Continued)

The \$823,057 reported as deferred outflows of resources related to pensions resulting from the Political Subdivision’s contributions subsequent to the measurement date will be recognized as a reduction of the Net Pension Liability in the fiscal year ending June 30, 2024. Other amounts reported as deferred outflows of resources and deferred inflows of resources related to pensions will be recognized in pension expense as follows:

Year Ended June 30,	Addition (Reduction) to Pension Expense
2024	\$ (331,289)
2025	(590,262)
2026	(665,529)
2027	451,421
2028	-
Thereafter	-

Pension Plan Data

Information about the VRS Political Subdivision Retirement Plans is also available in the separately issued VRS 2022 Annual Comprehensive Financial Report (Annual Report). A copy of the 2022 VRS Annual Report may be downloaded from the VRS website at <http://www.varetire.org/Pdf/Publications/2022-annual-report.pdf>, or by writing to the System’s Chief Financial Officer at P.O. Box 2500, Richmond, VA, 23218-2500.

Payables to the Pension Plan

At June 30, 2023, \$62,663 was payable to the Virginia Retirement System for the legally required contributions related to June 2023 payroll.

Note 9. **Other Postemployment Benefits Liability – Virginia Retirement System Plans**

In addition to their participation in the pension plans offered through the VRS, the Town also participates in a cost-sharing multi-employer other postemployment benefit plan, described as follows:

Plan Descriptions

Group Life Insurance Program

All full-time teachers and employees of political subdivisions are automatically covered by the VRS Group Life Insurance (GLI) Program upon employment.

TOWN OF WARRENTON
NOTES TO FINANCIAL STATEMENTS
June 30, 2023

Note 9. Other Postemployment Benefits Liability – Virginia Retirement System Plans (Continued)

Plan Descriptions (Continued)

Group Life Insurance Program (Continued)

In addition to the Basic Group Life Insurance Benefit, members are also eligible to elect additional coverage for themselves as well as a spouse or dependent children through the Optional Group Life Insurance Program. For members who elect the optional group life insurance coverage, the insurer bills employers directly for the premiums. Employers deduct these premiums from members' paychecks and pay the premiums to the insurer. Since this is a separate and fully insured program, it is not included as part of the GLI Program OPEB.

Specific information for the GLI is available at <https://www.varetire.org/members/benefits/life-insurance/basic-group-life-insurance.asp>.

The GLI is administered by the VRS along with pensions and other OPEB plans, for public employer groups in the Commonwealth of Virginia. This plan is considered a multiple-employer, cost-sharing plan.

Contributions

Contributions to the VRS OPEB programs were based on actuarially determined rates from actuarial valuations as of June 30, 2021. The actuarially determined rates were expected to finance the cost of benefits earned by employees during the year, with an additional amount to fund any unfunded accrued liability. Specific details related to the contributions for the VRS OPEB programs are as follows:

Group Life Insurance Program

Governed by:	<i>Code of Virginia</i> 51.1-506 and 51.1-508 and may be impacted as a result of funding provided to school divisions and governmental agencies by the Virginia General Assembly.
Total rate:	1.34% of covered employee compensation. Rate allocated 60/40; 0.80% employee and 0.54% employer. Employers may elect to pay all or part of the employee contribution.
June 30, 2023 Contribution	\$37,932
June 30, 2022 Contribution	\$35,624

In June 2022, the Commonwealth made a special contribution of approximately \$30.4 million to the Group Life Insurance plan. This special payment was authorized by a Budget Amendment included in Chapter 1 of the 2022 Appropriation Act.

TOWN OF WARRENTON
NOTES TO FINANCIAL STATEMENTS
June 30, 2023

Note 9. Other Postemployment Benefits Liability – Virginia Retirement System Plans (Continued)

OPEB Liability, OPEB Expense, and Deferred Inflows and Outflows of Resources Related to OPEB

The net OPEB liability was measured as of June 30, 2022 and the total OPEB liability used to calculate the net OPEB liability was determined by an actuarial valuation performed as of June 30, 2021 and rolled forward to the measurement date of June 30, 2022. The covered employer’s proportion of the net OPEB liability was based on the covered employer’s actuarially determined employer contributions for the year ended June 30, 2022 relative to the total of the actuarially determined employer contributions for all participating employers.

Group Life Insurance Program

June 30, 2023 proportionate share of liability	\$	388,803
June 30, 2022 proportion		0.03229 %
June 30, 2021 proportion		0.03195 %
June 30, 2023 expense	\$	19,887

Since there was a change in proportionate share between measurement dates, a portion of the OPEB expense above was related to deferred amount from changes in proportion.

At June 30, 2023, the Town reported deferred outflows of resources and deferred inflows of resources related to OPEB from the following sources.

Group Life Insurance Program

	Deferred Outflows of Resources	Deferred Inflows of Resources
Differences between expected and actual experience	\$ 30,788	\$ 15,598
Change in assumptions	14,502	37,871
Net difference between projected and actual earnings on OPEB plan investments	-	24,294
Changes in proportion	24,017	8,334
Employer contributions subsequent to the measurement date	<u>37,932</u>	<u>-</u>
Total	<u>\$ 107,239</u>	<u>\$ 86,097</u>

The deferred outflows of resources related to OPEB resulting from the Town’s contributions subsequent to the measurement date will be recognized as a reduction of the net OPEB Liability in the fiscal year ending June 30, 2024. Other amounts reported as deferred outflows of resources and deferred inflows of resources related to OPEB will be recognized in OPEB expense in future reporting periods as follows:

TOWN OF WARRENTON
NOTES TO FINANCIAL STATEMENTS
June 30, 2023

Note 9. Other Postemployment Benefits Liability – Virginia Retirement System Plans (Continued)

OPEB Liability, OPEB Expense and Deferred Inflows and Outflows of Resources Related to OPEB (Continued)

Group Life Insurance Program

Year Ended June 30,	Addition (Reduction) to OPEB Expense
2024	\$ (1,324)
2025	(3,793)
2026	(15,315)
2027	5,762
2028	(2,120)
Thereafter	-

Actuarial Assumptions and Other Inputs

The total OPEB liability was determined using the following assumptions based on an actuarial valuation date of June 30, 2021, applied to all periods included in the measurement and rolled forward to the measurement date of June 30, 2022:

Inflation	2.5%
Salary increases, including inflation:	
• Locality – general employees	3.50 – 5.35%
• Locality – hazardous duty employees	3.50 – 4.75%
Healthcare cost trend rates:	
• Under age 65	7.00 – 4.75%
• Ages 65 and older	5.25 – 4.75%
Investment rate of return, net of expenses, including inflation	GLI: 6.75%

Mortality rates used for the various VRS OPEB plans are the same as those used for the actuarial valuations of the VRS pension plans. The mortality rates are discussed in detail at Note 8.

TOWN OF WARRENTON
NOTES TO FINANCIAL STATEMENTS
June 30, 2023

Note 9. Other Postemployment Benefits Liability – Virginia Retirement System Plans (Continued)

Net OPEB Liability

The net OPEB liability represents each program's total OPEB liability determined in accordance with GASB Statement No. 74, less the associated fiduciary net position. As of the measurement date of June 30, 2022, net OPEB liability amounts for the various VRS OPEB programs are as follows (amounts expressed in thousands):

	<u>Group Life Insurance Program</u>
Total OPEB liability	\$ 3,672,085
Plan fiduciary net position	2,467,989
Employers' net OPEB liability	1,204,096
Plan fiduciary net position as a percentage of total OPEB liability	67.21 %

The total liability is calculated by the VRS actuary and each plan's fiduciary net position is reported in the VRS financial statements. The net OPEB liability is disclosed in accordance with the requirements of GASB Statement No. 74 in the VRS notes to the financial statements and required supplementary information.

Long-Term Expected Rate of Return

Group Life Insurance Program

The long-term expected rate of return on VRS investments was determined using the method described in Note 8.

Discount Rate

The discount rate used to measure the GLI OPEB liability was 6.75%. The projection of cash flows used to determine the discount rate assumed that System member contributions will be made per the VRS Guidance and the employer contributions will be made in accordance with the VRS funding policy at rates equal to the difference between actuarially determined contribution rates adopted by the VRS Board of Trustees and the member rate. Through the fiscal year ending June 30, 2022, the rate contributed by the employer for the OPEB liability will be subject to the portion of the VRS Board-certified rates that are funded by the Virginia General Assembly. From July 1, 2020 on, participating employers are assumed to contribute 100% of the actuarially determined contribution rates. Based on those assumptions, the OPEB plans' fiduciary net position was projected to be available to make all projected future benefit payments of current active and inactive employees. Therefore, the long-term expected rate of return was applied to all periods of projected benefit payments to determine the total OPEB liability.

TOWN OF WARRENTON
NOTES TO FINANCIAL STATEMENTS
June 30, 2023

Note 9. Other Postemployment Benefits Liability – Virginia Retirement System Plans (Continued)

Sensitivity of the Net OPEB Liability to Changes in the Discount Rate

The following presents the net OPEB liability of the Town, as well as what the Town's net OPEB liability would be if it were calculated using a discount rate that is one percentage point lower (5.75%) or one percentage point higher (7.75%) than the current discount rate:

	1.00% Decrease (5.75%)	Current Discount Rate (6.75%)	1.00% Increase (7.75%)
GLI Net OPEB liability	\$ 565,753	\$ 388,803	\$ 245,802

OPEB Plan Fiduciary Net Position

Information about the various VRS OPEB plan fiduciary net position is available in the separately issued VRS 2022 Annual Comprehensive Financial Report (Annual Report). A copy of the 2022 VRS Annual Report may be downloaded from the VRS website at <http://www.varetire.org/Pdf/Publications/2022-annual-report.pdf>, or by writing to the System's Chief Financial Officer at P.O. Box 2500, Richmond, VA, 23218-2500.

Payables to the OPEB Plan

At June 30, 2023, \$5,326 was payable to the Virginia Retirement System for the legally required contributions related to June 2023 payroll.

Note 10. Property Taxes

The town collects real property taxes semi-annually and personal property taxes annually. Assessments are the responsibility of Fauquier County, while billing and collection are the Town's responsibilities. Town Council adopts tax rates in April of each year as part of the budget process. Real property taxes are levied as of January 1st and July 1st and are due on June 15th and December 15th each year. Penalties accrue on unpaid balances at this date. Interest is charged on unpaid balances beginning December 16th and June 16th. Unpaid real property taxes constitute a lien against the property.

The effective tax rates per \$100 of assessed value for the year ended June 30, 2023 were as follows:

Real estate	\$	0.0401
Personal property		1.00

TOWN OF WARRENTON
NOTES TO FINANCIAL STATEMENTS
June 30, 2023

Note 11. Risk Management

The Town is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; injuries to employees; and natural disasters for which the Town carries commercial insurance. The Town also provides a risk management program for workers' compensation. Premiums are paid by the general fund and all other funds and are available to pay claims, claim reserves, and administrative costs of the program.

The Town is a member of the Virginia Risk Sharing Association ("Association" or "VRSA") for workers' compensation. This program is administered by a servicing contractor, which furnishes claims review and processing.

Each Association member jointly and severally agrees to assume, pay, and discharge any liability. The Town pays VRSA contributions and assessments based upon classification and rates into a designated cash reserve fund out of which expenses of the Association and claims and awards are to be paid. In the event of a loss deficit and depletion of all available excess insurance, the Association may assess all members in the proportion which the premium of each bears to the total premiums of all members in the year in which such deficit occurs. Settled claims resulting from these risks have not exceeded commercial insurance in any of the past three fiscal years.

The Town has a contingent liability to pay for two acres of donated land. The Town is currently in discussions with that entity to determine an acceptable price and has engaged the services of a land appraiser. As the value is not yet known, the asset and related liability has not been recorded. This amount would presumably be paid from utility department funds.

Note 12. Fund Balance

Fund balance is classified as nonspendable, restricted, committed, assigned, and/or unassigned based primarily on the extent to which the Town is bound to observe constraints imposed upon the use of the resources in the governmental funds. The constraints placed on fund balances are presented below:

	General Fund	Perpetual Care Fund
Nonspendable:		
Inventories	\$ 194,520	\$ -
Prepays	102,812	-
Permanent fund principal	-	657,179
Total nonspendable	297,332	657,179
Restricted for:		
General government administration	6,995	-
Public safety	25,539	-
Public works	107,928	-
Parks, recreation, and cultural	131,559	-
2019 GO Bond	117,894	-
Total restricted	389,915	-

TOWN OF WARRENTON
NOTES TO FINANCIAL STATEMENTS
June 30, 2023

Note 12. Fund Balance (Continued)

	General Fund	Perpetual Care Fund
Committed to:		
Public safety	\$ 32,296	\$ -
Public works	454	-
Community development	2,500,000	-
Total committed	2,532,750	-
Assigned for:		
General government administration	342,860	-
Public safety	16,814	-
Public works	1,873,236	-
Parks, recreation, and cultural	419,022	-
Community development	243,096	-
Total assigned	2,895,028	-
Unassigned	11,537,274	-
Total fund balance	\$ 17,652,299	\$ 657,179

Note 13. New Accounting Standards

In April 2022, the GASB issued **Statement No. 99, Omnibus 2022**. The objectives of this Statement are to enhance comparability in accounting and financial reporting and to improve the consistency of authoritative literature by addressing (1) practice issues that have been identified during implementation and application of certain GASB Statements and (2) accounting and financial reporting for financial guarantees. The requirements related to extension of the use of LIBOR, accounting for SNAP distributions, disclosures of nonmonetary transactions, pledges of future revenues by pledging governments, clarification of certain provisions in Statement 34, as amended, and terminology updates related to Statement 53 and Statement 63 are effective upon issuance. The requirements related to leases, PPPs, and SBITAs are effective for fiscal years beginning after June 15, 2022, and all reporting periods thereafter. The requirements related to financial guarantees and the classification and reporting of derivative instruments within the scope of Statement 53 are effective for fiscal years beginning after June 15, 2023, and all reporting periods thereafter.

TOWN OF WARRENTON
NOTES TO FINANCIAL STATEMENTS
June 30, 2023

Note 13. New Accounting Standards (Continued)

In June 2022, the GASB issued **Statement No. 100**, *Accounting Changes and Error Corrections*. This Statement requires disclosure in notes to financial statements of descriptive information about accounting changes and error corrections, such as their nature. In addition, information about the quantitative effects on beginning balances of each accounting change and error correction should be disclosed by reporting unit in a tabular format to reconcile beginning balances as previously reported to beginning balances as restated. The requirements of this Statement are effective for accounting changes and error corrections made in fiscal years beginning after June 15, 2023, and all reporting periods thereafter. Earlier application is encouraged.

In June 2022, the GASB issued **Statement No. 101**, *Compensated Absences*. This statement updates the recognition and measurement guidance for compensated absences and amends certain previously required disclosures. The requirements of this Statement are effective for reporting periods beginning after December 15, 2023.

Management has not determined the effects these new GASB Statements may have on prospective financial statements.

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REQUIRED SUPPLEMENTARY INFORMATION

TOWN OF WARRENTON, VIRGINIA
REQUIRED SUPPLEMENTARY INFORMATION
SCHEDULE OF CHANGES IN NET PENSION LIABILITY AND RELATED RATIOS
June 30, 2023

	Plan Year								
	2022	2021	2020	2019	2018	2017	2016	2015	2014
Total Pension Liability									
Service cost	\$ 703,886	\$ 667,621	\$ 602,517	\$ 597,882	\$ 609,378	\$ 626,535	\$ 549,156	\$ 554,234	\$ 547,287
Interest on total pension liability	2,235,562	2,072,646	2,035,384	1,988,551	1,928,572	1,867,389	1,757,379	1,735,822	1,655,265
Difference between expected and actual experience	(667,626)	(256,376)	(343,660)	(197,736)	(257,353)	(115,353)	546,204	(714,305)	-
Changes in assumptions	-	1,239,023	-	831,502	-	(242,841)	-	-	-
Benefit payments, including refunds of employee contributions	(2,018,975)	(2,007,467)	(1,476,964)	(1,471,488)	(1,376,036)	(1,147,327)	(1,415,015)	(1,120,580)	(982,889)
Net change in total pension liability	252,847	1,715,447	817,277	1,748,711	904,561	988,403	1,437,724	455,171	1,219,663
Total pension liability – beginning	33,425,044	31,709,597	30,892,320	29,143,609	28,239,048	27,250,645	25,812,921	25,357,750	24,138,087
Total pension liability – ending	33,677,891	33,425,044	31,709,597	30,892,320	29,143,609	28,239,048	27,250,645	25,812,921	25,357,750
Plan Fiduciary Net Position									
Contributions – employer	573,545	543,391	595,698	548,360	624,250	599,222	674,647	626,449	613,537
Contributions – employee	330,374	363,817	303,368	276,647	288,459	287,136	272,659	244,243	241,581
Net investment income (loss)	(17,340)	7,401,000	525,712	1,746,991	1,846,307	2,751,413	387,291	1,004,740	3,009,233
Benefit payments, including refunds of employee contributions	(2,018,975)	(2,007,467)	(1,476,964)	(1,471,488)	(1,376,036)	(1,147,327)	(1,415,015)	(1,120,580)	(982,889)
Administrative expenses	(21,207)	(18,952)	(17,954)	(17,517)	(16,001)	(15,827)	(14,267)	(13,787)	(16,182)
Other	766	693	(619)	(1,099)	(1,642)	(2,452)	(166)	(211)	159
Net change in plan fiduciary net position	(1,152,837)	6,282,482	(70,759)	1,081,894	1,365,337	2,472,165	(94,851)	740,854	2,865,439
Plan fiduciary net position – beginning	33,749,257	27,466,775	27,537,534	26,455,640	25,090,303	22,618,138	22,712,989	21,972,135	19,106,696
Plan fiduciary net position – ending	32,596,420	33,749,257	27,466,775	27,537,534	26,455,640	25,090,303	22,618,138	22,712,989	21,972,135
Net pension liability (asset) – ending	\$ 1,081,471	\$ (324,213)	\$ 4,242,822	\$ 3,354,786	\$ 2,687,969	\$ 3,148,745	\$ 4,632,507	\$ 3,099,932	\$ 3,385,615
Plan fiduciary net position as a percentage of total pension liability	96.79%	100.97%	86.62%	89.14%	90.78%	88.85%	83.00%	87.99%	86.65%
Covered payroll	\$ 7,024,502	\$ 6,575,385	\$ 6,450,476	\$ 5,882,031	\$ 5,992,800	\$ 5,666,307	\$ 5,278,343	\$ 4,878,431	\$ 4,785,081
Net pension liability as a percentage of covered payroll	15.40%	-4.93%	65.78%	57.03%	44.85%	55.57%	87.76%	63.54%	70.75%

The plan years above are reported in the entity’s financial statements in the fiscal year following the plan year – i.e., plan year 2014 information was presented in the entity’s fiscal year 2015 financial report.

This schedule is intended to show information for 10 years. Since fiscal year 2015 (plan year 2014) was the first year for this presentation, no earlier data is available. Additional years will be included as they become available.

The Notes to Required Supplementary Information are an integral part of this statement.

EXHIBIT 14

TOWN OF WARRENTON, VIRGINIA

REQUIRED SUPPLEMENTARY INFORMATION
SCHEDULE OF EMPLOYER PENSION CONTRIBUTIONS
June 30, 2023

Entity Fiscal Year Ended June 30,	Contractually Required Contribution	Contributions in Relation to Contractually Required Contribution	Contribution Deficiency (Excess)	Covered Payroll	Contributions as a Percentage of Covered Payroll
2023	\$ 823,057	\$ 823,057	\$ -	\$ 7,787,056	10.57 %
2022	636,584	636,584	-	7,024,502	9.06
2021	595,096	595,096	-	6,575,385	9.05
2020	595,698	595,698	-	6,450,476	9.23
2019	548,360	548,360	-	5,882,031	9.32
2018	624,250	624,250	-	5,992,800	10.42
2017	599,222	599,222	-	5,666,307	10.58
2016	679,851	679,851	-	5,278,343	12.88
2015	628,342	628,342	-	4,878,431	12.88

Schedule is intended to show information for 10 years. Since 2015 was the first year for this presentation, no earlier data is available. Additional years will be included as they become available.

The covered payroll amounts above are for the Town's fiscal year – i.e., the covered payroll on which required contributions were based for the same year.

TOWN OF WARRENTON, VIRGINIA

REQUIRED SUPPLEMENTARY INFORMATION
SCHEDULE OF EMPLOYER'S SHARE OF NET OPEB LIABILITY – VRS GLI
June 30, 2023

Entity Fiscal Year Ended June 30,	Employer's Proportion of the Net OPEB Liability	Employer's Proportionate Share of the Net OPEB Liability	Employer's Covered Payroll	Employer's Proportionate Share of the Net OPEB Liability as a Percentage of its Covered Payroll	Plan Fiduciary Net Position as a Percentage of the Total OPEB Liability
Virginia Retirement System – Group Life Insurance – General Employees					
2023	0.03 %	\$ 388,803	\$ 7,024,502	5.53 %	67.21 %
2022	0.03	371,985	6,575,385	5.66	67.45
2021	0.03	523,681	6,450,476	8.12	52.64
2020	0.03	488,994	5,882,031	8.31	52.00
2019	0.03	478,000	5,992,800	7.98	51.22
2018	0.03	463,000	5,666,307	8.17	48.86

Schedule is intended to show information for 10 years. Since 2018 was the first year for this presentation, no earlier data is available. However, additional years will be included as they become available.

The covered payroll amounts above are for the measurement period, which is the twelve months prior to the entity's fiscal year.

EXHIBIT 16

TOWN OF WARRENTON, VIRGINIA

REQUIRED SUPPLEMENTARY INFORMATION
SCHEDULE OF EMPLOYER OPEB CONTRIBUTIONS – VRS GLI
June 30, 2023

Entity Fiscal Year Ended June 30,	Contractually Required Contribution	Contributions in Relation to Contractually Required Contribution	Contribution Deficiency (Excess)	Employer's Covered Payroll	Contributions as a Percentage of Covered Payroll
Virginia Retirement System – Group Life Insurance – General Employees					
2023	\$ 37,932	\$ 37,932	\$ -	\$ 7,787,056	0.49 %
2022	35,624	35,624	-	7,024,502	0.51
2021	33,582	33,582	-	6,575,385	0.51
2020	30,628	30,628	-	6,450,476	0.47
2019	30,000	30,000	-	5,882,031	0.51
2018	31,120	31,120	-	5,992,800	0.52

Schedule is intended to show information for 10 years. Since 2018 is the first year for this presentation, no earlier data is available. However, additional years will be included as they become available.

The covered payroll amounts above are for the entity's fiscal year — i.e., the covered payroll on which required contributions were based for the same year.

TOWN OF WARRENTON, VIRGINIA

**NOTES TO REQUIRED SUPPLEMENTARY INFORMATION
June 30, 2023**

Note 1. Changes of Benefit Terms

Pension

There have been no actuarially material changes to the Virginia Retirement System (the “System”) benefit provisions since the prior actuarial valuation.

Other Postemployment Benefits (OPEB)

There have been no actuarially material changes to the System benefit provisions since the prior actuarial valuation.

Note 2. Changes of Assumptions

The actuarial assumptions used in the June 30, 2021, valuation were based on the results of an actuarial experience study for the period from July 1, 2016, through June 30, 2020, except the change in the discount rate, which was based on VRS Board action effective as of July 1, 2019. Changes to the actuarial assumptions as a result of the experience study and VRS Board action are as follows:

Largest 10 – Non-Hazardous Duty:

- Update mortality table to PUB2010 public sector mortality tables. For future mortality improvements, replace load with a modified Mortality Scale MP-2020.
- Adjusted retirement rates to better fit experience for Plan 1; set separate rates based on experience for Plan2/Hybrid; changed final retirement age.
- Adjusted withdrawal rates to better fit experience at each age and service through 9 years of service.
- No change to disability rates.
- No change to salary scale.
- No change to line of duty rates.
- No change to discount rate.

Largest 10 – Hazardous Duty/Public Safety Employees:

- Update mortality table to PUB2010 public sector mortality tables. For future mortality improvements, replace load with a modified Mortality Scale MP-2020.
- Adjusted retirement rates to better fit experience and changed final retirement age from 65 to 70.
- Decreased withdrawal rates.
- No change to disability rates.
- No change to salary scale.
- No change to line of duty rates.
- No change to discount rate.

TOWN OF WARRENTON, VIRGINIA**NOTES TO REQUIRED SUPPLEMENTARY INFORMATION
June 30, 2023****Note 2. Changes of Assumptions (Continued)**

All Others (Non 10 Largest) – Non-Hazardous Duty:

- Update mortality table to PUB2010 public sector mortality tables. For future mortality improvements, replace load with a modified Mortality Scale MP-2020.
- Adjusted retirement rates to better fit experience for Plan 1; set separate rates based on experience for Plan2/Hybrid; changed final retirement age.
- Adjusted withdrawal rates to better fit experience at each age and service through 9 years of service.
- No change to disability rates.
- No changes to salary scale.
- No change to line of duty rates.
- No change to discount rate.

All Others (Non 10 Largest) – Hazardous Duty/Public Safety Employees:

- Update mortality table to PUB2010 public sector mortality tables. For future mortality improvements, replace load with a modified Mortality Scale MP-2020.
- Adjusted retirement rates to better fit experience and changed final retirement age from 65 to 70.
- Decreased withdrawal rates and changed from rates based on age and service to rates based on service only to better fit experience and to be more consistent with Locals Largest 10 Hazardous Duty.
- No change to disability rates.
- No change to salary scale.
- No change to line of duty rates.
- No change to discount rate.

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OTHER SUPPLEMENTARY INFORMATION

EXHIBIT 17

TOWN OF WARRENTON, VIRGINIA

SCHEDULE OF REVENUES – BUDGET AND ACTUAL –
GENERAL FUND (BUDGETARY BASIS)

Year Ended June 30, 2023

	Original Budget	Final Budget	Actual	Variance with Final Budget Positive (Negative)
Revenue from local sources:				
General property taxes:				
Real property taxes	\$ 831,380	\$ 831,380	\$ 837,872	\$ 6,492
Real and personal public service corporation taxes	14,232	14,232	17,380	3,148
Personal property taxes	581,000	581,000	842,818	261,818
Penalties	22,623	22,623	33,806	11,183
Interest	-	-	8,031	8,031
Total general property taxes	<u>1,449,235</u>	<u>1,449,235</u>	<u>1,739,907</u>	<u>290,672</u>
Other local taxes:				
Local sales and use taxes	670,422	670,422	1,018,823	348,401
Consumers' utility taxes	495,419	495,419	578,030	82,611
Business license taxes	2,272,525	2,272,525	2,511,960	239,435
Consumption taxes	64,314	64,314	67,515	3,201
Motor vehicle licenses	225,000	225,000	224,882	(118)
Bank stock taxes	800,000	800,000	1,248,013	448,013
Hotel and motel room taxes	220,000	220,000	270,943	50,943
Restaurant food tax	4,500,000	4,573,645	5,346,726	773,081
Cigarette tax	427,321	427,321	314,989	(112,332)
Total other local taxes	<u>9,675,001</u>	<u>9,748,646</u>	<u>11,581,881</u>	<u>1,833,235</u>
Permits, privilege fees, and regulatory licenses:				
Permits and other licenses	<u>308,064</u>	<u>308,064</u>	<u>219,987</u>	<u>(88,077)</u>
Fines and forfeitures:				
Court fines and forfeitures	<u>139,871</u>	<u>139,871</u>	<u>72,505</u>	<u>(67,366)</u>
Revenue from use of money:				
Revenue from use of money	<u>125,000</u>	<u>125,000</u>	<u>464,302</u>	<u>339,302</u>
Charges for services:				
Warf – recreation	<u>714,877</u>	<u>668,877</u>	<u>1,019,342</u>	<u>350,465</u>
Total charges for services	<u>714,877</u>	<u>668,877</u>	<u>1,019,342</u>	<u>350,465</u>
Miscellaneous revenue:				
Miscellaneous	<u>264,020</u>	<u>271,577</u>	<u>283,266</u>	<u>11,689</u>
Total revenue from local sources	<u>12,676,068</u>	<u>12,711,270</u>	<u>15,381,190</u>	<u>2,669,920</u>

(Continued)

EXHIBIT 17

TOWN OF WARRENTON, VIRGINIA

SCHEDULE OF REVENUES – BUDGET AND ACTUAL –
GENERAL FUND (BUDGETARY BASIS)

Year Ended June 30, 2023

	<u>Original Budget</u>	<u>Final Budget</u>	<u>Actual</u>	<u>Variance with Final Budget Positive (Negative)</u>
Revenue from the Commonwealth:				
Non-categorical aid:				
Motor vehicle rental tax	\$ 129,823	\$ 129,823	\$ 146,813	\$ 16,990
Rolling stock tax	77	77	69	(8)
Communications tax	384,622	384,622	373,776	(10,846)
Personal property tax relief funds	718,492	718,492	718,492	-
Total non-categorical aid	<u>1,233,014</u>	<u>1,233,014</u>	<u>1,239,150</u>	<u>6,136</u>
Categorical aid:				
Other categorical aid:				
Litter control grant	6,589	10,248	10,248	-
DCJS grants for law enforcement	233,186	233,186	241,507	8,321
Street and highway maintenance	1,450,000	1,450,000	1,708,977	258,977
State forfeiture proceeds	6,355	6,355	15,952	9,597
Police department	-	-	2,598	2,598
Fire program	37,994	37,994	40,349	2,355
Total categorical aid	<u>1,734,124</u>	<u>1,737,783</u>	<u>2,019,631</u>	<u>281,848</u>
Total revenue from the Commonwealth	<u>2,967,138</u>	<u>2,970,797</u>	<u>3,258,781</u>	<u>287,984</u>
Revenue from the Federal Government:				
Categorical aid:				
Department of justice grant	-	4,000	6,682	2,682
CSLFRF funding	2,101,642	6,616,648	1,038,392	(5,578,256)
Total revenue from the Federal Government	<u>2,101,642</u>	<u>6,620,648</u>	<u>1,045,074</u>	<u>(5,575,574)</u>
Total general fund	<u>\$ 17,744,848</u>	<u>\$ 22,302,715</u>	<u>\$ 19,685,045</u>	<u>\$ (2,617,670)</u>

EXHIBIT 18

TOWN OF WARRENTON, VIRGINIA

**SCHEDULE OF EXPENDITURES – BUDGET AND ACTUAL –
GENERAL FUND (BUDGETARY BASIS)
Year Ended June 30, 2023**

	Original Budget	Final Budget	Actual	Variance with Final Budget Positive (Negative)
General government administration:				
Legislative	\$ 250,901	\$ 292,601	\$ 289,021	\$ 3,580
Executive	267,736	261,036	410,648	(149,612)
Legal services	182,997	182,997	220,022	(37,025)
Finance	950,579	1,041,450	866,864	174,586
Memberships and dues	9,342	9,342	10,009	(667)
Health and welfare	190,746	222,246	177,682	44,564
Electoral board	15,800	15,800	13,357	2,443
Data processing	1,850,605	1,935,735	1,203,711	732,024
Motor pool	291,934	291,934	439,447	(147,513)
Total general government administration	4,010,640	4,253,141	3,630,761	622,380
Public safety:				
Department of police	3,285,052	3,312,402	3,375,463	(63,061)
Fire and rescue services	-	-	40,350	(40,350)
Bureau of building inspections	466,694	466,694	541,269	(74,575)
Emergency services	174,866	179,613	164,469	15,144
Total public safety	3,926,612	3,958,709	4,121,551	(162,842)
Public works:				
Public works administration	901,301	893,451	617,248	276,203
Bureau of street maintenance	746,101	764,801	1,066,129	(301,328)
Arterial street maintenance	274,854	631,589	391,623	239,966
Collector street maintenance	580,703	1,055,377	1,013,939	41,438
Refuse collection	406,043	403,193	437,875	(34,682)
Cemetery maintenance	-	-	256	(256)
Recycling program	53,975	53,634	47,246	6,388
Maintenance, buildings, and grounds	894,862	1,038,452	1,059,142	(20,690)
Total public works	3,857,839	4,840,497	4,633,458	207,039
Health and welfare:				
Welfare/social services	323,361	334,011	334,011	-
Parks, recreation, and cultural:				
Aquatic center	1,482,256	1,503,232	1,645,327	(142,095)
Parks	146,509	150,220	139,845	10,375
Parks and recreation – administration	670,443	664,343	407,492	256,851
Cultural enrichment	97,638	97,638	97,638	-
Total parks, recreation, and cultural	2,396,846	2,415,433	2,290,302	125,131

EXHIBIT 18

TOWN OF WARRENTON, VIRGINIA

**SCHEDULE OF EXPENDITURES – BUDGET AND ACTUAL –
GENERAL FUND (BUDGETARY BASIS)
Year Ended June 30, 2023**

	Original Budget	Final Budget	Actual	Variance with Final Budget Positive (Negative)
Community development:				
Planning and zoning	\$ 493,534	\$ 555,409	\$ 399,420	\$ 155,989
Visitor's center	61,944	61,944	18,870	43,074
Zoning appeals board	1,000	1,000	7,129	(6,129)
Economic development	-	69,492	61,808	7,684
Architectural review board	4,291	4,291	2,396	1,895
Total community development	<u>560,769</u>	<u>692,136</u>	<u>489,623</u>	<u>202,513</u>
Capital outlay:				
Capital outlay	-	2,042,256	1,231,327	810,929
Debt service:				
Principal	506,045	506,045	535,434	(29,389)
Interest	349,573	349,573	349,573	-
Total debt service	<u>855,618</u>	<u>855,618</u>	<u>885,007</u>	<u>(29,389)</u>
Total general fund	<u>\$ 15,931,685</u>	<u>\$ 19,391,801</u>	<u>\$ 17,616,040</u>	<u>\$ 1,775,761</u>

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STATISTICAL SECTION

This part of the Town of Warrenton’s annual comprehensive financial report presents detailed information as a context for understanding what the information in the financial statements, note disclosures, and required supplementary information says about the Town’s overall financial health.

<u>Contents</u>	<u>Table</u>
Financial Trends These tables contain trend information to help the reader understand how the Town’s financial performance and well-being have changed over time.	1-4
Revenue Capacity These tables contain information to help the reader assess the factors affecting the Town’s ability to generate its property and sales taxes.	5-12
Debt Capacity These tables present information to help the reader assess the affordability of the Town’s current levels of outstanding debt and the Town’s ability to issue additional debt in the future.	13-16
Demographic and Economic Information These tables offer demographic and economic indicators to help the reader understand the environment within which the Town’s financial activities take place and to help make comparisons over time and with other governments.	17-18
Operating Information These schedules contain information about the Town’s operations and resources to help the reader understand how the Town’s financial information relates to the services it provides and the activities it performs.	19-21

Sources: Unless otherwise noted, the information in these tables is derived from the annual comprehensive financial reports for the relevant year.

TOWN OF WARRENTON, VIRGINIA

NET POSITION BY COMPONENT
LAST TEN FISCAL YEARS
(Accrual Basis of Accounting)

	Fiscal Year									
	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Governmental activities										
Net investment in capital assets	\$ 25,272,376	\$ 42,200,589	\$ 40,859,457	\$ 39,510,889	\$ 38,788,308	\$ 38,111,853	\$ 37,683,553	\$ 35,719,844	\$ 34,401,208	\$ 33,258,007
Restricted	592,370	592,995	594,800	1,159,023	1,154,623	910,053	920,523	879,148	1,123,916	929,200
Unrestricted	11,120,437	9,734,918	9,737,204	9,348,761	9,197,065	9,902,354	9,920,549	11,139,602	12,123,997	15,244,819
Total governmental activities net position	<u>\$ 36,985,183</u>	<u>\$ 52,528,502</u>	<u>\$ 51,191,461</u>	<u>\$ 50,018,673</u>	<u>\$ 49,139,996</u>	<u>\$ 48,924,260</u>	<u>\$ 48,524,625</u>	<u>\$ 47,738,594</u>	<u>\$ 47,649,121</u>	<u>\$ 49,432,026</u>
Business-type activities										
Net investment in capital assets	\$ 38,898,827	\$ 19,807,462	\$ 18,957,111	\$ 18,022,962	\$ 17,336,839	\$ 18,259,451	\$ 17,364,417	\$ 19,595,398	\$ 19,194,441	\$ 20,282,634
Restricted	-	-	-	157,747	174,636	205,247	222,456	234,421	331,724	270,441
Unrestricted	7,141,893	4,262,278	4,097,907	5,958,671	6,664,583	6,163,356	7,248,156	5,771,160	6,278,560	5,138,767
Total business-type activities net position	<u>\$ 46,040,720</u>	<u>\$ 24,069,740</u>	<u>\$ 23,055,018</u>	<u>\$ 24,139,380</u>	<u>\$ 24,176,058</u>	<u>\$ 24,628,054</u>	<u>\$ 24,835,029</u>	<u>\$ 25,600,979</u>	<u>\$ 25,804,725</u>	<u>\$ 25,691,842</u>
Primary government										
Net investment in capital assets	\$ 64,171,203	\$ 62,008,051	\$ 59,816,568	\$ 57,533,851	\$ 56,125,147	\$ 56,371,304	\$ 55,047,970	\$ 55,315,242	\$ 53,595,649	\$ 53,540,641
Restricted	592,370	592,995	594,800	1,316,770	1,329,259	1,115,300	1,142,979	1,113,569	1,455,640	1,199,641
Unrestricted	18,262,330	13,997,196	13,835,111	15,307,432	15,861,648	16,065,710	17,168,705	16,910,762	18,402,557	20,383,586
Total primary government net position	<u>\$ 83,025,903</u>	<u>\$ 76,598,242</u>	<u>\$ 74,246,479</u>	<u>\$ 74,158,053</u>	<u>\$ 73,316,054</u>	<u>\$ 73,552,314</u>	<u>\$ 73,359,654</u>	<u>\$ 73,339,573</u>	<u>\$ 73,453,846</u>	<u>\$ 75,123,868</u>

Note: GASB Statements No. 68 and 75 were adopted in fiscal year 2015 and 2018, respectively. Prior years were not restated for the impact of these statements.

TOWN OF WARRENTON, VIRGINIA

**CHANGES IN NET POSITION
LAST TEN FISCAL YEARS
(Accrual Basis of Accounting)**

	Fiscal Year									
	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Expenses										
Governmental activities:										
General government	\$ 1,741,519	\$ 1,670,785	\$ 1,753,257	\$ 1,065,479	\$ 1,245,681	\$ 1,373,604	\$ 1,597,253	\$ 1,860,468	\$ 2,186,451	\$ 2,208,282
Public safety	2,887,360	2,950,483	3,612,887	4,118,389	4,070,378	3,754,801	4,116,850	4,683,874	4,715,140	4,945,463
Public works	3,621,458	4,101,334	4,727,802	5,062,855	4,890,072	5,925,684	5,351,067	5,058,972	4,779,200	6,589,800
Health and welfare	88,400	89,291	120,505	117,164	133,891	161,934	177,910	183,565	173,245	259,011
Parks, recreation, and cultural	124,834	2,867,135	2,366,743	3,155,724	2,719,536	2,782,463	2,569,659	2,502,658	2,871,147	3,138,550
Community development	408,615	447,025	638,788	803,021	935,243	995,959	1,062,002	923,715	713,617	622,434
Interest on long-term debt	4,572	3,656	286,949	269,932	269,121	264,935	391,806	337,397	452,079	169,128
Total governmental activities expenses	8,876,758	12,129,709	13,506,931	14,592,564	14,263,922	15,259,380	15,266,547	15,550,649	15,890,879	17,932,668
Business-type activities:										
Water and sewer	5,300,755	5,514,237	5,492,546	5,211,692	5,625,153	5,826,426	6,027,732	5,980,736	6,369,617	7,273,756
Stormwater	-	-	-	-	-	-	-	-	462,033	390,701
Parks and recreation	2,675,844	-	-	-	-	-	-	-	-	-
Total business-type activities expenses	7,976,599	5,514,237	5,492,546	5,211,692	5,625,153	5,826,426	6,027,732	5,980,736	6,831,650	7,664,457
Total primary government expenses	\$ 16,853,357	\$ 17,643,946	\$ 18,999,477	\$ 19,804,256	\$ 19,889,075	\$ 21,085,806	\$ 21,294,279	\$ 21,531,385	\$ 22,722,529	\$ 25,597,125
Program Revenues										
Governmental activities:										
Charges for services:										
General government	\$ 170,563	\$ 354,325	\$ 292,415	\$ 166,562	\$ 170,336	\$ 257,969	\$ 226,685	\$ 294,301	\$ 207,878	\$ 219,987
Public safety	387,684	185,186	128,499	125,169	166,622	188,749	155,478	112,113	76,229	72,505
Public works	-	-	-	-	-	-	-	-	-	-
Parks, recreation, and cultural	-	1,191,345	1,137,892	1,187,054	1,229,165	1,203,731	871,183	468,599	1,075,663	1,019,342
Operating grants and contributions	1,531,049	1,585,610	1,693,950	2,034,936	1,649,969	1,738,537	2,024,402	1,740,112	1,759,873	2,021,815
Capital grants and contributions	199,425	51,617	136,235	7,882	109,830	469,948	42,637	-	285,212	4,500
Total governmental activities program revenues	2,288,721	3,368,083	3,388,991	3,521,603	3,325,922	3,858,934	3,320,385	2,615,125	3,404,855	3,338,149
Business-type activities:										
Charges for services:										
Water and sewer	3,638,503	3,588,448	3,948,790	5,652,278	5,485,203	5,785,979	5,887,602	6,512,552	5,970,588	6,236,259
Stormwater	-	-	-	-	-	-	-	-	774,127	654,290
Parks and recreation	1,203,153	-	-	-	-	-	-	-	-	-
Capital grants and contributions	123,914	175,350	363,519	-	-	-	-	-	-	-
Total business-type activities program revenues	4,965,570	3,763,798	4,312,309	5,652,278	5,485,203	5,785,979	5,887,602	6,512,552	6,744,715	6,890,549
Total primary government program revenues	\$ 7,254,291	\$ 7,131,881	\$ 7,701,300	\$ 9,173,881	\$ 8,811,125	\$ 9,644,913	\$ 9,207,987	\$ 9,127,677	\$ 10,149,570	\$ 10,228,698

(Continued)

TOWN OF WARRENTON, VIRGINIA

**CHANGES IN NET POSITION
LAST TEN FISCAL YEARS
(Accrual Basis of Accounting)**

	Fiscal Year									
	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Net (expense)/revenue										
Governmental activities	\$ (6,588,037)	\$ (8,761,626)	\$ (10,117,940)	\$ (11,070,961)	\$ (10,938,000)	\$ (11,400,446)	\$ (11,946,162)	\$ (12,935,524)	\$ (12,486,024)	\$ (14,594,519)
Business-type activities	(3,011,029)	(1,750,439)	(1,180,237)	440,586	(139,950)	(40,447)	(140,130)	531,816	(86,935)	(773,908)
Total primary government net expense	\$ (9,599,066)	\$ (10,512,065)	\$ (11,298,177)	\$ (10,630,375)	\$ (11,077,950)	\$ (11,440,893)	\$ (12,086,292)	\$ (12,403,708)	\$ (12,572,959)	\$ (15,368,427)
General Revenues and Other Changes in Net Position										
Governmental activities:										
Taxes										
Property taxes	\$ 605,047	\$ 678,228	\$ 670,016	\$ 1,234,762	\$ 1,267,738	\$ 1,302,786	\$ 1,340,665	\$ 1,373,058	\$ 1,497,352	\$ 1,746,616
Sales and use taxes	561,084	595,653	673,700	732,197	709,036	709,173	781,649	925,159	978,837	1,018,823
Consumer's utility taxes	500,111	498,312	512,780	503,001	510,053	498,267	501,059	495,402	499,103	578,030
Business license taxes	1,914,525	1,656,923	1,851,067	1,918,233	2,026,990	1,998,815	2,103,568	2,438,043	1,964,786	2,511,960
Meals taxes	2,191,572	2,265,639	2,383,067	2,621,782	2,550,799	2,659,254	2,515,018	2,828,431	3,296,859	5,346,726
Bank stock taxes	496,445	581,150	521,997	690,566	849,887	932,498	830,298	1,292,086	1,330,962	1,248,013
Other local taxes	549,569	535,802	571,268	465,684	667,790	692,749	690,228	679,268	715,322	878,329
Intergovernmental revenue, unrestricted	-	-	-	-	-	-	602,073	594,955	547,734	1,038,391
Unrestricted revenues (loss) from use of										
money and property	21,663	21,392	46,417	96,515	137,843	348,274	329,960	25,995	(95,166)	488,121
Gain on sale of assets	-	-	-	-	-	105,508	-	-	175,275	-
Miscellaneous	96,910	110,473	207,646	346,308	367,596	635,866	574,273	264,835	238,715	283,266
Unrestricted grants and contributions	1,310,350	1,407,566	1,342,941	1,344,815	1,332,320	1,301,520	1,277,736	1,232,261	1,246,772	1,239,149
Transfers	(976,161)	-	-	(55,690)	-	-	-	-	-	-
Total governmental activities	7,271,115	8,351,138	8,780,899	9,898,173	10,420,052	11,184,710	11,546,527	12,149,493	12,396,551	16,377,424
Business-type activities:										
Intergovernmental revenue, unrestricted	-	-	-	-	-	-	-	69,249	34,757	99,318
Unrestricted revenues from use of										
money and property	163,961	151,120	165,515	214,130	303,371	492,443	347,105	164,885	255,914	561,677
Miscellaneous	-	-	-	8,500	-	-	-	-	-	-
Transfers	976,161	-	-	55,690	-	-	-	-	-	-
Total business-type activities	1,140,122	151,120	165,515	278,320	303,371	492,443	347,105	234,134	290,671	660,995
Total primary government	\$ 8,411,237	\$ 8,502,258	\$ 8,946,414	\$ 10,176,493	\$ 10,723,423	\$ 11,677,153	\$ 11,893,632	\$ 12,383,627	\$ 12,687,222	\$ 17,038,419
Change in Net Position										
Governmental activities	\$ 683,078	\$ (410,488)	\$ (1,337,041)	\$ (1,172,788)	\$ (517,948)	\$ (215,736)	\$ (399,635)	\$ (786,031)	\$ (89,473)	\$ 1,782,905
Business-type activities	(1,870,907)	(1,599,319)	(1,014,722)	718,906	163,421	451,996	206,975	765,950	203,736	(112,913)
Total primary government	\$ (1,187,829)	\$ (2,009,807)	\$ (2,351,763)	\$ (453,882)	\$ (354,527)	\$ 236,260	\$ (192,660)	\$ (20,081)	\$ 114,263	\$ 1,669,992

TOWN OF WARRENTON, VIRGINIA
FUND BALANCES OF GOVERNMENTAL FUNDS
LAST TEN FISCAL YEARS
(Modified Accrual Basis of Accounting)

	Fiscal Year									
	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
General Fund										
Nonspendable	\$ 125,799	\$ 210,061	\$ 204,273	\$ 152,391	\$ 255,897	\$ 308,386	\$ 251,130	\$ 259,787	\$ 324,730	\$ 297,332
Restricted	-	-	-	559,987	547,191	288,726	2,168,746	1,123,502	699,326	389,915
Committed	828,454	493,043	976,809	370,451	1,139,682	770,262	93,287	28,035	2,528,550	2,532,750
Assigned	-	-	-	-	-	113,000	2,391,574	2,478,187	2,488,498	2,895,028
Unassigned	10,593,545	11,914,259	11,521,316	11,871,309	10,894,756	11,611,907	10,178,740	11,575,773	9,542,190	11,537,274
Total general fund	\$ 11,547,798	\$ 12,617,363	\$ 12,702,398	\$ 12,954,138	\$ 12,837,526	\$ 13,092,281	\$ 15,083,477	\$ 15,465,284	\$ 15,583,294	\$ 17,652,299
All other governmental funds										
Nonspendable, reported in:										
Permanent funds	\$ 592,370	\$ 592,995	\$ 592,995	\$ 599,036	\$ 607,432	\$ 621,327	\$ 630,894	\$ 631,809	\$ 633,360	\$ 657,179
Total all other governmental funds	\$ 592,370	\$ 592,995	\$ 592,995	\$ 599,036	\$ 607,432	\$ 621,327	\$ 630,894	\$ 631,809	\$ 633,360	\$ 657,179

TOWN OF WARRENTON, VIRGINIA
CHANGES IN FUND BALANCES OF GOVERNMENTAL FUNDS
LAST TEN FISCAL YEARS
(Modified Accrual Basis of Accounting)

	Fiscal Year									
	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Revenues										
General property taxes	\$ 589,341	\$ 674,372	\$ 677,081	\$ 1,248,466	\$ 1,261,220	\$ 1,312,429	\$ 1,342,789	\$ 1,379,006	\$ 1,461,261	\$ 1,739,907
Other local taxes	6,213,306	6,133,479	6,513,879	6,931,463	7,314,555	7,490,756	7,421,820	8,658,389	8,785,869	11,581,881
Permits, privilege fees, and regulatory licenses	128,220	203,476	177,739	166,562	170,336	257,969	226,685	294,301	207,878	219,987
Fines and forfeitures	259,464	185,186	128,499	125,169	166,622	188,749	155,478	112,113	76,229	72,505
Revenue (loss) from use of money and property	21,663	21,392	46,417	96,515	137,843	348,274	329,960	25,995	(95,166)	488,121
Charges for services	170,563	1,342,194	1,252,568	1,187,054	1,229,165	1,203,731	871,183	468,599	1,075,663	1,019,342
Miscellaneous	96,910	110,473	207,646	346,308	367,596	1,060,766	887,871	264,835	238,715	283,266
Intergovernmental										
Commonwealth	2,991,893	3,042,804	3,081,912	2,993,657	3,087,912	3,243,275	3,004,887	2,970,530	2,999,607	3,258,781
Federal	48,931	1,989	91,214	393,976	4,207	266,730	628,363	596,798	839,985	1,045,074
Total revenues	10,520,291	11,715,365	12,176,955	13,489,170	13,739,456	15,372,679	14,869,036	14,770,566	15,590,041	19,708,864
Expenditures										
General government administration	1,724,504	1,625,564	1,782,114	957,937	1,242,131	1,292,870	1,346,561	1,543,266	1,716,121	2,168,979
Public safety	2,586,897	2,915,874	3,485,482	3,647,869	3,912,693	3,536,374	3,731,363	4,316,166	4,488,739	4,856,095
Public works	2,387,155	2,765,710	3,296,769	3,991,747	3,370,708	3,796,095	3,443,271	3,498,257	3,466,980	5,144,171
Health and welfare	88,400	89,291	120,505	117,164	133,891	161,934	177,910	183,554	173,361	259,011
Parks, recreation, and cultural	120,826	1,848,203	1,899,681	2,068,860	2,042,098	2,040,281	1,855,164	1,851,122	2,216,458	2,454,818
Community development	401,399	451,940	656,908	806,044	941,537	998,655	956,701	893,149	714,724	616,632
Capital outlay	821,485	238,836	606,109	951,293	1,862,979	2,560,188	4,639,737	1,134,734	2,124,098	1,231,327
Debt service										
Principal	174,880	594,679	521,158	448,000	489,537	527,040	541,350	692,349	623,050	535,434
Interest and other fiscal charges	5,455	222,390	203,958	188,590	178,807	190,592	198,125	275,247	606,120	349,573
Bond issuance costs	-	-	-	-	-	-	78,091	-	-	-
Total expenditures	8,311,001	10,752,487	12,572,684	13,177,504	14,174,381	15,104,029	16,968,273	14,387,844	16,129,651	17,616,040
Excess of revenues over (under) expenditures	2,209,290	962,878	(395,729)	311,666	(434,925)	268,650	(2,099,237)	382,722	(539,610)	2,092,824
Other financing sources (uses)										
Transfers out	(976,161)	-	-	(55,690)	-	-	-	-	-	-
Proceeds from issuance of debt	-	-	-	-	326,709	-	4,100,000	-	8,720,000	-
Issuance of lease	-	-	-	-	-	-	-	-	141,227	-
Payments to escrow agent	-	-	-	-	-	-	-	-	(10,097,000)	-
Premium on debt issuance	-	-	-	-	-	-	-	-	1,706,469	-
Proceeds from sale of capital assets	-	-	-	-	-	-	-	-	188,475	-
Total other financing sources (uses)	(976,161)	-	-	(55,690)	326,709	-	4,100,000	-	659,171	-
Net change in fund balances	\$ 1,233,129	\$ 962,878	\$ (395,729)	\$ 255,976	\$ (108,216)	\$ 268,650	\$ 2,000,763	\$ 382,722	\$ 119,561	\$ 2,092,824
Debt service as a percentage of noncapital expenditures	2.47%	8.43%	6.04%	4.83%	5.38%	5.37%	5.72%	7.35%	8.41%	5.25%

TOWN OF WARRENTON, VIRGINIA

ASSESSED VALUE AND ESTIMATED ACTUAL VALUE OF TAXABLE PROPERTY
LAST TEN FISCAL YEARS

Calendar Year	Real Estate	Personal Property	Machinery and Tools	Public Service	Total Taxable Assessed Value	Direct Tax Rate (1)
2023	\$ 2,142,329,566	\$ 189,785,413	\$ 533,190	\$ 31,026,875	\$ 2,363,675,044	0.126
2022	2,146,350,500	141,771,009	452,805	30,915,674	2,319,489,988	0.108
2021	1,735,031,400	119,184,134	511,075	30,341,699	1,885,068,308	0.110
2020	1,711,588,500	121,035,613	314,281	32,388,996	1,865,327,390	0.112
2019	1,704,181,500	112,782,292	358,690	30,080,458	1,847,402,940	0.108
2018	1,707,497,200	111,426,844	381,478	26,933,972	1,846,239,494	0.108
2017	1,555,378,500	111,836,351	350,166	26,222,252	1,693,787,269	0.114
2016	1,559,784,700	110,382,101	362,252	26,233,712	1,696,762,765	0.079
2015	1,548,458,500	110,060,306	379,240	26,169,523	1,685,067,569	0.080
2014	1,554,110,600	99,076,256	362,438	26,004,347	1,679,553,641	0.073

(1) The total direct tax rate is calculated using the weighted-average method. Assessed value is 100% of actual value for all tax types.

Source: Commissioner of the Revenue

TOWN OF WARRENTON, VIRGINIA
PROPERTY TAX RATES (1)
DIRECT AND OVERLAPPING GOVERNMENTS
LAST TEN FISCAL YEARS

Calendar Year	Direct Rates			Direct Tax Rate	Overlapping Rates County of Fauquier	
	Real Estate	Personal Property	Machinery and Tools		Real Estate	Personal Property
2023	\$ 0.0401	\$ 1.00	\$ 1.00	\$ 0.126	\$ 0.903	\$ 3.45
2022	0.0401	1.00	1.00	0.108	0.903	3.45
2021	0.0500	1.00	1.00	0.110	0.994	4.65
2020	0.0500	1.00	1.00	0.112	0.994	4.65
2019	0.0500	1.00	1.00	0.108	0.994	4.65
2018	0.0500	1.00	1.00	0.108	0.982	4.65
2017	0.0500	1.00	1.00	0.114	1.039	4.65
2016	0.0150	1.00	1.00	0.079	0.999	4.65
2015	0.0150	1.00	1.00	0.080	0.999	4.65
2014	0.0150	1.00	1.00	0.073	0.992	4.65

(1) Per \$100 of assessed value.

TOWN OF WARRENTON, VIRGINIA
GENERAL GOVERNMENT TAX REVENUES BY SOURCE
LAST TEN FISCAL YEARS

Fiscal Year	Property Taxes	Sales Taxes	Utility Taxes	Franchise Taxes	Meals Taxes	Transient Occupancy Taxes	Business Licenses	Motor Vehicle Licenses	Other Taxes	Cigarette Taxes	Total
2023	\$ 1,746,616	\$ 1,018,823	\$ 578,030	\$ 1,248,013	\$ 5,346,726	\$ 270,943	\$ 2,511,960	\$ 224,882	\$ 67,514	\$ 314,990	\$ 13,328,497
2022	1,497,352	978,837	499,103	1,330,962	3,296,859	261,215	1,964,786	219,887	24,263	173,866	10,247,130
2021	1,379,006	925,159	495,402	1,292,086	2,828,431	197,050	2,438,043	239,788	61,994	180,436	10,037,395
2020	1,342,789	781,649	501,059	830,298	2,515,018	182,606	2,103,568	237,353	68,131	202,138	8,764,609
2019	1,312,429	709,173	498,267	932,498	2,659,254	220,994	1,998,815	216,600	70,212	184,943	8,803,185
2018	1,261,220	709,036	510,053	849,887	2,550,799	232,628	2,026,990	195,750	67,713	171,699	8,575,775
2017	1,248,466	732,197	503,001	690,566	2,621,782	232,629	1,918,233	4,479	69,787	158,789	8,179,929
2016	677,081	673,700	512,780	521,997	2,383,067	238,418	1,851,067	95,652	72,938	164,260	7,190,960
2015	678,228	595,653	498,312	581,150	2,265,639	190,005	1,656,923	102,855	72,152	170,790	6,811,707
2014	605,047	561,084	500,111	496,445	2,191,572	190,233	1,914,525	101,969	75,647	181,720	6,818,353

(1) Includes general fund and special revenue funds.

TOWN OF WARRENTON, VIRGINIA

MEALS TAX REVENUES
LAST TEN FISCAL YEARS

<u>Fiscal Year</u>	<u>Tax Rate</u>	<u>Gross Receipts</u>	<u>Meals Tax Revenue</u>
2023	\$ 0.06	\$ 89,112,100	\$ 5,346,726
2022	0.04	82,421,475	3,296,859
2021	0.04	70,710,775	2,828,431
2020	0.04	62,875,450	2,515,018
2019	0.04	68,860,412	2,754,416
2018	0.04	63,769,475	2,550,779
2017	0.04	65,544,550	2,621,782
2016	0.04	59,576,675	2,383,067
2015	0.04	56,640,975	2,265,639
2014	0.04	54,789,300	2,191,572

Source: Town of Warrenton Department of Finance and Human Resources.

TABLE 9

TOWN OF WARRENTON, VIRGINIA
PRINCIPAL PROPERTY TAXPAYERS
CURRENT YEAR AND NINE YEARS AGO

Taxpayer	Type Business	2023			2014		
		Total Assessed Value	Rank	Percentage of Total Assessed Value	Total Assessed Value	Rank	Percentage of Total Assessed Value
Fauquier Medical Center LLC	Medical Center	\$ 53,924,900	1	0.025 %	\$ 54,075,000	1	3.48 %
Warrenton Center LLC	Shopping Center	33,606,000	2	0.016	34,170,600	2	2.20
Amazon Data Services Inc	Data Services	31,282,500	3	0.015	-	-	-
Wal-Mart Real Estate Business Tr	Retail Store	16,220,200	4	0.008	17,843,700	3	1.15
Sreit Highland Warrenton LLC	Developer	15,708,700	5	0.007	-	-	-
Warrenton Development Company	Developer	14,991,400	6	0.007	14,789,100	5	0.95
Northrock Center LLC	Shopping Center	14,967,700	7	0.007	15,867,700	4	1.02
Hd Development of Maryland Inc	Retail Store	12,349,600	8	0.006	-	-	-
White Springs Va Landlord LLC	Senior Living Center	12,004,100	9	0.006	-	-	-
LBX Warrenton LLC (Sears in 2014)	Shopping Center	11,051,200	10	0.005	10,421,400	8	0.67
Warrenton Village LLC	Shopping Center	10,367,500	11	0.005	10,891,600	7	0.70
Warrenton Volunteer Fire Company	Fire Company	10,166,700	12	0.005	-	-	-
Warrenton Professional Center LC	Medical Center	9,853,400	13	0.005	9,744,000	10	0.63
Fauquier Long-Term Care LLC	Senior Living Center	9,311,700	14	0.004	9,834,500	9	0.63
Gateway Warrenton HI LLC	Developer	8,792,600	15	0.004	-	-	-
		<u>\$ 264,598,200</u>		<u>0.124 %</u>	<u>\$ 177,637,600</u>		<u>11.43 %</u>

Source: Fauquier County Commissioner of the Revenue.

TABLE 10

TOWN OF WARRENTON, VIRGINIA
PROPERTY TAX LEVIES AND COLLECTIONS
LAST TEN FISCAL YEARS

Fiscal Year	Total Tax Levy for Fiscal Year	Collected within the Year of Levy	Percentage of Levy Collected in Year of Levy	Collections in Subsequent Years	Total Collections to Date	Percentage of Total Collection to Date of Levy
2023	\$ 2,618,372	\$ 2,374,441	90.68 %	\$ -	\$ 2,374,441	90.68 %
2022	2,164,750	2,138,535	98.79	26,215	2,164,750	100.00
2021	2,052,174	2,014,603	98.17	16,742	2,031,345	98.99
2020	2,047,706	2,019,070	98.60	20,210	2,039,280	99.59
2019	1,890,241	1,862,971	98.56	27,108	1,890,079	99.99
2018	1,873,452	1,843,214	98.39	3,959	1,847,173	98.60
2017	1,896,053	1,865,815	98.41	28,220	1,894,035	99.89
2016	1,277,669	1,126,746	88.19	3,359	1,130,105	88.45
2015	1,267,260	1,246,135	98.33	4,523	1,250,658	98.69
2014	1,223,273	1,139,748	93.17	7,965	1,147,713	93.82

Source: Town of Warrenton Department of Finance and Human Resources.

TOWN OF WARRENTON, VIRGINIA
MEALS TAX RATES
DIRECT AND OVERLAPPING GOVERNMENTS
LAST TEN FISCAL YEARS

<u>Fiscal Year</u>	<u>Direct Rates</u>	<u>Overlapping Rates</u>
	<u>Meals Tax</u>	<u>County of Fauquier (1)</u>
	<u>Percent of Gross</u>	<u>Meals Tax</u>
		<u>Percent of Gross</u>
2023	6.00 %	0.00 %
2022	4.00	0.00
2021	4.00	0.00
2020	4.00	0.00
2019	4.00	0.00
2018	4.00	0.00
2017	4.00	0.00
2016	4.00	0.00
2015	4.00	0.00
2014	4.00	0.00

Source: Town of Warrenton Department of Finance and Human Resources.

(1) Fauquier County does not have meals tax.

TABLE 12

TOWN OF WARRENTON, VIRGINIA
PRINCIPAL MEALS TAXPAYERS
CURRENT YEAR AND NINE YEARS AGO

<u>Type of Establishment</u>	<u>2023</u>		<u>2014*</u>	
	<u>Total Assessed Value</u>	<u>Percentage of Total Assessed Value</u>	<u>Total Assessed Value</u>	<u>Percentage of Total Assessed Value</u>
Fast Food Restaurants	\$ 26,282,564	29.49 %	\$ -	- %
Sit-Down Restaurants	49,918,109	56.02	-	-
Convenience Stores	12,911,427	14.49	-	-
	<u>\$ 89,112,100</u>	<u>100.00 %</u>	<u>\$ -</u>	<u>- %</u>

Source: Town of Warrenton Department of Finance and Human Resources.

* Data not available for fiscal year 2014.

TOWN OF WARRENTON, VIRGINIA
RATIOS OF OUTSTANDING DEBT BY TYPE
LAST TEN FISCAL YEARS

Fiscal Year	Governmental Activities				Business-Type Activities		Total Primary Government	Percentage of Personal Income (1)	Per Capita (1)
	Financed Purchases	General Obligation Bonds	Premium on Bond Refunding	Lease Liabilities	General Obligation Bonds	Premium on Bond Refunding			
2023	\$ -	\$ 7,690,000	\$ 1,308,290	\$ 112,176	\$ 15,301,000	\$ 479,728	\$ 24,891,194	5.90 %	\$ 2,441
2022	31,383	8,165,000	1,532,885	141,227	10,583,000	543,546	20,997,041	5.39	2,077
2021	99,433	10,097,000	-	-	11,353,000	-	21,549,433	5.79	2,143
2020	165,782	10,723,000	-	-	11,686,000	-	22,574,782	5.68	2,243
2019	231,132	7,099,000	-	-	12,007,000	-	19,337,132	5.03	1,946
2018	295,172	7,562,000	-	-	12,180,000	-	20,037,172	5.39	2,029
2017	-	8,020,000	-	-	5,020,000	-	13,040,000	3.31	1,322
2016	-	8,468,000	-	-	5,020,000	-	13,488,000	3.34	1,363
2015	90,158	8,899,000	-	-	-	-	8,989,158	2.27	907
2014	266,837	-	-	-	9,317,000	-	9,583,837	2.77	980

Note: Details regarding the Town’s outstanding debt can be found in the Notes to Financial Statements.

(1) See the Schedule of Demographic and Economic Statistics – Table 17.

TOWN OF WARRENTON, VIRGINIA

RATIO OF NET GENERAL BONDED DEBT TO ASSESSED VALUE AND NET BONDED DEBT PER CAPITA
LAST TEN FISCAL YEARS

Fiscal Year Ended June 30,	Gross Bonded Debt	Premium on Bond Refunding	Net Bonded Debt (3)	Ratio of Net General Obligation Debt to Assessed Value (2)	Net Bonded Debt Per Capita (1)
2023	\$ 22,991,000	\$ 1,788,018	\$ 24,779,018	1.05 %	\$ 2,430
2022	18,748,000	2,076,431	20,824,431	0.90	2,060
2021	21,450,000	-	21,450,000	1.14	2,133
2020	22,409,000	-	22,409,000	1.20	2,226
2019	19,106,000	-	19,106,000	1.03	1,923
2018	19,742,000	-	19,742,000	1.07	1,999
2017	13,040,000	-	13,040,000	0.77	1,322
2016	13,488,000	-	13,488,000	0.79	1,363
2015	8,899,000	-	8,899,000	0.53	898
2014	9,317,000	-	9,317,000	0.55	953

(1) Population data can be found in the Schedule of Demographic and Economic Statistics – Table 17.
 (2) See the Schedule of Assessed Value and Estimated Actual Value of Taxable Property – Table 5.
 (3) Includes all long-term general obligation bonded debt, excludes leases and compensated absences.

TOWN OF WARRENTON, VIRGINIA

DIRECT AND OVERLAPPING GOVERNMENTAL ACTIVITIES DEBT
Year Ended June 30, 2023

<u>Governmental Unit</u>	<u>Debt Outstanding</u>	<u>Estimated Percentage Applicable (1)</u>	<u>Estimated Share of Overlapping Debt</u>
Debt repaid with property taxes: Town of Warrenton	\$ 123,407,871	13.0 %	\$ 16,005,799
Subtotal, overlapping debt			
Town of Warrenton, direct debt			<u>9,110,466</u>
Total direct and overlapping debt			<u><u>\$ 25,116,265</u></u>

Source: County of Fauquier June 30, 2023 Annual Comprehensive Financial Report.

Note: Overlapping governments are those that coincide, at least in part, with the geographic boundaries of the Town. This table estimates the portion of the outstanding debt of those overlapping governments that is borne by the residents and businesses of the Town. This process recognized that, when considering the Town’s ability to issue and repay long-term debt, the entire debt burden borne by the residents and businesses should be taken into account. However, this does not imply that every taxpayer is a resident and, therefore, responsible for repaying the debt of each overlapping government.

(1) The percentage of overlapping debt applicable is estimated using taxable assessed property values. Applicable percentages were estimated by determining the portion of the Town’s taxable assessed value that is within the County government’s boundaries and dividing it by the County’s total taxable assessed value.

Total real and personal property assessed value, Fauquier County Table 5-A	\$ 18,224,401,850
Total Taxable Assessed Value Table 5	2,363,675,044
	13.0%

TOWN OF WARRENTON, VIRGINIA
LEGAL DEBT MARGIN INFORMATION
LAST TEN FISCAL YEARS
(Unaudited)

	Fiscal Year									
	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Debt limit	\$ 169,176,644	\$ 169,555,067	\$ 170,785,097	\$ 169,871,947	\$ 185,103,909	\$ 185,220,254	\$ 187,004,889	\$ 188,973,071	\$ 232,384,949	\$ 236,803,454
Total net debt applicable to limit	9,317,000	8,899,000	13,488,000	13,040,000	20,037,172	19,337,132	22,574,782	21,549,433	20,997,041	24,891,194
Legal debt margin	<u>\$ 159,859,644</u>	<u>\$ 160,656,067</u>	<u>\$ 157,297,097</u>	<u>\$ 156,831,947</u>	<u>\$ 165,066,737</u>	<u>\$ 165,883,122</u>	<u>\$ 164,430,107</u>	<u>\$ 167,423,638</u>	<u>\$ 211,387,908</u>	<u>\$ 211,912,260</u>
Total net debt applicable to the limit as a percentage of debt limit	5.51%	5.25%	7.90%	7.68%	10.82%	10.44%	12.07%	11.40%	9.04%	10.51%

Legal debt margin calculation for fiscal year 2023

Assessed value	\$ 2,363,675,044
Add back: exempt real property	4,359,500
Total assessed value	<u>\$ 2,368,034,544</u>
Debt limit (10% of total assessed value)	\$ 236,803,454
Net debt applicable to limit	<u>24,891,194</u>
Legal debt margin	<u>\$ 211,912,260</u>

TABLE 17

TOWN OF WARRENTON, VIRGINIA
DEMOGRAPHIC AND ECONOMIC STATISTICS
LAST TEN FISCAL YEARS

Year	Population	Personal Income	Per Capita Personal Income	Median Age	School Enrollment	Unemployment Rate
2023	10,197	\$422,002,845	\$ 41,385	40	1,938	2.5 %
2022	10,109	389,631,187	38,543	39	1,950	2.6
2021	10,057	372,420,767	37,031	39	1,950	3.5
2020	10,065	397,134,705	39,457	39	1,960	6.4
2019	9,937	384,472,467	38,691	39	1,939	2.6
2018	9,875	371,882,625	37,659	40	2,053	2.8
2017	9,861	394,026,784	39,958	43	1,633	3.4
2016	9,897	403,781,098	40,366	41	1,560	3.4
2015	9,907	395,170,416	39,888	40	2,138	4.4
2014	9,775	346,044,775	35,401	41	2,008	4.7

Source: Weldon Cooper Center, Virginia Employment Commission, US Census Bureau.

TABLE 18

TOWN OF WARRENTON, VIRGINIA
PRINCIPAL EMPLOYERS
CURRENT YEAR AND NINE YEARS AGO

Employer	Fiscal Year 2023		Fiscal Year 2014	
	Rank	Employees	Rank	Employees
Fauquier County School Board	1	1,000 and over	1	1,000 and over
County of Fauquier	2	1,000 and over	3	500 to 999
Fauquier Health System	3	1,000 and over	2	1,000 and over
Wal-Mart	4	250 to 499	4	250 to 499
Town of Warrenton	5	250 to 499	5	100 to 249
Home Depot	6	100 to 249	8	100 to 249
Blue Ridge Orthopedic	7	100 to 249		
Appleton Campbell	8	100 to 249		
Country Chevrolet	9	100 to 249		
Harris Teeter	10	100 to 249		
The Fauquier Bank			6	100 to 249
Oak Springs Nursing Home			7	100 to 249
Food Lion			9	99 and under
McDonald's			10	99 and under

(1) The Town is prohibited from publishing the actual number of employees per the *Confidential Information Protection and Statistical Efficiency Act of 2002* – Title V of Public Law 107-347.

Source: Bureau of Labor Statistics, Quarterly Census of Employment and Wages.

TOWN OF WARRENTON, VIRGINIA

FULL-TIME EQUIVALENT TOWN GOVERNMENT EMPLOYEES BY FUNCTION
LAST TEN FISCAL YEARS

	Fiscal Year									
	2014	2015	2016	2017	2018	2019	2020	2021	2022 ⁽¹⁾	2023
General and financial administration	6	6	6	6	7	8	8	8	11	10
Legislative	1	1	1	1	2	2	2	1	1	1
Public safety										
Police department	25	25	26	28	23	23	27	28	29	29
Fire and rescue	1	2	2	2	2	2	2	2	-*	-
Building inspections	2	2	2	3	3	4	4	5	6	6
Emergency services	-	-	-	-	-	-	-	-	1	1
Public works										
General maintenance	23	23	23	22	20	21	21	25	28	25
Administration	5	5	5	5	6	5	4	3	4	7
Culture and recreation	3	3	4	6	7	7	7	5	23	32
Planning and community development	3	4	5	6	6	9	9	6	3	4
Public Utilities										
Water	14	14	14	14	12	12	13	15	14	14
Wastewater	7	7	7	7	7	7	7	9	12	12
Administration	6	6	6	6	6	5	5	5	8	5
Stormwater	-	-	-	-	-	-	-	-	4	4
Motor pool	3	3	3	3	3	3	3	3	2	2
Information technology	-	-	1	1	1	1	2	4	5	5
	99	101	105	110	105	109	114	119	151	157

Source: Department of Finance and Human Resources.

*During fiscal year 2022, the Fire and Rescue Function was transferred to the County. As such, the employee count related to the function is no longer reported herein.

(1) Beginning with fiscal year 2022, this table reflects full-time equivalents. Prior years reflect only full-time employees.

TABLE 20

**TOWN OF WARRENTON, VIRGINIA
OPERATING INDICATORS BY FUNCTION
LAST TEN FISCAL YEARS**

	Fiscal Year									
	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Public safety:										
Police department:										
Physical arrests	248	295	194	164	320	307	232	239	218	252
Traffic violations	5,355	3,317	3,375	2,022	2,290	3,725	2,668	1,757	933	1,480
Fire and rescue:										
Number of calls answered	2,601	2,819	2,811	2,982	3,028	3,785	1,834	4,399	-*	-
Building inspections:										
Permits issued	585	649	745	622	641	641	609	273	414	357
Public works:										
Refuse collected (tons/year)	3,761	3,822	361	3,709	3,616	3,754	3,796	3,895	3,973	3,653
Recycling (tons/year)	1,244	1,253	963	994	1,298	889	1,021	814	499	610
Community development:										
Planning:										
Zoning permits issued	170	180	174	202	187	241	263	127	233	269

Source: Individual Town departments.

*During fiscal year 2022, the Fire and Rescue Function was transferred to the County. As such, the operating indicator related to the function is no longer reported herein.

TABLE 21

TOWN OF WARRENTON, VIRGINIA
CAPITAL ASSET STATISTICS BY FUNCTION
LAST TEN FISCAL YEARS

	Fiscal Year									
	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
General government:										
Administration buildings	1	1	1	1	1	1	1	1	1	1
Public safety:										
Police:										
Stations	1	1	1	1	1	1	1	1	1	1
Patrol units	21	21	21	21	21	21	22	24	29	22
Fire stations	1	1	1	1	1	1	1	1	-*	-
Sanitation:										
Collection trucks	3	3	3	4	4	4	4	4	4	4
Highway and streets:										
Streets (miles)	94.52	93.47	93.47	93.47	93.47	93.47	93.47	93.47	91.87	91.87
Streetlights	810	810	810	810	810	824	824	823	823	823
Traffic signals	11	12	12	12	12	12	12	11	10	10
Culture and recreation:										
Parks acreage	88.69	88.69	88.69	88.69	88.69	88.94	88.94	88.94	88.94	88.94
Parks	5	5	5	5	5	7	7	7	7	7
Water:										
Water mains (miles)	86.00	86.00	86.00	86.00	88.00	89.00	89.00	89.00	89.00	89.80
Fire hydrants	725	725	731	731	743.00	749.00	751.00	751	751	756
Sewer:										
Sanitary sewers	66.00	66.00	68.00	68.00	69.00	69.00	69.00	69	69	69.81
Storm sewers (miles)	15.44	15.44	38.00	39.70	40.00	40.00	40.00	40.00	40.00	40.70

Source: Individual Town departments.

*During fiscal year 2022, the Fire and Rescue Function was transferred to the County. As such, the capital asset statistic related to the function is no longer reported herein.

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COMPLIANCE SECTION

TOWN OF WARRENTON, VIRGINIA
SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
Year Ended June 30, 2023

Federal Grantor/Pass - Through Grantor/ Program or Cluster Title	Federal Assistance Listing Number	Pass-Through Entity Identifying Number	Amounts Passed Thru to Sub-Recipients	Cluster Amounts	Federal Expenditures
Department of the Treasury:					
Pass-Through Payments:					
Virginia Department of Accounts					
COVID-19 – Coronavirus State and					
Local Fiscal Recovery Funds	21.027	N/A	N/A		<u>\$ 1,038,392</u>
Department of the Interior					
National Park Service					
Virginia Department of Historic Resources					
Historic Preservation Fund Grants-In-Aid	15.904	N/A	N/A		<u>2,182</u>
National Endowment for the Arts					
Pass-Through Payments:					
Virginia Commission for the Arts					
Creative communities Partnership Grant	45.024	N/A	N/A		<u>4,500</u>
Environmental Protection Agency:					
Pass-Through Payments:					
State of Maryland					
Chesapeake Bay Program	66.466	N/A	N/A		<u>99,318</u>
Total Expenditures of Federal Awards					<u><u>\$ 1,144,392</u></u>

The accompanying notes to the Schedule of Expenditures of Federal Awards are an integral part of this schedule.

TOWN OF WARRENTON, VIRGINIA**NOTES TO SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
June 30, 2023****Basis of Presentation**

The accompanying Schedule of Federal Expenditures includes the activity of all federally assisted programs for the Town of Warrenton, Virginia and is presented on the modified accrual basis of accounting, as described in Note 1 to the Town's basic financial statements. All federal awards received directly from federal agencies, as well as federal awards passed through other government agencies, are included on this schedule.

De Minimis Indirect Cost Rate

The Town did not elect to utilize the 10 % de minimis indirect cost rate.

Subrecipient Monitoring

The Town provided no amounts to subrecipients during fiscal year 2023.

Outstanding Loan Balances

At June 30, 2023, the Town had no outstanding loan balances requiring continuing disclosure.



**INDEPENDENT AUDITOR’S REPORT ON INTERNAL CONTROL OVER FINANCIAL
REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF
FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH
GOVERNMENT AUDITING STANDARDS**

To the Honorable Members of Town Council
Town of Warrenton, Virginia
Warrenton, Virginia

We have audited, in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and the *Specifications for Audits of Counties, Cities, and Towns* issued by the Auditor of Public Accounts of the Commonwealth of Virginia, the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the Town of Warrenton, Virginia (the “Town”), as of and for the year ended June 30, 2023, and the related notes to the financial statements, which collectively comprise the Town’s basic financial statements, and have issued our report thereon dated December 1, 2023.

Report on Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Town’s internal control over financial reporting (internal control) as a basis for determining procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Town’s internal control. Accordingly, we do not express an opinion on the effectiveness of the Town’s internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity’s financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. **Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses.** However, material weaknesses or significant deficiencies may exist that have not been identified.

Report on Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Town’s financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. **The results of our tests disclosed one instance of noncompliance that is required to be reported under *Governmental Auditing Standards* which is described in the accompanying schedule of findings and questioned costs, as Item 2023-001.**

Town’s Response to Finding

Government Auditing Standards requires the auditor to perform limited procedures on the Town’s response to the finding identified in our audit and described in the accompanying schedule of findings and questioned costs. The Town’s response was not subjected to the other auditing procedures applied in the audit of the financial statements and, accordingly, we express no opinion on the response.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Town’s internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Town’s internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Brown, Edwards & Company, L.L.P.

CERTIFIED PUBLIC ACCOUNTANTS

Roanoke, Virginia
December 1, 2023



INDEPENDENT AUDITOR’S REPORT ON COMPLIANCE FOR EACH MAJOR FEDERAL PROGRAM AND ON INTERNAL CONTROL OVER COMPLIANCE REQUIRED BY THE UNIFORM GUIDANCE

To the Honorable Members of Town Council
Town of Warrenton, Virginia
Warrenton, Virginia

Report on Compliance for Each Major Federal Program

Opinion on Compliance for Each Major Federal Program

We have audited the Town of Warrenton, Virginia’s (the “Town”) compliance with the types of compliance requirements identified as subject to audit in the *OMB Compliance Supplement* that could have a direct and material effect on the Town’s major federal program for the year ended June 30, 2023. The Town’s major federal program is identified in the summary of auditor’s results section of the accompanying schedule of findings and questioned costs.

In our opinion, the Town, complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on its major federal program for the year ended June 30, 2023.

Basis for Opinion on Each Major Federal Program

We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and the audit requirements of Title 2 U.S. Code of Federal Regulations Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Our responsibilities under those standards and the Uniform Guidance are further described in the Auditor’s Responsibilities for the Audit of Compliance section of our report.

We are required to be independent of the Town and to meet our other ethical responsibilities, in accordance with relevant ethical requirements related to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion on compliance for each major federal program. Our audit does not provide a legal documentation of the Town’s compliance with the compliance requirements referred to above.

Responsibilities of Management for Compliance

Management is responsible for compliance with the requirements referred to above and for the design, implementation, and maintenance of effective internal control over compliance with the requirements of laws, statutes, regulations, rules, and provisions of contracts or grant agreements applicable to the Town’s federal programs.

Report on Compliance for Each Major Federal Program (Continued)

Auditor's Responsibilities for the Audit of Compliance

Our objectives are to obtain reasonable assurance about whether material noncompliance with the compliance requirements referred to above occurred, whether due to fraud or error, and express an opinion on the Town's compliance based on our audit. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with generally accepted auditing standards, *Government Auditing Standards*, and the Uniform Guidance will always detect material noncompliance when it exists. The risk of not detecting material noncompliance resulting from fraud is higher than for that resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Noncompliance with the compliance requirements referred to above is considered material if there is a substantial likelihood that, individually or in the aggregate, it would influence the judgment made by a reasonable user of the report on compliance about the Town's compliance the requirements of each major federal program as a whole.

In performing an audit in accordance with generally accepted auditing standards, *Government Auditing Standards*, and the Uniform Guidance, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risk of material noncompliance, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the Town's compliance with the compliance requirements referred to above and performing such other procedures as we considered necessary in the circumstances.
- Obtain an understanding of the Town's internal control over compliance relevant to the audit in order to design audit procedures that are appropriate in the circumstances and to test and report on internal control over compliance in accordance with the Uniform Guidance, but not for the purpose of expressing an opinion on the effectiveness of the Town's internal control over compliance. Accordingly, no such opinion is expressed.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and any significant deficiencies and material weaknesses in internal control over compliance that we identified during the audit.

Report on Internal Control over Compliance

A *deficiency in internal control over compliance* exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. A *material weakness in internal control over compliance* is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Report on Internal Control over Compliance (Continued)

Our consideration of internal control over compliance was for the limited purpose described in the Auditor's Responsibilities for the Audit of Compliance section above and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies in internal control over compliance. **Given these limitations, during our audit we did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses as defined above. However, material weaknesses or significant deficiencies in internal control over compliance may exist that have not been identified.**

Our audit was not designed for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, no such opinion is expressed.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Accordingly, this report is not suitable for any other purpose.

Brown, Edwards & Company, L.L.P.

CERTIFIED PUBLIC ACCOUNTANTS

Roanoke, Virginia
December 1, 2023

TOWN OF WARRENTON, VIRGINIA
SUMMARY OF COMPLIANCE MATTERS
June 30, 2023

As more fully described in the Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*, we performed tests of the Town's compliance with certain provisions of the laws, regulations, contracts, and grants shown below.

STATE COMPLIANCE MATTERS

Code of Virginia

Budget and Appropriation Laws

Cash and Investment Laws

Conflicts of Interest Act

Local Retirement Systems

Debt Provisions

Procurement Laws

Uniform Disposition of Unclaimed Property Act

Highway Maintenance

Fire Program Aid

FEDERAL COMPLIANCE MATTERS

Compliance Supplement for Single Audits of State and Local Governments

Provisions and conditions of agreements related to federal programs selected for testing.

LOCAL COMPLIANCE MATTERS

Town Charter

TOWN OF WARRENTON, VIRGINIA
SCHEDULE OF FINDINGS AND QUESTIONED COSTS
June 30, 2023

A. SUMMARY OF AUDITOR’S RESULTS

1. The auditor’s report expresses an **unmodified opinion** on the financial statements.
2. **No significant deficiencies and no material weaknesses** relating to the audit of the financial statements were reported in the Independent Auditor’s Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*.
3. **No instances of noncompliance** material to the financial statements were disclosed.
4. **No significant deficiencies and no material weaknesses** relating to the audit of the major federal award programs were reported in the Independent Auditor’s Report on Compliance for Each Major Program and on Internal Control over Compliance Required by the Uniform Guidance.
5. The auditor’s report on compliance for the major federal award programs expresses an **unmodified opinion**.
6. The audit disclosed **no audit findings relating to the major program**.
7. The major program of the Town is:

Name of Program	Assistance Listing #
COVID-19 – Coronavirus State and Local Fiscal Recovery Funds	21.027

8. The **threshold** for distinguishing Type A and B programs was **\$750,000**.
9. The Town of Warrenton was **not** determined to be a **low-risk auditee**.

B. FINDINGS – FINANCIAL STATEMENT AUDIT

None.

C. FINDINGS – COMMONWEALTH OF VIRGINIA

2023-001: Budget Compliance

Condition:

The Town exceeded its final budget for public safety. It is a violation of Virginia State Code to spend amounts in excess of appropriations. The Town did not exceed their budget at the fund level, and this was only function that exceeded the final budget.

Recommendation:

The Town should implement a policy to prevent expenditures in excess of final amended budget amounts.

TOWN OF WARRENTON, VIRGINIA
SCHEDULE OF FINDINGS AND QUESTIONED COSTS
June 30, 2023

C. FINDINGS – COMMONWEALTH OF VIRGINIA (Continued)

2023-001: Budget Compliance (Continued)

Management's Response:

The Town's firefighters transitioned to employment with the County last year. The Town still receives the VDFP ATL pass through funds but didn't budget for it or for the gas that they use to fill their ladder truck (which they reimburse us for, but it still registers as an expense).

D. FINDINGS AND QUESTIONED COSTS – MAJOR FEDERAL AWARD PROGRAMS AUDIT

None.

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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

Item D.

Council Meeting Date:	December 13, 2023
Agenda Title:	Utilities Project Update for Plants – CIP & Projects Update
Requested Action:	Information and Discussion Only
Department / Agency Lead:	Utilities
Staff Lead:	Steven Friend/Michael Wharton/Frank Cassidy

EXECUTIVE SUMMARY

Over the last three years, Utilities, working with third-party engineers and consultants, has developed a six-year CIP plan to map out and successfully upgrade their aging plants. This is a multi-year approach focused on addressing ongoing repairs while replacing aging, end-of-life equipment. The fundamental focus and identifying the scheduling has been an ongoing effort since 2015, and most likely prior. We refer to the 2015 report as the most recent report we used to build this model as our own assessment of the report, an updated report done by the same company, WRA, in 2022, and our own in-house assessment confirm our plan is based on facts and current conditions of the plants. The challenge moving forward is adjusting repairs while keeping the major construction projects on target. Most of the money spent over the years has been directed to emergency repairs to keep the plants running with the equipment they have. This plan is designed to modernize the equipment to today's standards and functions. This will increase reliability, redundancy, efficiency, and effectiveness especially when dealing with a critical service like water and sewer.

The Town operates a water plant and wastewater treatment plant delivering water and processing wastewater. These plants serve an essential service to all who live, visit, and enjoy the Town. Without a well-operating water and wastewater system, the Town would not be thriving.

As the Town grows and explores additional options for growth and development, it is essential both these plants operate at levels mandated by regulations and laws, as well as the expectations of customers. As these plants age and additional demands are expected from them, we need to encourage a healthy discussion on their capacities while acknowledging their limitations.

Both plants are currently going through improvements and maintenance operations to ensure the consistent and proper operational aspects required by regulations and laws and to ensure water resources' quality. The WWTP is manifesting the equipment age and continually needs creative ways to repair, workaround, or manufacture systems as the equipment is aging and outdated. Plans for modernization and replacement have been previously presented and part of operational planning for a few years. Given the recent need to offset budget costs by pushing out CIP expenditures, these repairs and temporary fixes are becoming failure points.

The purpose of this presentation is to provide an update on ongoing projects and the progression of the CIP. This is part of our ongoing efforts to present progress on major projects in Town and address questions and concerns as these projects move forward. We cannot stress enough the importance of maintaining and moving forward with this plan.

BACKGROUND

The Town's Public Utilities Department owns and operates an advanced wastewater treatment plant, 8 wastewater pump stations, almost 68 miles of sanitary sewer mains, a freshwater reservoir, 3 active wells, a water treatment and filtration plant, and 88 miles of water distribution system including 743 fire hydrants.

Utilities also provide oversight and control of the Town's water and wastewater treatment facilities; delivery systems; maintenance of the systems; and billing. A high-level breakdown of services is included later in this document.

WATER PLANT OPERATIONS:

The Source of Supply Section is responsible for the safe and efficient operation of the Town's municipal water supply assets. These assets consist of the water treatment plant, three remote wells, two surface water reservoirs, a booster station, a re-chlorination station, two water storage tanks, and the collection of all State and federally regulated water samples. The operation strives to provide safe, aesthetically pleasing, and pleasant-tasting water to meet the demands of the Town's over 4,944 residential and commercial customers.

The treatment plant on Blackwell Road is permitted to treat 3.2 million gallons per day but is restricted by the safe yield of the reservoirs, which is 2.27 million gallons per day. Currently, the plant produces an average of 1.2 million gallons of water daily.

TRANSMISSION & DISTRIBUTION:

The division is responsible for the overall maintenance, repair, and servicing of over 87 miles of water lines and 69 miles of sewer. Activities include repairing main breaks, replacing old and deteriorated water/sewer lines, maintaining water and sewer line right of ways, and unstopping clogged sewage lines. They also include collecting data with flow meters to identify high areas of infiltration/inflow in the gravity sewage system, maintenance of over 734 fire hydrants, and responding to over 2,527 calls annually for Miss Utility field locations of water and sewage lines as mandated by law.

The Meter Division works under T&D and is responsible for reading 4,944 water meters and providing the data to the Finance Department for billing and revenue collection. In addition, the section provides routine maintenance to all customer meters, including the thawing of frozen meters due to extremely cold weather, the inspections required under the State's cross connection and backflow prevention programs, periodic calibration, and replacement of unserviceable meters. The meter calibration testing frequency depends upon their annual usage, wear and tear, and potential for revenue loss or generation. Staff also responds to customer concerns relative to unusually high or

low water bills and often assists customers in identifying leaks in their service lines, homes, and businesses. Unaccounted water loss has averaged less than 10% for the past several years, below the American Waterworks Standard of 13%.

WASTEWATER PLANT OPERATIONS:

The wastewater plant operates and maintains the Town's 2.5 million gallons per day (mgd) sewage and 8 sewage pump stations. The plant treats, on average, 1.8-2.0 mgd, with the operation responsible for protecting downstream waters by plant operations and monitoring for compliance with state and federal regulations.

Treatment begins at the head works with screening and grit removal, followed by primary sedimentation. The second process involves biological treatment with the newly constructed Moving Bed Biofilm Reactor (MBBR). The third phase employs chemical coagulation and flocculation, followed by secondary sedimentation. The final stage of treatment includes nutrient removal via deep bed filtration, disinfection with ultraviolet lamps, and post-aeration before discharge into the unnamed tributary to Great Run. Sludge generated by the treatment process is anaerobically digested, dewatered by a 2-meter belt press, hauled away by an outside contractor, and land applied. Annual nutrient limits for nitrogen and phosphorus are in effect to comply with actions to clean up the Chesapeake Bay.

STAFF RECOMMENDATION

WRA completed a Capacity Study in November of 2022. This is the most recent study providing an overall assessment of water and wastewater operations moving forward taking into consideration all existing service requirements and factoring planned growth. With this study, staff's own assessment and report, and the enlistment of an engineering company, we put together a five year plan to address the necessary replacements, maintenance, repairs and modernization to ensure our plants function properly and within all Federal and State regulations.

Our plan is also based on a cost-effective planning of financial resources and the need to increase rates to properly fund the required work. Working with Finance and their consultant, Davenport, we have incorporated a funding plan with rate adjustments into the overall CIP plan. This year the plan was initiated, and we are moving forward with the first stages of repairs and replacement. The GST and Primary Clarifiers are in process. Staff recommends moving continuing to move forward with the outlined projects for maintenance and modernization as discussed and identified in the CIP. We want to make the Council aware the order of the projects may change as we continue to move forward because of unexpected maintenance issues or other challenges. We highly encourage the Council to stay the course with the future improvements and maintenance of both these plants to ensure proper functioning while keeping in mind the challenges of adding more accounts to these systems.

Service Level / Policy Impact

These projects are in line with the Plan Warrenton 2040, Goals as follows:

- **CF-4: Ensure healthy, safe, and adequate water and wastewater services.**
 - **CF-4.1:** Maintain a reliable and sufficient quantity of wastewater treatment capacity and an adequate quantity and quality of public water supply to meet the needs of expected long-term residential and commercial growth.
 - **CF-4.2:** Meet the future infrastructure needs through careful planning and acquisition of required permits.
 - **CF-4.3:** Reduce Infiltration and Inflow (I&I) and promote sustainability within the wastewater infrastructure system.
 - **CF-4.5:** 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.
 - **CF-4.8:** Explore resources to help property owners and promote connection to the public.

- **CF-5: To provide a fiscally responsible infrastructure that maintains a high quality of life for residents, supports current businesses, and attracts new employers with a stable tax structure.**
 - **CF-5.1:** Implement robust maintenance schedules on community facilities to extend the life of investments.

CF-5.2: Support the Town's current and future population by providing timely and comprehensive community facilities.

Fiscal Impact

Budgeted CIP

Legal Impact

N/A

ATTACHMENTS

1. Updated Project Report
2. Presentation from October 2022 and related documents
3. Rate study documents
4. Presentation from December 2022 and related documents
5. 2015 WRA 2015 Report and PowerPoint presentation to Council

- 6. I&I memo and documents, March 2022
- 7. Reports and Charts from the 2022 Capacity Study

Town of Warrenton, Virginia

Water & Sewer Discussion Materials



May 9, 2023

Overview



- Davenport & Company LLC (“Davenport”) serves as Financial Advisor to the Town of Warrenton (the “Town”).
- In Spring of 2022, Davenport, in concert with NewGen Strategies & Solutions (“NewGen”), presented a multi-year rate plan regarding the Water & Sewer Utility System (the “Utility System”) for the Town’s consideration.
- The Town is currently in the process of adopting its FY 2024 Operating and Capital Budget for the self-supporting Utility System.
 - This would represent the second year of rate increases previously introduced to Town Council.
- Key underlying assumptions related to the Utility System’s financial planning have shifted over the past year.
- Davenport was asked to assist NewGen in the development of an updated plan with a specific focus on capital funding and financial “best-practices”.

Goals & Objectives



1. Present the historical financial results of the Utility System;
2. Present the Utility System's current debt profile;
3. Review the previously presented multi-year rate plan and underlying assumptions;
4. Outline key changes in assumptions for the current update of the multi-year rate plan; and
5. Introduce an updated multi-year rate plan that maintains the self-supporting nature of the Utility System and projects financial metrics at or above industry-wide "best-practice" levels.

Utility System Observations

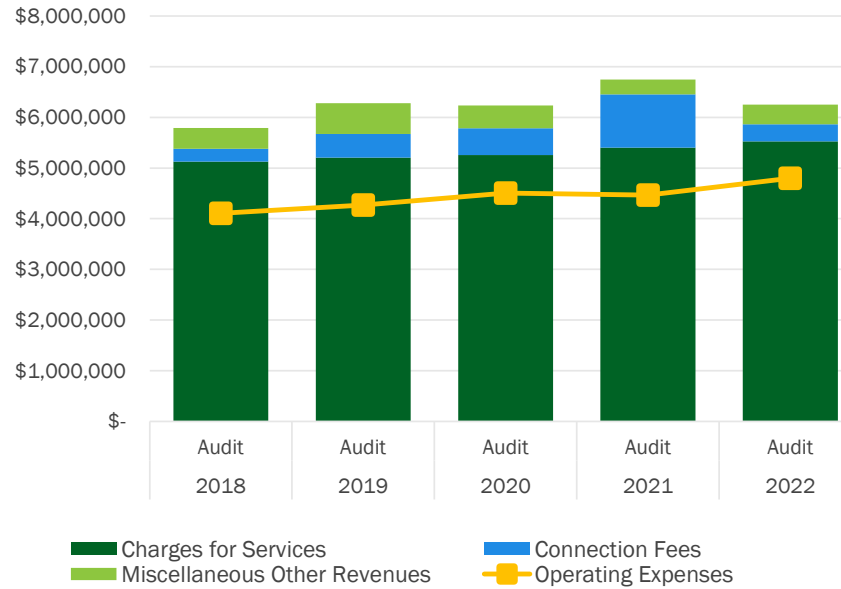


- The Town’s Utility System has historically generated solid cash flows (i.e., debt service coverage) and maintained healthy reserves (i.e., days cash on hand).
- Charges for Service (i.e., Operating Revenues) have grown annually by roughly 1.5% over the last five years.
- Operating Expenditures have grown annually by roughly 3.2% over the last five years.
- The imbalance between revenue and expenditure growth has slightly decreased the financial strength and resiliency of the Utility System.
 - This is evidenced by a declining Debt Service Coverage Ratio. In FY 2022, the Utility System’s Debt Service Coverage Ratio was 2.20x, the lowest level of the prior five years. (Note: Typically, 1.50x is considered a “best-practice”, and 1.20x should be considered a minimum threshold).
- Maintaining a self-supporting utility system is critical for several reasons, including the fact that it insulates the General Fund from the additional burden of needing to cover utility-related costs.

Historical Revenues & Operating Expenditures



Historical Revenues & Expenditures

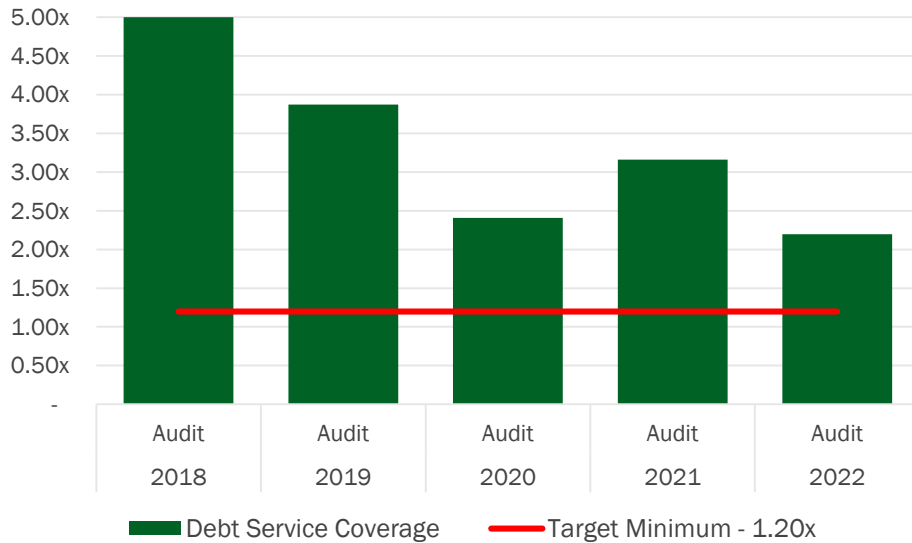


Town of Warrenton, Virginia	2018	2019	2020	2021	2022	
Utility System Revenues & Operating Exp.	Audit	Audit	Audit	Audit	Audit	
1 Revenues						
2 Charges for Services	\$ 5,125,028	\$ 5,205,517	\$ 5,257,620	\$ 5,401,565	\$ 5,524,892	
3 Connection Fees	252,975	467,187	526,725	1,050,300	336,545	
4 Miscellaneous Other Revenues	410,571	605,718	450,362	294,821	388,072	5-Yr Avg.
5 Total Revenues	\$ 5,788,574	\$ 6,278,422	\$ 6,234,707	\$ 6,746,686	\$ 6,249,509	1.5%
6 Growth	N/A	8.5%	-0.7%	8.2%	-7.4%	
7 Operating Expenses	\$ 4,107,605	\$ 4,266,934	\$ 4,504,090	\$ 4,467,687	\$ 4,798,238	3.2%
8 Growth	N/A	3.9%	5.6%	-0.8%	7.4%	
9 Net Revenue Available for Debt Service	\$ 1,680,969	\$ 2,011,488	\$ 1,730,617	\$ 2,278,999	\$ 1,451,271	

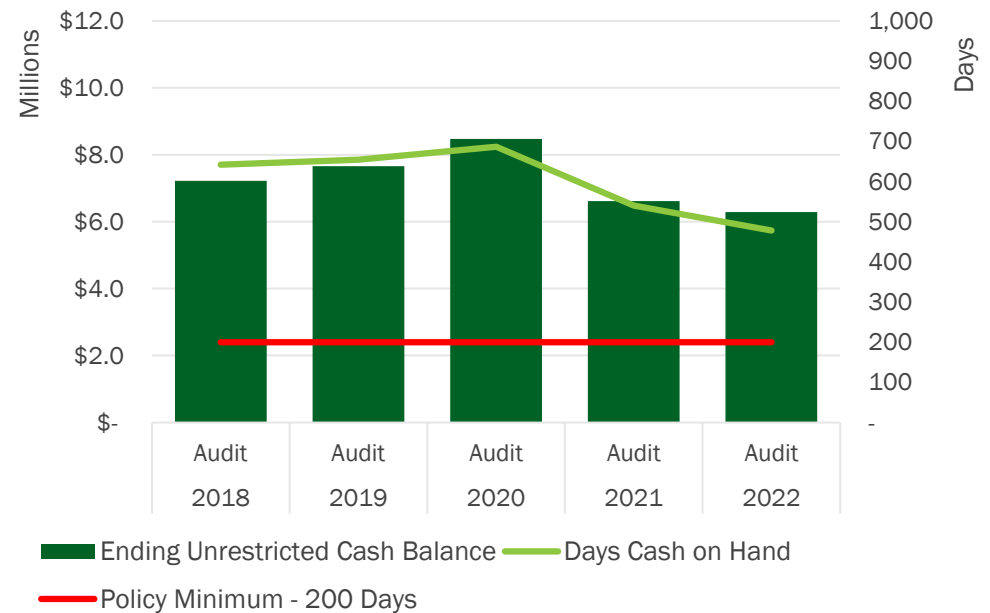
Selected Historical Financial Metrics



Debt Service Coverage

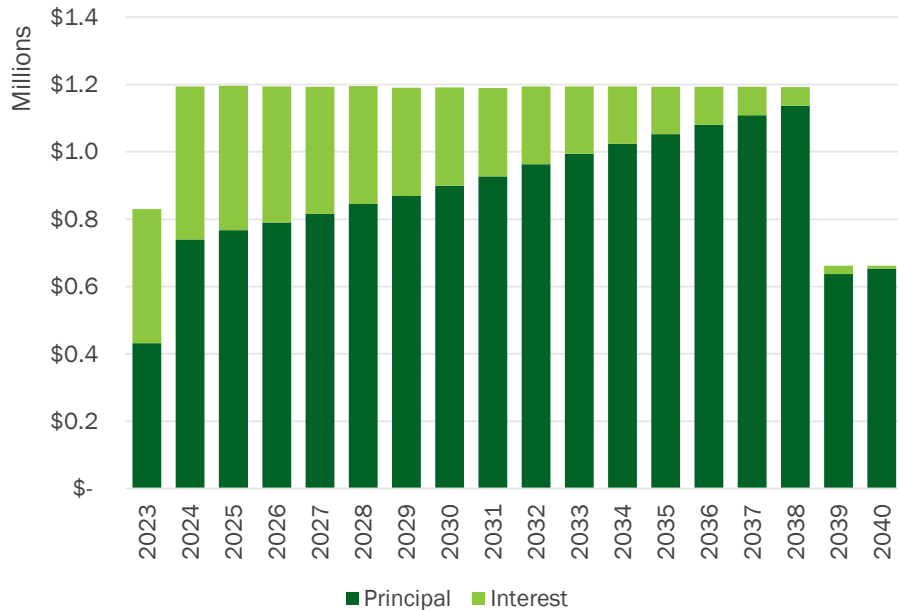


Cash Balance



Select Water & Sewer Utility System Financial Metrics	2018 Audit	2019 Audit	2020 Audit	2021 Audit	2022 Audit
1 Debt Service Coverage	11.65x	3.87x	2.41x	3.16x	2.20x
2 Target Minimum - 1.20x	1.20x	1.20x	1.20x	1.20x	1.20x
3					
4 Ending Unrestricted Cash Balance	\$ 7,220,020	\$ 7,653,103	\$ 8,473,309	\$ 6,612,579	\$ 6,287,203
5 Days Cash on Hand	642	655	687	540	478
6 Policy Minimum - 200 Days	200	200	200	200	200

Existing Utility System Debt Profile



- The Town issued the 2022 G.O. New Money Bond in the Fall of 2022 in the amount of \$5,150,000.
- The Interest Rate on the bond is fixed for the term of the bond at **2.90%**.
- The Town’s debt service will increase in FY 2024 as full principal and interest payments begin on the 2022 G.O. New Money Bond.

Total Debt Service

Fiscal Year	Principal	Interest	Total
Total	\$15,733,000	\$4,314,855	\$20,047,855
2023	432,000	398,279	830,279
2024	740,000	453,627	1,193,627
2025	767,000	428,999	1,195,999
2026	790,000	403,510	1,193,510
2027	816,000	377,130	1,193,130
2028	845,000	349,773	1,194,773
2029	869,000	321,497	1,190,497
2030	899,000	292,303	1,191,303
2031	927,000	262,033	1,189,033
2032	963,000	230,602	1,193,602
2033	994,000	199,539	1,193,539
2034	1,024,000	169,822	1,193,822
2035	1,052,000	141,308	1,193,308
2036	1,080,000	113,252	1,193,252
2037	1,108,000	84,558	1,192,558
2038	1,137,000	55,225	1,192,225
2039	637,000	24,996	661,996
2040	653,000	8,403	661,403

Principal Outstanding as of 6/30/2022

2021 VRA Refunding	\$3,855,000
2021A GO Refunding	6,728,000
2022 G.O. New Money	5,150,000
Total Principal Outstanding	\$15,733,000

Multi-Year Financial Plan - Observations



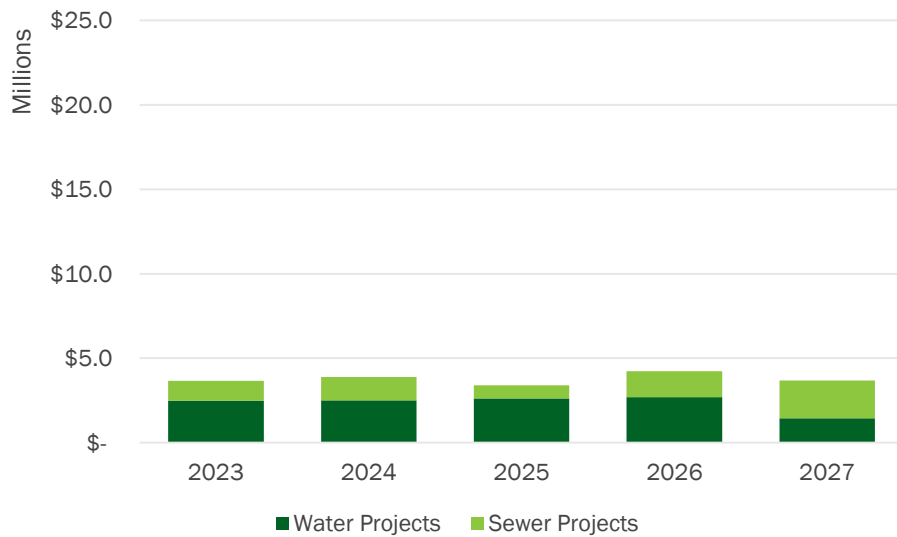
- Over the last year, inflation has caused the prices of most goods and services to increase materially.
- Energy and other natural resource costs have seen significant price increases due to global pressures.
- This creates further increasing pressures on the Utility System's Operating Expenditures.
 - Budgeted Operating Expenditure growth was 28% in FY 2023 vs. FY 2022 Actuals.
 - Budgeted Operating Expenditure growth is approximately 9% in FY 2024 vs the FY 2023 Budget.
- Capital projects undertaken by local governments have also experienced significant increases due to supply chain issues and the significant amount of federal monies injected into the economy.
- A combination of the factors above as well as a back log of replacement and renewal projects have resulted in a CIP that is roughly three times the size of the CIP identified this time last year.

Projected Capital Needs (Presented April, 2022)

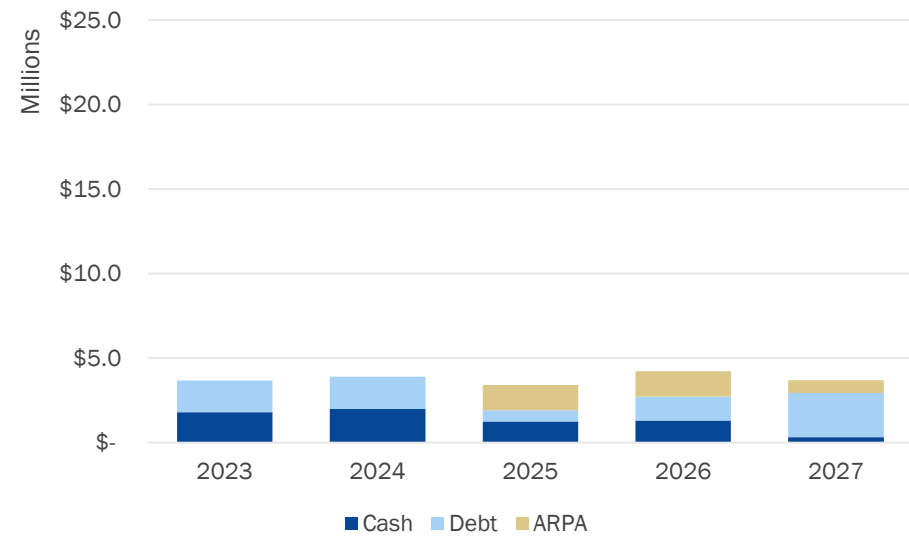


- The Town is contemplating funding a Capital Improvement Plan of approximately \$18-19 Million over the next 5 years, as reflected below.
 - Approximately 45% is anticipated to be funded with debt (\$8.5 Million), 35% from cash (\$6.6 Million), and 20% from ARPA (\$3.8 Million).

Uses of Funds



Sources of Funds

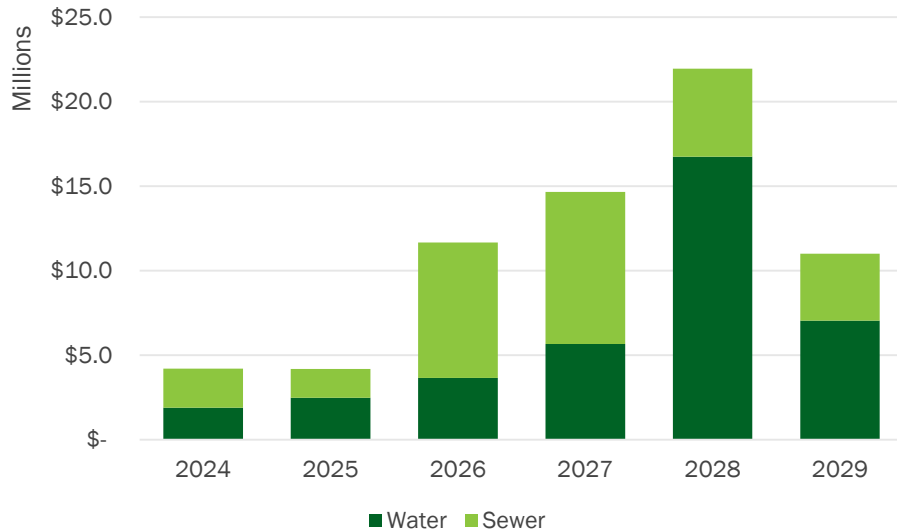


Projected Capital Needs (As of May, 2023)

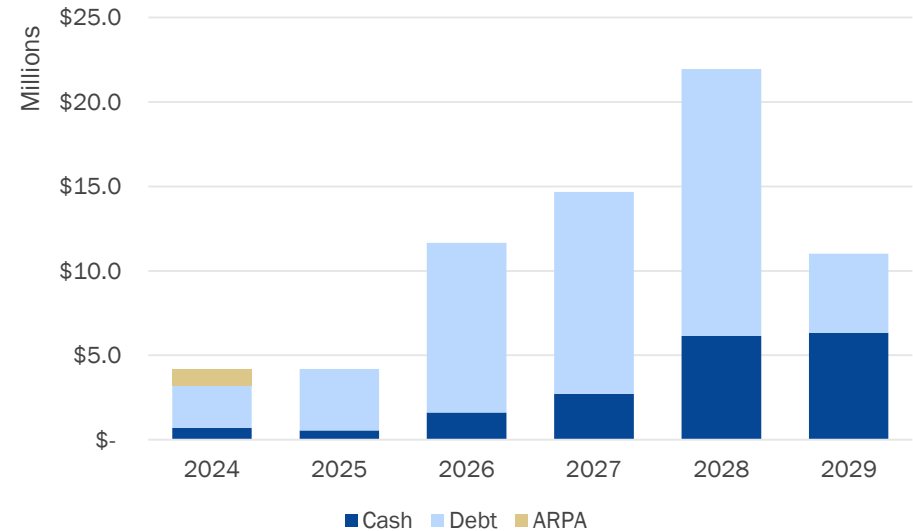


- The Town is contemplating funding a Capital Improvement Plan of approximately **\$67.7 Million** over the next 6 years, as reflected below.
 - Approximately 72% is anticipated to be funded with debt (\$48.6 Million), 27% from cash (\$18.1 Million), and 1% from ARPA (\$1.0 Million).

Uses of Funds



Sources of Funds



Multi-Year Plan of Finance



- Davenport recommends that the Town pursue a “just-in-time” funding strategy utilizing a combination of Cash, ARPA, and Debt.

- Key aspects of the Debt component include:
 - Paying interest-only for 2+ years to incrementally ramp up debt service and relieve pressure on rate increases;

 - 28 years of principal amortization in order to spread out the cost of borrowing over roughly 30 years;

 - The interest rate for the borrowing is assumed at 5.50% for planning purposes; and

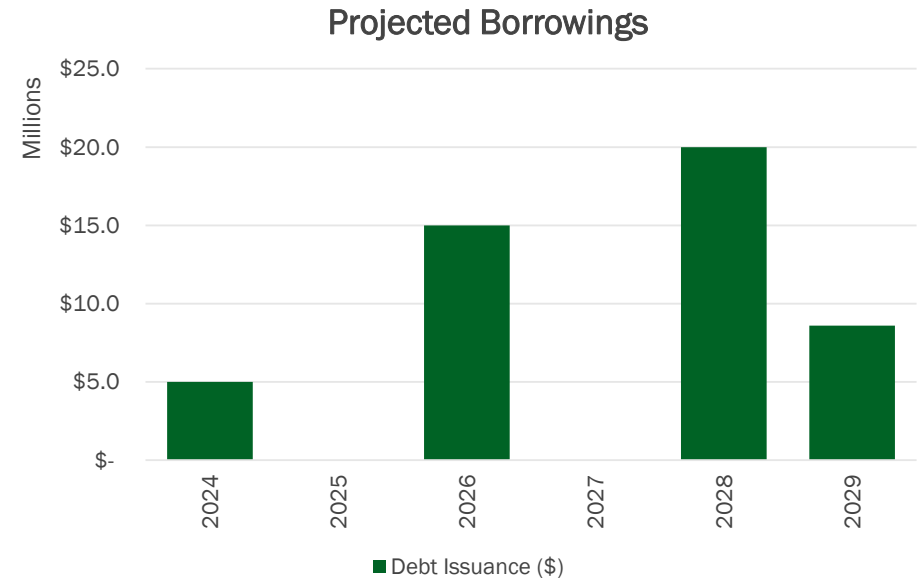
 - Providing the Town with a preliminary core of dollars that can be spent down as projects occur.

- Future issuances can be reassessed annually to determine the magnitude / timing of additional funding.

Projected Utility System Borrowings

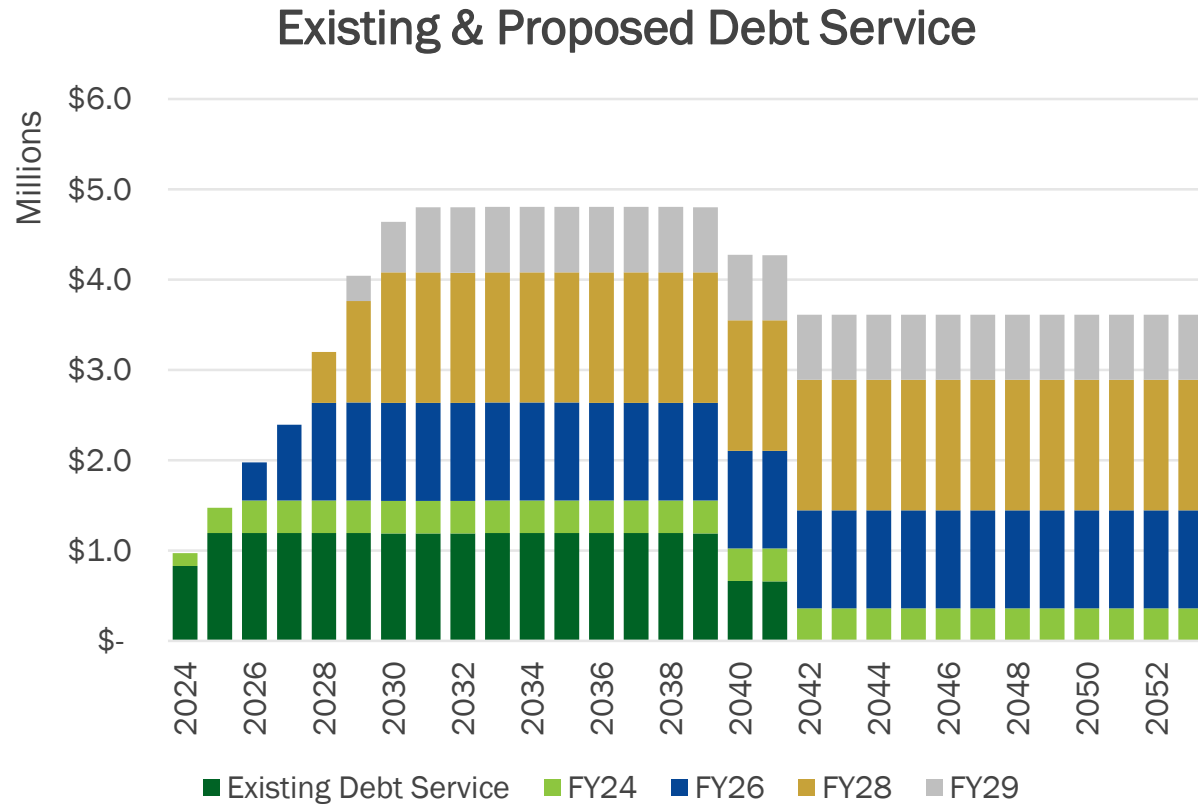


Sources of Funds		Total
1	Cash	\$ 18,081,942
2	ARPA	1,000,000
3	Debt	48,587,699
4	Total Sources	\$ 67,669,641



FY	2024	2025	2026	2027	2028	2029
Debt Issuance (\$)	\$ 5,000,000	\$ -	\$ 15,000,000	\$ -	\$ 20,000,000	\$ 8,587,699

Existing & Proposed Debt Service



Note: Debt assumes 2 years of interest-only and 28 years of level principal and interest payments. Planning interest rate of 5.50%. Preliminary, and subject to change.

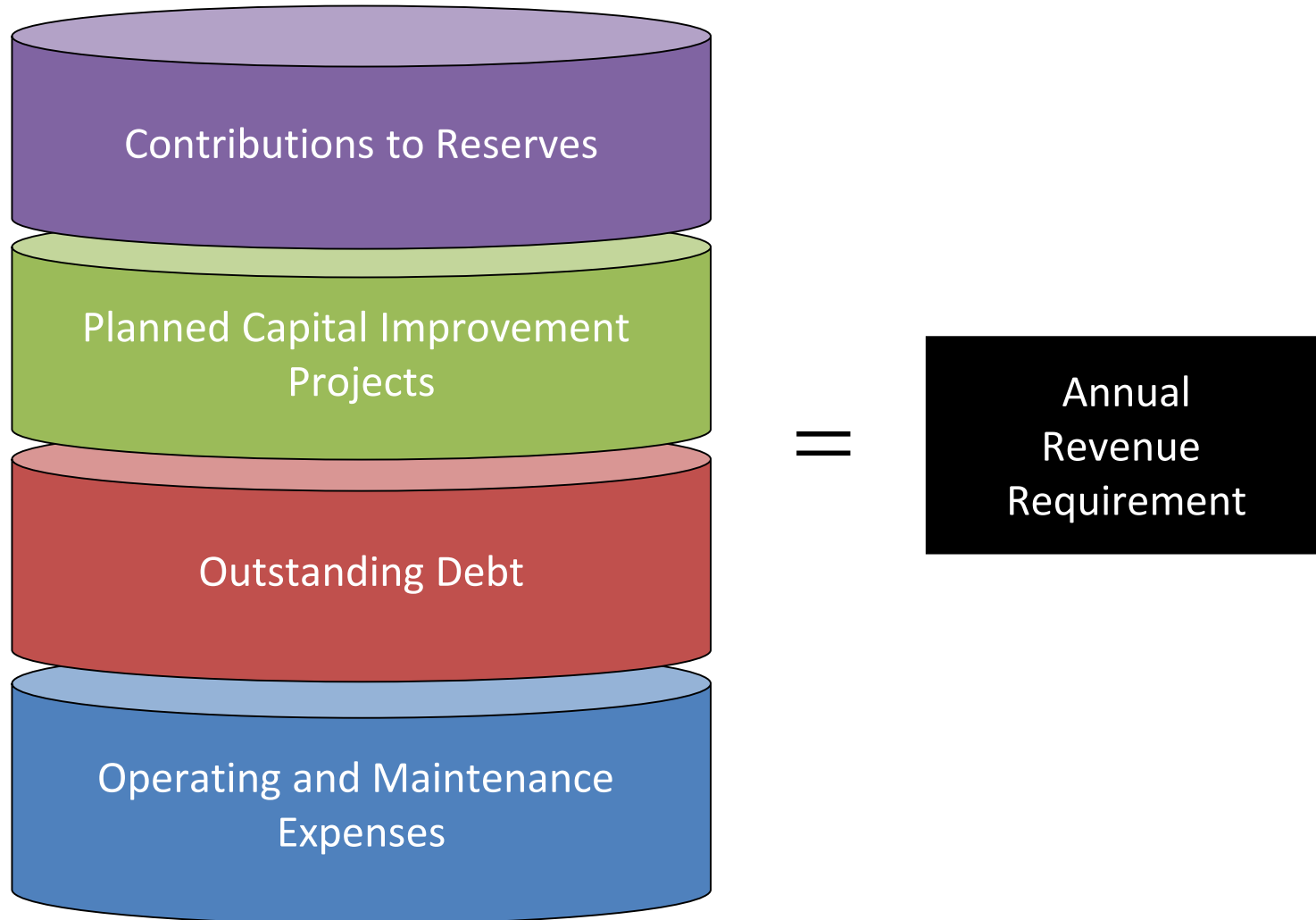
Interest Rate Environment | Tax-Exempt



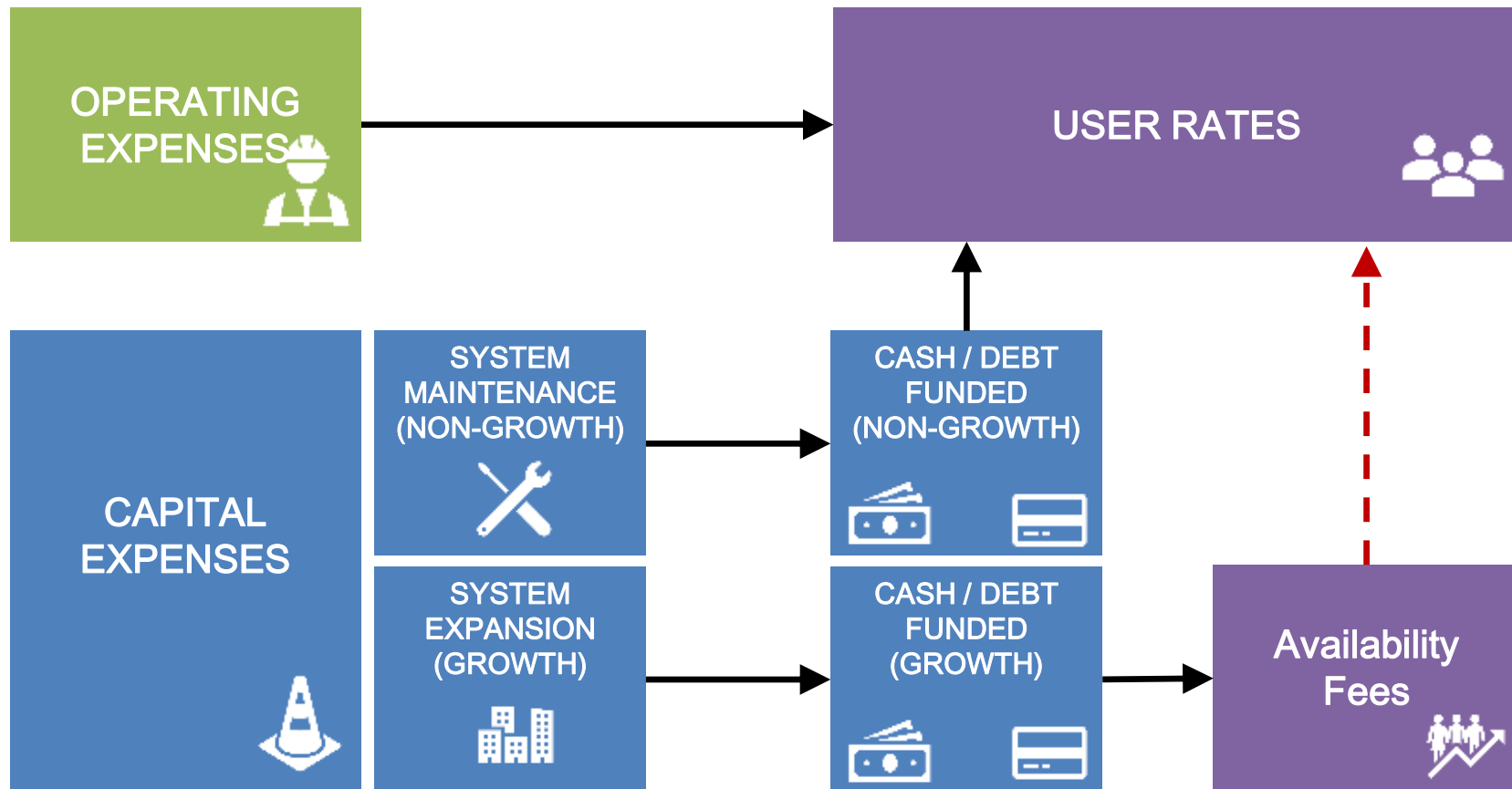
Interest rates increased during calendar year 2022, however, they still remain at historically favorable levels.

The 20-year interest rates above show the Bond Buyer's "20-Bond Index" which consists of 20 tax-exempt bonds with an average rating of 'Aa2'/'AA' (Moody's / S&P) that mature in 20 years. The 20-Bond Index serves as a general indicator of prevailing interest rates for tax-exempt borrowers. Updated as of 04/27/2023.

Revenue Requirement

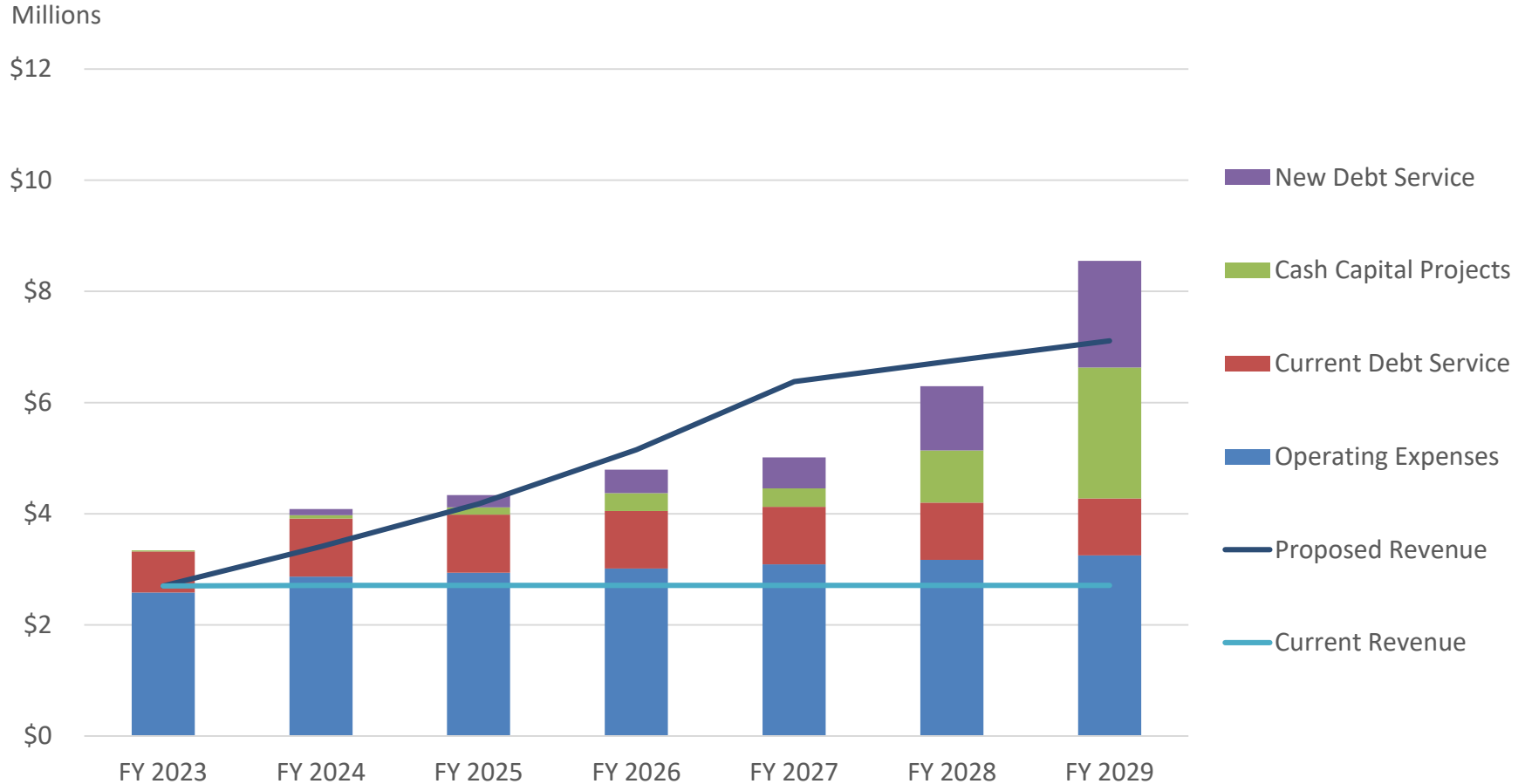


Relationship between User Rates and Availability Fees



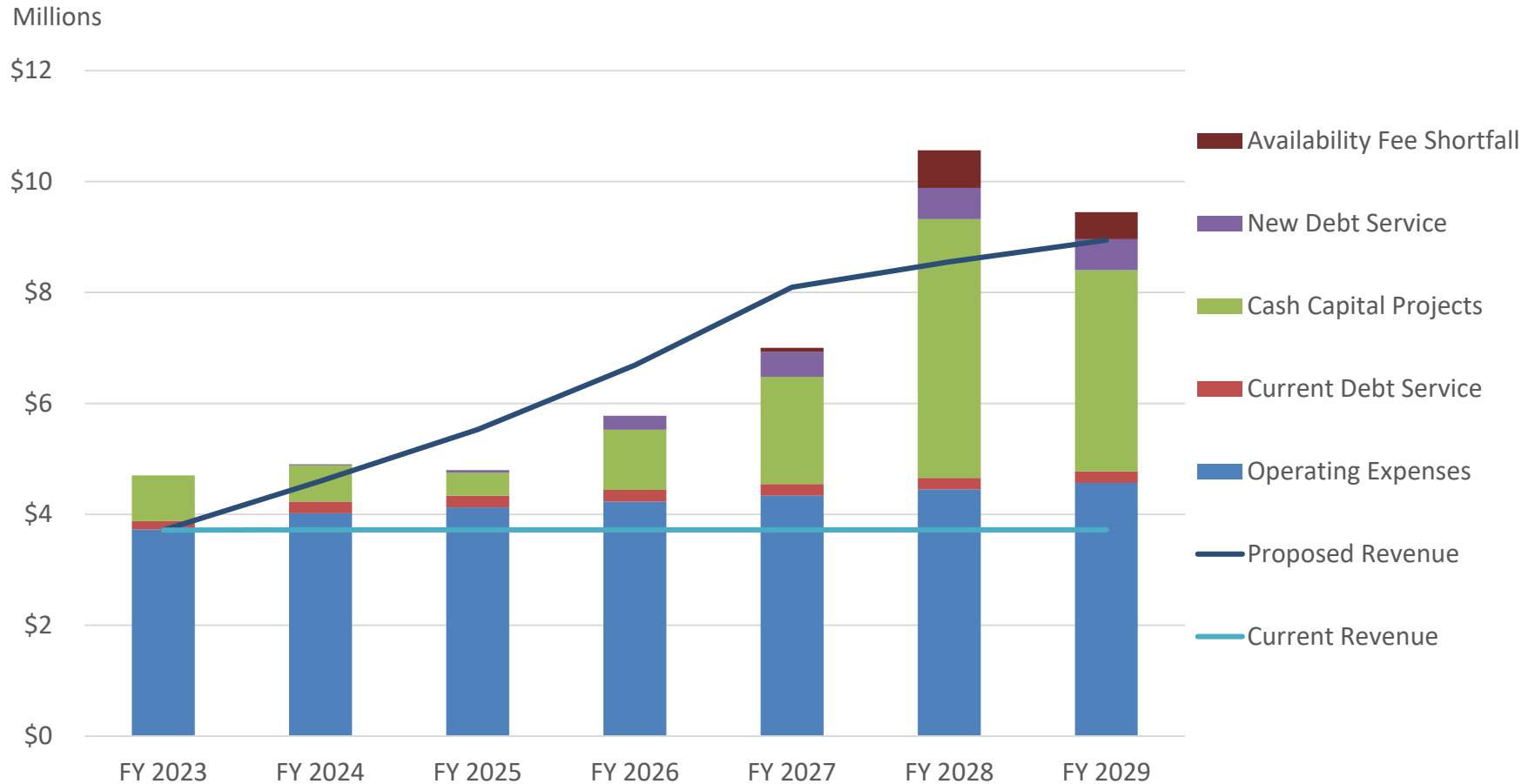
If availability fees are set at less than cost or anticipated growth does not occur, existing customers will have to make up the difference via higher user rates.

Revenue Requirements vs. Current and Proposed Revenue – Water



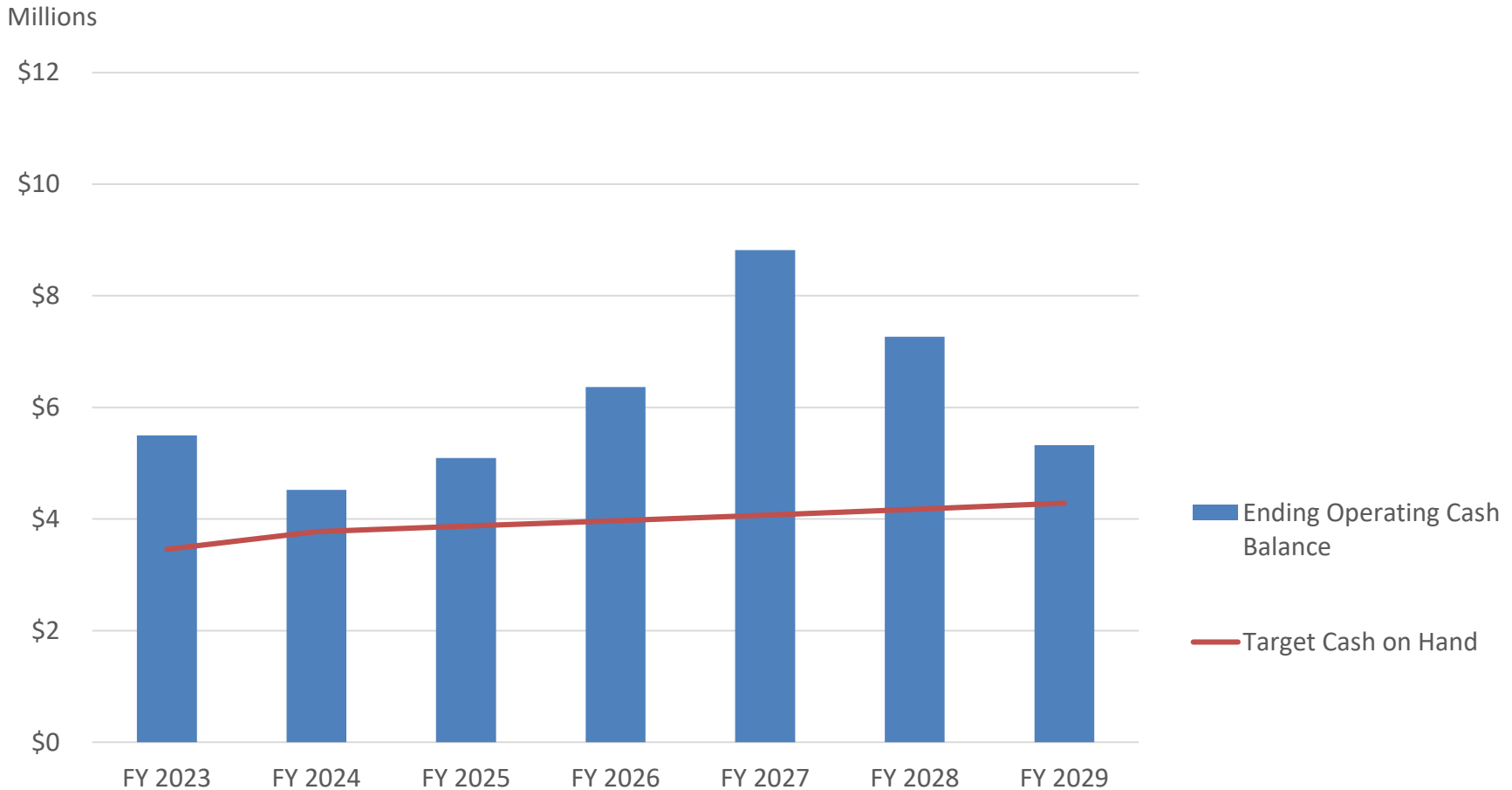
Proposed Revenue reflects a 25% increase in rate revenue from FY 2024 through FY 2027 and 6% in FY 2028 and FY 2029

Revenue Requirements vs. Current and Proposed Revenue – Sewer



Proposed Revenue reflects a 22% increase in rate revenue from FY 2024 through FY 2027 and 6% in FY 2028 and FY 2029

Operating Cash Balance – Combined Water and Sewer



The red line represents target equal to operating fund balance of 200 days of operating expenses. 1.2x debt service coverage is also met in all years after FY 2024.

Current In Town Charges and Rates (FY 2023)



Monthly Minimum Base Charges (includes 2,000 gallons)

Meter Size	Water	Sewer
5/8	\$6.43	\$12.56
3/4	\$9.65	\$18.84
1	\$16.08	\$31.40
1 1/2	\$32.15	\$62.80
2	\$51.44	\$100.48
3	\$112.53	\$219.80
4	\$202.55	\$395.64
6	\$417.95	\$816.40
8	\$514.40	\$1,004.80

Commodity Rate (per 1,000 gallons)

	Water	Sewer
Over 2,000 gallons	\$7.13	\$10.70

Out of Town rates are 1.5 times In Town rates

Projected In Town Water Charges and Rates



Charge/Rate	Current	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Monthly Minimum Base Charges (includes 2,000 gallons)							
5/8	\$6.43	\$8.04	\$10.05	\$12.56	\$15.70	\$16.64	\$17.64
3/4	\$9.65	\$12.06	\$15.08	\$18.84	\$23.55	\$24.96	\$26.46
1	\$16.08	\$20.10	\$25.13	\$31.40	\$39.25	\$41.60	\$44.10
1 1/2	\$32.15	\$40.20	\$50.25	\$62.80	\$78.50	\$83.20	\$88.20
2	\$51.44	\$64.32	\$80.40	\$100.48	\$125.60	\$133.12	\$141.12
3	\$112.53	\$140.70	\$175.88	\$219.80	\$274.75	\$291.20	\$308.70
4	\$202.55	\$253.26	\$316.58	\$395.64	\$494.55	\$524.16	\$555.66
6	\$417.95	\$522.60	\$653.25	\$816.40	\$1,020.50	\$1,081.60	\$1,146.60
8	\$514.40	\$643.20	\$804.00	\$1,004.80	\$1,256.00	\$1,331.20	\$1,411.20
Commodity Rate (per 1,000 gallons)							
Over 2,000 gallons	\$7.13	\$8.91	\$11.14	\$13.93	\$17.41	\$18.45	\$19.56

Out of Town rates are 1.5 times In Town rates

Projected In Town Sewer Charges and Rates



Charge/Rate	Current	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Monthly Minimum Base Charges (includes 2,000 gallons)							
5/8	\$12.56	\$15.32	\$18.69	\$22.80	\$27.82	\$29.49	\$31.26
3/4	\$18.84	\$22.98	\$28.04	\$34.20	\$41.73	\$44.24	\$46.89
1	\$31.40	\$38.30	\$46.73	\$57.00	\$69.55	\$73.73	\$78.15
1 1/2	\$62.80	\$76.60	\$93.45	\$114.00	\$139.10	\$147.45	\$156.30
2	\$100.48	\$122.56	\$149.52	\$182.40	\$222.56	\$235.92	\$250.08
3	\$219.80	\$268.10	\$327.08	\$399.00	\$486.85	\$516.08	\$547.05
4	\$395.64	\$482.58	\$588.74	\$718.20	\$876.33	\$928.94	\$984.69
6	\$816.40	\$995.80	\$1,214.85	\$1,482.00	\$1,808.30	\$1,916.85	\$2,031.90
8	\$1,004.80	\$1,225.60	\$1,495.20	\$1,824.00	\$2,225.60	\$2,359.20	\$2,500.80
Commodity Rate (per 1,000 gallons)							
Over 2,000 gallons	\$10.07	\$12.29	\$14.99	\$18.29	\$22.31	\$23.65	\$25.07

Out of Town rates are 1.5 times In Town rates

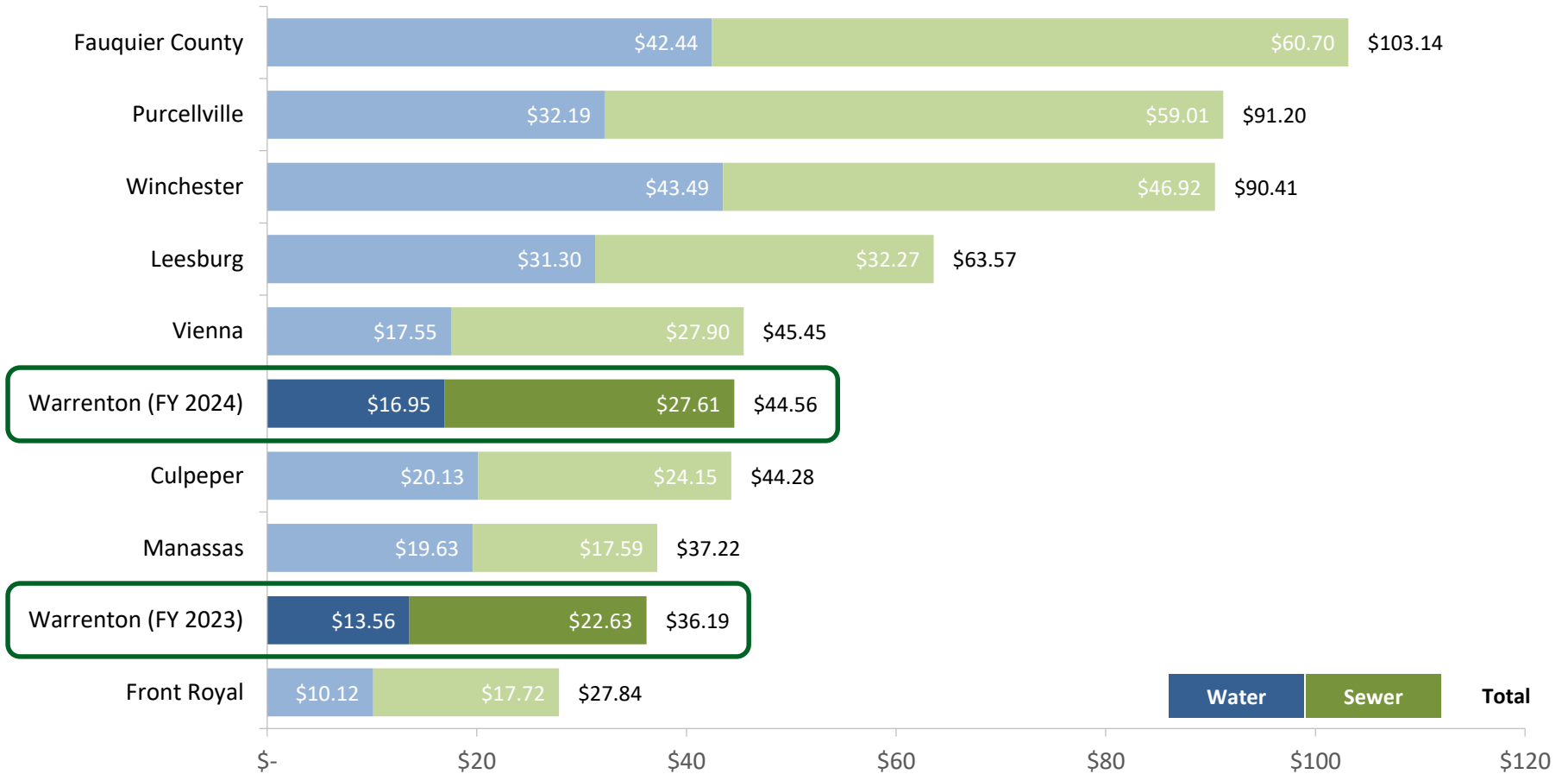
Combined Monthly Bill Impact



User	Monthly Usage (gallons)	Monthly Bill						
		Current	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Small User (25 th percentile)	2,000	\$18.99	\$23.36	\$28.74	\$35.36	\$43.52	\$46.13	\$48.90
Median User (50th percentile)	3,000	\$36.19	\$44.56	\$54.87	\$67.58	\$83.24	\$88.23	\$93.53
Large User (75 th percentile)	5,000	\$70.59	\$86.96	\$107.13	\$132.02	\$162.68	\$172.43	\$182.79
\$ Increase for Median User	3,000		\$8.37	\$10.31	\$12.71	\$15.66	\$4.99	\$5.30
% Increase for Median User	3,000		23.1%	23.1%	23.2%	23.2%	6.0%	6.0%

In Town Residential customers with 5/8 inch meters

FY 2024 Combined Monthly Bill Comparison



smallest meter size and 3,000 gallons of usage (median for Warrenton customers)

NewGen Recommendations



- Adopt the projected water and sewer rates for FY 2024.
- Continue to evaluate the Town's evolving operating and capital needs.
- Review rates, charges, and fees on an annual basis and revise as needed.
- Consider a full cost of service study for all rates, charges, and fees every three to five years.

Next Steps



- Balance of Spring 2023: Town adopts Operating and Capital Budget and corresponding user rates.
- Summer/Early Fall 2023: Implement next phase of capital plan via a self-supporting utility borrowing.
- Fall 2023 into Winter 2023/2024: Update multi-year plan based upon actual results for FY 2023 and updated capital costs.

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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
Jay Heroux, Ward 5
Paul Mooney, At Large
David McGuire, At Large

Item D.

Council Meeting Date:	October 10 th , 2022
Agenda Title:	Utilities Project Update for Plants – CIP & Projects Update
Requested Action:	Information and Discussion Only
Department / Agency Lead:	Utilities
Staff Lead:	Steven Friend/Michael Wharton/Frank Cassidy

EXECUTIVE SUMMARY

Over the last two years, Utilities, working with third-party engineers and consultants, has developed a six-year CIP plan to map out and successfully upgrade their aging plants. This is a multi-year approach focused on addressing ongoing repairs while replacing aging, end-of-life equipment. The fundamental focus and identifying the scheduling has been an ongoing effort since 2015, and most likely prior. We refer to the 2015 report as the most recent report we used to build this model as our own assessment of the report, an updated report done by the same company, WRA, in 2022, and our own in-house assessment confirm our plan is based on facts and current conditions of the plants. The challenge moving forward is adjusting repairs while keeping the major construction projects on target. Most of the money spent over the years has been directed to emergency repairs to keep the plants running with the equipment they have. This plan is designed to modernize the equipment to today's standards and functions. This will increase reliability, redundancy, efficiency, and effectiveness especially when dealing with a critical service like water and sewer.

The Town operates a water plant and wastewater treatment plant delivering water and processing wastewater. These plants serve an essential service to all who live, visit, and enjoy the Town. Without a well-operating water and wastewater system, the Town would not be thriving.

As the Town grows and explores additional options for growth and development, it is essential both these plants operate at levels mandated by regulations and laws, as well as the expectations of customers. As these plants age and additional demands are expected from them, we need to encourage a healthy discussion on their capacities while acknowledging their limitations.

Both plants are currently going through upgrades and maintenance operations to ensure the consistent and proper operational aspects required by regulations and laws and to ensure water resources' quality. The WWTP is manifesting the equipment age and continually needs creative ways to repair, workaround, or manufacture systems as the equipment is aging and outdated. Plans for upgrades and replacement have been previously presented and part of operational planning for a few years. Given the recent need to offset budget costs by pushing out CIP expenditures, these repairs and upgrades are becoming failure points.

The purpose of this presentation is to provide an update on ongoing projects and the progression of the CIP. This is part of our ongoing efforts to present progress on major projects in Town and address questions and concerns as these projects move forward.

BACKGROUND

The Town's Public Utilities Department owns and operates an advanced wastewater treatment plant, 8 wastewater pump stations, almost 68 miles of sanitary sewer mains, a freshwater reservoir, 3 active wells, a water treatment and filtration plant, and 88 miles of water distribution system including 743 fire hydrants.

Utilities also provide oversight and control of the Town's water and wastewater treatment facilities; delivery systems; maintenance of the systems; and billing. A high-level breakdown of services is included later in this document.

WATER PLANT OPERATIONS:

The Source of Supply Section is responsible for the safe and efficient operation of the Town's municipal water supply assets. These assets consist of the water treatment plant, three remote wells, two surface water reservoirs, a booster station, a re-chlorination station, two water storage tanks, and the collection of all State and federally-regulated water samples. The operation strives to provide safe, aesthetically pleasing, and pleasant-tasting water to meet the demands of the Town's over 4,944 residential and commercial customers.

The treatment plant on Blackwell Road is permitted to treat 3.2 million gallons per day but is restricted by the safe yield of the reservoirs, which is 2.27 million gallons per day. Currently, the plant produces an average of 1.2 million gallons of water daily.

TRANSMISSION & DISTRIBUTION:

The division is responsible for the overall maintenance, repair, and servicing of over 87 miles of water lines and 69 miles of sewer. Activities include repairing main breaks, replacing old and deteriorated water/sewer lines, maintaining water and sewer line right of ways, and unstopping clogged sewage lines. They also include collecting data with flow meters to identify high areas of infiltration/inflow in the gravity sewage system, maintenance of over 734 fire hydrants, and responding to over 2,527 calls annually for Miss Utility field locations of water and sewage lines as mandated by law.

The Meter Division works under T&D and is responsible for reading 4,944 water meters and providing the data to the Finance Department for billing and revenue collection. In addition, the section provides routine maintenance to all customer meters, including the thawing of frozen meters due to extremely cold weather, the inspections required under the State's cross connection and backflow prevention programs, periodic calibration, and replacement of unserviceable meters. The meter calibration testing frequency depends upon their annual usage, wear and tear, and potential for revenue loss or generation. Staff also responds to customer concerns relative to unusually high or low water bills and often assists customers in identifying leaks in their service lines, homes, and

businesses. Unaccounted water loss has averaged less than 10% for the past several years, below the American Waterworks Standard of 13%.

WASTEWATER PLANT OPERATIONS:

The wastewater plant operates and maintains the Town's 2.5 million gallons per day (mgd) sewage and 8 sewage pump stations. The plant treats, on average, 1.8-2.0 mgd, with the operation responsible for protecting downstream waters by plant operations and monitoring for compliance with state and federal regulations.

Treatment begins at the head works with screening and grit removal, followed by primary sedimentation. The second process involves biological treatment with the newly constructed Moving Bed Biofilm Reactor (MBBR). The third phase employs chemical coagulation and flocculation, followed by secondary sedimentation. The final stage of treatment includes nutrient removal via deep bed filtration, disinfection with ultraviolet lamps, and post-aeration before discharge into the unnamed tributary to Great Run. Sludge generated by the treatment process is anaerobically digested, dewatered by a 2-meter belt press, hauled away by an outside contractor, and land applied. Annual nutrient limits for nitrogen and phosphorus are in effect to comply with actions to clean up the Chesapeake Bay.

STAFF RECOMMENDATION

WRA completed a Capacity Study in November of 2022. This study provided an overall assessment of water and wastewater operations moving forward, considering all potential future developments within the Town and incorporated with discussion on BLA, Tri-Party Agreements, and other requests for the Town to provide utility services. Based on this study, we are looking at the Water and Wastewater plants reaching their maximum capacities in 2040. The Wastewater Plant will reach the 2.5 MGD limit by the year 2030.

Given the study results, staff recommends moving forward with the outlined projects for maintenance and upgrades as discussed and identified in the CIP. We want to make the Council aware the order of the projects may change as we continue to move forward because of unexpected maintenance issues or other challenges. We highly encourage the Council to stay the course with the future improvements and maintenance of both these plants to ensure proper functioning while keeping in mind the challenges of adding more accounts to these systems.

This will require a resolution to clarify funding sources.

Service Level / Policy Impact

These projects are in line with the Plan Warrenton 2040, Goals as follows:

- **CF-4: Ensure healthy, safe, and adequate water and wastewater services.**
 - **CF-4.1:** Maintain a reliable and sufficient quantity of wastewater treatment capacity and an adequate quantity and quality of public water supply to meet the needs of expected long-term residential and commercial growth.

- **CF-4.2:** Meet the future infrastructure needs through careful planning and acquisition of required permits.
- **CF-4.3:** Reduce Infiltration and Inflow (I&I) and promote sustainability within the wastewater infrastructure system.
- **CF-4.5:** 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.
- **CF-4.8:** Explore resources to help property owners and promote connection to public.
- **CF-5: To provide a fiscally responsible infrastructure that maintains a high quality of life for residents, supports current businesses, and attracts new employers with a stable tax structure.**
 - **CF-5.1:** Implement robust maintenance schedules on community facilities to extend the life of investments.

CF-5.2: Support the Town's current and future population by providing timely and comprehensive community facilities.

Fiscal Impact

Budgeted CIP

Legal Impact

N/A

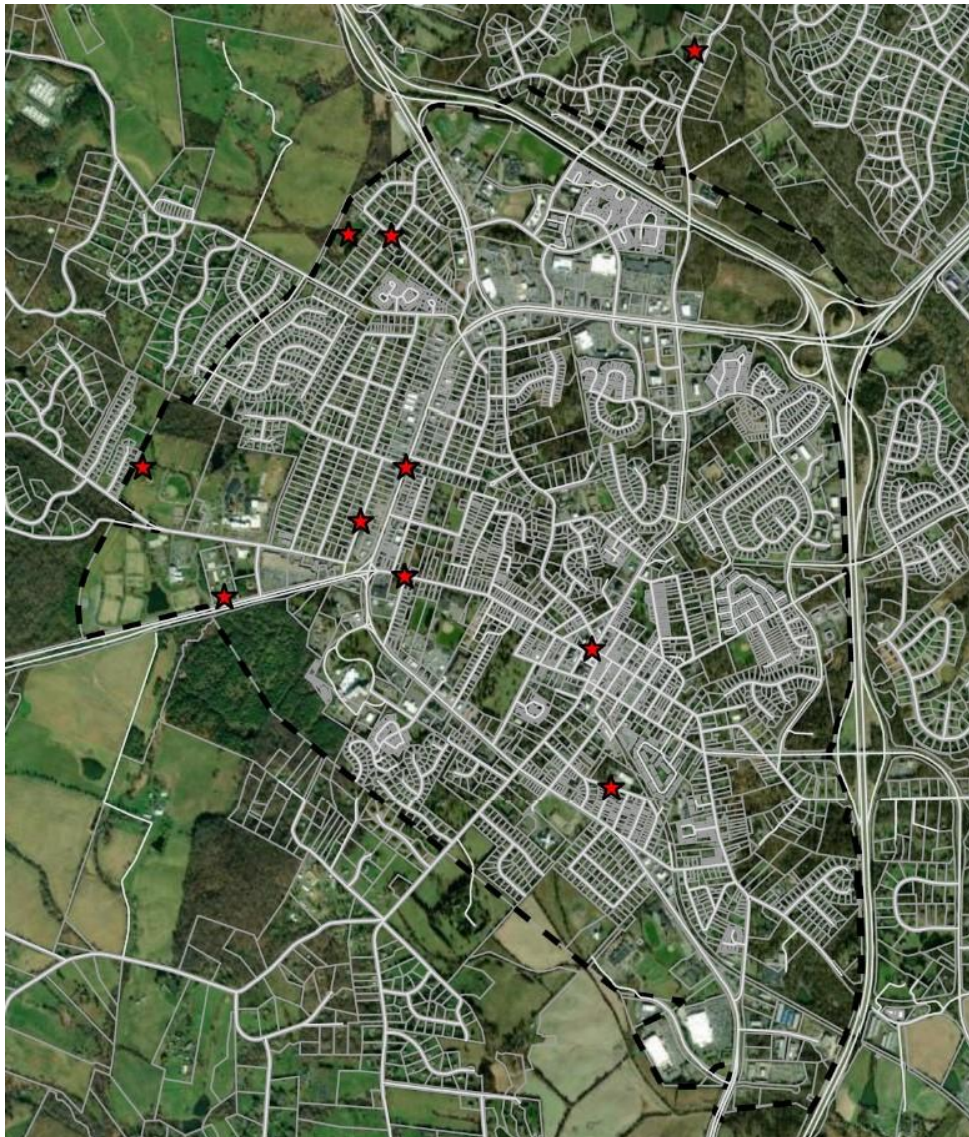
ATTACHMENTS

1. Updated Project Report
2. Presentation from December 2022 and related documents
3. 2015 WRA 2015 Report and PowerPoint presentation to Council
4. I&I memo and documents, March 2022
5. Reports and Charts from the 2022 Capacity Study



The Town of Warrenton
P.O. Box 341
Warrenton, VA 20188
P (540) 347-1101
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October 2023 CIP Report Capital Improvement Projects

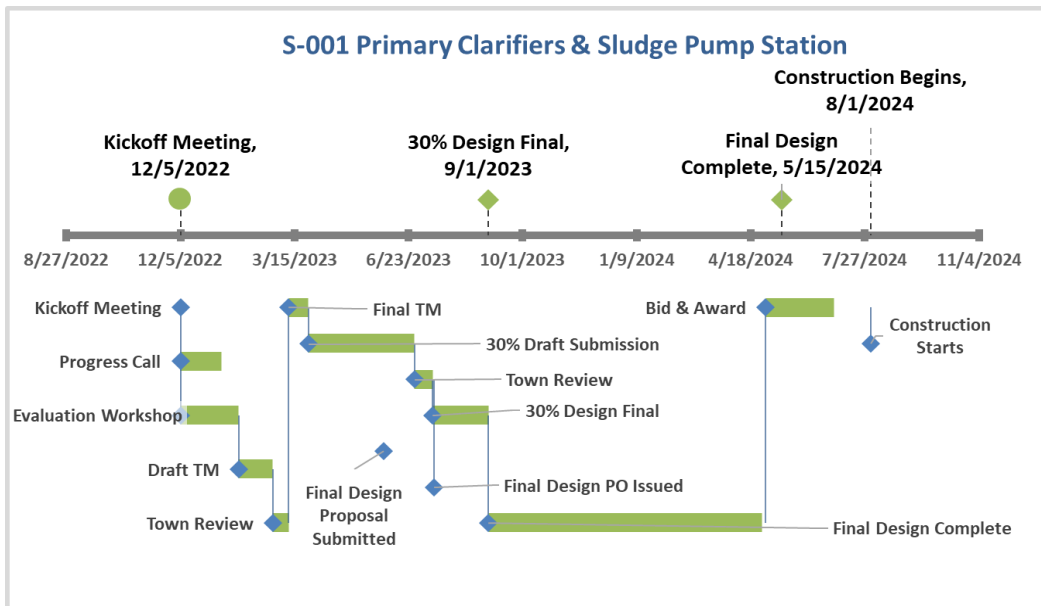


Project Name: S-001 Primary Clarifiers & Sludge Pump Station

Project Objective: Replace the existing primary clarifiers and sludge pumps.

Project Status Update: 30% design is complete and started working on final design

PROJECT SCHEDULE			
Phase (Task)	Start	Finish	% Complete
PE Design	December 5, 2022	September 1, 2023	100%
Final Design	September 5, 2023	May 15, 2024	0%
Project Bid	May 1, 2024	August 1, 2024	0%
Construction	August 1, 2024	September 1, 2026	0%
PROJECT BUDGET		PROJECT FUNDING SOURCE	
Design	\$ 474,682.00	Debt	\$ 2,274,682.00
Construction	\$ 6,950,000.00	Federal	\$ 4,500,000.00
		W&S Fund	\$ 650,000.00



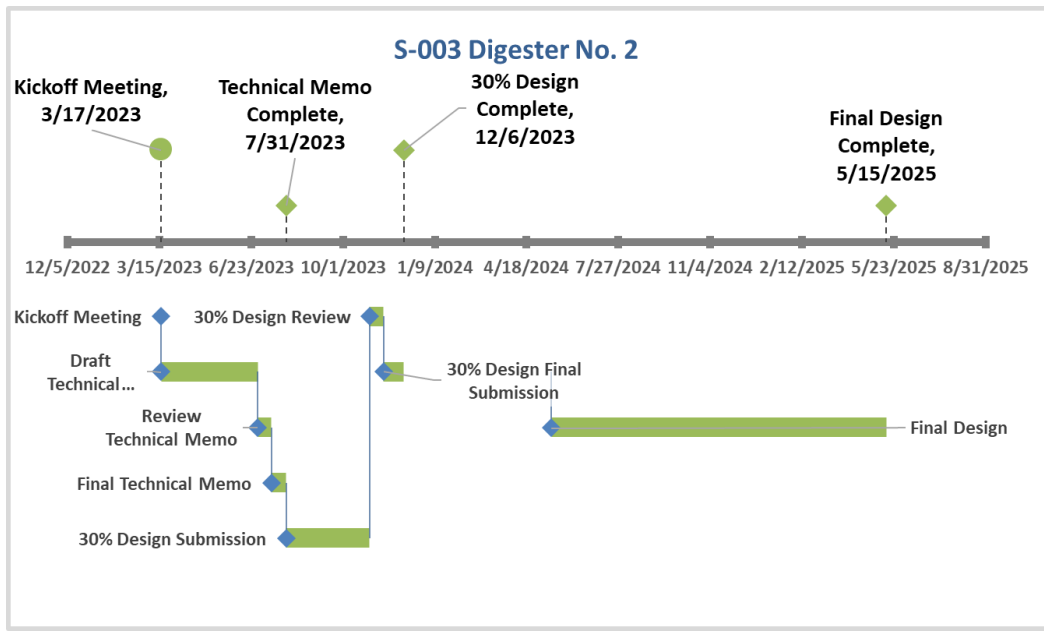
Project Name: S-003 Digester No. 2

Project Objective: A new digester to breakdown wastewater biosolids

Project Status Update: The designer is working on a technical memorandum.

PROJECT SCHEDULE			
Phase (Task)	Start	Finish	% Complete
PE Design	March 17, 2023	December 6, 2023	50%
Final Design	May 1, 2024	May 2025	0%
Project Bid			0%
Construction			0%

PROJECT BUDGET		PROJECT FUNDING SOURCE	
Design	\$ 642,433.00	Debt	\$ 6,063,750.00
Construction	\$ 6,063,750.00	W&S Fund	\$ 642,433.00

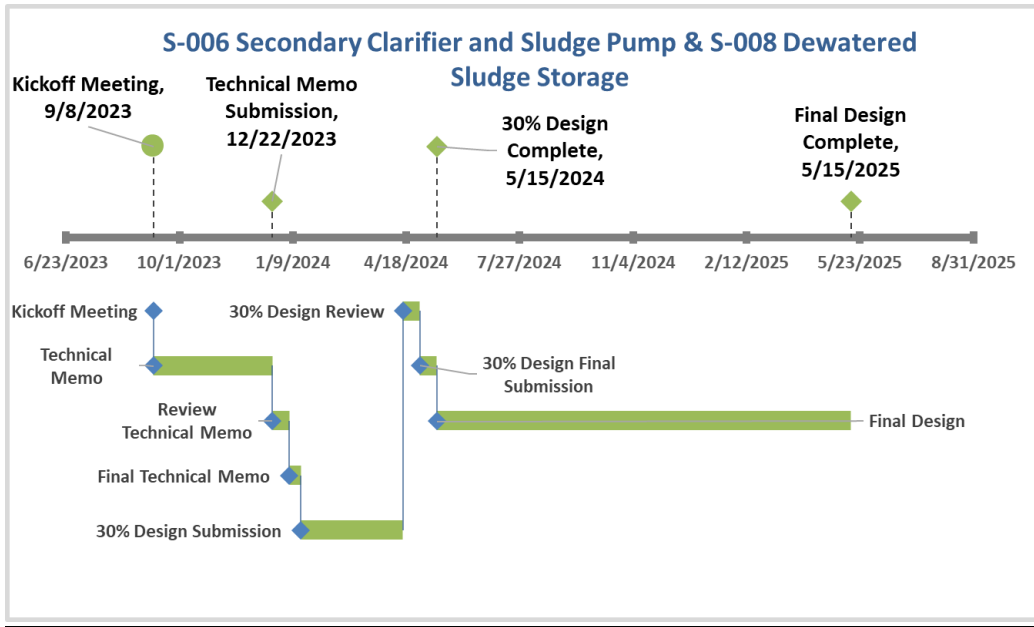


Project Name: S-006 Secondary Clarifier and Sludge Pump & S-008- Dewatered Sludge Storage

Project Objective: Replace the existing secondary clarifiers, sludge pumps and rehab the existing sludge storage structure.

Project Status Update: The designer has started working on the evaluation stage.

PROJECT SCHEDULE			
Phase (Task)	Start	Finish	% Complete
PE Design	March 17, 2023	December 6, 2023	5%
Final Design	May 1, 2024	May 2025	0%
Project Bid			0%
Construction			0%
PROJECT BUDGET		PROJECT FUNDING SOURCE	
Design	\$ 642,433.00	Debt	\$ 6,063,750.00
Construction	\$ 6,063,750.00	W&S Fund	\$ 642,433.00

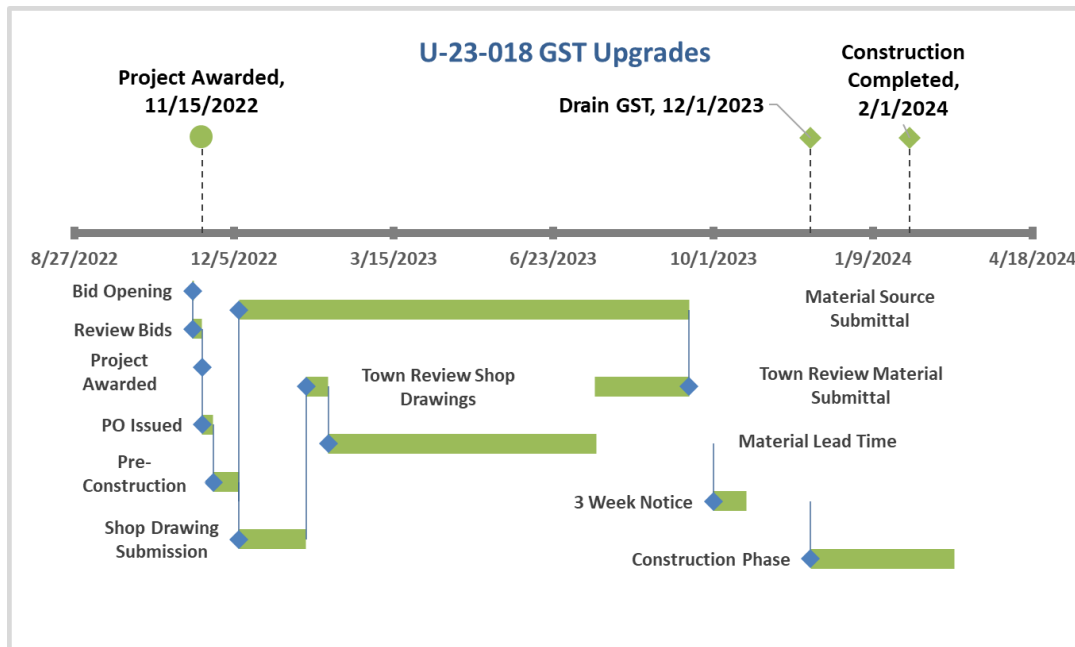


Project Name: U-23-018 GST Upgrades

Project Objective: Upgrade the existing Gravity Sludge Thickener.

Project Status Update: The project is delayed due to Winchester Plant not accepting any sludge. Expect to start work by December 2023

PROJECT SCHEDULE			
Phase (Task)	Start	Finish	% Complete
Project Award		November 15, 2022	100%
Construction	December 2023	February 2024	0%
PROJECT BUDGET		PROJECT FUNDING SOURCE	
Design		Debt	
Construction	\$ 546,844.00	W&S Fund	\$ 600,000.00



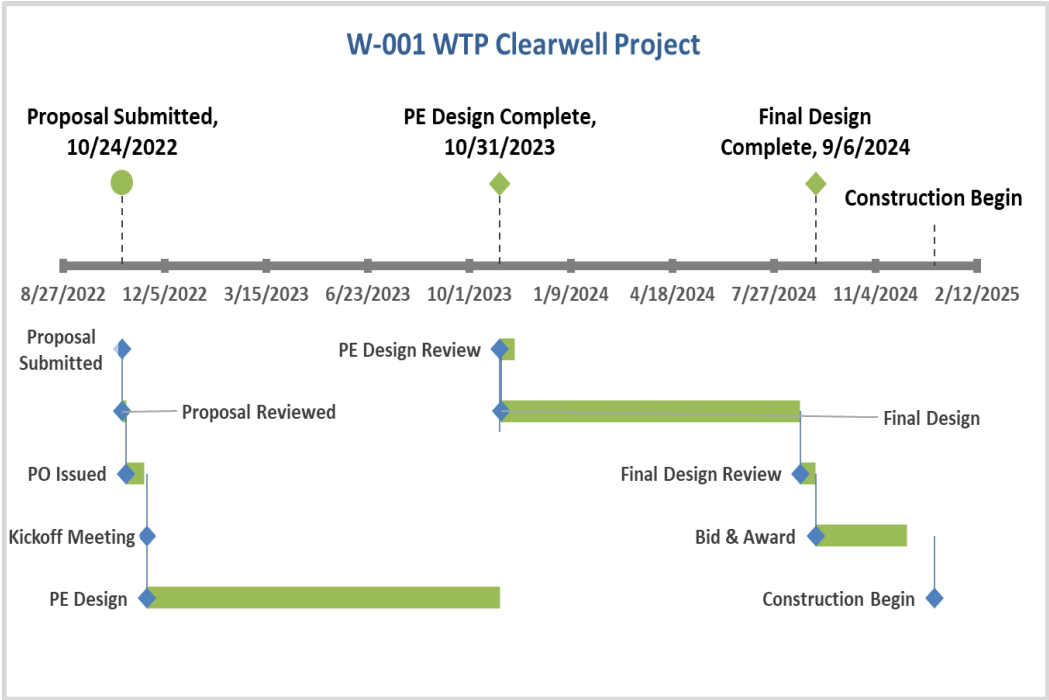
Project Name: W-001 WTP Clearwell Project

Project Objective: Study, design and construct a clearwell at the Water Treatment Plant. This will allow for additional resiliency.

Project Status Update: The designer is working on a technical memorandum and 30% design.

PROJECT SCHEDULE			
Phase (Task)	Start	Finish	% Complete
PE Design	October 24, 2022	October 31, 2023	80%
Final Design	November 1, 2023	September 6, 2024	0%
Project Bid	September 6, 2024	December 5, 2024	0%
Construction	January 1, 2025		0%

PROJECT BUDGET		PROJECT FUNDING SOURCE	
Design	\$ 595,000.00	Debt	\$ 5,775,000.00
Construction	\$ 6,609,000.00	W&S Fund	\$ 1,429,000.00



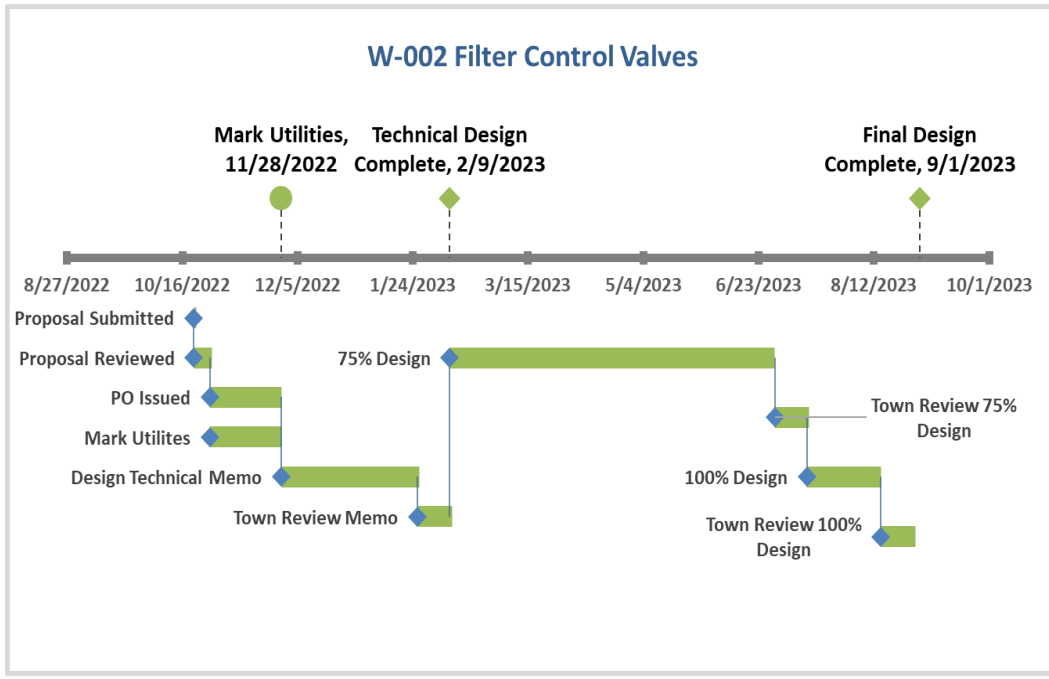
Project Name: W-002 Filter Control Valves

Project Objective: Replace the failing valves at the Water Treatment Plant. The current valves must be reprogrammed daily.

Project Status Update: The project is in the bid process at this moment, anticipated award mid-December 2023.

PROJECT SCHEDULE			
Phase (Task)	Start	Finish	% Complete
Design	November 17, 2022	September 1, 2023	100%
Project Bid	September 1, 2023	November 1, 2023	0%
Construction	December 2024	February 2025	0%

PROJECT BUDGET		PROJECT FUNDING SOURCE	
Design	\$ 97,763.00	Debt	\$ 750,000.00
Construction	\$ 1,000,000.00	W&S Fund	\$ 250,000.00



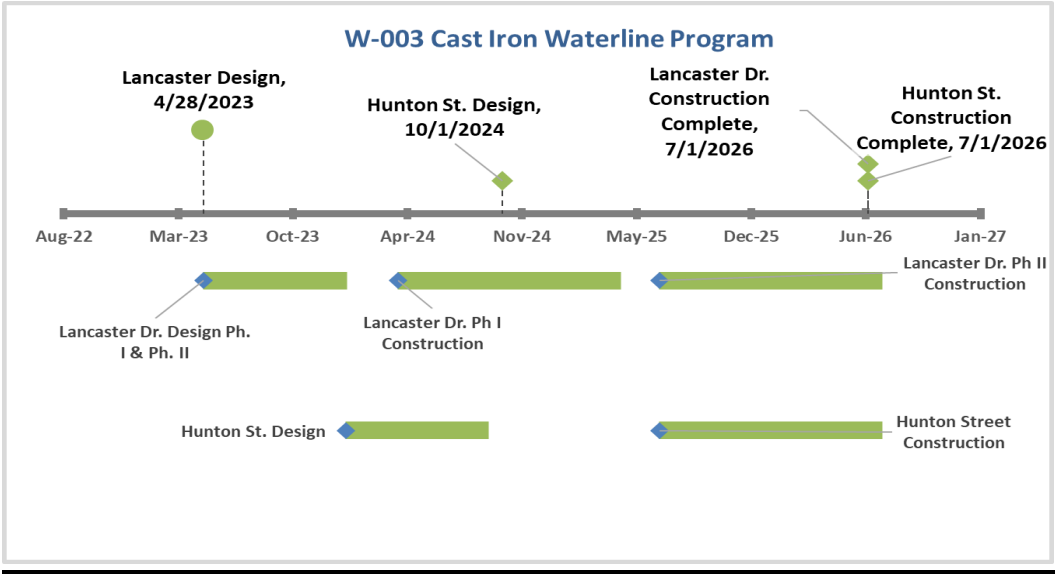
Project Name: W-003 Cast Iron Waterline Program

Project Objective: Replacement of problematic sections of the waterline system.

Project Status Update: This designer submitted geotechnical report for review and working on 50% plans for Lancaster Drive.

PROJECT SCHEDULE			
Phase (Task)	Start	Finish	% Complete
Lancaster Dr. Design PH I & PH II	April 28, 2023	December 31, 2023	45%
Lancaster Dr. PH I Construction	April 2024	April 2025	0%
Lancaster Dr. PH II Construction	July 2025	July 2026	0%
Hunton Street Design	January 2024	October 2024	0%
Hunton Street Construction	July 2025	45174	0%

PROJECT BUDGET		PROJECT FUNDING SOURCE	
Design	\$ 348,242.00	Debt	\$ -
Construction	\$ 2,522,403.00	W&S Fund	\$ 2,870,645.00

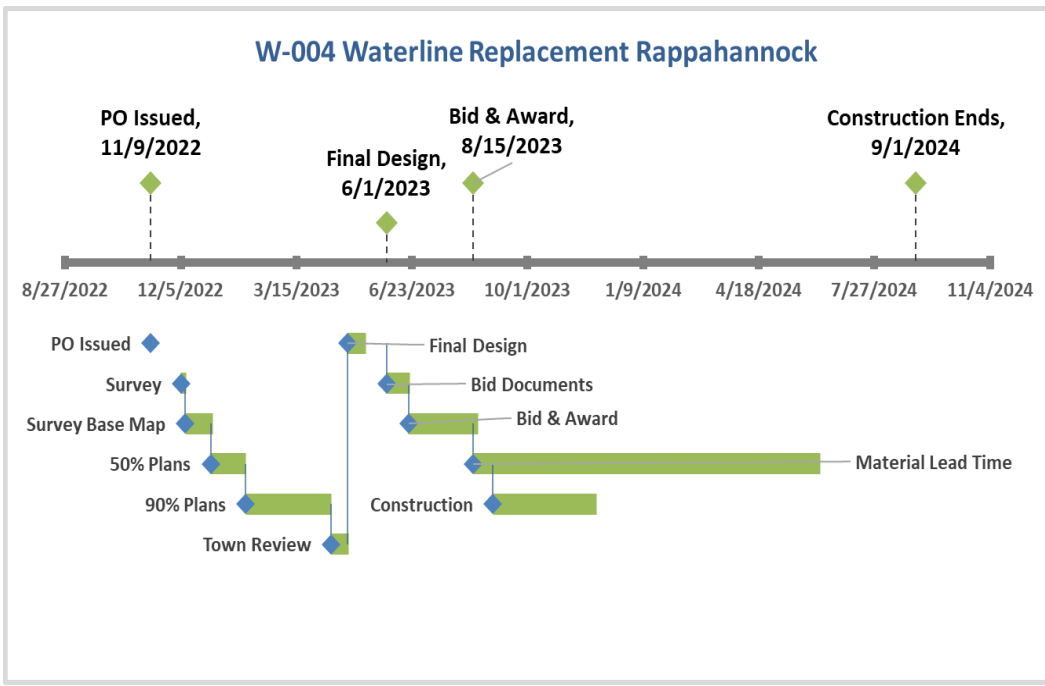


Project Name: W-004 Waterline Replacement Rappahannock

Project Objective: Replace the existing cast iron waterline with ductile iron, which will improve fire flows and reduce pipe breaks.

Project Status Update: Project has been awarded and construction expected to start in December 2023

PROJECT SCHEDULE			
Phase (Task)	Start	Finish	% Complete
Design	December 5, 2022	June 1, 2023	100%
Project Bid	June 15, 2023	August 1, 2023	100%
Construction	September 1, 2023	September 2024	0%
PROJECT BUDGET		PROJECT FUNDING SOURCE	
Design	\$ 40,000.00	Debt	\$ -
Construction	\$ 560,000.00	W&S Fund	\$ 600,000.00



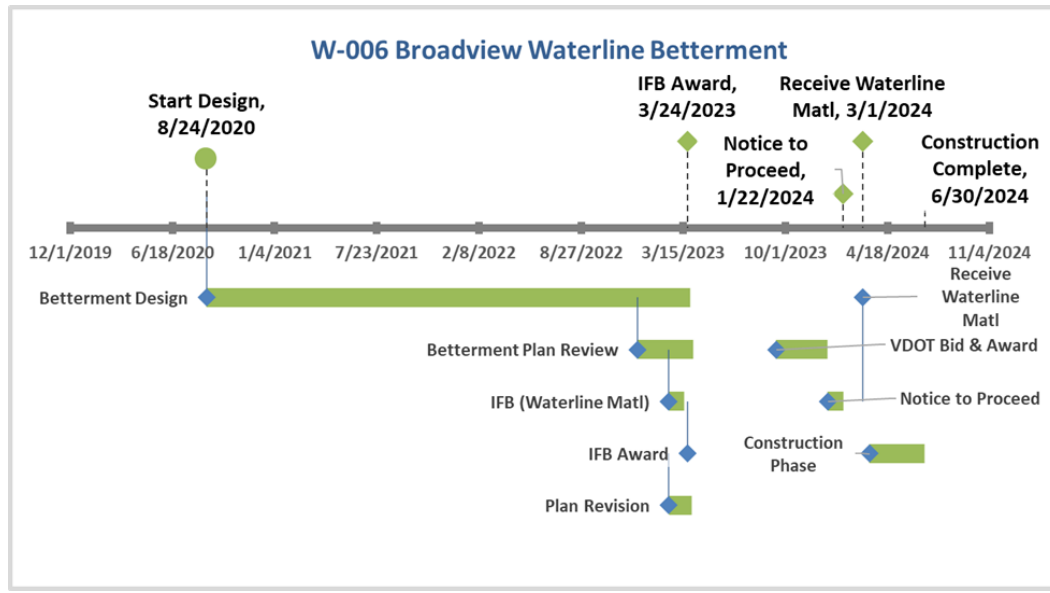
Project Name: W-006 Broadview Waterline Betterment

Project Objective: Improve the Water Distribution System for improved service to businesses and better fire protection.

Project Status Update: Project is in the bid process and let date is October 25, 2023. Contract awarded in January 2024 and construction expected to start by March 2024

PROJECT SCHEDULE			
Phase (Task)	Start	Finish	% Complete
Design	August 24, 2020	April 3, 2023	100%
Project Bid	July 3, 2023	October 25, 2023	50%
Construction	January 2024	June 30, 2024	0%

PROJECT BUDGET		PROJECT FUNDING SOURCE	
Design	\$ -	Debt	\$ -
Construction	\$ 872,812.00	W&S Fund	\$ 872,812.00



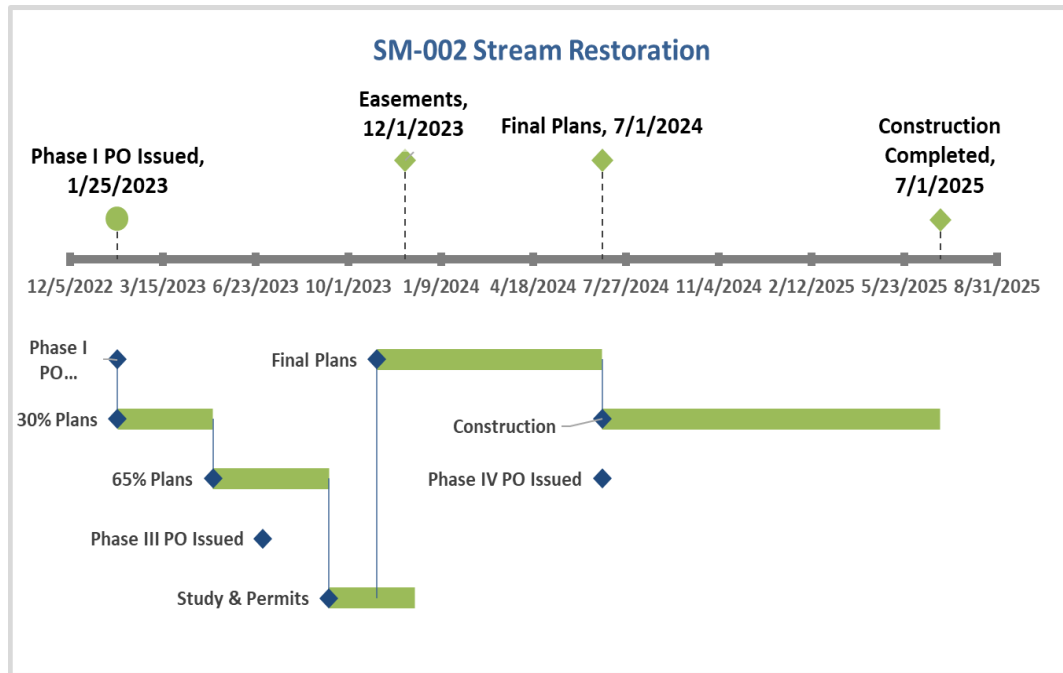
Project Name: SM-002 Stream Restoration (Hampton Inn)

Project Objective: Develop credits for stream bed improvements and credits for nutrient reductions.

Project Status Update: Town staff met with designer to develop timeframes and discuss progress in obtaining easements.

PROJECT SCHEDULE			
Phase (Task)	Start	Finish	% Complete
Easements	January 25, 2023	December 1, 2023	40%
Design	January 25, 2023	July 2024	30%
Construction	July 2024	July 2025	0%
Monitoring	July 2025	July 2029	0%

PROJECT BUDGET		PROJECT FUNDING SOURCE	
Design	\$ 424,684.00	Federal	\$ 991,094.00
Construction	\$ 1,421,684.00	SW Fund	\$ 991,094.00

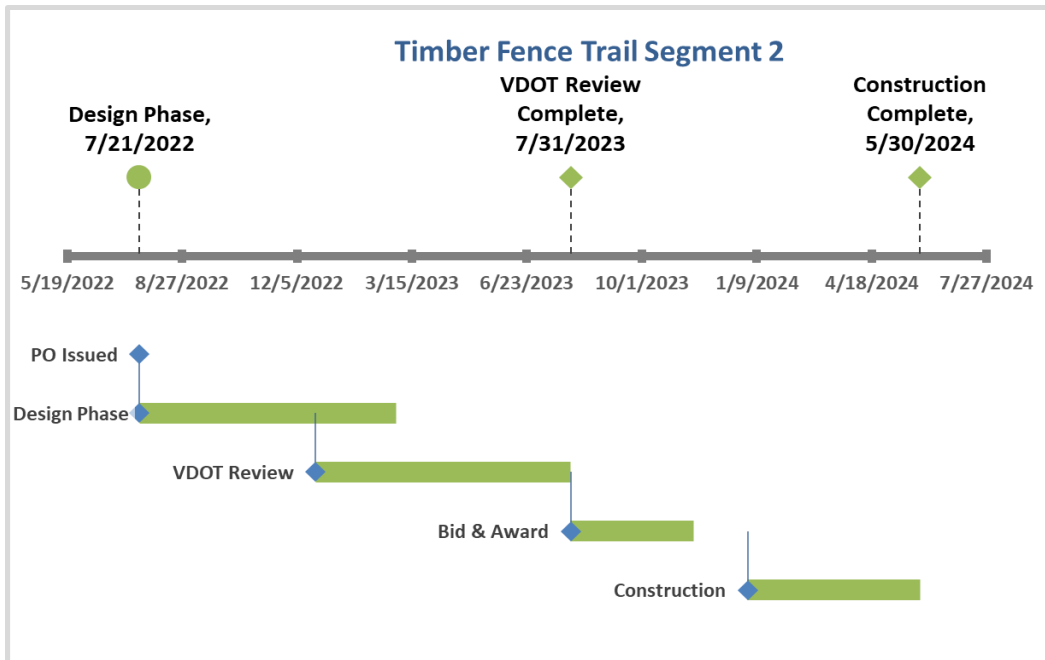


Project Name: Timber Fence Trail Segment 2

Project Objective: The Town will construct an asphalt trail to connect the Northwestern community to Fauquier High School and WARF.

Project Status Update: Waiting for VDOT to close scoping. CEI contract was awarded in September 2023

PROJECT SCHEDULE			
Phase (Task)	Start	Finish	% Complete
Design		July 31, 2023	100%
Project Bid	July 31, 2023	November 15, 2023	70%
Construction	January 2024	May 2024	0%
PROJECT BUDGET		PROJECT FUNDING SOURCE	
Design	\$ 65,000.00	General Fund	\$ 50,889.00
Construction	\$ 443,390.00	VDOT	\$ 407,112.00
		Other	\$ 50,889.00

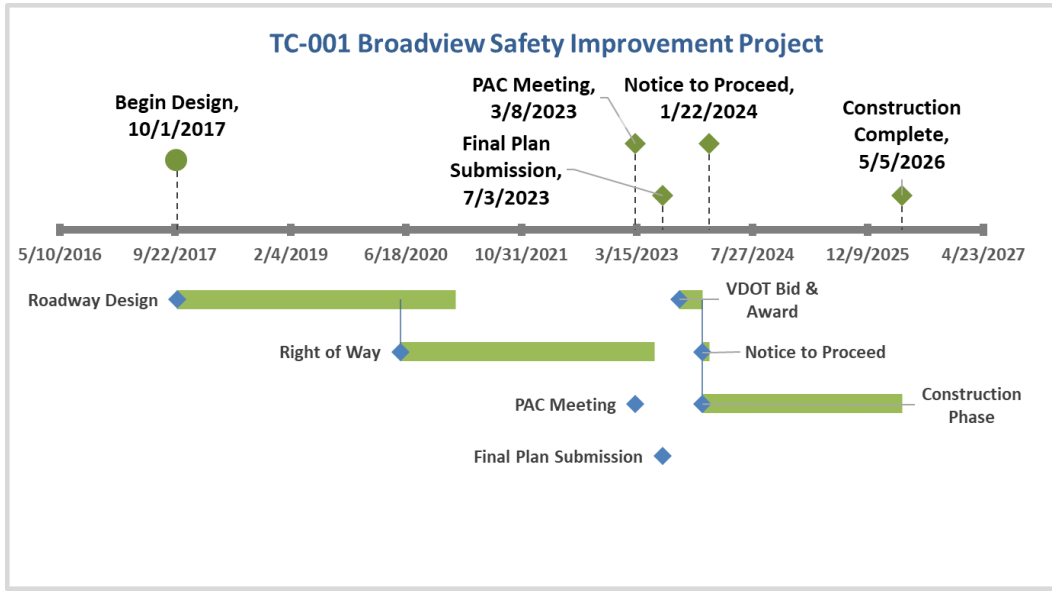


Project Name: TC-001 Broadview Safety Improvement

Project Objective: To improve safety and access management to businesses.

Project Status Update: Project is in the bid process and let date is October 25, 2023. Contract awarded in January 2024 and construction expected to start by March 2024

PROJECT SCHEDULE			
Phase (Task)	Start	Finish	% Complete
Design	October 1, 2017	July 3, 2023	100%
Project Bid	July 3, 2023	October 25, 2023	50%
Construction	January 2024	May 2026	0%
PROJECT BUDGET		PROJECT FUNDING SOURCE	
R/W	\$ 2,032,481.00	General Fund	\$ 1,488,000.00
Design	\$ -	VDOT	\$ 6,363,893.00
Construction	\$ 5,819,412.00		





Office of the Town Manager

Christopher E. Martino

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
Jay Heroux, Ward 5
Sean Polster, At Large
Renard Carlos, At Large

Item D.

Council Meeting Date:	December 13, 2022
Agenda Title:	Water and Sewer System Growth and Capacity Evaluation
Requested Action:	No action necessary- this is informational
Department / Agency Lead:	Public Works and Utilities
Staff Lead:	Frank Cassidy

EXECUTIVE SUMMARY

The Town operates a water plant (WTP) and wastewater treatment plant (WWTP) delivering water and processing wastewater. These plants serve an essential service to all who live, visit, and enjoy the Town. Without a well operating water and wastewater system, the Town would not be thriving.

As the Town grows and explores additional options for growth and development, it is essential both these plants operate at levels both mandated by regulations and laws, as well as the expectations of customers. As these plants age and additional demands are expected from them, we need to encourage a healthy discussion on their capacities while acknowledging their limitations.

The purpose of this presentation is to provide a holistic overview of status for better planning, outline challenges moving forward, and provide an outline of projects as we move forward. Discussion will include review of the 2015 Capacity Study and the current Capacity Study completed in November 2022.

BACKGROUND

The Town's Public Utilities Department owns and operates an advanced wastewater treatment plant, 8 wastewater pump stations, almost 68 miles of sanitary sewer mains, a freshwater reservoir, 3 active wells, a water treatment and filtration plant and 88 miles of water distribution system including 743 fire hydrants.

Utilities also provides oversight and control of the Town's water and wastewater treatment facilities; delivery systems; maintenance of the systems; and billing. A high-level breakdown of services is included later in this document.

WATER PLANT OPERATIONS:

The Source of Supply Division is responsible for the safe and efficient operation of the Town's municipal water supply assets, which consist of the water treatment plant, three remote wells, two surface water reservoirs, booster station, re-chlorination station, two water storage tanks and the collection of all state and federally regulated water samples. The operation strives to provide safe, aesthetically pleasing, and pleasant tasting water to meet the demands of the Town's over 4,944 residential and commercial customers.

The treatment plant on Blackwell Road is permitted to treat 3.2 million gallons per day but is restricted by the safe yield of the reservoirs, which is 2.27 million gallons per day. Currently the plant produces an average of 1.2 million gallons of water a day.

TRANSMISSION & DISTRIBUTION:

The T&D Division is responsible for the overall maintenance, repair, and servicing of over 87 miles of water line and 69 miles of sewer. Activities include repairing main breaks, replacing old and deteriorated water/sewer lines, maintaining water and sewer line rights of way, unstopping clogged sewage lines, collecting data with flow meters to identify high areas of infiltration/inflow in the gravity sewage system, maintenance of over 734 fire hydrants and responding to over 2,527 calls annually for Miss Utility field locations of water and sewage lines as mandated by law.

The Meter Section works under T&D and is responsible for the reading of 4,944 water meters and providing the data to the Finance Department for billing and revenue collection. In addition, the section provides routine maintenance to all customer meters, to include the thawing of frozen meters due to extreme cold weather, the inspections required under the State's cross connection and backflow prevention programs, periodic calibration, and replacement of unserviceable meters. The meter calibration testing frequency depends upon their annual usage, wear and tear and potential for revenue loss or generation. Staff also responds to customer concerns relative to unusually high or low water bills and often assists customers in identifying leaks in their service lines or homes and businesses. Unaccounted water loss has averaged less than 10% for the past several years, which is below the American Waterworks Standard of 13%.

WASTEWATER PLANT OPERATIONS:

Operation and maintenance of the Town's 2.5 million gallons per day (mgd) sewage treatment plant and the 8 sewage pump stations. The plant currently treats on average 1.8-2.0 mgd. With the operation responsible for the protection of downstream waters by plant operations and monitoring for compliance with state and federal regulations.

Treatment begins at the head works with screening and grit removal, followed by primary sedimentation. The second process involves biological treatment with the newly constructed Moving Bed Biofilm Reactor (MBBR). The third phase employs chemical coagulation and flocculation followed by secondary sedimentation. The final stage of treatment includes nutrient removal via deep bed filtration, disinfection with ultraviolet lamps, and post-aeration before discharge into the unnamed tributary to Great Run. Sludge that is generated by the treatment process is anaerobically digested, dewatered by a 2-meter belt press, hauled away by an outside contractor and land applied. Annual nutrient limits for nitrogen and phosphorus are in effect to comply with actions to clean up the Chesapeake Bay.

Both plants are currently going through upgrades and maintenance operations to ensure the consistent and proper operational aspects required by regulations and laws as well as ensuring the quality of water resources. The WWTP is manifesting the age of equipment and is continually needing creative ways to repair, work around, or manufacture systems as the equipment is aging and outdated. Plans for upgrades

and replacement have been presented in the past and have been part of operational planning for a few years now. Given the recent need to offset budget costs by pushing out CIP expenditures, these repairs and upgrades are becoming failure points.

STAFF RECOMMENDATION

WRA completed a Capacity Study in November of 2022. This study provided an overall assessment of water and wastewater operations moving forward considering all potential future developments within Town and incorporated with discussion on BLA, Tri-Party Agreements, and other requests for the Town to provide utility services. Based on this study, we are looking at the Water and Wastewater Plant reaching their maximum capacities in the year 2040. The Wastewater Plant will reach the 2.5 MGD limit by the year 2030.

Given the results of the study, staff recommends moving forward with the outlined projects for maintenance and upgrades as discussed and identified in the CIP. We want to make Council aware the order of the projects may change as we continue to move forward because of unexpected maintenance issues or other challenges. We highly encourage Council to stay the course with the future improvements and maintenance of both these plants to ensure proper functioning while keeping in mind the challenges of adding more accounts to these systems.

Will require a resolution to clarify funding sources.

Service Level / Policy Impact

These projects are in line with the Plan Warrenton 2040, Goals as follows:

- **CF-4: Ensure healthy, safe, adequate water and wastewater services.**
 - **CF-4.1:** Maintain a reliable and sufficient quantity of wastewater treatment capacity and a sufficient quantity and quality of public water supply to meet the needs of expected long term residential and commercial growth.
 - **CF-4.2:** Meet the future infrastructure needs through careful planning and acquisition of required permits.
 - **CF-4.3:** Reduce Infiltration and Inflow (I&I) and promote sustainability within the wastewater infrastructure system.
 - **CF-4.5:** 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.
 - **CF-4.8:** Explore resources to help property owners and promote connection to public
- **CF-5: To provide a fiscally responsible infrastructure that maintains a high quality of life for residents, supports current businesses, and attracts new employers with a stable tax structure.**

- **CF-5.1:** Implement robust maintenance schedules on community facilities to extend the life of investments.
- **CF-5.2:** Support the Town’s current and future population through the provision of timely and comprehensive community facilities.

Fiscal Impact

At the September 13, 2022, Council meeting, the Town Council passed a resolution to appropriate \$4,500,000 for Water and Sewer projects. The Town Council also authorized the issuance of \$5,000,000 in bonds to finance Water and Sewer projects. The \$5,000,000 was not appropriated at that time. Now that the projects have been prioritized and reviewed with Council, staff will advertise a public hearing for the January 13, 2023, Council meeting to appropriate the bond funding for use on these projects.

As the funding has already been identified and the bonds issued, there is no financial impact. Only the advertising of the public hearing to appropriate the funding is required.

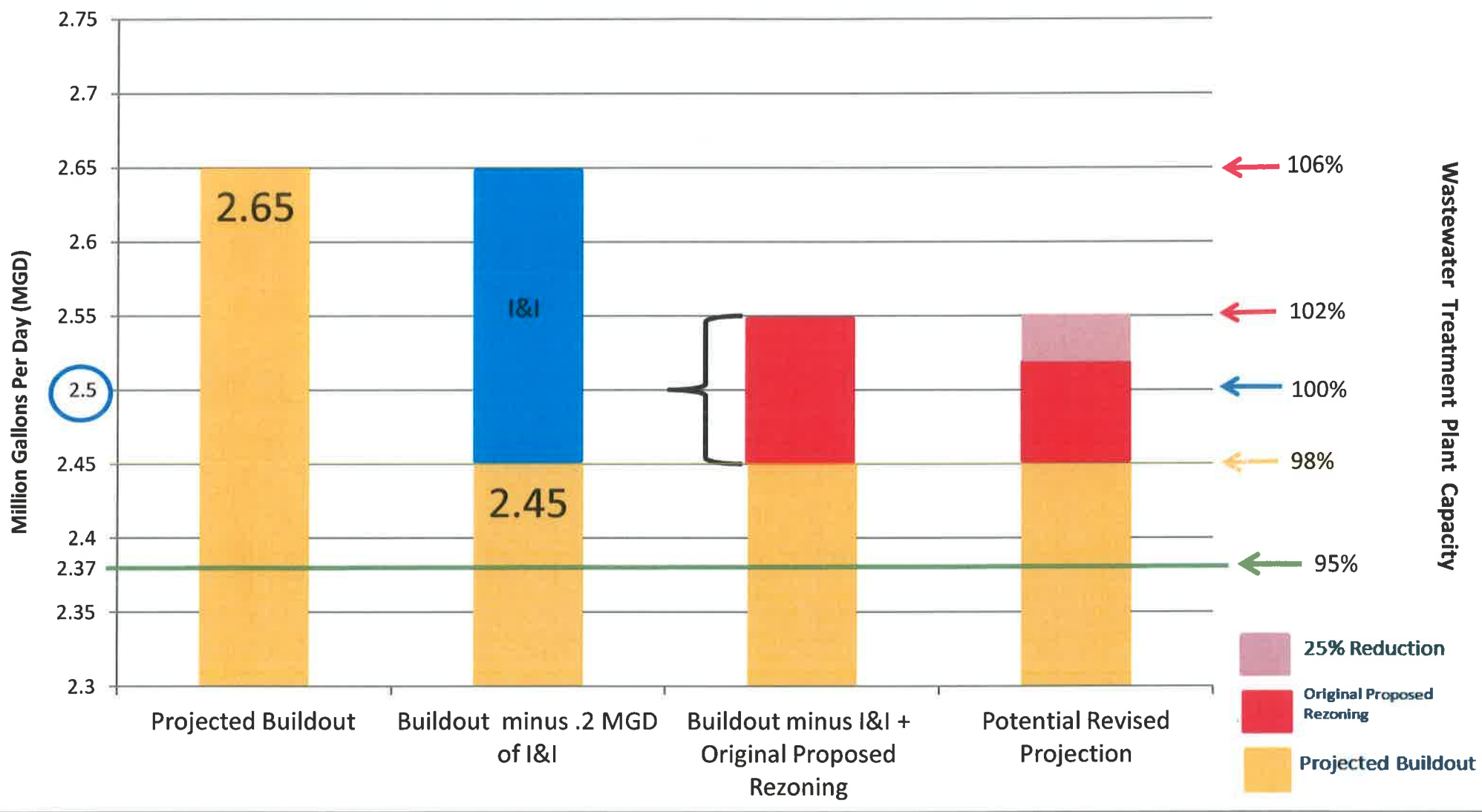
Legal Impact

Town Attorneys are working with staff.

ATTACHMENTS

- 2022 Capacity Study report from WRA
- CIP and CARP Items for Outlined Projects
- 2015 WRA 2015 Report and Power Point presentation to Council
- I&I memo and documents, March 2022

Projected Sewer Buildout





TOWN OF WARRENTON

Department of Public Works & Utilities

PO BOX 341
WARRENTON, VIRGINIA 20188
<http://www.warrentonva.gov>
TELEPHONE (540) 347-1101
FAX (540) 349-2414

MEMORANDUM

TO: Brandie Schaeffer, Town Manager

FROM: Frank Cassidy, Director Public Works and Utilities

DATE: March 9, 2022

SUBJECT: I&I Information

Please accept this as information regarding I&I:

Council member Sean Polster requested information on our system and the effects of I&I (Infiltration and Inflow). Infiltration and Inflow is clean storm and/or groundwater that enters the sanitary sewer system through holes, breaks, joint failures, connection failures, illegal connections (sump pumps, down spouts/gutters, and footing drains), and from cross-connections with storm sewers. Most inflow comes from stormwater and most infiltration comes from groundwater. High groundwater levels and storm events can contribute to excessive sewer flows.

Over the past several years, we have been taking measures to reduce the I&I in our system. We have been working with contractors and assessing fluctuations in our WWTP. These efforts are showing signs of progress.

In short, the areas we have completed rehab work to our system are showing signs of reduced I&I. for example, the area around Rady Park is completed. During heavy rains, the pump station remains consistent. On the other hand, during the same rain event, the pump station at Cedar Run will show a large increase in volume. This area is our next target area for rehab.

As an overall effect, the WWTP does have an increase of processing during large rain events. Our monthly averages of MGD's remain consistent and in the range of 1.7 to 2.0; however, when we break this down to daily and examine the periods of heavy rainfall, we see a direct correlation with rising flow rates and the amount of rain.

In conclusion, it is obvious our efforts to reduce I&I through our rehab program is working and we have work still to do. I have included the progress report submitted by our Engineer Paul Bernard as well as a recent daily tracking report to provide additional details.

Please let me know if you require additional information.

Attachment: Memo and supporting documents on the status of our rehab program
Composite Flow Chart and spread sheet for MGD and rain amounts

Additional Water Demand Based on Projected Development

Land Use Type	IN-TOWN								OUT OF TOWN				TOTAL (gal/day)		
	Approved Projects within Town Limits	Partially Approved/In Process Projects within Town Limits	Vacant Parcels within Town Limits	Lee Highway	Old Town	Frost/Broadview	East Shirley	Entitled Single Family Homes	Arrington Option C	Laurel Ridge Community College	Water only Customers	Sewer only Customers			
Residential	Single-Family (units)	57,000	10,800	99,300	-	61,800	70,500	35,100	15,000	94,200	-	24,900	6,600	443,700	
	Multi-Family (units)	-	-	-	-	-	36,000	-	-	-	-	-	-	36,000	
	Apartment (units)	-	-	-	400,800	25,200	-	-	-	-	-	-	-	426,000	
	Townhouse (units)	-	-	10,200	32,400	2,100	-	25,200	-	18,900	-	-	-	88,800	
	Senior Home (units)	-	-	-	-	-	6,000	-	-	-	-	-	-	6,000	
	Hotel (rooms)	-	-	-	11,500	11,500	11,500	-	-	1,500	-	-	-	36,000	
Commercial	General (SF)	-	2,510	12,032	19,600	2,000	4,000	-	-	-	-	-	-	40,142	
	Entertainment (SF)	-	-	-	20,000	29,000	-	-	-	-	-	-	-	49,000	
	Academic (SF)	-	-	-	63,800	-	-	-	-	-	-	-	-	63,800	
	Office/Employment (SF)	-	-	-	11,600	-	-	-	-	-	0	-	-	11,600	
	Medical Offices (SF)	-	-	-	-	-	14,500	-	-	-	-	-	0	14,500	
Industrial	General (sq ft)	-	-	15,190	-	-	-	-	-	-	-	-	-	15,190	
Community College	Students (units)	-	-	-	-	-	-	-	-	52,110	-	-	-	52,110	
	Sub-Total Water (MGD)	0.06	0.01	0.14	0.56	0.13	0.14	0.06	0.02	0.11	0.05	0.02	0.01	1.31	Average Water Demand (MGD)
	Sub-Total Wastewater (MGD)	0.05	0.01	0.12	0.50	0.12	0.13	0.05	0.01	0.10	0.05	0.02	0.01	1.18	WRA Calculated Wastewater Demand (MGD)

Total Water and Wastewater Demand Including Projected and Existing

Existing 2021 + New Project Water Demand (MGD)	1.11	1.17	1.18	1.32	1.88	2.01	2.15	2.21	2.23	2.34	2.39	2.42	2.42	2.42	Totalized Projected Water Demand (MGD)
Existing 2021 + New Project Wastewater Demand (MGD)	1.72	1.77	1.78	1.91	2.41	2.53	2.66	2.71	2.72	2.83	2.87	2.90	2.90	2.90	Totalized Projected Wastewater Demand (MGD)



Function and Capacity of WTP and WWTP

Town Council Work Session
December 13, 2022

Function of WTP and WWTP

*Plan Warrenton 2040-
Community Facilities
Goals: CF4 and CF5*

- Plan Warrenton 2040 adopted by Council
- Community Facilities Goals
- CF-4: Ensure healthy, safe adequate water and wastewater services
- CF-5: To provide fiscally responsible infrastructure that maintains a high quality of life for residents, supports current businesses, and attracts new employers with a stable tax structure

Function of WTP and WWTP

*Plan Warrenton 2040-
Community Facilities
Goals: CF-4 and CF-5*

CF-4: Ensure healthy, safe, adequate water and wastewater services.

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- **CF-4.5:** 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.
- **CF-4.8:** Explore resources to help property owners and promote connection to public water and sewer within the Town boundaries.

Function of WTP and WWTP

*Plan Warrenton 2040-
Community Facilities
Goals: CF-4 and CF-5*

CF-5: To provide a fiscally responsible infrastructure that maintains a high quality of life for residents, supports current businesses, and attracts new employers with a stable tax structure.

- **CF-5.1:** Implement robust maintenance schedules on community facilities to extend the life of investments.
- **CF-5.2:** Support the Town's current and future population through the provision of timely and comprehensive community facilities.

Objective

- Provide an overview to operations at both the Water and Wastewater Treatment Plant
- Provide a holistic overview of current status for better planning
- Outline Challenges moving forward
- Provide an overview as we move forward

Background

- Growth and Capacity studies completed in 2002, 2006, and 2009 with WRA.
- Capacity study in 2014 reports and presentation was provided to Town Council in 2015 identifying several areas of concern
- Town staff has been working with WRA and contractors to move the plan forward
- Budget concerns and restraints have deferred some projects and timelines
- Staff review of 2015 study led to current study: 2022, Completed

2015 Report Highlights from 2015 Presentation to Council

Item D.

- Water:
 - Buildout between 2028 and 2033
 - At buildout 92% safe yield
- Sewer:
 - Buildout 2029
 - WWTP capacity (95%) in 2022-2024

Actions Taken from 2015 Report

- Engaged in I&I efforts
- Developed a plan of plant improvements with consultants
- Used the developed plan to define CIP and CARP to move forward
- MBBR completed
- Chemical building completed
- Presented plan for current budget
- Working with Community Development to address future growth needs

2015 Report Review– 2022

- Projections were very accurate
- Did not take into consideration current condition of plant equipment
- Based on study review, we are approaching projected capacity levels causing concern
- Updated Capacity Study completed in November 2022

2022 Capacity Report

- Current Study Considered all Future Expansions
- Reviewed current capacities with improvements since 2015 report
- Provided chart analysis based on potential future expansions to include BLA adjustments

2022 Capacity Report

- Projected Build Out in 2040
- WTP 2.42 MGD reached with Build Out
- WWTP 2.92 MGD reached with Build Out
- WWTP 2.5 MGD reached by 2030
- Updated Capacity Study reenforces staying on track with Improvements moving through the next 5-8 years

Current Operations- Water Plant



Current Operations- Water Plant

- **Hydraulic Flow (Denoted by Blue on the Map)**
- **Solids & Wastewater Flow (Denoted by Green on the Map)**
- #1 Intake Structure:
- #2 Raw Water Pump Station:
- #3 Chemical Building:
- #4 Flocculation Basins:
- #5 Sedimentation Basins:
- #6 Filter Gallery:
- #7 Clearwell:
- The Distribution System has two Storage Tanks. The “Mountain Tank”, a 1.5-million-gallon ground storage tank located on Bear Wallow drive and the “City Tank”, a 500-thousand-gallon elevated storage tank located on fourth street.

Current Operations- Water Plant

- **Solids and Wastewater**
- #1 (Green) Waste Tanks
- #1 (Blue & Black) Backwash Tank

Current Operations- Water Plant

- **Questions?**

Completed Projects- Water Plant

➤ Chemical Building

- Auto flow based chemical injection : Streamlines and more accurate dosing of all treatment chemicals.
- Brought SCADA online- Allows operators automated control of systems
- Phased out outdated and broken equipment

Upcoming Projects- Water Plant

- Clear Well- with High Service Pump Station
- Filter Control Valves
- Remote Automated Filling Station
- Aeration of reservoir
- Dam

Next Steps- Water Plant

- Implement the CIP, CARP and outlined ARPA projects to upgrade both plants
- Work with DCR as required post Dam permit review and report
- Explore funding options for future dam costs
- Ensure Plan Warrenton 2040 Goals are met

Next Steps- Water Plant

Filter Control Valves (CARP, formally U-26-007)

- Preliminary feasibility and engineering October 1, 2022
- Final Design Completed July 2023
- Out for Bid: Aug 2023
- Bid deadline and review: October 2023
- Project begins: November 2023
- End Date: May 2024



Questions

➤ Questions?

Current Operations- Waste Water Treatment Plant

Item D.



Current Operations- Waste Water Treatment Plant

Item D.

- WWTP equipment is aging- despite the plan for upgrades and replacement staff must work around unplanned maintenance issues and failures
- Cost of required upgrades and replacements is high which has resulted in several “push backs” of timelines

Current Operations- Waste Water Treatment Plant

Item D.

- **Hydraulic Flow, denoted by Blue on the map**
- **Solids Flow, denoted by White on the map**

Current Operations- Waste Water Treatment Plant

Item D.

- **Hydraulic:**

- #1 Headworks
- #2 Primary Clarifiers
- #3 Moving Bed Biofilm Reactor (MBBR)
- #4 Secondary Clarifies
- #5: Denitrification Filters
- #6: Effluent Flume

Current Operations- Waste Water Treatment Plant

Item D.

- **Solids:**
- #1 Gravity Sludge Thickener (GST)
- #2 Primary Digester
- #3 Secondary Digester:
- #4 Dewatering:
- #5 Drying Beds

Current Operations- Waste Water Treatment Plant

Item D.

- **Note:** The numbers 1 and 2 denoted in Black on the map are process components that have been taken out of service when they were replaced by the MBBR system.
- #1 Tricking Filter: This is now being utilized as a surge control tank in the event of high flow events. Usually caused by heavy rain events.
- #2 Rotating Biological Contactors (RBC's): These units currently serve no additional role, and they will be removed to make room for future plant expansion and upgrades mainly where the new Secondary Clarifiers will be placed.

Current Operations- Waste Water Treatment Plant

Item D.

- **Questions?**

Completed Projects-Waste Water Treatment Plant

Item D.

- MBBR- Moving Bed Biofilm Reactor
 - Removes Ammonia
 - Controls dissolved Oxygen
 - Helps with organic treatment
- UV Disinfection System
- Corrective fixes and upgrades on pumps, mixers, and motors

Next Steps- Waste Water Treatment Plant

Item D.

- Implement the CIP, CARP and outlined ARPA projects to upgrade both plants
- Work with DEQ over the next five years (permit cycle) to upgrade permit to 3.0 MGD
- Ensure Plan Warrenton 2040 Goals are met

Current Projects-Waste Water Treatment Plant

Item D.

- Headworks- Grit Collector
- Primary Clarifier
- Secondary Clarifier
- Denitrification Blower
- GST
- Primary Digester
- Mixing and Heating System
- Belt Press- Dewatering

Next Steps- Waste Water Treatment Plant

Item D.

1. Primary Clarifier (WS-014, formally U-28-003) combined with Primary Sludge Pump (CARP, formally U-24-004)

Preliminary Engineering estimates started October 11, 2022

- a. Review of estimates and proposals November 1, 2022
- b. Align proposals, begin design phase- Dec 15, 2022
- c. Jan 15, 2023, design phase completed, review of proposals
- d. June 1, 2023, final design phase begins
- e. Sept 15, 2023, Final design phase completed, review for construction
- f. IFB for construction posted Sept 1, 2023
- g. Award construction Nov 1, 2023
- h. Final construction Nov 2024

Next Steps- Waste Water Treatment Plant

Item D.

2. Secondary Clarifier (WS-015, formally U-28-004)- Preliminary Upgrade to Carry until Complete replacement in 2026

Start: July 2022, mechanical failure

a.Repairs to begin: November 2022

b.Complete: December 2022

c.Reevaluation and next steps to begin Post Primary Clarifier completion

Next Steps- Waste Water Treatment Plant

Item D.

3. Headworks Building (WS-019, Formally U-28-008)
 - Channel Gates
 - a. Quotes Deadline: November 1, 2022
 - b. Awarded: December 2022
 - c. Work started: February 1, 2023, (16-week fabrication timeframe)
 - d. Work complete: March 1, 2023
 - Grit Collector
 - a. Quotes Deadline: November 1, 2022
 - b. Awarded: November 15, 2022
 - c. Work started: December 1, 2023, pending material availability
 - d. Worked completed: April 1, 2023

Next Steps- Waste Water Treatment Plant

Item D.

4. Sludge Dewatering (WS-017, formally U-28-006)

- a. Start: October 1, 2022
- b. Repairs begin: October 15, 2022
- c. Work completed: December 20, 2022, pending material availability

Next Steps- Waste Water Treatment Plant

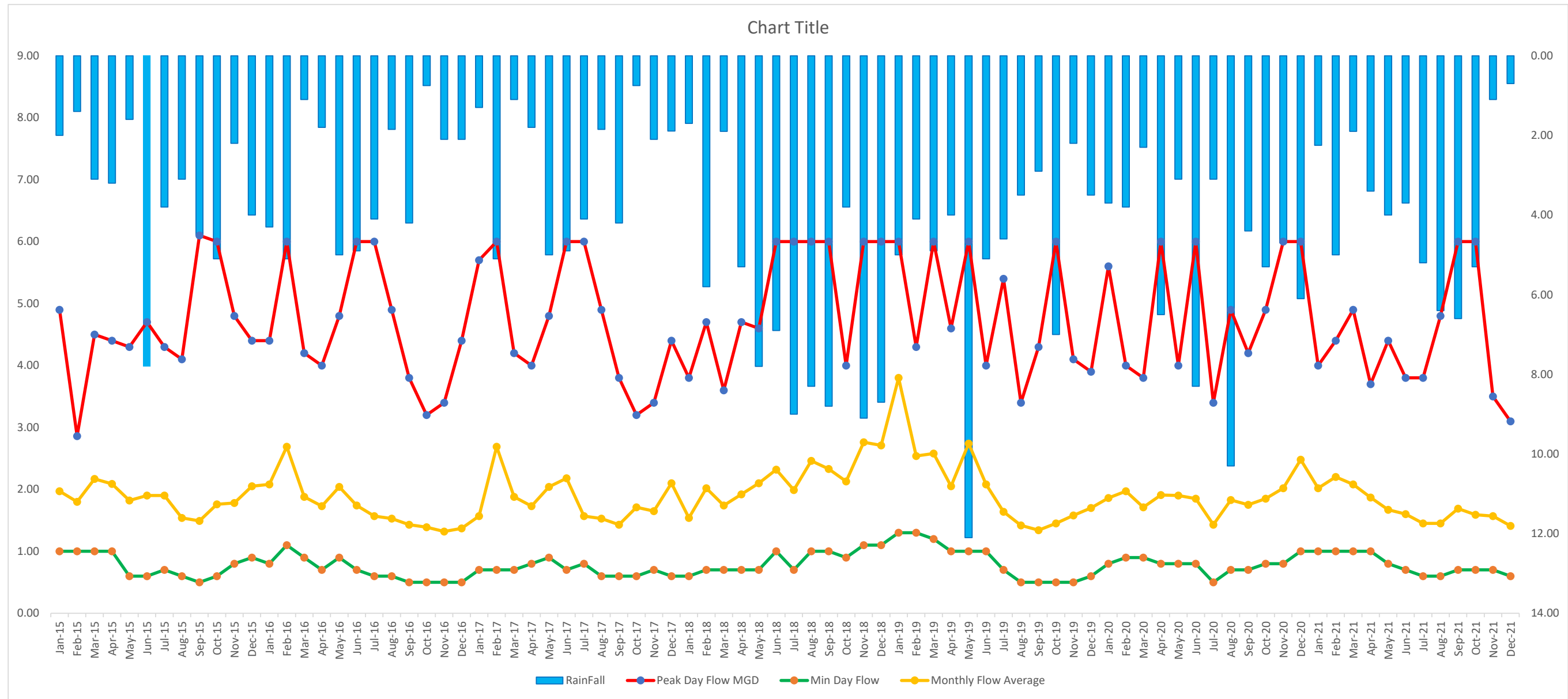
Item D.

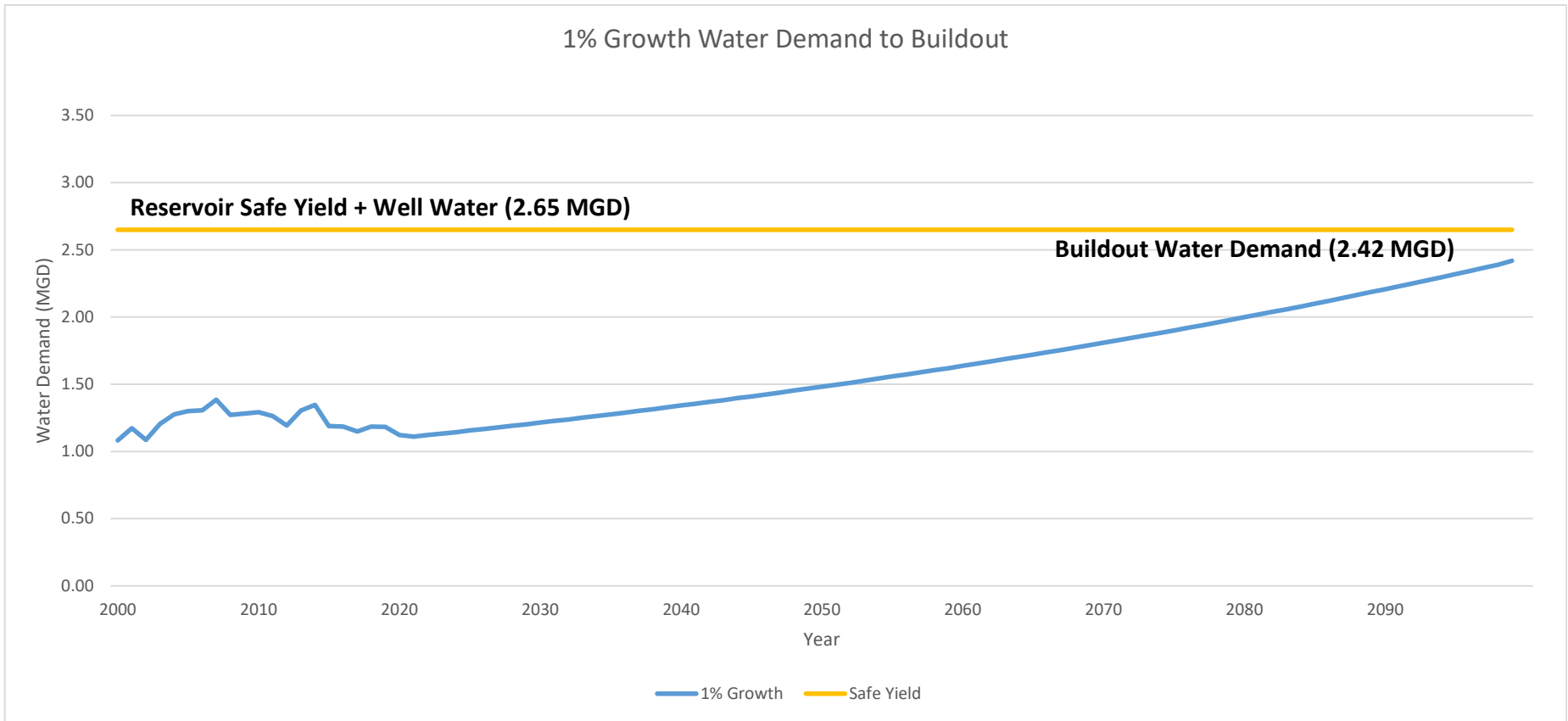
5. GST Upgrades (CARP, formally U-23-018)
 - a. Nov 9- Bids close
 - b. Awarded Dec 2022
 - c. Construction begins: Jan 2023, pending material availability
 - d. Completed: September 2023, pending material availability

Questions

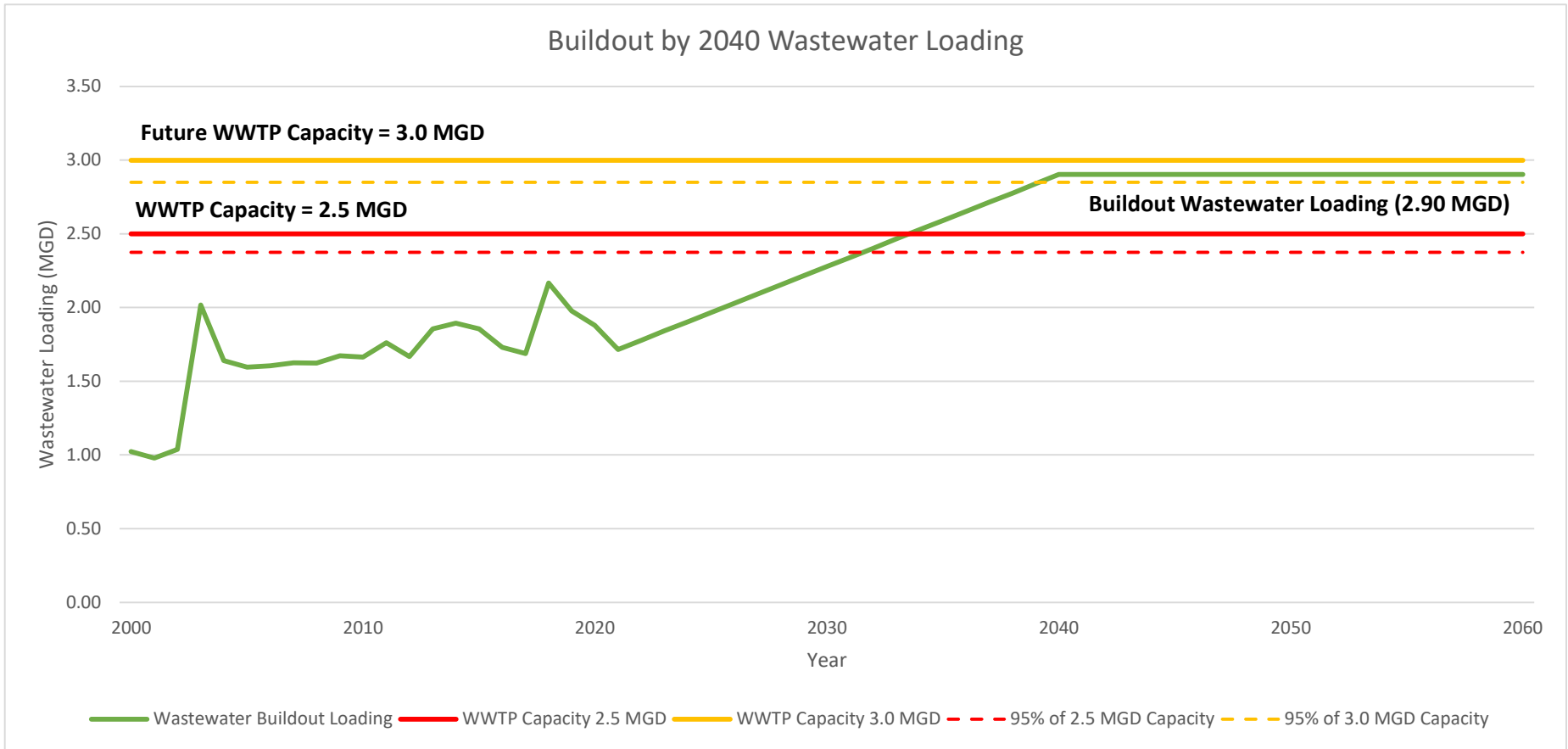
➤ Questions?

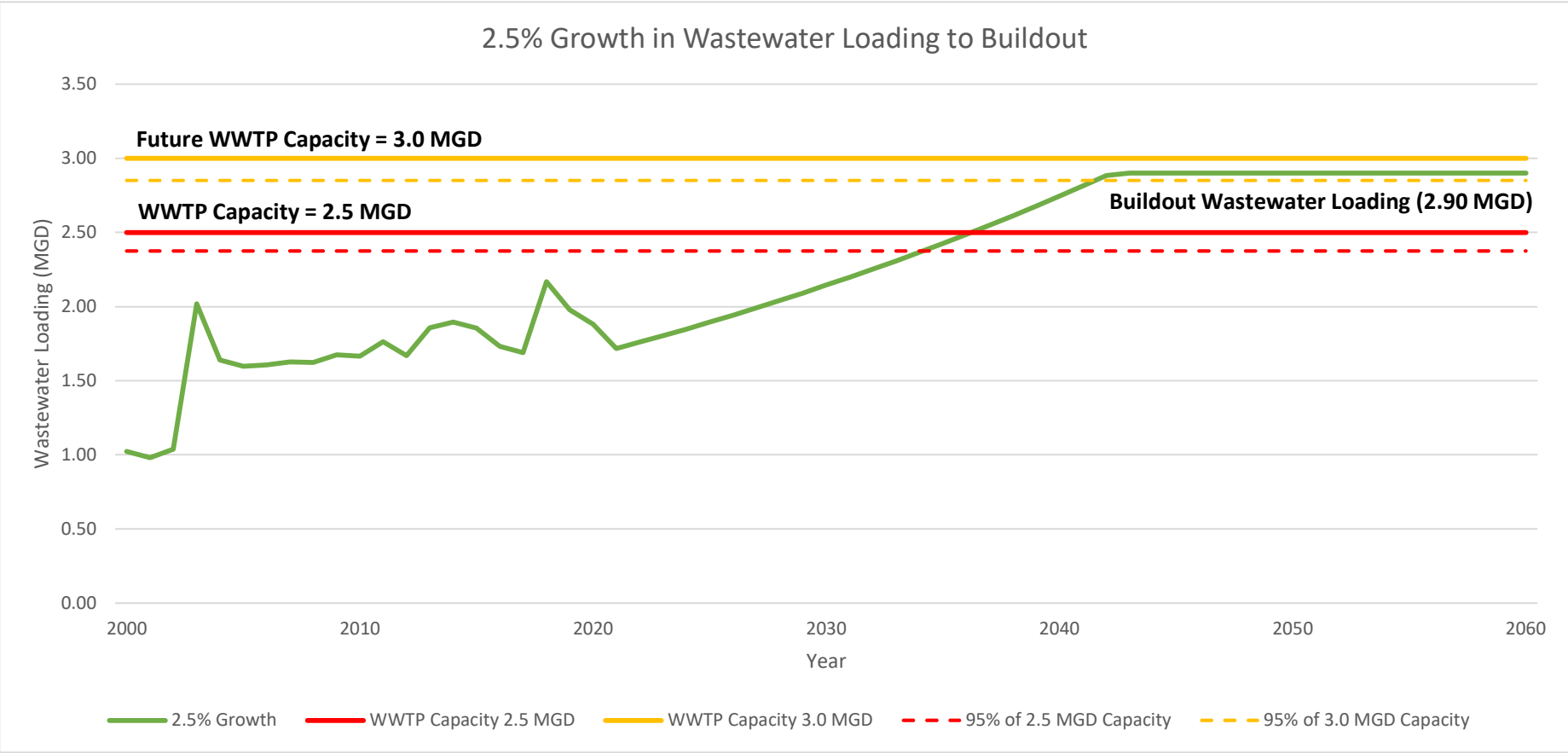
Monthly	Peak Day Flow MGD	Min Day Flow	RainFall	Annual Rain (in)	Monthly Flow Average	Annual Ave. (MGD)
Jan-15	4.90	1.00		2.00		1.97
Feb-15	2.86	1.00		1.40		1.80
Mar-15	4.50	1.00		3.10		2.17
Apr-15	4.40	1.00		3.20		2.09
May-15	4.30	0.60		1.60		1.82
Jun-15	4.70	0.60		7.80		1.90
Jul-15	4.30	0.70		3.80		1.90
Aug-15	4.10	0.60		3.10		1.54
Sep-15	6.10	0.50		4.50		1.49
Oct-15	6.00	0.60		5.10		1.76
Nov-15	4.80	0.80		2.20		1.78
Dec-15	4.40	0.90		4.00	41.80	2.05
Jan-16	4.40	0.80		4.30		2.08
Feb-16	6.00	1.10		5.10		2.69
Mar-16	4.20	0.90		1.10		1.88
Apr-16	4.00	0.70		1.80		1.73
May-16	4.80	0.90		5.00		2.04
Jun-16	6.00	0.70		4.90		1.74
Jul-16	6.00	0.60		4.10		1.57
Aug-16	4.90	0.60		1.85		1.53
Sep-16	3.80	0.50		4.20		1.43
Oct-16	3.20	0.50		0.75		1.39
Nov-16	3.40	0.50		2.10		1.32
Dec-16	4.40	0.50		2.10	37.30	1.37
Jan-17	5.70	0.70		1.30		1.57
Feb-17	6.00	0.70		5.10		2.69
Mar-17	4.20	0.70		1.10		1.88
Apr-17	4.00	0.80		1.80		1.73
May-17	4.80	0.90		5.00		2.04
Jun-17	6.00	0.70		4.90		2.18
Jul-17	6.00	0.80		4.10		1.57
Aug-17	4.90	0.60		1.85		1.53
Sep-17	3.80	0.60		4.20		1.43
Oct-17	3.20	0.60		0.75		1.71
Nov-17	3.40	0.70		2.10		1.65
Dec-17	4.40	0.60		1.89	34.09	2.10
Jan-18	3.80	0.60		1.70		1.54
Feb-18	4.70	0.70		5.80		2.02
Mar-18	3.60	0.70		1.90		1.74
Apr-18	4.70	0.70		5.30		1.92
May-18	4.60	0.70		7.80		2.10
Jun-18	6.00	1.00		6.90		2.32
Jul-18	6.00	0.70		9.00		1.99
Aug-18	6.00	1.00		8.30		2.46
Sep-18	6.00	1.00		8.80		2.33
Oct-18	4.00	0.90		3.80		2.13
Nov-18	6.00	1.10		9.10		2.76
Dec-18	6.00	1.10		8.70	77.10	2.71
Jan-19	6.00	1.30		5.00		3.80
Feb-19	4.30	1.30		4.10		2.54
Mar-19	6.00	1.20		4.90		2.58
Apr-19	4.60	1.00		4.00		2.05
May-19	6.00	1.00		12.10		2.74
Jun-19	4.00	1.00		5.10		2.08
Jul-19	5.40	0.70		4.60		1.64
Aug-19	3.40	0.50		3.50		1.42
Sep-19	4.30	0.50		2.90		1.34
Oct-19	6.00	0.50		7.00		1.45
Nov-19	4.10	0.50		2.20		1.58
Dec-19	3.90	0.60		3.50	58.90	1.70
Jan-20	5.60	0.80		3.70		1.86
Feb-20	4.00	0.90		3.80		1.97
Mar-20	3.80	0.90		2.30		1.71
Apr-20	6.00	0.80		6.50		1.91
May-20	4.00	0.80		3.10		1.90
Jun-20	6.00	0.80		8.30		1.85
Jul-20	3.40	0.50		3.10		1.43
Aug-20	4.90	0.70		10.30		1.83
Sep-20	4.20	0.70		4.40		1.75
Oct-20	4.90	0.80		5.30		1.85
Nov-20	6.00	0.80		4.70		2.02
Dec-20	6.00	1.00		6.10	61.60	2.48
Jan-21	4.00	1.00		2.25		2.02
Feb-21	4.40	1.00		5.00		2.20
Mar-21	4.90	1.00		1.90		2.08
Apr-21	3.70	1.00		3.40		1.87
May-21	4.40	0.80		4.00		1.67
Jun-21	3.80	0.70		3.70		1.60
Jul-21	3.80	0.60		5.20		1.45
Aug-21	4.80	0.60		6.40		1.45
Sep-21	6.00	0.70		6.60		1.69
Oct-21	6.00	0.70		5.30		1.59
Nov-21	3.50	0.70		1.10		1.57
Dec-21	3.10	0.60		0.70	45.55	1.41

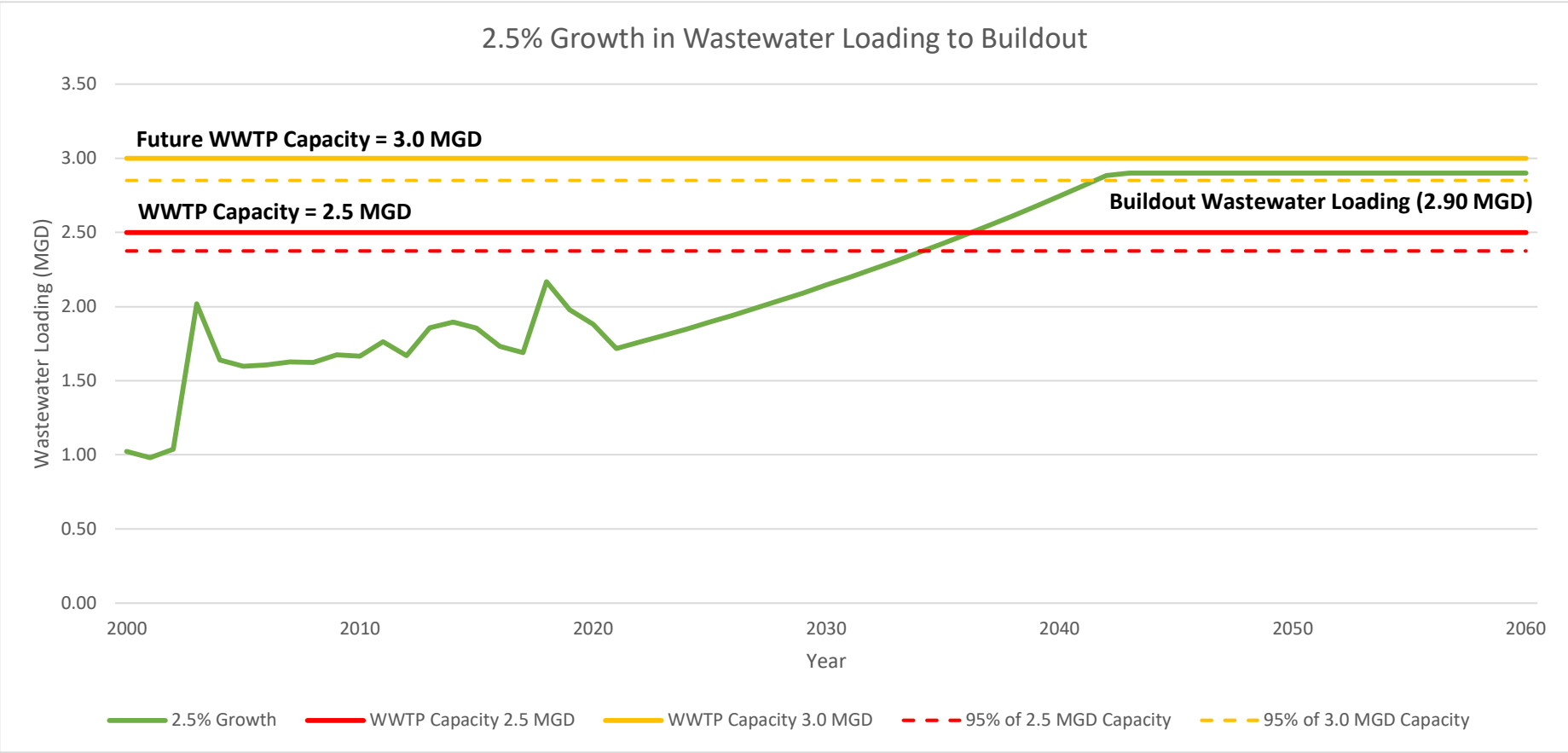


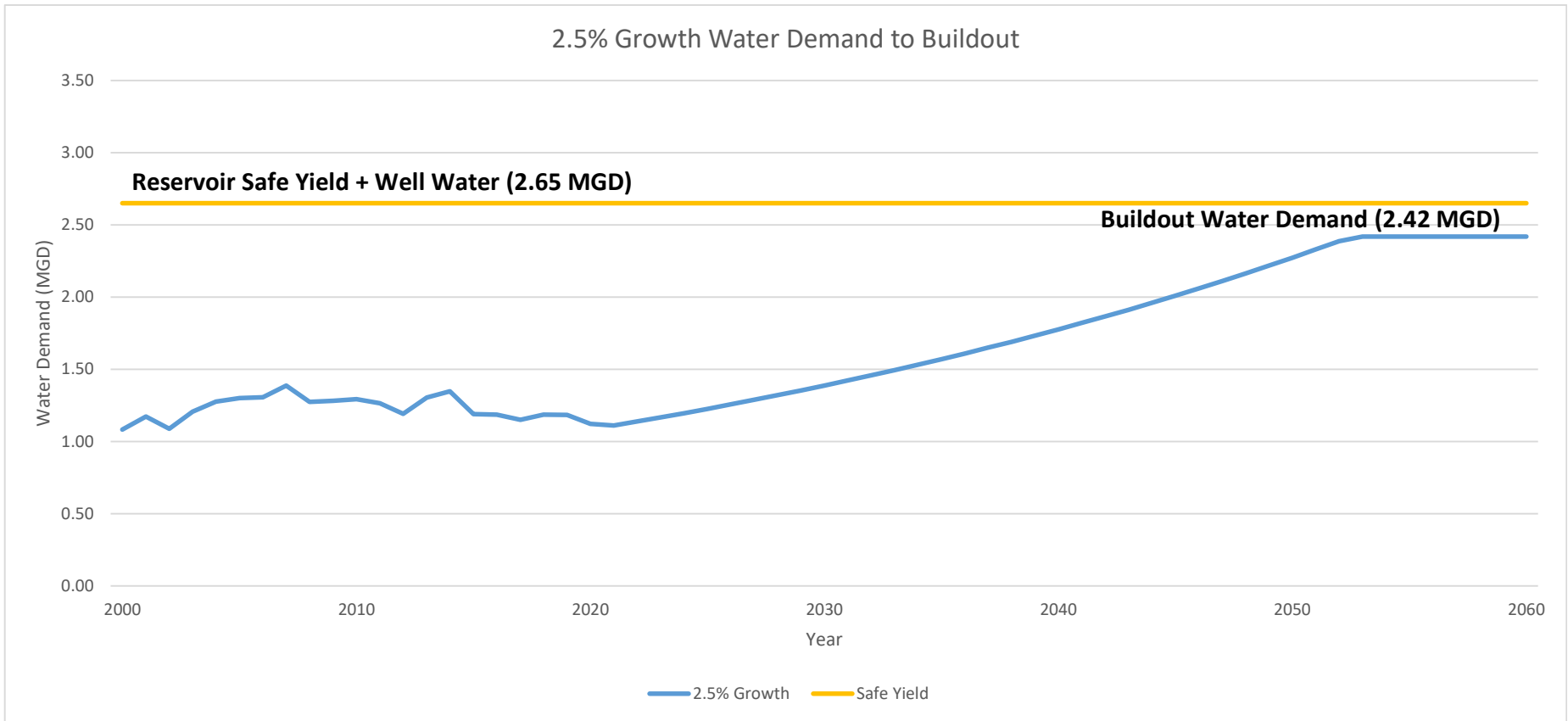


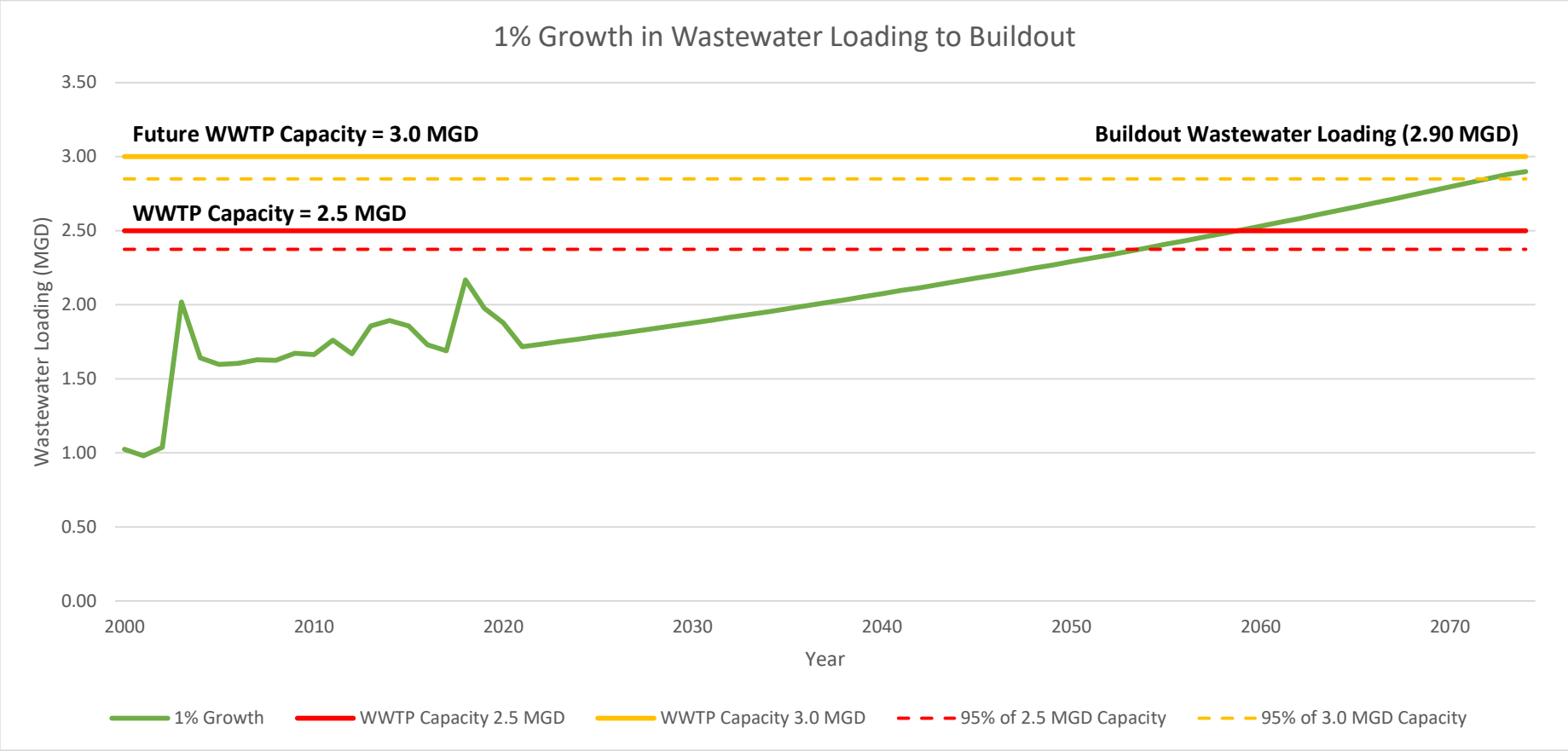
Totalized Units Based on Project Development		IN-TOWN							OUT OF TOWN				TOTALS	
		Approved Projects within Town Limits	Partially Approved/In Process Projects within Town Limits	Vacant Parcels within Town Limits	Lee Highway	Old Town	Frost/Broadview	East Shirley	Entitled Single Family Homes	Arrington Option C	Laurel Ridge Community College	Water only Customers		Sewer only Customers
Residential	Single-Family (units)	190	36	331	-	206	235	117	50	314	-	83	22	1,479
	Multi-Family (units)	-	-	-	-	-	120	-	-	-	-	-	-	120
	Apartment (units)	-	-	-	1,336	84	-	-	-	-	-	-	-	1,420
	Townhouse (units)	-	-	34	108	7	-	84	-	63	-	-	-	296
	Senior Home (units)	-	-	-	-	-	60	-	-	-	-	-	-	60
	Hotel (rooms)	-	-	-	115	115	115	-	-	15	-	-	-	360
Commercial	General (SF)	-	12,550	60,161	98,000	10,000	20,000	-	-	-	-	-	-	200,711
	Entertainment (SF)	-	-	-	100,000	145,000	-	-	-	-	-	-	-	245,000
	Academic (SF)	-	-	-	220,000	-	-	-	-	-	-	-	-	220,000
	Office/Employment (SF)	-	-	-	40,000	-	-	-	-	-	-	1	-	40,000
	Medical Offices (SF)	-	-	-	-	-	50,000	-	-	-	-	-	1	50,000
Industrial	General (sq ft)	-	-	759,500	-	-	-	-	-	-	-	-	-	759,500
Community College	Campus (units)	-	-	-	-	-	-	-	-	3,474	-	-	-	3,474







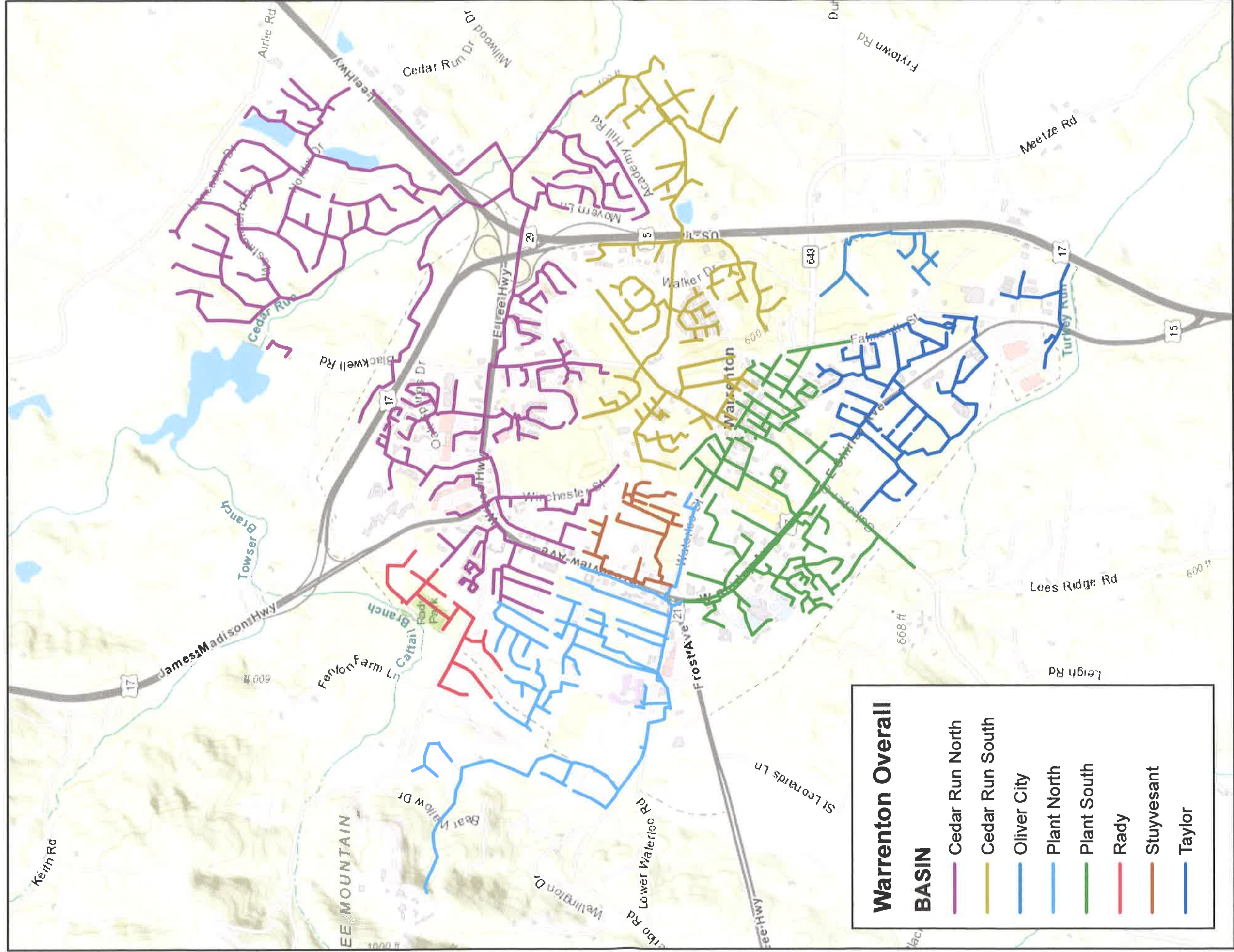


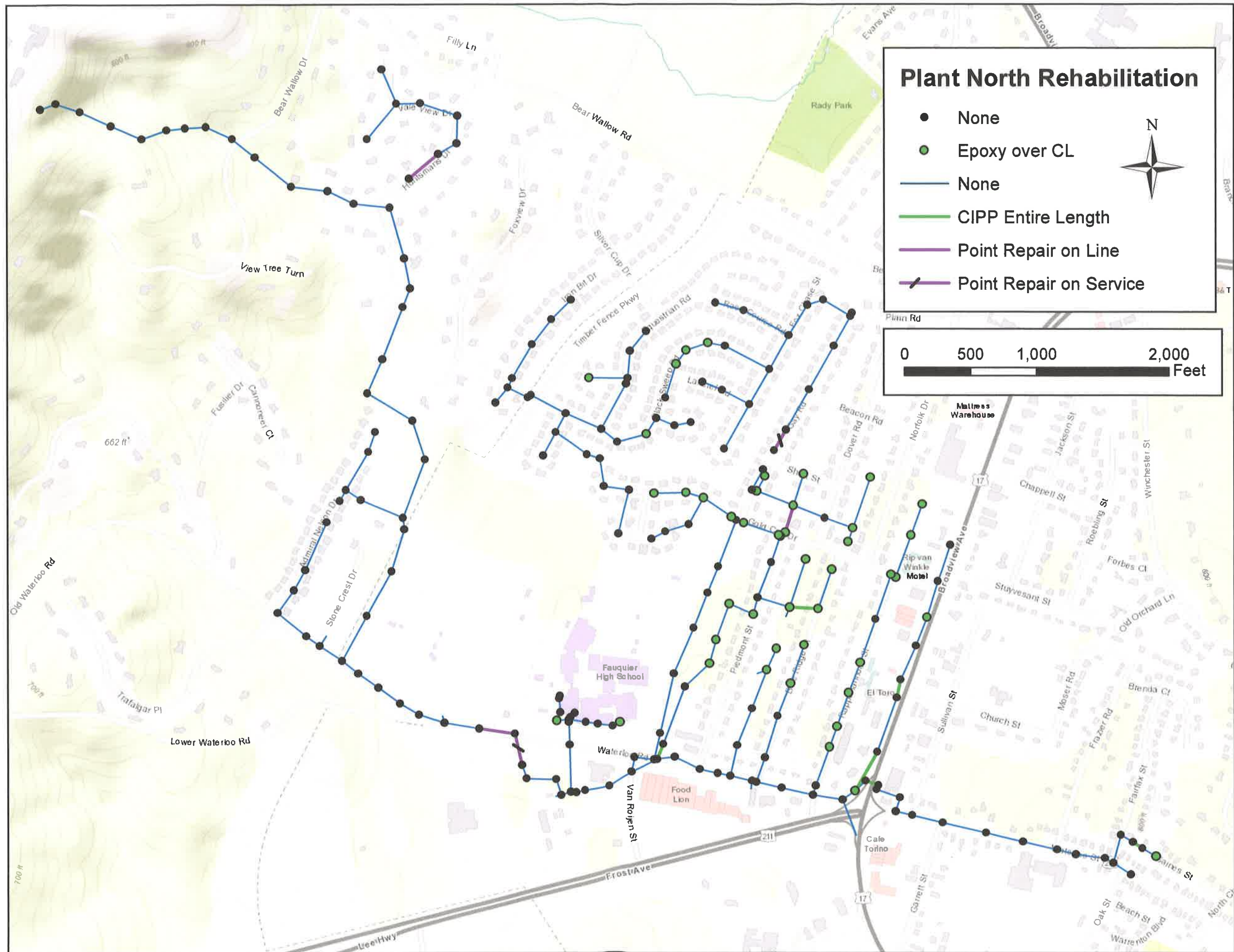


Warrenton Design and Construction Progress

Basin	CAR	Phase I			Phase II			Design Drawings	Sewer Rehab				Lateral Rehab		Manhole Rehab			
		Smoke Testing	Manhole Inspections	Zoom Inspections	CAR	Dye Tests	CCTV		Pipe Burst / Replace	CIPP	Point Repair	Add Manhole	Cleanout Caps	Line Lateral	Manhole Inserts	Liner	Root Treatment	Misc.
Cedar Run North Total Pipes: 630 Total Footage: 132,315 Total Manholes: 624	Jun-18	Complete 42,500'	Complete 208	Complete 378	Nov-18	Not Recommended	Complete 18,600'	Complete		Incomplete 8 1714'	Incomplete 8		Incomplete 6	Incomplete 15	Incomplete 55	Incomplete 6		Incomplete 1 Replace Chimney
Cedar Run South Total Pipes: 299 Total Footage: 59,303 Total Manholes: 296	Feb-18	Complete 61,000'	Complete 268	Complete 611	Nov-18	Complete 14	Complete 7,700'	Complete	Complete 1 223'	Incomplete 6 968'	Incomplete 6		Complete 100	Incomplete 24	Complete 70	Complete 2		Complete 1 Cone Replacement, 1 New Chimney Seal
Plant North Total Pipes: 219 Total Footage: 46,157 Total Manholes: 214	Oct-17	Complete 45,000'	Complete 187	Complete 441	May-18	Complete 9	Complete 11,000'	Complete		Complete 6 1003'	Complete 6	Complete 1	Complete 40		Complete 26	Complete 36	Complete 3	Complete 1 Wall Patch
Plant South Total Pipes: 301 Total Footage: 58,631 Total Manholes: 301	Nov-17	Complete 57,000'	Complete 264	Complete 633	Jun-18	Complete 24	Complete 8,800'	Complete	Incomplete 2 608'	Complete 3 369'	Incomplete 9		Complete 15	Incomplete 23	Complete 61	Incomplete 61	Incomplete 2	Incomplete 4 Pipe seals
Rady Total Pipes: 42 Total Footage: 10,406 Total Manholes: 42		None	None	None		None	Complete 5,600'	None		Complete 26 6,100'				Complete 46		Complete 25		
Taylor Total Pipes: 180 Total Footage: 34,806 Total Manholes: 178	Jul-18	Complete 13,000'	Complete 33	Complete 62	Dec-18	Complete 2	Complete 5 2,000'	Complete		Complete 11 2,800'			Complete 6	Complete 42	Complete 13	Complete 11		
Stuyvesant Total Pipes: 58 Total Footage: 11,746 Total Manholes: 56	Jul-18	Complete 9,800'	Complete 42	Complete 85	Dec-18	Not Recommended	Complete 12 2,400'	Complete		Complete 9 2,100'	Complete 9		Complete 6	Complete 29	Complete 26	Complete 5		Incomplete Seal Manhole Cover

CIPP Status	Total Footage
Complete	12,372
Incomplete	2,682
Pipe Burst	
Complete	223
Incomplete	608





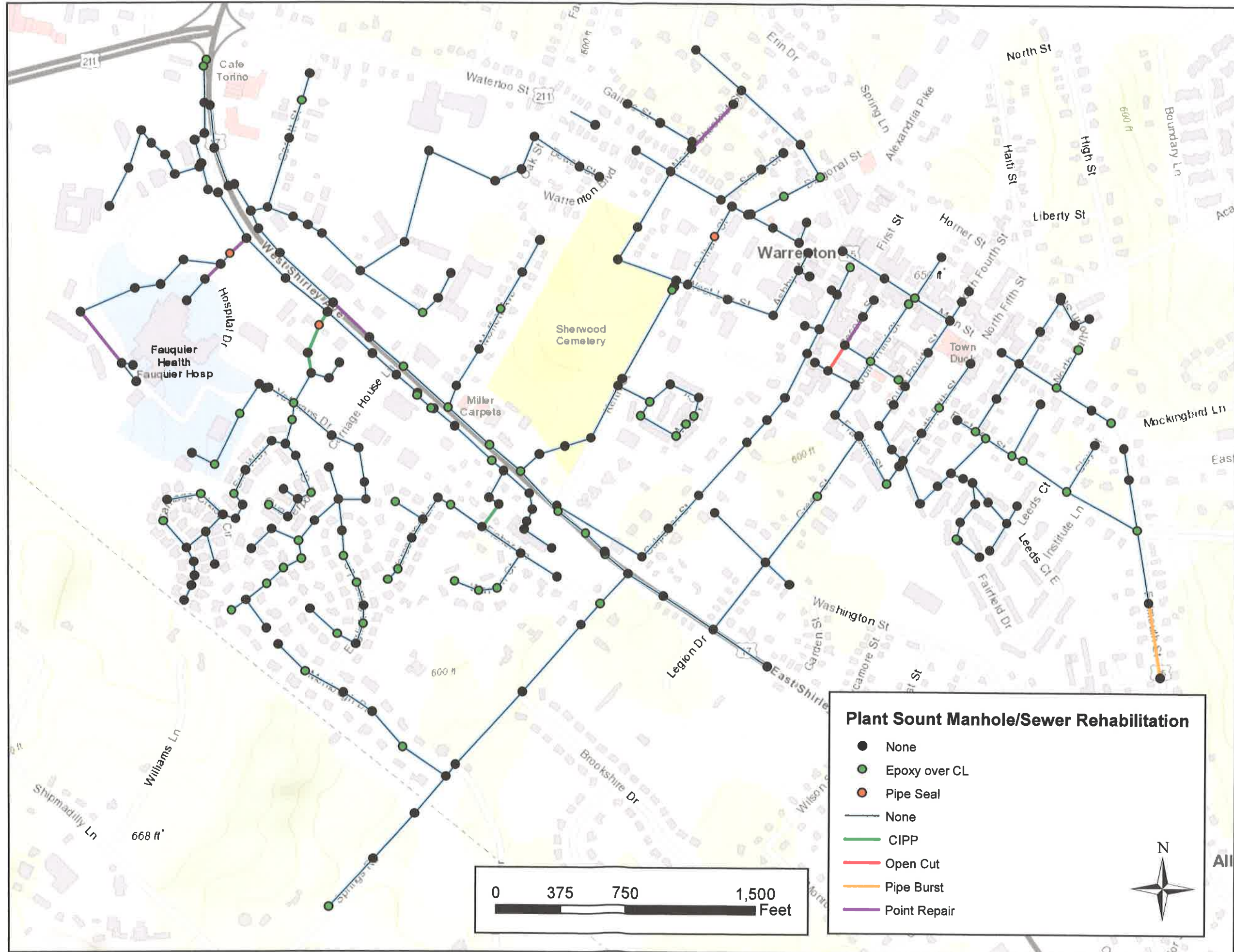
Plant North Rehabilitation

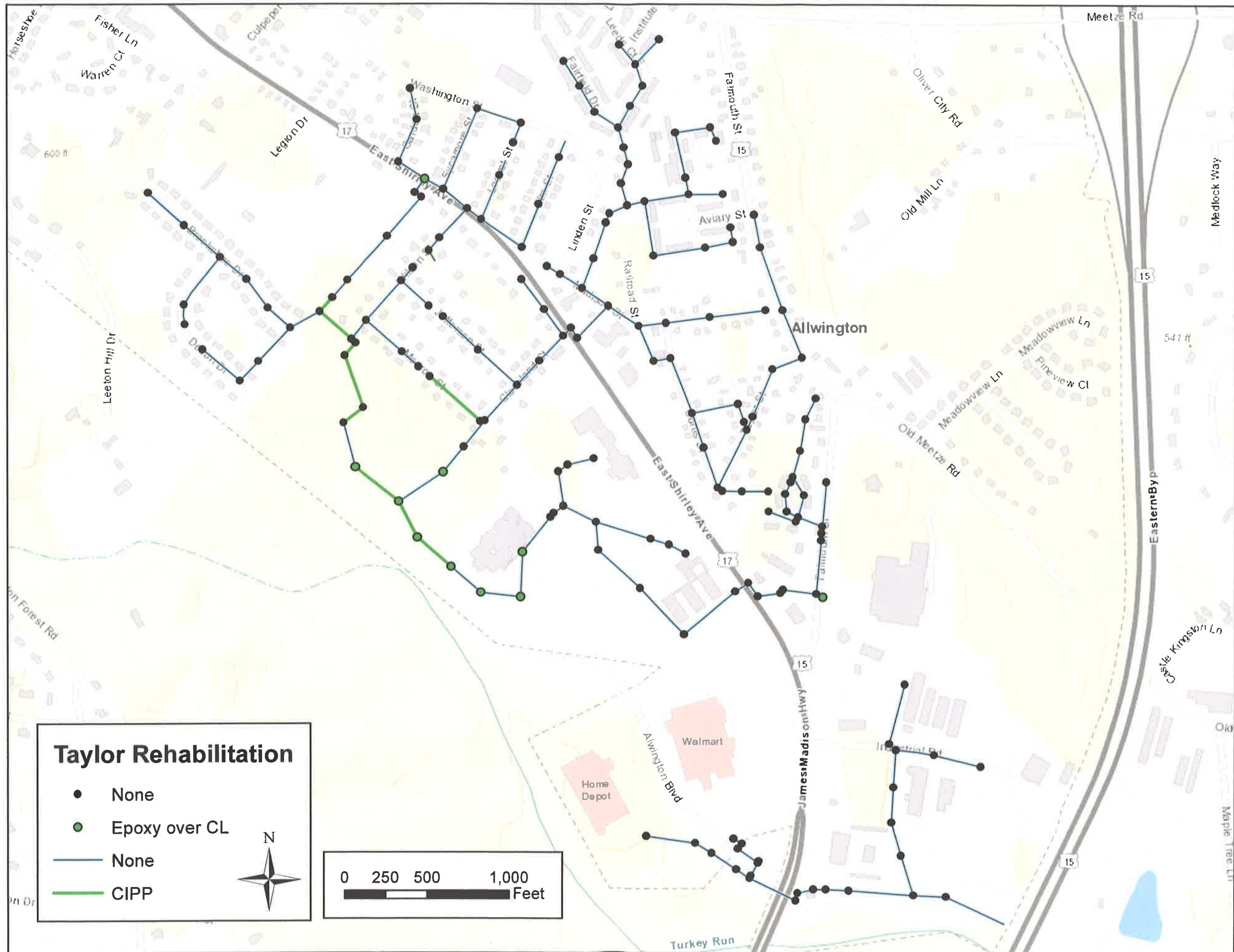
- None
- Epoxy over CL
- None
- CIPP Entire Length
- Point Repair on Line
- Point Repair on Service

N

0 500 1,000 2,000

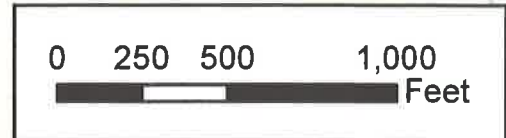
Feet



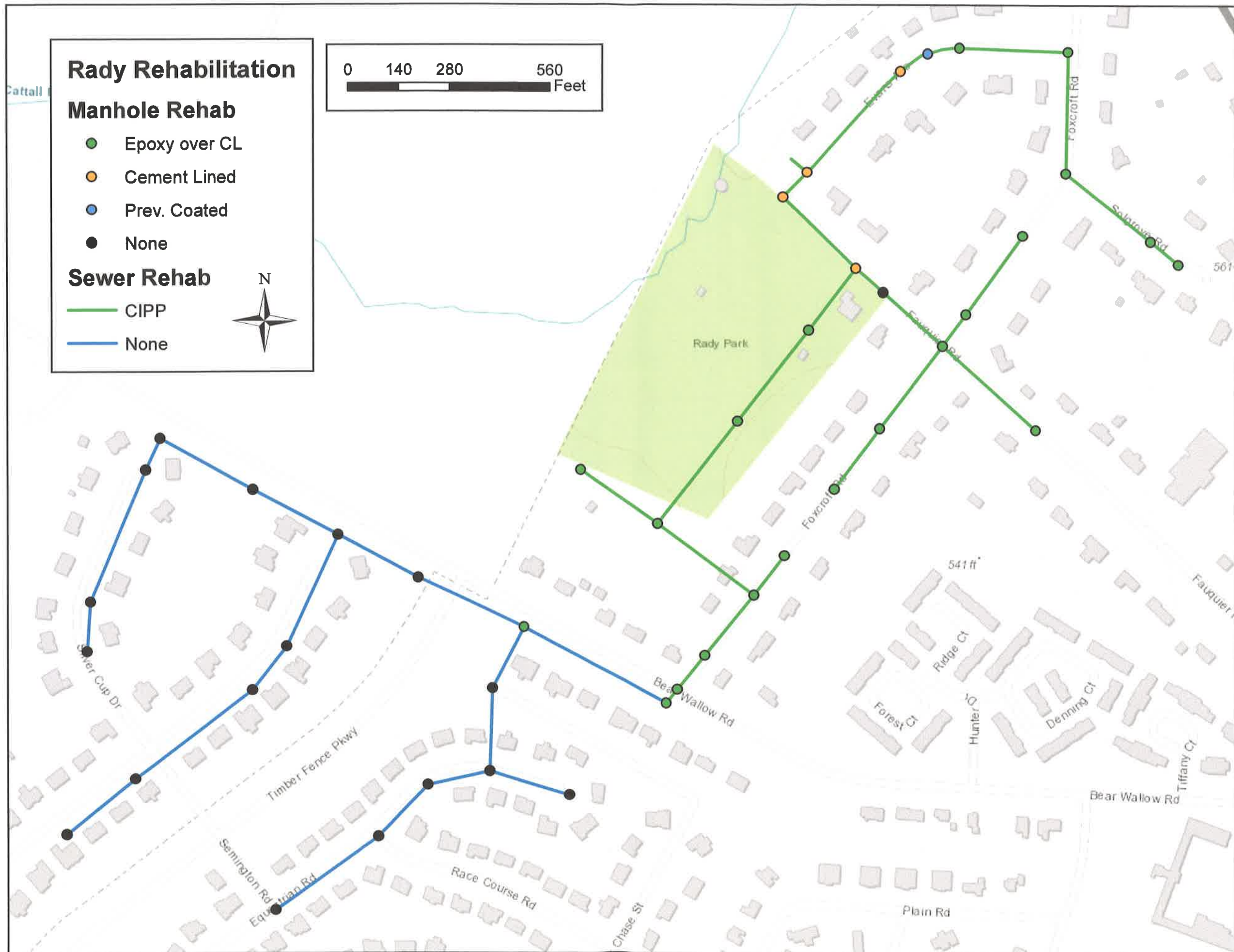


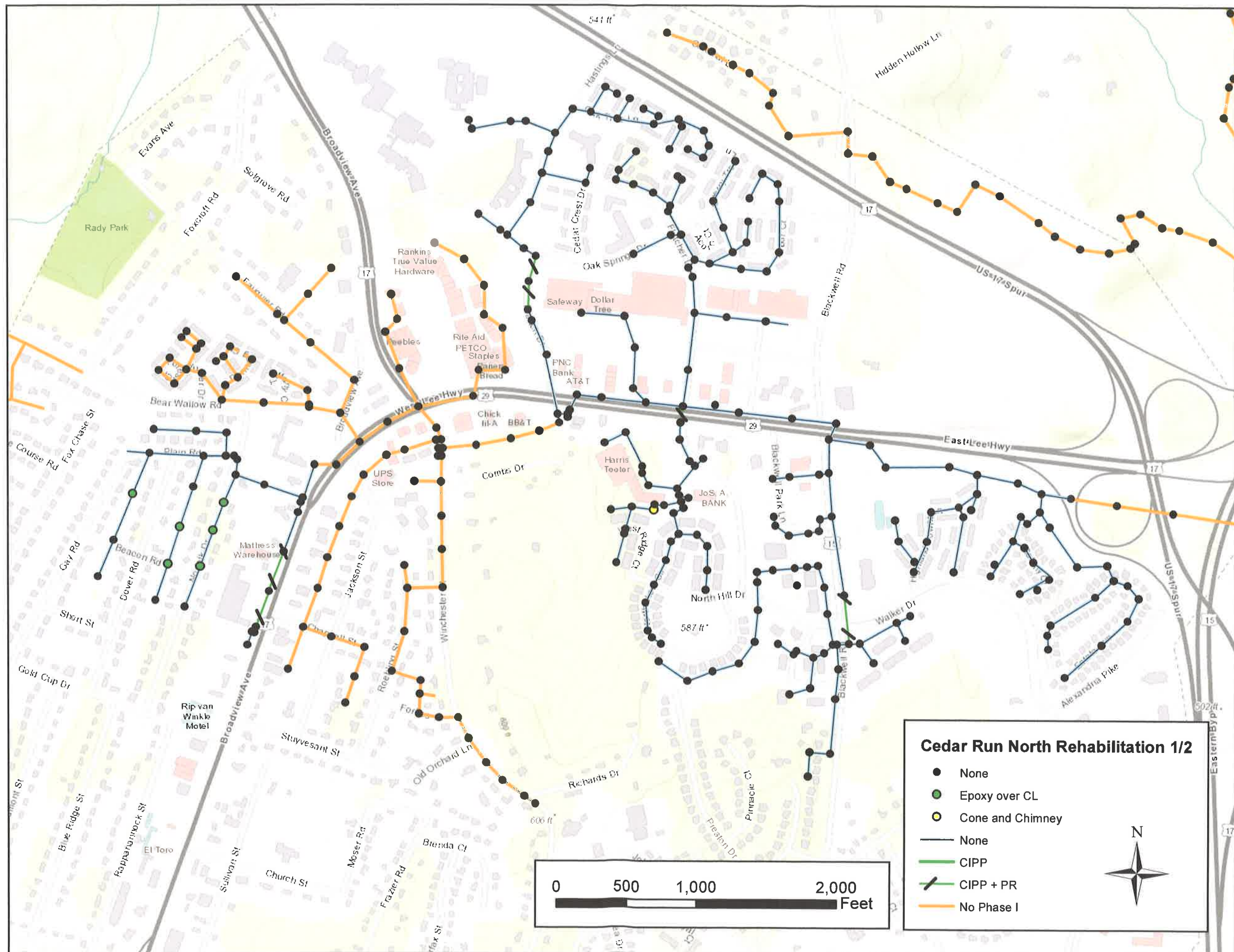
Taylor Rehabilitation

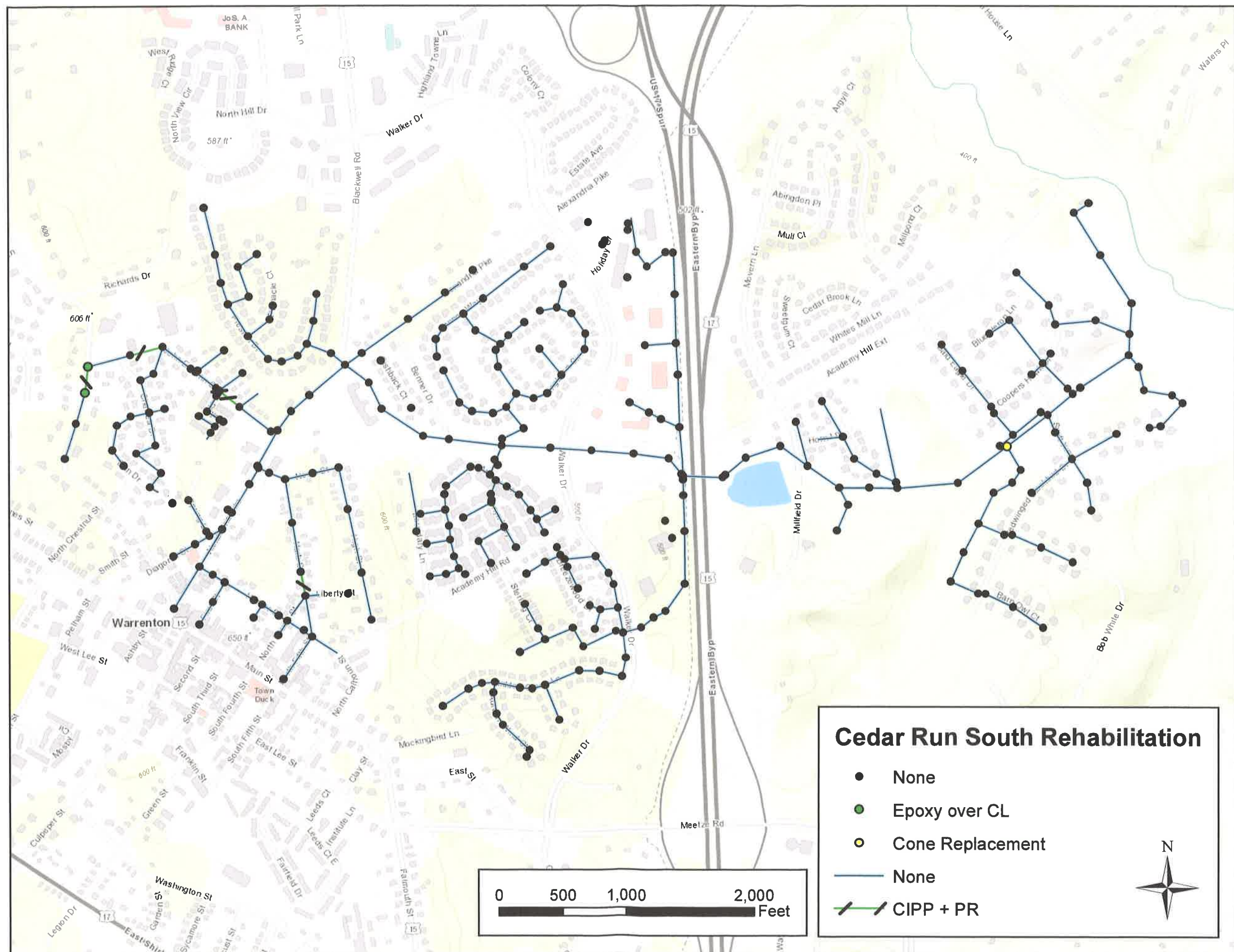
- None
- Epoxy over CL
- None
- CIPP







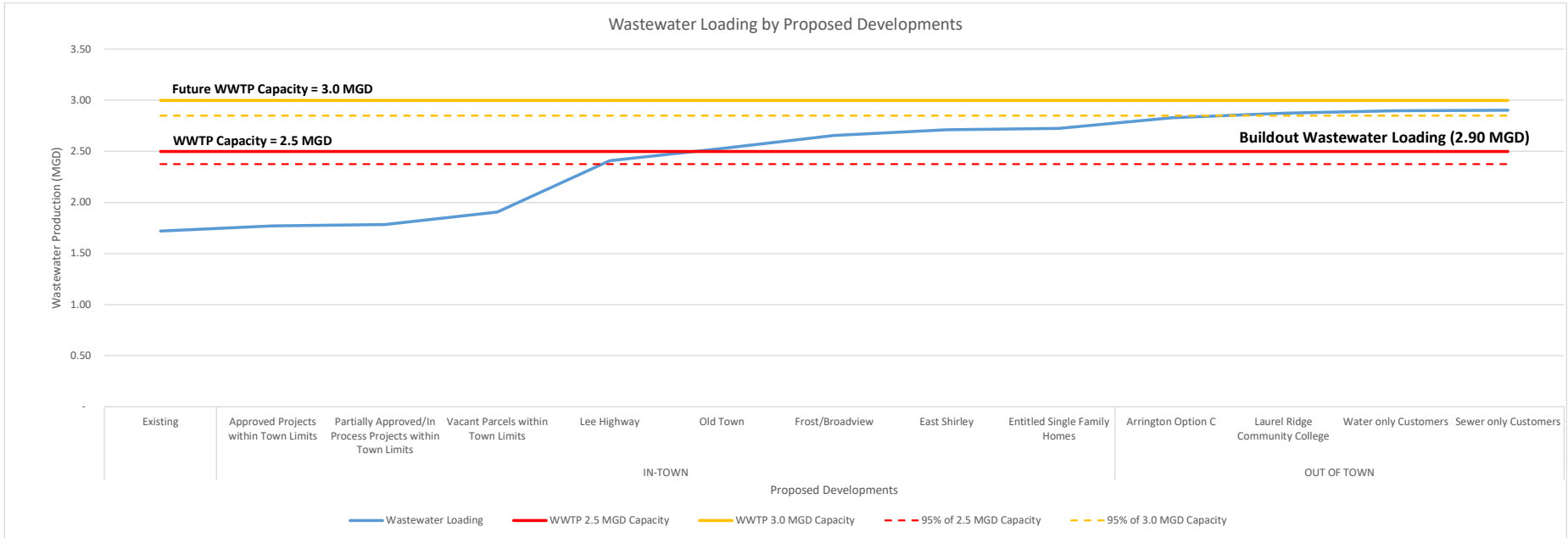


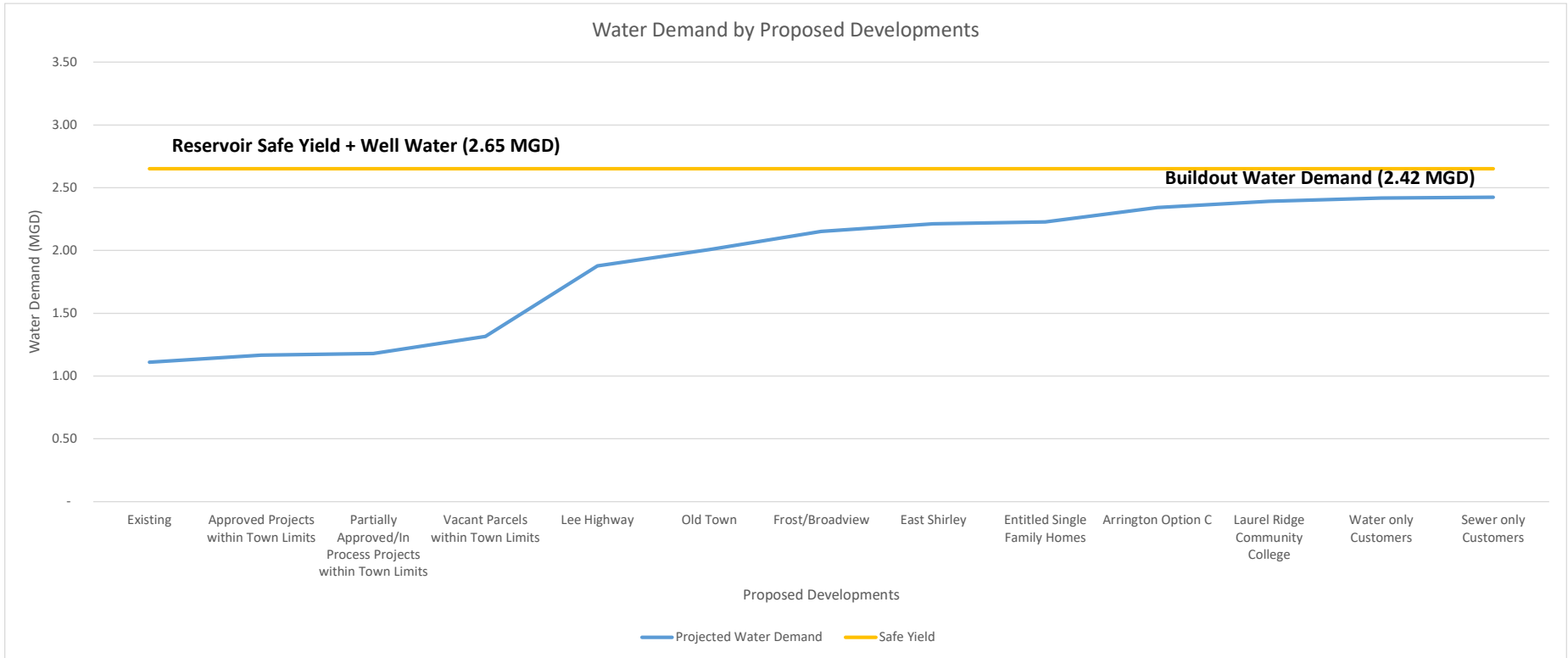


Cedar Run South Rehabilitation

- None
- Epoxy over CL
- Cone Replacement
- None
- CIPP + PR







Town of Warrenton – Water and Sewer System Capacity Evaluation Update



Town of Warrenton, VA

Work Order Number: 18672

Draft Report
12/06/2022

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1. Executive Summary

Whitman, Requardt & Associates (WRA) has updated the April 2015 Water and Sewer Capacity Evaluation to include new data and to determine the impact of potential new housing and commercial development in the Town and in the Town's water and wastewater service area. Data on potential development was provided by the Warrenton Community Development Department. WRA estimated water demand and wastewater loadings from new developments including impacts to water and wastewater system capacity from overall development over time through year 2040.

The current water system capacity is 2.68 MGD from 2 reservoirs and 3 groundwater production wells. The Town's Water Filtration Plant has a capacity of 3 MGD. Water from the reservoirs is treated at the Filtration Plant and well water is treated at the well head. Average water production from 2015 through 2021 is 1.16 MGD (**Figure 3.1**). The current wastewater system treatment capacity at the Town's Wastewater Treatment Plant is 2.5 MGD. The average daily wastewater loading from 2015 through 2021 is 1.86 MGD (**Figure 4.1**). The Town is planning on expanding the capacity of the Wastewater Treatment Plant to 3 MGD over the next 10 years.

The estimated water system demand from the combination of the developments analyzed by WRA is 1.31 MGD. The estimated buildout water demand plus the 2021 water demand of 1.11 MGD provides an estimate of 2.42 MGD of future water demand (**Figure 5.1**). The estimated wastewater loading demand from the combination of the developments is 1.18 MGD. The estimated buildout wastewater loading plus the 2021 wastewater loading of 1.72 MGD provides an estimate of 2.9 MGD of future wastewater loading (**Figure 6.1**).

Per this analysis the Town of Warrenton has adequate water supply capacity and wastewater treatment capacity to accommodate the new housing and commercial developments identified by the Community Development Department. Several assumptions and assertions are included in this conclusion:

- Water demand projections are conservative. Water demand and wastewater loading can be monitored as developments came online to project future demand with greater accuracy.
- Unaccounted for water or the difference between billed water and water production and billed water is approximately 10%. This compares favorably to other communities in Northern Virginia
- The Virginia Department of Health (VDH) requires that communities submit a plan for increasing or providing for additional water system capacity when demand reaches 80% of permitted capacity. For Warrenton, the 80% threshold limit will be reached when all the development included in this analysis is in place. Depending on the Town's service area growth rate, this threshold could be reached in the 2050 decade or beyond.
- Extraneous water entering the wastewater system, also referred to as infiltration and inflow (I&I) constitutes about 49% of the wastewater flow entering the wastewater treatment plant. This level of I&I, although high, is not unusually high for wastewater collection systems similar in age to Warrenton's. WRA recommends that the Town continue to investigate and remediate I&I problems in the service area.
- The Virginia Department of Environmental Quality (DEQ) recognizes flow loadings approaching 95% of the design capacity (or 2.85 MGD) as the threshold level for planning WWTP capacity management strategies and improvements. This threshold level will be reached when all the development included in this analysis is in place. Depending on the Town's service area growth rate, this threshold could be reached in 2045 or beyond.
- The Turkey Run Pump Station can be used to receive flows from Laurel Ridge Community College. Although flows from Laurel Ridge can be managed by the Turkey Run PS, a detailed analysis should be made of the pump station before any additional flows are added.
- The Taylor Run Pump Station cannot receive flows from the Arrington Development and the Turkey Run Pump Station without improvements to the existing pumping system including the wet well. A detailed analysis of the existing system with recommendations for improvements to handle additional flows should be conducted before any new flows are added to this system.

2. Purpose

The Town of Warrenton authorized Whitman Requardt and Associates (WRA) to update the Water and Sewer System Growth and Capacity Report prepared in April 2015. The 2015 report evaluated existing and future water demand and wastewater loading based on developable lots within the Town and the surrounding service area.

This report will analyze current and future loadings and demands based on information provided by the Town's Community Development Department and Public Works & Utilities Department. This information includes data on new residential and commercial developments that have been approved by the Town or have been submitted to the Town for review and approval. In this report the following information was also included:

- Wastewater flow data from the Town's wastewater treatment plant (WWTP) since 2015
- Water production data from the Town's water treatment plant (WTP) since 2015
- Water supply information for the Town's reservoirs and wells
- Water billing information
- Proposed capacity changes to treatment capacity at the Town's WWTP
- Capacity of the Turkey Run Pump Station (PS #9) and the Taylor Run Middle School Pump (PS #6) to convey future wastewater flows from new developments in their respective sewer sheds

3. Existing Water Capacity and Demands

3.1 Water Production, Distribution and Demand

Water supply for the Town of Warrenton is provided by 2 reservoirs, located on Cedar Run, and 3 groundwater wells. The Airlie reservoir (upstream) and the Warrenton reservoir (downstream), operate in series. The Airlie Reservoir provides a safe yield of 1.16 million gallons per day (MGD) and the Warrenton Reservoir provides a safe yield of 1.14 MGD for a total reservoir safe yield of 2.3 MGD. Reservoir safe yield is defined as the rate at which water can be withdrawn during a critical dry period without depleting the supply to such an extent that withdrawal of water is no longer economically feasible. Safe yield is determined by the Commonwealth of Virginia Department of Environmental Quality (DEQ). Water from the Airlie reservoir flows to the Warrenton reservoir further downstream on Cedar Run and is withdrawn from the Warrenton Reservoir for treatment at the Water Filtration Plant. The Water Filtration Plant has a capacity of 3 MGD. Water from the filtration plant is distribution throughout the Town and Town’s water service area.

The Town also owns and operates 3 groundwater production wells. Well #5 and Well #6 provide 0.076 MGD of water directly to the Town’s distribution system. Well #3 provides an additional 0.304 MGD of water supply and the Town’s total groundwater capacity is 0.38 MGD. Similar to reservoir safe yield, wells are not operated at full capacity all of the time. However, for purposes of this analysis, groundwater well capacity of 0.38 MGD is used. Water from the Town’s wells are treated at the wellhead before distribution.

The Town has an approximate total water supply capacity of 2.68 MGD (reservoir plus wells).

Figure 3.1 depicts average water production from the reservoir and groundwater systems for the years 2015 to 2021:

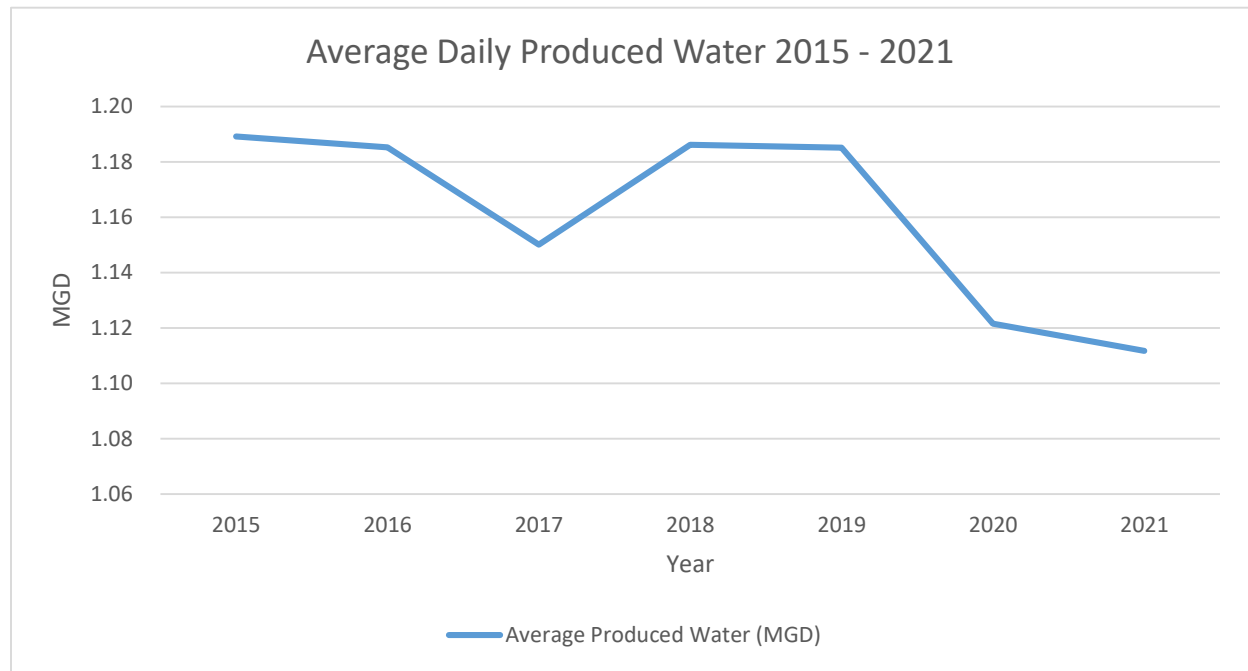


Figure 3.1: Average Daily Produced Water 2015 - 2021

The average water production for 2015 through 2021 is 1.16 MGD.

3.2 Water Production Data and Water Billing Data

WRA analyzed water production data and water billing data for the period 2015 through 2021. There are approximately 4,800 water accounts (residences and businesses) billed monthly. The billing data provided by the Town was adjusted for sale of water to construction contractors and other users not normally billed and for water lost through leaks at the water meter. Water used to fight fires, flush water and sewer mains, lost through leaks in the mains or removed illegally through fire hydrants is not accounted for. Water accounts are billed at the end of every month.

Water produced/distributed data was compared to billed water data on a month-to-month basis. Water volumes were converted to millions of gallons per day (MGD) and the difference between produced/distributed water and billed water was compared. The difference between these two values, is defined as unaccounted for water. Figure 3.2 depicts unaccounted for water per year for the period 2015 to 2021.

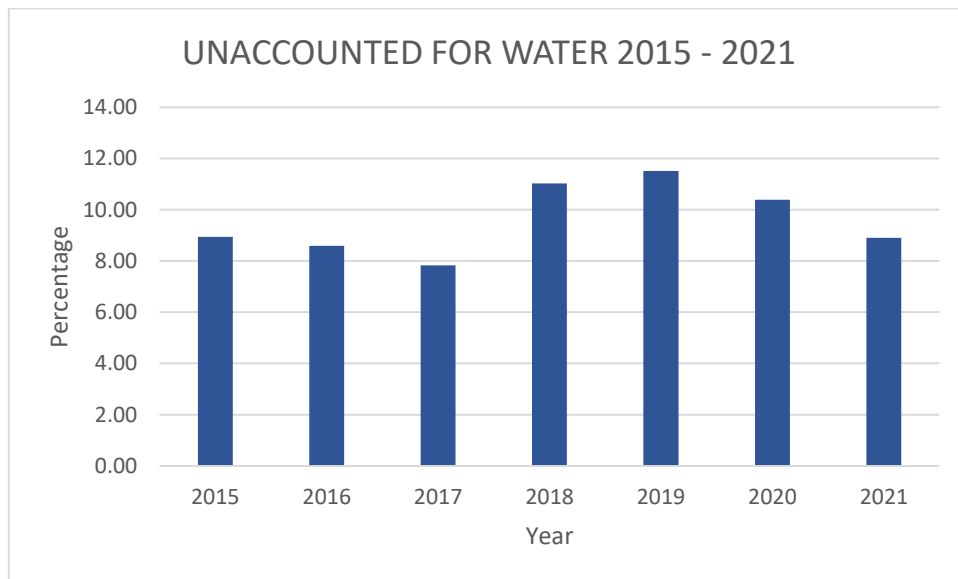


Figure 3.2: Unaccounted for Water 2015 - 2021

The average unaccounted for water in the most recent 7-year period is 9.6%. Unaccounted for water includes water lost through leaks in the distribution system, water used in firefighting, water taken illegally through fire hydrants and other sources and water used to flush mains and for other water system maintenance work.

The Town's 10% level of unaccounted for water compares favorably to other communities in Northern Virginia and does not indicate significant problems with the water distribution system or problems with the way the water system is managed.

4. Existing Wastewater Treatment Capacity

The Warrenton Wastewater Treatment Plant (WWTP) is permitted for treatment and discharge of 2.5 million gallons per day (MGD), average daily flow. Wastewater flows have averaged approximately 1.86 MGD over the past 7 years. The Town and WRA are currently conducting preliminary engineering for projects that will allow expansion of WWTP capacity to 3.0 MGD, average daily flow. Section 6 of this report describes how future wastewater flow projections will impact the proposed 3.0 MGD WWTP capacity.

4.1 Wastewater Flows

Daily wastewater flow data for the period 2015 – 2021 is shown in Figure 4.1.

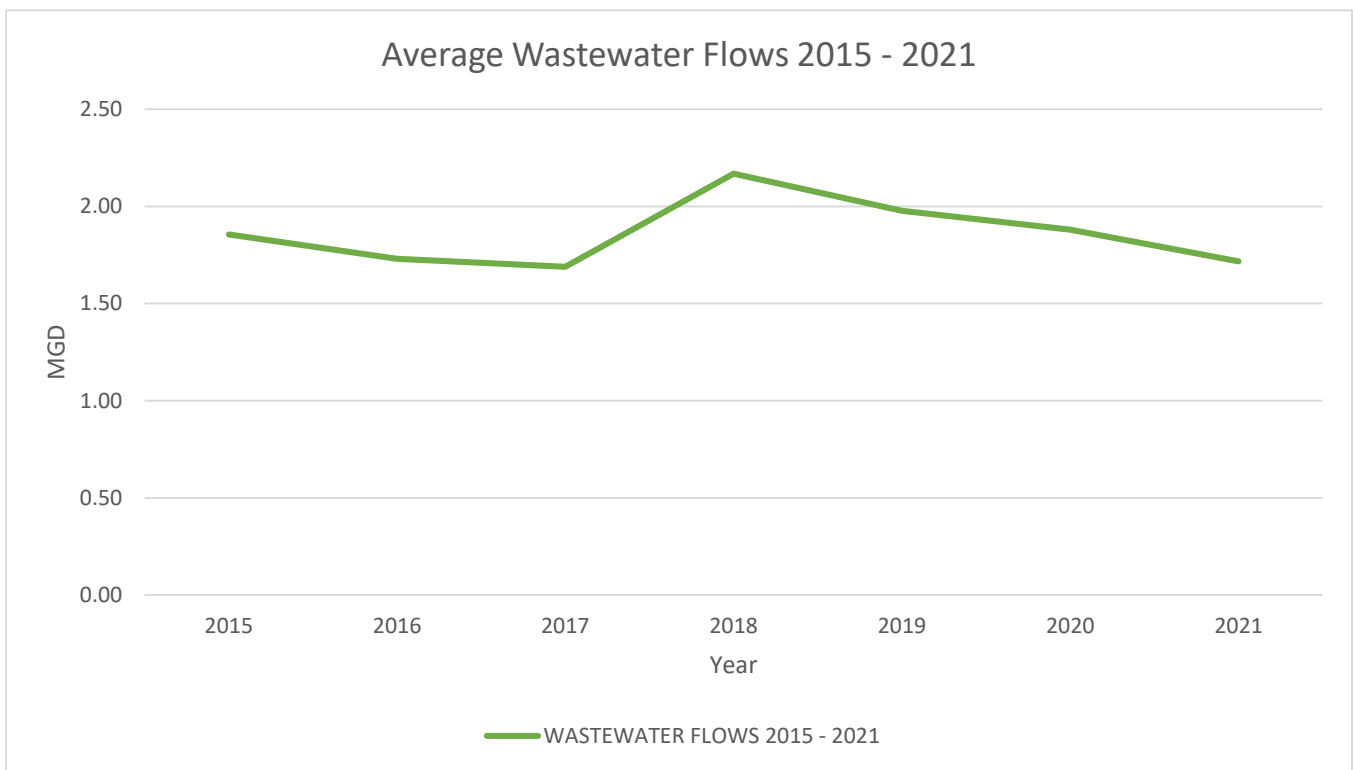


Figure 4.1: Average Wastewater Flows 2015 – 2021

Wastewater flows include sewage discharge from households and businesses and extraneous water that enters the collection pipeline system. Extraneous water sources include infiltration of groundwater through defected sewer pipe joints, manhole walls and other pipe defects in the collection system. Extraneous flows include Inflow of water discharged directly into the sewer system through basement and foundation drains, roof downspouts, manhole covers, cross connections with stormwater systems and other direct connections. Wastewater flows in municipal systems vary from year to year because infiltration and Inflow (I&I), varies depending on rainfall. I&I tends to be higher in years with excessive precipitation (rain and snow) such as occurred in 2018.

4.2 Wastewater System Extraneous Flows

WRA compared wastewater flow data and water billing data for period 2015-2021. Water billing data is the best measure of water consumed in municipalities. Figure 4.2 shows billed water versus wastewater loadings in the Town of Warrenton for the last 7 years.

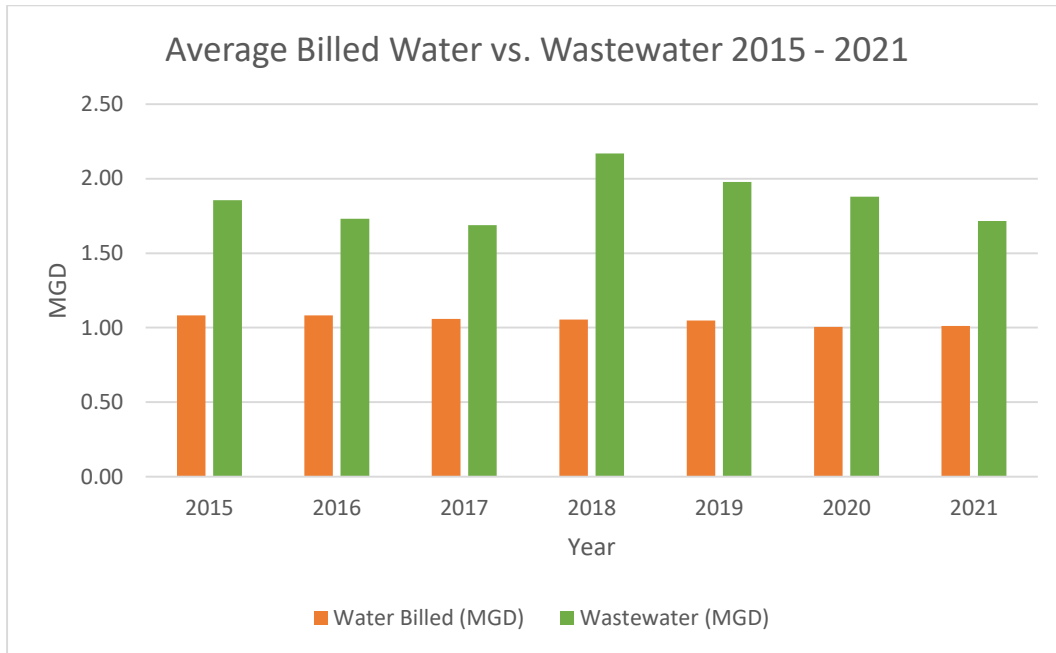


Figure 4.2: Average Billed Water vs. Wastewater 2015 – 2021

Billed water data used in this figure was discounted to account for customer water not returned to the wastewater system such as water used in landscape and lawn irrigation. WRA assumed that 90% of water billed at an account is returned to the wastewater system. Average annual I&I for the past seven years was calculated by subtracting wastewater flows as recorded at the WWTP from billed water (discounted). The difference is the measure of extraneous water or I&I entering the wastewater collection system.

Average I&I in the Warrenton system is calculated to be 0.92 MGD over the past years or 49% of total flows treated at the WWTP. This amount of I&I in the wastewater collection system is not unusual in municipalities with older wastewater collection infrastructure. The calculated 2015-2021 I&I flow component of 49% is approximately the same percentage as the I&I component calculated in the 2015 Water & Sewer System Capacity Evaluation.

5. Future Water Demand

5.1 Projected Water Demand from New Developments

The Town of Warrenton’s Community Development Department provided WRA with data for proposed residential and commercial growth in the Town. Forty-two (42) projects were identified including residential and commercial developments. WRA also included Laurel Ridge Community College as a potential new consumer of Warrenton water and wastewater services. Laurel Ridge Community College is currently not served by the Town’s.

The developments include new housing (Single-family homes, apartments, townhomes, hotels, senior care facilities) and commercial facilities (offices, medical facilities, retail, entertainment, industrial and academic facilities). Projects vary considerably in size from a few single-family houses to hundreds of apartment units. Project status varied also, with some developments approved by Community Development and other projects in review. WRA projected water demand and wastewater loadings for the developments based on the type of residential or commercial unit within the development. WRA used standard water demand (gallons per day) factor for each type of unit based on water demand factors used by the Town and/or by other utilities such as Prince William Service Authority and the Town of Leesburg. Information on the proposed developments, including the number of units, the and the total water demand and wastewater loading generated by the developments is included in Appendix A. The demand factors used to calculate water demand are included in Table 5.1.

Table 5.1: Residential Water Demands per Unit

Residential	Water Demand per Unit (GPD)
Single-Family (units)	300
Multifamily (units)	300
Apartment (units)	300
Townhouse (units)	300
Senior Home (units)	100
Hotel (rooms)	100

It should be noted that conservative demand values were chosen for residential units.

Commercial demand factors are included in Table 5.2.

Table 5.2: Commercial Water Demands per Square Foot

Commercial	Water Demand per Square Foot (GPD)
General (SF)	0.2
Entertainment (SF)	0.2
Academic (SF)	0.29
Office/Employment (SF)	0.29
Medical Offices (SF)	0.29
Industrial	Water Demand per Square Foot (GPD)
General (SF)	0.02

According to the U.S. Department of Education, Laurel Ridge Community College (LRCC) had a student population of 3,474 students in the 2018 – 2019 academic year. WRA used 15 gallons per day per student as the factor for calculating LRCC demand. Demand for proposed classroom facilities not associated with LRCC is based on a GPD/SF basis.

Additionally, there are some residences in Warrenton that are currently not connected to the Town’s water system and/or the sewer system. The Town plans on incorporating these residences into the utility systems in the future and WRA included these units when calculating future water demand.

Table 5.3 summarizes the total number of residential units and commercial square footage and associated water demand for the proposed developments:

Table 5.3: Total Water Demand per Land Use Type

Land Use Type		Total Units	Total Water Demand (gal/day)
Residential	Single-Family (units)	1,479	469,500
	Multi-Family (units)	120	36,000
	Apartments (units)	1,420	426,000
	Townhouse (units)	296	88,800
	Senior Home (units)	60	6,000
	Hotel (rooms)	360	36,000
Commercial	General (SF)	200,711	40,142
	Entertainment (SF)	245,000	49,000
	Academic (SF)	220,000	63,800
	Office/Employment (SF)	40,000	11,600
	Medical Offices (SF)	50,000	14,500
Industrial	General (SF)	759,500	15,190
Community College	Students (unit)	3,474	52,110
TOTAL			1.31 MGD

5.2 Future Water Demand and Water Supply Capacity

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).

Figure 5.1 displays cumulative water demand by addition of the demand created by the named developments. The order or chronology of the projects is not definitive; however, cumulative water demand will not change.

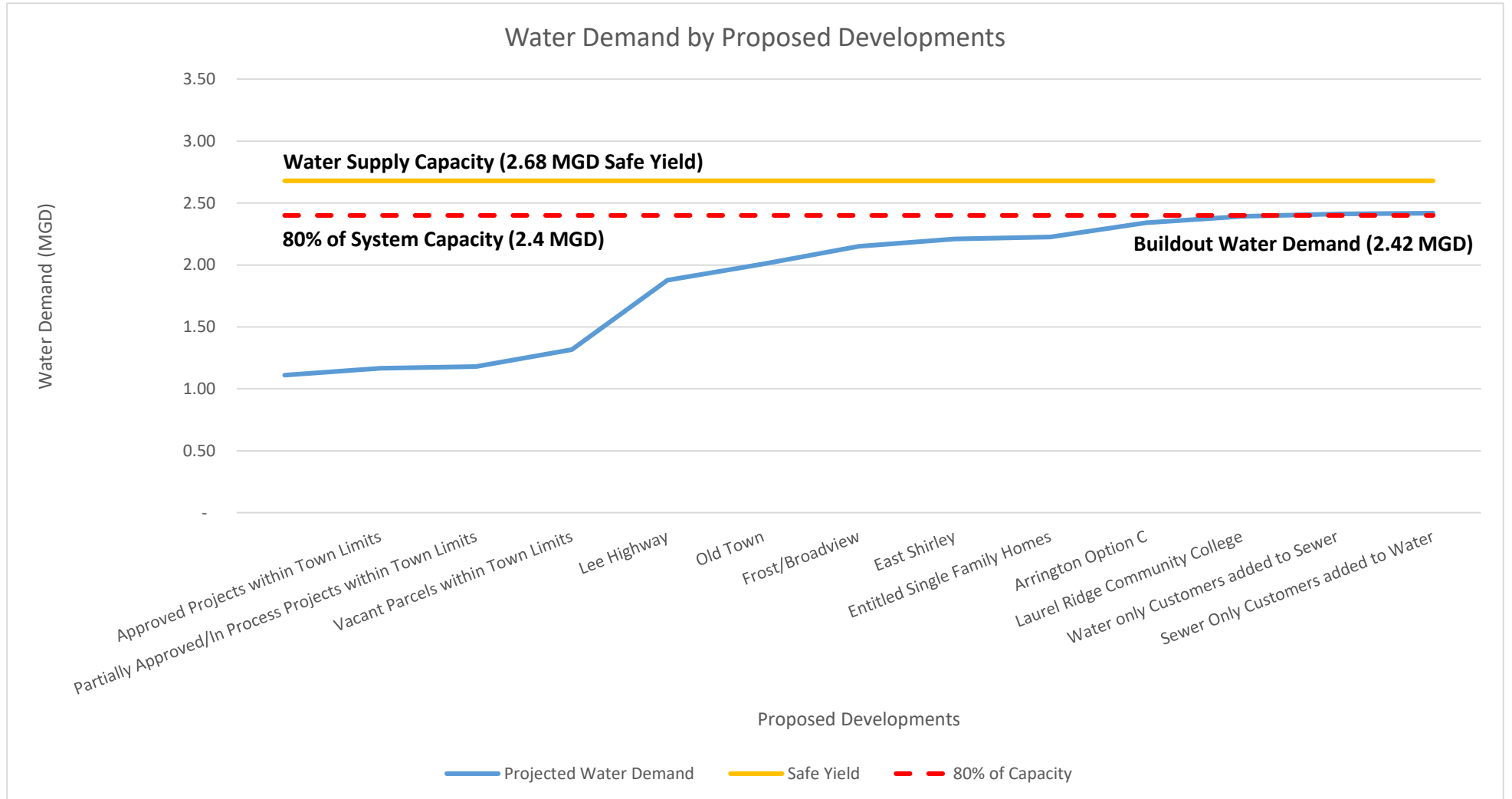


Figure 5.1: Water Demand by Proposed Developments

Buildout (all developments constructed) water demand is 2.42 MGD compared to water supply capacity of 2.68. Estimated demand is 91% of water supply capacity. Virginia Waterworks Regulation 12 VAC 5-590-520 requires municipalities to submit a written plan for developing adequate or additional water supply to the Virginia Department of Health, Office of Drinking Water, when water production exceeds 80% of the permitted design capacity for 3 consecutive months.

It should be noted that the estimated buildout water demand by development is conservative. Although the time frame for the progression of development construction through buildout is unknown, time-step analyses of water demand was also conducted.

An initial time step progression is shown in Figure 5.2. This linear growth time-step progression assumes that all development is completed by 2040, the target year for the current Warrenton Comprehensive Plan. The annual water demand growth rate is 7% for the linear growth model.

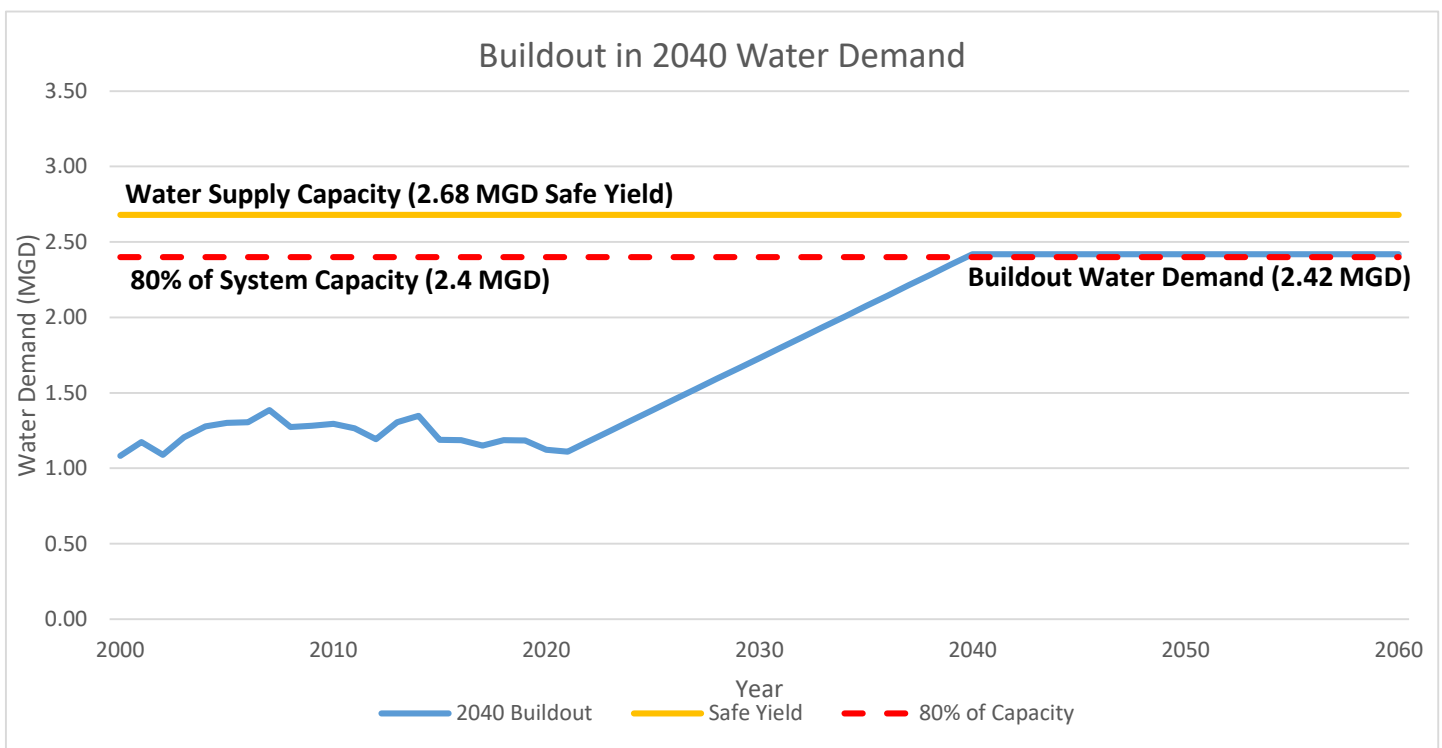


Figure 5.2: Buildout in 2040 Water Demand

Additional water demand growth models were analyzed by WRA. According to the U.S. Census Bureau, population growth in the Town of Warrenton and Fauquier County from 2010 to 2020 averaged 1% annually. Figure 5.3 depicts water demand assuming a 1% annual growth in water demand, similar to the most recent population growth pattern for The Town. For this growth model, 80% of system capacity is reached in 2099.

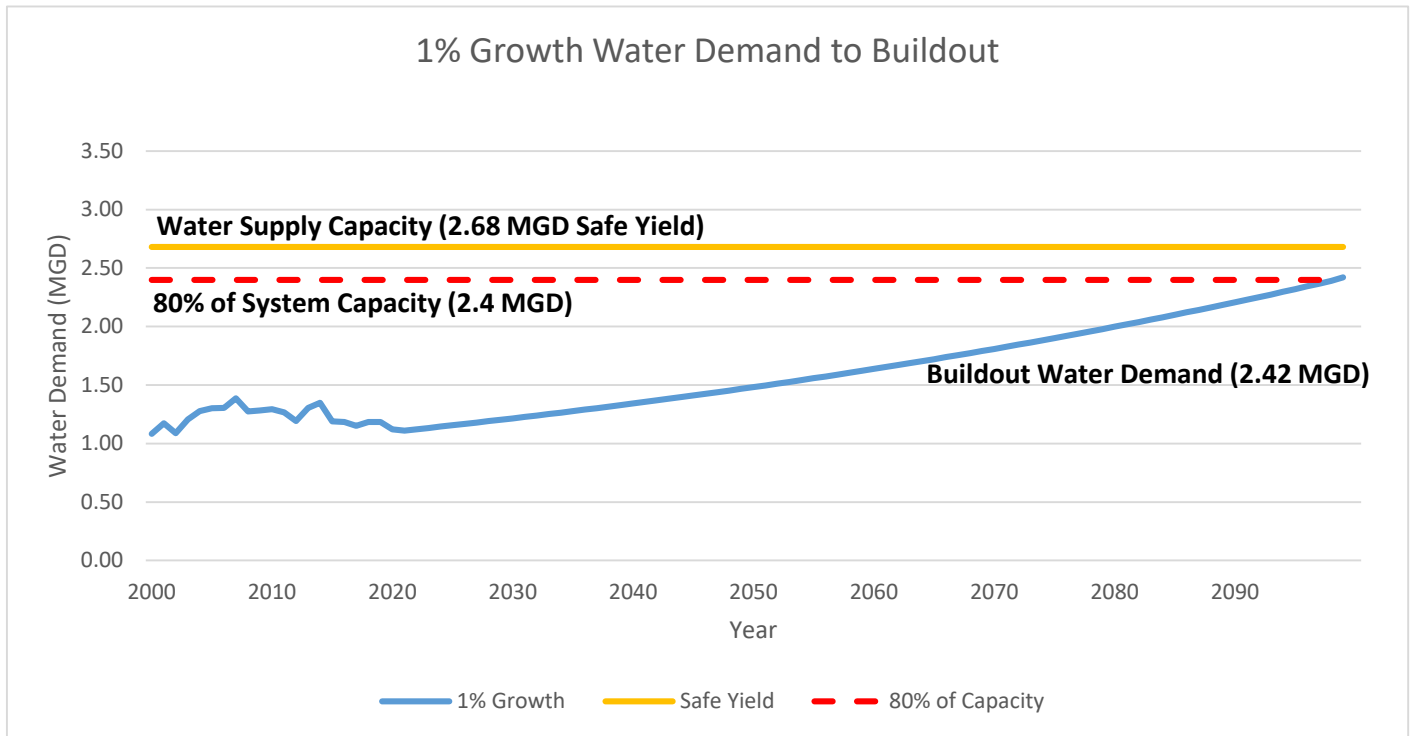


Figure 5.3: 1% Growth Water Demand to Buildout

Figure 5.4 shows a 2.5% annual increase in water demand. This model is more consistent with a more robust population and economic growth that could occur in Warrenton. In this case, 80% of capacity is reached in 2053.

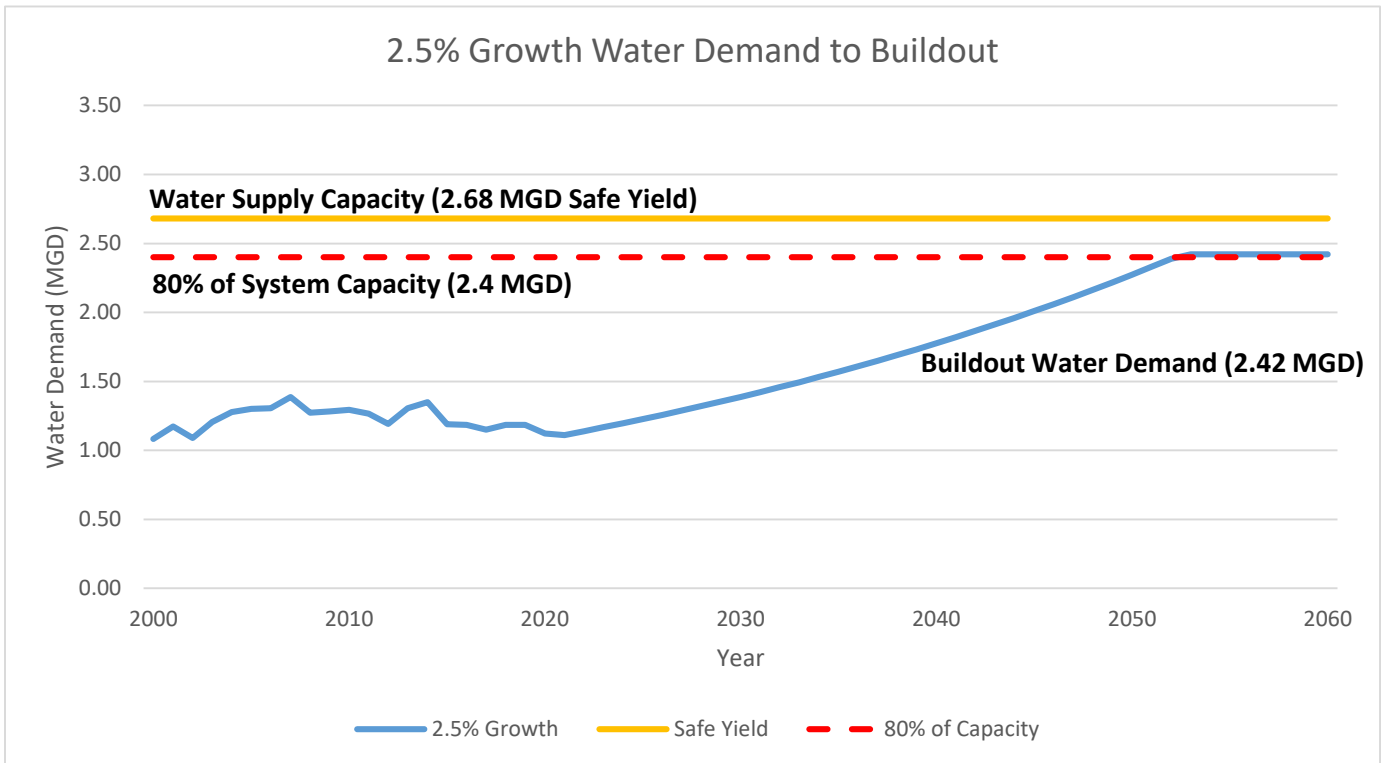


Figure 5.4: 2.5% Growth Water Demand to Buildout

6. Future Wastewater Loading

6.1 Wastewater Loading Projections

Future wastewater loadings are calculated based on an assumed 90% return of water consumed to the wastewater collection system. Water demand projections are described in Section 5 and included in Appendix A. Appendix A includes a compilation of expected wastewater loadings, based on water demand. The estimated total wastewater loading from all the developments described in Appendix A is 1.18 MGD (average daily flow basis).

Future total wastewater loading for Warrenton is estimated by adding the average wastewater flow in 2021 to the estimated buildout flow. The average daily wastewater flow in 2021 was 1.72 MGD and the additional flow from buildout is 1.18 MGD. Total future estimated wastewater loading is 2.90 MGD. It should be noted that the 2021 wastewater loading includes a significant extraneous water (I&I) component. I&I from the new developments is considered negligible in this analysis, although the base I&I in the beginning year of 2021 remains and is a component of overall wastewater loading.

6.2 Future Wastewater Loading and Capacity

Figure 6.1 depicts cumulative wastewater loading by addition of the demand created by the named developments. The order or chronology of the projects is not definitive; however, cumulative water demand will not change. As shown graphically, the capacity of the existing WWTP (2.5 MGD) is exceeded before all the proposed developments are completed. The Town is currently planning on increasing the capacity of the WWTP to 3.0 MGD within approximately 10 years. Under this wastewater loading model, The Town's wastewater treatment plant would accommodate development currently planned.

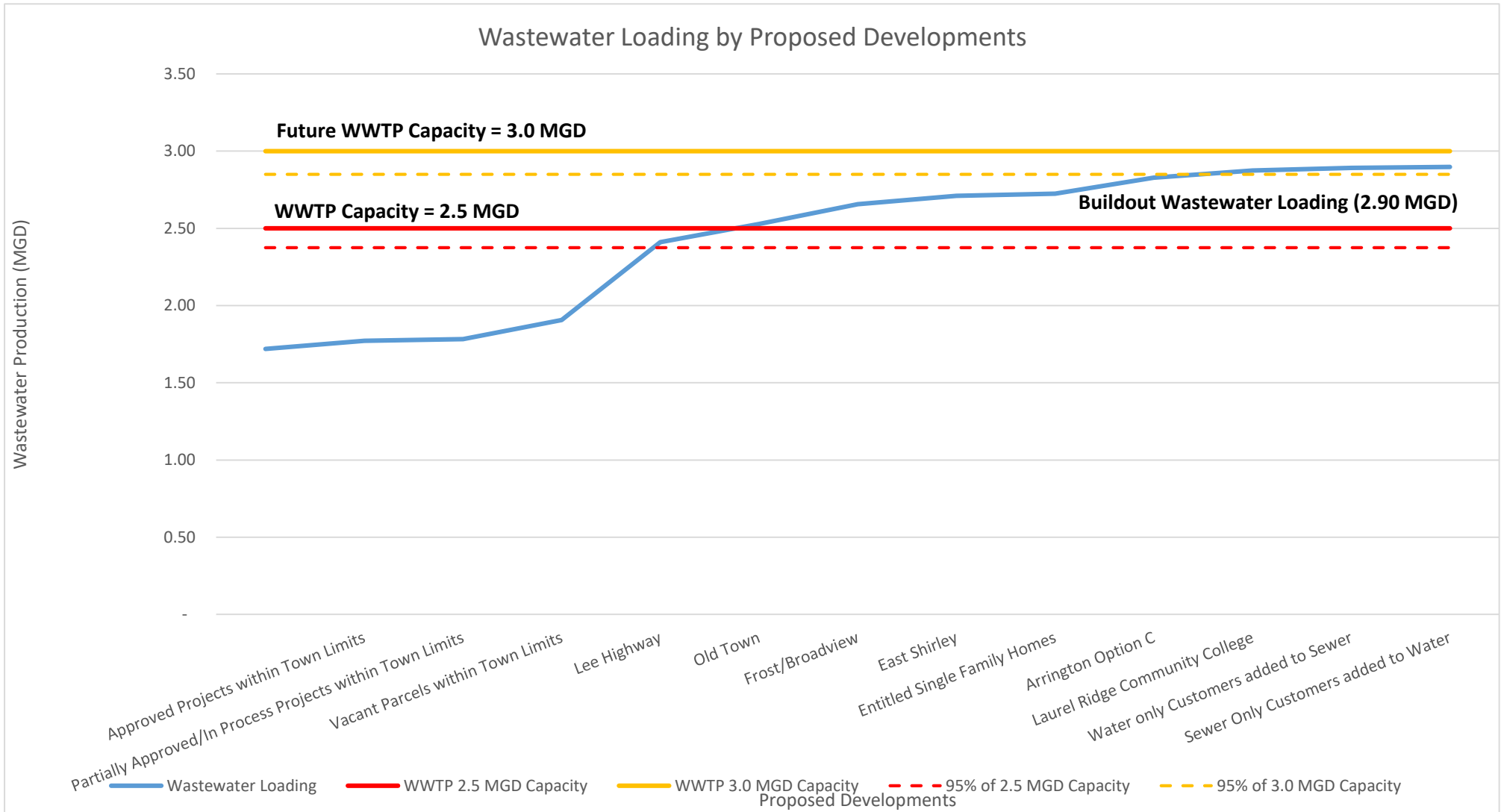


Figure 6.1: Wastewater Loading by Proposed Developments

Although the upsized WWTP will accommodate loadings from the proposed developments, additional WWTP capacity enhancements may be necessary as loadings approach 2.90 MGD. The Virginia Department of Environmental Quality (DEQ) recognizes flow loadings approaching 95% of the design capacity (or 2.85 MGD) as a trigger point for planning WWTP capacity management strategies and improvements.

An initial time step progression is shown in Figure 6.2. This linear growth time-step progression assumes that all development is completed by 2040, the target year for the current Warrenton Comprehensive Plan. The annual wastewater loading demand growth rate is the same as for water demand, 7%. With buildout by 2040, the current 2.5 MGD WWTP capacity is exceeded by 2034. With the proposed increased WWTP capacity, 95% of treatment capacity is reached in 2039.

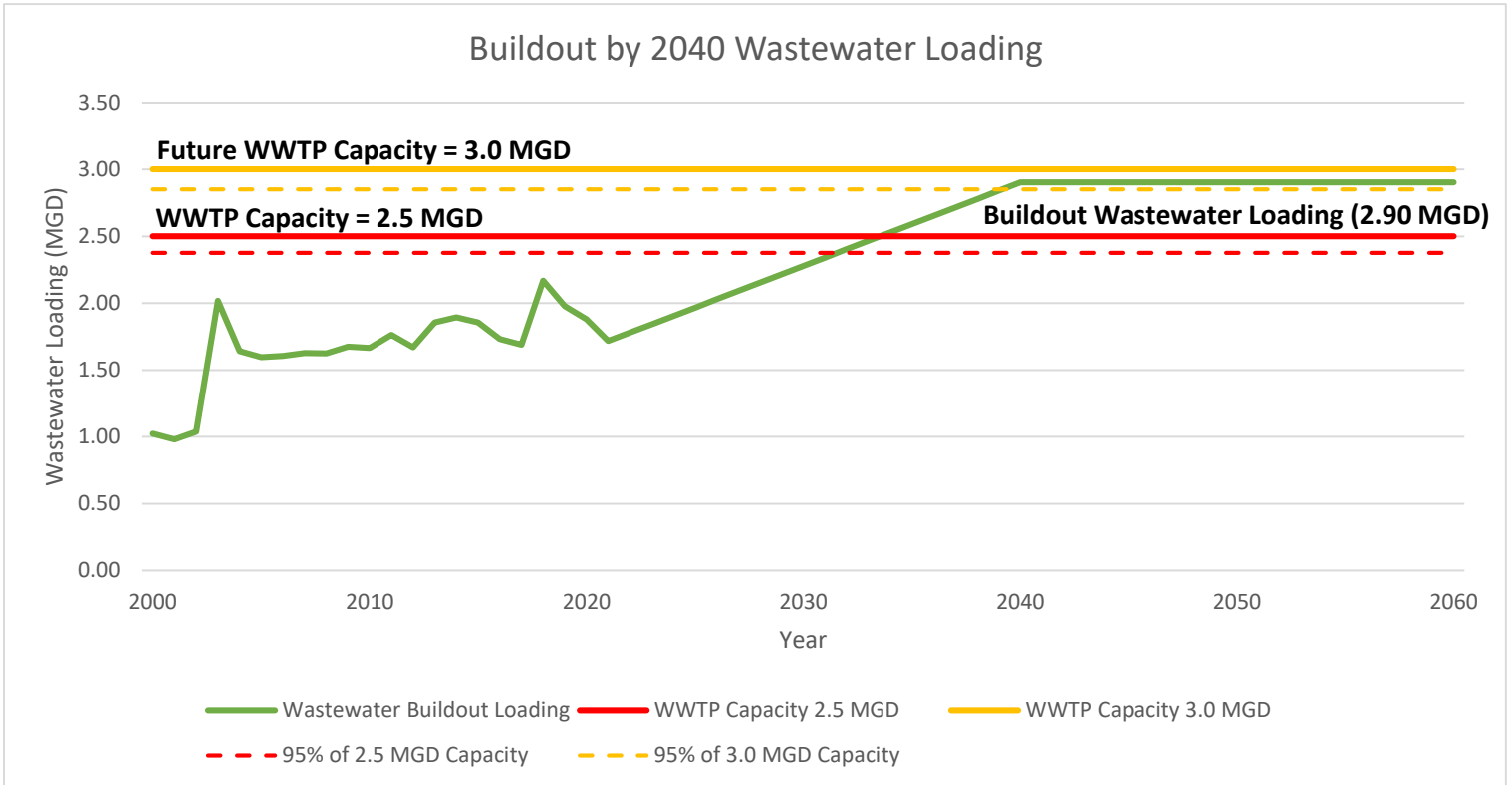


Figure 6.2: Buildout by 2040 Wastewater Loading

Similar to the water demand projection graphs, 6.3 depicts wastewater loadings at a 1% annual growth rate.

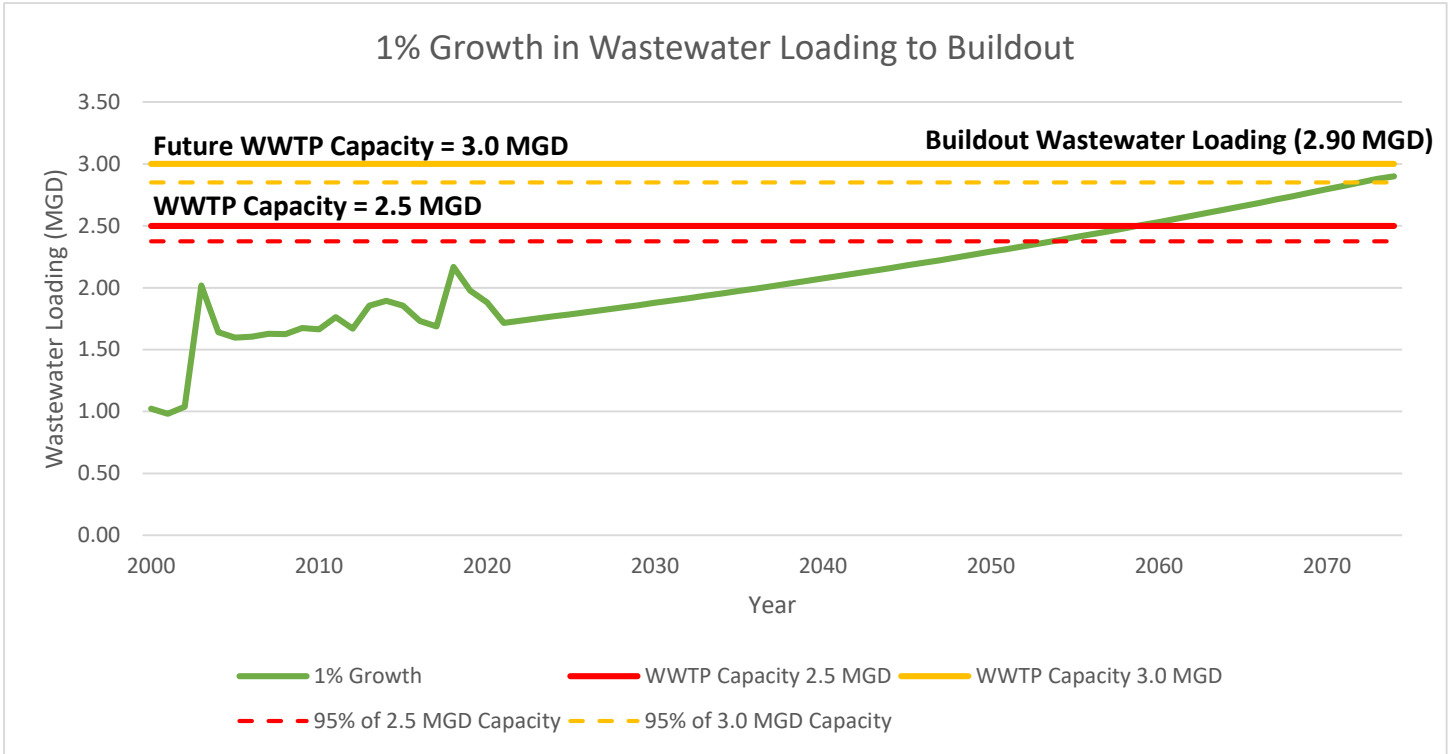


Figure 6.3: 1% Growth in Wastewater Loading to Buildout

In this case, wastewater loading would not reach the 3 MGD 95% threshold until 2071.

Figure 6.4 depicts a more robust 2.5% annual rate in wastewater loadings.

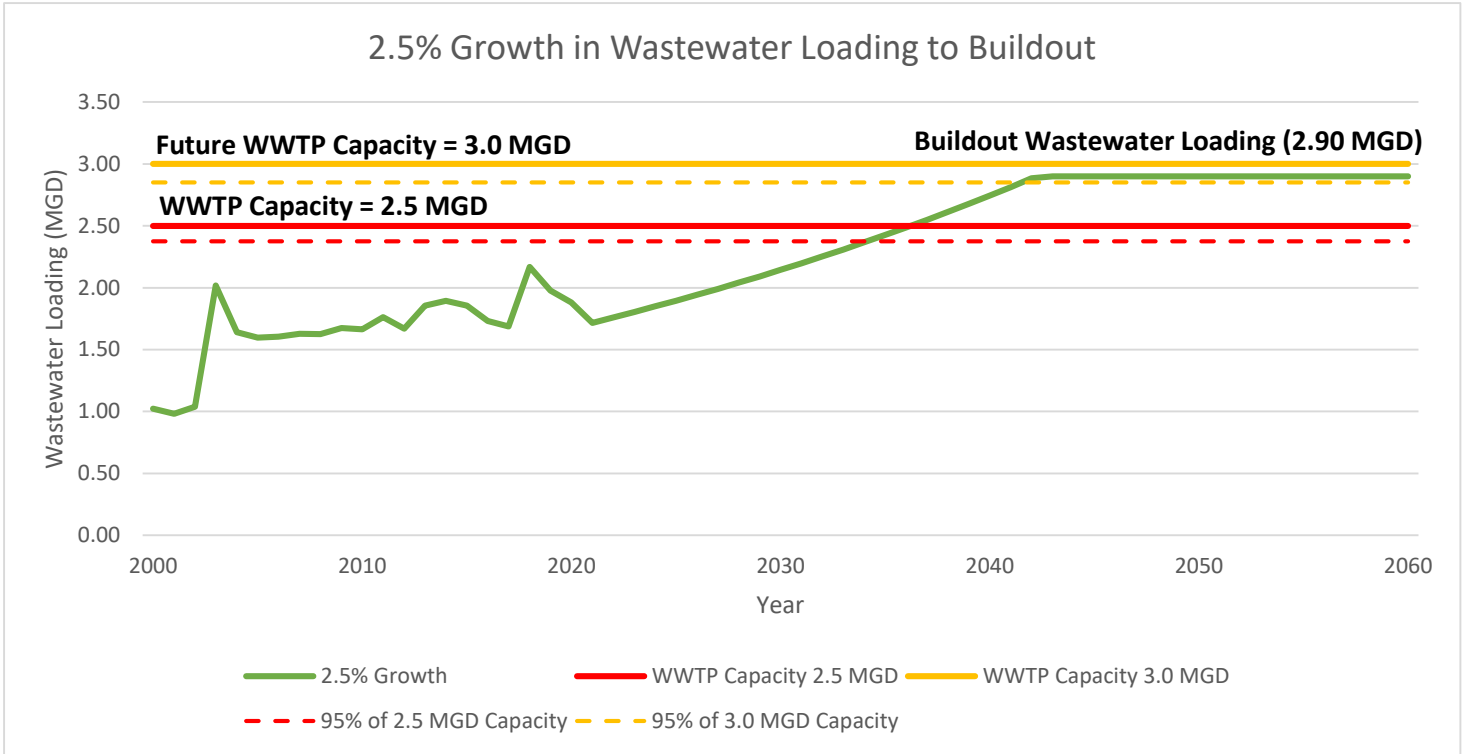


Figure 6.4: 2.5% Growth in Wastewater Loading to Buildout

In this scenario, wastewater loadings would not reach the 3 MGD 95% threshold until 2043.

7. Turkey Run and Taylor Run Wastewater Pumping Station Capacities

The Town of Warrenton owns and operates 11 wastewater lift stations (pump stations) that help convey wastewater generated in the outer reaches of the wastewater service area into the central part of the wastewater collection system for conveyance by gravity into the wastewater treatment plant. WRA analyzed the impact of additional wastewater loading into the Turkey Run Pump Station (PS #9) and the Taylor Run Pump Station (PS #6).

In the future wastewater, flows from Laurel Ridge Community College will flow into the Turkey Run PS. Flows from the Turkey Run PS are then discharged to the Taylor Run PS. Taylor Run will also receive flows from the new Arrington development.

Laurel Ridge Community College is estimated to produce approximately 0.05 MGD of wastewater. Assuming a peak flow value of 4, the wastewater volume would increase to 0.2 MGD, or 139 gallons per minute (GPM). The proposed Arrington development is estimated to produce approximately 0.1 MGD of wastewater. A peak volume for this flow is 0.4 MGD, or 278 GPM.

WRA's analysis of the Turkey Run PS indicates that additional flows from Laurel Ridge Community College can be discharged into the Turkey Run PS using the existing pumps, wetwell and pump station appurtenances.

The Taylor Run PS will receive flows coming from the Turkey Run Pump Station and has a capacity of 600 GPM. Current wastewater flows into the Taylor Run PS are estimated to be 704 GPM. A pumping rate of 704 GPM is within the range of the new pumps installed in 2011. Adding peak flows from Laurel Ridge Community College and the proposed Arrington development would increase flows to the Taylor Run PS by 417 GPM (approximately 1121 GPM). This increase in flow would require larger horsepower motors and a different impeller if the same pumps are used. Taylor Run PS also currently experiences a large number of pump starts each day. This condition indicates that the wetwell may be too small for existing flows, even though the pumps are able to manage these flows.

The Turkey Run PS appears to be able to receive the future flows from Laurel Ridge Community College while the Taylor Run PS would probably need substantial modifications or replacement to serve the Arrington Development and the Turkey Run flows.

WRA recommends that a more detailed analysis be conducted for both stations before additional flows are discharged into them.

Appendix 1

Water & Wastewater Projection Allocation Summary

Totalized Units Based on Project Development		IN-TOWN								OUT OF TOWN				TOTALS
		Approved Projects within Town Limits	Partially Approved/In Process Projects within Town Limits	Vacant Parcels within Town Limits	Lee Highway	Old Town	Frost/Broadview	East Shirley	Entitled Single Family Homes	Arrington Option C	Laurel Ridge Community College	Water only Customers added to Sewer	Sewer only Customers added to Water	
Residential	Single-Family (units)	190	36	331	-	206	235	117	50	314	-	63	23	1,479
	Multi-Family (units)	-	-	-	-	-	120	-	-	-	-	-	-	120
	Apartment (units)	-	-	-	1,336	84	-	-	-	-	-	-	-	1,420
	Townhouse (units)	-	-	34	108	7	-	84	-	-	63	-	-	296
	Senior Home (units)	-	-	-	-	-	60	-	-	-	-	-	-	60
	Hotel (rooms)	-	-	-	115	115	115	-	-	-	15	-	-	-
Commercial	General (SF)	-	12,550	60,161	98,000	10,000	20,000	-	-	-	-	-	-	200,711
	Entertainment (SF)	-	-	-	100,000	145,000	-	-	-	-	-	-	-	245,000
	Academic (SF)	-	-	-	220,000	-	-	-	-	-	-	-	-	220,000
	Office/Employment (SF)	-	-	-	40,000	-	-	-	-	-	-	-	-	40,000
	Medical Offices (SF)	-	-	-	-	-	50,000	-	-	-	-	-	-	50,000
Industrial	General (sq ft)	-	-	759,500	-	-	-	-	-	-	-	-	-	759,500
Community College	Campus (units)	-	-	-	-	-	-	-	-	-	3,474	-	-	3,474

Additional Water Demand Based on Projected Development

Land Use Type		IN-TOWN							OUT OF TOWN				TOTAL (gal/day)		
		Approved Projects within Town Limits	Partially Approved/In Process Projects within Town Limits	Vacant Parcels within Town Limits	Lee Highway	Old Town	Frost/Broadview	East Shirley	Entitled Single Family Homes	Arrington Option C	Laurel Ridge Community College	Water only Customers added to Sewer		Sewer Only Customers added to Water	
Residential	Single-Family (units)	57,000	10,800	99,300	-	61,800	70,500	35,100	15,000	94,200	-	18,900	6,900	469,500	
	Multi-Family (units)	-	-	-	-	-	36,000	-	-	-	-	-	-	36,000	
	Apartment (units)	-	-	-	400,800	25,200	-	-	-	-	-	-	-	426,000	
	Townhouse (units)	-	-	10,200	32,400	2,100	-	25,200	-	18,900	-	-	-	88,800	
	Senior Home (units)	-	-	-	-	-	6,000	-	-	-	-	-	-	6,000	
	Hotel (rooms)	-	-	-	11,500	11,500	11,500	-	-	1,500	-	-	-	36,000	
Commercial	General (SF)	-	2,510	12,032	19,600	2,000	4,000	-	-	-	-	-	-	40,142	
	Entertainment (SF)	-	-	-	20,000	29,000	-	-	-	-	-	-	-	49,000	
	Academic (SF)	-	-	-	63,800	-	-	-	-	-	-	-	-	63,800	
	Office/Employment (SF)	-	-	-	11,600	-	-	-	-	-	-	-	-	11,600	
	Medical Offices (SF)	-	-	-	-	-	14,500	-	-	-	-	-	-	14,500	
Industrial	General (sq ft)	-	-	15,190	-	-	-	-	-	-	-	-	-	15,190	
Community College	Students (units)	-	-	-	-	-	-	-	-	-	52,110	-	-	52,110	
Sub-Total Water (MGD)		0.06	0.01	0.14	0.56	0.13	0.14	0.06	0.02	0.11	0.05	0.02	0.01	1.31	Average Water Demand (MGD)
Sub-Total Wastewater (MGD)		0.05	0.01	0.12	0.50	0.12	0.13	0.05	0.01	0.10	0.05	0.02	0.01	1.18	WRA Calculated Wastewater Demand (MGD)

Total Water and Wastewater Demand Including Projected and Existing		IN-TOWN								OUT OF TOWN				Totalized Projected Water Demand (MGD)	Totalized Projected Wastewater Demand (MGD)
		Approved Projects within Town Limits	Partially Approved/In Process Projects within Town Limits	Vacant Parcels within Town Limits	Lee Highway	Old Town	Frost/Broadview	East Shirley	Entitled Single Family Homes	Arrington Option C	Laurel Ridge Community College	Water only Customers added to Sewer	Sewer Only Customers added to Water		
Existing 2021 + New Project Water Demand (MGD)	1.11	1.17	1.18	1.32	1.88	2.01	2.15	2.21	2.23	2.34	2.39	2.41	2.42	2.42	
Existing 2021 + New Project Wastewater Demand (MGD)	1.72	1.77	1.78	1.91	2.41	2.53	2.66	2.71	2.72	2.83	2.87	2.89	2.90	2.90	



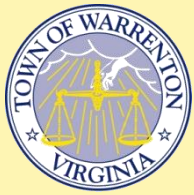


WATER & SEWER SYSTEM GROWTH AND SYSTEM CAPACITY EVALUATION

MAY 2015



WHITMAN, REQUARDT AND ASSOCIATES, LLP



WATER SEWER CAPACITY STUDY

Item D.

Purpose and Approach

Updates to Water Demands and Sewer Flows based on:

- ❖ Existing Billing and Treatment Plant Records.
- ❖ In-Town Proposed Development Plans (under review and approved)
- ❖ In-Town Potential Future Development and Redevelopment
- ❖ Out of Town Commitments
- ❖ Growth Projections and Buildout



WATER SYSTEM CURRENT STATUS

Item D.

(As of December 2014)

Customers/Accounts	4808
Annual Average Water Demand (2005-2009)	1.31 MGD
Reservoir Safe Yield	2.27 MGD
Wells Safe Yield	0.07 MGD
<u>Designated Reserve</u>	<u>-0.30 MGD</u>
Water Supply Safe Yield	2.04 MGD
Percent Of Supply In Use – Average Day	64%
Maximum Day Water Demand (Peaking Factor = 1.5)	1.96 MGD
WTP Production Capacity	3.0 MGD

Water demands based on Plant Finished Water Meter Data and Well Meters

Two existing wells are under evaluation for upgrade and incorporation (0.30MGD)

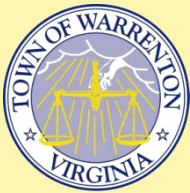


SEWER SYSTEM CURRENT STATUS

Item D.

(As of December 2014)

Customers/Accounts	4368
Annual Ave. Wastewater Flow (2007-2011)	1.67 MGD
Average Day Water Demand	1.31 MGD
Sewer Cust. 90% and Water to Sewer Flow 90%	1.06 MGD
<u>Inflow and Infiltration</u>	<u>1.05 MGD</u>
Planning Wastewater Flow	2.11 MGD
Treatment Capacity (95% of Permitted)	2.38 MGD
Percent Of Wastewater Capacity In Use	87%
Sewer WWTP Capacity	2.5 MGD



FUTURE DEMAND PROJECTIONS

Methodology and Assumptions

Item D.

Planning Values - Water

- **300 gpd per Residential Account (Based on existing demand & account review)**
- **700 gpd / Acre for Commercial / Industrial Land**

Planning Values - Sewer

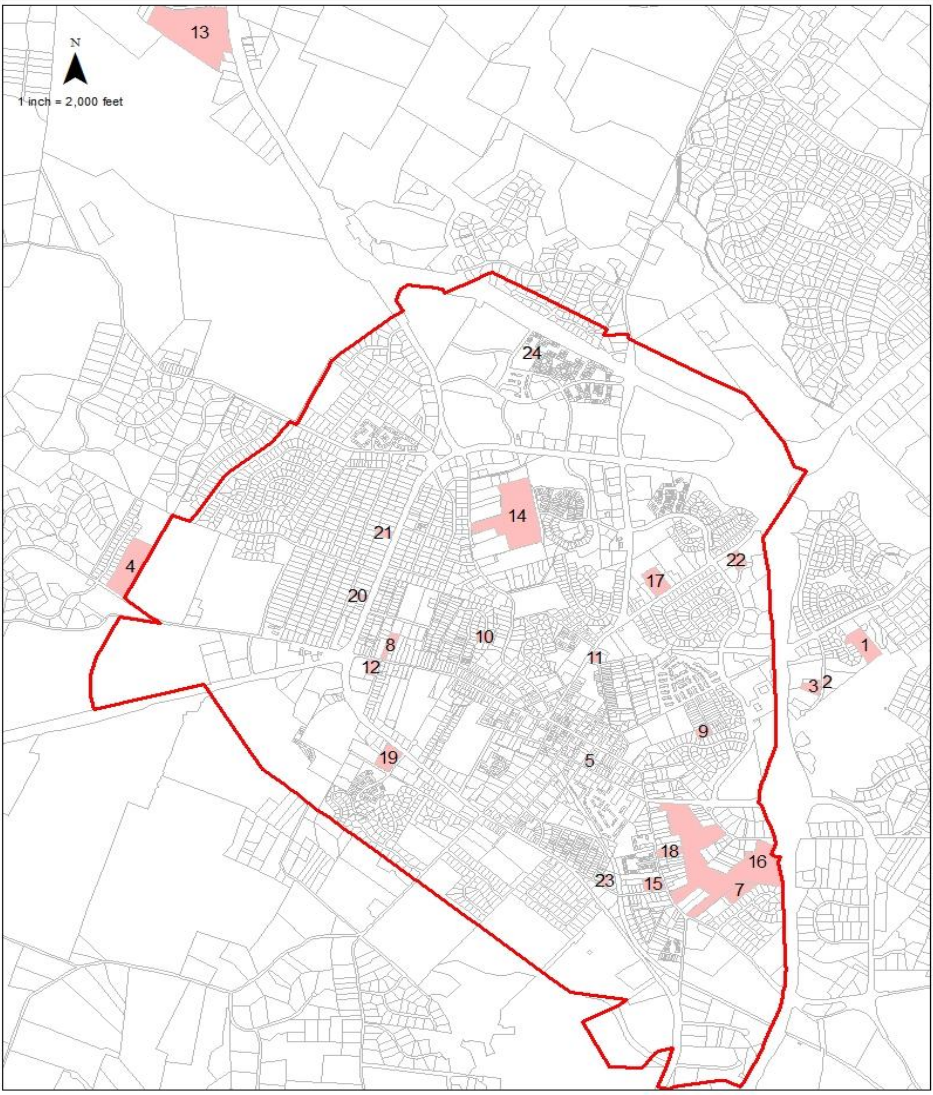
- **270* gpd per Residential Account**
- **630* gpd / Acre for Commercial / Industrial Land**
- **Flows Assumed to be 90% of water demands*



CURRENT DEVELOPMENT INTOWN - SITE PLANS APPROVED OR UNDER REVIEW

Item D.

2015 Site Plans Approved or Under Review



1	Millfield
2	Millfield
3	Millfield
4	Stonecrest
5	J. Tucker
7	MONROE EST II
8	PENNINGTON GROVE
9	Habitat
10	Brenda Ct
11	North Alex Pike
12	Middleburg Bank
13	Fletcherville
14	Winchester Chase
15	Madison Square
16	War Crossing
17	Harway
18	Falmouth Landing
19	Fau H Med Of Bld
20	Oak V Bnk lot
21	Advance A Parts
22	Lnwvr ph2 lot6
23	Nokesville Bldrs
24	War Manor additn

WATER • TOTAL PROJECTED DEMAND = 0.096 MGD

SEWER • TOTAL PROJECTED FLOW = 0.097 MGD

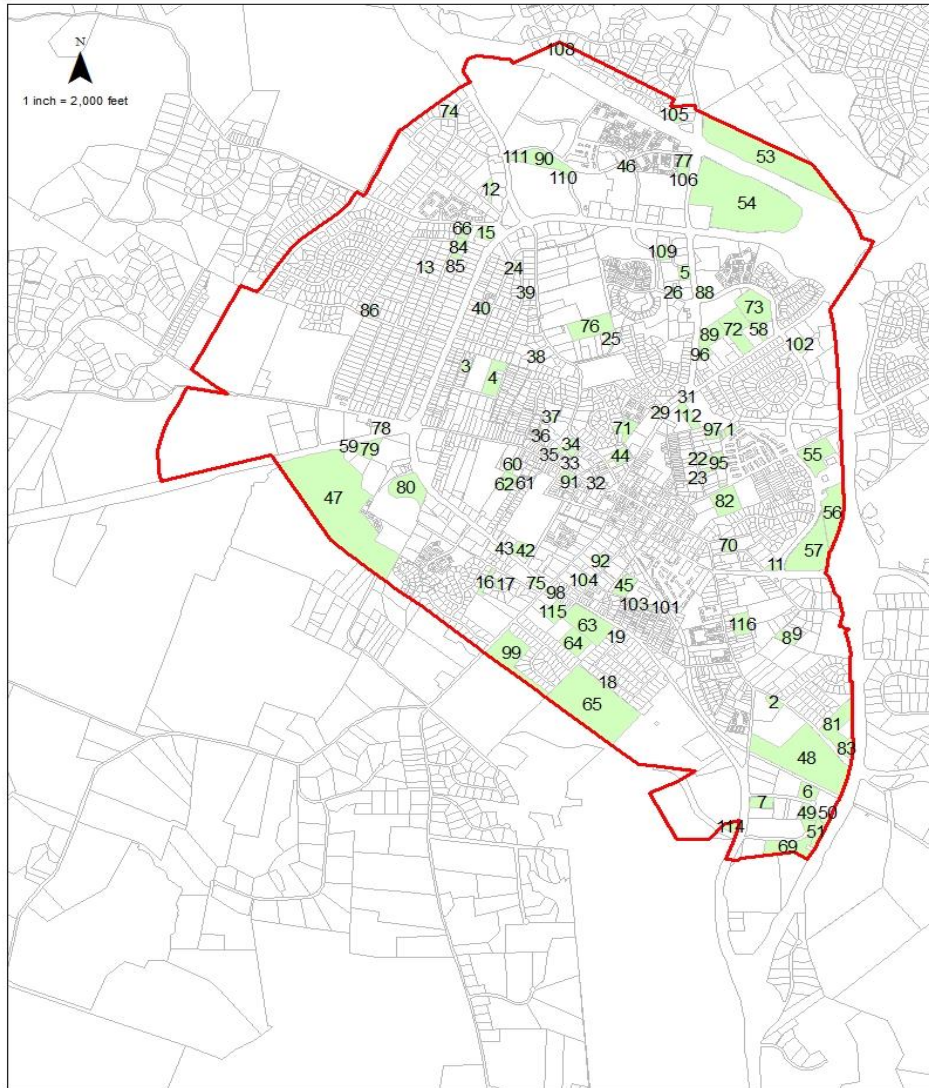




FUTURE DEVELOPMENT IN-TOWN UNDEVELOPED PROPERTY MAP

Item D.

2015 In-Town Undeveloped Properties



WATER

- 823 Residential Lots @ 300 gpd/lot
- 168 Acres Comm./Ind. @ 700 gpd/Ac
- 363,600 gpd Avg. Daily Water Demand
- 0.364 MGD Avg. Daily Water Demand

SEWER

- 823 Residential Lots @ 270 gpd/lot
- 168 Acres Comm./Ind. @ 630 gpd/Ac
- 327,200 gpd Avg. Daily Flow
- 0.327 MGD Avg. Daily Flow

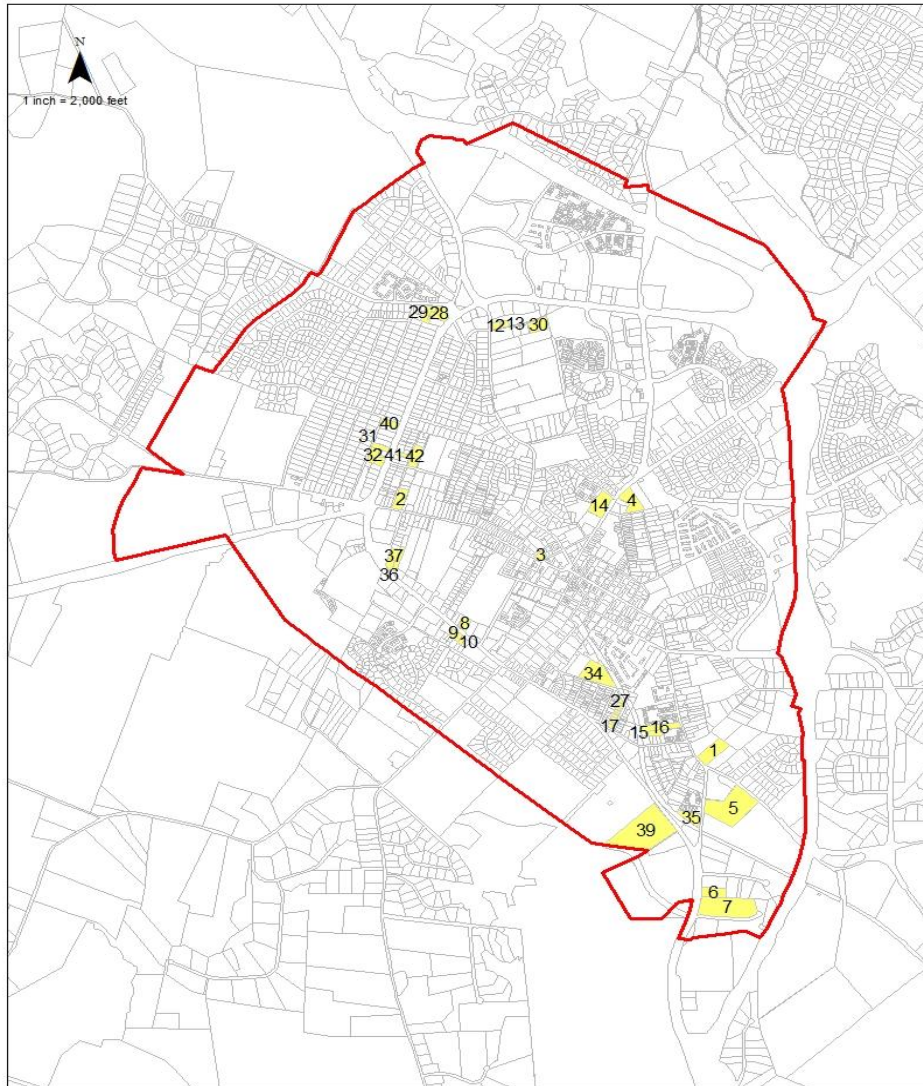




FUTURE DEVELOPMENT INTOWN - POTENTIAL REDEVELOPMENT PROPERTY MAP

Item D.

2015 Redevelopment Potential

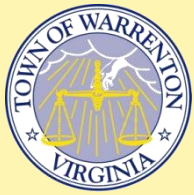


WATER

- 66 Residential Lots @ 300 gpd/lot
- 38.5 Acres Comm./Ind. @ 700 gpd/Ac
- 46,800 gpd Avg. Daily Water Demand
- 0.047 MGD Avg. Daily Water Demand

SEWER

- 66 Residential Lots @ 270 gpd/lot
- 38.5 Acres Comm./Ind. @ 630 gpd/Ac
- 42,100 gpd Avg. Daily Flow
- 0.049MGD Avg. Daily Flow



FUTURE DEVELOPMENT OUT OF TOWN WATER COMMITMENT MAP

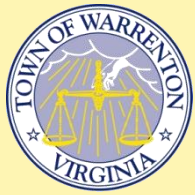
Item D.

2015 Out of Town Potential Water Customers



WATER

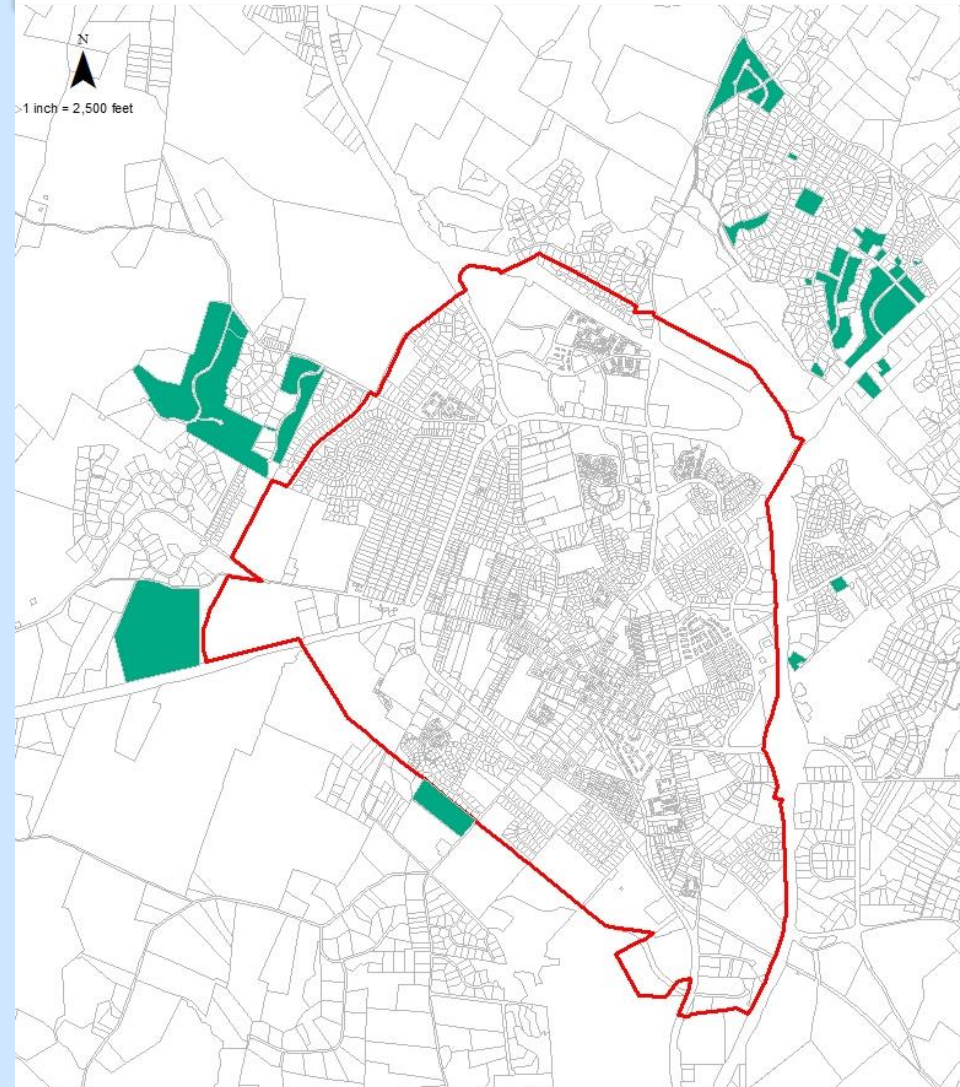
- 196 Residential Lots @ 300 gpd/lot
- 4.85 Acres Comm./Ind. @ 700 gpd/Ac.
- 62,200 gpd Avg. Daily Water Demand
- 0.062 MGD Avg. Daily Water Demand



FUTURE DEVELOPMENT OUT OF TOWN SEWER COMMITMENT MAP

Item D.

2015 Out of Town Potential Sewer Customers



SEWER

- 245 Residential Lots @ 270 gpd/lot
- 4.85 Acres Comm./Ind. @ 630 gpd/Ac.
- 69,300 gpd Avg. Daily Flow
- 0.069 MGD Avg. Daily Flow



PROJECTED BUILDOUT WATER SYSTEM DEMANDS IN TOWN & EXISTING COUNTY COMMITMENTS

Item D.

Water System Summary

2015 Calculations

Currently Proposed Development	96,000 gpd
In Town - Vacant Lot Development	363,000 gpd
In Town - Redevelopment Potential	46,800 gpd
County - Unserved Lots Within Commitment Area	62,200 gpd

Buildout Estimated Additional Water Demand 568,600 gpd

Current Average Day Demand 1,309,432 gpd

Total Buildout Water Demand gpd 1,878,032

Available Safe Yield (Average Day from Sources) = 2,046,667 gpd

Buildout Demand is at 92% of the Available Safe Yield



PROJECTED BUILDOUT SEWER SYSTEM FLOWS IN TOWN & EXISTING COUNTY COMMITMENTS

Item D.

Sewer System Summary

2015 Calculations

Currently Proposed Development 97,470 gpd

In Town - Vacant Lot Development 327,200 gpd

In Town - Redevelopment Potential 42,100 gpd

County - Unserviced Lots Within Commitment Area 69,300 gpd

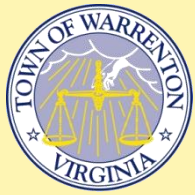
Buildout Estimated Additional Sewer Flow 536,070 gpd

Current Average Day Flow 2,110,640 gpd

Total Buildout Sewer Flow 2,646,810 gpd

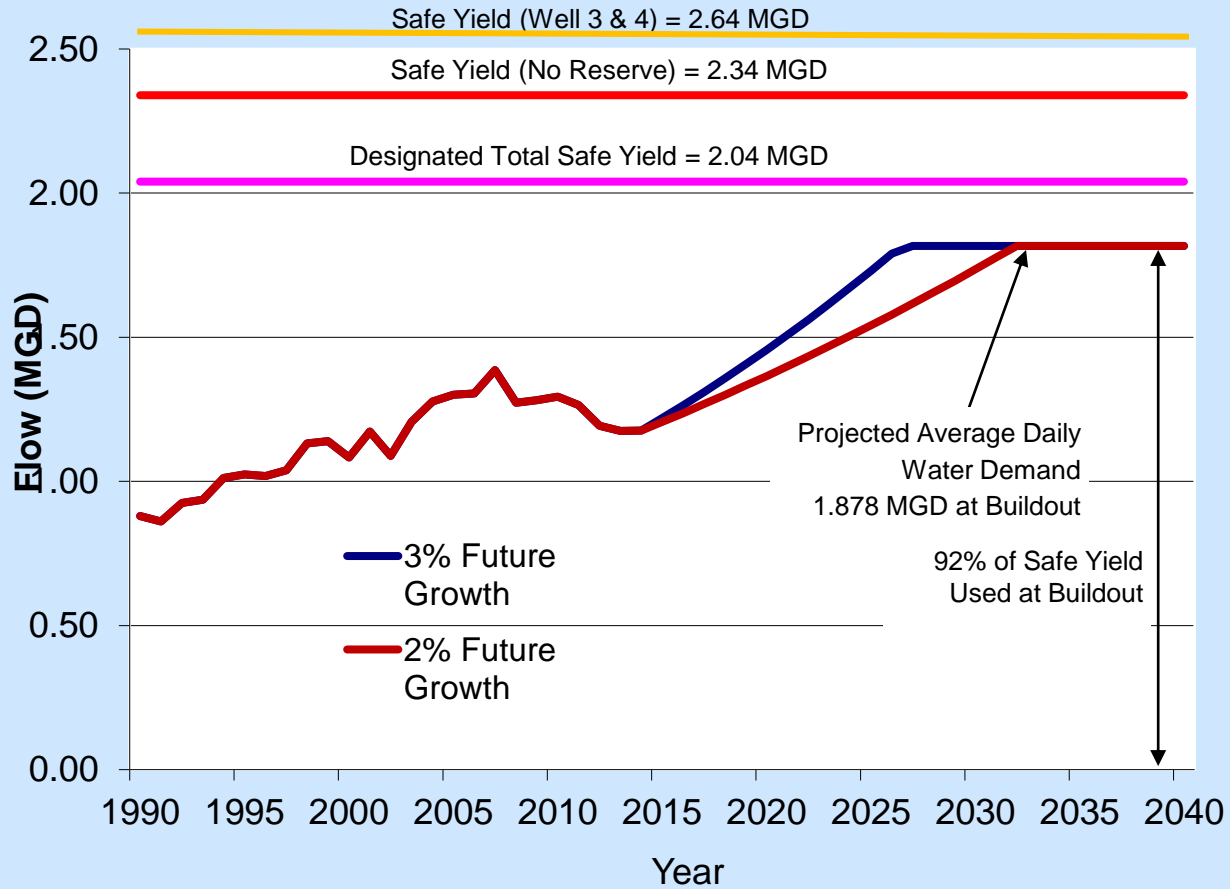
WWTP Capacity (95% ADF) = 2,375,000 gpd

Buildout Sewer Flow is at 106% of WWTP Capacity.



PROJECTED BUILDOUT WATER SYSTEM DEMANDS

Item D.



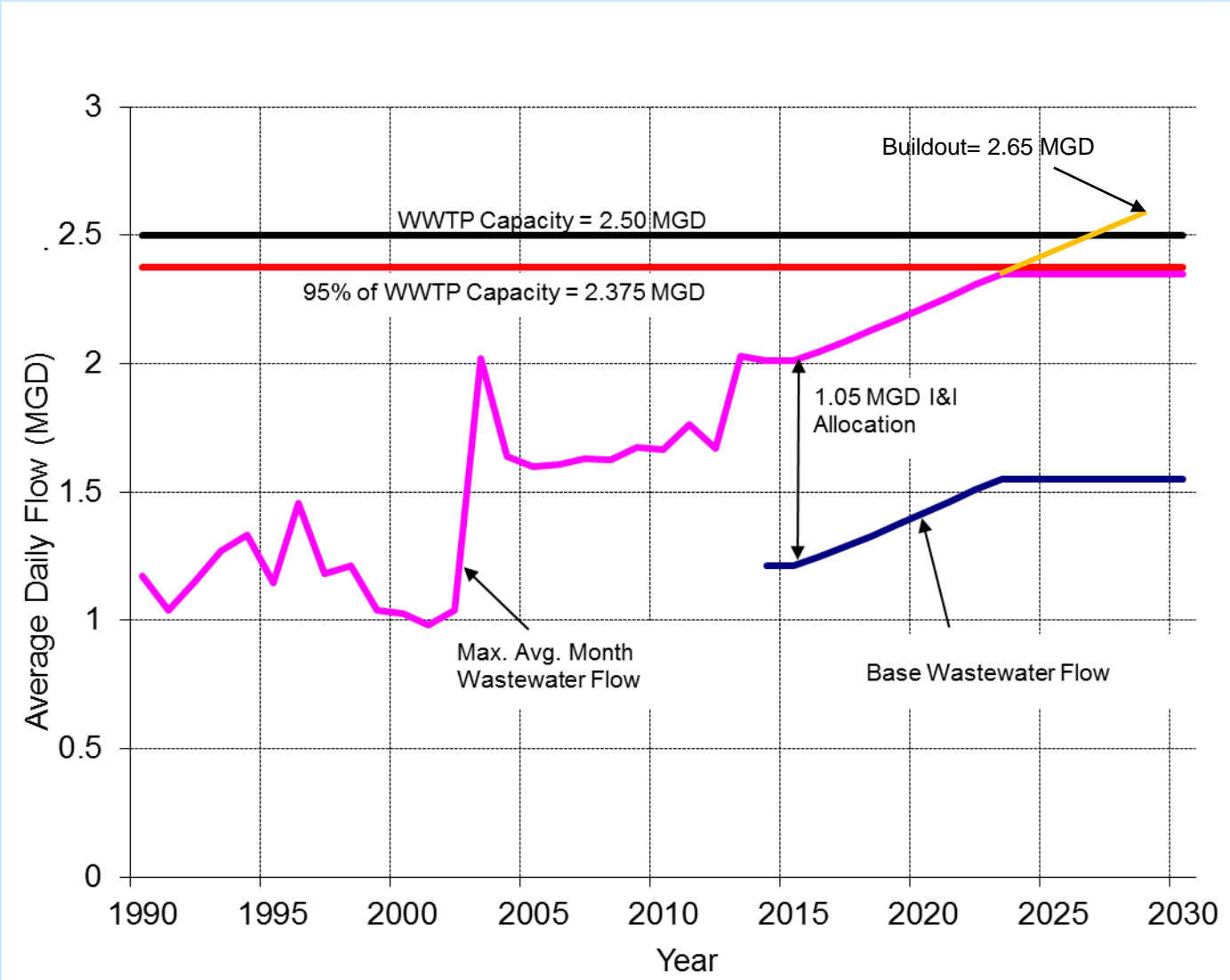
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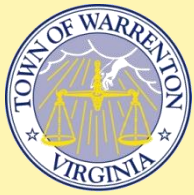




PROJECTED BUILDOUT SEWER FLOWS

Item D.





PROJECTION SUMMARY

Item D.

WATER

- Buildout will occur between 2028 (3.0% growth) and 2033 (2.0% growth)
- At Buildout demand is 92% of safe yield (with current assets)

SEWER

- Buildout will occur in 2029 (3.0% growth)
- Current WWTP Capacity (95%) will occur in 2022-2024

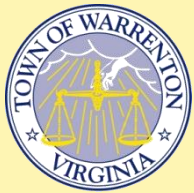


ADDITIONAL CONSIDERATIONS

Item D.

Water - Additional Considerations

- Option to Utilize the Drought Contingency Reserve (80% at Buildout)
- Reactivation of Well #3 and Well #4 (71% at Buildout)

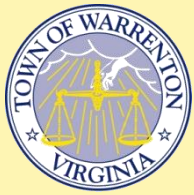


WATER –RECOMMENDATIONS

Item D.

Short Term

- Reactivate Wells #3 and #4 (0.3 MGD)
- Consider Removal of Drought Contingency Reserve, using 80% Commitment of Assets as Objective.

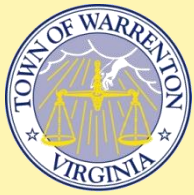


SEWER –RECOMMENDATIONS

Item D.

Short Term

- Reduce I&I (Set a goal of reduction of 0.3 MGD in 3 years). Study already underway.
- Investigate the Potential and Objectives to Wastewater Treatment Plant Capacity Expansion



GENERAL RECOMMENDATIONS

Item D.

Long Term

- Unprogrammed New Development: Outside Commitments will increase Buildout Demands and Flows and will require Capacity Improvements.
- Town should develop a Contingency Plan for future Rezoning, changes to Water and Sewer patterns or other system changes.



QUESTIONS

Item D.



Water and Sewer System Growth and Capacity Evaluation

Prepared for:



Town of Warrenton, Virginia

Final Report

April, 2015

WR&A Work Order No:
18535-000

Prepared by:
Whitman, Requardt & Associates, LLP
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Fairfax, VA 22030

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1. Executive Summary

Whitman, Requardt and Associates, LLP (WRA) was tasked to update the Growth and Capacity Evaluation Report for the Town's water and sewer systems. Updated residential and commercial account data along with meter flow data from the WTP and WWTP was analyzed. The data was used to estimate the current and buildout water demands and sewer flows for areas where the Town has prior service commitments.

The current water system capacity is 2.046 MGD, which is based on a safe yield of 2.346 MGD (from the Warrenton and Airlie reservoirs, Wells #5 and #6), and an additional drought contingency reserve of 0.30 MGD. The buildout average water demand is 1.88 MGD. The current sewer system capacity of 2.375 MGD based on 95% average daily flow capacity of the WWTP which is permitted to treat 2.5 MGD. The buildout sewer flow is 2.65 MGD which exceeds the capacity of the existing WWTP. The current inflow and infiltration (I&I) in the system is estimated at 1.05 MGD. Assuming a 3% growth in both water demands and sewer flows, the buildout for water will reach 92% of the safe yield and drought contingency reserve in year 2028. The buildout for sewer will reach 95% of the average daily flow capacity at WWTP in year 2024. The analysis and recommendations from the report are summarized below:

- The buildout Average Water demand with current assets is at 92% of the allowable water demand capacity based on the safe yield and drought contingency reserve of 2.04 MGD. This percentage can be lowered to 80% if the drought contingency reserve limit is removed. In addition, if Well #3 and #4 are brought online, this can be lowered even further to 71%.
- The Town needs to develop a policy to meet additional water commitments by revisiting the drought contingency reserve. The recommendations presented in the 2010 strategic water supply plan of reactivating Well #3 and #4 as a treated source or reservoir recharge, and evaluating the potential and practicality of adding capacity to the Warrenton reservoir should also be investigated.
- The buildout average sewer flows will reach 106% of the WWTP capacity. DEQ requires an upgrade plan when flows exceed 95% of the rated capacity, 2.375 MGD, for three consecutive months.
- To create flow capacity in the sewer system for the current customers, inflow and infiltration should be continuously investigated and corrected. Permanent flow meters should be installed at key locations in the system. The Town should set a goal to reduce the current I&I in 2-3 years and reduce it by 0.3 MGD. The Town has been conducting a flow monitoring study for the past 8 months. The study needs to be continued and expanded.
- A comprehensive evaluation of the WWTP upgrade is recommended to investigate opportunities to create additional capacity as a contingency if I&I reduction goals cannot be met and possible accommodation of additional sewer commitments.
- New developments without prior water and sewer commitments will increase buildout demands and flows and require system capacity improvements.
- The Town should develop contingency plans for future re-zonings, changes to water and sewer usage patterns, regulatory changes or other system changes.

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2. Purpose

The Town of Warrenton (Town) requested Whitman, Requardt and Associates, LLP (WR&A) to review and update the Growth and Capacity Evaluation for the Town's water and sewer systems. Prior evaluations were completed in 2002, 2006 and 2009 by WR&A, and this report follows the same general outline. The scope of this evaluation includes:

- Update existing residential and commercial demands and flows based on billing records and treatment plant records for water and sewer.
- Identify and update proposed development plans in which the Town has committed to providing water and sewer services.
- Update areas within Town with undeveloped lots and project water and wastewater flows for these areas.
- Confirm the estimate of potential water and sewer service commitments in the surrounding County.
- Develop capacity projections based on existing and future use for water and sewer.

Estimates of potential water and sewer demand are based on the development of vacant lots according to their current zoning, typically determined with no consideration of potential topographic or geographic restrictions (steep slopes, flood plains, etc...). The exception is a limited number of parcels with existing staff knowledge of preliminary site analysis.

3. Existing Water Demands, Sewer Flows, I&I and Planning Flows

The Town of Warrenton serves an estimated 4,808 water accounts as of December 2014. The highest consecutive 5-year average daily water demand is 1.31 MGD based on the production records from 2005-2009. A maximum day water demand peaking factor of 1.5 was determined from water records, which corresponds to a peak day of 1.96 MGD. The 5-year average daily water demand is slightly lower than past reports, which is due to a combination of slow economy, water conservation, water saving fixtures and some accounts that have gone dormant. A summary of the average day demands and growth from recent years is provided in **Table 1**.

Table 1
Water System Growth - 2004 through 2014

Year	Avg. Daily Production (MGD)	Annual Growth	No. of Customers	Customer Annual Growth
2004	1.28	5.87%	4,178	5.67%
2005	1.30	1.84%	4,455	6.63%
2006	1.31	0.35%	4,577	2.74%
2007	1.39	6.22%	4,652	1.64%
2008	1.27	-8.18%	4,686	0.73%
2009	1.28	0.66%	4,726	0.85%
2010	1.29	0.95%	4,724	-0.04%
2011	1.27	-2.22%	4,747	0.49%
2012	1.19	-5.73%	4,776	0.61%
2013	1.17	-1.47%	4,803	0.57%
2014	1.17	0.08	4808	0.10%
Average	1.31 (2005-2009)			3.44%

The Town serves an estimated 4,368 sewer accounts as of December 2014. The consecutive 5-year average daily flow is 1.67 MGD based on flow records from 2007-2011. Flow records for the past three years were not included in the analysis due to unusual amount of I&I experienced by the sewer system due to intense wet weather. I&I is currently being investigated by the Town. Table 2 lists the flow records at the WWTP.

Table 2
Wastewater System Growth - 2004 through 2014

Year	Avg. Daily Flow (MGD)	Flow Annual Growth	Annual Rainfall (Inches)	No. of Customers	Customer Annual Growth
2004	1.64	-18.76%	39	3,723	6.55%
2005	1.60	-2.65%	45	4,009	7.68%
2006	1.67	4.83%	46	4,127	2.94%
2007	1.63	-2.78%	27	4,202	1.82%
2008	1.62	-0.21%	44	4,233	0.74%
2009	1.67	3.06%	49	4,253	0.47%
2010	1.66	-0.56%	39	4,280	0.63%
2011	1.76	5.86%	46	4,303	0.54%
2012	1.67	-5.28%	36	4,332	0.67%
2013	2.03	21.66%	52	4,366	0.78%
2014	2.01	-0.99%	51.6	4368	0.05%
Average	1.67 (2007-2011)				2.91%

For planning purposes, inflow and infiltration (I&I) estimation is very essential. The yearly average of wastewater flow cannot be used. In order to estimate I&I the wastewater/water differentials for three consecutive months have to be analyzed.

The wastewater flow includes both customer sewage (base flow) and I&I. The methodology, which has been utilized, calculates the sewer base flow from the percentage of sewer customers and the flow returning to the wastewater. Approximately 90 percent of water customers are also sewer system customers, and approximately 90 percent of the water delivered returns to the sewer system from each location. The planning flow is then calculated as the base flow plus an allowance for I&I of 1.05 MGD. These calculations are presented in **Appendix G**. I&I allowance was calculated in 2011 based on flow records.

Based on the Average Water Demand, the calculated Average Daily Base sewage base flow is therefore 1.06 MGD. These calculations are presented in **Appendix G**. Using the inflow/infiltration (I/I) flow of 1.05 MGD the current planning average monthly sewage flow is 2.11 MGD.

Planning Water Demand	1.31 MGD
Sewer Customers %	90%
Water to Sewer %	90%
Base Flow	1.06 MGD
I&I	1.05 MGD
Planning Wastewater Flow	2.11 MGD

4. Existing System Capacity

The Town's water system permit issued by VDH includes a review of treatment capacity, storage and source of supply capacity. The Town's limiting long range issue is source of supply. The Town's water supplies include two surface water impoundments, Warrenton and Airlie Reservoirs, which have a combined safe yield of 2.27 MGD as determined in 1992 by the State Water Control Board [now the Department of Environmental Quality (DEQ)]. Two groundwater wells #5 and #6 provide an additional 0.076 MGD, which do not require filtration at the WTP for a subtotal of 2.346 MGD. Two additional groundwater wells #3 and #4 are currently not operational, but the Town is in the process of reactivation. The Town of Warrenton has designated 0.30 MGD of the safe yield for drought reserve bringing the total available safe yield to 2.046 MGD.

The Town's water plant has a rated treatment capacity of 3.0 MGD but the source is limited to 2.046 MGD due to safe yield and drought reserve requirements. VDH requires the Owner to develop contract documents when the waterworks reaches its rated capacity of 80% for three consecutive months. The Town's wastewater treatment plant has a permitted capacity of 2.5 MGD. DEQ requires an upgrade plan when wastewater flows exceed 95% of the rated capacity, 2.375 MGD, for three consecutive months.

Planning Limits for the Warrenton System

Water Demand Capacity	2.046 MGD
Wastewater Flow Capacity	2.375 MGD

5. Projected Water & Sewer System Demands

The future demands for water and sewer were projected based upon current development plans and potential development within the area served by the Town. The potential residential development was based on existing zoning and densities. Unit water demands were applied to each lot at the rate of 300 gpd per equivalent residential connection (ERC) used for residential demands and 700 gpd per acre used for commercial, industrial and public/semi-public properties. Base wastewater flows were estimated at 90% of these water demand amounts, yielding 270 gpd per ERC and 630 gpd per acre commercial properties. These unit flows are consistent with prior projections.

Unit Flow Demands

Water Residential	300 gpd/ERC
Water Commercial	700 gpd/Acre
Wastewater Residential	270 gpd/ERC
Wastewater Commercial	630 gpd/Acre

The potential development in the committed water and sewer service areas were classified in to two main categories, In-Town Properties and Out of Town Commitment Properties. The In-Town section was further broken into two subcategories, Undeveloped Lots and Potential Redevelopment Lots. The following figures list the future demands for each category of development. The corresponding appendices include the data and the demand/flow calculations for the individual properties shown on each figure.

Figure 1 - Properties that are either under construction, have an approved site plan, or are currently submitted and are under review.

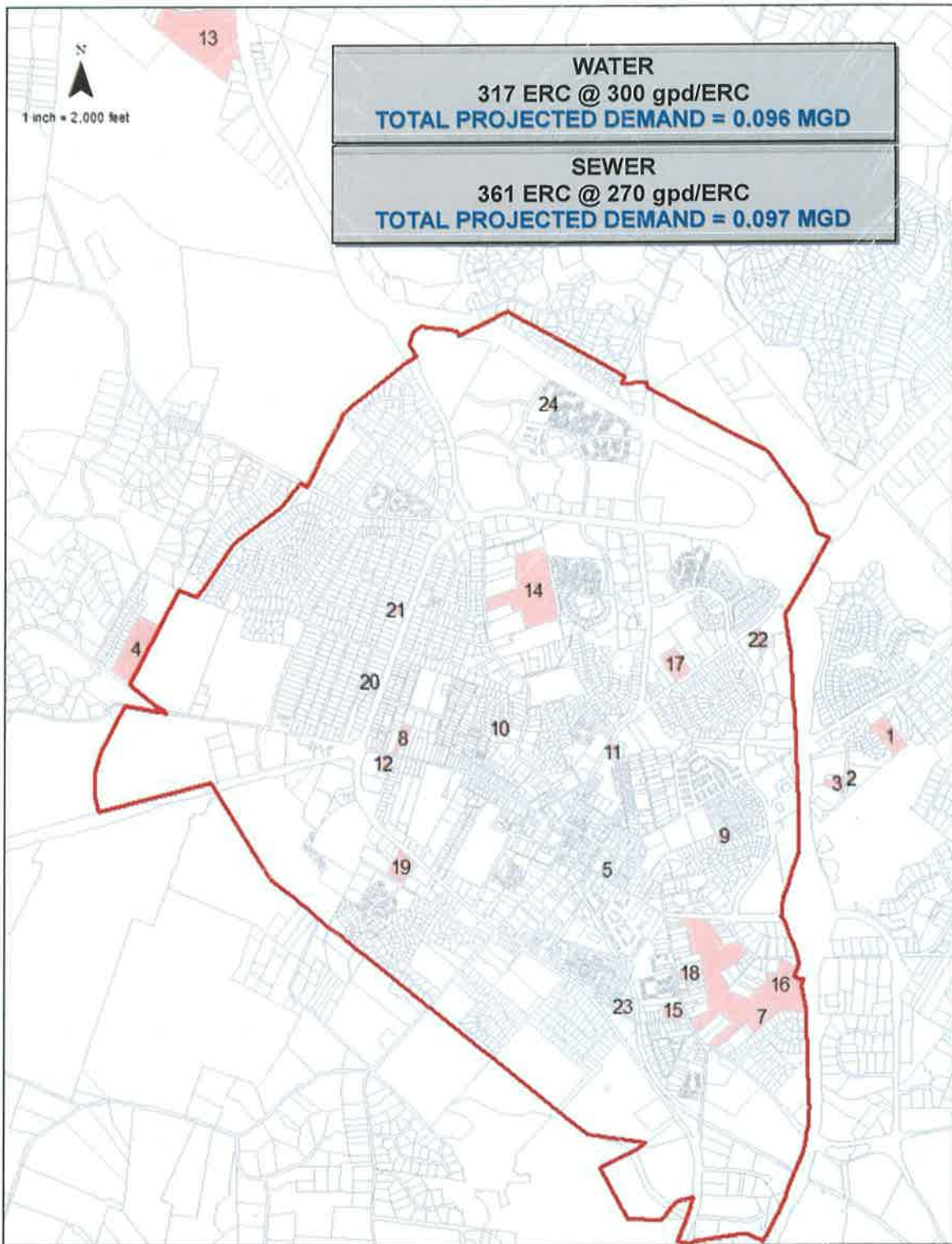
Figure 2 - In-Town Undeveloped Properties.

Figure 3 - Potential Redevelopment Properties within the Town

Figure 4 - Out of Town Water Commitment Properties

Figure 5 - Out of Town Sewer Commitment Properties

Figure 1
2015 Site Plans Approved or Under Review



3701 Pender Drive, Suite 450, Fairfax, Virginia 22030 www.wrallp.com Phone: 703.293.9717 Fax: 703.273.6773

Baltimore, MD • Georgetown, DE • Wilmington, DE • Ellsworth, ME • Philadelphia, PA • Pittsburgh, PA • York, PA • Houston, TX
Blacksburg, VA • Fairfax, VA • Fredericksburg, VA • Lynchburg, VA • Newport News, VA • Richmond, VA • Virginia Beach, VA

Figure 2
2015 In-Town Undeveloped Properties

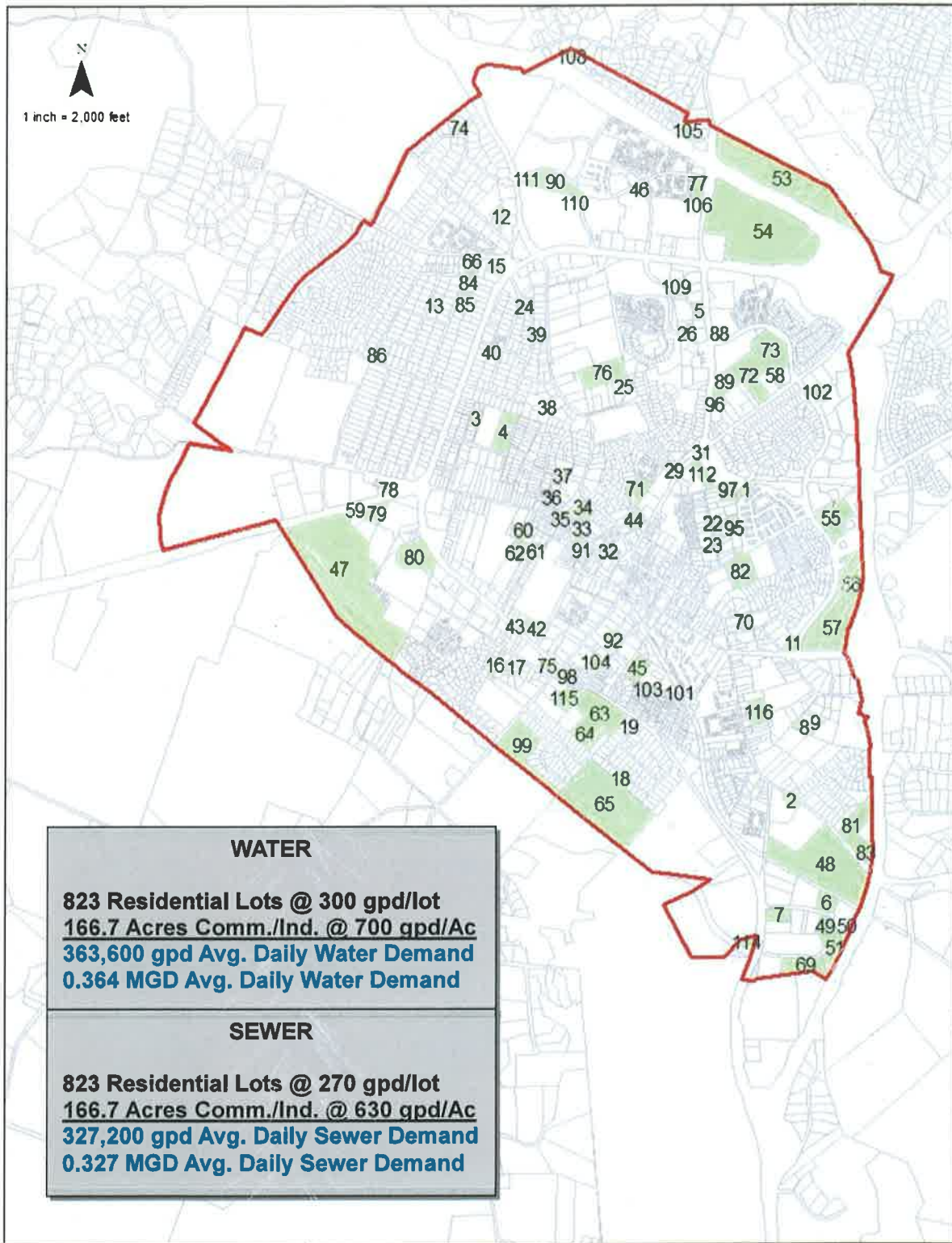
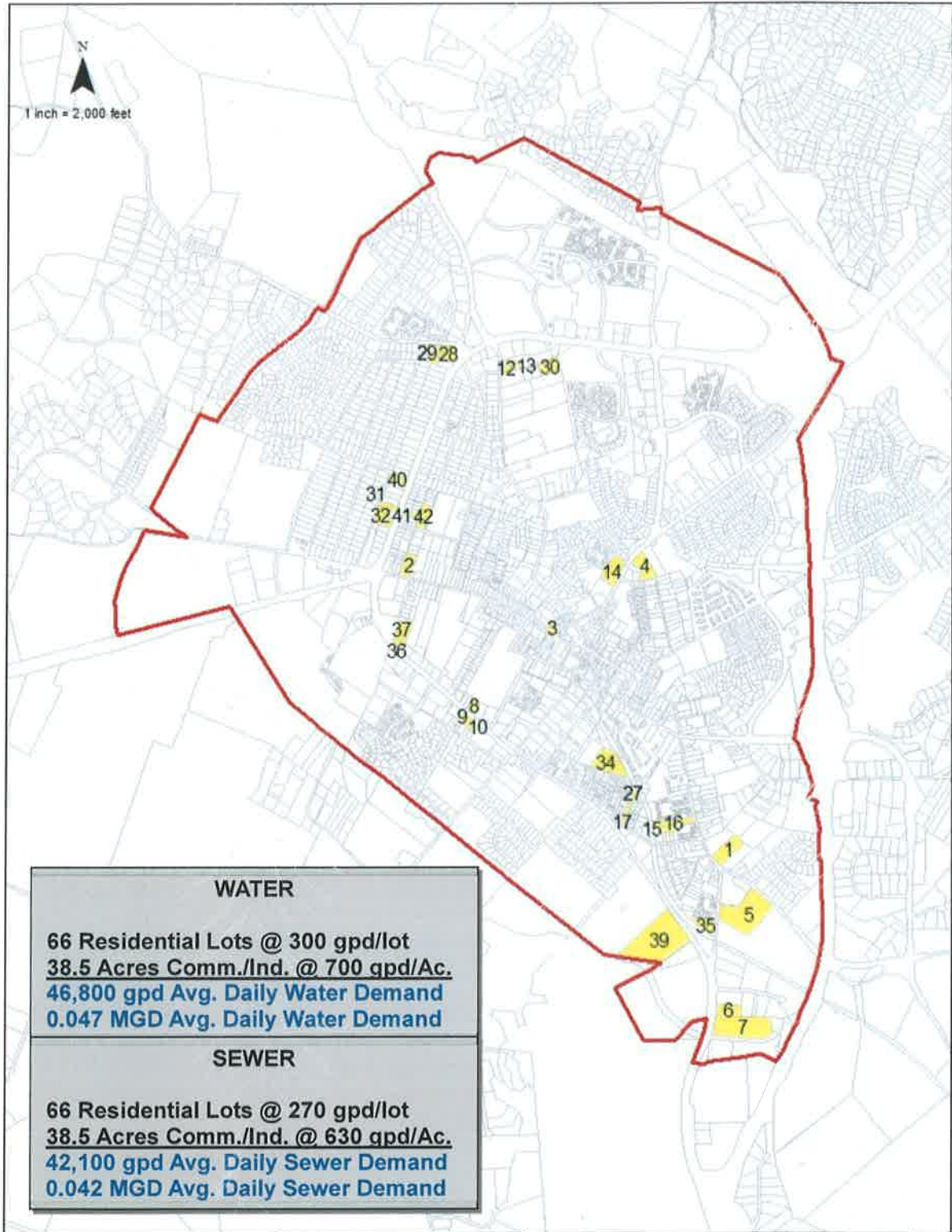


Figure 3
2015 Redevelopment Potential



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Baltimore, MD • Georgetown, DE • Wilmington, DE • Ellsworth, ME • Philadelphia, PA • Pittsburgh, PA • York, PA • Houston, TX
 Blacksburg, VA • Fairfax, VA • Fredericksburg, VA • Lynchburg, VA • Newport News, VA • Richmond, VA • Virginia Beach, VA

Figure 4
2015 Out of Town Potential Water Customers

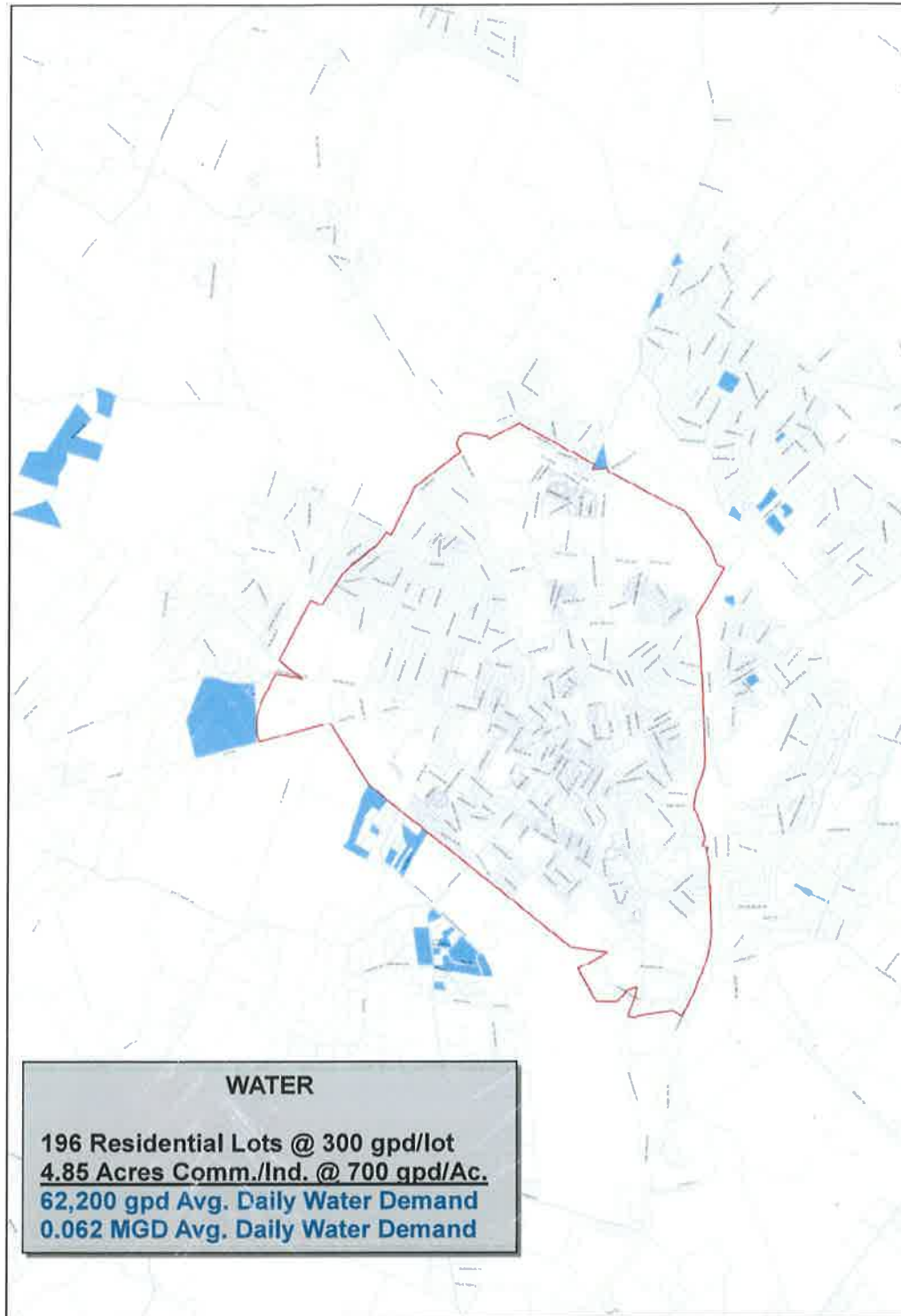
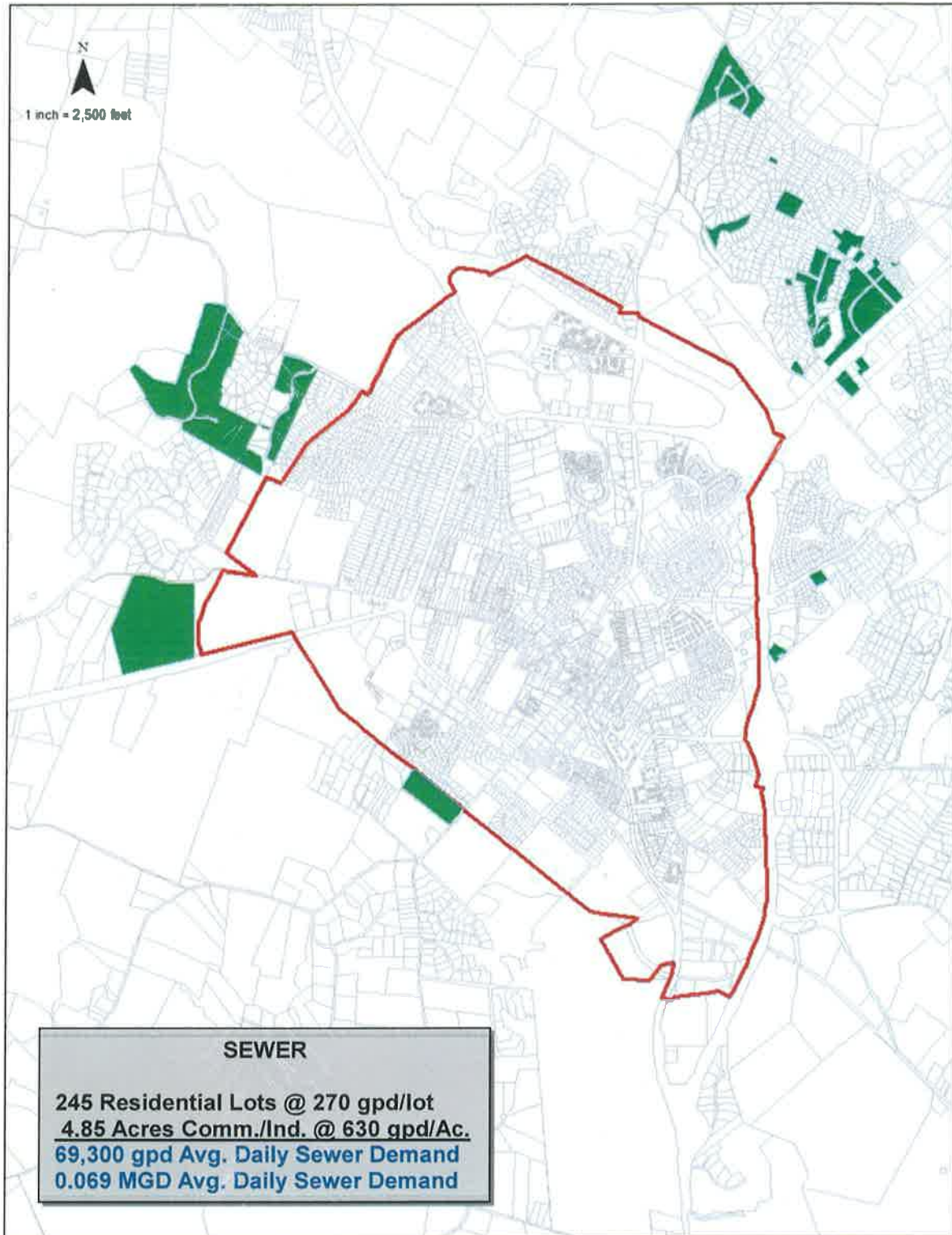


Figure 5
2015 Out of Town Potential Sewer Customers



At buildout of the committed water service area, the projected average daily water demand is 1.88 MGD which is at approximately 92% of the safe yield and drought reserve capacity of the available water resources. The maximum day water demand is 2.83 MGD. The components of the total demand at buildout are summarized in **Table 3**. Detailed calculations are presented in **Appendix F**.

Table 3
Projected Buildout Water System Demands

Review Area	Water Demand (gpd)
Currently proposed development	96,000
In Town - Vacant Lot Development	363,600
In Town - Redevelopment Potential	46,800
County - Unserviced Lots Within Commitment Area	62,200
Buildout Estimated Additional Water Demand	568,600
Current Average Day Demand	1,309,432
Buildout Estimated Water Demand	1,878,032
Available Safe Yield (Average Day from Sources)	2,046,667

At buildout of the committed sewer service area, the projected average monthly wastewater flow is 2.65 MGD which exceeds the 95% ADF flow capacity to 106% of the WWTP capacity. The components of the total sewage flow at buildout are summarized in **Table 4**. Detailed calculations are presented in **Appendix G**.

Table 4
Projected Buildout Sewer System Flows

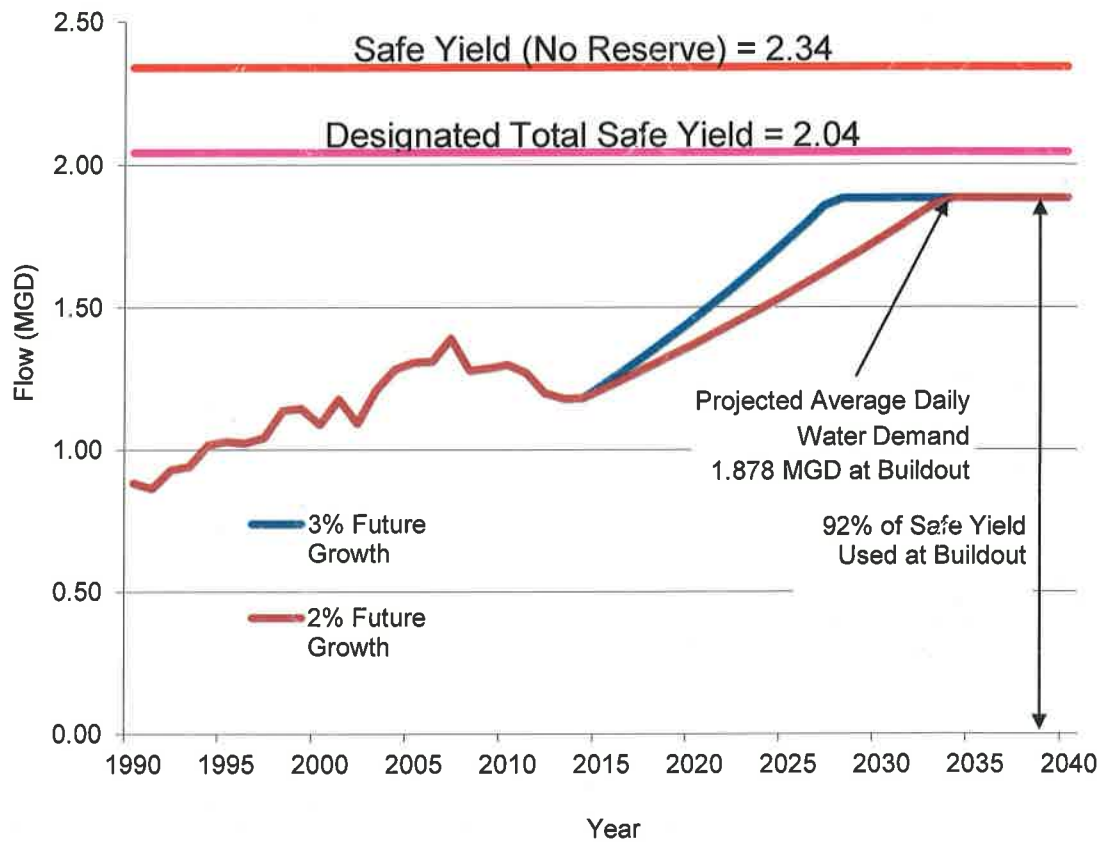
Review Area	Sewer Flow (gpd)
Currently proposed development	97,470
In Town - Vacant Lot Development	327,200
In Town - Redevelopment Potential	42,100
County - Unserviced Lots Within Commitment Area	69,300
Buildout Estimated Additional Sewer Demand	536,070
Current Average Day Demand	2,110,640
Buildout Estimated Sewer Demand	2,646,710
WWTP Capacity (95% ADF)	2,375,000

6. Growth Projections

The Town of Warrenton system accounts were growing in the early 2000's at over 5% per year. The recent growth has slowed considerably as the economy has slowed. Future growth has been estimated in the range of long term growth rates for the Town at 2% and 3% annually. Actual growth rates will vary and may change the year of buildout, however the projected buildout demands or flows will not change.

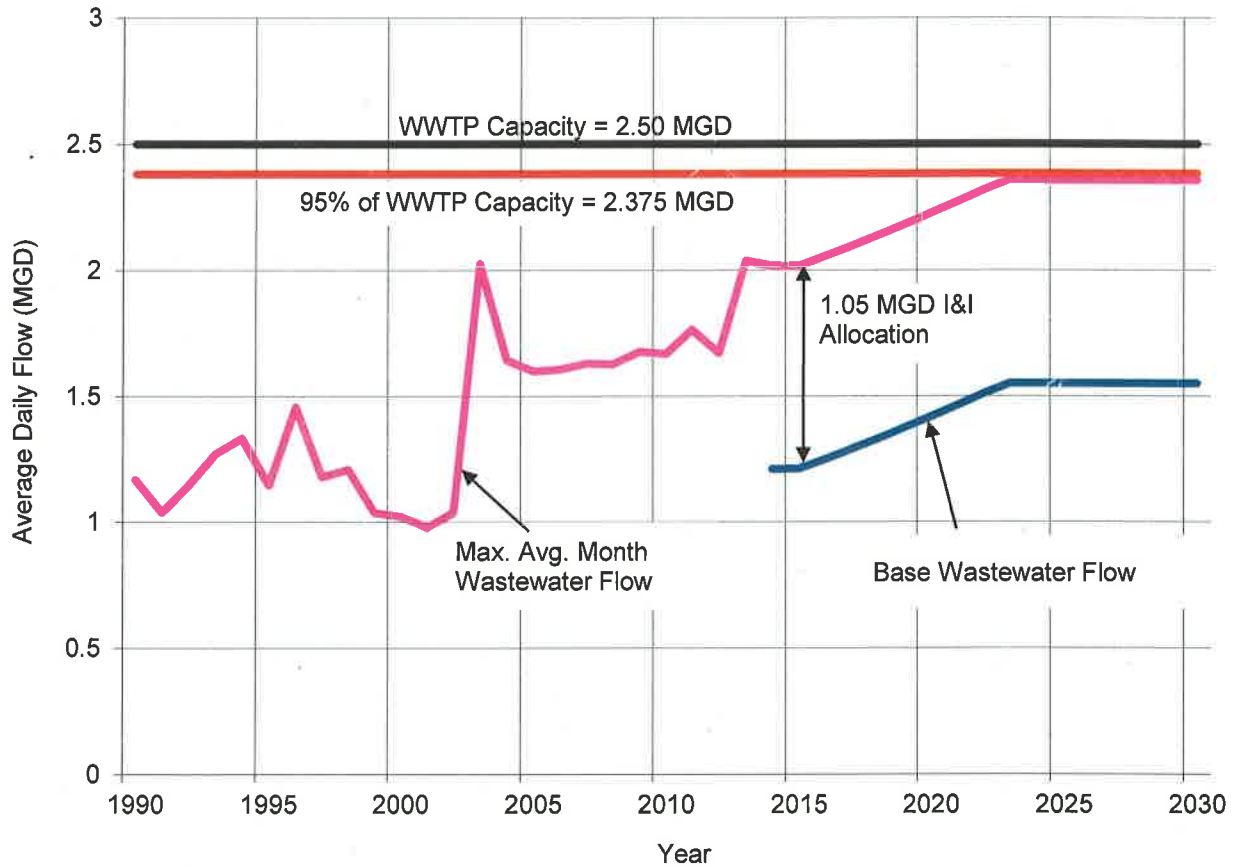
For this analysis, assuming buildout at 92% of the safe yield and drought contingency reserve (i.e. 1.878 MGD), the Town will reach the buildout water system demand in 2028 at 3% growth and 2033 at 2% growth. This is shown in **Figure 6** below.

Figure 6
Water System Growth and Safe Yield



Sewer flows are projected to reach buildout in 2024 at a 3% growth rate. **Figure 7** illustrates the projected sewer system growth in average daily and maximum month demands. For this analysis, buildout is assumed to be just below the 95% percent capacity limit of the WWTP (i.e. 2.375 MGD).

Figure 7
Wastewater Flow Projections



7. Additional Considerations

The capacity analysis for water takes into account the combined safe yield from all sources and its reduction due to drought contingency reserve limits. The combined safe yield of the available water sources is currently at 2.346 MGD which is reduced to 2.046 MGD due to the drought contingency reserve of 0.30 MGD instituted by the Town. For planning purposes, this drought contingency has been viewed as an additional level of protection. It is a reserve that can be utilized if the Town is willing to take that risk. If utilized, the average day demand would account for only 80% of the safe yield capacity of the available water resources.

Additionally, Well #3 and Well #4 have been out of service due to the presence of radio-nuclides which present a separate set of operational and treatment challenges. These wells can be brought online to provide an additional 0.315 MGD to the water system. The Town has the option to treat this water at the

source or divert it to the treatment plant, since the treatment plant has the capacity to treat this additional source. If considered this could boost the safe yield and drought contingency reserves from 2.04 MGD to 2.361 MGD (80%) or 2.661 MGD (i.e. 71%) if the drought contingency reserve requirement is eliminated.

8. Summary Analysis and Recommendations

Water:

- The buildout Average Water demand with current assets is at 92% of the allowable water demand capacity based on the safe yield and drought contingency reserve of 2.04 MGD. This percentage can be lowered to 80% if the drought contingency reserve limit is removed. In addition, if Well #3 and #4 are brought online, this can be lowered even further to 71%.
- The Town needs to develop a policy to meet additional water commitments by revisiting the drought contingency reserve. The recommendations presented in the 2010 strategic water supply plan of reactivating Well #3 and #4 as a treated source or reservoir recharge, and evaluating the potential and practicality of adding capacity to the Warrenton reservoir should also be investigated.

Sewer

- The buildout average sewer flows will reach 106% of the WWTP capacity. DEQ requires an upgrade plan when flows exceed 95% of the rated capacity, 2.375 MGD, for three consecutive months.
- To create flow capacity in the sewer system for the current customers, inflow and infiltration should be continuously investigated and corrected. Permanent flow meters should be installed at key locations in the system. The Town should set a goal to reduce the current I&I in 2-3 years and reduce it by 0.3 MGD. The Town has been conducting a flow monitoring study for the past 8 months. The study needs to be continued and expanded.
- A comprehensive evaluation of the WWTP upgrade is recommended to investigate opportunities to create additional capacity as a contingency if I&I reduction goals cannot be met and possible accommodation of additional sewer commitments.

General

- New developments without prior water and sewer commitments will increase buildout demands and flows and require system capacity improvements.
- The Town should develop contingency plans for future re-zonings, changes to water and sewer usage patterns, regulatory changes or other system changes.

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- Appendix A:** Properties that are either under construction, have an approved site plan, or are currently submitted and are under review.
- Appendix B:** In-Town Undeveloped Properties.
- Appendix C:** Potential Redevelopment Properties within the Town
- Appendix D:** Out of Town Water Commitment Properties
- Appendix E:** Out of Town Sewer Commitment Properties
- Appendix F:** Water Capacity Calculations
- Appendix G:** Sewer Capacity Calculations

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Warrenton Water and Sewer Capacity Review
Approved Site Plans and Master Plans

Appendix A

As of Feb 2015

remaining

INDEX REF	SUBDIVISION		UNITS		NOTES			ERCs
	SUBDIVISION	LOCATION	Status	Acres	Parcel	UNITS	Zoned	
13	Fletcherville	17 NORTH	SEWER ONLY PENDING FORCE	26	6975-77-6763	44 PENDING	V	44
17	Harway	Old Alex Pike	Site plan under review.	4	6984-56-8449	7 5/8" METERS	R-10	7
4	Stonecrest	OLD WATERLOO	Stone Crest next to Stone Lea	10	6974-66-4890	17 lots remaining	R-2	17
5	J. Tucker	S 5TH STREET	RESIDENTIAL	0	6984-42-6930		1 CB	1
7	MONROE EST II	MEETZE RD		3	6984-70-2394		6 R-15	6
8	PENNINGTON GRO	WATERLOO ST		2	6984-15-1368		6 R-6-10	6
9	Habitat	Sterling Ct	1 vacant lot left	1			1 R-6	1
10	Brenda Ct	Brenda Ct	UNDER REVIEW	1			2 R-10	2
11	North Alex Pike	North & Alex Pike	Approved 7/21/08	1		9 potential left	CBD	9
12	Middleburg Bank	Waterloo St		1			1 C	1
15	Madison Square	Falmouth / Madison	Preliminary	2			15 RMF	15
16	War Crossing	Oliver City Rd	Preliminary	41			135 R-15	135
3	Millfield	Academy Hill	Site plan under review	2			4 R4P	4
14	Winchester Chase	Winchester		21			71 R-10	71
18	Falmouth Landing	Falmouth St		2	6984-61-0173		3	3
19	Fau H Med Of Bld	Veterans Dr		3	6984-12-0815	2" meter		8
20	Oak V Bnk lot	Broadview Ave		1	6984-06-5261	1 future		1
1	Millfield	Academy Hill	Site plan under review	5			16	16
2	Millfield	Academy Hill	Site plan under review	1			3	3
21	Advance A Parts	Broadview Ave	Site plan under review	1			2	2
22	Lnwvr ph2 lot6	Holiday Ct	Site plan under review	2			1	2
23	Nokesville Bldrs	Madison St	Building Permit process	1			2	2
24	War Manor additn	Hastings Ln	Site plan under review	1			1	5

SEWER ERC Total 361
WATER ERC Total 317

Warrenton Water and Sewer Capacity Review
Undeveloped Properties Within Warrenton - Water and Sewer

As of Feb 2015

Estimation of potential future water and sewer demands to be based on current zoning allowance.

	Zoning	Parcel #	Acreage	Prop. Units	Description
Commercial & Industrial					
88	C	6984-57-5835	1.03		BLACKWELL / WLKR
15	C		1.50		Broadview Ave, Goal LC
26	C		0.66		North Hill Dr
40	C		0.45		Chappell St, Foley
110	C		0.27		Oak Springs Dr, Jefferson
111	C		0.86		Oak Springs Dr, Jefferson
3	C		0.54		Sullivan St
114	C		1.17		Alwington Blvd
44	CBD	6984-44-0404	1.85		SPRING LN
91	CBD	6984-34-1010	0.55		WATERLOO
29	CBD		0.15		John E Mann St, Cannon Prop
30	CBD		0.14		Alex Pike, Cannon Prop
32	CBD		0.04		Waterloo, Harris
45	CG	6984-41-1844	2.41		WASHINGTON ST
46	CL	6985-40-1125	0.43		FLETCHER/OAK SPR
109	CL	6984-48-8559	1.21	COMMERCIAL	ADJ TO RUBY TUES
90	CL	6985-20-8162	5.54		17 NORTH
5	CL		1.15		Blackwell Park
78	CO	6974-94-7967	0.28		551 FROST
TOTAL COMMERCIAL			20.24	Acres	
48	IG	6983-78-1685	26.88		INDUSTRIAL PARK/
49	IG	6983-77-3316	1.95		INDUSTRIAL PARK
50	IG	6983-77-6242	0.66		INDUSTRIAL P HIT
51	IG	6983-76-5917	1.95		INDUSTRIAL P. HI
69	IG	6983-66-9788	5.14	Flood Plain	INDUSTRIAL RD
52	IG	6983-66-9788	1.19		INDUSTRIAL RD
6	IG		2.27		Industrial Rd
102	IG	6984-76-3924	1.18		Holiday Ct LLC
7	IG		2.03		James Mad Hwy The War Ind Park
2	IG		0.98		Old Meetze Rd
53	IL	6985-60-4454	27.51		ROUTE 17 BY-PASS
54	IL	6984-69-2419	41.37		ROUTE 17 BY-PASS
55	IL	6984-74-7300	5.95		WALKER DRIVE
56	IL	6984-73-7494	8.54		WALKER DRIVE
57	IL	6984-72-3635	11.85		WALKER DRIVE
TOTAL INDUSTRIAL			139.45	Acres	
106	PSP	6985-50-1018	0.90		ARBOR CT
80	PSP	6984-03-2517	6.11	Steep Slope	W SHIRLEY
TOTAL PSP, PD			7.01	Acres	
COMBINED COMMERCIAL / INDUSTRIAL / PSP =			166.71	Acres	

Warrenton Water and Sewer Capacity Review
Undeveloped Properties Within Warrenton - Water and Sewer

Residential

61	R-10	6984-24-0072	0.80	3	WEST SHIRLEY
62	R-10	6984-13-9896	1.38	6	WEST SHIRLEY
63	R-10	6984-31-4162	8.66	38	EAST SHIRLEY
64	R-10	6984-30-1806	6.51	28	EAST SHIRLEY
65	R-10	6983-39-5536	28.66	44	OFF MONROE STREE
60	R-10	6984-24-0298	0.89	4	BEACH ST
76	R-10	6984-36-3976	6.49	28	345 WINCHESTER
47	R-10	6974-83-8762	54.11	236	211
59	R-10	6974-94-2535	1.09	5	211
79	R-10	6974-94-4431	2.02	9	500 HOSPITAL DR
96	R-10	6984-56-4337	0.79	3	BLACKWELL
89	R-10	6984-56-6816	4.22	18	BLACKWELL
72	R-10	6984-67-0049	6.81	30	BLACKWELL
73	R-10		6.77	31	COBBS HILL
58	R-10		1.32	6	COBBS HILL
103	R-10	6984-41-2563	0.19	1	WASHINGTON
100	R-10	6984-41-3560	0.18	1	WASHINGTON
101	R-10	6984-41-5434	0.15	1	175 LOCUST
18	R-10		0.30	1	Monroe St, Charles Garrett
19	R-10		0.12	1	Wilson St, William Ford
20	R-10		0.12	1	Wilson St, William Ford
24	R-10		0.43	2	Roebing St, 1st Christ Sci
25	R-10		0.47	2	Richards Dr, Jones Lindsay
31	R-10		0.11	0	Alex Pike, Fletcher
37	R-10		0.31	1	Brenda Ct, Flkeld
38	R-10		0.31	1	Orchard Ln, Autln
39	R-10		0.29	1	Roebing St, Kowalewski
4	R-10		3.90	17	Moser Rd, Methodist Church
112	R-10		2.05	9	High St, Benchoff
115	R-10		2.45	11	Legion Dr.
	R-10		141.88	539.0	
66	R-15	6984-18-2905	0.49	1	NORFOLK/BEARWALL
67	R-15	6984-18-3915	0.35	1	NORFOLK/BEARWALL
68	R-15	6984-18-2709	0.40	1	NORFOLK/BEARWALL
74	R-15	6985-01-9275	0.73	2	FOXCROFT
108	R-15	6985-22-9424	0.63	2	WILLOW CT
105	R-15	6985-41-9244	1.07	3	BLACKWELL RD
107	R-15	6984-18-1770	0.49	1	NORFOLK
84	R-15	6984-18-1640	0.46	1	NORFOLK
85	R-15	6984-18-0480	0.45	1	NORFOLK
86	R-15	6974-97-5360	0.45	1	GAY RD
99	R-15	6984-10-9599	9.48	28	CULPEPER
83	R-15	6983-88-0634	1.63	5	OLD MEETZE
81	R-15	6983-79-8068	6.07	18	OLD MEETZE
8	R-15		1.39	4	Old Mill Ln Dobson
9	R-15		0.45	1	Old Mill, FairFax Oliver
10	R-15		0.38	1	East Lee, Fairfax Dev Corp
11	R-15		0.41	1	East Lee, Fairfax Dev Corp
12	R-15		0.85	2	Fauquier Rd, TBC Corporation
13	R-15		0.22	1	Dover Rd, Kathryn Megby
14	R-15		0.22	1	Dover Rd, Patricia Short
16	R-15		1.28	4	Fisher Ln, Daniel Oconnoll
17	R-15		0.03	0	Fisher Ln, Festus James
	R-15		27.94	80.0	

Warrenton Water and Sewer Capacity Review
 Undeveloped Properties Within Warrenton - Water and Sewer

Residential (continued)

94	R-4	6984-54-7426	0.54		6 BOUNDARY
	R-4		0.54	6.0	
82	R-6	6984-53-9508	5.10	37	
70	R-6	6984-52-9628	0.98	7	
97	R-6	6984-54-5995	0.78	6	
93	R-6	6984-54-6856	0.71	5	
95	R-6	6984-54-7371	0.76	6	
87	R-6	6984-34-0006	0.43	3	
21	R-6		0.16	1	High St, Dana Bowman
22	R-6		0.65	5	High St, Frost Family LLC
23	R-6		0.53	4	High St, Carey Ebert
27	R-6		0.16	1	Liberty St, Morris
28	R-6		0.20	1	Boundary Ln, Artico
33	R-6		0.60	4	N Chestnut, Maybach
34	R-6		0.62	5	Winchester, Maybach
35	R-6		0.24	2	Gaines St, Maybach
116	R-6		2.73	20	Falmouth st.
	R-6		14.64	107.0	
92	RMF	6984-32-6367	1.14	23	GREEN ST
104	RMF	6984-31-3979	0.85	17	GREEN
	RMF		1.99	40.0	
75	RO	6984-21-5963	0.89	4	W SHIRLEY
98	RO	6984-21-7785	0.65	3	E SHIRLEY
41	RO		0.44	2	Jackson St, Foley
42	RO		1.07	5	Keith St, Lindsey
43	RO		0.96	4	W Shirley, Frost Family
	RO		4.01	18.0	
71	RT	6984-44-0899	2.46	17	OFF CONWAY GROVE
77	RT		1.04	7	Blackwell Rd
36	RT		0.24	2	Winchester Mews, Heltzel
113	RT		0.22	2	Benner Dr
1	RT		0.65	5	Benner Dr
	RT		4.61	33.0	
TOTAL POTENTIAL RESIDENTIAL =			823.00		Residential Units

Town of Warrenton Zoning Definitions

CBD	Central Business District	R-15	Residential 15,000 SF
CG	Commercial General	R-10	Residential 10,000 SF
CL	Commercial Limited	R-6	Residential 6,000 SF
IG	Industrial General	RT	Residential Townhouse (7 Units/Ac)
IL	Industrial Limited	RMF	Residential Apartments (20 Units/Ac)
PSP	Public / Semi-Public	RO	Residential Office (Equiv. To R-10)
C	Commercial		

Warrenton Water and Sewer Capacity Review

Potential Redevelopment Properties Within Warrenton - Water and Sewer

As of February 2015

Estimation of potential future water and sewer demands to be based on current zoning allowance.

	Zoning	Parcel #	Acreage	Prop. Units	Description
Commercial & Industrial					
8	CG	0750	0.92		W. Shirley Ave.
9	CG	8574	0.35		W. Shirley Ave.
10	CG	9433	0.41		W. Shirley Ave.
14	CB	6984-45-4167	2.88		ALEX PIKE & KING
28	CG		1.49		Broad v Bearflow
29	CG		1.12		Broad v Bearflow
31	CG		1.38		Broadview
32	CG		1.12		Broadview
33	CG		0.55		Broadview
34	CG		4.09		Washington
36	CG		0.64		Tolson
37	CG		1.66		
40	CG		0.71		Broadview Old Cecil's
41	CG		0.43		Broadview Backs Up to
3	CBD		0.57		Waterloo S Napoleons
TOTAL COMMERCIAL			18.32	Acres	
5	IG	69-8183	9.72		Warrenton I. P. - Wire Rope
6	IG	5309	1.99		Warrenton I. P. - Car Dealer
7	IG	5171	8.51		Warrenton I. P. - Lumber Yard
35	IG		1.72		Mld County
1	IG		3.17		Falmouth S
TOTAL INDUSTRIAL			20.22	Acres	
39	PSP	6983-48-7988	13.77		E. Shirley
COMBINED INDUSTRIAL, COMMERCIAL & PSP =			38.54	Acres	

Warrenton Water and Sewer Capacity Review

Potential Redevelopment Properties Within Warrenton - Water and Sewer

Residential

11	RO	0319	0.30	1	W. Shirley Ave. & Kelth St.
12	RO	5680	0.47	2	WINCHESTER ST
13	RO	7643	0.41	2	WINCHESTER ST
2	RO		1.71	7	Waterloo S
42	RO		1.55	7	Sullivan St, Joe Grimsle
16	RT	6984-50-4544	1.88	13	MADISON ST
15	R-10	6984-50-4544	0.71	3	MADISON ST
17	R-10	6984-40-6668	0.20	1	LINDEN
18	R-10	6984-40-6784	0.14	1	LINDEN
19	R-10	6984-40-7708	0.14	1	LINDEN
20	R-10	6984-40-7833	0.14	1	LINDEN
21	R-10	6984-40-7858	0.14	1	LINDEN
22	R-10	6984-40-7962	0.13	1	LINDEN
23	R-10	6984-40-7996	0.14	1	LINDEN
24	R-10	6984-41-8001	0.14	1	LINDEN
25	R-10	6984-41-8026	0.14	1	LINDEN
26	R-10	6984-41-8141	0.13	1	LINDEN
27	R-10	6984-41-8147	0.17	1	LINDEN
30	R-10		1.75	8	Winchester/Branch
4	R-10		2.74	12	High St, Benchoff

TOTAL POTENTIAL RESIDENTIAL**66**

Town of Warrenton Zoning Definitions

CBD	Central Business District	R-10	Residential 10,000 SF
CG	Commercial General	R-6	Residential 6,000 SF
CL	Commercial Limited	RT	Residential Townhouse (7 Units/Ac)
IG	Industrial General	RMF	Residential Apartments (20 Units/Ac)
IL	Industrial Limited	RO	Residential Office (Equiv. To R-10)
R-15	Residential 15,000 SF	PSP	Public / Semi-Public

Warrenton Water and Sewer Capacity Review

Fauquier County Unserved Properties
Within Committed Service Area - Water

WATER in County

Warrenton has previously committed to providing water service to the following areas of Fauquier County currently not being serviced as of Feb 2015:

Residential

Zoning	Parcel #	Acreage	Prop. Units	Description
RC	-02-6474	13.30	1	View Tree Drive
RC	-01-2670	10.22	1	View Tree Drive
RC	6965-91-7314	10.00	1	View Tree Drive
RC	-7320	10.00	1	View Tree Drive
RC	-1976	10.00	1	View Tree Drive
RC	-13-6240	5.87	1	View Tree Drive
RC	6974-49-8614	10.00	2	Bear Wallow Drive
RC	6975-50-1279	12.86	2	Bear Wallow Drive
RC Total			10	Units

Zoning	Parcel #	Acreage	Prop. Units	Description
R-1	6974-68-5882	12.46	12	View Tree Turn
R-1	6974-82-9313	7.71	7	Shipmadilly Lane
R-1	6974-81-6805	1.00	1	Shipmadilly Lane
R-1	6974-81-4443	4.00	4	Shipmadilly Lane
R-1	6974-81-5012	1.00	1	Shipmadilly Lane
R-1	6974-80-7911	1.00	1	Shipmadilly Lane
R-1	6974-91-0515	1.00	1	Shipmadilly Lane
R-1	6974-90-4875	1.40	1	Shipmadilly Lane
R-1	6974-90-7841	1.74	1	Shipmadilly Lane
R-1	6974-90-8515	1.50	1	Shipmadilly Lane
R-1	6974-90-9738	1.13	1	Shipmadilly Lane
R-1	6984-01-1529	3.26	3	Shipmadilly Lane
R-1	6984-01-0284	4.09	4	Shipmadilly Lane
R-1	6984-01-3414	1.00	1	Shipmadilly Lane
R-1	6984-01-2102	0.40	1	Shipmadilly Lane
R-1	6984-95-2640	2.00	2	Academy Hill
R-1	6983-09-5283	1.87	1	Leeton Forest Road
R-1	6983-08-2787	2.50	2	Lee's Ridge Road
R-1	6983-08-3529	1.00	1	Lee's Ridge Road
R-1	6983-08-3338	1.00	1	Lee's Ridge Road
R-1	6983-08-3247	1.00	1	Lee's Ridge Road
R-1	6983-08-3170	2.18	2	Lee's Ridge Road
R-1	6983-07-3993	1.10	1	Lee's Ridge Road
R-1	6983-08-9796	1.17	1	Leeton Forest Road
R-1	6983-08-8427	1.00	1	Hunting Lane
R-1	6983-08-9488	1.00	1	Hunting Lane
R-1	6983-08-6285	1.00	1	Hunting Lane
R-1	6983-18-1204	1.00	1	Hunting Lane
R-1	6983-18-2344	1.00	1	Hunting Lane
R-1	6983-18-3552	1.00	1	Hunting Lane
R-1	6983-18-4365	1.00	1	Leeton Forest Road
R-1	6983-18-5257	1.00	1	Leeton Forest Road
R-1	6983-18-6177	1.00	1	Leeton Forest Road
R-1	6983-18-8087	1.00	1	Leeton Forest Road
R-1	6983-17-9942	1.00	1	Leeton Forest Road

Warrenton Water and Sewer Capacity Review

Fauquier County Unserved Properties
 Within Committed Service Area - Water

R-1	6983-27-0719	1.00	1	Leeton Forest Road
R-1	6983-27-0654	1.00	1	Leeton Forest Road
R-1	6983-17-7780	1.00	1	Fox Trail
R-1	6983-17-6724	1.00	1	Fox Trail
R-1	6983-17-6977	1.00	1	Fox Trail
R-1	6983-18-4092	1.00	1	Fox Trail
R-1	6983-17-4786	1.00	1	Fox Trail
R-1	6983-17-3728	1.00	1	Fox Trail
R-1	6983-18-3066	1.00	1	Fox Trail
R-1	6983-18-2018	1.02	1	Fox Trail
R-1	6983-17-1880	1.00	1	Fox Trail
R-1	6983-17-0845	1.00	1	Fox Trail
R-1	6983-08-9050	1.00	1	Fox Trail
R-1	6983-07-7892	1.00	1	Lee's Ridge Road
R-1	6983-07-7321	1.35	1	Lee's Ridge Road
R-1	6985-51-1479	1.66	1	Blackwell Road
R-1	6985-51-1767	1.72	1	Blackwell Road
R-1	6985-23-9984	1.11	1	Manor House Drive
R-1	6975-70-0736		1	Bear Wallow Road
R-1	6975-70-0797	0.27	1	Bear Wallow Road
R-1	6975-70-4645	0.25	1	Bear Wallow Road
	6974-62-2223		45	Van Roijen
R-1 Total			129	Units
Zoning	Parcel #	Acreage	Prop. Units	Description
R-2	6985-80-7187	1.29	2	Hunton St.
R-2	6985-90-1007	1.96	3	Warrenton Church of Christ
R-2	6985-90-2124	0.87	1	Warrenton Church of Christ
R-2	6985-90-4299	0.67	1	Warrenton Church of Christ
R-2	6985-90-5480	0.69	1	Warrenton Church of Christ
R-2	6985-90-6591	0.70	1	Warrenton Church of Christ
R-2	6985-90-7682	0.70	1	Warrenton Church of Christ
R-2	6985-90-8760	0.70	1	Warrenton Church of Christ
R-2	6995-01-3113	0.70	1	Lee Hwy Access Road
R-2	6974-78-6956	1.30	2	Foxview Drive
R-2	6985-65-6852		1	Blackwell Road
R-2	6985-66-7045	0.85	1	Blackwell Road
R-2	6985-77-2003	1.14	2	Blackwell Road
R-2	6985-76-8226		1	Airlie Road
R-2 Total			19	Units
Zoning	Parcel #	Acreage	Prop. Units	Description
R-4	6984-94-0653	5.46	15	Millfield Drive
R-4	6984-84-6403	1.78	7	Millfield Drive
R-4	6984-95-5265	5.03	15	Millfield Drive
R-4 Total			37	Units
Zoning	Parcel #	Acreage	Prop. Units	Description
V	6993-09-7817	1.25	1	Fox Haven Lane
V Total			1	Unit
TOTAL RESIDENTIAL			196	Units

Warrenton Water and Sewer Capacity Review

Fauquier County Unserved Properties
 Within Committed Service Area - Water

Commercial

Zoning	Parcel #	Acreage	Prop. Units	Description
C-2	6984-99-8855	3.30		Comfort Inn Dr
C-2	6995-00-2233	1.55		Comfort Inn Dr

TOTAL COMMERCIAL 4.85 Acres

Public/Semi-Public**Fauquier County Zoning Definitions**

R-1	Residential, 1 dwelling unit per acre
R-2	Residential, 2 dwelling units per acre
R-4	Residential, 4 dwelling units per acre
RC	Rural, Conservation District
V	Residential, Village District
C-2	Commercial - Highway

Warrenton Water and Sewer Capacity Review

Fauquier County Unserved Properties
 Within Committed Service Area - Sewer

SEWER in County

Warrenton has committed to providing sewer service to the following areas of Fauquier County currently not being serviced since Feb 2015:

Zoning	Parcel #	Acreage	Prop. Units	Description
Residential				
RC	6974-49-8614	10.00	2	Bear Wallow Drive
RC	6975-50-1279	12.86	2	Bear Wallow Drive
RC	6974-59-3464	11.90	2	Bear Wallow Drive
RC	6975-50-6340	3.32	1	Bear Wallow Drive
RC	6975-50-7500	0.73	1	Bear Wallow Drive
RC	6975-50-8548	1.91	1	Bear Wallow Drive
RC	6975-50-9707	2.00	1	Bear Wallow Drive
RC	6975-50-9965	2.00	1	Bear Wallow Drive
RC	6975-61-0113	2.00	1	Bear Wallow Drive
RC	6975-61-0360	2.00	1	Bear Wallow Drive
RC	6975-61-1540	2.11	1	Bear Wallow Drive
RC Total			14	Units
Zoning	Parcel #	Acreage	Prop. Units	Description
R-1	6975-61-3290	1.13	1	Bear Wallow Road
R-1	6975-61-4097	1.01	1	Bear Wallow Road
R-1	6975-60-6905		1	Bear Wallow Road
R-1	6975-60-3875	1.71	1	Bear Wallow Drive
R-1	6975-60-3687	1.45	1	Bear Wallow Drive
R-1	6975-60-3534	1.46	1	Bear Wallow Drive
R-1	6975-60-2377	1.91	1	Bear Wallow Drive
R-1	6975-60-1280	1.63	1	Bear Wallow Drive
R-1	6975-60-0055	2.81	1	Bear Wallow Drive
R-1	6974-59-9426	10.16	10	Bear Wallow Drive
R-1	6974-58-9824	10.07	10	Bear Wallow Drive
R-1	6974-68-5882	12.46	12	View Tree Turn
R-1	6984-84-3085	1.00	1	Millfield Drive - Church
R-1	6984-83-2993	1.00	1	Millfield Drive - Church
R-1	6984-95-2640	2.00	2	Academy Hill Road
R-1	6984-00-7961	12.26	12	Culpeper St.
R-1		2.90	2	Culpeper St.
R-1	4540	23.40	23	Culpeper St.
	6974-62-2223		45	Van Roijen
R-1 Total			127	Units

Warrenton Water and Sewer Capacity Review

Fauquier County Unserved Properties
 Within Committed Service Area - Sewer

Zoning	Parcel #	Acreage	Prop. Units	Description
R-2	6975-70-7346	1.32	1	Bear Wallow Road
R-2	6975-80-0283	1.47	1	Bear Wallow Road
R-2	6975-70-8147		1	Foxview Drive
R-2	6975-70-6142	1.63	1	Foxview Drive
R-2	6974-89-0819	2.63	1	Foxview Drive
R-2	6974-79-6940	1.30	1	Foxview Drive
R-2	6974-79-6724	1.27	1	Foxview Drive
R-2	6974-79-9761	1.08	1	Foxview Drive
R-2	6974-79-9534	1.05	1	Foxview Drive
R-2	6974-79-8324	1.21	1	Foxview Drive
R-2	6974-79-6162	1.60	1	Foxview Drive
R-2	6974-78-6956	1.30	2	Foxview Drive
R-2	6974-78-5774	1.82	1	Foxview Drive
R-2	6974-78-4512	1.06	2	Foxview Drive
R-2	6974-78-3360	1.00	1	Foxview Drive
R-2	6974-68-9224	3.80	7	Foxview Drive
R-2			80	Warrenton Lakes
R-2 Total			104	Units

TOTAL RESIDENTIAL 245 Units

Commercial

Zoning	Parcel #	Acreage	Prop. Units	Description
C-2	6984-99-8855	3.30		Comfort Inn Dr
C-2	6995-00-2233	1.55		Comfort Inn Dr

TOTAL COMMERCIAL 4.85 Acres

Public/Semi-Public

Fauquier County Zoning Definitions

R-1	Residential, 1 dwelling unit per acre
R-2	Residential, 2 dwelling units per acre
R-4	Residential, 4 dwelling units per acre
RC	Rural, Conservation District
C-2	Commercial - Highway

Warrenton Water and Sewer Capacity Review
 Projected Water System Demand Calculations

Appendix F

Historic Water Production

Year	ADF (MGD)	Annual Water Production Growth	Number of Customers	Annual Customer Growth
1990	879,851		2,634	
1991	860,597	-2.19%	2,674	1.52%
1992	925,499	7.54%	2,887	0.49%
1993	936,539	1.19%	2,706	0.71%
1994	1,012,281	8.09%	2,789	3.07%
1995	1,023,993	1.15%	2,821	1.15%
1996	1,018,918	-0.49%	2,800	2.45%
1997	1,037,978	1.87%	2,934	1.52%
1998	1,132,086	9.07%	3,025	3.10%
1999	1,139,682	0.67%	3,069	1.45%
2000	1,083,306	-4.95%	3,262	6.29%
2001	1,173,354	8.31%	3,479	6.65%
2002	1,088,300	-7.25%	3,717	6.84%
2003	1,206,455	10.89%	3,954	6.38%
2004	1,277,233	5.87%	4,178	5.67%
2005	1,300,766	1.84%	4,455	6.63%
2006	1,305,302	0.35%	4,577	2.74%
2007	1,386,492	6.22%	4,652	1.64%
2008	1,273,096	-8.18%	4,686	0.73%
2009	1,281,504	0.66%	4,726	0.85%
2010	1,293,735	0.95%	4,724	-0.04%
2011	1,265,019	-2.22%	4,747	0.49%
2012	1,192,536	-5.73%	4,776	0.61%
2013	1,175,027	-1.47%	4,803	0.57%
2014	1,176,015	0.08%	4,808	0.10%
Avg. Annual Increase (1990 - 2014)	19,744	1.46%	91	3.44%
Highest Average Daily Water Produced in 5 years =	1,309,432 gpd (2005-2009)			

Warrenton Water and Sewer Capacity Review
 Projected Water System Demand Calculations

Appendix F

Peaking Factor

Based on the historic data, the peaking factor (Ave Day to Max Day) is 1.50
 Potential Max Day Demand 1,964,148 gpd

Surface Water Sources

Warrenton has two water surface reservoirs, Warrenton and Airlee Reservoir.

Airlee Reservoir Safe Yield	1,160,000 gpd	
Warrenton Reservoir Safe Yield (downstream of Airlee)	1,140,000 gpd	
Combined Safe Yield Only	2,270,000 gpd	(sum total less due to seepage and evaporation)
Drought Reserve	300,000 gpd	
Available Safe Yield	1,970,000 gpd	

Groundwater Water Sources

Warrenton has two wells in service to supplement the surface water sources. These wells have been in continuous operation for many years with no

Well #3 Current Not Operational			
Well #4 Currently Not Operational			
Well #5 Current Operating Flow Rate =	1,500,000 gal/month =	50,000 gpd =	70 gpm (12 hr operation)
Well #6 Current Operating Flow Rate =	800,000 gal/month =	26,667 gpd =	38 gpm (12 hr operation)
Combined Well Flow Rate =	2,300,000 gal/month =	76,667 gpd	
Current Combined Source Availability =		2,046,667 gpd	

Current WTP Capacity

Current WTP Capacity = 3,000,000 gpd

Warrenton Water and Sewer Capacity Review
 Projected Water System Demand Calculations

Appendix F

Water Demand by Currently Proposed Developments

Number of currently proposed ERC = 317 Units
 Current Proposed Development 96,000 gpd (300 gpd/residence)

Future Maximum Day Water Production

Max. Avg. Daily Water Availability (Safe Yield) = 2,046,867 gpd (Surface and Groundwater)
 Town AVG Yearly Water Use is currently at 1,309,432 gpd (2005-2008)

Current Remaining Water System Capacity = 737,235 gpd

Estimated Buildout of Town & Ex. County Commitments

In Town - Vacant Lot Development			
Residential Demands	246,900 gpd	823 Potential Residential Lots @	300 gpd/residence
Commercial/Industrial Demands	116,700 gpd	166.7 Acres Commercial/Industrial @	700 gpd/acre
In Town - Redevelopment Potential			
Residential Demands	19,800 gpd	66 Net Potential Residential Lots @	300 gpd/residence
Commercial/Industrial Demands	27,000 gpd	38.54 Acres Commercial/Industrial @	700 gpd/acre Increase
County - Unserved Lots Within Commitment Area			
Residential Demands	58,800 gpd	198 Potential Residential Lots @	300 gpd/residence
Commercial/Industrial Demands	3,400 gpd	4.85 Acres Commercial/Industrial @	700 gpd/acre

Subtotal - Additional Water Demand at Buildout = 472,800 gpd

Total Estimated Average Water Demand at Buildout of Town & Committed County Area = 1,878,032 gpd 92%

Estimated Remaining Future Water Capacity = 168,635 gpd Compared to Safe Yield

Max Day Peaking Factor = 1.5
 Max Day Demand (Buildout) = 2,817,048 gpd
 Min. Future WTP Capacity = 2,740,382 gpd (To serve only Buildout of Town & Committed County Areas) 91%
 Optimized WTP Capacity = 3,000,000 gpd (Correlated with designated safe yield from all sources)

Warronton Water and Sewer Capacity Review
 Projected Water System Demand Calculations

Appendix F

Growth Projections

Year	ADF (gallons)	ADF (MGD)	Annual Water Production Growth	Number of Customers	Annual Customer Growth
1990	879,851	0.88		2,834	
1991	880,587	0.88	-2.19%	2,874	1.52%
1992	925,499	0.93	7.54%	2,687	0.49%
1993	936,539	0.94	1.18%	2,708	0.71%
1994	1,012,281	1.01	8.09%	2,789	3.07%
1995	1,023,993	1.02	1.15%	2,821	1.15%
1996	1,018,918	1.02	-0.49%	2,890	2.45%
1997	1,037,978	1.04	1.87%	2,934	1.52%
1998	1,132,098	1.13	9.07%	3,025	3.10%
1999	1,139,882	1.14	0.67%	3,089	1.45%
2000	1,083,306	1.08	-4.95%	3,282	6.29%
2001	1,173,354	1.17	8.31%	3,479	6.65%
2002	1,086,300	1.09	-7.25%	3,717	6.84%
2003	1,206,455	1.21	10.88%	3,954	6.38%
2004	1,277,233	1.28	5.87%	4,176	5.67%
2005	1,300,766	1.30	1.84%	4,455	6.63%
2006	1,305,302	1.31	0.35%	4,577	2.74%
2007	1,386,492	1.39	6.22%	4,652	1.64%
2008	1,273,098	1.27	-8.18%	4,686	0.73%
2009	1,281,504	1.28	0.66%	4,726	0.85%
2010	1,283,735	1.29	0.95%	4,724	-0.04%
2011	1,285,019	1.27	-2.22%	4,747	0.49%
2012	1,192,538	1.19	-5.73%	4,776	0.61%
2013	1,175,027	1.18	-1.47%	4,803	0.57%
Current	1,178,015	1.18	0.08%	4,808	0.10%
Projected 2015	1,219,267	1.22	3.66%	4,952	3.00%
Projected 2016	1,263,857	1.26	3.66%	5,101	3.00%
Projected 2017	1,309,764	1.31	3.63%	5,254	3.00%
Projected 2018	1,357,049	1.36	3.61%	5,411	3.00%
Projected 2019	1,405,752	1.41	3.59%	5,574	3.00%
Projected 2020	1,455,916	1.46	3.57%	5,741	3.00%
Projected 2021	1,507,565	1.51	3.55%	5,913	3.00%
Projected 2022	1,560,804	1.56	3.53%	6,091	3.00%
Projected 2023	1,615,820	1.62	3.51%	6,273	3.00%
Projected 2024	1,672,080	1.67	3.49%	6,462	3.00%
Projected 2025	1,730,234	1.73	3.48%	6,655	3.00%
Projected 2026	1,790,133	1.79	3.46%	6,855	3.00%
Projected 2027	1,851,828	1.85	3.45%	7,061	3.00%
Projected 2028	1,878,032	1.88	1.42%	7,273	3.00%
Projected 2029	1,878,032	1.88	0.00%	7,491	3.00%
Projected 2030	1,878,032	1.88	0.00%	7,715	3.00%

BUILDOUT

Warrenton Water and Sewer Capacity Review
 Projected Sewer System Demand Calculations

Appendix G

Historic Sewer Flows

As Sewage flows are greatly influenced by I/I into the system and water usage, these were analyzed to determine their impact.

Year	ADF (MGD)	Annual Growth	Number of Customers	Annual Customer Growth	Sewage/Water Customers Ratio	Sewage Treated/Water Produced Ratio	Annual Rainfall <small>* DuInches</small>
1990	1.17		2,229		85%	133%	45.93
1991	1.04	-11.17%	2,235	0.27%	84%	121%	38.33
1992	1.15	10.44%	2,249	0.63%	84%	124%	47.36
1993	1.27	10.68%	2,265	0.71%	84%	136%	45.50
1994	1.33	4.69%	2,344	3.49%	84%	132%	48.95
1995	1.15	-13.91%	2,376	1.37%	84%	112%	38.99
1996	1.46	26.94%	2,440	2.69%	84%	143%	53.97
1997	1.18	-18.98%	2,487	1.93%	85%	114%	41.04
1998	1.21	2.54%	2,574	3.50%	85%	107%	47.44
1999	1.04	-14.30%	2,701	4.93%	88%	91%	38.85
2000	1.02	-1.27%	2,815	4.22%	86%	94%	34.97
2001	0.98	-4.27%	3,028	7.57%	87%	84%	35.16 *
2002	1.04	5.95%	3,257	7.56%	88%	95%	38.12 *
2003	2.02	94.41%	3,494	7.28%	88%	167%	65.67 *
2004	1.64	-18.76%	3,723	6.55%	89%	128%	38.69 *
2005	1.60	-2.65%	4,009	7.68%	90%	123%	44.55 *
2006	1.60	0.51%	4,127	2.94%	90%	123%	45.97
2007	1.63	1.40%	4,202	1.82%	90%	117%	27.02
2008	1.62	-0.21%	4,233	0.74%	90%	128%	43.98
2009	1.87	3.06%	4,253	0.47%	90%	131%	48.61
2010	1.66	-0.56%	4,280	0.63%	91%	129%	39.1
2011	1.76	5.86%	4,303	0.54%	91%	139%	46.19
2012	1.67	-5.28%	4,332	0.67%	91%	140%	35.63
2013	2.03	21.66%	4,366	0.76%	91%	173%	52
2014	2.01	-0.99%	4,368	0.05%	91%	171%	51.6

Highest Average Daily Flow (2007-2011) = 1.67 MGD
 Average Annual Customer Growth (1990 - 2014) = 2.88%

Annual Rainfall Avg. = 43.74 Inches

Warrenton Water and Sewer Capacity Review
 Projected Sewer System Demand Calculations

Appendix G

Repairs to the sanitary sewer system are ongoing in an effort to reduce inflow/infiltration (I/I). Flow quantiles have been reduced in the past few years, although the effectiveness of the repairs is not fully known due to recent drought effects.

Not all water usage is directed to the sanitary sewer system as is apparent from data. The difference between the number of water and sewer customers was about 90%, with a sewer/water ratio of 90%. This yields a base sewer/water ratio of about 81%. We will use this ratio in determining the I/I differential. As the water/sewer customer ratio changes, so will the base sewage flow.

Wastewater Treatment Plant capacity is reviewed on a rolling average for three consecutive month periods and must not exceed 95% of rated capacity. Therefore, instead of using average yearly flow data, the highest adjusted sewer/water differentials for three consecutive months from 2004 to 2014 (i.e. February 2010) were determined and the lowest of the three months was used as a base maximum monthly average I/I amount. This I/I is then added to the estimated base sewage flow for determining the projected maximum monthly average sewage flow. It is to be noted that the data from the years 2012 to 2014 has not been included in this analysis due to an excessive amount of I&I related to unusual weather conditions.

April 2011 Highest 3-Month Average Sewage Flow =	2,099,606 gpd	
Apr 2011 Monthly Average Water Produced =	1,303,717 gpd	
Calculated Base Sewage Flow =	81% of Water Produced (90% S/W Customer Ratio and 90% S/W Flow Ratio)	
	1,056,011 gpd	
Base I/I Flow (for Max. Avg. Flow)	1,043,595 gpd	
(from 2011)	For Calcs Use	1,050,000 gpd

Current Potential Sewer Max. Monthly ADF =	2,110,640 gpd (Using Current S/W Customer of 90% and 90% S/W Flow and Base I/I Flow)
---	---

Future Wastewater Treatment Plant Capacity

WWTP ADF Capacity =	2,500,000 gpd	
95% of WWTP ADF Capacity =	2,375,000	DEQ Requirement if flows are seen in the range for 3 consecutive months
Current Remaining Sewer Capacity =	264,360 gpd	

Warrenton Water and Sewer Capacity Review
 Projected Sewer System Demand Calculations

Appendix G

Currently proposed development

Number of Currently Proposed ERC	361
Current Demands (per ERC)	97,470 gpd

Estimated Buildout of Town

In Town - Vacant Lot Development

Residential Demands	222,200 gpd	623 Potential Residential Lots @	270 gpd/residence
Commercial/Industrial Demands	105,000 gpd	167 Acres Commercial/Industrial @	630 gpd/acre

In Town - Redevelopment Potential

Residential Demands	17,800 gpd	66 Net Potential Residential Lots @	270 gpd/residence
Commercial/Industrial Demands	24,300 gpd	39 Acres Commercial/Industrial @	630 gpd/acre increase

County - Unserved Lots Within Commitment Area

Residential Demands	66,200 gpd	245 Potential Residential Lots @	270 gpd/residence
Commercial/Industrial Demands	3,100 gpd	4.85 Acres Commercial/Industrial @	630 gpd/acre

Subtotal - Additional Wastewater at Buildout = 438,600 gpd

Total Est. Wastewater Generated at Buildout of Town & Committed County Area =	2,646,710 gpd
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Estimated Remaining Sewer Water Capacity =	-271,710 gpd	Compared to 95% ADF Capacity
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Warrenton Water and Sewer Capacity Review
 Projected Sewer System Demand Calculations

Appendix G

Growth Projections

Year	ADF (gallons)	ADF (MGD)	Annual Wastewater Growth	Number of Customers	Annual Customer Growth	Capacity (MGD)	95% of Capacity	
1990		1.17		2,229		2.5	2.375	
1991		1.04		2,235		2.5	2.375	
1992		1.15		2,249		2.5	2.375	
1993		1.27		2,265		2.5	2.375	
1994		1.33		2,344		2.5	2.375	
1995		1.15		2,376		2.5	2.375	
1996		1.46		2,440		2.5	2.375	
1997		1.18		2,487		2.5	2.375	
1998		1.21		2,574		2.5	2.375	
1999		1.04		2,701		2.5	2.375	
2000		1.02		2,815		2.5	2.375	
2001		0.98		3,028		2.5	2.375	
2002		1.04		3,257		2.5	2.375	
2003		2.02		3,494		2.5	2.375	
2004		1.64		3,723		2.5	2.375	
2005		1.60		4,009		2.5	2.375	
2006		1.60		4,127		2.5	2.375	
2007		1.63		4,202		2.5	2.375	
2008		1.62		4,233		2.5	2.375	
2009		1.67		4,253		2.5	2.375	
2010		1.66		4,280		2.5	2.375	
2011		1.78		4,303		2.5	2.375	
2012		1.67		4,332		2.5	2.375	
2013		2.03		4,366		2.5	2.375	
Current				4,368		2.5	2.375	
Projected	2014	2,010,000	2.01	0.96	4,368	0.05%	2.5	2.375
Projected	2015	2,010,540	2.011	0.96	4,506	3.16%	2.5	2.375
Projected	2016	2,047,865	2.048	1.00	4,655	3.30%	2.5	2.375
Projected	2017	2,087,978	2.088	1.04	4,808	3.29%	2.5	2.375
Projected	2018	2,129,294	2.129	1.08	4,965	3.28%	2.5	2.375
Projected	2019	2,171,851	2.172	1.12	5,128	3.27%	2.5	2.375
Projected	2020	2,215,683	2.216	1.17	5,295	3.26%	2.5	2.375
Projected	2021	2,260,831	2.261	1.21	5,467	3.25%	2.5	2.375
Projected	2022	2,307,333	2.307	1.26	5,645	3.24%	2.5	2.375
Projected	2023	2,349,000	2.349	1.30	5,827	3.24%	2.5	2.375
Projected	2024	2,349,000	2.349	1.30	6,016	3.23%	2.5	2.375
Projected	2025	2,349,000	2.349	1.30	6,209	3.22%	2.5	2.375
Projected	2026	2,349,000	2.349	1.30	6,409	3.22%	2.5	2.375
Projected	2027	2,349,000	2.349	1.30	6,615	3.21%	2.5	2.375
Projected	2028	2,349,000	2.349	1.30	6,827	3.20%	2.5	2.375
Projected	2029	2,349,000	2.349	1.30	7,045	3.20%	2.5	2.375
Projected	2030	2,349,000	2.349	1.30	7,269	3.19%	2.5	2.375



Wastewater Treatment Plant Plant Capacity Evaluation

Town of Warrenton, VA

Department of Utilities

March 2017



TOWN OF WARRENTON WASTEWATER TREATMENT PLANT CAPACITY EVALUATION

EXECUTIVE SUMMARY

The Town's existing wastewater treatment plant is rated and permitted for 2.5 million gallons per day (MGD) average daily flow (ADF). The plant has undergone several upgrades and expansions since its original construction in the 1950's. Currently, secondary biological treatment is provided by a conventional trickling filter (TF) and a Rotating Biological Contractor (RBC) process which also provides for the required ammonia removal. The most recent major plant upgrade was for Nutrient Removal (total nitrogen and phosphorus reduction) in 2007 – 2009 as part of the Chesapeake Bay Restoration Program.

While the plant has historically performed well, the secondary biological treatment facilities (TF and RBC) are approaching their useful service life and as plant flows may expect to increase in the future, the Town sought to review the current treatment technology and identify improvements to extend the facility's service life and maintain reliable treatment performance.

As such, WRA prepared a Preliminary Engineering report (PER) in July 2016 which recommended the "Moving Bed Bio-Reactor" (MBBR) process as replacement for the TF/RBC process. The MBBR is a newer and more efficient technology that combines the functions of the trickling filter and RBCs into one process tank. In addition, this new process can be readily expanded to handle additional flows and wastewater loads. The design of the MBBR process is now underway with construction expected to begin in the summer of 2017.

As plant flows have gradually increased over the past decade, with monthly average flows sometimes approaching 80-90% of the permitted capacity, the Town has recognized the need to assess the reliable treatment capacity of the existing facilities and, if the treatment capacity can be expanded, what upgrades would be required. The capacity assessment would take into consideration the planned MBBR facilities.

For planning purposes, the Town anticipates the need for an additional 0.50 MGD (20% increase) capacity above the current rated capacity.

This report provides a capacity evaluation of the existing facilities and the upgrades needed to expand and re-rate the treatment capacity to 3.0 MGD average daily flow. In summary, upgrades would include:

- Increase in MBBR tank volume and additional media
- Improvements to the existing Trickling Filter for peak flow storage
- Various yardpiping hydraulic capacity Improvements
- Upgrades to existing Digester No. 2
- Dewatered sludge storage expansion

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Appendix A	Plant Discharge Permit
Appendix B	Existing Site Plan
Appendix C	Wastewater Sampling Data

1 BACKGROUND

The Town of Warrenton owns and operates an advanced wastewater treatment plant currently permitted for 2.5 million gallons per day (MGD). The original plant was constructed in the late 1950's as a single stage 0.5 MGD trickling filter plant followed by an expansion to 1.0 MGD in 1978. A major plant upgrade and further expansion was completed in 1990 to provide a total of 2.5 MGD treatment capacity and to meet effluent limits for Total Kjeldahl Nitrogen (TKN). A rotating biological contactor (RBC) process was added to expand and improve the biological treatment, including a new primary and secondary clarifier. New solids handling facilities were also constructed, including sludge thickening, anaerobic digestion and sludge dewatering. Later, in 1998 the plant was modified again to achieve compliance with effluent ammonia-nitrogen limits by upgrading the RBC units. In 2007, the plant's gas chlorine disinfection system was replaced with a UV-disinfection system, followed by a facility upgrade to comply with nutrient reduction requirements for nitrogen and phosphorus through the Virginia Water Quality Improvement Fund as part of the Chesapeake Bay Restoration program. The plant operates under VPDES permit No. VA0021172, included in **Appendix A**.

The plant has historically performed well and has consistently complied with its effluent permit limits for BOD₅, TSS, ammonia and bacteria (E.coli). In addition, the plant has met nutrient removal requirements for total nitrogen and total phosphorus since the last major plant upgrade in 2007. A single stage trickling filter and conventional rotating biological contactors (RBC) provide for organic (BOD) removal and nitrification (ammonia removal), respectively. As these facilities are approaching their useful service life and as plant flows may expect to increase in the future, the Town sought to review the current treatment technology and identify improvements to extend the facility's service life and maintain reliable treatment performance, both at current and future flows.

At the Town's request, WRA prepared a Preliminary Engineering Report (PER) in July 2016. This report recommended a replacement of the existing trickling filter/RBC biological treatment process with the "Moving Bed Bio-Reactor" (MBBR) process, a newer technology that combines BOD removal and nitrification into one process tank. Similar to the trickling filter/RBC, the MBBR is an attached growth process where the biofilm is attached to small plastic carriers suspended in the wastewater within the reactor tank by process air and/or mechanical mixing. The plastic carriers are retained in the tank by retaining screens while treated wastewater passes through to the (existing) secondary clarifiers.

The MBBR process offers several advantages over the TF/RBC: it provides full treatment within a single tank footprint; it is not susceptible to biomass washout during high flows; it is simple to operate and maintain; it matches well with the existing plant hydraulic gradient; and the treatment capacity can be easily expanded by adding more plastic carriers to the existing tankage. The design phase for the installation of the new MBBR process began in December 2016 and a construction contract is expected to be awarded this summer.

Daily plant flows have gradually increased over the past decade, and have averaged on an annual basis about 2.0 MGD in recent years. The plant has also experienced consecutive months with monthly average flows near 90% of the current permitted flow of 2.5 MGD. After discussions with staff and an evaluation of current performance it was deemed reasonable that the current capacity could increase to 3.0 MGD. The Town anticipates that an additional average daily flow of up to 0.50 MGD (20% increase), above the current permitted flow, may be needed in the foreseeable future based on the 2015 Utility Capacity Report, which projected community build-out to exceed the current 2.5 MGD plant capacity.

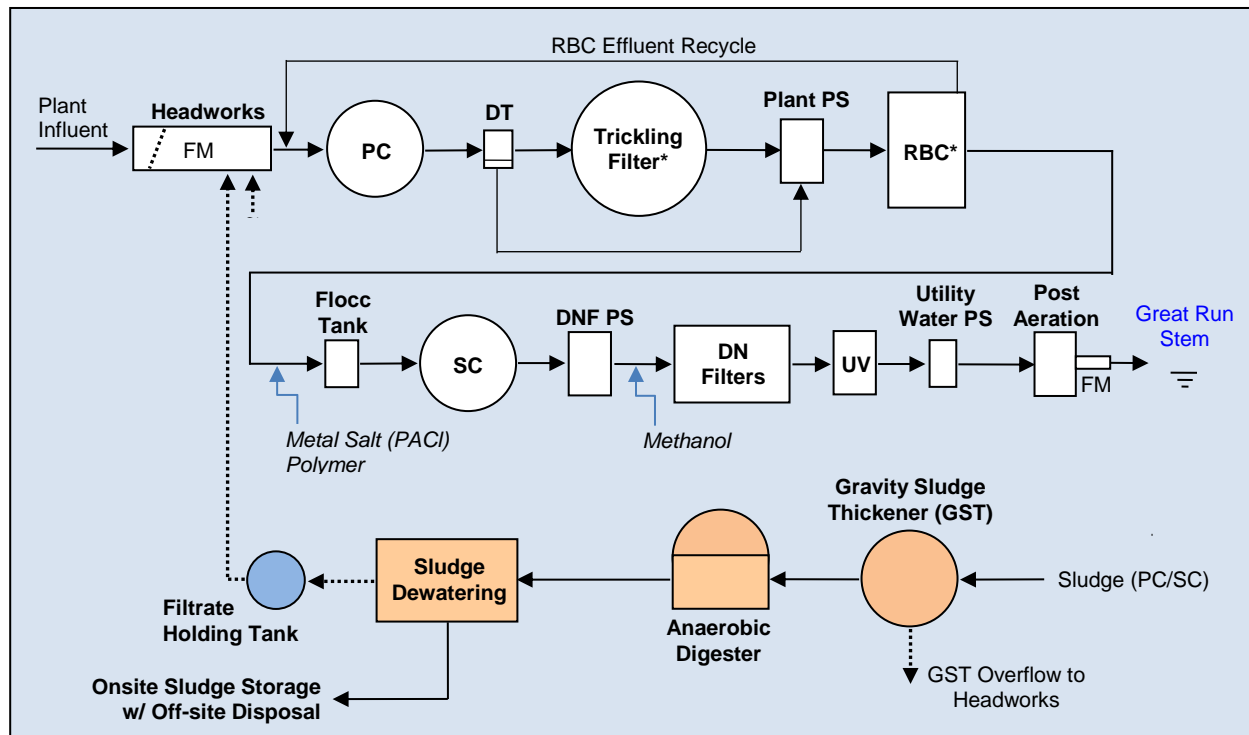
This report serves as a planning document for a capacity re-rating of the existing plant to 3.0 MGD average daily flow (ADF), taking into consideration maximizing the MBBR process and other improvements. The report includes an evaluation of the existing facilities and summarizes the recommended upgrades to the existing plant if the treatment capacity is to increase to 3.0 MGD.

It should be noted that if the plant's permitted flow capacity is increased it is not expected that the current waste load allocations will, but rather fixed at the current levels. As such, plant (biological) treatment performance, or removal efficiency, will be more rigorous. While this is feasible up to the 3.0 MGD ADF, an expansion in capacity beyond this level would most likely require additional treatment technologies, with more operational complexity and disproportionate higher cost.

2 EXISTING TREATMENT FACILITIES

2.1 Existing Process Configuration

The current plant process flow is illustrated and described below.



Warrenton WWTP - Existing Process Flow Diagram (* to be replaced with the new MBBR process).

Raw wastewater from the Town's collection system enters the preliminary treatment works which include mechanical screening, aerated grit removal and influent flow metering (FM). Metered flow is conveyed via gravity to the primary clarifiers (PC). Primary effluent flows to a dosing tank (DT) and into a single stage trickling filter (TF) for BOD removal. Due to hydraulic constraints in the influent piping to the TF the dosing tank has an overflow weir that allows partial by-pass of primary effluent. The TF influent line has a manually operated valve for control of flow to the TF. Effluent from the TF and overflow from the dosing tank enter the intermediate plant pumping station where all flows are pumped to the Rotating Biological Contactors (RBCs). The RBCs include three parallel process trains, each with seven stages, and provide nitrification to comply with the plant's effluent ammonia limits. RBC effluent flows to the secondary clarifiers for suspended solids removal. A mixing/flocculation tank is provided upstream of the secondary clarifiers for addition of chemicals for phosphorus removal and improved solids removal. A portion of the RBC effluent is recycled to the primary clarifier influent to maintain adequate flow to the TF (media wetting). Secondary (nitrified) effluent is conveyed to the denitrification (DN) pumping station and pumped to the tertiary denitrification (DN) filters for total nitrogen removal

and for additional phosphorus and solids removal. Spent backwash water from the denitrification filters is discharged to the intermediate plant pumping station. Denitrified filter effluent flows through the UV-disinfection reactors, followed by mechanical post aeration and effluent flow metering (FM) before final discharge to Great Run, a tributary to Rappahannock River. Non-potable plant reuse water is drawn after UV-disinfection.

Sludge from the primary and secondary clarifiers is pumped to the gravity sludge thickener (GST). Thickener overflow is returned to the primary influent and thickened sludge is pumped to the primary anaerobic digester. Digested sludge is stored in the secondary digester before the sludge is dewatered with a belt filter press. Dewatered sludge is stored onsite and periodically hauled out for land application through contract operations. Filtrate, which is high in ammonia, is stored in an adjacent holding tank and returned (equalized) at a low constant rate to the primary influent.

The Moving Bed Bio-Reactor (MBBR) process, currently under design, will replace the existing trickling filter and RBCs. Primary clarifier effluent will be pumped to the MBBR process.

The following **Table 1** provides a summary of the existing plant unit processes. The existing site facilities are shown in **Appendix B**, including the proposed MBBR facilities.

Table 1: Summary of Existing Unit Processes

Process Unit	Qty.	Unit Sizing
LIQUID TREATMENT:		
Mechanically Cleaned Influent Screen	1	¼-inch screen; rated for 5.0 MGD peak flow By-pass channel w/ manual bar rack
Grit Removal	2	Aerated Grit Chambers, each 3.5' W x 25' L x 5.5' D (480 ft³)
Influent Flow Meter	1	12-inch Parshall Flume; flow measuring capacity: 3' D (11.3 MGD)
Primary Clarifiers	2 2	No. 1 and 2: 26' diameter x 10.5 SWD (530 ft² each) No. 3 and 4: 34' diameter x 10.5 SWD (900 ft² each) – total (2,860 ft²)
Trickling Filter*	1	125' diameter x 5' media depth Media: Plastic XF-60, 48 ft²/ft³; total media AS (2,943,750 ft²)
Intermediate Plant Pumps	4	Each 1,800 gpm @ 55' TDH; 40 HP w/VFD
Rotating Biological Contactors* (RBC)	21	3 trains, each 7 RBCs RBC stages 1, 2 and 3: 100,000 ft² per train RBC stages 4, 5 and 6: 150,000 ft² per train RBC stage 7: 85,000 ft² per train Total all stages: 835,000 ft² per train; 2,505,000 ft² all trains 5 HP RBC drives Aeration Blowers: 2 units, each 60 HP.
*New MBBR Replacement Process	2	2 trains, each train w/three (3) zones (BOD/Nitrification (2 zones)) Volume: 400,000 per train; 800,000 total (15 ft side-water depth) Media: 800 m²/m³ (40% media fill ratio) Aeration Blowers: 3 units, each 2,200 scfm, 125 HP
Flash Mixing	1	7.5 HP Mixer w/VFD Flash Mixing Tank Volume: 1,500 gallons
Flocculation Tanks	2	0.5 HP Flocculators w/VFD Flocculation Tank Volume: 17,900 gallons, each
Chemical Storage and Feed	2 2 1 2 1 2	Poly-aluminum Chloride Storage Tanks: 6,000 gallons each Poly-aluminum Chloride Feed Pumps: 25 gal/hr each Polymer Storage Tank: 900 gallons Polymer Feed Pumps: 20 gal/hr each Methanol Storage Tank: 11,800 gallons Methanol Feed Pumps: 25 gal/hr each
Secondary Clarifiers	1 1	No. 1: 64' diameter x 12' SWD (3,215 ft²) No. 2: 50' diameter x 12' SWD (1,960 ft²)
Denitrification Filter Pumps	4	2,200 gpm @ 29' TDH; 30 HP w/VFD
Denitrification Filters	4	Filter cells: 11.33' W x 26.83' L x 6' media depth; filter area each 304 ft² (2) Backwash submersible pumps; 1,824 gpm @ 27' TDH; 25 HP each (2) Low pressure air scour blowers; 1,520 scfm @ 11 psig; 125 HP each
UV Disinfection	2	14" in-line UV reactors; medium pressure/high intensity; 5 MGD each
Plant Reuse Water Pumps	2	370 gpm @160' TDH; 20 HP
Post Aeration Tanks	2	Each Tank: 15' L x 15' W x 11' D (total volume 37,000 gallons)
Effluent Flow Metering	1	12-inch Parshall Flume; flow measuring capacity: 3' D (11.3 MGD)
SOLIDS HANDLING:		
Primary Sludge Pumps	2	50 gpm; 3 HP each
Secondary Sludge Pumps	2	240 gpm; 7.5 HP each
Gravity Thickener	1	28' diameter x 12' SWD (52,000 gallons); (615 ft² surface area)
Anaerobic Digesters	2	Digester No. 1: 50' dia.; 20' SWD; 290,000 gallons (digestion) Digester No. 2: 40' dia., 20' SWD; 185,000 gallons (sludge holding)
Belt Filter Press	1	1-meter press 30,000 filtrate holding/equalization tank

2.2 Plant Influent Wastewater Loads

The plant does not routinely sample and analyze influent wastewater. However, in preparing the July 2016 Preliminary Engineering Report a two-week sampling program was conducted in March 2016 to characterize the influent and establish wastewater loads for preliminary design. Grab samples were collected just upstream of the influent flow meter (after screening and grit removal) three times a day, at the beginning of each shift, and then composited. The composite samples were analyzed for five-day biochemical oxygen demand (BOD₅), total suspended solids (TSS), total Kjeldahl nitrogen (TKN), ammonia and total phosphorus (TP). Influent alkalinity (CaCO₃) was also measured. In addition, side stream ammonia and TKN were measured from the belt filter press filtrate holding tank as the dewatering filtrate from anaerobically digested sludge typically has high ammonia concentration.

The sampling was targeted during a period with minimum precipitation to obtain dry weather baseline wastewater characteristics. Concentrations for BOD₅ ranged from 123 to 295 mg/L; TSS from 61 to 144 mg/L; TKN from 24 to 34 mg/L; and the average alkalinity was 145 mg/L (CaCO₃). These are all within the range of typical domestic wastewater. The average daily wastewater flows for the sampling period varied from 1.76 to 2.36 MGD. **Table 2** shows the representative primary influent wastewater concentrations based on the sampling data for plant influent and side stream flow from the filtrate holding tank. The TKN and ammonia recycle loads from the dewatering process account for about 15% and 25%, respectively, of the plant influent. The sampling results are included in **Appendix C**.

Table 2: Influent Wastewater Concentrations (mg/L)

	BOD ₅	TSS	TKN	NH ₃ -N	TP	Alkalinity
Plant Influent	200	100	30	20	4.0	145
BFP Filtrate*			333	294		
Primary Influent	200	100	35	25	5.0	145

*Average side stream flow at 20 gallons per minute (gpm).

Supplemental wastewater sampling was also conducted back in 2006 (during March) prior to the nutrient removal upgrade design. The recent 2016 sample data are similar to the wastewater characteristics obtained at that time. The 2006 data is also included in **Appendix C** for reference.

2.3 Plant Flows

Plant flows are recorded via the influent flow meter. **Figure 1** shows the historical daily average flows for 2013, 2014, 2015 and 2016, and the 30-day moving average flow. **Figure 2** shows the recorded daily maximum (peak hour) flow for the same period. For wastewater loads and treatment capacity evaluations the maximum month flow factor is used, while the peak (hour) flow factor is used for review of plant hydraulics. **Table 3** shows the annual average flow for the last three years, the corresponding maximum month (30-day) flow and maximum month to average month factor. The total annual rainfall (inches) is also listed, showing higher plant flows during relatively wet years (2013 and 2014).

Table 3: Historical Plant Flows (MGD) and Rainfall

	Annual Average Flow	Maximum Month Flow	MM/AA Factor	Annual Total Rainfall
2013	2.03	2.42	1.18	51.9"
2014	2.01	2.60	1.30	47.6"
2015	1.86	2.20	1.18	42.4"
2016	1.73	2.18	1.26	37.3"
Average	1.91		1.2	

The plant annual average flow for the period 2013-2016 was about 1.9 MGD. The maximum month peak factor to be used in the evaluations is 1.2 (20% above annual average flow). The maximum (peak) day flows recorded for the period is about 6 MGD corresponding to a peak flow factor of 3.0. These flow factors are similar to the factors used in the 2005 Preliminary Engineering Report prepared (by WRA) prior to the Nutrient Removal Upgrade design.

It is noted that the influent flow chart maxes out at 6 MGD and flows above this rate are not recorded. **Figure 2** shows that peak flows capped at 6 MGD occurred 10-12 times during the 2013-2016 period, typically associated with high rainfall intensity. The plant has handled these peak flows without overflow incidents. It is suspected that some flow attenuation/temporary backup may occur in the trickling filter, but due to the TF being covered this is difficult to verify. It is also noted during extreme wet weather events the upstream collection system Cedar Run Pump Station surcharges into the holding lagoon for temporary storage. The lagoon is drained back to the pump station and pumped to the WWTP during lower flows. Despite higher observed peak flows, a peak factor of 3.0 is used in this evaluation. However, wet weather flow management will need to be addressed in a plant re-rating scenario. It is noted that Town has made continuous efforts with I/I studies and evaluations on its collection system to identify deficiencies and address sub-areas subject to high inflow.

2.4 Plant Effluent Performance

Under the current effluent discharge permit (**Appendix A**) the plant is required to comply with monthly and weekly limits for concentration and wastewater loads for BOD₅ and TSS, and to comply with monthly and weekly concentration limits for ammonia-nitrogen. For nutrients, the permit requires a calendar year average effluent concentration of 4.0 mg/L, or less for total nitrogen (TN) and 0.3 mg/L or less for total phosphorus. There is a corresponding annual load allocation for TN (30,456 lbs) and TP (2,284 lbs) based on the permitted average daily flow of 2.5 MGD. **Table 4** shows the discharge permit limits.

Table 4: Current Plant Discharge Permit Limits (at 2.5 MGD ADF)

Parameter	Monthly Average	Weekly Average
Flow = 2.5 MGD		
BOD ₅	10 mg/L (95 kg/d)	15 mg/L (140 kg/d)
TSS	10 mg/L (95 kg/d)	15 mg/L (140 kg/d)
Ammonia-N	1.4 mg/L	1.7 mg/L
	Calendar Year Average	Annual Load Allocation
Total Nitrogen	4.0 mg/L	30,456 lbs
Total Phosphorus	0.3 mg/L	2,284 lbs

The graphs on **Figures 3A, 3B, 4A and 4B** show the historical monthly and weekly effluent concentrations for BOD₅ and TSS for 2013-2016 which are well below the permit limits. For ammonia-nitrogen (**Figures 5A and 5B**), the monthly and weekly effluent concentrations are averaging less than 0.5 mg/L, with the exception of a period between October 2013 and March 2014 during which the trickling filter was offline for repairs for an extended time. During this time full BOD₅ removal was shifted to the RBC process resulting in reduced nitrification capacity and higher effluent ammonia levels. This resulted in effluent ammonia concentrations for November 2013 and January 2014 that exceeded the monthly and weekly limits. Once the trickling filter was brought online, the nitrification capacity was restored and effluent ammonia concentrations improved.

Table 5 shows the calendar year average effluent concentrations for total nitrogen and total phosphorus for 2013-2016, well below the permit requirements for nutrient discharge. **Figures 6 and 7** shows the monthly concentrations. **Table 5** also shows the nitrogen fractions (ammonia, nitrate and organic-N).

Table 5: Annual Average Plant Effluent for Nitrogen and Total Phosphorus (mg/L)

	Annual Average Flow	Total Nitrogen (TN)	Total Kjeldahl Nitrogen (TKN)	Nitrate Nitrogen (NO ₃)	Ammonia Nitrogen (NH ₃)	Organic Nitrogen (Org-N)	Total Phosphorus (TP)
2013	2.03 MGD	3.5	1.4	2.1	0.47	0.93	0.15
2014	2.01 MGD	3.4	1.3	2.1	0.49	0.81	0.21
2015	1.86 MGD	3.3	1.5	1.8	0.22	1.28	0.20
2016	1.73 MGD	3.1	1.3	1.8	0.16	1.14	0.26

3 PLANT CAPACITY EVALUATION

3.1 Basis for Evaluation

This section discusses a re-rating of the existing plant capacity for an average design flow of 3.0 MGD and the improvements needed to the treatment processes. The review considers the average day and maximum month wastewater loadings for the liquid treatment and solids handling process, and peak flows where applicable, such as clarifier overflow rates, intermediate plant pumping and overall plant hydraulics. From the previous review of historical plant flows the design maximum month (MM) flow is assumed 20% higher than the average month. The design peak (hour) hydraulic flow is based on the observed peak-to-average ratio of 3.0. **Table 6** shows the design flows and wastewater characteristics used for the plant re-rating evaluation. The wastewater concentrations are based on the recent influent sampling data.

Table 6: Flows and Influent Wastewater Concentrations for Plant Capacity Eval.

ADF (MGD)	MM (MGD)	Peak (MGD)	Primary Influent (mg/L)					
			BOD ₅	TSS	TKN	NH ₃ -N	TP	Alkalinity
3.00	3.60	9.00	200	100	35	25	5.0	145

3.2 Effluent Requirements for Plant Re-rating

The capacity review considers the effluent limits in the plant's current discharge permit and assumes that the current permitted waste load allocations will need to be maintained (this may be subject to review and discussion with VADEQ permit compliance group). As such, more stringent effluent concentrations for the permit parameters would be required at an ADF re-rating scenario to 3.0 MGD. **Table 7** shows the anticipated effluent concentrations for BOD₅, TSS, nitrogen and phosphorus under a re-rating scenario.

Table 7: Effluent Limits at Current Capacity, and Requirements at 3.0 MGD ADF

Parameter	Monthly Average*		Weekly Average*	
	Average Design Flow	2.5 MGD	3.0 MGD	2.5 MGD
BOD ₅	10 mg/L	8.3 mg/L	15 mg/L	12.5 mg/L
TSS	10 mg/L	8.3 mg/L	15 mg/L	12.5 mg/L
Ammonia-N	1.4 mg/L**		1.7 mg/L**	
	Calendar Year Average		Annual Load Allocation	
Average Design Flow	2.5 MGD	3.0 MGD		
Total Nitrogen	4.0 mg/L	3.33 mg/L	30,456 lbs	
Total Phosphorus	0.3 mg/L	0.25 mg/L	2,284 lbs	
* The effluent concentration limits are based on fixed waste load allocations ** Assume effluent concentration limits remain (no waste load allocation for ammonia)				

For BOD₅ and TSS the plant has historically performed well. Meeting more stringent monthly and weekly effluent concentrations as shown in Table 7 for 3.0 MGD ADF scenario is attainable with the new MBBR process (as well as the current secondary and tertiary processes), provided that the treatment capacity (in terms of flow) is adequate.

Since the permit has an ammonia concentration limit but no associated mass loading, the current monthly and weekly average ammonia limits (1.4 mg/L and 1.7 mg/L) are expected to remain even if the permitted design flow is increased, unless specific ammonia driven effluent toxicity issues should arise.

Under the Chesapeake Bay Restoration program Warrenton WWTP has been required to remove nutrients since the 2007 nutrient removal upgrade. Plant discharge cannot exceed the total annual mass load for total nitrogen (30,456 lbs) and total phosphorus (2,284 lbs), as shown in **Table 7**. In a re-rating scenario, it is unlikely that a corresponding increase in the annual mass loading would be allowed and the plant will need to perform at proportionally lower effluent concentrations. While the plant's current nutrient removal technology can produce a high quality effluent, as plant records demonstrate, a flow increase will gradually require tighter operational performance. But, since there is no permit specific monthly or weekly *concentration* limits for TN and TP the plant does have some flexibility over the course of the calendar year to reliably meet the total annual based mass loading. Likewise, maximizing the planned MBBR process combined with the existing denitrification filters can also achieve the more stringent operation performance. However, an increase in the average design flow beyond 3.0 MGD would become much more challenging with regard to nutrient removal and could require additional and costly technology upgrades.

Table 7 shows that the annual TN concentration equivalent is 3.33 mg/L at 3.0 MGD ADF. Total nitrogen is the sum of TKN (ammonia + organic nitrogen) and nitrate/nitrite. To meet the effluent TN requirement, each of these parameters (ammonia, organic-N and nitrate) need to be targeted at 1 mg/L or less based on Best Available Technology (BAT). **Table 5** shows the annual average nitrogen effluent concentrations for 2013, 2014, 2015 and 2016. Ammonia is at 0.5 mg/L or less, remaining organic nitrogen is about 1.0 mg/L, which is considered mostly non-biodegradable (refractory), and the nitrate is about 2 mg/L. The MBBR process can be designed to achieve these low ammonia/organic nitrogen levels. The effluent nitrate concentration will need to be trimmed. Per discussions with plant operations, the nitrate levels are controlled based on economical methanol dosing while still targeting an overall effluent TN level below 4 mg/L. Nitrate can be further reduced through a slight increase in methanol dose (without impacting effluent BOD).

The following section reviews each process unit and the anticipated upgrades required at an Average Design Flow of 3.0 MGD.

4 LIQUID TREATMENT FACILITIES

4.1 Preliminary Treatment (Headworks)

4.1.1 Influent Screening

A new mechanical screen (1/4") system was recently installed in the existing influent channel and is rated for a peak flow of 5 MGD. At higher flow conditions the existing by-pass channel and manually cleaned bar rack may handle excess flows from the main channel. No improvements are anticipated.

4.1.2 Grit Removal

The existing aerated grit chambers satisfy the Virginia Sewage Collection and Treatment (SCAT) requirements for minimum detention time (3 min) at average flow (both chambers in service) for 3 MGD ADF. No improvements are anticipated.

4.1.3 Influent Flow Metering

The existing 12-inch Parshall flume has adequate flow measuring capacity for average and peak flows.

4.2 Primary Clarifiers

The existing four (4) primary clarifiers include two (2) 26-ft diameter units and two (2) 34-diameter units, with a total surface area of 2,870 ft². The SCAT regulations indicate that the surface overflow rate (SOR) should not exceed 1,000 gpd/ft² at average design flow and 2,500 gpd/ft² for peak flow, and the hydraulic retention time (HRT) should be minimum 2 hours at average design flow. At 3.0 MGD average design flow scenarios, the SOR is 1,040 gpd/ft², all units online, with an HRT of about 1.8 hours which is consistent with the SCAT recommendations. At peak design flows (9 MGD) the SOR is 3,100 gpd/ft², which is about 20% higher than the SCAT recommendations. Other conventional design standards recommend between 2,000 and 3,000 gpd/ft² for peak SOR.

Rather than providing additional primary clarifier capacity, it is recommended that by-pass of excess peak flows around the primary clarifier be considered to bring the surface overflow rates for the clarifiers within the range of the SCAT recommendations and conventional design. The excess flow by-pass could be provided via an overflow weir in the existing primary flow split box. At the peak design flow rate of 9.0 MGD about 2 MGD would need to be by-passed.

4.3 Secondary Biological Process – *proposed Moving Bed Bio-Reactor (MBBR) Process*

Based on the recommendations in the July 2016 Preliminary Engineering Report, the new MBBR process is currently being designed to replace the treatment function of the trickling filter and RBCs, providing for both BOD removal and nitrification at the current plant capacity of 2.5 MGD. The MBBR system can be sized to facilitate a future increase in treatment capacity. The higher capacity can be achieved by expanding the (concrete) tank volume to accommodate an increase in the amount of total carrier media.

4.4 Intermediate Plant (RBC) Pumping Station

The intermediate pumping station pumps trickling filter effluent to the RBC process via a 16-inch force main. With the new MBBR process the force main line will be extended to the MBBR influent chamber (new 20-inch line extension). The submersible pumps were recently upgraded to larger units. With the new MBBR process the peak pumping

capacity is estimated at about 8 MGD with three of the four pumps operating, and about 10 MGD with all units in service. As such, additional pumping capacity should not be needed.

4.5 Secondary Clarifier Mixing/Flocculation Tanks

Poly-aluminum chloride (PACl) and anionic polymer are fed prior to the secondary clarifiers for chemical phosphorus removal and improved TSS removal. The chemical feed systems and mixing/flocculation tanks are adequate. There will be a slight reduction in the number of days of chemical storage as the chemical feed rate would increase with increased flows.

4.6 Secondary Clarifiers

The two existing secondary clarifiers include one 64 feet diameter unit and one 50 feet diameter unit, each with 12-ft sidewater depth, and with a total surface area of 5,180 ft². The clarifier depth is within the recommended range. The SCAT regulations indicate that the surface overflow rate (SOR) should not exceed 500 gpd/ft² and 1,200 gpd/ft² at average and peak flows, respectively, for clarifiers following an attached growth biological process. Also, the SCAT regulations indicate that for conventional clarifiers used with chemical clarification, the design SOR shall not exceed 600 gpd/ft². At 3.0 MGD average design flow, the SOR is 580 gpd/ft², all units online, which is consistent with the SCAT recommendations. At peak design flows (9 MGD) the SOR is 1,740 gpd/ft². The estimated solids loading rates (SLR) based on MBBR effluent are well below the SCAT criteria for attached growth processes (SCAT criteria: 0.6-1.0 lbs/ft²/hr at average design; 1.6 lbs/ft²/hr at peak loading).

At design peak flows the surface overflow rates exceed the SCAT criteria for the existing clarifiers. Rather than adding new clarifiers it is recommended that the existing trickling filter be retrofitted for excess flow storage during peak wet weather conditions, since the trickling filter will no longer be required for treatment with the new MBBR process. The trickling filter has an estimated usable storage volume of about 350,000 gallons (the trickling filter media would be removed). This volume would be more than adequate to reduce the peak flow rate through the plant to minimize the hydraulic impact on the secondary clarifiers and other process units. Alternatively, the RBC tankage could also be used for peak flow storage (remove the RBC units) where a portion of the flow from the Plant Pump Station can be diverted for temporary storage prior to the MBBR. The storage volume available in the RBC tanks is about 250,000 gallons.

It should be noted that it is not recommended to partially by-pass the secondary clarifiers during peak flow events as this could result in excessive solids loading on the denitrification filters.

4.7 Denitrification Filter (DNF) Pumping Station

The DNF pumping station was constructed as part of the 2007 Nutrient Removal Upgrade. It pumps secondary nitrified effluent to the tertiary denitrification filters. The pumping station is designed for a peak flow of 9.6 MGD (with three pumps online and one pump off line). The station has (emergency) overflow provision to allow flows to by-pass the DNF facility and be conveyed via gravity to UV-disinfection. No upgrades to the pumping station will be required.

4.8 Tertiary Denitrification Filters

Nitrates in the effluent from the RBC (nitrification) process are denitrified in the tertiary denitrification filters, installed in the 2007 Nutrient Removal Upgrade, to provide total nitrogen removal and effluent phosphorus polishing. External carbon (methanol) is added to the process. The facility includes four deep-bed (4) filters, each 11.5ft W x 26ft L with 6 feet media depth. Each filter area is nominally 300 ft², or 1,200 ft² total with all filters online.

At 3.0 MGD ADF the hydraulic filter loading and volumetric nitrate loading would be about 1.8 gpm/ft² and up to 55 lbs-nitrate/1,000 ft³/day, which are within conventional deep bed DN filter design criteria. During maximum month conditions where the filter loading is higher, the denitrification performance (and TN removal) may be slightly lower. However, there is no monthly permit limit and it would not affect the ability to meet the annual nitrogen mass load limit. The filter peak hydraulic loading (at 9 MGD) would be about 5 gpm/ft² which is also acceptable. Thus, the filter capacity is adequate and no additional filters or other upgrades are required for 3.0 MGD ADF. The methanol facility has adequate storage and feed capacity.

4.9 Effluent Disinfection

Prior to the 2007 Nutrient Removal Upgrade the gas chlorination/dechlorination facilities were replaced with an ultra-violet (UV) disinfection system. The system includes two parallel 14-inch in-line UV Reactors located in a below-grade vault. Each reactor is rated for 5 MGD. There is provision to add a future third unit which will require a new below-grade vault and connection to existing piping.

At current conditions, one UV Reactor is operating at average flows and the second reactor is turned on at higher flows. The SCAT regulations require that if no more than two UV banks are provided, each UV bank shall be capable of disinfecting the maximum daily flow (not peak flow). Based on plant records for 2013 - 2016, the ratio of maximum daily-to-average flow is about 1.6. Thus, at 3.0 MGD ADF, the maximum daily flow is projected at 4.8 MGD, less than 5 MGD. Therefore, unless otherwise required by VADEQ, the need for an additional UV unit is not anticipated at 3.0 MGD ADF.

The current two-reactor configuration has a hydraulic capacity greater than 10 MGD (with both reactors online). An increase in the hydraulic gradient, due to additional head-loss across the UV reactors at higher flows, is adequately contained within the DN filter effluent clear-well.

4.10 Post Aeration

The existing post aeration tanks are provided with mechanical surface aerators to meet the permit requirements for dissolved oxygen in the final effluent. The existing tank volume provides adequate detention times at average and peak flows based on conventional design (there are no specific SCAT criteria).

4.11 Effluent Flow Metering

The existing 12-inch Parshall flume can adequately measure the maximum flows.

5 SOLIDS HANDLING FACILITIES

For 2013 – 2016, plant operating records show the average sludge flow (primary and secondary) from the gravity thickener to Digester No. 1 is about 15,000 gallons per day. The average solids concentration is around 2.6%, thus approximately 3,250 lbs/day total sludge is generated based on an average daily plant flow of 2.0 MGD for the same period. As plant flows increase it is assumed there will be a proportional increase in sludge generation. **Table 8** shows planning level estimates for sludge quantities at current and higher average plant flows. Maximum month sludge quantities are assumed 20% higher than average.

Table 8: Total Estimated Sludge Quantities (lbs/day)

	Current (2.0 MGD)	Permit ADF (2.5 MGD)	3.00 MGD
Average Month	3,250	4,060	4,875
Maximum Month	3,900	4,870	5,850

5.1 Sludge Pumping

The existing pumping equipment for primary and secondary sludge is adequate. The pump operating times may increase slightly at higher plant flows or solids loadings.

5.2 Gravity Thickening

Primary and secondary sludge is co-thickened in the existing 28 ft diameter gravity sludge thickener which has a side water depth of 12 ft. Conventional gravity thickener surface overflow rates and solids loading rates for combined primary and secondary sludge range from 150 – 300 gpd/ft² and 5 – 10 lbs/ft²/day, respectively. With an estimated primary/secondary sludge feed rate of about 80,000 gallons per day (based on 0.5% solids concentration and current average sludge quantity) and 15,000 gallons per day sludge underflow (to Digester No. 1), the current average thickener overflow is 65,000 gpd, with a resulting surface overflow rate of about 105 gpd/ft². The solids loading rate is about 5.3 lbs/ft²/day based on **Table 8**. At the 3.0 MGD ADF scenario, the overflow rate is estimated at about 160 gpd/ft² and the solids loading rate is about 8 lbs/ft²/day. These rates are within the range of conventional design standards for gravity co-thickening. Therefore, improvements to the gravity sludge thickener are not anticipated.

5.3 Anaerobic Digestion

Thickened sludge is digested and stabilized in existing Anaerobic Digester No.1. Digester No. 2 is used for digested sludge holding, with no mixing or heating provided, prior to sludge dewatering (two-stage digestion). The solids concentration in Digester No. 1 is typically 1-2.5%. The digesters require adequate capacity (volume, heating and mixing) to meet the sludge stabilization requirements (per EPA Part 503), i.e. solids retention time (SRT) of 15 days and volatile solids reduction of 38% or greater. At the projected sludge quantities and with typical volatile solids loading rates, it is anticipated that Digester No. 2 at some point will need to be in service to meet the sludge stabilization requirements. Therefore, upgrades including mixing, heating and other necessary retrofit, will be required for Digester No. 2.

A few years ago, Digester No. 1 was taken offline for cleaning and inspection. Removal of inert solids and other debris, built up over many years, will improve the capacity of Digester No. 1. This may allow sufficient interim capacity, and could defer additional upgrades to Digester No. 2 until flows are near 3.0 MGD ADF.

5.4 Sludge Dewatering and Storage

The old belt filter press (BFP) was recently replaced with a new 1-meter belt press for dewatering digested sludge. Dewatering operation is on week-days during normal shift hours, 50 – 60 hours/week, processing about 15 – 20,000 gallons per day with a sludge feed rate of 40 – 50 gpm. Based on the projected sludge quantities at 3.0 MGD ADF an increase in BFP operating time is expected, however, no additional dewatering capacity is anticipated. The dewatering filtrate, which is high in ammonia, is stored and equalized in a 30,000 gallon tank and returned to the primary influent at a controlled rate to equalize the nitrogen recycle load to the plant. The existing holding/equalization tank is adequate.

Dewatered sludge/biosolids is stored on-site and periodically hauled out for off-site land application through contract operations. If extended wet seasons occur and haulers cannot land apply the biosolids, the on-site storage capacity becomes limited. As such, it is anticipated that additional dewatered sludge storage capacity will be needed.

6 PLANT HYDRAULICS

The existing plant was designed with a maximum hydraulic capacity of 5 MGD (based on the 1990 upgrade), although the plant has historically experienced higher flows. In 2013 and 2014 peak flows frequently exceeded 5 MGD associated with significant wet weather events. As part of the UV-Disinfection and Nutrient Removal upgrades in 2007 some of the previous hydraulic restrictions in the plant were eliminated, however, the existing hydraulic conveyance capacity between certain process units may still be limited at the peak flows associated with 3.0 MGD ADF. As mentioned in section 4.2, a partial by-pass around the primary clarifiers during the highest peak flow conditions and using the existing trickling filter as excess flow storage should alleviate most of the downstream potential plant hydraulic restraints. The trickling filter would be modified to serve as temporary flow storage (removing the media and rotary piping).

7 COST EVALUATION

Table 9 summarizes the foregoing existing plant capacity review and the upgrades considered for a plant re-rating to 3.0 MGD Average Daily Flow (ADF).

Table 9: Summary of Plant Capacity Review

Process Unit	Capacity at 3.0 MGD ADF	Improvements Needed
Influent Screen / Grit Removal / Flow Metering	OK	None
Primary Clarifiers	OK for ADF; stressed at peak flow conditions	Provide excess peak flow by-pass / storage / flow equalization in ex. trickling filter
TF/RBC	Replaced by planned new MBBR Process	Retrofit the trickling filter (or RBCs) for excess peak flow storage/equalization
Proposed MBBR Process (2 parallel process trains)	OK for 3.0 MGD with both trains online, but needs additional redundancy	Expand tankage and increase amount of biofilm carrier media to ensure reliable treatment capacity
Intermediate Plant PS	OK	None
Secondary Clarifiers	OK for ADF; stressed at peak flow conditions	Provide peak flow by-pass upstream via the existing trickling filter (see above)
DNF Pump Station	OK	None
DN Filters	OK	None
UV-Disinfection	OK	None
Post Aeration / Effluent Flow Metering	OK	None
Plant Hydraulics	Potential hydraulic constraints at peak conditions	Provide peak flow by-pass upstream via the existing trickling filter (see above)
Gravity Sludge Thickening	OK	None
Anaerobic Digestion	OK near term	Anticipated upgrades to Digester #2
Sludge Dewatering	OK	Increase operating hours of Belt Filter Press
Dewatered Sludge Storage	Deficient storage during limited field application periods	Expand storage capacity

Planning level cost estimates (2017 dollars) for a plant expansion to 3.0 MGD Average Daily Flow (ADF) is listed in **Table 10**. Costs are shown based on anticipated fiscal year expenditures for facility improvements.

Table 10: Estimated Planning Level Costs of Plant Expansion to 3.0 MGD ADF

Item	Planning Level Cost	FY
Liquid Treatment		
Additional MBBR Tank Volume and Media	\$450,000	17, 18, 19
Plant Hydraulics		
Retrofit ex. Trickling Filter for Peak Flow Storage	\$100,000	22
Yardpiping Improvements	\$150,000	22
Solids Handling		
Upgrades to ex. Digester No. 2	\$500,000	20
Sludge Storage Expansion	\$80,000	23
Sub-Total		
Contingency (25%)		
Engineering and Administration (15%)		
Total		

Figures

FIGURE 1
Daily Plant Influent Flows 2013 - 2016

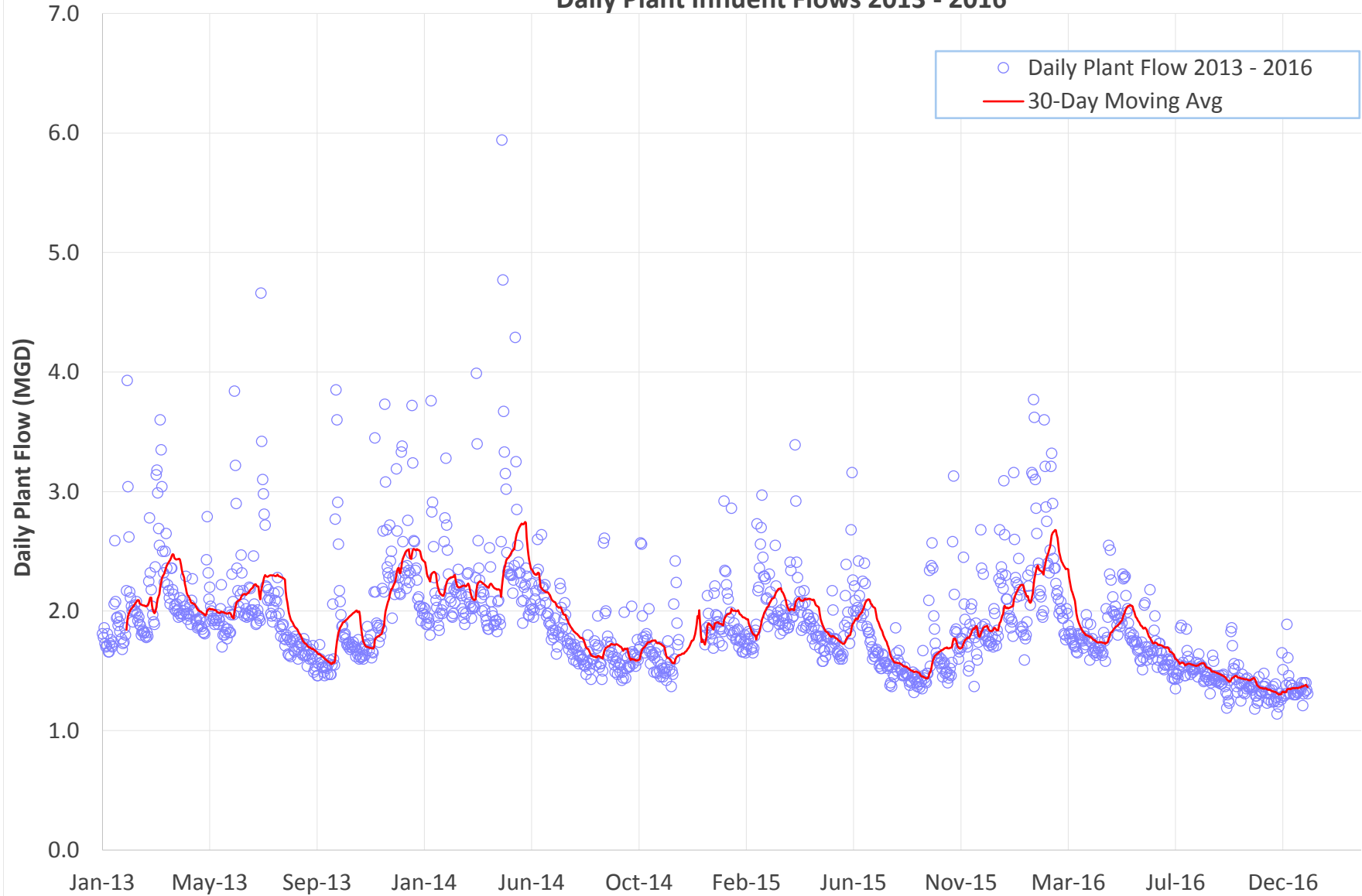


FIGURE 2
Peak Daily Plant Flows 2013 - 2016

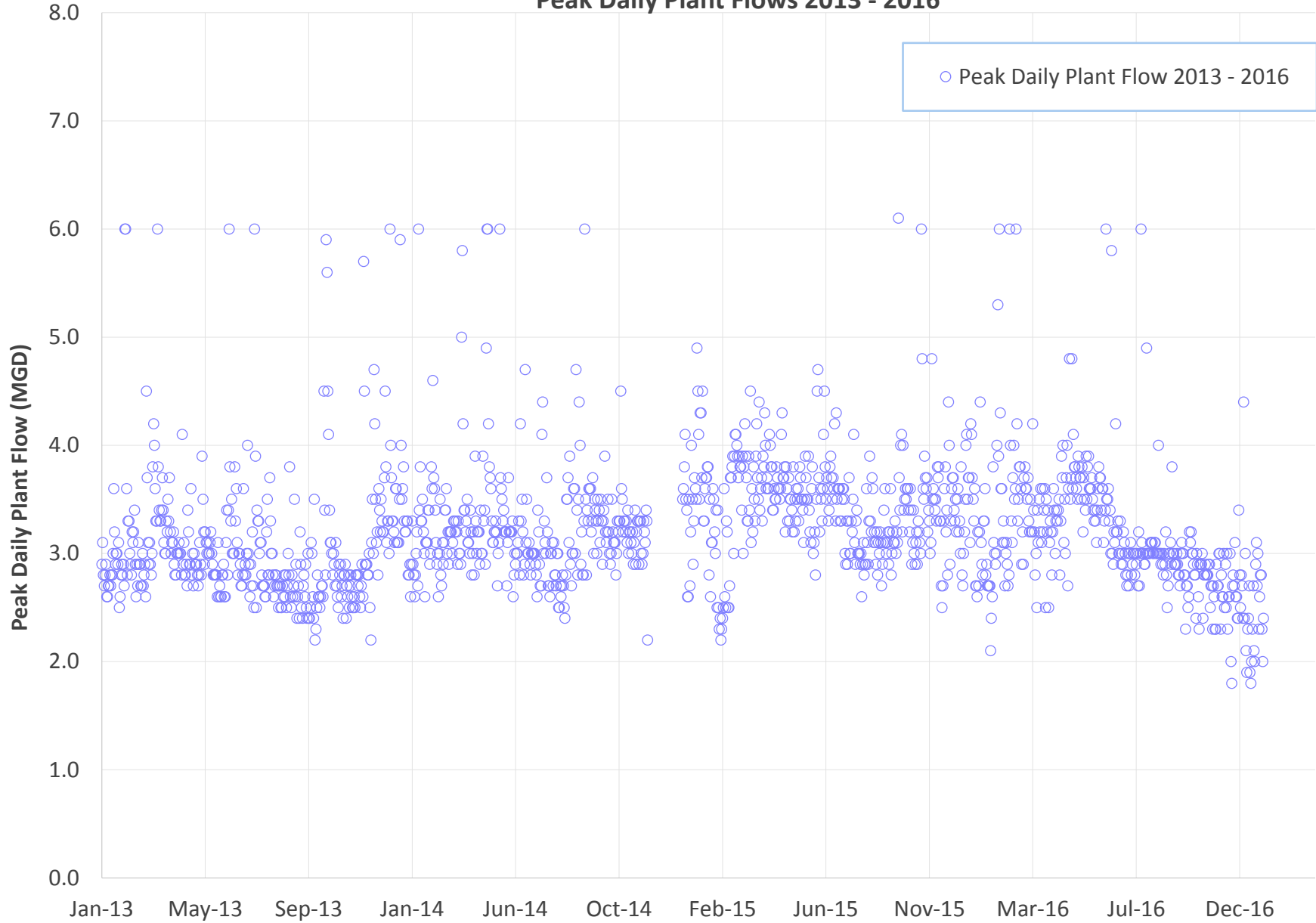


FIGURE 3A
Effluent BOD₅ Monthly Conc. 2013 - 2016

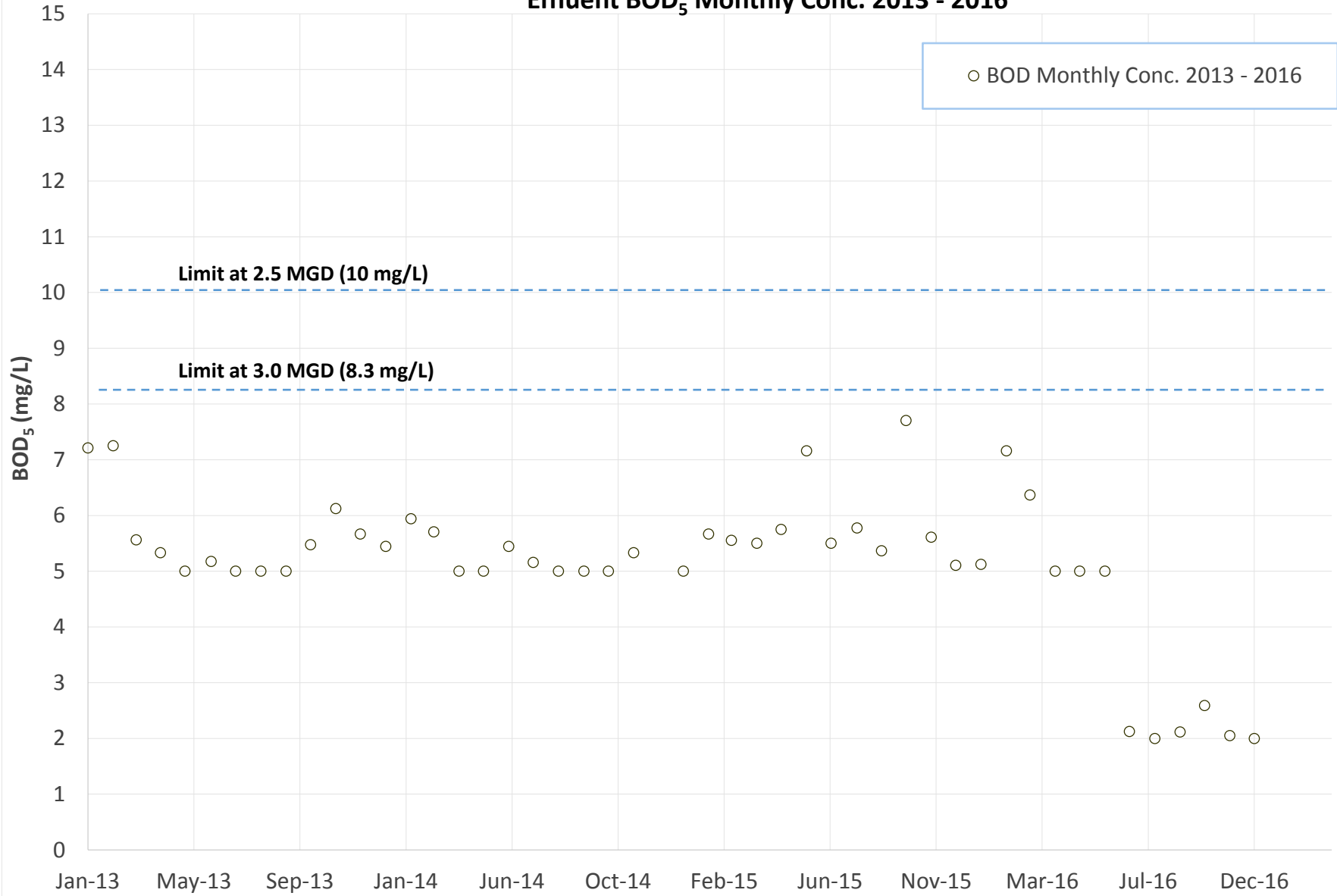


FIGURE 3B
Effluent BOD₅ Weekly Conc. 2013 - 2016

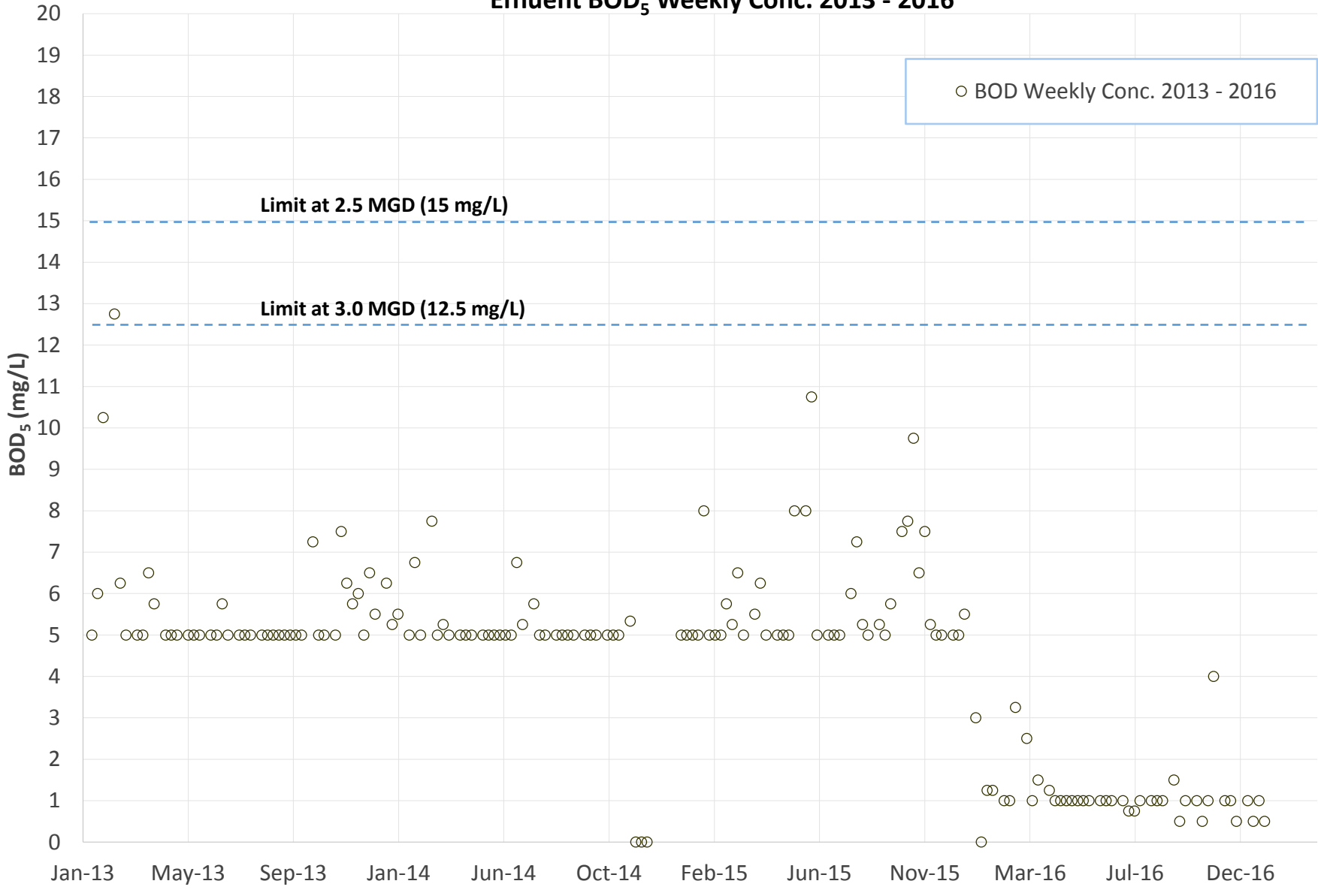


FIGURE 4A
Effluent TSS Monthly Conc. 2013 - 2016

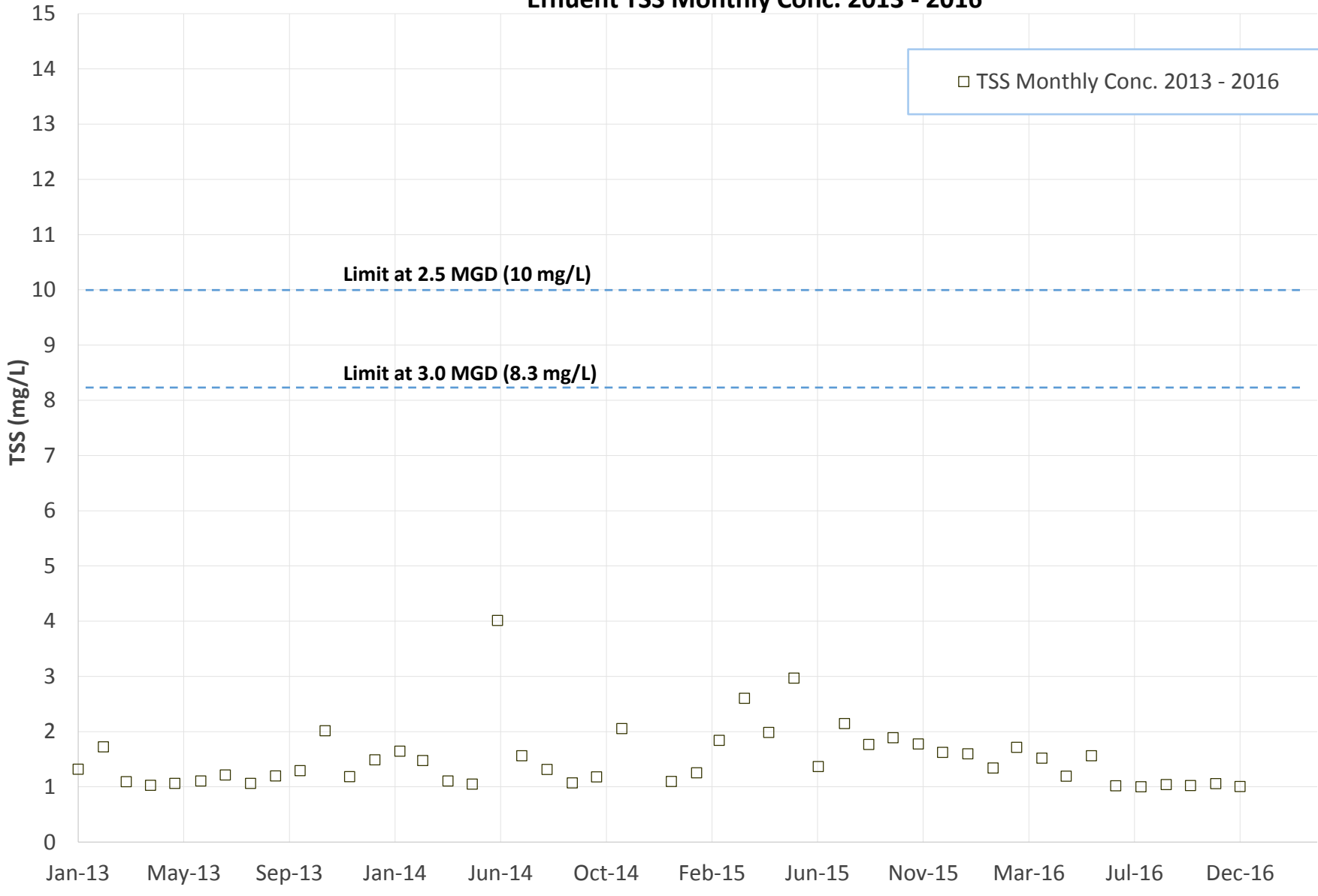


FIGURE 4B
Effluent TSS Weekly Conc. 2013 - 2016

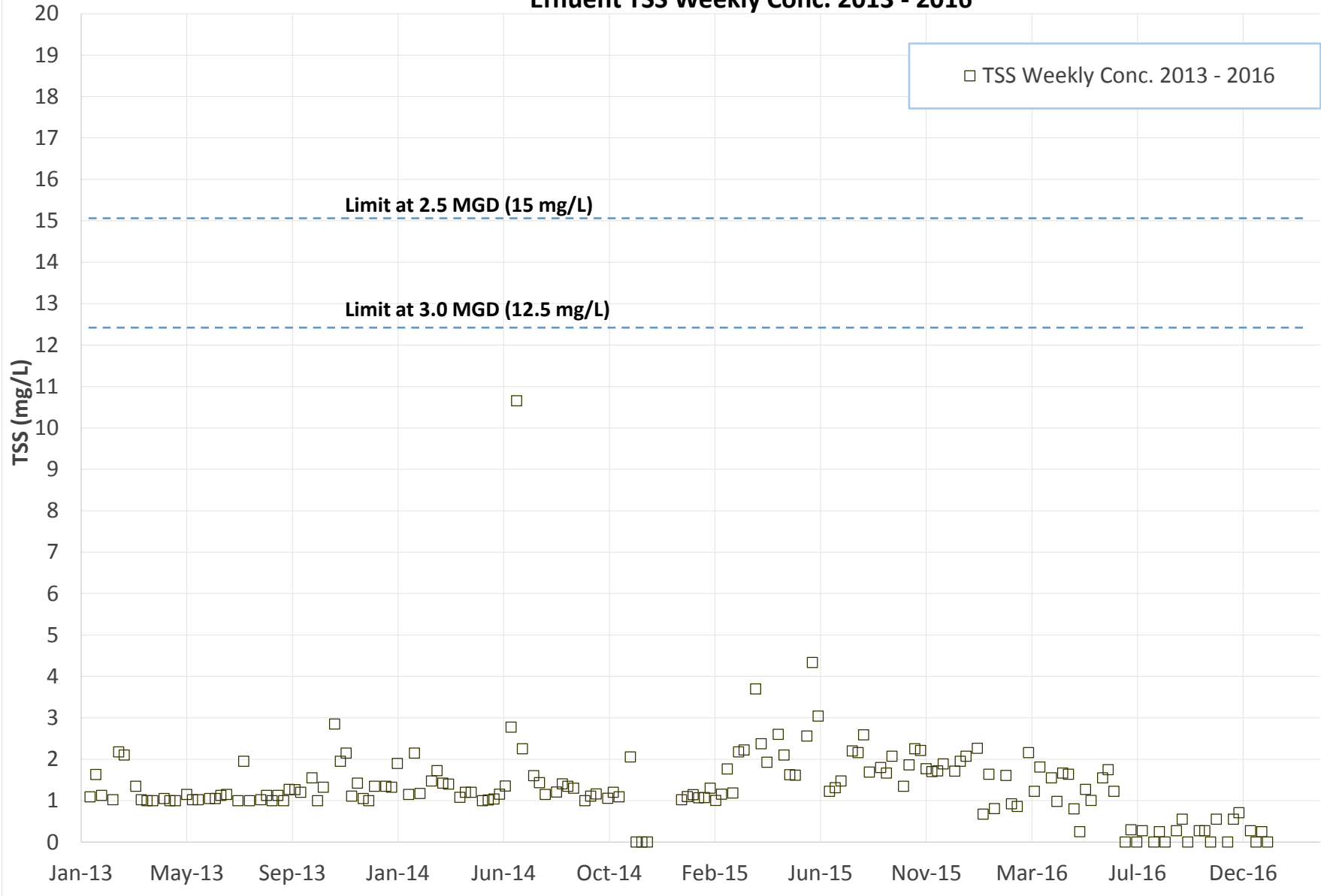


FIGURE 5A
Effluent Ammonia-N Monthly Conc. 2013 - 2016

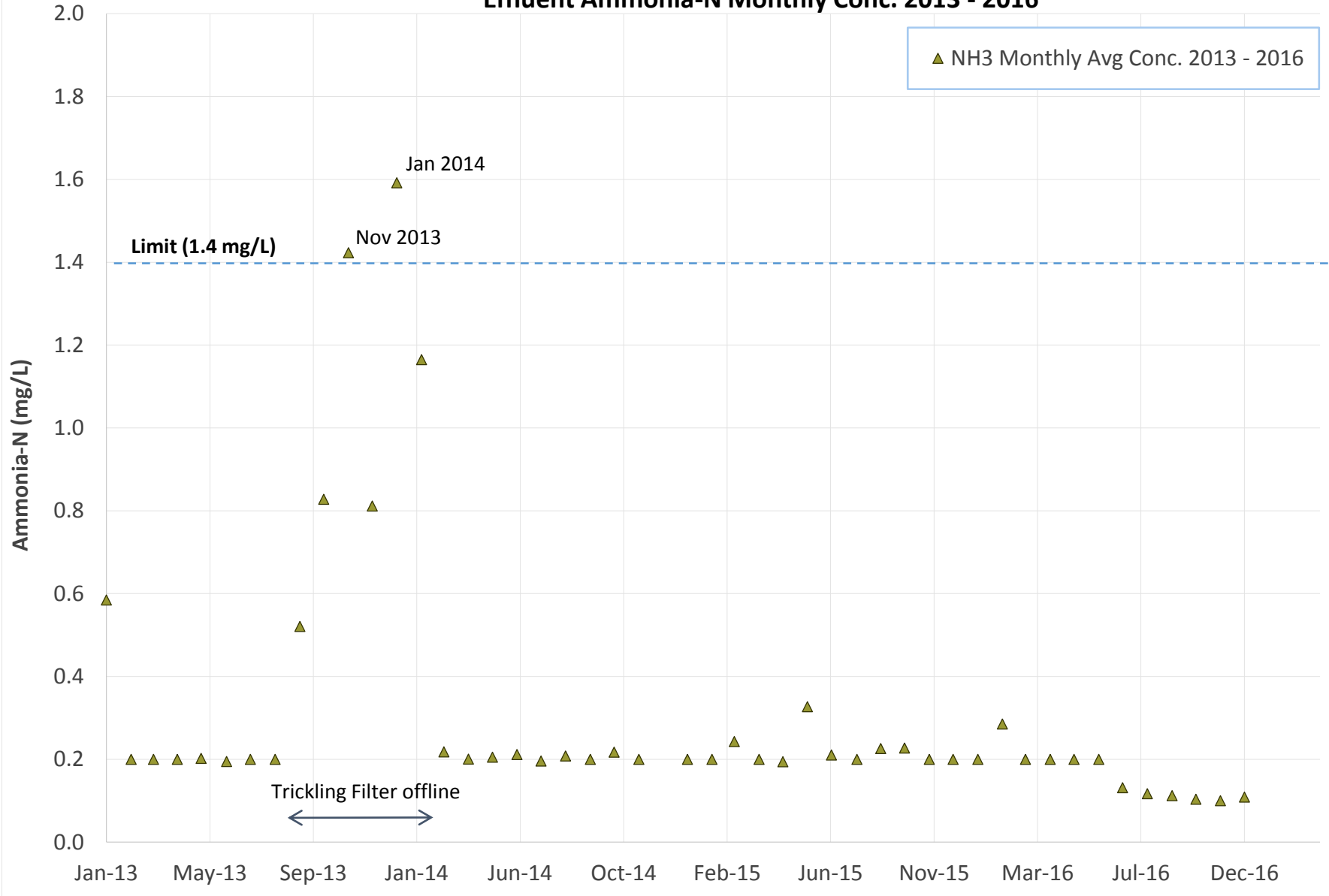


FIGURE 6
Effluent TN Monthly Conc. 2013 - 2016

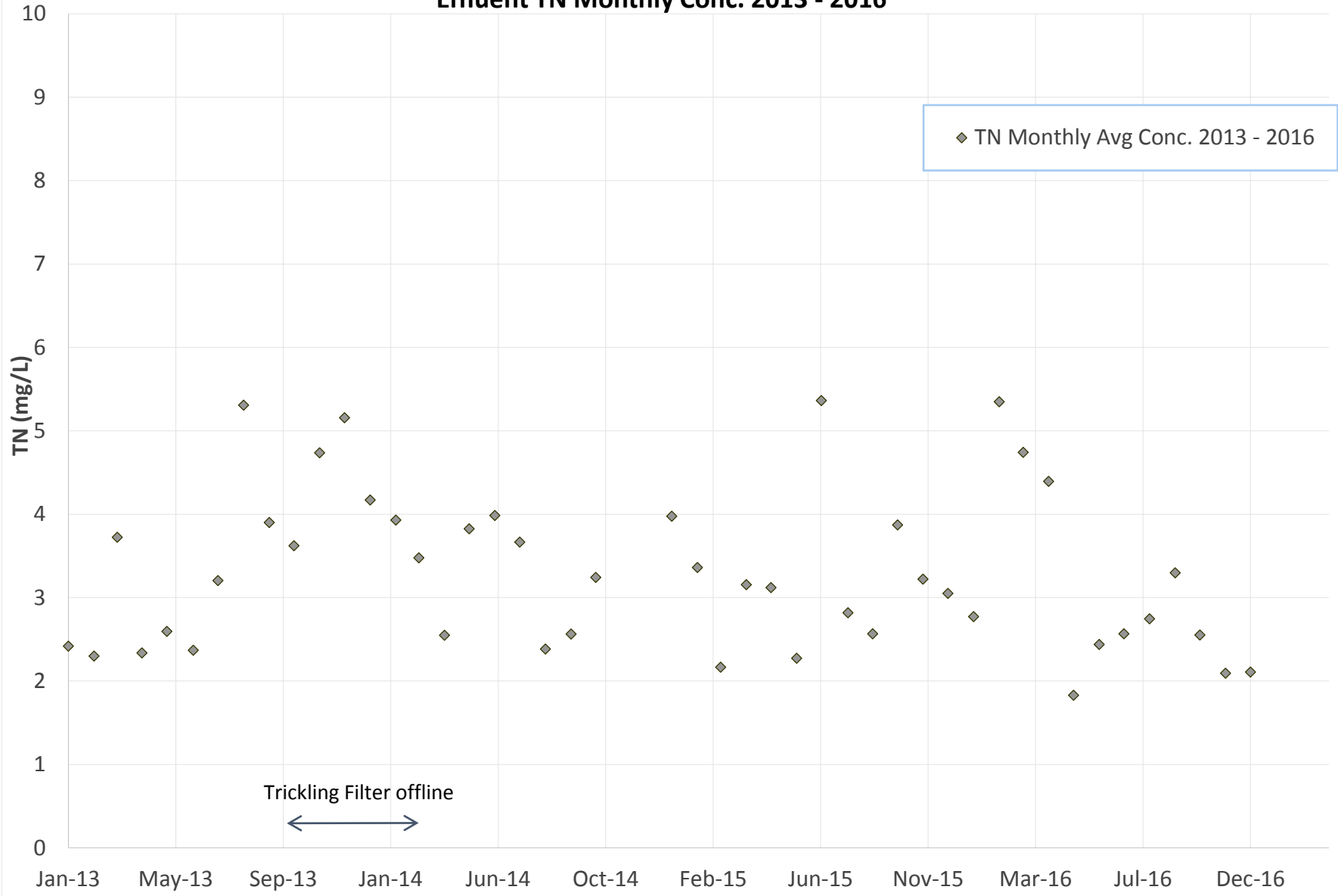


FIGURE 7
Effluent TP Monthly Avg Conc. 2013 - 2016

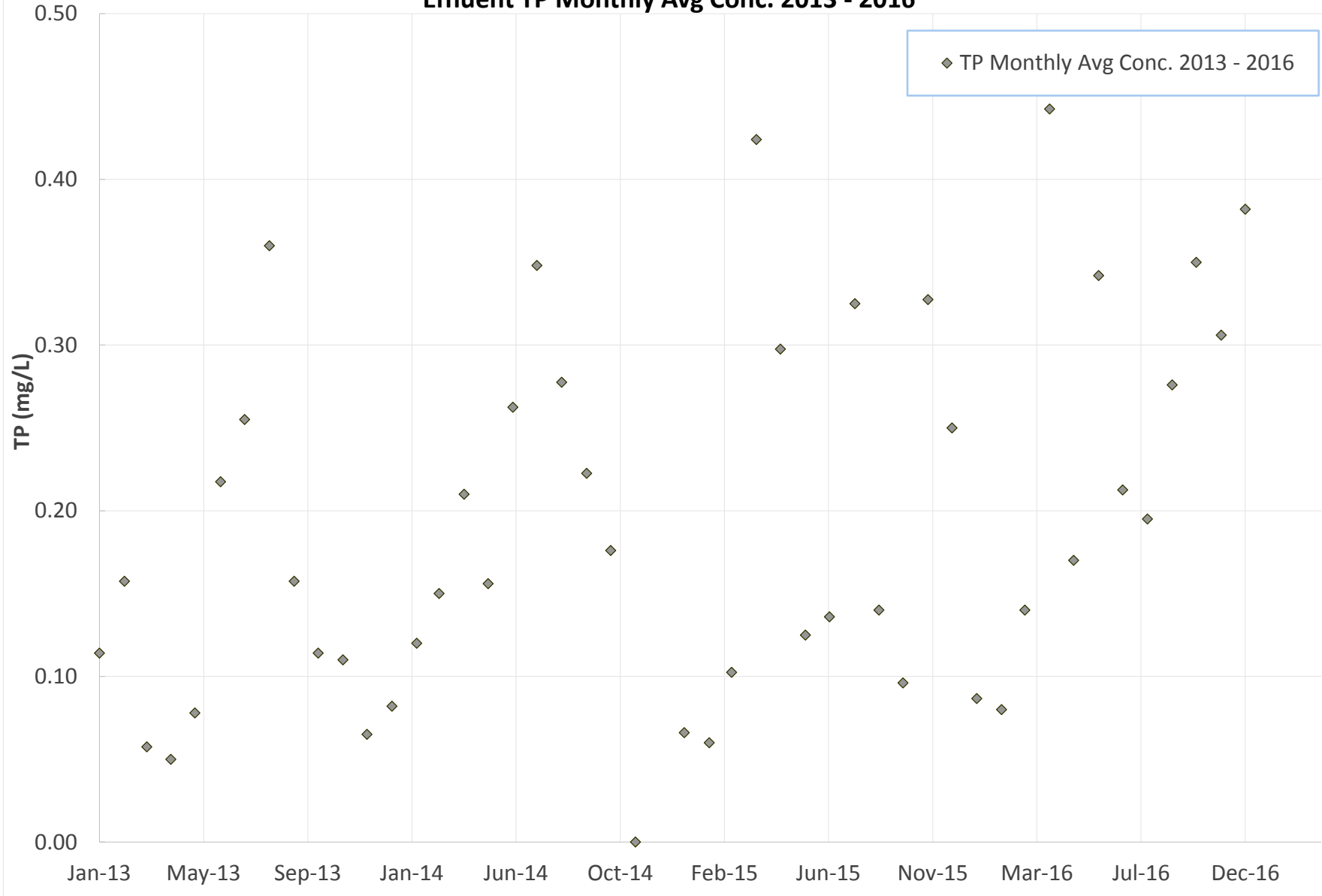
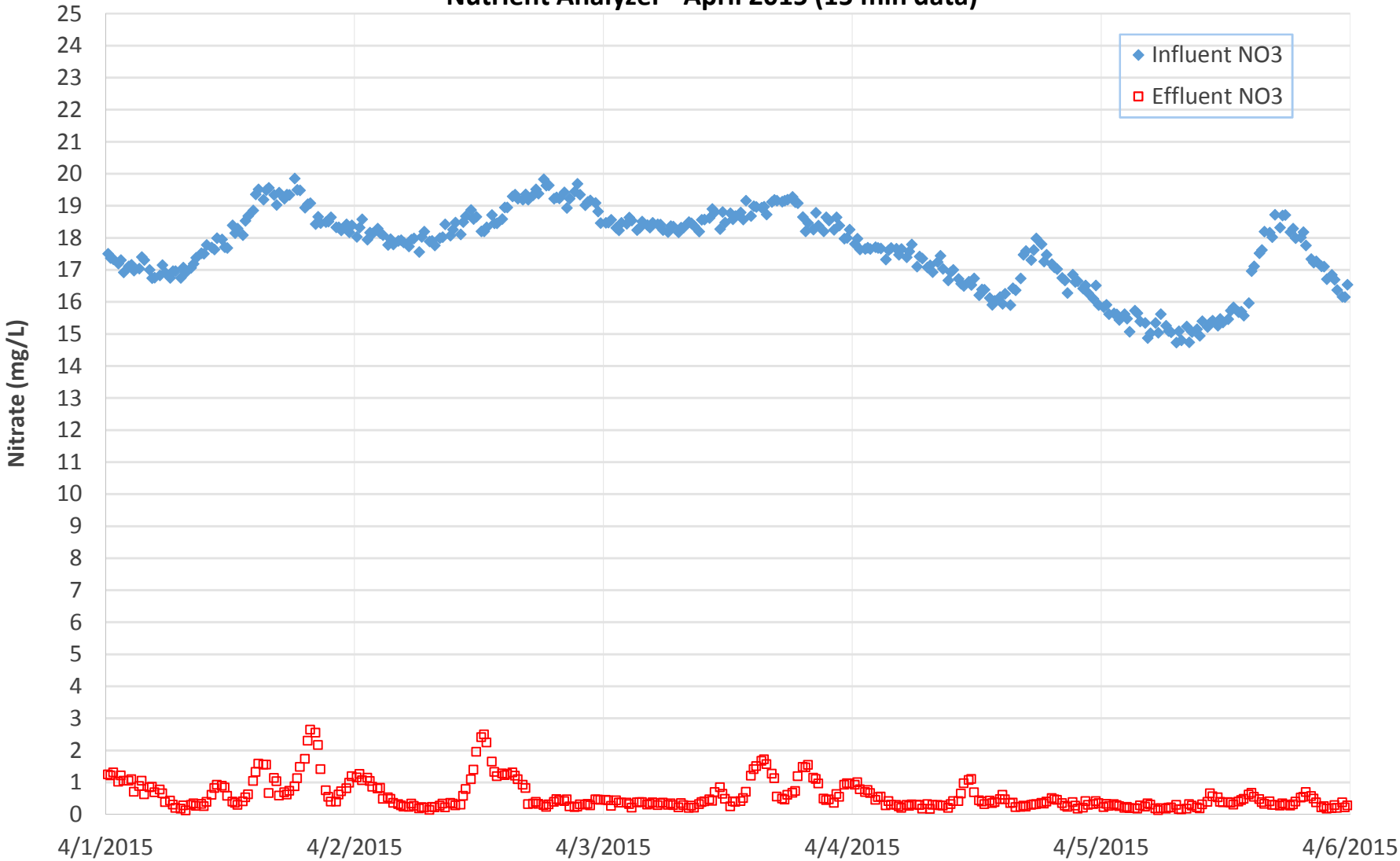


FIGURE 8
DN Filter Influent & Effluent Nitrate (mg/L)
Nutrient Analyzer - April 2015 (15 min data)



Appendices

Appendix A

Plant NPDES Discharge Permit



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

NORTHERN REGIONAL OFFICE
13901 Crown Court, Woodbridge, Virginia 22193
(703) 583-3800
www.deq.virginia.gov

Molly Joseph Ward
Secretary of Natural Resources

David K. Paylor
Director

Thomas A. Faha
Regional Director

11 July 2016

CERTIFY RECEIPT REQUESTED

Via email at etucker@warrentonva.gov

Edward B. Tucker, Jr.
Director of Public Works and Utilities
Town of Warrenton
Post Office Drawer 341
Warrenton, VA 20188-0341

Re: Reissuance of VPDES Permit No. VA0021172
Town of Warrenton Wastewater Treatment Plant
Fauquier County

Dear Mr. Tucker:

The Department of Environmental Quality (DEQ) has approved the enclosed effluent limitations and monitoring requirements for the aforementioned permit. Copies of your permit and fact sheet are enclosed.

Discharge Monitoring Report (DMR) forms, excluding sludge DMRs, are no longer included in the reissuance package since you are enrolled in DEQ's electronic DMR (eDMR) program. The first electronic DMR submittal for the month of August is due by 10 September 2016. Please reference the effluent limits in your permit and report monitoring results in eDMR to the same number of significant digits as are included in the permit limits for the parameter.

The regional contact for eDMR is Rebecca Vice; she can be reached at 703-583-3922 or by email at Rebecca.Vice@deq.virginia.gov.

Please note that compliance with the permit's requirements for use and disposal of sewage sludge does not relieve you of your responsibility to comply with federal requirements set forth in 40 CFR Part 503. Until DEQ seeks and is granted authority to administer the Part 503 regulations by EPA, treatment works treating domestic sewage should continue to work directly with EPA to comply with them. For more information, you can call the EPA Region III office in Philadelphia at 215-814-5735.

Please note that if this permit is to be reissued in five years, there are specific testing requirements associated with the Form 2A reissuance application that are different from the testing requirements in your permit. In order to provide the necessary data for Form 2A you may need to begin additional sampling during the term of this permit prior to receiving a reissuance reminder letter from this agency. Please look at Form 2A Part D (Expanded Effluent Testing Data) and Part E (Toxicity Testing Data) for the sampling requirements. Please note that DEQ and EPA will no longer accept waiver requests from the sampling or testing requirements in the application forms.

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a notice of appeal in accordance with the Rules of the Supreme Court of Virginia with the Director, Department of Environmental Quality. In the event that this decision is served on you by mail, three days are added to that period.

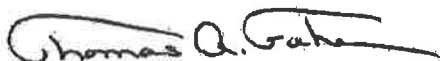
VA0021172
Final Permit to Facility
11 July 2016
Page 2 of 2

Alternately, any owner under §§ 62.1-44.16, 62.1-44.17, and 62.1-44.19 of the State Water Control Law aggrieved by any action of the State Water Control Board taken without a formal hearing, or by inaction of the Board, may demand in writing a formal hearing of such owner's grievance, provided a petition requesting such hearing is filed with the Board. Said petition must meet the requirements set forth in §1.23(b) of the Board's Procedural Rule No. 1. In cases involving actions of the Board, such petition must be filed within thirty days after notice of such action is mailed to such owner by certified mail.

A Reliability Class I is assigned to this facility and this facility has Class I licensed operator requirements.

Please contact Douglas Frasier at 703-583-3873 or via email at Douglas.Frasier@deq.virginia.gov should you have any questions concerning the permit.

Respectfully,



Jr Bryant Thomas
Regional Water Permits & Planning Manager

Enc.: Permit for VA0021172
Fact Sheet for VA0021172

cc: DEQ-Water, OWPP
EPA-Region III, 3WP12
Department of Health, Culpeper
Water Compliance, NRO
Allen Chichester, Wastewater Superintendent via achichester@warrentonva.gov

Municipal Major 07/05/2016
 DEPT. OF ENVIRONMENTAL QUALITY
 (REGIONAL OFFICE)
 Northern Regional Office
 13901 Crown Court
 Woodbridge VA 22193

COMMONWEALTH OF VIRGINIA
 DEPARTMENT OF ENVIRONMENTAL QUALITY
 NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM(NPDES)
 DISCHARGE MONITORING REPORT(DMR)

VA0021172	801	
PERMIT NUMBER	DISCHARGE NUMBER	
MONITORING PERIOD		
YEAR	MO	DAY
FROM	TO	

NAME Warrenton Town Sewage Treatment Plant
 ADDRESS Town of Warrenton VA 20186
 Warrenton
 FACILITY LOCATION 731 Frost Ave

NOTE: READ PERMIT AND GENERAL INSTRUCTIONS BEFORE COMPLETING THIS FORM.

PARAMETER	QUANTITY OR LOADING			QUALITY OR CONCENTRATION			NO. EX.	FREQUENCY OF ANALYSIS	SAMPLE TYPE
	AVERAGE	MAXIMUM	UNITS	MINIMUM	AVERAGE	MAXIMUM			
672 SOLIDS, TOTAL, SLUDGE AS PERCENT	*****	*****		*****	NA			1/3M	COMP
	*****	*****		*****	75	MG/KG		1/3M	COMP
680 ARSENIC, SLUDGE	*****	*****		*****	75	MG/KG		1/3M	COMP
	*****	*****		*****	75	MG/KG		1/3M	COMP
681 MOLYBDENUM, SLUDGE	*****	*****		*****	2800	MG/KG		1/3M	COMP
	*****	*****		*****	300	MG/KG		1/3M	COMP
682 ZINC, SLUDGE	*****	*****		*****	420	MG/KG		1/3M	COMP
	*****	*****		*****	57	MG/KG		1/3M	COMP
683 LEAD, SLUDGE	*****	*****		*****	1500	MG/KG		1/3M	COMP
	*****	*****		*****	4300	MG/KG		1/3M	COMP
684 NICKEL, SLUDGE	*****	*****		*****					
	*****	*****		*****					
685 MERCURY, SLUDGE	*****	*****		*****					
	*****	*****		*****					
686 COPPER, SLUDGE	*****	*****		*****					
	*****	*****		*****					

ADDITIONAL PERMIT REQUIREMENTS OR COMMENTS

BYPASSES AND OVERFLOWS	TOTAL OCCURRENCES	TOTAL FLOW(M.G.)	TOTAL BOD5(K.G.)	OPERATOR IN RESPONSIBLE CHARGE		DATE	
				TYPED OR PRINTED NAME	SIGNATURE	YEAR	MO.
	I, CERTIFY UNDER PENALTY OF LAW THAT THIS DOCUMENT AND ALL ATTACHEMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DESIGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY OBTAIN AND VALIDATE THE INFORMATION SUBMITTED, BASED ON MY INQUIRY OF THE PERSON OR PERSONS WHO MANAGE THE SYSTEM OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR OBTAINING THE INFORMATION, THE INFORMATION IS ACCURATE AND COMPLETE, I AM AWARE THAT THESE ARE AND BEING TRUE, ACCURATE AND COMPLETE, I AM AWARE THAT THESE ARE SIGNIFICANT RESULTS FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT FOR BREACHING VIOLATIONS.			PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE	YEAR	MO.
			TYPED OR PRINTED NAME	SIGNATURE	YEAR	MO.	DAY

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM(NPDES)
DISCHARGE MONITORING REPORT(DMR)**

Municipal Major 07/05/2016

DEPT. OF ENVIRONMENTAL QUALITY
(REGIONAL OFFICE)

Northern Regional Office
13901 Crown Court

Woodbridge VA 22193

NOTE: READ PERMIT AND GENERAL INSTRUCTIONS
BEFORE COMPLETING THIS FORM.

VA0021172	601				
PERMIT NUMBER	DISCHARGE NUMBER				
MONITORING PERIOD					
YEAR	MO	DAY	YEAR	MO	DAY

NAME Warrenton Town Sewage Treatment Plant
ADDRESS Town of Warrenton VA 20186
FACILITY LOCATION 731 Frost Ave

FROM

PARAMETER	QUANTITY OR LOADING			QUALITY OR CONCENTRATION			NO. EX.	FREQUENCY OF ANALYSIS	SAMPLE TYPE
	AVERAGE	MAXIMUM	UNITS	MINIMUM	AVERAGE	MAXIMUM			
687 CADMIUM, SLUDGE	*****	*****		*****					
688 LEVEL OF PATHOGEN REQUIREMENTS ACHIEVED	*****	*****		*****	85	MG/KG		1/3M	COMP
689 DESCRIPTION OF PATHOGEN OPTION USED	*****	*****		*****	NIL	STCL#		1/3M	COMP
690 VECTOR ATTRACTION REDUCTION OPTION USED	*****	*****		*****	NIL	ALTR#		1/3M	COMP
697 SELENIUM, SLUDGE	*****	*****		*****	100	MG/KG		1/3M	COMP
REPORTD								*****	
REQRMNT								*****	
REPORTD								*****	
REQRMNT								*****	
REPORTD								*****	
REQRMNT								*****	
REPORTD								*****	
REQRMNT								*****	
REPORTD								*****	
REQRMNT								*****	
REPORTD								*****	
REQRMNT								*****	

ADDITIONAL PERMIT REQUIREMENTS OR COMMENTS

BYPASSES AND OVERFLOWS	TOTAL OCCURRENCES	TOTAL FLOW(M.G.)	TOTAL BOD5(K.G.)	OPERATOR IN RESPONSIBLE CHARGE		DATE		
				TYPED OR PRINTED NAME	SIGNATURE	CERTIFICATE NO.	YEAR	MO.
I CERTIFY UNDER PENALTY OF LAW THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DESIGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY OPERATE AND EVALUATE THIS INFORMATION SUBMITTED. BASED ON MY KNOWLEDGE OF THE PERSON OR PERSONS AND AROUND THE SYSTEM OR THESE PERSONS DIRECTLY RESPONSIBLE FOR OBTAINING THIS INFORMATION, THE INFORMATION SUBMITTED IS TO THE BEST OF MY KNOWLEDGE AND BELIEF TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS.				PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT		TELEPHONE		
				TYPED OR PRINTED NAME		SIGNATURE		YEAR

Municipal Major 07/05/2016
 DEPT. OF ENVIRONMENTAL QUALITY
 (REGIONAL OFFICE)
 Northern Regional Office
 13901 Crown Court
 Woodbridge VA 22193

COMMONWEALTH OF VIRGINIA
 DEPARTMENT OF ENVIRONMENTAL QUALITY
 NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM(NPDES)
 DISCHARGE MONITORING REPORT(DMR)

PERMITTEE NAME/ADDRESS(INCLUDE FACILITY NAME/LOCATION IF DIFFERENT)
 Warrenton Town Sewage Treatment Plant
 Town of Warrenton
 Warrenton VA 20186

FACILITY LOCATION
 731 Frost Ave

VA00231172	SPL				
PERMIT NUMBER	DISCHARGE NUMBER				
MONITORING PERIOD					
YEAR	MO	DAY	YEAR	MO	DAY
			TO		

NOTE: READ PERMIT AND GENERAL INSTRUCTIONS BEFORE COMPLETING THIS FORM.

FROM

PARAMETER	QUANTITY OR LOADING			QUALITY OR CONCENTRATION			NO. EX.	FREQUENCY OF ANALYSIS	SAMPLE TYPE
	AVERAGE	MAXIMUM	UNITS	MINIMUM	AVERAGE	MAXIMUM			
691 ANNUAL AMT SLUDGE DISPOSED BY OTHER MTD	*****	NL	MT/YR	*****	*****	*****		1/3M	CALC
692 ANNUAL AMT SLUDGE INCINERATED	*****	NL	MT/YR	*****	*****	*****		1/3M	CALC
693 ANNUAL SLUDGE PRODUCTION TOTAL	*****	NL	MT/YR	*****	*****	*****		1/3M	CALC
694 ANNUAL AMT SLUDGE LAND APPLIED	*****	NL	MT/YR	*****	*****	*****		1/3M	CALC
696 ANNUAL AMT SLUDGE DISPOSED IN LANDFILL	*****	NL	MT/YR	*****	*****	*****		1/3M	CALC

ADDITIONAL PERMIT REQUIREMENTS OR COMMENTS

BYPASSES AND OVERFLOWS	TOTAL OCCURRENCES	TOTAL FLOW(M.G.)	TOTAL BOD5(K.G.)	OPERATOR IN RESPONSIBLE CHARGE		DATE	
				TYPED OR PRINTED NAME	SIGNATURE	YEAR	MO. DAY
	I CERTIFY UNDER PENALTY OF LAW THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DESIGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY GATHER AND EVALUATE THE INFORMATION SUBMITTED. BASED ON MY IMPACT OF THE PERMITS OR PERSONS WHO MANAGE THE SYSTEM OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING THE INFORMATION, THE INFORMATION SUBMITTED IS TO THE BEST OF MY KNOWLEDGE AND BELIEF TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT FOR VIOLATIONS.			PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE	YEAR	MO. DAY
				TYPED OR PRINTED NAME	SIGNATURE	YEAR	MO. DAY

This report is required by your VPDES permit and by law. (See, e.g., the Code of Virginia of 1960 §62.1-44.5 and 9 VAC 25-31-50.) Failure to report or failure to report truthfully can result in civil penalties of \$3,500 per violation, per day and felony prosecutions which can carry a 16 year term.

DISCHARGE MONITORING REPORT (DMR) - GENERAL INSTRUCTIONS

1. Complete this form in permanent ink or indelible pencil. The use of 'correction fluid/tape' is not allowed.
2. Be sure to enter the dates for the first and last day of the period covered by the report on the form in the space marked "Monitoring Period".
3. For those parameters where the "permit requirement" spaces have a requirement or limitation, provide data in the "reported" spaces in accordance with your permit.
4. Enter the average and maximum quantities and units in the "reported" spaces in the columns marked "Quantity or Loading".
 $KG/DAY = \text{Concentration (mg/L)} \times \text{Flow (MGD)} \times 3.785$ $G/D \text{ (Grams/Day)} = \text{Concentration (mg/L)} \times \text{Flow (MGD)} \times 3785$
5. Enter maximum, minimum, and/or average concentrations and units in the "reported" spaces in the columns marked "Quality or Concentration".
6. For all parameters enter the number of samples which do not comply with the maximum and/or minimum permit requirements in the "reported" space in the column marked "No. Ex." (Number of Exceedances). If none, enter "0". Do NOT include monthly average violations in this field. Include any Maximum 7-Day Average and Maximum Weekly Average violations in this field. Permittees with continuous pH, or temperature monitoring requirements should consult the permit for what constitutes an exceedance and report accordingly.
7. You are required to sample (at a minimum) according to the Sample Frequencies and Sample Types specified in your permit.
8. Enter the actual frequency of analysis for each parameter (number of times per day, week, month, etc.) in the "reported" space in the column marked "Frequency of Analysis".
9. Enter the actual type of sample (Grab, 8HC, 24HC, etc) collected for each parameter in the "reported" space in the column marked "Sample Type".
10. Enter additional required data or comments in the space marked "additional permit requirements or comments". If additional required data or comments are appended to the DMR, reference appended correspondence in this field.
11. Record the number of bypasses during the month, the total flow in million gallons (MG) and BOD5 in kilograms (KG) in the proper columns in the section marked "Bypasses and Overflows".
12. The operator in responsible charge of the facility should review the form and sign in the space provided. If the plant is required to have a licensed operator or if the operator in responsible charge of the facility is a licensed operator, the operator's signature and certificate number must be reported in the spaces provided.
13. The principal executive officer then reviews the form and must sign in the space provided and provide a telephone number where he/she can be reached. Every page of the DMR must have an original signature.
14. Send the completed form(s) with original signatures to your Department of Environmental Quality Regional Office by the 10th of each month unless otherwise specified in the permit.
15. You are required to retain a copy of the report for your records.
16. Where violations of permit requirements are reported, attach a brief explanation in accordance with the permit requirements describing causes and corrective actions taken. Reference each separate violation by date.
17. If you have any questions, contact the Department of Environmental Quality Regional Office listed on the DMR.



COMMONWEALTH of VIRGINIA
 DEPARTMENT OF ENVIRONMENTAL QUALITY

Permit No. VA0021172
 Effective Date: August 1, 2016
 Expiration Date: July 31, 2021

**AUTHORIZATION TO DISCHARGE UNDER THE
 VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM
 AND THE VIRGINIA STATE WATER CONTROL LAW**

In compliance with the provisions of the Clean Water Act as amended and pursuant to the State Water Control Law and regulations adopted pursuant thereto, the following owner is authorized to discharge in accordance with the information submitted with the permit application, and with this permit cover page, Part I – Effluent Limitations and Monitoring Requirements, Part II – Conditions Applicable To All VPDES Permits and Part III – Biosolids Conditions and Requirements, as set forth herein.

Owner Name: Town of Warrenton
 Facility Name: Town of Warrenton Wastewater Treatment Plant
 County: Fauquier
 Facility Location: 731 Frost Avenue, Warrenton, VA 20186

The owner is authorized to discharge to the following receiving stream:

Stream Name: Great Run, UT
 River Basin: Rappahannock River
 River Subbasin: None
 Section: 4
 Class: III
 Special Standards: None

Thomas A. Faha

Thomas A. Faha
 Director, Northern Regional Office
 Department of Environmental Quality

July 11, 2016
 Date

A. Effluent Limitations and Monitoring Requirements
Outfall 001 – 2.5 MGD Facility

1. There shall be no discharge of floating solids or visible foam in other than trace amounts.
2. This facility has Total Nitrogen and Total Phosphorus calendar year load limits associated with this outfall included in the current Registration List under registration number VAN020028, enforceable under the General VPDES Watershed Permit Regulation for Total Nitrogen and Total Phosphorus Dischargers and Nutrient Trading in the Chesapeake Watershed in Virginia.
3. During the period beginning with the permit's effective date and lasting until the expiration date, the permittee is authorized to discharge from Outfall Number 001. Such discharges shall be limited and monitored by the permittee as specified below.

Parameter	Discharge Limitations				Monitoring Requirements			
	Monthly Average ⁽¹⁾		Weekly Average ⁽¹⁾		Minimum	Maximum ⁽¹⁾	Frequency	Sample Type
Flow ⁽²⁾ (MGD)	NL		NA		NA	NL	Continuous	TIRE
pH	NA		NA		6.0 S.U.	9.0 S.U.	1/D	Grab
Biochemical Oxygen Demand (BOD ₅) ⁽²⁾	10 mg/L	95 kg/day	15 mg/L	140 kg/day	NA	NA	4D/W ⁽³⁾	24H-C
Total Suspended Solids (TSS) ⁽²⁾⁽⁴⁾	10 mg/L	95 kg/day	15 mg/L	140 kg/day	NA	NA	4D/W ⁽³⁾	24H-C
Dissolved Oxygen	NA		NA		6.5 mg/L	NA	1/D	Grab
Total Kjeldahl Nitrogen (TKN)	NL mg/L		NL mg/L		NA	NA	1/W	24H-C
Ammonia, as N	1.4 mg/L		1.7 mg/L		NA	NA	4D/W ⁽³⁾	24H-C
<i>E. coli</i> (Geometric Mean) ⁽⁵⁾	126 n/100 mL		NA		NA	NA	1/D	Grab
NO ₂ + NO ₃ as Nitrogen	NL mg/L		NA		NA	NA	1/W	24H-C
Total Nitrogen ⁽⁶⁾	NL mg/L		NA		NA	NA	1/W	Calculated
Total Nitrogen – Year to Date ⁽⁷⁾	NL mg/L		NA		NA	NA	1/M	Calculated
Total Nitrogen – Calendar Year ⁽⁷⁾	4.0 mg/L		NA		NA	NA	1/YR	Calculated
Total Phosphorus	NL mg/L		NA		NA	NA	1/W	24H-C
Total Phosphorus – Year to Date ⁽⁷⁾	NL mg/L		NA		NA	NA	1/M	Calculated
Total Phosphorus – Calendar Year ⁽⁷⁾	0.3 mg/L		NA		NA	NA	1/YR	Calculated
Chronic Toxicity – <i>C. dubia</i> ⁽⁸⁾	NA		NA		NA	NL TU _c	1/YR	24H-C
Chronic Toxicity – <i>P. promelas</i> ⁽⁸⁾	NA		NA		NA	NL TU _c	1/YR	24H-C

⁽¹⁾ See Part I.B.
⁽²⁾ The design flow is 2.5 MGD.
⁽³⁾ At least 85% removal for BOD₅ and TSS shall be attained.
⁽⁴⁾ TSS shall be expressed as two significant figures.
⁽⁵⁾ Between 10 AM and 4 PM.
⁽⁶⁾ Total Nitrogen is the sum of Total Kjeldahl Nitrogen and NO₂+NO₃ Nitrogen and shall be calculated from the results of those tests.
⁽⁷⁾ See Part I.B.3. for nutrient reporting calculations.
⁽⁸⁾ See Part I.D. for toxicity monitoring requirements.
⁽⁹⁾ See Part I.E.10.

MGD = Million gallons per day.
 NA = Not applicable.
 NL = No limit; monitor and report.
 S.U. = Standard units.
 TIRE = Totalizing, indicating and recording equipment.

1/D = Once every day.
 4D/W = Four days per week.
 1/W = Once per week.
 1/M = Once every month.
 1/YR = Once every calendar year.

24H-C = A flow proportional composite sample collected manually or automatically, and discretely or continuously, for the entire discharge of the monitored 24-hour period. Where discrete sampling is employed, the permittee shall collect a minimum of twenty-four (24) aliquots for compositing. Discrete sampling may be flow proportioned either by varying the time interval between each aliquot or the volume of each aliquot. Time composite samples consisting of a minimum of twenty-four (24) grab samples obtained at hourly or smaller intervals may be collected where the permittee demonstrates that the discharge flow rate (gallons per minute) does not vary by 10% or more during the monitored discharge.

Grab = An individual sample collected over a period of time not to exceed 15-minutes.

B. Quantification Levels and Compliance Reporting

1. Quantification Levels

a. The quantification levels (QL) shall be less than or equal to the following concentrations:

<u>Characteristic</u>	<u>Quantification Level</u>
Total Suspended Solids (TSS)	1.0 mg/L
Biochemical Oxygen Demand-5 day (BOD ₅)	2 mg/L
Ammonia, as N	0.20 mg/L
Total Kjeldahl Nitrogen (TKN)	0.50 mg/L

b. The QL is defined as the lowest concentration used to calibrate a measurement system in accordance with the procedures published for the method. It is the responsibility of the permittee to ensure that proper quality assurance/quality control (QA/QC) protocols are followed during the sampling and analytical procedures. QA/QC information shall be documented to confirm that appropriate analytical procedures have been used and the required QLs have been attained. The permittee shall use any method in accordance with Part II.A of this permit.

2. Compliance Reporting for Parameters in Part I.A.

a. **Monthly Average** – Compliance with the monthly average limitations and/or reporting requirements for the parameters listed in Part I.B.1.a. of this permit condition shall be determined as follows: All concentration data below the QL used for the analysis (QL must be less than or equal to the QL listed in Part I.B.1.a above) shall be treated as zero. All concentration data equal to or above the QL used for the analysis shall be treated as reported. An arithmetic average shall be calculated using all reported data for the month, including the defined zeros. This arithmetic average shall be reported on the Discharge Monitoring Report (DMR) as calculated. If all data are below the QL used for the analysis, then the average shall be reported as "< QL". If reporting for quantity is required on the DMR and the reported monthly average concentration is < QL, then report "< QL" for the quantity. Otherwise, use the reported concentration data (including the defined zeros) and flow data for each sample day to determine the daily quantity and report the monthly average of the calculated daily quantities.

b. **Weekly Average** – Compliance with the weekly average limitations and/or reporting requirements for the parameters listed in Part I.B.1.a. of this permit condition shall be determined as follows: All concentration data below the QL used for the analysis (QL must be less than or equal to the QL listed in Part I.B.1.a above) shall be treated as zero. All concentration data equal to or above the QL used for the analysis shall be treated as reported. An arithmetic average shall be calculated using all reported data, including the defined zeros, collected within each complete calendar week and entirely contained within the reporting month. The maximum value of the weekly averages thus determined shall be reported on the DMR. If all data are below the QL used for the analysis, then the weekly average shall be reported as "< QL". If reporting for quantity is required on the DMR and the reported weekly average concentration is < QL, then report "< QL" for the quantity. Otherwise use the reported concentration data (including the defined zeros) and flow data for each sample day to determine the daily quantity and report the maximum weekly average of the calculated daily quantities.

c. **Single Datum** – Any single datum required shall be reported as "< QL" if it is less than the QL used in the analysis (QL must be less than or equal to the QL listed in Part I.B.1.a above). Otherwise the numerical value shall be reported.

d. **Significant Digits** – The permittee shall report at least the same number of significant digits as the permit limit for a given parameter. Regardless of the rounding convention used by the permittee (i.e. 5 always rounding up or to the nearest even number), the permittee shall use the convention consistently and shall ensure that consulting laboratories employed by the permittee use the same convention.

(Remainder of page intentionally left blank)

3. Nutrient Reporting Calculations for Part I.A.

- a. For each calendar month, the DMR shall show the calendar year-to-date average concentration (mg/L) calculated in accordance with the following formulae:

$$MC_{avg}\text{-YTD} = (\sum_{(Jan\text{-current month})} MC_{avg}) \div (\# \text{ of months })$$

where: $MC_{avg}\text{-YTD}$ = calendar year-to-date average concentration (mg/L)
 MC_{avg} = monthly average concentration (mg/L) as reported on DMR

- b. The total nitrogen and phosphorus average concentrations (mg/L) for each calendar year (AC) shall be shown on the December DMR due January 10th of the following year. These values shall be calculated in accordance with the following formulae:

$$AC_{avg} = (\sum_{(Jan\text{-Dec})} MC_{avg}) \div 12$$

where: AC_{avg} = calendar year average concentration (mg/L)
 MC_{avg} = monthly average concentration (mg/L) as reported on DMR

- c. For total phosphorus, all daily concentration data below the quantification level (QL) for the analytical method used should be treated as half the QL. All daily concentration data equal to or above the QL for the analytical method used shall be treated as it is reported.
- d. For total nitrogen (TN), if none of the daily concentration data for the respective species (i.e. TKN, Nitrates/Nitrites) are equal to or above the QL for the respective analytical methods used, the daily TN concentration value reported shall equal one half of the largest QL used for the respective species. If one of the data is equal to or above the QL, the daily TN concentration value shall be treated as that data point is reported. If more than one of the data is above the QL, the daily TN concentration value shall equal the sum of the data points as reported.

C. Pretreatment Requirements

Within 180 days of the effective date of this permit, the permittee shall submit written verification to the Department of Environmental Quality, Northern Regional Office (DEQ-NRO) that the Industrial User Survey (IU Survey) is current and no potential significant industrial users (SIUs) discharge to the POTW.

1. If potential SIUs are not identified, the permittee is not required to implement a pretreatment program. The requirements for program development described below may be suspended by the DEQ.
2. If Categorical Industrial User(s) (CIUs) are identified, or if the permittee or DEQ determines that any IU has potential to adversely affect the operation of the POTW or cause violation(s) of federal, state, or local standards or requirements, the permittee shall develop and submit to DEQ-NRO within one year of written notification by DEQ a pretreatment program for approval. The program shall enable the permittee to control by permit the SIUs discharging wastewater to the treatment works.
3. The approvable pretreatment program submission shall at a minimum contain the following parts:
 - a. The legal authority;
 - b. Program procedures;
 - c. Funding and resources;
 - d. A local limits evaluation and local limits if needed;
 - e. An Enforcement Response Plan, and

f. A list of SIUs.

A SIU is defined as an IU that:

- 1) Has an average flow of 25,000 gallons or more per day of process wastewater to exclude sanitary, non-contact cooling water and boiler blowdown;
 - 2) Contributes a process wastestream which makes up 5.0% or more of the average dry weather hydraulic or organic capacity of the POTW;
 - 3) Is subject to the categorical pretreatment standards; or
 - 4) Has significant impact, either singularly or in combination with other significant dischargers, on the treatment works or the quality of its effluent.
4. Where the permittee is required to develop a pretreatment program, they shall submit to DEQ-NRO an annual report no later than January 31 of each year that includes:
- a. An updated list of the SIUs noting all of the following:
 - 1) Facility address, phone and contact name;
 - 2) An explanation regarding SIUs deleted from the previous year's list;
 - 3) Identification of IUs subject to Categorical Standards and notation of application standard (e.g., metal finishing);
 - 4) Specification of applicable 40 CFR Part(s);
 - 5) Indication of IUs subject to local standards that are more stringent than Categorical Pretreatment Standards;
 - 6) Indication of IUs subject only to local requirements
 - 7) Identification of IUs subject to Categorical Pretreatment Standards that are also subject to reduced reporting requirements under 9VAC25-31-840 E.3.; and
 - 8) Identification of IUs that are non-significant CIUs.
 - b. A summary of the compliance status of each SIU with pretreatment standards and permit requirements;
 - c. A summary of the number and types of SIU sampling and inspections performed by the POTW;
 - d. All information concerning any interference, upset, VPDES permit or water quality standards violations directly attributable to SIUs and enforcement actions taken to alleviate said events;
 - e. A description of all enforcement actions taken against SIUs over the previous 12 months;
 - f. A summary of any changes to the submitted pretreatment program that have not been previously reported to DEQ-NRO;
 - g. A summary of the permits issued to SIUs since the last annual report;
 - h. POTW and self-monitoring results for SIUs determined to be in significant non-compliance during the reporting period;
 - i. Results of the POTW's influent/effluent/sludge sampling that have not been previously submitted to DEQ;

- j. Copies of newspaper publications of all SIUs in significant non-compliance during the reporting period to be due no later than March 31 of each year; and
 - k. The signature of an authorized representative.
5. The DEQ may require the POTW to institute changes to the legal authority regarding SFU permit(s):
- a. If the legal authority does not meet the requirements of the Clean Water Act, Water Control Law or State regulations;
 - b. If problems such as interferences, pass-through, violations of water quality standards or sludge contamination develop or continue; and
 - c. If federal, state or local requirements change.

D. Whole Effluent Toxicity Program Requirements

1. Biological Monitoring

- a). In accordance with the schedule in Part I.D.2. below, the permittee shall conduct annual chronic toxicity tests during this permit term. The permittee shall collect 24-hour flow-proportioned composite samples of final effluent at Outfall 001.

The chronic tests to use are:

Chronic 3-Brood Static Renewal Survival and Reproduction Test using *Ceriodaphnia dubia*

Chronic 7-Day Static Renewal Survival and Growth Test using *Pimephales promelas*

These chronic tests shall be conducted in such a manner and at sufficient dilutions (minimum of five dilutions) to determine the "No Observed Effect Concentration" (NOEC) for survival and reproduction or growth. Results which cannot be quantified (i.e. a "less than" NOEC value) are not acceptable and a retest shall be performed. The NOEC, as determined by hypothesis testing, shall be converted to TU_c (Chronic Toxic Units) for Discharge Monitoring Report (DMR) reporting where $TU_c = 100/NOEC$. Report the LC_{50} at 48 hours and the IC_{25} with the NOEC's in the test report.

- b). The permittee may provide additional samples to address data variability. These data shall be reported. Test procedures and reporting shall be in accordance with the WET testing methods cited in 40 CFR 136.3.
- c). The test dilutions shall be able to determine compliance with the following endpoints:

Chronic NOEC \geq 69%; equivalent to a $TU_c \leq 1.44$
- d). The test data will be evaluated statistically for reasonable potential at the conclusion of the test period. The data may be evaluated sooner if requested by the permittee or if toxicity has been noted. Should evaluation of the data indicate that a limit is warranted, a WET limit and compliance schedule will be required.
- e). The permit may be modified or revoked and reissued to include pollutant specific limits in lieu of a WET limit should it be demonstrated that toxicity is due to specific parameters. The pollutant specific limitation shall control the toxicity of the effluent.

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2. Reporting Schedule

The permittee shall monitor during the specified period; shall report the results on the DMR; and shall supply one copy of the toxicity test report specified in this Whole Effluent Toxicity Program in accordance with the following schedule:

Period	Sampling Period	DMR/Report Submission Dates
Annual 1	April 1, 2017 – June 30, 2017	January 10, 2018
Annual 2	January 1, 2018 – March 31, 2018	January 10, 2019
Annual 3	July 1, 2019 – September 30, 2019	January 10, 2020
Annual 4	October 1, 2020 – December 31, 2020	January 10, 2021

E. **Other Requirements and Special Conditions**

1. 95% Capacity Reopener

A written notice and a plan of action for ensuring continued compliance with the terms of this permit shall be submitted to the DEQ-Northern Regional Office (DEQ-NRO) when the monthly average flow influent to the sewage treatment plant reaches 95% of the design capacity authorized in this permit for each month of any three consecutive month period. The written notice shall be submitted within 30 days and the plan of action shall be received at the DEQ-NRO no later than 90 days from the third consecutive month for which the flow reached 95% of the design capacity. The plan shall include the necessary steps and a prompt schedule of implementation for controlling any current or reasonably anticipated problem resulting from high influent flows. Failure to submit an adequate plan in a timely manner shall be deemed a violation of this permit.

2. Indirect Discharges

The permittee shall provide adequate notice to the Department of the following:

- a. Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to Section 301 or 306 of Clean Water Act and the State Water Control Law if it were directly discharging those pollutants; and
- b. Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of this permit.

Adequate notice shall include information on (i) the quality and quantity of effluent introduced into the treatment works, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the treatment works.

3. Operations and Maintenance Manual Requirement

The permittee shall maintain a current Operations and Maintenance (O&M) Manual for the treatment works that is in accordance with Virginia Pollutant Discharge Elimination System Regulations, 9VAC25-31 and Sewage Collection and Treatment Regulations, 9VAC25-790.

The O&M Manual and subsequent revisions shall include the manual effective date and meet Part II.K.2 and Part II.K.4 Signatory Requirements of the permit. Any changes in the practices and procedures followed by the permittee shall be documented in the O&M Manual within 90 days of the effective date of the changes. The permittee shall operate the treatment works in accordance with the O&M Manual and shall make the O&M manual available to Department personnel for review during facility inspections. Within 30 days of a request by DEQ, the current O&M Manual shall be submitted to the DEQ-NRO for review and approval.

The O&M Manual shall detail the practices and procedures which will be followed to ensure compliance with the requirements of this permit. This manual shall include, but not necessarily be limited to, the following items, as appropriate:

- a. Permitted outfall locations and techniques to be employed in the collection, preservation and analysis of effluent, storm water and sludge samples;
- b. Procedures for measuring and recording the duration and volume of treated wastewater discharged;
- c. Discussion of Best Management Practices, if applicable;
- d. Procedures for handling, storing and disposing of all wastes, fluids and that will prevent these materials from reaching state waters. List type and quantity of wastes, fluids and pollutants (e.g. chemicals) stored at this facility;
- e. Discussion of treatment works design, treatment works operation, routine preventative maintenance of units within the treatment works, critical spare parts inventory and record keeping;
- f. Plan for the management and/or disposal of waste solids and residues;
- g. Hours of operation and staffing requirements for the plant to ensure effective operation of the treatment works and maintain permit compliance;
- h. List of facility, local and state emergency contacts; and
- i. Procedures for reporting and responding to any spills/overflows/treatment works upsets.

4. Certificate to Construct/Certificate to Operate Requirements

In accordance with *Sewage Collection and Treatment* regulation (9VAC25-790), the permittee shall obtain a Certificate to Construct (CTC) and a Certificate to Operate (CTO) from the Department of Environmental Quality prior to constructing wastewater treatment works and operating the treatment works, respectively. Non-compliance with the CTC or CTO shall be deemed a violation of the permit.

5. Licensed Operator Requirement

The permittee shall employ or contract at least one Class I licensed wastewater works operator for this facility. The license shall be issued in accordance with Title 54.1 of the Code of Virginia and Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals Regulations. The permittee shall notify the Department in writing whenever he is not complying, or has grounds for anticipating he will not comply with this requirement. The notification shall include a statement of reasons and a prompt schedule for achieving compliance.

6. Reliability Class

The permitted treatment works shall meet Reliability Class I.

7. Water Quality Criteria Reopener

Should effluent monitoring indicate the need for any water quality-based limitations, this permit may be modified or alternatively revoked and reissued to incorporate appropriate limitations.

8. E3/E4

The annual average concentration limitations for total nitrogen and/or total phosphorus are suspended during any calendar year in which the facility is considered by DEQ to be a participant in the Virginia Environmental Excellence Program in good standing at either the Exemplary Environmental Enterprise (E3) level or the Extraordinary Environmental Enterprise (E4) level, provided that the following conditions have also been met:

- a. The facility has applied for (or renewed) participation, been accepted, maintained a record of sustained compliance and submitted an annual report according to the program guidelines;
- b. The facility has demonstrated that they have in place a fully implemented environmental management system (EMS) with an alternative compliance method that includes operation of installed nutrient removal technologies to achieve the annual average concentration limitations; and
- c. The E3/E4 designation from DEQ and implementation of the EMS has been in effect for the full calendar year.

The annual average concentration limitations for total nitrogen and/or total phosphorus, as applicable, are not suspended in any calendar year following a year in which the facility failed to achieve the annual average concentration limitations as required by b. above.

9. Nutrient Reopener

This permit may be modified or, alternatively, revoked and reissued:

- a. If any approved wasteload allocation procedure, pursuant to Section 303(d) of the Clean Water Act, imposes wasteload allocations, limits or conditions on the facility that are not consistent with the permit requirements;
- b. To incorporate technology-based effluent concentration limitations for nutrients in conjunction with the installation of nutrient control technology, whether by new construction, expansion or upgrade, or
- c. To incorporate alternative nutrient limitations and/or monitoring requirements, should:
 - 1) the State Water Control Board adopt new nutrient standards for the water body receiving the discharge, including the Chesapeake Bay or its tributaries; or
 - 2) a future water quality regulation or statute require new or alternative nutrient control.

10. Effluent Monitoring Frequency

If the facility permitted herein is issued a Notice of Violation for BOD₅, TSS or ammonia the effluent monitoring frequencies shall become revert back to 5D/W effective upon written notice from DEQ and remain in effect until permit expiration.

No other effluent limitations or monitoring requirements are affected by this special condition.

11. Collection System

The Town of Warrenton shall develop and implement a capacity, management, operation and maintenance (CMOM) program, or its equivalent, designed to maintain and operate Town owned collection system assets in accordance with industry accepted practices relating to sewer inspection, evaluation, repair and that all feasible steps are taken to eliminate excessive infiltration and inflow from the system.

The CMOM, or its equivalent, shall be submitted to DEQ-NRO staff for review and approval on or before 1 August 2017. Upon approval of the program and written notification from DEQ-NRO, an annual report shall be submitted thereafter on or before the 10th of August of every year detailing the previous fiscal year's activities/operations. The annual reports shall, at a minimum, provide the total amount funded to this program, studies/surveys conducted, completed rehabilitation projects and planned/proposed course of actions for the upcoming fiscal year.

12. Total Maximum Daily Load (TMDL) Reopener

This permit shall be modified or alternatively revoked and reissued if any approved wasteload allocation procedure, pursuant to Section 303(d) of the Clean Water Act, imposes wasteload allocations, limits or conditions on the facility that are not consistent with the permit requirements.

CONDITIONS APPLICABLE TO ALL VPDES PERMITS

A. Monitoring

1. Samples and measurements required by this permit shall be taken at the permit designated or approved location and be representative of the monitored activity.
 - a. Monitoring shall be conducted according to procedures approved under Title 40 Code of Federal Regulations Part 136 or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit.
 - b. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will insure accuracy of measurements.
 - c. Samples taken shall be analyzed in accordance with 1VAC30-45, Certification for Noncommercial Environmental Laboratories, or 1VAC30-46, Accreditation for Commercial Environmental Laboratories.
2. Any pollutant specifically addressed by this permit that is sampled or measured at the permit designated or approved location more frequently than required by this permit shall meet the requirements in A 1 a through c above and the results of this monitoring shall be included in the calculations and reporting required by this permit.
3. Operational or process control samples or measurements shall not be taken at the designated permit sampling or measurement locations. Operational or process control samples or measurements do not need to follow procedures approved under Title 40 Code of Federal Regulations Part 136 or be analyzed in accordance with 1VAC30-45, Certification for Noncommercial Environmental Laboratories, or 1VAC30-46, Accreditation for Commercial Environmental Laboratories.

B. Records

1. Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The individual(s) who performed the sampling or measurements;
 - c. The date(s) and time(s) analyses were performed;
 - d. The individual(s) who performed the analyses;
 - e. The analytical techniques or methods used; and
 - f. The results of such analyses.
2. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the Board.

C. Reporting Monitoring Results

1. The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after monitoring takes place, unless another reporting schedule is specified elsewhere in this permit.

Monitoring results shall be submitted to:

Department of Environmental Quality – Northern Regional Office (DEQ-NRO)
 13901 Crown Court
 Woodbridge, VA 22193

2. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) or on forms provided, approved or specified by the Department.
3. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

D. Duty to Provide Information

The permittee shall furnish to the Department, within a reasonable time, any information which the Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Board may require the permittee to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from this discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of the State Water Control Law. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

E. Compliance Schedule Reports

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

F. Unauthorized Discharges

Except in compliance with this permit, or another permit issued by the Board, it shall be unlawful for any person to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or
2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses.

G. Reports of Unauthorized Discharges

Any permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part II.F.; or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of Part II.F., shall notify the Department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the Department, within five days of discovery of the discharge. The written report shall contain:

1. A description of the nature and location of the discharge;
2. The cause of the discharge;
3. The date on which the discharge occurred;
4. The length of time that the discharge continued;
5. The volume of the discharge;
6. If the discharge is continuing, how long it is expected to continue;
7. If the discharge is continuing, what the expected total volume of the discharge will be; and

- 8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit.

Discharges reportable to the Department under the immediate reporting requirements of other regulations are exempted from this requirement.

H. Reports of Unusual or Extraordinary Discharges

If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the Department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse affects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the Department within five days of discovery of the discharge in accordance with Part II.I.2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

- 1. Unusual spillage of materials resulting directly or indirectly from processing operations;
- 2. Breakdown of processing or accessory equipment;
- 3. Failure or taking out of service some or all of the treatment works; and
- 4. Flooding or other acts of nature.

I. Reports of Noncompliance

The permittee shall report any noncompliance which may adversely affect state waters or may endanger public health.

- 1. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which shall be reported within 24 hours under this paragraph:
 - a. Any unanticipated bypass; and
 - b. Any upset which causes a discharge to surface waters.
- 2. A written report shall be submitted within 5 days and shall contain:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
 - c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The Board may waive the written report on a case-by-case basis for reports of noncompliance under Part II.I. if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

- 3. The permittee shall report all instances of noncompliance not reported under Parts II, I.1 or I.2., in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part II.I.2.

NOTE: The immediate (within 24 hours) reports required in Parts II, G., H. and I. may be made to the Department's Northern Regional Office at (703) 583-3800 or online at <http://www.deq.virginia.gov/Programs/PollutionResponsePreparedness/MakingaReport.aspx>.

For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24-hour telephone service at 1-800-468-8892.

J. Notice of Planned Changes

1. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
 - a. The permittee plans alteration or addition to any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:
 - 1) After promulgation of standards of performance under Section 306 of Clean Water Act which are applicable to such source; or
 - 2) After proposal of standards of performance in accordance with Section 306 of Clean Water Act which are applicable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal;
 - b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations nor to notification requirements specified elsewhere in this permit; or
 - c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.
2. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

K. Signatory Requirements

1. Applications. All permit applications shall be signed as follows:
 - a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
 - 1) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or
 - 2) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a public agency includes:
 - 1) The chief executive officer of the agency, or
 - 2) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. Reports, etc. All reports required by permits, and other information requested by the Board shall be signed by a person described in Part II.K.1., or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described in Part II.K.1.;
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and
 - c. The written authorization is submitted to the Department.
3. Changes to authorization. If an authorization under Part II.K.2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part II.K.2. shall be submitted to the Department prior to or together with any reports, or information to be signed by an authorized representative.
4. Certification. Any person signing a document under Parts II, K.1. or K.2. shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

L. Duty to Comply

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law and the Clean Water Act, except that noncompliance with certain provisions of this permit may constitute a violation of the State Water Control Law but not the Clean Water Act. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if this permit has not yet been modified to incorporate the requirement.

M. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit. All permittees with a currently effective permit shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Board. The Board shall not grant permission for applications to be submitted later than the expiration date of the existing permit.

N. Effect of a Permit

This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, or any infringement of federal, state or local law or regulations.

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Part II

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O. State Law

Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by Section 510 of the Clean Water Act. Except as provided in permit conditions on "bypassing" (Part II.U.), and "upset" (Part II.V.) nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Sections 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

R. Disposal of Solids or Sludges

Solids, sludges or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering state waters.

S. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

T. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

U. Bypass

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts II, U.2. and U.3.
2. Notice
 - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, prior notice shall be submitted, if possible at least ten days before the date of the bypass.
 - b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part II.I.
3. Prohibition of bypass.
 - a. Bypass is prohibited, and the Board may take enforcement action against a permittee for bypass, unless:
 - 1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

- 2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - 3) The permittee submitted notices as required under Part II.U.2.
- b. The Board may approve an anticipated bypass, after considering its adverse effects, if the Board determines that it will meet the three conditions listed above in Part II.U.3.a.

V. Upset

- 1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of Part II.V.2. are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.
- 2. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
 - b. The permitted facility was at the time being properly operated;
 - c. The permittee submitted notice of the upset as required in Part II.I.; and
 - d. The permittee complied with any remedial measures required under Part II.S.
- 3. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

W. Inspection and Entry

The permittee shall allow the Director, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:

- 1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- 2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- 3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- 4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act and the State Water Control Law, any substances or parameters at any location.

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging. Nothing contained herein shall make an inspection unreasonable during an emergency.

X. Permit Actions

Permits may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Y. Transfer of permits

1. Permits are not transferable to any person except after notice to the Department. Except as provided in Part II.Y.2., a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new permittee and incorporate such other requirements as may be necessary under the State Water Control Law and the Clean Water Act.
2. As an alternative to transfers under Part II.Y.1., this permit may be automatically transferred to a new permittee if:
 - a. The current permittee notifies the Department at least 30 days in advance of the proposed transfer of the title to the facility or property;
 - b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
 - c. The Board does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part II.Y.2.b.

Z. Severability

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

BIOSOLIDS CONDITIONS AND REQUIREMENTS

A. Biosolids Limitations and Monitoring Requirements

During the period beginning with the permit's effective date and lasting until the permit expiration date, the permittee is authorized to manage biosolids in accordance with 9VAC25-31-420 through 720 and 9VAC25-32-303 through 358, the limitations, conditions and requirements set forth in this permit and the approved Biosolids Management Plan.

All biosolids samples shall be collected and analyzed in accordance with Title 40 of the Code of Federal Regulations, Part 503 and 136, and the approved Biosolids Management Plan. The permittee shall ensure that all biosolids generated under authority of this permit and distributed for the purpose of land application, blending or further treatment are monitored in accordance with the monitoring requirements as specified herein.

Class B Biosolids

1. Biosolids Annual Production Monitoring (SP1)

The permittee shall report the annual total amount of biosolids produced (in dry metric tons) and annual amount of Class B biosolids (in dry metric tons) distributed for land application.

Data shall be reported on the Discharge Monitoring Report (DMR) for discharge number SP1.

2. Biosolids Chemical Limitations and Monitoring Requirement (S01)

Pollutants in Class B biosolids that are generated and provided to a land applier under the authority of this permit shall be monitored and limited as specified below. Biosolids shall not be provided for land application if the concentration of any pollutant in the biosolids exceeds the ceiling limitation of that pollutant.

Biosolids Characteristic ⁽¹⁾	PC / CPLR Limitations ⁽¹⁾	Ceiling Limitations ⁽¹⁾	Monitoring Requirements	
	Monthly Average ⁽²⁾	Concentration Maximum ⁽²⁾	Frequency	Sample Type
Percent Solids (%)	NL	NA	1/3M	Composite
Arsenic, Sludge	41 mg/kg	75 mg/kg	1/3M	Composite
Cadmium, Sludge	39 mg/kg	85 mg/kg	1/3M	Composite
Copper, Sludge	1500 mg/kg	4300 mg/kg	1/3M	Composite
Lead, Sludge	300 mg/kg	840 mg/kg	1/3M	Composite
Mercury, Sludge	17 mg/kg	57 mg/kg	1/3M	Composite
Molybdenum, Sludge	NL	75 mg/kg	1/3M	Composite
Nickel, Sludge	420 mg/kg	420 mg/kg	1/3M	Composite
Selenium, Sludge	100 mg/kg	100 mg/kg	1/3M	Composite
Zinc, Sludge	2800 mg/kg	7500 mg/kg	1/3M	Composite

NA = Not applicable.

NL = No limit; monitor and report.

1/3M = Once every calendar quarter.

mg/kg = Milligrams per kilogram, dry weight.

⁽¹⁾ All parameters are subject to pollutant concentrations (PC), cumulative pollutant loading rates (CPLR), and ceiling limits. PC biosolids contain the constituents identified above at concentrations below the monthly average specified herein. CPLR biosolids contain the constituents identified above at concentrations above the monthly average and each sample must be below the maximum concentration specified herein.

⁽²⁾ All limits and criteria are expressed on a dry weight basis.

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3. Pathogen Reduction and Vector Attraction Reduction (VAR) Requirements (S01)

Biosolids generated and provided to a land applier under this permit shall be treated to meet a Class B Pathogen Reduction Alternative and one VAR Option 1 - 8 prior to delivery to the land application site. The Class B Biosolids shall be monitored and limited in accordance with the treatment options selected and used by the generator, as identified in the table below.

Treatment Option			
Pathogen Reduction Alternative	Process to Significantly Reduce Pathogens (PSRP) Option	Class B Pathogen Reduction & Vector Attraction Reduction (VAR) Treatment and Standards	Monitoring Requirements
2	3	PSRP: Anaerobic digestion for a mean cell residence time between 15 days at 35° C – 55° C up to 60 days at 20° C. (9VAC25-31-710.D.3.)	1/3M ^{(1) (2)}
VAR Option 1		The mass of volatile solids in the sewage sludge shall be reduced by a minimum of 38%, calculated according to the method in 9VAC25-31-490.B.8.	1/3M ^{(1) (2) (3)}

1/3M = Once every calendar quarter.

- ⁽¹⁾ Between sampling events, operating records must demonstrate that the Wastewater Treatment Plant (WWTP) is operating at a performance level known to meet pathogen reduction and VAR standards.
- ⁽²⁾ Process monitoring must be sufficient to demonstrate compliance with PSRP and VAR treatment requirements.
- ⁽³⁾ If the selected VAR option 1- 8 is not met, the permittee shall provide notification to the land applier at the time the biosolids are delivered that the biosolids did not meet VAR at the WWTP and that the biosolids must be injected below the surface of the land (9VAC25-31-720.B.9) or incorporated into the soil within 6 hours after application (9VAC25-31-720.B.10). The Permittee shall obtain verification from the land applier that injection or incorporation occurred.

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B. Biosolids Management and Reporting Requirements

1. Approved Biosolids Source Requirement

Only biosolids from a source that has been approved by the DEQ, as identified on the DEQ's *Sources of Biosolids, Industrial Sludges, WTP Residuals* list and treated to meet metals limits, pathogen reduction and VAR standards as set forth in Part III of this permit, shall be given to any person for the purpose of blending or land application.

2. Biosolids Monitoring Frequency and Reporting Requirements

a. Monitoring Frequency

The monitoring frequency shall be once per calendar quarter (1/3M). The monitoring frequency may be increased during this permit term upon written notification by DEQ if deemed necessary.

b. Annual Report

The permittee shall submit an Annual Report not later than February 19th of each year to the DEQ-Northern Regional Office. Each report is for the previous calendar year's activity. If no biosolids were generated and provided to a land applier under this permit during the reporting year, a report shall be submitted stating that no biosolids were generated or delivered during the year.

The report shall include at minimum:

- 1) Part III.A.1. Sewage Sludge Annual Production Monitoring;
- 2) Biosolids Monitoring Data:
 - a) Part III.A.2. Biosolids – Metals Limitations;
 - b) Part III.A.3. Biosolids – Pathogen Reduction and Vector Attraction Reduction (VAR) Requirements; and
 - c) Supporting documentation, including laboratory chain of custody forms and certificates of analyses, shall be submitted with the report;
- 3) A summary of biosolids disposal contracts, if any, currently held with other generators, as well as any other biosolids or sludges currently being handled through subcontracts or other agreements. Include biosolids or sludges given to other generators, contractors or land filled and biosolids or sludges accepted from other generators for treatment or land application;
- 4) Identify other methods used to dispose of or use biosolids or sludge produced during the previous calendar year. Report the annual total amount of biosolids or sludge (in dry metric tons) disposed of or used by each method identified; and
- 5) The annual report shall be certified and signed in accordance with Part II.K.

3. Record Keeping

The permittee is required to retain the following information for at least five years:

- a. The concentrations of each pollutant in Parts III.A.2.;
- b. A description of how the pathogen reduction requirements in Parts III.A.3. are met;
- c. A description of how the vector attraction reduction requirements in Parts III.A.3. are met;
- d. A description of how the management practices specified in the approved Biosolids Management Plan and this permit are met;

- e. The Notice and Necessary Information required in Part III.B.4; and
- f. The following certification statement:

"I certify, under penalty of law, that the information that will be used to determine compliance with the Class B pathogen requirements in 9VAC25-31-710.B.6 and the vector attraction reduction requirements in 9VAC25-31-720.B.6 was prepared under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate this information. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment".

4. Notice and Necessary Information (NANI)

A NANI shall be provided to any person to whom biosolids are provided for the purpose of further treatment, blending or land application. The NANI shall be provided at the time the biosolids are provided if available, but no later than 45 days after the last day of the month in which biosolids were provided. The NANI shall represent the most recent monitoring period.

The NANI shall include at a minimum:

- a. A statement that Class B pathogen requirements in 9VAC25-31-710.A – B were met and the alternative used;
- b. A statement that one of the VAR requirements in 9VAC25-31-720.B.1 through B.8 was met and the alternative used; or
- c. A statement that one of the VAR requirements in 9VAC25-31-720.B.1 through B.8 was not met and incorporation or injection was required;
- d. The notice(s) provided to the land applier when biosolids provided did not meet VAR and required incorporation or injection;
- e. The concentration of total nitrogen (as N on a dry weight basis) of the biosolids; and
- f. The following certification statement:

"I certify, under penalty of law, that the information that will be used to determine compliance with the Class B pathogen requirements in 9VAC25-31-710.B and the VAR requirement in 9VAC25-31-720.B.6 was prepared under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate this information. I am aware that there are significant penalties for false certification, including the possibility of fine and imprisonment".

5. Biosolids Management Plan (BSMP)

- a. The permittee shall conduct all biosolids/sewage sludge use or disposal activities in accordance with the Biosolids Management Plan approved with the issuance of this permit. The permittee shall maintain the BSMP which consists of the following components:
 - 1) The materials developed and submitted at the time of permit application or permit modification in accordance with 9VAC25-31-100.Q;
 - 2) The Operations and Maintenance (O&M) Manual (sections regarding solids handling and biosolids production and management, etc); and
 - 3) The Odor Control Plan (OCP).
- b. Odor Control Plan (OCP) Requirement – If an OCP is not on file at DEQ, an OCP shall be submitted to DEQ within 90 days of the effective date of this permit.

The OCP shall include at a minimum:

- 1) Methods used to minimize odor in producing biosolids;
- 2) Methods used to identify malodorous biosolids before delivery to the land applier (at the generating facility);
- 3) Methods used to identify and abate malodorous biosolids if delivered to the field, prior to land application;
and
- 4) Methods used to abate malodor from biosolids if land applied.

- c. The BSMP and all of its components shall be incorporated by reference and is an enforceable part of this permit.
- d. Any proposed changes in the biosolids/sewage sludge use or disposal practices or procedures followed by the permittee shall be documented and submitted for DEQ-Northern Regional Office (DEQ-NRO) approval 90 days prior to the effective date of the changes. Upon approval, the revised Biosolids Management Plan becomes an enforceable part of the permit. The permit may be modified or alternatively revoked and reissued to incorporate limitations or conditions necessitated by substantive changes in biosolids/sewage sludge use or disposal practices.

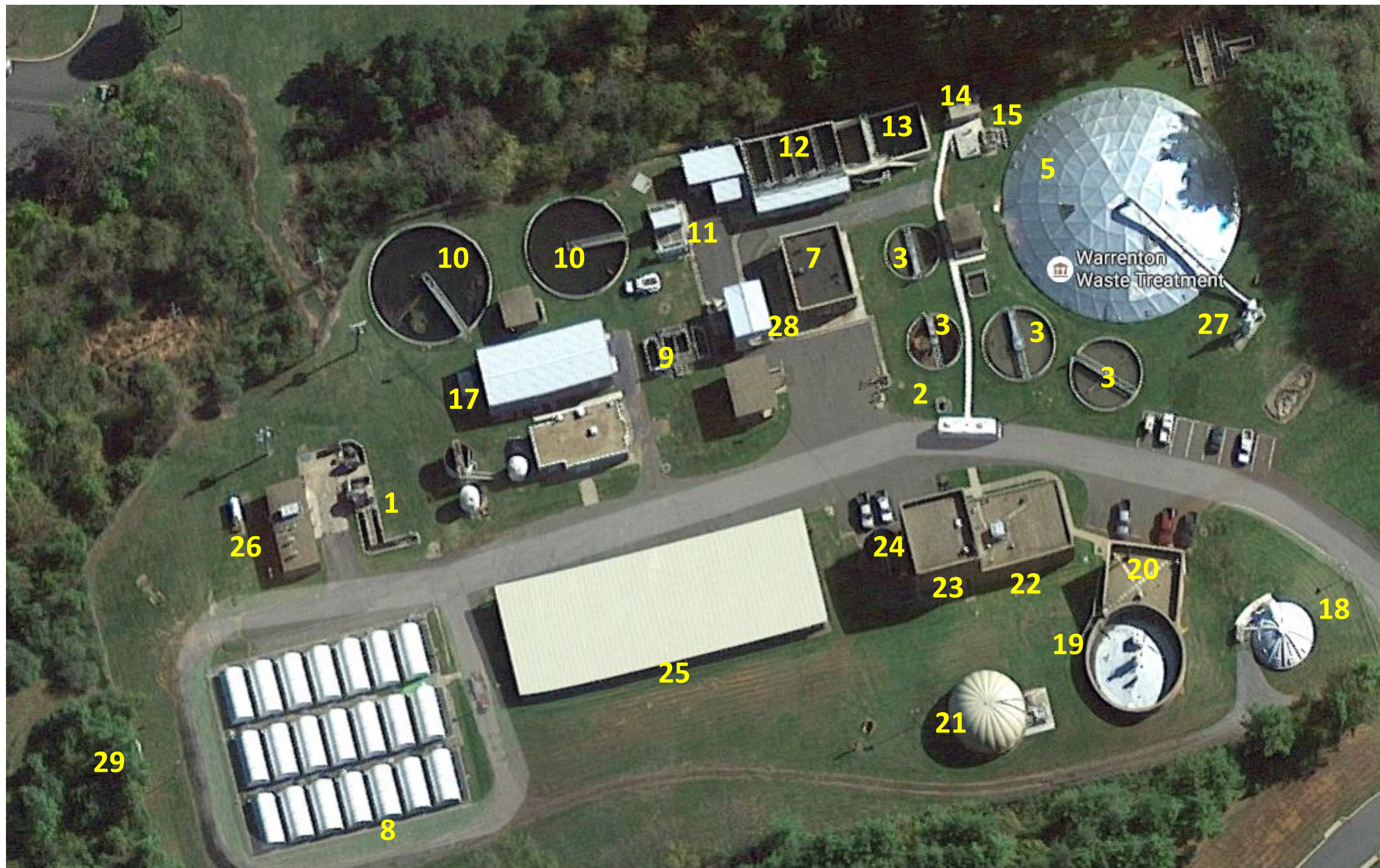
6. Biosolids/Sludge Reopener

The Board may promptly modify or revoke and reissue this permit if any applicable standard for biosolids and/or sewage sludge use or disposal promulgated under Section 405(d) of the Clean Water Act is more stringent than any requirements for biosolids/sludge use or disposal in this permit, or controls a pollutant or practice not limited within this permit.

7. Biosolids Use and Disposal

The permittee shall conduct all biosolids use or disposal activities in accordance with the Biosolids Management Plan approved with the issuance of this permit. Any proposed changes in the biosolids use or disposal practices or procedures followed by the permittee shall be documented and submitted for DEQ-Northern Regional Office (DEQ-NRO) approval 90 days prior to the effective date of the changes. Upon approval, the revised Biosolids Management Plan shall be incorporated by reference and becomes an enforceable part of the permit. The permit may be modified or alternatively revoked and reissued to incorporate limitations or conditions necessitated by substantive changes in biosolids use or disposal practices.

Appendix B
Existing Aerial Site Plan



EXISTING FACILITIES

- 1. HEADWORKS
- 2. SPLITTER BOX
- 3. PRIMARY CLARIFIER
- 4. TF DOSING TANK
- 5. TRICKLING FILTER (TF)
- 6. JUNCTION BOX NO. 1
- 7. PLANT PUMP STATION
- 8. RBC UNITS
- 9. FLASH MIXER & FLOCCULATORS
- 10. SECONDARY CLARIFIER
- 11. DENITRIFICATION PUMP STATION
- 12. DENITRIFICATION FILTERS
- 13. DENITRIFICATION CLEARWELL
- 14. UV-FACILITY
- 15. PLANT UTILITY WATER PS
- 16. POST AERATION TANK
- 17. ELECTRICAL GENERATOR BLDG.
- 18. GRAVITY SLUDGE THICKENER
- 19. ANAEROBIC DIGESTER #1
- 20. DIGESTER BUILDING
- 21. ANAEROBIC DIGESTER #2
- 22. PLANT CONTROL BLDG
- 23. SLUDGE DEWATERING BLDG
- 24. FILTRATE EQ TANK
- 25. DEWATERED SLUDGE STORAGE
- 26. RBC BLOWER BUILDING
- 27. ODOR CONTROL FACILITY
- 28. METHANOL STORAGE

29. PLANNED MBBR FACILITY AREA

**WARRENTON WWTP
AERIAL PLAN**

Appendix C

Wastewater Sampling Data (2016 and 2006 data)

WARRENTON WWTP - WASTEWATER SAMPLING DATA (MARCH 2016)

Plant Influent

Date	Rainfall (inches)	Flow	Flow	WW	BOD ₅ (mg/L)	TSS (mg/L)	Ammonia (mg/L)	TKN (mg/L)	TP (mg/L)	Alkalinity
		Avg (MGD)	Max (MGD)	Temp (C)						CaCO ₃ (mg/L)
2/29/2016	0	2.36	3.8	14.6	123	61	15	24	3.1	140
3/1/2016	0	2.23	3.6	13.1	134	66				
3/2/2016	0	2.14	2.9	14.2	295	137	17	24	2.2	
3/3/2016	0	2.17	3.2	13.3	191	105				
3/4/2016	0	2.10	2.9	13.4	125	45	21	29	3.2	152
3/5/2016	0	1.98	3.7	13.6	256	71				
3/6/2016	0	2.02	3.8	14.0	217	71	20	27	3.4	
3/7/2016	0	2.08	3.6	14.8	190	86				
3/8/2016	0	2.00	3.6	15.1	184	130	24	31	4.0	142
3/9/2016	0	1.94	3.5	15.6	181	62				
3/10/2016	0	1.94	3.7	17.1	250	144	21	34	4.4	
3/11/2016	0	1.81	3.3	17.1	158	81				
3/12/2016	0	1.80	3.2	16.5	204	89	15	31	4.1	144
3/13/2016	0.4	1.76	3.5	15.4	191	86				
Average		2.02	3.5	14.8	193	88	19	29	3.5	145

BFP Filtrate Holding Tank (ammonia sidestream)

Date	BOD ₅ (mg/L)	TSS (mg/L)	Ammonia (mg/L)	TKN (mg/L)
2/29/2016	25	33	287	307
3/4/2016	36	44	276	298
3/8/2016	49	823	336	412
3/12/2016	32	67	276	316
Average	36	242	294	333

Primary Influent (influent + filtrate)

Ammonia (mg/L)	TKN (mg/L)
23.2	33.3

Avg side stream flow (gpm): 20

WARRENTON WWTP - WASTEWATER SAMPLING DATA (MARCH 2016)

Influent ammonia sampling (plant lab analysis)

Date	Plant Lab*) NH3-N (mg/L)	Flow Avg (MGD)	Flow Max (MGD)	ESS Lab **) NH3-N (mg/L)
2/22/2016	18.3	2.32	3.5	
2/23/2016	18.2	2.51	3.6	
2/24/2016	13.0	3.21	6.0	
2/25/2016	11.0	3.32	4.2	
2/26/2016	11.1	2.90	3.3	
2/27/2016	13.1	2.44	3.5	
2/28/2016	11.0	2.36	3.8	
2/29/2016	18.4	2.36	3.8	15
3/1/2016	17.6	2.23	3.6	
3/2/2016	19.6	2.14	2.9	17
3/3/2016	18.6	2.17	3.2	
3/4/2016	20.3	2.10	2.9	21
3/5/2016	23.4	1.98	3.7	
3/6/2016	18.2	2.02	3.8	20
3/7/2016	18.6	2.08	3.6	
3/8/2016	17.2	2.00	3.6	24
3/9/2016	23.5	1.94	3.5	
3/10/2016	24.7	1.94	3.7	21
3/11/2016	27.4	1.81	3.3	
3/12/2016	15.7	1.80	3.2	15
3/13/2016	14.0	1.76	3.5	

High flow period

*) Grab samples. Analysis completed daily at 5 PM.

**) Composite sample based on three (3) daily grab samples



**Town of Warrenton WWTP
Influent Wastewater Sampling Plan – 2016**

	Plant Influent ¹							BFP Filtrate Tank Ammonia Sidestream ²			
	BOD ₅	TSS	TKN	NH ₃	TP	Alka ³	pH	BOD ₅	TSS	TKN	NH ₃
Day											
Date											
1	X	X	X	X	X	X	X	X	X	X	X
2	X	X									
3	X	X	X		X						
4	X	X									
5	X	X	X	X	X	X	X	X	X	X	X
6	X	X									
7	X	X	X		X						
8	X	X									
9	X	X	X	X	X	X	X	X	X	X	X
10	X	X									
11	X	X	X		X						
12	X	X									
13	X	X	X	X	X	X	X	X	X	X	X
14	X	X									
Total Samples	14	14	7	4	7	43	4	4	4	4	4

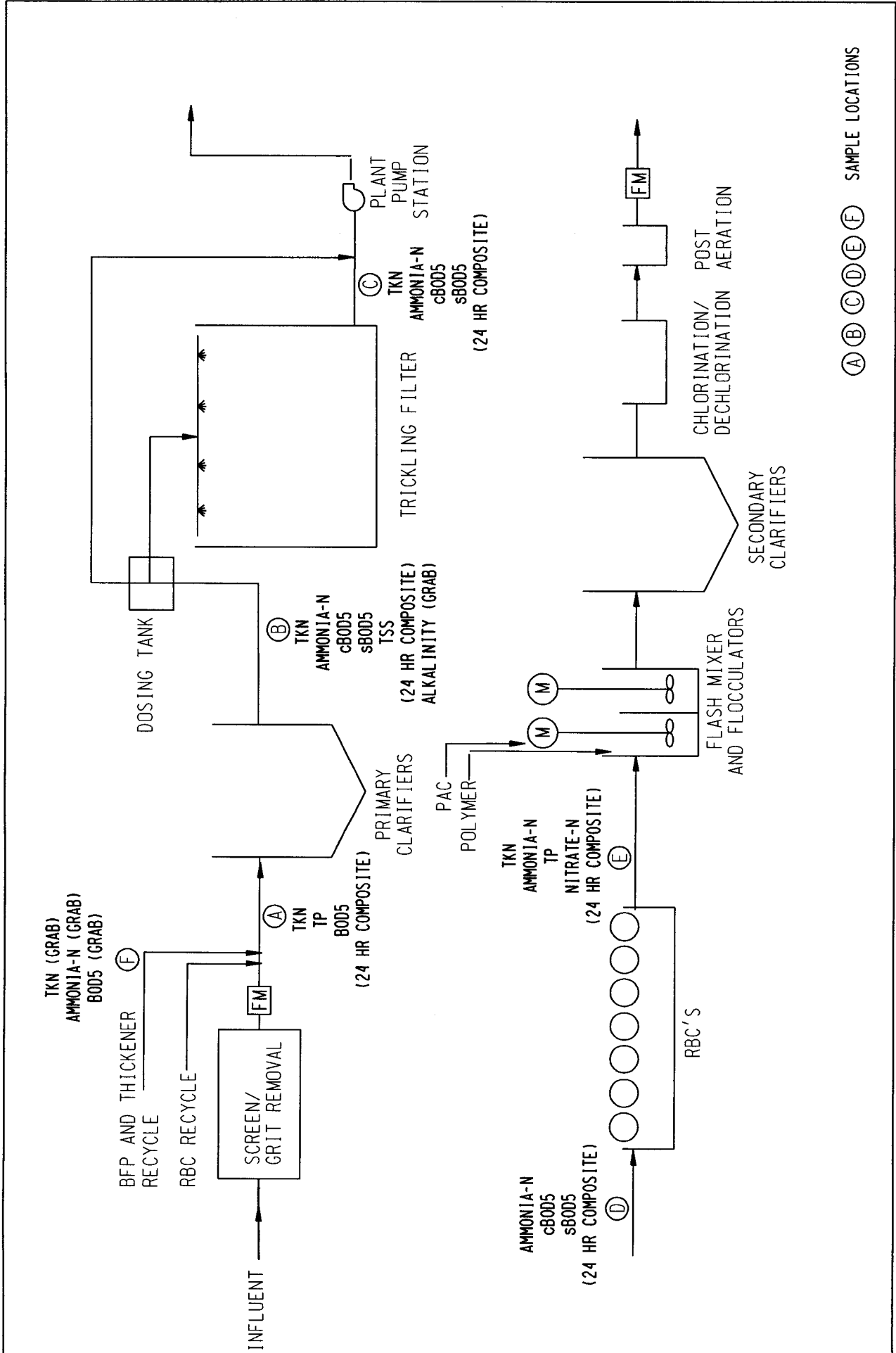
Notes:

1. Influent Sampling: One composite sample for analysis, based on three (3) discrete manual grab samples collected at 8AM, 4PM and 10PM. Influent samples shall be collected after the screen and grit removal, but before the influent flow meter (i.e. upstream of the location where the RBC recycle flows enters).
2. Holding Tank Sampling: One manual grab sample (no composite needed) when the tank is in draining mode.
3. Alkalinity measurements can be performed in-house at the WWTP lab.



Warrenton WWTP - Supplemental WW Sampling/Characterization (March 2006)																
Date March 2006	1	2	3	4	5	6	7	8	9	10	11	12	13	14	Units	Average
Centrate TKN	215	206	183	173	174	156	145	202	197	183	181	193	187	192	mg/L	185
Centrate NH3-N	180	160	120	120	110	130	120	110	110	120	110	100	100	120	mg/L	122
Centrate BOD	LE	LE	LE	LE	LE	LE	LE	LE	LE	22	7	4	6	7	mg/L	9
Primary Influent TKN	25	29.2	29.8	30.9	25.3	28.1	29	30.3	28.7	30.5	32.7	40	28.2	30.5	mg/L	30
Primary Influent TP	5.44	5.47	6.11	7.8	5.53	6.11	7.15	7.28	6.25	6.12	7.63	6.46	6.73	6.73	mg/L	6.5
Primary Influent BOD	182	157	92	LE	200	50	250	99	105	117	172	155	159	168	mg/L	147
Primary Effluent TKN	23.7	24.5	25.3	22.8	23.6	24.2	24.7	25	25.3	25.4	24	27.4	24	24.8	mg/L	25
Primary Effluent NH3-N	19	18	18	17	17	18	16	15	16	17	15	15	16	18	mg/L	17
Primary Effluent cBOD	111	126	91	116	117	113	119	117	106	121	119	119	81	101	mg/L	111
Primary Effluent sBOD	34	48	40	46	44	49	46	67	48	44	34	52	45	60	mg/L	47
Primary Effluent TSS	95	69	79	93	79	100	95	89	82	92	88	87	89	80	mg/L	87
Primary Effluent ALK	142	128	114	142	174	180	268	130	190	200	140	136	160	160	mg/L	162
Trickling Filter Effluent TKN	11.5	12.5	11.1	11.4	12.1	12.4	12.6	14.6	13.8	13.8	12.7	12.4	18	13.3	mg/L	13.0
Trickling Filter Effluent NH3-N	8.6	8.8	8.3	7	6.7	8	7.3	7.5	8	7.8	6.8	6.5	7.1	8	mg/L	7.6
Trickling Filter Effluent cBOD	15	15	11	24	36	16	23	47	17	19	19	17	13	13	mg/L	20
Trickling Filter Effluent sBOD	4	6	3	< 3	3	< 4	5	18	< 3	< 3	< 4	< 4	< 4	< 4	mg/L	6.5
RBC Influent NH3-N	10	10	10	8.8	7.6	8.9	9.2	8.6	8.8	8.6	7.6	7.8	7.1	8.2	mg/L	8.7
RBC Influent cBOD	24	23	7	25	19	20	25	36	11	21	22	19	11	15	mg/L	20
RBC Influent sBOD	4	< 3	3	< 3	< 3	< 4	< 3	10	< 3	< 3	< 4	< 4	< 4	< 4	mg/L	5.7
RBC Effluent TKN	5	5.96	5.73	6.74	6.46	5.34	6.18	8.15	5.62	8.17	7.05	6.77	7.05	7.31	mg/L	6.5
RBC Effluent NH3-N	0.17	0.16	0.16	0.17	0.15	0.12	0.16	0.15	0.2	0.21	0.14	0.11	0.11	0.1	mg/L	0.2
RBC Effluent TP	4.5	4.95	5.18	4.57	4.88	4.82	5.14	4.95	5.36	5.58	5.38	5.36	4.9	5.1	mg/L	5.0
RBC Effluent Nitrate-N	0.67	15.8	15.9	14.1	0.67	12.7	14.8	15.4	15.4	16.7	15.8	13.9	13.8	16.7	mg/L	13.0
LE Lab Error																





<h1 style="margin: 0;">WARRENTON WASTEWATER TREATMENT PLANT</h1> <h2 style="margin: 0;">SAMPLING PLAN</h2>	W.O.: 18245	DATE: FEB 2006	Item D.
	SCALE: NONE		
	FILE NAME n:\18245\CADD\Process\process schep Thu Feb 16 08:54:38 2006		

REQUARDT AND ASSOCIATES, LLP
 1 SOUTH CAROLINE STREET
 BALTIMORE, MARYLAND
 410 - 235 - 3450

761



**A PROCLAMATION RECOGNIZING JAY HEROUX FOR HIS DEDICATION AND SERVICE TO
THE TOWN OF WARRENTON, VIRGINIA**

WHEREAS, the Town Council of the Town of Warrenton is the legislative body charged, under the laws of the Commonwealth of Virginia and the Town Charter, to determine the needs of the citizenry and to establish the ordinances, policies, and budgets which determine the kind, manner, and cost of services to be delivered; and

WHEREAS, Jay Heroux was appointed to the Warrenton Town Council in September of 2022 to fill the Ward 5 seat that had been vacated until a special election could be called; and

WHEREAS, Councilman Heroux helped guide the Town of Warrenton through the last year with ceaseless dedication and hard work to ensure he was thoroughly informed; and

WHEREAS, from his extensive background in ministry and dedication to his community Councilman Heroux was a strong advocate for those suffering unseen in our community; and

WHEREAS, Jay drew upon his extreme drive and passionate work ethic to support staff, citizens, and all the residents of the Town, not just the members of his Ward; and

WHEREAS, Councilman Heroux was known for his outstanding contributions of research and input that benefited staff and helped Council reach better outcomes; and

WHEREAS, Jay's outreach and tireless advocacy for Ward 5 and resident engagement showed his empathy, fairness, and sense of duty to the Town; and

NOW, THEREFORE BE IT PROCLAIMED that the Mayor of the Town of Warrenton hereby recognizes and deeply appreciates the contributions of Jay Heroux for his dedication and service to the Town of Warrenton, Virginia, and its Citizens.

H. E. Carter Nevill
Mayor Town of Warrenton



Office of the Town Manager
Frank Cassidy

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

Item a.

STAFF REPORT

Council Meeting Date:	December 12, 2023
Agenda Title:	Initiation of a Zoning Ordinance Text Amendment to Revise Section 3-5.1 FPD-Floodplain District, Section 11-3.11 Variances, Article 12 Definitions and Adopt FEMA's Updated Floodplain Maps
Requested Action:	Initiate the Zoning Ordinance Text Amendment
Department / Agency Lead:	Community Development
Staff Lead:	Rob Walton, Staff

EXECUTIVE SUMMARY

The Federal Emergency Management Agency (FEMA) recently issued a Letter of Final Determination to the Town of Warrenton on October 25, 2023 (attached). There are approximately 110 properties in the Town of Warrenton that contain floodplain. In December 2022, Town Staff contacted property owners letting them know of the proposed changes to the floodplain limits. After notice was sent, staff was approached by approximately five (5) individuals who were interested in seeing the proposed mapping changes. Since that time, FEMA has heard appeals by property owners who disagree with the proposed floodplain limit changes and issued a Letter of Final Determination to jurisdictions accordingly. The Town Council is now tasked with adopting FEMA's updated regulations and revised maps as part of the final determination. This initiation would allow staff to begin processing the draft text and finalized maps through the public hearing process with the Planning Commission and Town Council. FEMA's finalized Flood Insurance Rate Map (FIRM) for the Town of Warrenton will become effective on April 25, 2024.

BACKGROUND

The Federal Emergency Management Agency (FEMA) recently issued a Letter of Final Determination to the Town of Warrenton on October 25, 2023 (attached). There are approximately 110 properties in the Town of Warrenton that contain floodplain. In December 2022, Town Staff contacted property owners letting them know of the proposed changes to the floodplain limits. After notice was sent, staff was approached by approximately five (5) individuals who were interested in seeing the proposed mapping changes. Since that time, FEMA has heard appeals by property owners who disagree with the proposed floodplain limit changes and issued a Letter of Final Determination to jurisdictions accordingly.

STAFF RECOMMENDATION

Staff recommends initiating the Zoning Ordinance Text Amendment to begin the public hearing process.

Service Level/Collaborative Impact

Adoption of the text amendment and associated map(s) will forward the vision of Plan Warrenton 2040 by helping to preserve and protect these environmentally sensitive areas. In addition, taking precautions against catastrophic events help protect the welfare of the Town's population.

Policy Direction/Warrenton Plan 2040

Plan Warrenton 2040 seeks to preserve, enhance, and protect the environmental, scenic, and natural quality of the Town. Floodplains are typically a protected environmentally sensitive area that is regulated as an overlay in the Zoning Ordinance to limit pollution and enhance water quality.

Fiscal Impact

Those impacted by the floodplain limit revisions may be required to obtain flood insurance.

Legal Impact

None Identified at This Time.

ATTACHMENTS

- 1. Spreadsheet Listing All Properties in the Town of Warrenton Containing Floodplain
- 2. Sample Letter Sent to Property Owners Dated, December 2022
- 3. Sample Showing Floodplain Limit Changes

RESOLUTION TO RECOMMEND THE TOWN STAFF ANALYZE AND BEGIN THE PROCESS TO AMEND THE ZONING ORDINANCE TO REVISE SECTION 3-5.1 FPD – FLOODPLAIN DISTRICT AND ADOPT FEMA’S UPDATED FLOODPLAIN MAPS

WHEREAS, a Letter of Final Determination was issued by FEMA to the Town of Warrenton on October 25, 2023; and

WHEREAS, the new FEMA floodplain maps will become effective on April 25, 2024; and

WHEREAS, Staff is requesting the initiation of a Zoning Ordinance text amendment to revise Section 3-5.1 FPD-Floodplain District and to adopt FEMA’s updated floodplain maps to remain compliant with the National Flood Insurance Program regulations; and

WHEREAS, the Town of Warrenton has determined that the public necessity, convenience, general welfare, and good zoning practice warrant this amendment; and

WHEREAS, pursuant to Section 11-3.9.2 of the Town Zoning Ordinance allows Town Council to initiate a text amendment by Resolution.

NOW THEREFORE, be it resolved, that the Town Council of the Town of Warrenton directs Town Staff to analyze and prepare a text amendment to the Town Zoning Ordinance to amend Section 3-5.1 FPD-Floodplain District and Adopt FEMA’s updated floodplain maps.

Voting for:

Voting against:

Adopted:

FEMA Floodplain Changes

PIN#:	Owner:	Increase or Decrease:	Site Address:	Mailing Address:
6983-57-2206-000	HD Development of MD Inc.	Both	267 Alwington Blvd.	2455 Paces Ferry Road, Atlanta, GA 30339
6983-66-3731-000	819 JMH LLC	Decrease	819 James Madison Hwy.	819 James Madison Hwy, Warrenton, VA 20186
6983-66-9788-000	Drew Corporation	Decrease		127 Culpeper Street, Warrenton, VA 20186
6983-79-8068-000	Miller, Charles & Shirley	Decrease	679 Old Meetze Road	P.O. Box 3181, Warrenton, VA 20188
6983-79-9615-000	Monroe Estates HOA	Increase		11290 Balls Ford Road, Manassas, VA 20109
6984-70-7966-000	David Dobson	Decrease		9198 North Cliff Lane, Rixeyville, VA 22737
6984-71-5256-000	Foster, Mollie E. Heirs; Allen Haley	Decrease	460 Oliver City Road	P.O. Box 476, The Plains, VA 20198
6984-71-3279-000	Goodrich, Samantha; Teigen, Michael	Decrease	438 Oliver City Road	438 Oliver City Road, Warrenton VA 20186
6984-71-3547-000	Smith, Bruce & James	Decrease	433 Oliver City Road	P.O. Box 1255, Warrenton, VA 20188
6984-71-2624-000	Ford, Betty & Joe	Decrease	411 Oliver City Road	411 Oliver City Road, Warrenton, VA 20186
6984-71-1735-000	Cespedes, Yenny; Taborga, Martin	Both	391 Oliver City Road	391 Oliver City Road, Warrenton, VA 20186
6984-71-0835-000	Marshall, Sue & Thomas	Both	377 Oliver City Road	377 Oliver City Road, Warrenton, VA 20186
6984-61-8996-000	The Drew Corporation	Both		127 Culpeper Street, Warrenton, VA 20186
6984-71-2993-000	Wormley, Freida & Stanton	Both	455 Oliver City Road	P.O. Box 257, The Plains, VA 20198
6984-71-4940-000	McDonald, Lisa	Both	459 Oliver City Road	459 Oliver City Road, Warrenton, VA 20186
6984-74-9610-000	Walters, Elaine H Revocable Trust	Decrease		8307 Kines Road, Warrenton, VA 20187
6984-74-7799-000	Walters, Elaine H Revocable Trust	Both	341 Academy Hill Road	8307 Kines Road, Warrenton, VA 20187
6984-74-6947-000	Town of Warrenton	Increase		
6984-74-1892-000	Commonwealth of Virginia, VDACS	Increase	272 Academy Hill Road	P.O. Box 1163, Richmond VA 23218
6984-65-6014-000	Ridges of Warrenton HOA	Both		P.O. Box 606, Warrenton VA 20188
6984-65-2197-000	Ridges of Warrenton HOA	Decrease		P.O. Box 606, Warrenton VA 20188
6984-65-7135-000	Ridges of Warrenton HOA	Decrease		P.O. Box 606, Warrenton VA 20188
6984-65-2209-000	Spector Family Trust, Spector Susan	Decrease	222 Cannon Way	222 Cannon Way, Warrenton VA 20186
6984-65-1324-000	Gaige, Diane & Tony	Decrease	226 Cannon Way	226 Cannon Way, Warrenton VA 20186
6984-65-1019-000	Dabney, John	Decrease		P.O. Box 41025, Fredericksburg, VA 22404
6984-68-7335-000	Highlands of Warrenton Comm Assoc Inc	Both		11130 Main Street, Suite 100, Fairfax, VA 22030
6984-68-2681-000	Highlands of Warrenton Comm Assoc Inc	Both		11130 Main Street, Suite 100, Fairfax, VA 22030
6984-58-8445-000	Town of Warrenton	Decrease		
6984-58-7618-000	Highlands Land Development LLC	Decrease		501 Blackwell Road, Warrenton, VA 20186
6984-58-5386-000	Highlands Land Development LLC	Decrease	501 Blackwell Road	501 Blackwell Road, Warrenton, VA 20186
6984-58-0645-000	Blackwell Park LLC	Both	510 Blackwell Road	1945 Old Gallows Road, Suite 300, Vienna, VA 22182
6984-48-9821-000	Blackwell Park LLC	Both		1945 Old Gallows Road, Suite 300, Vienna, VA 22182
6984-48-5705-000	Northrock Center LLC	Decrease	521 Fletcher Drive	7501 Wisconsin Ave, #1500E, Bethesda, MD 20814
6984-49-8187-000	Wayland Corner LC	Decrease	612 Blackwell Road	29 Culpeper Street, Attn: PBMARES LLP, Warrenton, VA 20186
6984-49-7221-000	Warrenton Development Company	Decrease		200 Old Forge Lane, Suite 201, Kennett Square, PA 19348
6984-49-5173-000	KSP Commercial LLC	Decrease	73 W. Lee Hwy.	17273 Berkshire Drive, Jeffersonton, VA 22724
6984-49-6209-000	Warrenton Development Company	Decrease	85 W. Lee Hwy.	200 Old Forge Lane, Suite 201, Kennett Square, PA 19348
6984-49-3295-000	The Fauquier Bank	Both	87 W. Lee Hwy.	10 Courthouse Square, Warrenton, VA 20186
6984-49-0774-000	Seritage SRC Finance LLC	Both	141 W. Lee Hwy.	500 5th Avenue #1530, New York, NY 10110
6984-49-1231-000	C&C Johnson Inc	Decrease	105 W. Lee Hwy.	17312 W. Willard Road, Poolesville, MD 20837
6984-39-9244-000	White Horse Wash LLC	Decrease	111 W. Lee Hwy.	P.O. Box 460, Fairfax, VA 22038

6984-39-7331-000	Warrenton Village LLC	Decrease	127 W. Lee Hwy.	1945 Old Gallows Road, Suite 300, Vienna, VA 22182
6984-39-5343-000	Warrenton Village LLC	Decrease	127 W. Lee Hwy.	1945 Old Gallows Road, Suite 300, Vienna, VA 22182
6984-39-4764-000	Warrenton Village LLC	Decrease	127 W. Lee Hwy.	1945 Old Gallows Road, Suite 300, Vienna, VA 22182
6984-38-6914-000	Navdurga Inc	Increase	150 W. Lee Hwy.	150 W. Lee Hwy., Warrenton, VA 20186
6984-38-9605-000	Northrock Center LLC	Increase	530 Fletcher Drive	7501 Wisconsin Ave, #1500E, Bethesda, MD 20814
6984-38-4963-000	Blalock, Barbara Ann Trust of	Both	170 W. Lee Hwy.	8016 Old Waterloo Road, Warrenton, VA 20186
6984-38-3938-000	Town of Warrenton	Decrease	204 W. Lee Hwy.	
6984-38-1917-000	Warrenton Crossroads LLC	Decrease		P.O. Box 167, Winston Salem, NC 27102
6984-28-8927-000	Warrenton Crossroads LLC	Decrease	256 W. Lee Hwy.	5200 Buffington Road, Atlanta, GA 30349
6984-28-6912-000	SPS Group LLC	Decrease	254 W. Lee Hwy.	P.O. Box 1159, Deerfield, IL 60015
6984-38-0755-000	Warrenton Crossroads LLC	Increase		4457 Ringwood Road, Nokesville, VA 20181
6984-28-5680-000	Wood Village LLC	Increase	549 Winchester Street	7600 Rogues Road, Warrenton, VA 20187
6984-28-7643-000	Wood Village LLC	Increase	549 Winchester Street	7600 Rogues Road, Warrenton, VA 20187
6984-18-8456-000	McDonalds Corporation	Both		P.O. Box 182571, Columbus, OH 43218
6984-18-7352-000	RHC Associates	Decrease	351 Broadview Avenue	P.O. Box 182571, Columbus, OH 43218
6984-18-7224-000	RHC Associates	Both	351 Broadview Avenue	P.O. Box 182571, Columbus, OH 43218
6984-18-6195-000	331 LLC	Decrease	331 Broadview Avenue	184 Broadview Avenue, Warrenton, VA 20186
6984-18-6067-000	331 LLC	Decrease	331 Broadview Avenue	184 Broadview Avenue, Warrenton, VA 20186
6984-18-6000-000	Broadview Properties LLC	Both	319 Broadview Avenue	7260 Periwinkle Ct., Warrenton VA 20186
6984-17-5973-000	Broadview Properties LLC	Increase	319 Broadview Avenue	7260 Periwinkle Ct., Warrenton VA 20186
6984-17-5857-000	Broadview Properties LLC	Increase	319 Broadview Avenue	7260 Periwinkle Ct., Warrenton VA 20186
6984-17-5842-000	Broadview Properties LLC	Increase	319 Broadview Avenue	7260 Periwinkle Ct., Warrenton VA 20186
6984-17-7723-000	Kingston Warrenton LTD Partnership	Increase	296 Jackson Street	1930 Isaac Newton Sq., Suite 200B, Reston, VA 20190
6984-17-7852-000	Kingston Warrenton LTD Partnership	Increase	308 Jackson Street	1930 Isaac Newton Sq., Suite 200B, Reston, VA 20190
6984-17-7982-000	Kingston Warrenton LTD Partnership	Increase	318 Jackson Street	1930 Isaac Newton Sq., Suite 200B, Reston, VA 20190
6984-18-8021-000	Kingston Warrenton LTD Partnership	Increase	328 Jackson Street	1930 Isaac Newton Sq., Suite 200B, Reston, VA 20190
6984-18-8049-000	Kingston Warrenton LTD Partnership	Increase	338 Jackson Street	1930 Isaac Newton Sq., Suite 200B, Reston, VA 20190
6984-18-8188-000	Kingston Warrenton LTD Partnership	Increase	348 Jackson Street	1930 Isaac Newton Sq., Suite 200B, Reston, VA 20190
6984-18-9216-000	Kingston Warrenton LTD Partnership	Increase	358 Jackson Street	1930 Isaac Newton Sq., Suite 200B, Reston, VA 20190
6985-00-1454-000	Town of Warrenton	Increase	Rady Park	
6985-00-3546-000	Town of Warrenton	Increase	710 Fauquier Road	
6985-00-2836-000	Town of Warrenton	Increase	550 Evans Ave	
6985-00-3904-000	Reid, Julia Mae	Increase	560 Evans Ave	560 Evans Ave, Warrenton, VA 20186
6985-01-3080-000	Quinn, Grace & John	Increase	570 Evans Ave	570 Evans Ave, Warrenton, VA 20186
6985-01-4047-000	Eller, Arnold	Increase	580 Evans Ave	580 Evans Ave, Warrenton, VA 20186
6985-01-5125-000	Moffett, Stephen & Suela	Increase	590 Evans Ave	590 Evans Ave, Warrenton, VA 20186
6985-01-6211-000	Poston, Jerry & Paula	Increase	600 Evans Ave	600 Evans Ave, Warrenton, VA 20186
6985-01-7218-000	Hines, Madeline J Trustee	Increase	610 Evans Ave	610 Evans Ave, Warrenton, VA 20186
6974-64-6885-000	Town of Warrenton (WARF)	Both	800 Waterloo Road	
6974-83-8686-000	St Leonards Farm Inc	Both		P.O. Box 814, Warrenton, VA 20188
6974-94-2535-000	Capan, Jeffrey	Increase	552 Frost Ave	552 Frost Avenue, Warrenton, VA 20186
6974-84-0739-000	Town of Warrenton (WWTP)	Both	731 Frost Ave	
6974-85-3273-000	Commonwealth of Virginia	Both	692 Waterloo Street	Bldg 316 Fort Picket, Blackston, VA 23824
6974-84-4737-000	Commonwealth of Virginia	Both	675 Van Roijen Street	470 George Dean Drive, Charlottesville, VA 22903
6974-85-8166-000	Kalis Holdings LLC	Both	641 Frost Ave	1420 Spring Hill Road, Suite 600, McLean, VA 22102

6974-95-2114-000	Kalis Holdings LLC	Increase	569 Frost Ave	1420 Spring Hill Road, Suite 600, McLean, VA 22102
6974-95-0659-000	Grant, Marsha & Robert	Increase	28 Piedmont Street	28 Piedmont Street, Warrenton, VA 20186
6974-95-0789-000	Waln, Deborah & Edward	Increase	38 Piedmont Street	38 Piedmont Street, Warrenton, VA 20186
6974-95-1828-000	Callahan, Shannon	Increase	48 Piedmont Street	48 Piedmont Street, Warrenton, VA 20186
6974-95-1948-000	Dickerson, John & Sidney	Increase	58 Piedmont Street	58 Piedmont Street, Warrenton, VA 20186
6984-05-5147-000	Frost Properties LLP	Increase	5 Broadview Avenue	98 Dolphin Point Drive, Beaufort, SC 29907
6984-05-6104-000	Frost Properties LLP	Increase		98 Dolphin Point Drive, Beaufort, SC 29907
6984-04-5860-000	ABC and J LLC	Increase	346 Waterloo Street	388 Waterloo Street, Warrenton, VA 20186
6984-04-5468-000	ABC and J LLC	Both	365 W Shirley Ave	388 Waterloo Street, Warrenton, VA 20186
6984-03-6972-000	May, Charlene & Scott	Both	285 W. Shirley Ave	281 W. Shirley Ave, Warrenton, VA 20186
6984-03-7857-000	May, Charlene & Scott	Both	283 W. Shirley Ave	281 W. Shirley Ave, Warrenton, VA 20186
6984-03-7783-000	Garrett Street LLC	Both		79 Garrett Street, Warrenton, VA 20186
6984-03-8942-000	Garrett Street LLC	Both	87 Garrett Street	79 Garrett Street, Warrenton, VA 20186
6984-03-8699-000	Lindsay Holdings LLC	Both		3410 King Street, Alexandria, VA 22302
6984-14-0157-000	Fauquier County School Board	Decrease	86 Manor Court	320 Hospital Drive, Suite 40, Warrenton, VA 20186
6984-13-0556-000	Frost Family LLC	Both	239 W. Shirley Ave	98 Dolphin Point Drive, Beaufort, SC 29907
6984-13-1628-000	Rababeh, Alia & Kheder	Decrease	241 W. Shirley Ave	241 W. Shirley Ave, Warrenton, VA 20186
6984-14-2157-000	Fauquier County School Board	Decrease		320 Hospital Drive, Suite 40, Warrenton, VA 20186
6984-13-1484-000	ABG LLC, JFCJ LLC	Increase	213 W. Shirley Ave	105 W. Shirley Ave, Warrenton, VA 20186
6984-14-5086-000	Fauquier County School Board	Decrease	244 Waterloo Street	320 Hospital Drive, Suite 40, Warrenton, VA 20186
6984-13-2386-000	Second Texland Properties Corp	Both	207 W. Shirley Ave	P.O. Box 711, Dallas, TX 75221
6984-13-3296-000	187 West Shirley Avenue LLC	Both	187 W. Shirley Ave	P.O. Box 885, Warrenton, VA 20188
6984-22-1682-000	Frost Family LLC	Increase		98 Dolphin Point Drive, Beaufort, SC 29907
6983-39-5541-000	Warrenton Baptist Church	Increase		123 Main Street, Warrenton, VA 20186
6983-66-0576-000	Assemblies of God Inc, Potomac District	Decrease		14525 John Marshall Hwy., Gainesville, VA 20155

**TOWN OF WARRENTON**

Department of Community Development

PO BOX 341
WARRENTON, VIRGINIA 20188
<http://www.warrentonva.gov>
TELEPHONE (540) 347-1101
FAX (540) 349-2414

December 22, 2020

RE: FEMA Floodplain Map Changes

Dear Property Owner:

I am reaching out to let you know that FEMA has proposed changes to the Flood Insurance Rate Map (FIRM) for the Town of Warrenton. FEMA is currently coordinating with jurisdictions to make them aware of the changes and requesting that citizens are made aware of the proposed changes. A flood map provides information about the local flood risk. It helps set minimum floodplain standards so that the community builds safely. The map also helps determine the cost of flood insurance which helps property owners to financially protect themselves against flooding. The lower the degree of risk, the lower your flood insurance premium will be. To ensure the public knows their flood risk, and that their insurance is priced accurately, FEMA works with communities and property owners at all steps of the process to incorporate the best available data into the flood maps. The maps are developed using the sound science generated by engineering experts, and FEMA always accepts additional, validated flood hazard information from property owners and communities. Through this collaborative process, a community can review, appeal, and contribute to the development of a Flood Map before it is adopted by the community.

Records indicate that your property contains flood hazard areas and I would like to provide you with the opportunity to meet and show you the proposed changes on your property. Should you wish to review and discuss these changes, please feel free to contact me at (540) 316-6396 ext. 311.

Sincerely,

Rob Walton
Zoning Administrator
Town of Warrenton
Community Development Department



Federal Emergency Management Agency

Washington, D.C. 20472

October 25, 2023

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
19P

The Honorable Carter Nevill
Mayor, Town of Warrenton
21 Main Street
Warrenton, Virginia 20186

Community Name: Town of Warrenton
Fauquier County,
Virginia
Community No.: 510057
Map Panels Affected: See FIRM Index

Dear Mayor Nevill:

This is to notify you of the final flood hazard determination for Fauquier, Virginia and Incorporated Areas, in compliance with Title 44, Chapter I, Part 67, Section 67.11, Code of Federal Regulations (CFR). This section requires that notice of final flood hazards shall be sent to the Chief Executive Officer of the community, all individual appellants, and the State Coordinating Agency, and shall be published in the *Federal Register*.

The statutory 90-day appeal period that was initiated for your community when the Department of Homeland Security's Federal Emergency Management Agency (FEMA) published a notice of proposed flood hazard determinations for your community in the local newspaper has elapsed. FEMA did receive appeals of the proposed flood hazard determinations during that time. The technical data submitted in support of the appeals has been evaluated and the appeals have been resolved in accordance with the requirements of 44 CFR Part 67. We determined that changes were warranted based on the submitted data and have incorporated the applicable changes on the final copies of the Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) for your community.

Accordingly, the flood hazard determinations for your community are considered final. The final notice for flood hazard determinations will be published in the *Federal Register* as soon as possible. The FIS report and FIRM for your community will become effective on April 25, 2024. Before the effective date, we will send your community final printed copies of the FIS report and FIRM. For insurance purposes, the community number and new suffix code for the panels being revised are indicated on the FIRM and must be used for all new policies and renewals.

Because the FIS report for your community has been completed, certain additional requirements must be met under Section 1361 of the National Flood Insurance Act of 1968, as amended, within 6 months from the date of this letter.

It must be emphasized that all the standards specified in 44 CFR Part 60.3(d) of the National Flood Insurance Program (NFIP) regulations must be enacted in a legally enforceable document. This includes adoption of the current effective FIS report and FIRM to which the regulations apply and other modifications made by this map revision. Some of the standards should already have been enacted by your community in order to establish initial eligibility in the NFIP. Your community can meet any additional requirements by taking one of the following actions in this Paragraph of the NFIP regulations:

1. Amending existing regulations to incorporate any additional requirements of 44 CFR Part 60.3(d);
2. Adopting all the standards of 44 CFR Part 60.3(d) into one new, comprehensive set of regulations; or
3. Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of 44 CFR Part 60.3(d).

Also, prior to the effective date, your community is required, as a condition of continued eligibility in the NFIP, to adopt or show evidence of adoption of the floodplain management regulations that meet the standards of 44 CFR Part 60.3(d) of the NFIP regulations by the effective date of the FIRM. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

Many states and communities have adopted building codes based on the International Codes (I-Codes); the model I-Codes (2009 and more recent editions) contain flood provisions that either meet or exceed the minimum requirements of the NFIP for buildings and structures. The model codes also contain provisions, currently found in an appendix to the International Building Code, that apply to other types of development and NFIP requirements. In these cases, communities should request review by the NFIP State Coordinator to ensure that local floodplain management regulations are coordinated (not duplicative or inconsistent) with the State or Local building code. FEMA's resource, *Reducing Flood Losses through the International Code: Coordinating Building Codes and Floodplain Management Regulations, 5th Edition (2019)*, provides some guidance on this subject and is available at <https://www.fema.gov/emergency-managers/risk-management/building-science/building-codes/flood>.

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the Flood Disaster Protection Act of 1973 (Public Law 93-234) as amended, and 44 CFR Part 59.24.

To assist your community in maintaining the FIRM, we have enclosed a Summary of Map Actions (SOMA) to document previous Letters of Map Change (LOMC) actions (i.e., Letters of Map Amendment, Letters of Map Revision) that will be affected when the revised FIRM panels referenced above become effective. If no LOMCs were issued previously for your community, you are receiving a SOMA for informational purposes only.

Once the FIS report and FIRM are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided for use in a computer mapping system. These files can be used in conjunction with other thematic data for floodplain management purposes, insurance requirements, and many other planning applications. Copies of the digital files of the FIRM panels may be obtained by calling our FEMA Mapping and Insurance eXchange (FMIX), toll free, at (877) 336-2627 (877-FEMA MAP) or by visiting the Map Service Center at <https://www.msc.fema.gov>. In addition, your community may be eligible for additional credits under our Community Rating System if you implement your activities using digital mapping files.

For assistance with your floodplain management ordinance or enacting the floodplain management regulations, please contact Angela Davis, NFIP State Coordinator for Virginia by telephone at 804-371-6135. If you should require any additional information, we suggest that you contact the Director, Mitigation Division of FEMA, Region III at (215) 931-5512 for assistance. If you have any questions concerning mapping issues in general or the enclosed SOMA, please call our FMIX at the telephone number shown above. Additional information and resources you may find helpful regarding the NFIP and floodplain management can be found on our website at <https://www.fema.gov/flood-maps>. Copies of these documents may also be obtained by calling our FMIX.

Sincerely,



Luis Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration

Enclosure:
Final SOMA

cc: Community Map Repository
Rob Walton, Director of Community Development, Town of Warrenton

FINAL SUMMARY OF MAP ACTIONS

Community: WARRENTON, TOWN OF

Community No: 510057

To assist your community in maintaining the Flood Insurance Rate Map (FIRM), we have summarized below the effects of the enclosed revised FIRM panels(s) on previously issued Letter of Map Change (LOMC) actions (i.e., Letters of Map Revision (LOMRs), Letter of Map Revision based on Fill (LOMR-Fs), and Letters of Map Amendment (LOMAs)) that will be affected when the revised FIRM becomes effective on April 25, 2024.

1. LOMCs Incorporated

The modifications effected by the LOMCs listed below will be reflected on the revised FIRM. In addition, these LOMCs will remain in effect until the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
			NO CASES RECORDED		

2. LOMCs Not Incorporated

The modifications effected by the LOMCs listed below will not be reflected on the revised FIRM panels or will not be reflected on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lot(s) or structure(s) involved were outside the Special Flood Hazard Area, as shown on the FIRM. These LOMCs will remain in effect until the revised FIRM becomes effective. These LOMCs will be revalidated free of charge 1 day after the revised FIRM becomes effective through a single revalidation letter that reaffirms the validity of the previous LOMCs.

2A. LOMCs on Revised Panels

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
			NO CASES RECORDED		

2B. LOMCs on Unrevised Panels

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
			NO CASES RECORDED		

FINAL SUMMARY OF MAP ACTIONS

Community: WARRENTON, TOWN OF

Community No: 510057

3. LOMCs Superseded

The modifications effected by the LOMCs listed below have not been reflected on the Final revised FIRM panels because they are being superseded by new or revised flood hazard information or the information available was not sufficient to make a determination. The reason each is being superseded is noted below. These LOMCs will no longer be in effect when the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Reason Determination Will be Superseded
LOMR	13-03-0051P	05/02/2013	HITCHCOCK PROPERTY AT LEE STREET AND WALKER DRIVE	4

1. Insufficient information available to make a determination.
2. Lowest Adjacent Grade and Lowest Finished Floor are below the proposed Base Flood Elevation.
3. Lowest Ground Elevation is below the proposed Base Flood Elevation.
4. Revised hydrologic and hydraulic analyses.
5. Revised topographic information.
6. Superseded by another LOMC.

4. LOMCs To Be Redetermined

The LOMCs in Category 2 above will be revalidated through a single revalidation letter that reaffirms the validity of the determination in the previously issued LOMC. For LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures is no longer valid, the LOMC cannot be revalidated through this administrative process. Therefore, we will review the data previously submitted for the LOMC requests listed below and if appropriate issue a new determination for the affected properties after the effective date of the revised FIRM.

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
			NO CASES RECORDED		



FEMA Region III Changes Since Last FIRM (CSLF)

Preliminary, Pending, and Draft CSLF





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

Item b.

Council Meeting Date:	December 12 th , 2023.
Agenda Title:	Discussion of Board of Zoning Appeals Appointments
Requested Action:	Direct staff on the procedure for appointing three new BZA members.
Department / Agency Lead:	Community Development
Staff Lead:	Rob Walton

EXECUTIVE SUMMARY

Mr. Robert Walton, Director of Community Development has received the resignation from the Board of Zoning Appeals from Mr. Amos Crossgrove effective November 30th, 2023. Ms. Betsy Sullivan has indicated to Mr. Walton that she will be resigning in the spring of 2024 as well.

The Board of Zoning Appeals is a quasi-judicial body that is appointed by the Circuit Court, consisting of a minimum of five members that serve five-year terms. The BZA makes decisions on Variances, Appeals of a Zoning Administrator’s Determination, and the location of Zoning District boundaries when there is a disagreement.

The actions of the BZA are regulated by State Code, Section 15.2-2308. The BZA is strictly required to follow the process for Appeals, standards for granting of Variances, and purpose for determining Zoning District boundaries as laid out in State Code. The BZA does not have the ability to rezone property, make changes to the Zoning Ordinance, or substantially change zoning district boundaries. When an applicant disagrees with the decision of the BZA, an appeal is made directly to the Circuit Court.

BZA members cannot hold any other public office, except that one member of the BZA may also be on the Planning Commission. Board members may be appointed for consecutive terms. If a Board member leaves prior to the end of their five-year term, a replacement is appointed only for the remainder of their term.

BACKGROUND

The Warrenton Board of Zoning Appeals (BZA) holds regular meetings on the first Tuesday of each month, as needed. The duties of the BZA are governed by Virginia State Code § 15.2-2309.

Members of the BZA are appointed by the Circuit Court of Fauquier County for a five-year term.

Current members:

- Amos Crosgrove-Term expires 2026 – Resigned.
- Larry Kovalik-Term expires 2026.
- Melea Maybach-Term expires 2026.
- Betsy Sullivan-Term expires 2026 – Resigning.

Vacant

STAFF RECOMMENDATION

Staff recommends directing staff to advertise for the position, reviewing the applications for recommendations to the Circuit Court of Fauquier County for Appointment of vacancies as follows:

1. Staff must publish an advertisement for the vacancies in the local newspaper requesting letters of interest with a resume.
2. Staff must collect the letters of interest and provide them to the Town Council to receive recommendations for appointment of the vacancies to the Board.
3. Staff will submit all letters of interest, a copy of the advertisement, and a recommendation letter from the Town Council to the Chief Judge.
 - a. With the recommendation letter, staff must include the term length, start and end date, and which existing member(s) the applicant(s) would be replacing.

Service Level/Policy Impact

The State Code requires that a Board of Zoning Appeals must retain a minimum of three members for a quorum to hold a meeting. At this time, with the resignations received, the Board currently has two members. The current board bylaws state the board must consist of five members.

Fiscal Impact

No additional financial impact is expected at this time.

Legal Impact

The Board of Zoning Appeals will be unable to hold a meeting if a quorum of three members is not maintained.

ATTACHMENTS

BZA Bylaws

TOWN OF WARRENTON, VIRGINIA
BOARD OF ZONING APPEALS
BY-LAWS

ARTICLE 1 – OBJECTIVES

- 1-1 The Board of Zoning appeals of the Town of Warrenton, known hereafter as The Board, adopts the subsequent articles in order to facilitate its powers and duties in accordance with Article 15-2, Section 2308 of the 1950 Code of Virginia as amended and Article 11-2 Board of Zoning Appeals of the Town of Warrenton Zoning Ordinance.
- 1-2 The official title of this Board shall be the Town of Warrenton Board of Zoning Appeals.

ARTICLE 2 – MEMBERSHIP

- 2-1 The Board of Zoning Appeals, shall consist of five members who are residents of the Town and who shall be appointed by the Circuit Court of Fauquier County. The term of office shall be for five years. One of the five members appointed shall be an active member of the Planning Commission. Members may be removed for just cause by the appointing authority upon written charges and a public hearing.

ARTICLE 3 - OFFICERS AND THEIR SELECTION

- 3-1 The members of the Board shall annually elect a Chairman and a Vice-Chairman.
- 3-2 The Town Manager shall appoint a secretary to the Board.
- 3-3 Nomination of officers shall be made from the floor at an annual meeting to be held the first Tuesday in January of each year or the next scheduled meeting if no items are to be considered in January.
- 3-4 Each candidate for office shall be nominated and seconded by two members of the Board. Election of Officers shall follow immediately thereafter.
- 3-5 A majority vote of members shall be required to be elected to office.
- 3-6 A candidate for an office of the Board receiving an majority vote of the members shall be declared elected and shall take office immediately upon the conclusion of regular meeting and serve for one year or until his successor shall take office.
- 3-7 Vacancies in office prior to term expiration shall be filled immediately by regular election procedures as in 3-4.

Commented [KM1]: The board may elect as its secretary either one of its members or a qualified individual who is not a member of the board, excluding the alternate members. A secretary who is not a member of the board shall not be entitled to vote on matters before the board.

- 3-8 Vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term in office.

ARTICLE 4 – DUTIES OF OFFICERS

- 4-1 The chairman shall be a member of the Board and shall:
- 4-1.1 Preside at all meetings and call the meeting to order at the appointed time;
 - 4-1.2 Announce the business before the assembly in its proper order;
 - 4-1.3 Preserve order and decorum;
 - 4-1.4 State and put all questions properly before the assembly;
 - 4-1.5 Rule on all procedural questions;
 - 4-1.6 Be informed immediately of any official communication and report same at the next regular meeting;
 - 4-1.7 Affix his signature to all orders issued by the Board of Zoning Appeals as evidence of such approve; and
 - 4-1.8 Appoint such committees as deemed necessary.
- 4-2 The vice chairman shall be a member of the Board and shall:
- 4-2.1 Assume duties of the Chair in the Chairman’s absence or in the Chairman’s inability to act.
- 4-3 The Secretary shall:
- 4-3.1 Keep a written record of all business transacted by the Board;
 - 4-3.2 Notify all members of all meetings;
 - 4-3.3 Keep a file of all official records and reports of the Board;
 - 4-3.4 Certify all records and reports and public meetings;
 - 4-3.5 Serve notice of all hearings and public meetings;
 - 4-3.6 Attend to correspondence of the Board;
 - 4-3.7 Keep a set of minutes of all meetings which shall become a public record; and
 - 4-3.8 Prepare and be responsible for publishing of advertisements relating to public hearings.

ARTICLE 5 – MEETINGS

- 5-1. When cases are pending, regular meetings of the Board shall be held on the first Tuesday of each month. When a meeting date falls on a legal holiday, the meeting shall be held on the following Tuesday unless otherwise designated by the Chairman. When no case is pending, no meeting shall be held. The meeting shall begin at 5:00 P.M., unless otherwise designated by the Chairman and stated in the Public Notice of the meeting as required in Section 15.1.431 of the Code of Virginia, 1950, as amended.
- 5-2. The regular meeting may be adjourned upon majority vote of the members present if all applications or appeals can not be disposed of on the meeting date set. In

such case, the meeting shall be reconvened at the date scheduled at the regular meeting.

- 5-3. A majority of the members of the Board shall constitute a quorum and a favorable vote of three members of the Board shall be necessary to reserve any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant on any matter upon which the Board is required to pass.
- 5-4. Motions shall be restated by the Chairman before the vote is taken. The names of the persons making and seconding the motion shall be recorded.
- 5-5. The secretary shall prepare a set of minutes of all regular and special meetings.
- 5-6. Parliamentary procedure and board meeting shall be governed by the Roberts Rules of Order, Revised.
- 5-7. A motion to reconsider any action of the Board must be made as provided in Roberts Rules of Order, Revised, on or before the conclusion of the next regularly scheduled meeting of the Board occurring after the meeting at which the matter to be reconsidered was originally addressed.
- 5-8. The rules of procedure of the Board may be suspended by a vote of four members, all as provided in Roberts Rules of Order, Revised.
- 5-9. All meetings shall be public meetings in accordance with the requirements and exceptions of Title 15.1, Chapter 11 of the 1950 Code of Virginia as amended.
- 5-10. **Yearly Report? Periodic Report – 11-2.3.6 T=20.**

ARTICLE 6 – ORDER OF BUSINESS

- 6-1. The order of business for a regular meeting shall be:
 - 6-1.1 Call to order by Chairman
 - 6-1.2 Determination of a quorum;
 - 6-1.3 Adoption of minutes;
 - 6-1.4 Public Hearings
 - 6-1.4.1 Unfinished Business;
 - 6-1.4.2 New Business;
 - 6-1.5 Adjournment.

ARTICLE 7 – PROCEDURES FOR HEARING CASES

7 PUBLIC HEARING PROCEDURES

1. Call to Order
2. Chairman calls the item with the starting time of the hearing item
3. Comments/Presentations from the Town staff
4. Comments/Presentations from the applicant
5. Questions on Staff report from Board Members
6. Questions of Applicant presentation from Board Members
7. Comments from the public. When the last person from the public has finished speaking, the Chairman shall declare the public hearing closed.
8. The hearing item reverts back to the Board at this point. No comments from anyone other than the Board and Staff are permitted.
9. Discussion and motions are made (Motions should not come the Chairman)

10. Discussion of main motion and amendments, if necessary
11. Chairman repeats motion and question is called
12. Vote on motion

ARTICLE 8 – AMENDMENTS

- 8-1 These by laws may be amended by affirmative vote of the majority of the members of the Board at a regularly scheduled meeting, provided that the proposed amendment to these By-Laws be delivered to members of the Board at least 30 days prior to the meeting at which the vote on the amendment is to be taken.

ADOPTED: November 6, 1996



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

Item c.

Council Meeting Date:	December 12, 2023
Agenda Title:	Resolution to Consider a Boundary Line Adjustment with the Arrington Subdivision
Requested Action:	Consider Approval of the Resolution
Department / Agency Lead:	Rob Walton, Director of Community Development
Staff Lead:	Rob Walton, Director of Community Development

EXECUTIVE SUMMARY

Alwington Farm LLC/Alwington Farm Developers, LLC, and Van Metre Communities, LLC have expressed interest in boundary line adjusting approximately 234.09 acres of Planned Residential Development (PRD) zoned land from Fauquier County into the Town of Warrenton’s town limits. The property is subject to a County rezoning (REZN-15-003477) and contains associated Proffers for the development of the property. The Fauquier County Board of Supervisors (BOS) approved a rezoning amendment during their Regular Meeting on November 9, 2023.

The approved rezoning application includes three development scenarios:

- (1) 217 market-rate lots; or
- (2) *Alternative A proposed 195 market-rate lots and 16 affordable housing lots – 211 lots total: or
- (3) *Alternative B proposed 254 market-rate lots and 16 affordable housing lots – 270 lots total.

*Alternatives A and B include a 25-acre commercial area to be regulated by the Town’s Commercial (C) District standards.

The applicant is requesting approval of the attached Resolution to indicate support for the applicant-initiated boundary line adjustment to begin the process of applying for the Town/County adjustment.

BACKGROUND

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 aforementioned 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.***

Staff Recommendation

To consider passing the attached Resolution. In addition, should Town Council accept the boundary line adjustment, staff recommends adopting the County's PRD Zoning Regulations to regulate the properties, Code of Development, Proffers, and other applicable documents at the time of the boundary line adjustment. Clarification should also be provided by the applicant and County as to the Proffered contributions to various departments.

Service Level/Policy Impact

Acceptance of the Arrington development will require street maintenance (public streets), trash collection, land development review (site development plans, plats, deeds), permitting, and future enforcement.

ATTACHMENTS

1. Resolution
2. Documents Presented to the Fauquier County Board of Supervisors on November 9, 2023

Town Council Regular Meeting
Date:

**RESOLUTION OF THE TOWN OF WARRENTON FOR SUPPORT OF
APPLICATION FOR A CITIZEN INITIATED PETITION FOR AN
ANNEXATION OR BOUNDARY LINE ADJUSTMENT WITH
FAUQUIER COUNTY**

WHEREAS, the Town of Warrenton, Virginia (hereinafter “the Town”) is a municipal corporation and body politic located within the County of Fauquier; and

WHEREAS, Alwington Farm, L.L.C. (the “Owner”), is the owner 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”); and

WHEREAS, the Parent Tract is located immediately adjacent to the Town’s existing boundary along James Madison Highway (Routes 17/29/15) south of Alwington Boulevard (Route 1105), Warrenton and has been previously considered for inclusion in the Town’s boundaries; and

WHEREAS, the Board of Supervisors of Fauquier County (the “County”) did, on November 12, 2015, approve rezoning application (REZN-15-003477) and a preliminary subdivision plat for the Parent Tract including a proffer statement dated October 30, 2015, which provided for the development of 217 residential lots on a 206.43 acre portion of the Parent Tract rezoned PRD, 10 residential lots on the remaining 224.53 acres of the Parent Tract zoned R-A (9 cluster lots on approximately 29.62 acres, and one open space lot consisting of 194.91 acres) (collectively, the “2015 Approvals”, all served with public water from the Town pursuant to an existing Joint Planning and Water Service Agreement dated November 1, 2015, by and between the Town, the County, and Alwington Farm Developers, LLC (the “Joint Water Agreement”) and the PRD zoned lots served by a privately owned alternative onsite sewer system and associated primary and reserve dispersal fields; and

WHEREAS, Alwington Farm, L.L.C., has filed an application with the County (REZN-22-017978) to amend the 2015 Approvals and existing proffers (the “Rezoning”), and

WHEREAS, the Rezoning includes three separate development scenarios: (1) a Base Zoning with 217 market-rate lots with public water pursuant to the Joint Water Agreement, and a privately owned alternative onsite sewer system and associated primary and reserve dispersal fields, (2) Alternative A with 195 market-rate lots (144 single-family detached lots and 51 single-family attached lots), 16 single family attached lots reserved for affordable housing, 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 15 sleeping rooms, all within the portion of the Parent Tract to be zoned PRD (the “PRD Area”), and a 25-acre land bay to be developed in accordance with the regulations of the Town’s Commercial (C) Zoning District (“Land Bay W”), and (3) Alternative B with 254 market-rate lots (161 single-family detached lots and 93 single-family attached lots), 16 single-family attached lots reserved for affordable housing, 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 15 sleeping rooms, all within the PRD Area, and the 25-acre Land Bay W to be developed in accordance with the regulations of the Town’s Commercial (C) Zoning District; the two alternative scenarios being dependent on inclusion of the PRD Area and Land Bay W within the corporate limits of the Town, the availability of public sanitary sewer service from the Town for all lots, and the availability of additional public water connections from the Town for the commercial components and all residential lots (with Alternative B also requiring dedication of right-of-way from an adjacent property owner to accommodate the extension of Alwington Boulevard to the northerly boundary of the Parent Tract); and

WHEREAS, a December 6, 2022, update of the Town’s Water and Sewer System Growth and Capacity Evaluation (the “Water and Sewer Study”) states that the Town is currently planning on increasing the capacity of the wastewater treatment plant (“WWTP”) from 2.5 MGD to 3.0 MGD within approximately 10 years, confirms that the actual average daily flow to the WWTP in 2021 was 1.72 MGD, and acknowledges that the current wastewater treatment plant capacity of 2.5 MGD would accommodate the proposed development of the PRD Area and Land Bay W, as currently planned under Alternatives A and B; and

WHEREAS, the Water and Sewer Study also identified certain water and sewer system infrastructure improvement requirements including substantial modifications or replacement of the Taylor Run Pump Station to serve any further demand from developments within the Town or other areas within the Turkey Run drainage area; and

WHEREAS, the County wishes to make extensive and costly renovations to, and an expansion of, the Taylor Middle School, but because of

such proposed renovations and expansion, the County will need additional sanitary sewer service capacity from the Town, and such flows will further exaggerate the need for substantial modifications or replacement of the Taylor Run Pump Station; and

WHEREAS, the Town considers it environmentally desirable and that it promotes the public health, safety, and general welfare for development in and near the Town to occur on public sewer and water service rather than on well and septic systems or a private wastewater treatment facility and to protect the Occoquan Watershed and its tributaries including Taylor Run; and

WHEREAS, a portion of Alwington Boulevard is presently split by the Town/County boundary creating difficulties with maintenance and control of that road between the Town and the Virginia Department of Transportation, such that the Council considers it prudent to bring that entire road into the Town's system of public streets; and

WHEREAS, the Owner has advised both the Town and the County that it intends to commence a Citizen Initiated Petition for the portion of the Parent Tract located within the Turkey Run drainage shed (the "Annexation Area") to be annexed into the Town's boundary pursuant to Va. Code Ann. § 15.2-3203 and related sections of the Code with respect to Boundary Adjustments and Changes of Status of Counties, Cities and Towns; and

WHEREAS, the Owner has advised the County and the Town that if such area is brought within the Town's boundary, the Owner will develop the PRD Area consistently with the Rezoning as approved by the County and will commit to the Proffers, Concept Development Plan, and Code of Development made in connection therewith through an Order to that effect entered by the Special Court approving an adjustment of that boundary and approving land use agreements between the Town and the County as authorized by law in proceedings pursuant to the foregoing statutes; and

WHEREAS, the Owner agrees that if the Annexation Area is brought within the Town's boundary, it will construct, at its sole expense, a new Taylor Run Pump Station and associated gravity sewer and force main as shown on the Concept Development Plan included with the Rezoning. and connect all development within the Annexation Area to the Town's public sewer and water systems in lieu of constructing an alternative onsite sewer system and associated primary and reserve dispersal fields; and

WHEREAS, the Owner agrees that if the Annexation Area is included within the Town's boundary, the Owner will construct all necessary and planned improvements to Alwington Boulevard that are required to serve the Arrington development and surrounding community at its sole expense; and

WHEREAS, the Town Council is of the opinion that the inclusion of the Annexation Area in the Town’s boundaries will provide substantial benefits to the Town both economically and environmentally, and to the County, as set forth herein, and that there is compelling justification for such a boundary adjustment;

NOW, THEREFORE, BE IT RESOLVED that the Warrenton Town Council does hereby express its support for a Citizen Initiated Petition as generally described above, and instructs the Town Manager to assist the Owner in the collection of data and materials relevant to that Petition, as such data and materials may be required by law or regulations promulgated by the Virginia Commission on Local Government, to provide those data and materials to the Owner as requested, and to otherwise cooperate fully with the Owner in connection with said Petition.

BE IT FURTHER RESOLVED that nothing contained herein shall preclude the Town from later combining with the Owner and the County in a joint Petition for the purposes stated herein, should the parties so agree.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

For Information:

Community Development Director

Town Attorney

ATTEST: _____
Town Recorder



Community Development
Department

STAFF REPORT

Town Council Meeting Date:	December 12, 2023
Agenda Title:	Special Use Permit 2023-01 St John the Evangelist
Requested Action:	Continue Public Hearing
Decision Deadline:	February 12, 2024
Staff Lead:	Denise Harris, Planning Manager

EXECUTIVE SUMMARY

Special Use Permit (SUP) 2023-01 St John the Evangelist, the Applicant, and the Owner, the Catholic Diocese of Arlington (St Johns Catholic School Tees), seeks to amend a June 3, 1986, SUP approval to allow for the demolition of an existing building and the construction of a new 13,000 square foot office building. The subject parcel is located in the Residential (R-10) District of the Town of Warrenton Zoning Ordinance and is designated as Live/Work on the Future Land Use Map. The subject parcel (GPIN 6984-36-7135-000) is located at 271 Winchester Street on approximately 11.0664 acres.

The Town Council held a public hearing in July, 2023, on the application. At that time, The Applicant requested a of action to further investigate the right-of way dedication on Winchester Street. Subsequently the Applicant requested a deferral, which Town Council granted, until the December public hearing. The Applicant requested the Archdiocese of Arlington’s General Counsel to work with the Town Attorney regarding the Condition of Approval regarding the right-of-way dedication on Winchester Street. This was completed and a solution was agreed upon that would dedicate the road from centerline to back of curb. Updated SUP Plans and Conditions of Approval dated December 12, 2023, reflect this modification, as well as Scribner’s error correction on height requirements for a Certificate of Appropriateness.

However, the Applicant’s October 27, 2023, and subsequent December 1, 2023, submission include multiple proposed changes to the Planning Commission recommended Conditions of Approval beyond Winchester Street (see attached Applicant Proposed Conditions of Approval REDLINE), and those conditions contained in the Town Council July public hearing, that go beyond the discussions of Winchester Street. The proposed Conditions of Approval seek to make the Planning Commission

recommendations less restrictive after the Planning Commission spent time discussing items, including substantial conformance, stormwater, lighting, and stacking in the right of way.

The Planning Commission held a Work Session on April 18, 2023, and a Public Hearing on May 16, 2023. Three members of the public spoke to the application. Items brought up included proximity of the new building to Winchester Street, potential loss of old growth trees, noise “bounce back” to residences, no crosswalk on Winchester to entrance, water run-off, topo/grade changes, no lighting on building, loss of green space, question if additional parking is necessary, and support for the existing building to be demolished. The Planning Commission requested the Applicant work to address items missing on the SUP Plans and issues raised. The Planning Commission also suggested the Applicant look at the potential of green space vs additional parking. The Planning Commission voted 3-0 (Lawrence, Lasher absent) to hold the Public Hearing open until the June Planning Commission meeting.

On June 1, 2023, the Applicant submitted an updated SUP Plan to address the requested missing information, including parking, topography, improvements on the site, refuse locations, adjacent properties, and other miscellaneous items. The Applicant piloted a new student pick up/drop off pattern to address draft Condition of Approval 9.b and found it to be successful in preventing stacking in the public-right-of way.

The Planning Commission continued the Public Hearing on June 20, 2023. Three members of the public spoke to the application. One in support of the church and two adjacent property owners, while generally in support, raised questions regarding water runoff. The residents questioned if leaving the old building in place while the new one is constructed will impact and hinder the ability to properly grade the site to resolve ongoing water runoff issues to properties on Richards Drive and Winchester Street. Citizens spoke to the desire for reassurance that the new building will deal with the water issues.

The Planning Commission voted to recommend approval to the Town Council subject to draft Conditions of Approval (4-0-1; Lawrence abstained).

BACKGROUND

In 1986, St Johns the Evangelist received a Special Use Permit for a school. The minutes from the Town Council meeting indicate the intent was to allow:

1. Construction of the School in two phases
2. Phase 1 enrollment 270
3. Phase 2 enrollment 540
4. Relocate the convent
5. Obtain Right of way dedication to centerline of King Street (aka John E Mann Street) and Winchester

When the church school sought an expansion in 2017, a Zoning Determination letter found the building expansion could proceed without a Special Use Permit amendment as the enrollment numbers were not changing. However, during the Site Development Plan (SDP 2017-01), the Town indicated that *“as new projects are proposed by the Church, the additional work will be considered accumulative to this plan and will trigger the Commonwealth’s SWM Regulations.”* The Town’s willingness to work with the applicant in 2017 was predicated on the shared knowledge that the next proposed improvement would include a comprehensive update of the site’s uses and existing conditions. This Special Use Permit application is the opportunity for the Applicant to bring the last 37 years of property uses up to date.

During agency review of the application, staff raised several potential issues and asked the Applicant to address them. Highlights of issues include the potential inability to meet landscaping buffer requirements, no details on lighting, preliminary stormwater design, proposed refuse locations, and no height and dimensions of the building, retaining walls, parking, travelways, setbacks, and landscape buffers for staff to ensure the proposal will meet requirements. Staff is aware that stormwater and landscape buffer solutions can be expensive to engineer. Staff sought to help the Applicant understand that staff cannot ensure this proposal works without more information and/or requested waivers.

The Planning Commission held a work session and two public hearing dates on this proposal. The Planning Commission discussed buffers and landscaping along the length of the northern boundary of the property; energy, water, and sewer demands; intentions of existing building and timing of demolition; parking overflow into adjacent neighborhoods and stacking in the public right-of-way; elevations from Winchester Street and the request for artist’s rendering; appropriate stormwater, sediment control, and boundary line adjustments; and ARB approvals. The recommended Conditions of Approval are comparable to other approved Special Use Permits of similar land uses. Unique conditions relate to the Planning Commission addressing site specific issues of stormwater, potential adjacent property impacts, and demolition.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommended approval to the Town Council subject to the draft Condition of Approval.

Suggested Motions

1. I move the Town Council approve SUP 23-01 with Conditions of Approval dated December 12, 2023, per the Planning Commission recommendation and subsequent modifications, through the attached December 12, 2023, Resolution.
 2. Due to the Applicant submitting redlined language to the Planning Commission’s previously recommended Conditions of Approval that seek to remove or modify mitigations, I move the Town Council refer the application back to the Planning Commission based on Zoning Ordinance 11-3.10.9 Modifications to the Application or Conditions which states *“...after the Planning Commission has made its recommendation to the Town Council, should the application be modified, or additional conditions...offered by the applicant that results in...altered conditions that were intended to mitigate the impact of the development...then a second public hearing shall be held by the Planning Commission before the modified application may be heard by Town Council.”*
-

ATTACHMENTS

1. Attachment A – Maps
2. Attachment B – May 13, 2023, Staff Analysis
3. Attachment C – October 26, 2023, Special Use Permit Plan
4. Attachment D – December 12, 2023, update to the July 11, 2023, Conditions of Approval (Planning Commission Recommendation)
5. Attachment E – Applicant Redline of July 11, 2023, Conditions of Approval
6. Attachment F – Applicant Clean Proposed Conditions of Approval
7. Attachment G - Statement of Justification/Addendum to the Statement of Justification
8. Attachment H - Overall Site Access Plan
9. Attachment I – March 23, 2023/Revised April 27, 2023, Comment Response Letter
10. Attachment J – Town Council 1986 Meeting Minutes
11. Attachment K – Artist Renderings from Winchester Street
12. Attachment L – 1986 Town Council Minutes
13. Attachment M – July 11, Town Council Presentation

SPECIAL USE PERMIT CONDITIONS**Applicant: ST. JOHN THE EVANGELIST CATHOLIC
CHURCH****Owner: CATHOLIC DIOCESE OF ARLINGTON
(ST JOHNS CATHOLIC SCHOOL TEES)****SUP 23-01 (Supersedes SUP Dated June 3, 1986)****PINs 6984-36-7135-0000 (the "Property")****Special Use Permit Area: ± 11.0664 Zoning: R-10
Residential****Date: December 12, 2023**

In approving a Special Use Permit, the Town Council may impose such conditions, safeguards, and restrictions as may be necessary to avoid, minimize, or mitigate any potentially adverse or injurious effect of such special uses upon other properties in the neighborhood, and to carry out the general purpose and intent of this Ordinance. The Council may require a guarantee or bond to ensure that compliance with the imposed conditions. All required conditions shall be set out in the documentation approving the Special Use Permit (SUP).

1. General: This Special Use Permit is issued covering the entire Property pursuant to the provisions of § 11-3.10 of the Town of Warrenton Zoning Ordinance.
2. Site Development: The Property shall be developed in substantial conformance with the Special Use Permit Plan entitled, "Special Use Permit Plat," prepared by Carson Land Consultants, Page 1 dated February 10, 2023 and Pages 2-4 dated December 6, 2022, all revised October 26, 2023, consisting of four (4) sheets (the "SUP Plan"). Minor changes and adjustments may be made to the road and street alignments, entrances, parking, dimensions and location of SWM/BMP facilities, the exact configuration and location of building footprints, and other similar features as shown on the SUP Plan, provided they meet the intent of these Conditions and are approved by the Director of Community Development or the Zoning Administrator.

3. Use Parameters:
 - a. Special Use Permit Area – The Special Use Permit shall apply to the entire +/- 11.0664 acre site.
 - b. Use Limitations – The use shall be limited to a religious institution and related facilities including the church, school, and those accessory uses customarily incidental to the primary uses.
 - c. Maximum Students – The maximum number of students shall be 540 as approved in the previous SUP dated June 3, 1986.
4. Architecture: The site is located within the Historic District and is subject to Architectural Review Board, Certificates of Appropriateness (COA), and the Town of Warrenton Guide to Historic Resources. No structures shall be modified or erected until a COA has been issued. This includes walls and fences exceeding 42” in height.
5. Signage: All signage shall comply with the applicable provisions of Article 6 of the Town of Warrenton Zoning Ordinance.
6. Site Maintenance and Refuse Collection: Any refuse storage areas shall be screened with a solid enclosure constructed of materials that are compatible with the buildings on the property. The enclosure shall have gates that prohibit viewing this area from adjoining properties and public rights-of-way. The gates shall remain closed when not in use and the trash containers shall be emptied as necessary to prevent odors or infestation by vermin. Compliance with this condition shall be demonstrated on each final site plan(s). Deliveries and refuse collection shall follow Town Code Section 11-19(9).
7. Environment: All landscaping shall be native and drought-resistant or other species as may be approved on the final site plan(s).
 - a) Landscaping – The Applicant shall make all efforts to maintain and preserve the existing mature vegetation and hardwood trees when feasible.
 - b) Minimize Clearing and Grading – The Applicant shall show the limits of clearing and grading for the site on the approved final site plan(s). For portions of buffers located outside the limits of clearing and grading, the existing vegetation shall be preserved and supplemented to meet the intent the buffer as noted above. In addition, existing trees and shrubs shall be incorporated into the landscaping plan. This does not preclude the removal of diseased, noxious and/or invasive vegetation.
 - e) Stormwater Management –The property owner is required to account for all improvements, regardless of square footage, made to the property since July 1, 2014, and design and construct for the accumulative stormwater management for both quantity and quality in accordance with all applicable State and local

requirements in effect at the time of site development plan approval.

8. Lighting:

- a. Proposed lighting shall be reviewed during the review of the Certificate of Appropriateness and at the time of site plan in accordance with the Zoning Ordinance.
- b. Building-mounted security lighting, which is full cut-off and directed toward the building and in compliance with the Zoning Ordinance, shall be permitted.
- c. All new and replacement light fixtures shall consist of full cut-off fixtures with a color temperature of 3,000 K or lower, and a maximum mounting height of 14 feet.
- d. Lighting on the school managed turf fields is prohibited.
- e. All other proposed lighting shall be addressed at site plan in accordance with the Zoning Ordinance.

9. Transportation:

- a) Vehicular Access – The site shall be accessed from the Winchester Street and John E. Mann entrances. Egress shall be controlled via a stop sign traffic control with stop bar at the exits.
- b) There shall be no stacking of vehicles into the public right-of-way. The school is responsible for ensuring drop off and pick up from the school do not result in backs ups on the public streets. Stacking on the property by accessing the school by way of Winchester Street or staggering times is required to achieve this condition.
- c) Handicapped Parking and Signage – Handicapped parking and signage for shall be provided in accordance with the PFM and the Americans with Disabilities Act.
Dedication of public right-of-way on Winchester Street to back of curb and an easement over Town owned utilities shall be included on the Site Development Plan and be recorded prior to occupancy permit.

10. Parking: Parking located on the north side of the property, adjacent to Richards Lane shall buffer and shield the headlights of vehicles from the adjacent residences. Headlights shall be screened from view from the residential-zoned property located to the north to at least 3.5 feet in height above the parking surface elevation with a solid wall, sight-tight fence, evergreen shrubs, or other method as approved by the Zoning Administrator as a part of the Site Development Plan, to extend the length of the parking on the north side.

11. Water and Sewer: The site shall continue to be served by public water, with the property owner bearing all costs associated with providing the additional services that will be required. Construction of a new 3-story building, +/- 13,000 square foot

located at the northwest corner of the property on Winchester Street will require a separate water meter, per Town Code

12. Demolition: Demolition of the existing 3 story stone and block building located in the northwest portion of the property adjacent to Richards Lane shall require a permit from the Town. No final occupancy permit shall be issued on a new 3-story building, +/- 13,000 square foot located at the northwest corner of the property on Winchester Street until the above existing building has been demolished. The old building will be demolished within 6 months after the issuance of the temporary occupancy permit.

SPECIAL USE PERMIT CONDITIONS**Applicant: ST. JOHN THE EVANGELIST CATHOLIC
CHURCH****Owner: CATHOLIC DIOCESE OF ARLINGTON
(ST JOHNS CATHOLIC SCHOOL TEES)****SUP 23-01 (Supersedes SUP Dated June 3, 1986)****PINs 6984-36-7135-0000 (the "Property")****Special Use Permit Area: ± 11.0664 Zoning: R-10
Residential****Date: ~~July 11~~ December 12,
2023**

In approving a Special Use Permit, the Town Council may impose such conditions, safeguards, and restrictions as may be necessary to avoid, minimize, or mitigate any potentially adverse or injurious effect of such special uses upon other properties in the neighborhood, and to carry out the general purpose and intent of this Ordinance. The Council may require a guarantee or bond to ensure that compliance with the imposed conditions. All required conditions shall be set out in the documentation approving the Special Use Permit (SUP).

1. General: This Special Use Permit is issued covering the entire Property pursuant to the provisions of § 11-3.10 of the Town of Warrenton Zoning Ordinance.
2. Site Development: The Property shall be developed in substantial conformance with the Special Use Permit Plan entitled, "Special Use Permit Plat," prepared by Carson Land Consultants, Page 1 dated February 10, 2023 and Pages 2-4 dated December 6, 2022, all revised ~~October 26~~ May 30, 2023, consisting of four (4) sheets (the "SUP Plan"). Minor changes and adjustments may be made to the road and street alignments, entrances, parking, dimensions and location of SWM/BMP facilities, the exact configuration and location of building footprints, and other similar features as shown on the SUP Plan, provided they meet the intent of these Conditions and are approved by the Director of Community Development or the Zoning Administrator.

3. Use Parameters:
 - a. Special Use Permit Area – The Special Use Permit shall apply to the entire +/- 11.0664 acre site.
 - b. Use Limitations – The use shall be limited to a religious institution and related facilities including the church, school, and those accessory uses customarily incidental to the primary uses.
 - c. Maximum Students – The maximum number of students shall be 540 as approved in the previous SUP dated June 3, 1986.
4. Architecture: The site is located within the Historic District and is subject to Architectural Review Board, Certificates of Appropriateness (COA), and the Town of Warrenton Guide to Historic Resources. No structures shall be modified or erected until a COA has been issued. This includes walls and fences exceeding ~~42~~36” in height.
5. Signage: All signage shall comply with the applicable provisions of Article 6 of the Town of Warrenton Zoning Ordinance.
6. Site Maintenance and Refuse Collection: Any refuse storage areas shall be screened with a solid enclosure constructed of materials that are compatible with the buildings on the property. The enclosure shall have gates that prohibit viewing this area from adjoining properties and public rights-of-way. The gates shall remain closed when not in use and the trash containers shall be emptied as necessary to prevent odors or infestation by vermin. Compliance with this condition shall be demonstrated on each final site plan(s). Deliveries and refuse collection shall follow Town Code Section 11-19(9).
7. Environment: All landscaping shall be native and drought-resistant or other species as may be approved on the final site plan(s).
 - a) Landscaping – The Applicant shall make all efforts to maintain and preserve the existing mature vegetation and hardwood trees when feasible.
 - b) Minimize Clearing and Grading – The Applicant shall show the limits of clearing and grading for the site on the approved final site plan(s). For portions of buffers located outside the limits of clearing and grading, the existing vegetation shall be preserved and supplemented to meet the intent the buffer as noted above. In addition, existing trees and shrubs shall be incorporated into the landscaping plan. This does not preclude the removal of diseased, noxious and/or invasive vegetation.
 - e) Stormwater Management –The property owner is required to account for all improvements, regardless of square footage, made to the property since July 1, 2014, and design and construct for the accumulative stormwater management

for both quantity and quality in accordance with all applicable State and local requirements in effect at the time of site development plan approval.

8. Lighting:

- a. Proposed lighting shall be reviewed during the review of the Certificate of Appropriateness and at the time of site plan in accordance with the Zoning Ordinance.
- b. Building-mounted security lighting, which is full cut-off and directed toward the building and in compliance with the Zoning Ordinance, shall be permitted.
- c. All new and replacement light fixtures shall consist of full cut-off fixtures with a color temperature of 3,000 K or lower, and a maximum mounting height of 14 feet.
- d. Lighting on the school managed turf fields is prohibited.
- e. All other proposed lighting shall be addressed at site plan in accordance with the Zoning Ordinance.

9. Transportation:

- a) Vehicular Access – The site shall be accessed from the Winchester Street and John E. Mann entrances. Egress shall be controlled via a stop sign traffic control with stop bar at the exits.
- b) There shall be no stacking of vehicles into the public right-of-way. The school is responsible for ensuring drop off and pick up from the school do not result in backs ups on the public streets. Stacking on the property by accessing the school by way of Winchester Street or staggering times is required to achieve this condition.
- c) Handicapped Parking and Signage – Handicapped parking and signage for shall be provided in accordance with the PFM and the Americans with Disabilities Act.
- d) ~~Dedication of public right-of-way on Winchester Street to back of curb and an easement over Town owned utilities shall be included on the Site Development Plan and be recorded prior to occupancy permit. With the dedication of the right-of-way frontage, the property owner will submit with the site plan an agreement to retain the maintenance of the existing perimeter wall and entrance features, including the entrance apron on Winchester Street for Town review and approval.~~

10. Parking: Parking located on the north side of the property, adjacent to Richards Lane shall buffer and shield the headlights of vehicles from the adjacent residences. Headlights shall be screened from view from the residential-zoned property located to the north to at least 3.5 feet in height above the parking surface elevation with a solid wall, sight-tight fence, evergreen shrubs, or other method as approved by the Zoning Administrator as a part of the Site Development Plan, to extend the length of

the parking on the north side.

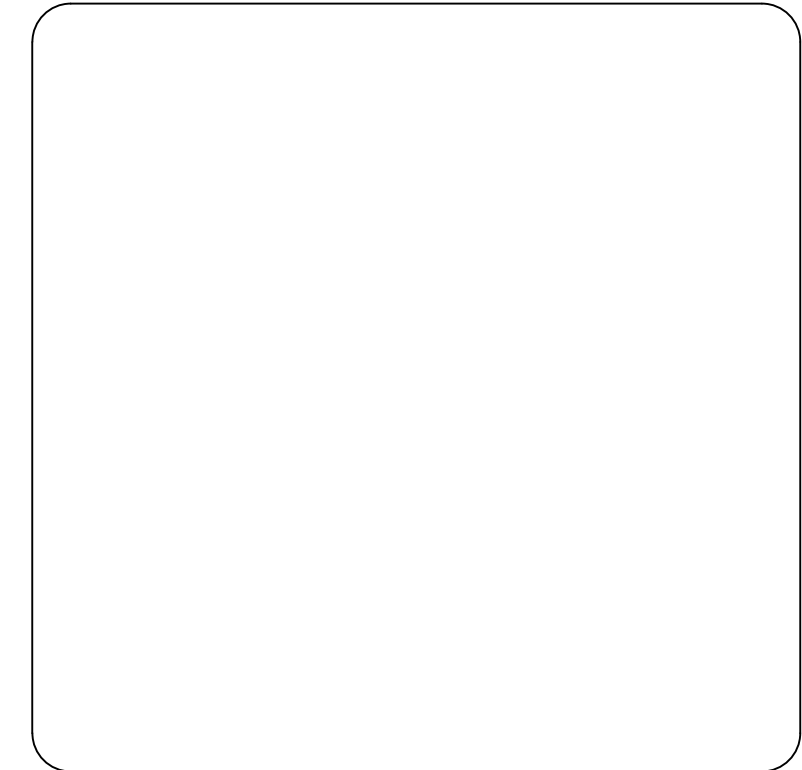
11. Water and Sewer: The site shall continue to be served by public water, with the property owner bearing all costs associated with providing the additional services that will be required. Construction of a new 3-story building, +/- 13,000 square foot located at the northwest corner of the property on Winchester Street will require a separate water meter, per Town Code

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SPECIAL USE PERMIT AMENDMENT PLAT ST JOHN THE EVANGELIST CATHOLIC CHURCH

SUP 2023-1 (AMENDMENT TO SUP DATED JUNE 3, 1986) 271 WINCHESTER STREET TOWN OF WARRENTON FAUQUIER COUNTY, VIRGINIA FEBRUARY 10, 2023 LAST REVISED: OCTOBER 26, 2023

APPROVAL BLOCK



LEGEND	
Q	CENTERLINE
CO	CLEANOUT
EX	EXISTING
HC	HANDICAPPED
EP	EDGE OF PAVEMENT
S/C	SIAMESE YARD CONNECTION
IPS	IRON PIPE SET
IPF	IRON PIPE FOUND
RET	RETAINING
PKS	PK-NAIL SET
DHS	DRILL HOLE MADE
CONC	CONCRETE
CONN	CONNECTION
TELE	TELEPHONE
STM STR	STORM SEWER STRUCTURE
STM MH	STORM SEWER MANHOLE
SAN MH	SANITARY SEWER MANHOLE
ELEC TRANS	ELECTRIC TRANSFORMER
O	WATER VALVE UNLESS NOTED
Q	SIGN
⊕	FIRE HYDRANT
⊕	LIGHT OR UTILITY POLE
FC	FACE OF CURB
7	NUMBER OF PARKING SPACES
1 LS	NUMBER OF LOADING SPACES
5 HC	NUMBER OF HANDICAP SPACES
---	PROPERTY OR RW LINES
---	CENTER LINE
---	EASEMENT LINE
---	EXISTING TRAVEL WAY/ EDGE OF PAVEMENT
---	PROPOSED EDGE OF PAVEMENT
---	EXISTING CURB AND GUTTER
---	PROPOSED CURB AND GUTTER
---	FENCE LINE
---	ROADSIDE DELINEATORS
---	RAILROAD
---	ADJACENT PROPERTY OWNERS
---	EXISTING CULVERT OR STORM LINE
---	PROPOSED CULVERT OR STORM LINE
---	STORM SEWER (PROPOSED BY OTHERS)
---	EXISTING WATERLINE
---	PROPOSED WATERLINE
---	WATERLINE (PROPOSED BY OTHERS)
---	EXISTING FIRE HYDRANT
---	PROPOSED FIRE HYDRANT
---	EXISTING SANITARY SEWER
---	PROPOSED SANITARY SEWER
---	SANITARY SEWER (PROPOSED BY OTHERS)
---	EXISTING GAS LINE
---	PROPOSED GAS LINE
---	EXISTING OVERHEAD TELEPHONE
---	EXISTING OVERHEAD ELECTRIC
---	EXISTING OVERHEAD TELEPHONE & ELECTRIC
---	EXISTING UNDERGROUND TELEPHONE
---	EXISTING UNDERGROUND ELECTRIC
---	EXISTING RETAINING WALL
---	PROPOSED RETAINING WALL
---	EXISTING POWER OR TELEPHONE POLE
---	LIGHT POLE
---	EXISTING CONTOUR W/ ELEVATION
---	PROPOSED CONTOUR W/ ELEVATION
---	EXISTING SPOT ELEVATION
---	PROPOSED SPOT ELEVATION
---	EARTH DEPRESSION
---	DITCH, SWALE, STREAM OR SPRING
---	SWAMP OR MARSH AREA
---	DRAINAGE DIVIDE
---	PATH (DIRT, GRAVEL, CRUSHED STONE, ETC.)
---	TREE LINE
---	LIMITS OF CLEARING & GRADING
---	NORTH ARROW
---	TREES AND SHRUBS
---	STD. VDOT CG-12, CURB RAMP
---	PROPOSED CONCRETE
---	PROPOSED GRAVEL
---	PROPOSED UNDERDRAIN

ADJACENT OWNERS

6984-45-0901-000
MANN, FAYE A/K/A, MANN, FAYE O
101 JOHN E MANN ST
WARRENTON VA 20186
BK 265 / PG 1584
ZONING: R-10

6984-45-1877-000
ELLIOTT, KELSEY A
216 ROBINSON ST
WARRENTON VA 20186
BK 1453 / PG 2270
ZONING: R-10

6984-45-2940-000
JAMES, CHERYL M
220 ROBINSON ST
WARRENTON VA 20186
BK 1458 / PG 1263
ZONING: R-10

6984-45-3912-000
PAYNE, MICHELLE A TRUSTEE;
PAYNE, MICHELLE ANN TRUST;
PAYNE, STEVEN C TRUSTEE;
PAYNE, STEVEN CARL TRUST
232 ROBINSON ST
WARRENTON VA 20186
BK 1587 / PG 69
ZONING: R-10

6984-46-1478-000
DEMBOVSKI, CHANTHELLE;
PEPIN, THOMAS G
348 PRESTON DR
WARRENTON VA 20186
BK 1594 / PG 1231
ZONING: R-10

6984-46-2402-000
CHESLEY, COLLEEN M;
CHESLEY, MICHAEL R
340 PRESTON DR
WARRENTON VA 20186
BK 1203 / PG 2334
ZONING: R-10

6984-46-2324-000
MUSSER, COURTNEY CANFIELD
332 PRESTON DR
WARRENTON VA 20186
BK 1587 / PG 2406
ZONING: R-10

PARKING TABULATION

IN ACCORDANCE WITH ARTICLE 7 OF THE TOWN OF WARRENTON ZONING ORDINANCE THE PARKING REQUIRED FOR THE SITE ARE AS FOLLOWS:

CHURCH: ONE (1) SPACE PER FOUR (4) SEATS DESIGN CAPACITY OF THE PRINCIPLE PLACE OF WORSHIP
SCHOOL: ONE (1) SPACE PER TWENTY-FIVE (25) CLASSROOM SEATS PLUS ONE (1) PER EMPLOYEE CALCULATED FOR THE WORK PERIOD CONTAINING THE LARGEST NUMBER OF EMPLOYEES.

REQUIREMENTS

CHURCH = 793 SEATS (PER APPROVED AMENDED SITE PLAN)
PARKING REQUIRED: 750 SEATS / 4 = 187.5 = 188 SPACES
HC PARKING REQUIRED: 7 SPACES (PER ADA)

PRESCHOOL = 100 CLASSROOM SEATS / 25 = 4 SPACES
12 EMPLOYEES = 12 SPACES
= 16 SPACES TOTAL

ST. JOHN'S SCHOOL (K-8) = 250 CLASSROOM SEATS / 25 = 10 SPACES
30 EMPLOYEES = 30 SPACES
= 40 SPACES

TOTAL NUMBER OF PARKING SPACES REQUIRED:

CHURCH 188
PRE-SCHOOL 16
SCHOOL 40
SPACES 244

TOTAL NUMBER OF PARKING SPACES PROVIDED:

244 SPACES REQUIRED
248 SPACES PROVIDED (CURRENTLY)
277 SPACES PROVIDED (WITH THIS SUP AMENDMENT)

TOTAL CHANGE WITH THIS SUP AMENDMENT:

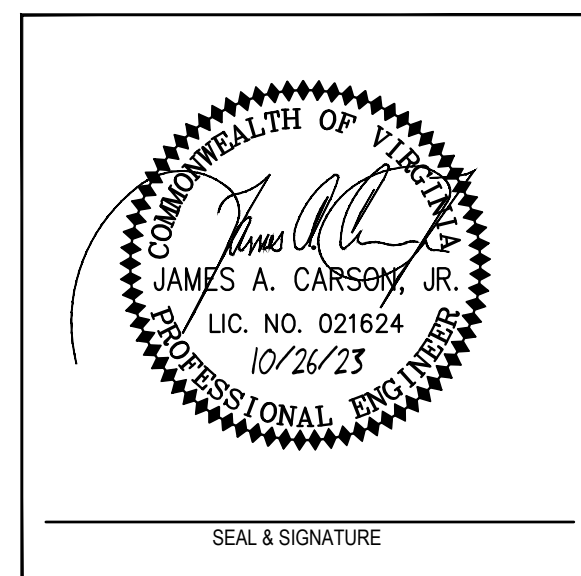
ADDITION OF 229 SPACES (SUBJECT TO CHANGE)

ENGINEER'S CERTIFICATE

I, JAMES A. CARSON, JR., A LICENSED PROFESSIONAL ENGINEER IN THE COMMONWEALTH OF VIRGINIA, DO HEREBY CERTIFY THAT THE PROPERTIES UPON WHICH THIS SITE PLAN IS PROPOSED LIE IN THE NAME OF ST. JOHN'S CATHOLIC SCHOOL TEES, AS FOUND AMONG THE LAND RECORDS OF FAUQUIER COUNTY, VIRGINIA, IN DEED BOOK 205, PAGE 59.

JAMES A. CARSON, JR. P.E. NO. 021624

**NOT FOR
CONSTRUCTION**
UNDER REVIEW



VICINITY MAP

SCALE 1"= 100'

SHEET INDEX

SHEET NO.	DESCRIPTION
1	COVER SHEET
2	EXISTING CONDITIONS PLAN
3	SPECIAL USE PERMIT PLAT
4	BUILDING ELEVATIONS
4	TOTAL NUMBER OF SHEETS IN PLAN

GENERAL NOTES

- PROJECT DESCRIPTION: THIS PROJECT PROPOSES THE CONSTRUCTION OF AN APPROXIMATELY 13,000 SQUARE FOOT, THREE FLOOR OFFICE BUILDING, SIDEWALK, SITE GRADING AND PARKING LOT IMPROVEMENTS ARE ALSO A PART OF THE PROPOSED PROJECT. APPROXIMATE 0.90 ACRE WILL BE DISTURBED DURING THE CONSTRUCTION OF THE PROJECT.
- PINS: 6984-36-7135-000
- ACREAGE: 11.0664 AC
- CURRENT USE: CHURCH, SCHOOL
- PROPOSED USE: CHURCH, SCHOOL
- OWNERS/APPLICANT: ST. JOHN'S CATHOLIC SCHOOL TEES
271 WINCHESTER STREET
WARRENTON VIRGINIA 20186
DEED BOOK 205, PAGE 59
- ZONING: RESIDENTIAL (R-10)
- ZONING REQUIREMENTS:
 - MINIMUM LOT AREA: 10,000 SQ. FT
 - MINIMUM LOT FRONTAGE: 75 FEET
 - FRONT SETBACK: MINIMUM 25 FEET
 - SIDE SETBACKS: 15 FEET
 - REAR SETBACK: 20 FEET
 - MAXIMUM LOT COVERAGE: 65% IMPERVIOUS SURFACE
 - MAXIMUM BUILDING HEIGHT: 35 FEET
- TOPOGRAPHIC INFORMATION FIELD RUN BY CARSON LAND CONSULTANTS.
 - CONTOUR INTERVAL: 2 FT
 - DATUM: NAVD 88
- THE SUBJECT PROPERTY IS LOCATED ON FEMA FLOOD INSURANCE RATE MAP, COMMUNITY-PANEL NUMBER 51061C 0306 C, DATED FEB. 6, 2008. THE PROPERTY IS LOCATED IN ZONE "X". THIS DOES NOT CONSTITUTE A FLOOD STUDY BY THIS FIRM.
- STORMWATER MANAGEMENT WILL BE ADDRESSED WITH FINAL SITE DEVELOPMENT PLAN. THE PROPOSED OFFICE BUILDING AND ASSOCIATED PARKING AND CIRCULATION IMPROVEMENTS WILL BE TREATED AS A COMMON PLAN OF DEVELOPMENT. STORMWATER MANAGEMENT WILL BE ADDRESSED BY A COMBINATION OF ON-SITE TREATMENT WITH STRUCTURAL BMPs SUCH AS BIOTENTION, DETENTION, AND/OR PURCHASE OF OFF-SITE NUTRIENT CREDITS. AS CONSULT WITH THE TOWN WILL BE REQUIRED TO DETERMINE AND APPROVE ALLOWABLE DISCHARGE INTO THE EXISTING STORM SEWER SYSTEM. THE LOCATION AND ORIENTATION OF ON-SITE FACILITIES WILL BE DETERMINED WITH THE SITE DEVELOPMENT PLANS. LOCATION AND SIZE HAVE NOT BEEN INDICATED ON THIS PLAN AS SUBSTANTIAL COMPLIANCE WITH THE SUP AMENDMENT LAYOUT WOULD BE REQUIRED. PLANS FOR STORMWATER MANAGEMENT ARE TENTATIVE AND SUBJECT TO CHANGE.

**SPECIAL USE PERMIT AMENDMENT PLAT
ST JOHN THE EVANGELIST
CATHOLIC CHURCH**
SUP 2023-1 (AMENDMENT TO
SUP DATED JUNE 3, 1986)
271 WINCHESTER STREET
TOWN OF WARRENTON
FAUQUIER COUNTY, VIRGINIA
FEBRUARY 10, 2023
LAST REVISED: OCTOBER 26, 2023



45 Main Street, 1st Floor • Warrenton VA 20186 • (540) 347-9191
CarsonLC

NOT FOR CONSTRUCTION

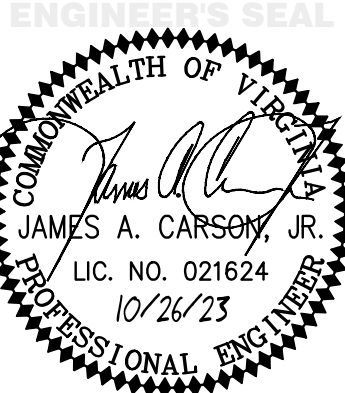
SAINT JOHN THE EVANGELIST CATHOLIC CHURCH
WARRENTON, VA

FAUQUIER COUNTY VIRGINIA

CENTER MAGISTERIAL DISTRICT

6984-36-7135
11.0664 ACRES

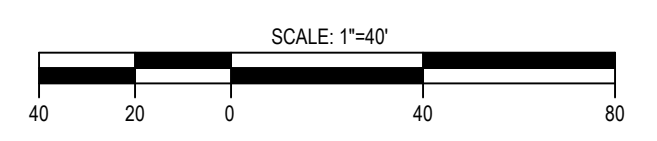
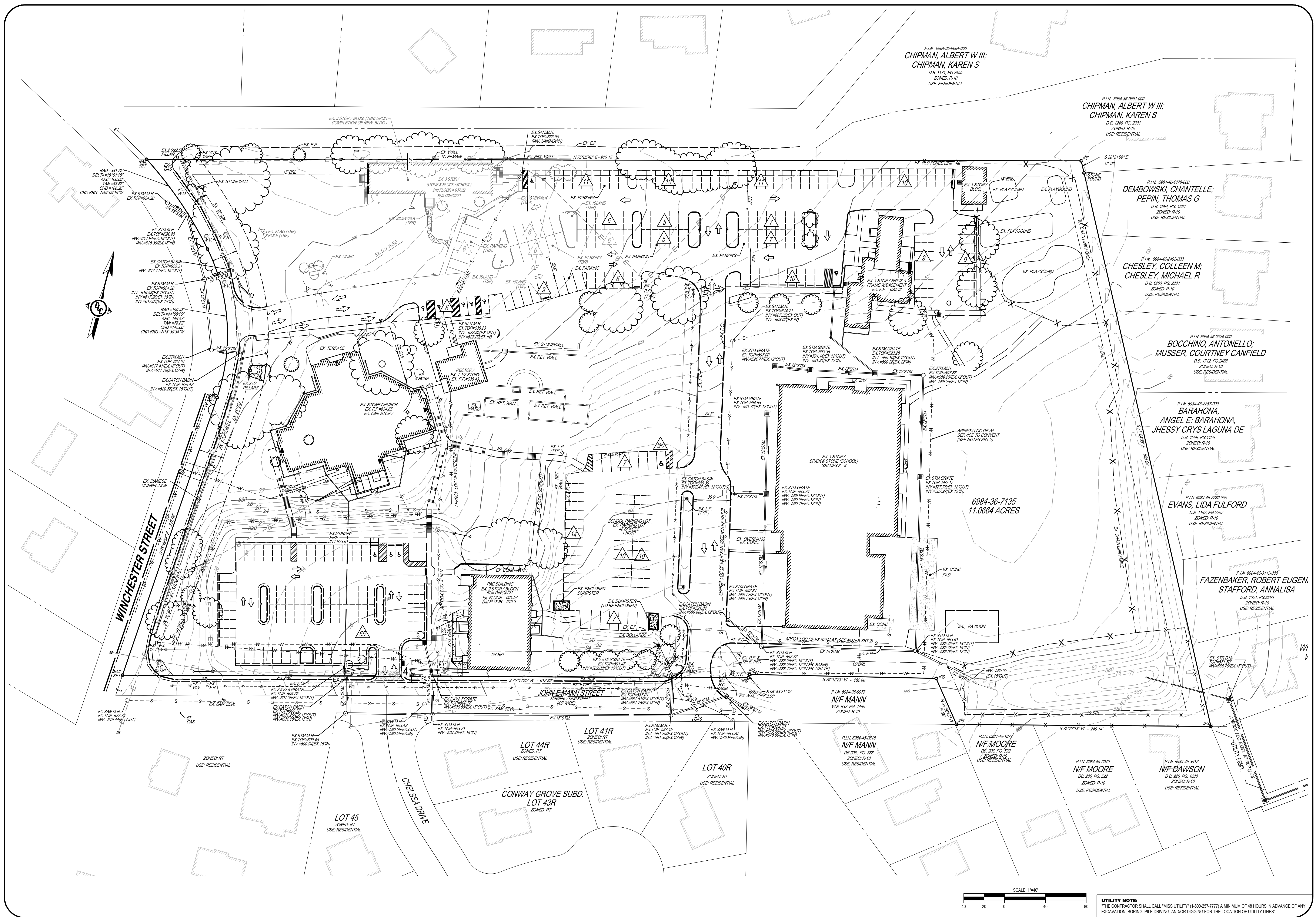
REVISIONS	
DESCRIPTION	DATE
TOWN COMMENTS	04/27/23
TOWN COMMENTS	05/23/23
CLIENT REVISION	09/19/23
CLIENT REVISION	10/26/23



EXISTING CONDITIONS PLAN

DATE: 12/6/22
SCALE: 1"=40'
SHEET 2 OF 4

SAINT JOHN'S OFFICE BUILDING



UTILITY NOTE:
THE CONTRACTOR SHALL CALL "MISS UTILITY" (1-800-257-7777) A MINIMUM OF 48 HOURS IN ADVANCE OF ANY EXCAVATION, BORING, PILE DRIVING, AND/OR DIGGING FOR THE LOCATION OF UTILITY LINES.

P:\00115600 - Office Building\Engineering\Special Permits\Presentation Drawings\00115-50 Special Permits.dwg, 10/26/2023 2:25:34 PM, vcarson

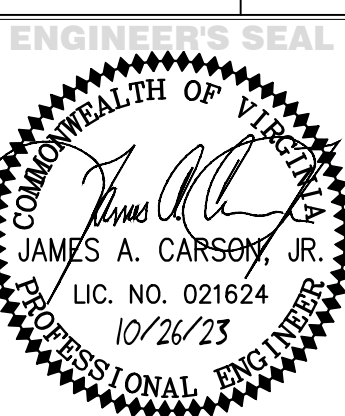
NOT FOR CONSTRUCTION

SAINT JOHN THE EVANGELIST CATHOLIC CHURCH
WARRENTON, VA

FAUQUIER COUNTY VIRGINIA

CENTER MAGISTERIAL DISTRICT

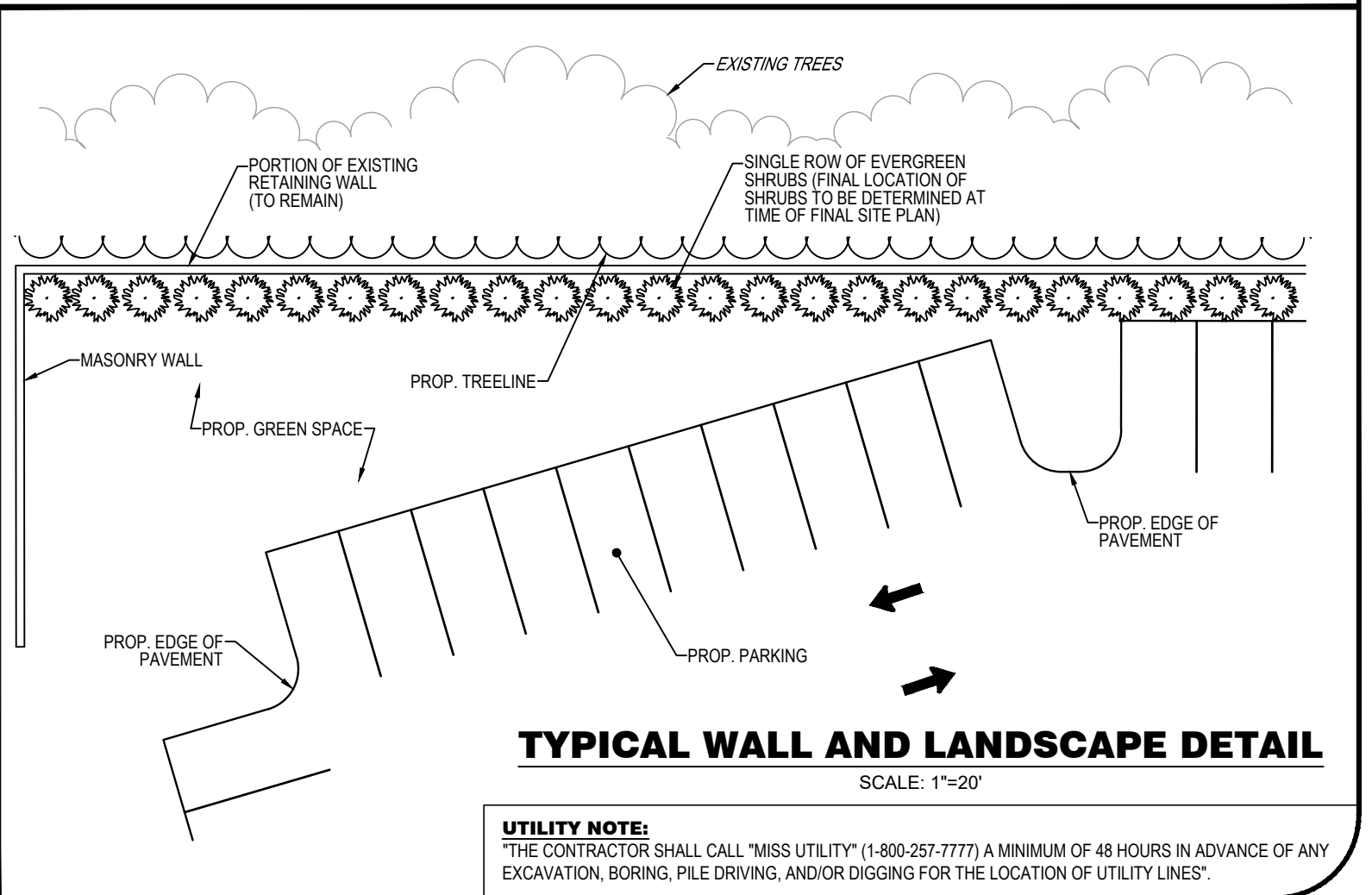
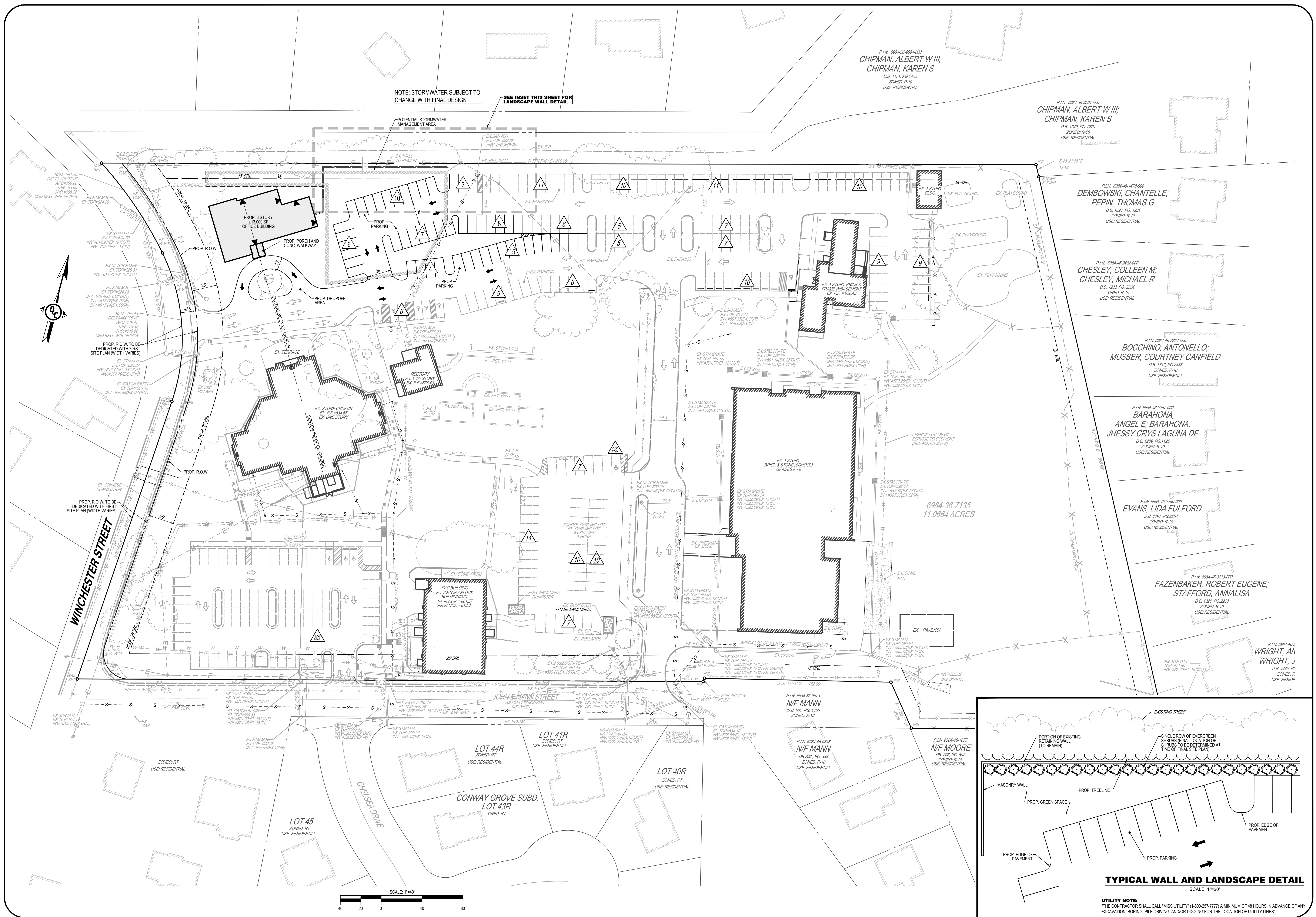
REVISIONS	
DESCRIPTION	DATE
TOWN COMMENTS	02/22/23
TOWN COMMENTS	02/22/23
TOWN COMMENTS	05/30/23
CLIENT REVISION	05/31/23
CLIENT REVISION	10/26/23



SPECIAL USE PERMIT AMENDMENT PLAT

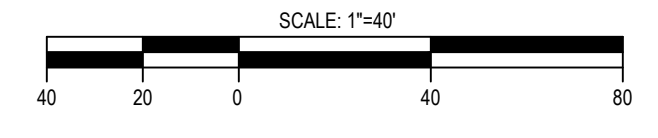
DATE:	12/6/22
SCALE:	1"=40'
SHEET	3
OF	4

SAINT JOHN'S OFFICE BUILDING



TYPICAL WALL AND LANDSCAPE DETAIL
SCALE: 1"=20'

UTILITY NOTE:
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NOTE: STORMWATER SUBJECT TO CHANGE WITH FINAL DESIGN
SEE INSET THIS SHEET FOR LANDSCAPE WALL DETAIL

P.L.N. 6884-36-8884-000
CHIPMAN, ALBERT W III;
CHIPMAN, KAREN S
D.B. 1171, PG.2453
ZONED: R-10
USE: RESIDENTIAL

P.L.N. 6884-36-8881-000
CHIPMAN, ALBERT W III;
CHIPMAN, KAREN S
D.B. 1246, PG. 2801
ZONED: R-10
USE: RESIDENTIAL

P.L.N. 6884-45-1478-000
DEMBOWSKI, CHANTELE;
PEPIN, THOMAS G
D.B. 1694, PG. 1231
ZONED: R-10
USE: RESIDENTIAL

P.L.N. 6884-45-3402-000
CHESLEY, COLLEEN M;
CHESLEY, MICHAEL R
D.B. 1301, PG. 2334
ZONED: R-10
USE: RESIDENTIAL

P.L.N. 6884-45-2324-000
BOCCHINO, ANTONELLO;
MUSSER, COURTNEY CANFIELD
D.B. 1712, PG.2488
ZONED: R-10
USE: RESIDENTIAL

P.L.N. 6884-45-2257-000
BARAHONA,
ANGEL E; BARAHONA,
JHESSY CRYSLAGUNA DE
D.B. 1208, PG. 1125
ZONED: R-10
USE: RESIDENTIAL

P.L.N. 6884-45-2280-000
EVANS, LIDA FULFORD
D.B. 1197, PG.2207
ZONED: R-10
USE: RESIDENTIAL

P.L.N. 6884-45-3113-000
FAZENBAKER, ROBERT EUGENE;
STAFFORD, ANNALISA
D.B. 1321, PG.2263
ZONED: R-10
USE: RESIDENTIAL

P.L.N. 6884-45-3
WRIGHT, J
WRIGHT, J
D.B. 1440, PG.
ZONED: R
USE: RESIDE

P.L.N. 6884-35-8873
N/F MANN
W.B. 632, PG. 1450
ZONED: R-10

P.L.N. 6884-45-0818
N/F MANN
D.B. 206, PG. 388
ZONED: R-10
USE: RESIDENTIAL

P.L.N. 6884-45-1877
N/F MOORE
D.B. 206, PG. 592
ZONED: R-10
USE: RESIDENTIAL

LOT 41R
ZONED: RT
USE: RESIDENTIAL

LOT 44R
ZONED: RT
USE: RESIDENTIAL

LOT 40R
ZONED: RT
USE: RESIDENTIAL

CONWAY GROVE SUBD.
LOT 43R
ZONED: RT

LOT 45
ZONED: RT
USE: RESIDENTIAL

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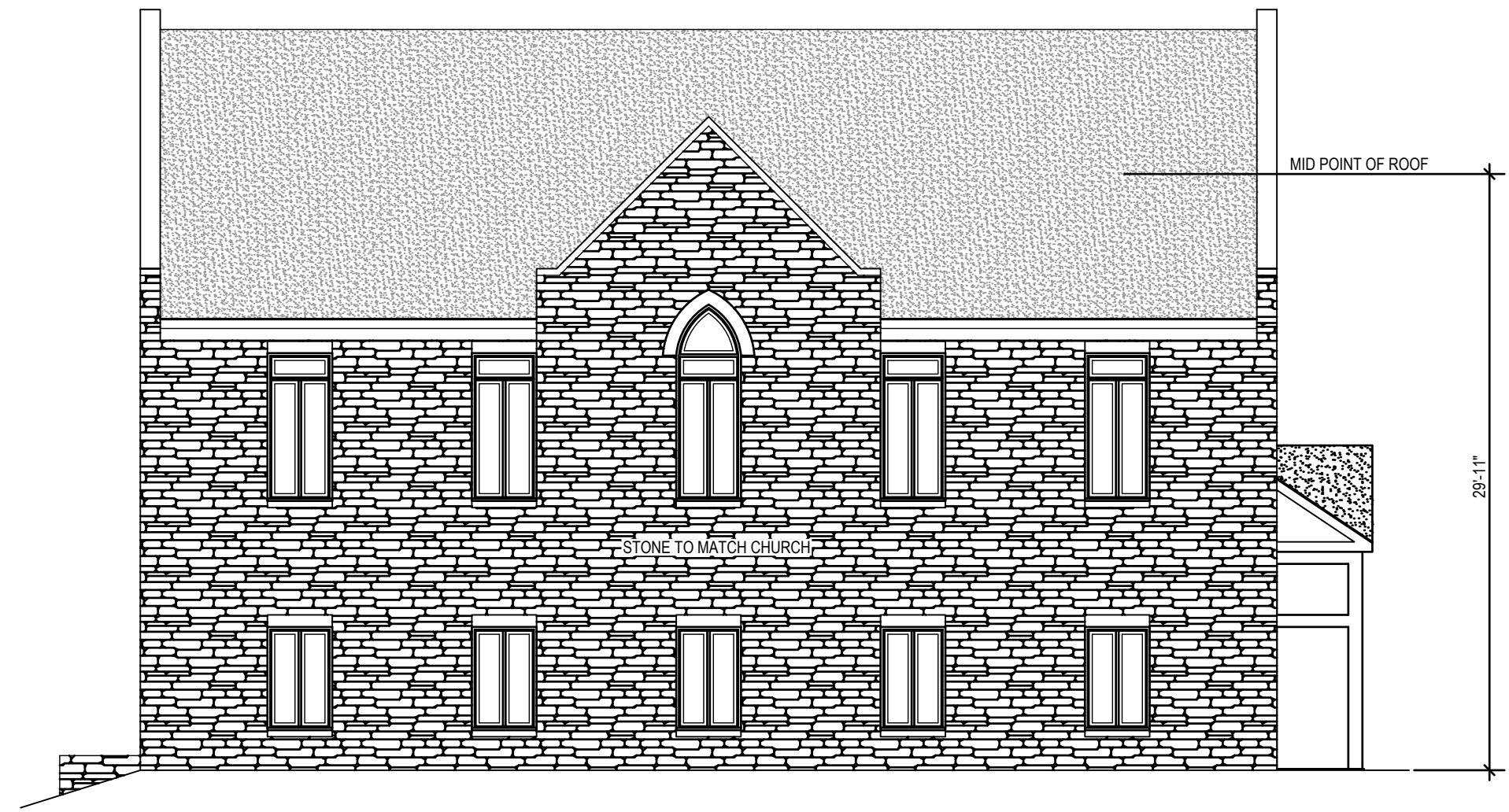
FAUQUIER COUNTY VIRGINIA

**SAINT JOHN THE EVANGELIST
 CATHOLIC CHURCH**
 WARRENTON, VA

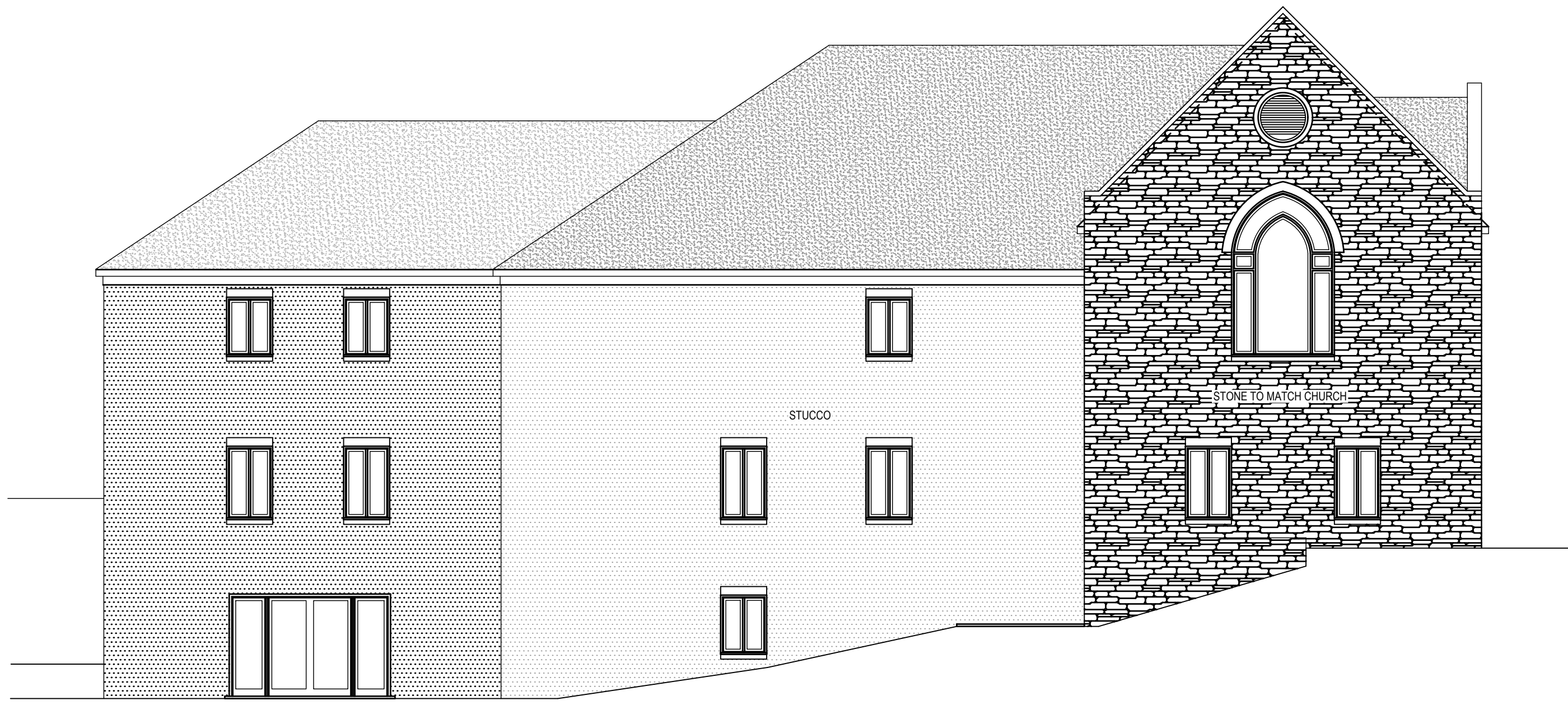
CENTER MAGISTERIAL DISTRICT



EAST ELEVATION
SCALE: 1/8" = 1'-0"



WEST ELEVATION - FACING WINCHESTER STREET
SCALE: 1/8" = 1'-0"

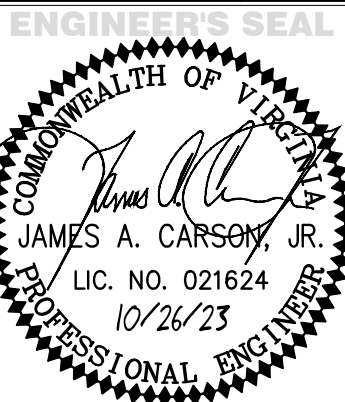


NORTH ELEVATION
SCALE: 1/8" = 1'-0"



SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

REVISIONS	
DESCRIPTION	DATE
TOWN COMMENTS	02/22/23
TOWN COMMENTS	04/27/23
TOWN COMMENTS	05/30/23
CLIENT REVISION	08/11/23
CLIENT REVISION	10/26/23



BUILDING ELEVATIONS

DATE:	12/6/22
SCALE:	1"=20'
SHEET	4
	OF 4

UTILITY NOTE:
 THE CONTRACTOR SHALL CALL "MISS UTILITY" (1-800-257-7777) A MINIMUM OF 48 HOURS IN ADVANCE OF ANY EXCAVATION, BORING, PILE DRIVING, AND/OR DIGGING FOR THE LOCATION OF UTILITY LINES.

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SPECIAL USE PERMIT AMENDMENT CONDITIONS

Applicant: ST. JOHN THE EVANGELIST CATHOLIC CHURCH
Owner: CATHOLIC DIOCESE OF ARLINGTON (ST JOHNS CATHOLIC SCHOOL TEES)
SUP 23-01 (Supersedes SUP Dated June 3, 1986)
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Special Use Permit Area: ± 11.0664 Zoning: R-10 Residential
Date: ~~July 11~~ December 12, 2023

In approving a Special Use Permit, the Town Council may impose such conditions, safeguards, and restrictions as may be necessary to avoid, minimize, or mitigate any potentially adverse or injurious effect of such special uses upon other properties in the neighborhood, and to carry out the general purpose and intent of this Ordinance. ~~The Council may require a guarantee or bond to ensure that compliance with the imposed conditions. All required conditions shall be set out in the documentation approving the Special Use Permit (SUP).~~

Commented [Applicant1]: Applicant notes this is an SUP Amendment as Church is amending existing Church use; no new use proposed.

- 1 General: This Special Use Permit is issued covering the entire Property pursuant to the provisions of § 11-3.10 of the Town of Warrenton Zoning Ordinance.
- 2 Site Development: The Property shall be developed in substantial-general conformance with the Special Use Permit Plan entitled, "Special Use Permit Plat," prepared by Carson Land Consultants, Page 1 dated February 10, 2023 and Pages 2-4 dated December 6, 2022, ~~all revised May 30, last revised October 26, 2023~~, consisting of four (4) sheets (the "SUP Plan"). Minor changes and adjustments may be made to the road and street alignments, entrances, parking, dimensions and location of SWM/BMP facilities, the exact configuration and location of building footprints, and other similar features as shown on the SUP Plan, provided they meet the intent of these Conditions and are approved by the Director of Community Development or the Zoning Administrator.

3 Use Parameters:

- a Special Use Permit Area – The Special Use Permit shall apply to the entire +/- 11.0664-acre site.
- b Use Limitations – The use shall be limited to a religious institution and related facilities including the church, school, and those accessory uses customarily incidental to the primary uses.
- c Maximum Students – The maximum number of students shall be 540 as approved in the previous SUP dated June 3, 1986.

4 Architecture: The site is located within the Historic District and is subject to Architectural Review Board, Certificates of Appropriateness (COA), and the Town of Warrenton Guide to Historic Resources. No structures shall be modified or erected until a COA has been issued. This includes walls and fences exceeding 36" in height.

5 Signage: All signage shall comply with the applicable provisions of Article 6 of the Town of Warrenton Zoning Ordinance.

6 Site Maintenance and Refuse Collection: Any refuse storage areas shall be screened with a solid enclosure constructed of materials that are compatible with the buildings on the property. The enclosure shall have gates that prohibit viewing this area from adjoining properties and public rights-of-way. The gates shall remain closed when not in use and the trash containers shall be emptied as necessary to prevent odors or infestation by vermin. Compliance with this condition shall be demonstrated on each final site plan(s). Deliveries and refuse collection shall follow Town Code Section 11-19(9).

7 Environment: All landscaping shall be native and drought-resistant or other species as may be approved on the final site plan(s).

- a) Landscaping – The Applicant shall make all efforts to maintain and preserve the existing mature vegetation and hardwood trees when feasible.
- b) Minimize Clearing and Grading – The Applicant shall show the limits of clearing and grading for the site on the approved final site plan(s). For portions of buffers located outside the limits of clearing and grading, the existing vegetation shall be preserved and supplemented to meet the intent the buffer as noted above. In addition, existing trees and shrubs shall be incorporated into the landscaping plan. This does not preclude the removal of diseased, noxious and/or invasive vegetation.
- c) Stormwater Management – The property owner is required to account for all improvements, regardless of square footage, made to the property since July 1, 2014, and design and construct for the accumulative stormwater management for both quantity and quality in accordance with all applicable State and local

requirements in effect at the time of site development plan approval.

APPLICANT'S PROPOSED LANGUAGE CHANGE FOR CLARITY:

c) Stormwater Management – Stormwater Management shall be designed and constructed in accordance with Virginia DEQ and Town ordinances in effect at the time said SWM is required.

8 Lighting:

- a Proposed lighting shall be reviewed during the review of the Certificate of Appropriateness and at the time of site plan in accordance with the Zoning Ordinance.
- b Building-mounted security lighting, which is full cut-off and directed toward the building and in compliance with the Zoning Ordinance, shall be permitted.
- c All new and replacement light fixtures shall consist of full cut-off fixtures with a color temperature of 3,000 K or lower, and a maximum mounting height of 14 feet.
- d Lighting on the school managed turf fields is prohibited.

APPLICANT'S PROPOSED LANGUAGE CHANGE FOR CLARITY:

d) Permanent lighting on the school-managed turf fields is prohibited unless approved by the Town.

- e All other proposed lightings shall be addressed at site plan in accordance with the Zoning Ordinance.

9 Transportation:

- a) Vehicular Access – The site shall be accessed from the Winchester Street and John E. Mann entrances. Egress shall be controlled via a stop sign traffic control with stop bar at the exits.
- b) There shall be no stacking of vehicles into the public right-of-way. The school is responsible for ensuring drop off and pick up from the school do not result in backups on the public streets. Stacking on the property by accessing the school by way of Winchester Street or staggering times is required to achieve this condition.
- c) Handicapped Parking and Signage – Handicapped parking and signage for shall be provided in accordance with the PFM and the Americans with Disabilities Act.
- d) Dedication of public right-of-way on Winchester Street shall be included on the Site Development Plan and be recorded prior to occupancy permit. With the dedication of the right-of-way frontage, the property owner will submit with the site plan an agreement to retain the maintenance of the existing perimeter wall and entrance features, including the entrance apron on Winchester Street for Town review and approval.

Commented [Applicant2]: Applicant states this situation has been resolved as indicated to Planning Commission. Can language be revised for greater clarity?

APPLICANT'S PROPOSED LANGUAGE CHANGE FOR CLARITY:

d) Dedication of public street right-of-way to the back of the existing curb along Winchester Street and easements over Town-owned utilities beyond said right-of-way shall be included on the Site Development Plan and be recorded prior to occupancy permit. Upon dedication of said right-of-way and utility

easements, the Town will assume ownership and maintenance of the existing facilities therein.

STAFF'S 11/17/23 PROPOSED LANGUAGE:

d) Winchester Street – Dedication of the right-of-way to the back of the curb and recordation of an easement over Town-owned utilities on Winchester Street will occur at the time of site plan approval.

10. **Parking:** Parking located on the north side of the property, adjacent to Richards Lane shall buffer and shield the headlights of vehicles from the adjacent residences. Headlights shall be screened from view from the residential-zoned property located to the north to at least 3.5 feet in height above the parking surface elevation with a solid wall, sight-tight fence, evergreen shrubs, or other method as approved by the Zoning Administrator as a part of the Site Development Plan, to extend the length of the parking on the north side.
11. **Water and Sewer:** The site shall continue to be served by public water, with the property owner bearing all costs associated with providing the additional services that will be required. Construction of a new 3-story building, +/- 13,000 square foot located at the northwest corner of the property on Winchester Street will require a separate water meter, per Town Code
12. **Demolition:** Demolition of the existing 3 story stone and block building located in the northwest portion of the property adjacent to Richards Lane shall require a permit from the Town. No final occupancy permit shall be issued on a new 3-story building, +/- 13,000 square foot located at the northwest corner of the property on Winchester Street until the above existing building has been demolished. The old building will be demolished within 6 months after the issuance of the temporary occupancy permit.

SPECIAL USE PERMIT AMENDMENT CONDITIONS

**Applicant: ST. JOHN THE EVANGELIST CATHOLIC
CHURCH**

**Owner: CATHOLIC DIOCESE OF ARLINGTON (ST JOHN'S CATHOLIC
SCHOOL TEES)**

**SUP 23-01 (Supersedes SUP Dated June 3, 1986) PINs 6984-36-7135-0000
(the "Property") Special Use Permit Area :± 11.0664 Zoning: R-10
Residential**

Date: November 14, 2023

In approving a Special Use Permit Amendment, the Town Council may impose such conditions, safeguards, and restrictions as may be necessary to avoid, minimize, or mitigate any potentially adverse or injurious effect of such special uses upon other properties in the neighborhood, and to carry out the general purpose and intent of this Ordinance. The Council may require a guarantee or bond to ensure that compliance with the imposed conditions. All required conditions shall be set out in the documentation approving the Special Use Permit Amendment (SUP).

1. General: This Special Use Permit Amendment is issued covering the entire Property pursuant to the provisions of § 11-3.10 of the Town of Warrenton Zoning Ordinance.
2. Site Development: The Property shall be developed in general conformance with the Special Use Permit Amendment Plan entitled, "Special Use Permit Amendment Plat," prepared by Carson Land Consultants, Page 1 dated February 10, 2023 and Pages 2-4 dated December 6, 2022, last revised October 26, 2023, consisting of four (4) sheets (the "SUP Amendment Plan"). Minor changes and adjustments may be made to the site layout shown on the SUP Plan, provided they meet the intent of these Conditions and are approved by either the Director of Community Development or the Zoning Administrator.
3. Use Parameters:
 - a. Special Use Permit Area – The Special Use Permit shall apply to the entire site.
 - b. Use Limitations – The permitted uses shall be limited to the church, to the school and those other uses and activities that are ancillary to and customarily incidental to a place of worship and to a school. Such uses include, but are not limited to, parish houses, rectories, parsonages, Sunday schools, accessory nursery/childcare during services, church-sponsored events, administrative offices, etc.

Maximum Students – The maximum number of students shall be 540
4. Site Maintenance and Refuse Collection: New refuse storage areas shall be screened with a solid enclosure constructed of materials that are compatible with the buildings on the property. The enclosure shall have gates that prohibit viewing this area from adjoining properties and public rights-of-way. The gates shall remain closed when not in use and the trash containers shall be emptied as necessary to prevent odors or infestation by vermin. Compliance with this condition shall be demonstrated on each final site plan(s). Deliveries and refuse collection shall follow Town Code Section 11- 19(9).
5. Environment: All landscaping shall be native and drought-resistant or other species may be approved on the final site plan(s).

- a. Landscaping – The Applicant shall make all reasonable efforts to maintain and preserve the existing mature vegetation and hardwood trees when feasible.
- b. Minimize Clearing and Grading – The Applicant shall show the limits of clearing and grading for the site on the approved final site plan(s). For portions of buffers located outside the limits of clearing and grading, the existing vegetation shall be preserved to the extent reasonable and supplemented to meet the intent of the buffer as noted below. In addition, existing trees and shrubs shall be incorporated into the landscaping plan. This does not preclude the removal of diseased, failing, noxious and/or invasive vegetation.
- c. Stormwater Management (SWM) –Stormwater Management shall be designed and constructed in accordance with DEQ and Town ordinances in effect at the time said SWM is required.

6. Lighting:

- a. Proposed lighting shall be reviewed during the review of the Certificate of Appropriateness and at the time of site plan in accordance with the Zoning Ordinance.
- b. Building-mounted security lighting, which is full cut-off and directed toward the building and in compliance with the Zoning Ordinance, shall be permitted.
- c. All new and replacement light fixtures shall consist of full cut-off fixtures with a color temperature of 3,000 K or lower, and a maximum mounting height of 14 feet.
- d. Permanent lighting on the school managed turf fields is prohibited unless approved by the Town.
- e. All other proposed lighting shall be addressed at site plan in accordance with the Zoning Ordinance.

7. Transportation:

- a) Vehicular Access – The site shall be accessed from the Winchester Street and the John E. Mann entrances.
- b) Applicant will make reasonable effort to continue to minimize stacking of vehicles into the public right-of-way through the use of stacking on the property by accessing the school by way of Winchester Street and/ or by staggering times to achieve this condition.
- c) Dedication of right-of-way to the back of the existing curb on Winchester Street shall be included on the Site Development Plan and be recorded prior to occupancy permit. Upon dedication of the right-of-way to the back of the existing curb , the Town will assume assume ownership and maintenance of existing facilities therein.

8.

Parking: Parking located on the north side of the property, adjacent to Richards Lane shall

be buffered to shield the headlights of vehicles from the adjacent residences. Headlights shall be screened from view of the residentially-zoned property located to the north to at least 3(three) feet in height above the parking surface with, at the owner's discretion, either a solid wall, sight-tight fence, evergreen shrubs, or other method as approved by the Zoning Administrator as a part of the Site Development Plan. Any new shrubs planted to supplement the existing screen shall be at least 2 (two) feet in height within 1 (one) year of planting.

9.

Demolition: Demolition of the existing administration building located in the northwest portion of the property adjacent to Richards Lane shall require a permit from the Town. Upon construction of the new administration building, the Town will issue a temporary occupancy permit. No final occupancy permit shall be issued on a new administration building located at the northwest corner of the property on Winchester Street until the existing administration building has been demolished, which must occur within 6 months from the issuance of the temporary occupancy permit for the new administration building.

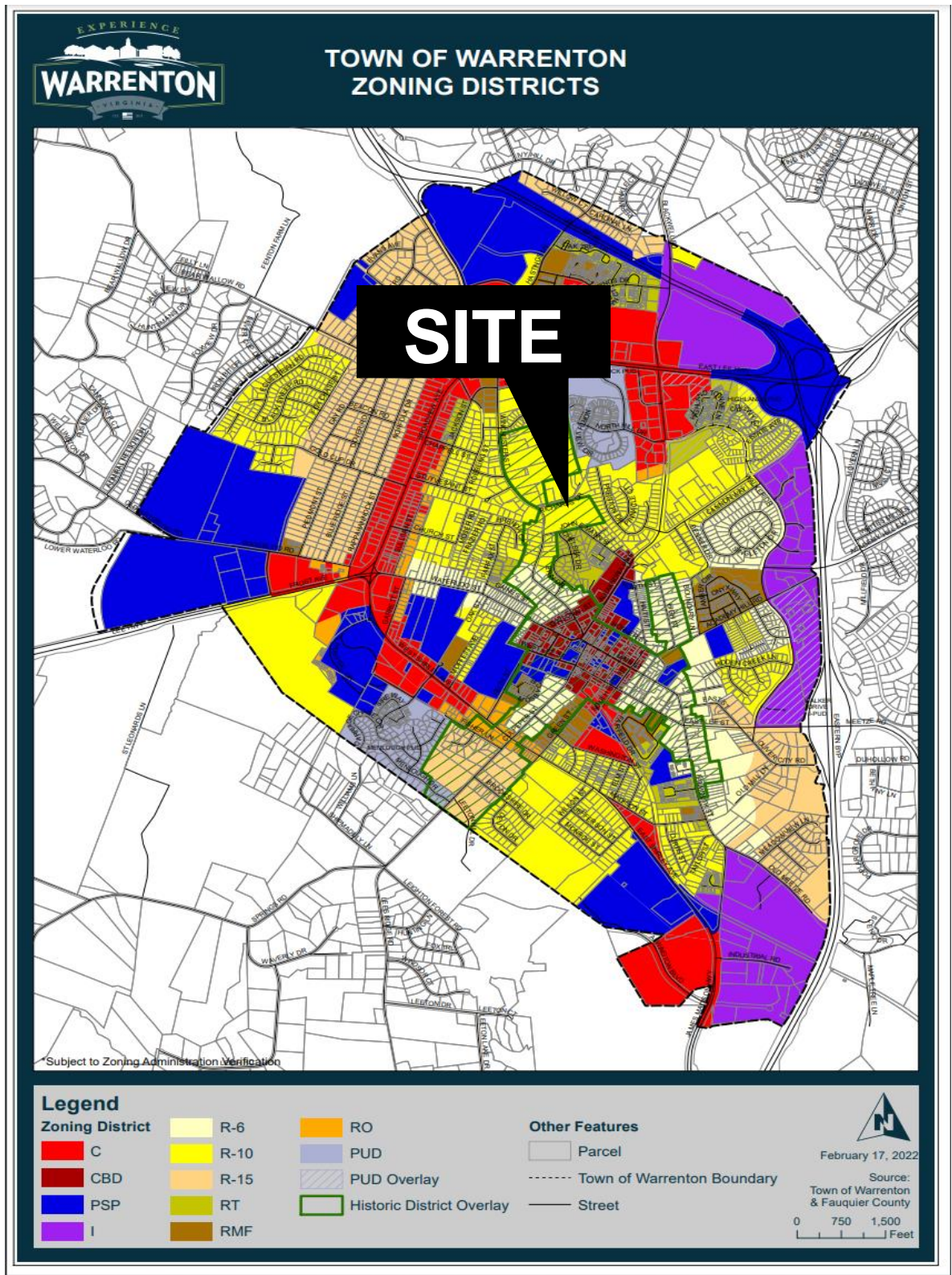
Attachment A - Map
VICINITY MAP



Attachment A - Map
AERIAL MAP



Attachment A - Map EXISTING ZONING MAP



Attachment A - Map FUTURE LAND USE MAP

FUTURE LAND USE

Character Districts

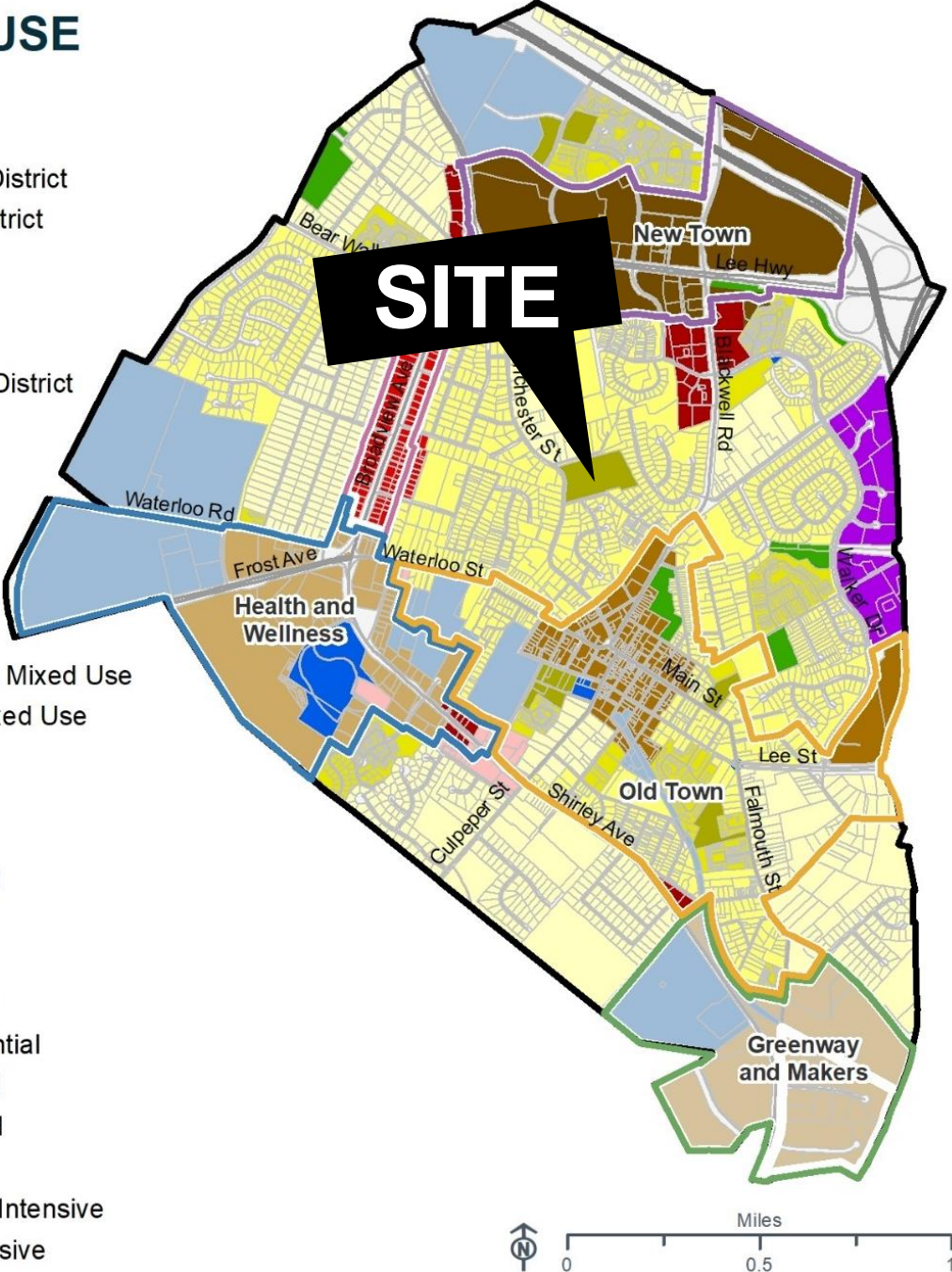
- Greenway and Makers District
- Health and Wellness District
- New Town District
- Old Town District

Overlay Districts

- Broadview Commercial District
- Makers District

Future Land Use

- Greenway and Wellness Mixed Use
- Health and Wellness Mixed Use
- Old Town Mixed Use
- New Town Mixed Use
- Office
- Re-Planned Commercial
- Commercial
- Light Industrial
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Live-Work Neighborhood
- Park
- Public/Semi-Public Non-Intensive
- Public/Semi-Public Intensive



Staff Analysis

This analysis is based on the Comprehensive Plan, Zoning Ordinance, and review comments by Town Departments. The standards/analysis tables in the sections below contain the criteria for Planning Commission and Town Council consideration of Special Use Permits, per Article 11-3.1.3.

This request for a Special Use Permit for St John the Evangelist to amend the exiting 1986 SUP to allow for a new building in accordance with Article 3-4.2 and Article 11-3.10 of the Town Zoning Ordinance. The proposal is to demolish an existing approximately 11,000 square foot building with a new 13,000 square foot building. The property is operating under a Special Use Permit that was approved to allow for a school. The Special Use Permit has not been updated since 1986 to reflect the uses and needs of the property. However, through time, multiple improvements have been made to the property, including the church expanded in 2002/3, modifications to the stone wall in 2007, improvements were done to the Parish Activity Center in 2015, and the school expanded in 2017. This SUP application is the opportunity to update the 11 acres to reflect the proposed new building and provide an accounting stormwater, parking, refuse, open space, and lighting for the uses contained on the parcel.

The following table summarizes the area characteristics (see maps in Attachment A):

Direction	Land Use	Future Land Use Map Designation	Zoning
North	SF Residential	Residential	R-10 Residential
South	SF Residential	Residential	RT Multi-Family
East	SF Residential	Residential	R-10 Residential
West	SF Residential	Residential	R-10 Residential

The subject parcel is zoned to the R-10 Residential District of the Town of Warrenton Zoning Ordinance and is designated as Live Work Neighborhood on the Future Land Use Map. The subject parcel (GPIN 6984-36-7135-000) is located at 271 Winchester Street on approximately 11.0664 acres.

Comprehensive Plan Future Land Use and Historic Resources Analysis

Plan Warrenton 2040 labels this parcel in the Future Land Use Map is designated as Live Work outside of a Character District. It is also located within the Historic District. The Historic District goals state:

- Conserve, reuse, and promote historic resources to enhance the Town’s sense of place and grow the economy.
- Preserve the authenticity and tell the stories of historic resources for generations to come through documentation. Educate the community on the value of historic resources.
- Enhance the environment through preservation and sustainability best practices.

- Protect the rich histories of existing neighborhoods.
- Promote asset-based economic development through historic resources.

Standard	Analysis
<i>Whether the proposed Special Use Permit is consistent with the Comprehensive Plan.</i>	The proposed use falls within the future land use designation of Live Work as listed in the Comprehensive Plan and is located within the Historic District.
<i>The compatibility of the proposed use with other existing or proposed uses in the neighborhood, and adjacent parcels.</i>	The church property is adjacent to existing residential single-family homes. A church and school are permissible uses within the Residential R-10 zoning district, requiring a Special Use Permit.

Staff Findings

The historical survey of the existing building found it to be non-contributing. The applicant has held a work session with the Architectural Review Board to begin the process of discussion for the new building scale, massing, and materials. A Condition of Approval for the SUP addresses the need to obtain a Certificate of Appropriateness. The applicant intends to develop a building up that meets new building codes, in keeping with the context and character of the area.

Zoning Analysis

The legislative intent of the Residential R-10 District is this district is composed of certain low concentrations of residential uses, plus certain open space areas where similar development would be consistent with the provisions of the Town’s Comprehensive Plan. The regulations of this district are designed to stabilize and protect the essential characteristics of the district and promote and encourage suitable environment for single-family residential units and prohibit all activities of a commercial nature, except neighborhood professional businesses. To these ends, development in low density single unit dwellings, plus certain compatible uses by special use permit.

Standard	Analysis
<i>The level and impact of any noise emanating from the site, including that generated by the proposed use, in relation to the uses in the immediate area.</i>	The proposed use is adjacent to existing residential single-family detached dwellings. All non-residential uses must meet the noise standards under Article 9-14.2. No change of use is proposed.
<i>The proposed location, lighting and type of signs in relation to the proposed use, uses in the area, and the sign requirements of this Ordinance.</i>	The applicant has not proposed any new signage with the new building.

Standard	Analysis
<p><i>The location and area footprint with dimensions (all drawn to scale), nature and height of existing or proposed buildings, structures, walls, and fences on the site and in the neighborhood.</i></p>	<p>An SUP plan has been provided showing the location of the existing church, associated accessory buildings and proposed office building.</p> <p>The proposed 3-story office building is noted at 13,000 square feet. The plan shows an existing church, 1-story school, rectory, and 1 story building with a basement.</p> <p>There is an existing retaining wall located at the northwestern corner of the property, and a proposed retaining wall is noted along the proposed office building. The applicant states “the proposed building height will be approximately 35’ or less” based on a calculation using the average proposed grade along the outside of the building. The applicant states “variations in the final site grading will change the building height calculation.”</p> <p>The ARB will review the retaining wall to ensure compliance with the Historic District.</p>
<p><i>The nature and extent of existing or proposed landscaping, screening and buffering on the site and in the neighborhood.</i></p>	<p>No new landscaping detail is proposed on the SUP Plan, except a call out for the area around the existing retaining wall. Staff has indicated to the applicant that as presented it does not meet the ordinance requirements, which will be required at time of site plan submission</p>
<p><i>The timing and phasing of the proposed development and the duration of the proposed use.</i></p>	<p>Timing of construction will depend on receiving site plan approval. The applicant has proposed a condition that would call for the demolition of the existing building prior to final occupancy of the new building.</p>
<p><i>Whether the proposed Special Use Permit at the specified location will contribute to or promote the welfare or convenience of the public.</i></p>	<p>The additional office space may allow the church to better serve the community. Updating the Conditions of Approval to address stacking in the public right-of-way will promote safety on John E. Mann Street.</p>
<p><i>Whether, in the case of existing structures proposed to be converted to uses requiring a Special Use Permit, the structures meet all code requirements of the Town of Warrenton.</i></p>	<p>Any new structures will be required to meet current codes.</p>

Standard	Analysis
<i>The location, character, and size of any outdoor storage.</i>	No outdoor storage is shown on the SUP plan.
<i>The location of any major floodplain and steep slopes.</i>	No floodplain is located on site.
<i>The location and use of any existing non-conforming uses and structures.</i>	The proposed structure must meet all required setbacks and permissible uses should the SUP be granted.
<i>The location and type of any fuel and fuel storage.</i>	No fuel storage areas are noted on site.
<i>The location and use of any anticipated accessory uses and structures.</i>	The office building is proposed to be built at the Northwest corner of the site.
<i>The area of each proposed use.</i>	The proposed area for the new office building is 13,000 square feet.
<i>The location and screening of parking and loading spaces and/or areas.</i>	The applicant has revised the plan to show all existing parking spaces; conformance with the minimum required parking for the use(s) a found in Article 7 will be reviewed in detail as a part of the Site Development Plan. Perimeter parking lot landscaping is required The applicant provided a “Typical Wall and Landscape Detail” on the SUP Plan but it will have to meet ordinance requirements.
<i>The location and nature of any proposed security features and provisions.</i>	Not applicable.
<i>Any anticipated odors which may be generated by the uses on site.</i>	The site must remain in compliance with Article 9-14.5 regarding the control of odors.
<i>Refuse and service areas.</i>	Refuse is identified on the SUP Plan. The Statement of Justification acknowledges conformance with refuse storage requirements will be verified at the time of site plan.
<i>Whether the proposed Special Use Permit will result in the preservation or destruction, loss or damage of any significant topographic or physical, natural, scenic, archaeological or historic feature.</i>	No significant or topographic areas are noted on site.
<i>The effect of the proposed Special Use Permit on environmentally sensitive land or natural features, wildlife habitat and vegetation, water quality and air quality. The location of any major floodplain and steep slopes.</i>	The applicant will address stormwater at time of site plan. The SUP Plan includes topo and general placement of improvements. The applicant stated they do not anticipate blasting.
<i>The glare or light that may be generated by the proposed use in relation to uses in the immediate area.</i>	A condition of approval includes lighting standards for the site and the applicant will be required to meet the ordinance.

Staff Findings

During agency review of the application, staff raised several potential issues and asked the applicant to address them. Highlights of issues include the potential inability to meet landscaping buffer requirements, details on lighting, preliminary stormwater design, proposed refuse locations, and height and dimensions of the building to confirm required setbacks, retaining walls, parking, travelways, and landscape buffers for staff to ensure the proposal will meet requirements. Staff is aware that stormwater and landscape buffer solutions can be expensive to engineer. Staff sought to help the applicant understand that staff cannot ensure this proposal works at Site Development Plan without more information and/or requested waivers.

As part of the agreement between the church for the pre-school expansion in 2017, in an email from Carson Land Consultants to the Town on August 4, 2017, the applicant's engineer confirmed "but if and when St John's does anything else in the future, the land disturbance from this project plus the next will trigger the VPDES permit." The Town engineer responded with the statement "However, when they move to the next phase, we will go back to any upgrade during and after 2014."

Draft Conditions of Approval have been drafted to attempt to address potential stormwater and lighting issues.

Transportation and Circulation Analysis

The Transportation and Circulation goals for the Town of Warrenton are:

- Improve multi-modal capacity and safety that encourages trips by walking, bicycling, and transit. Enhance the traveling experience by creating great streets.
- Promote livability in the Town by creating great places where residents and visitors feel welcome and safe.
- Provide an equitable and connected Multi-Modal Network.

<u>Standard</u>	<u>Analysis</u>
<i>The traffic expected to be generated by the proposed use, the adequacy of access roads and the vehicular and pedestrian circulation elements (on and off-site) of the proposed use, all in relation to the public's interest in pedestrian and vehicular safety, efficient traffic movement and access in case of fire or catastrophe.</i>	The church site is used for multiple uses including a pre-school – 8 th grade school, parish activity center for community events, outdoor managed turf fields, a rectory, and the multi-use office building.
<i>Whether the proposed use will facilitate orderly and safe road development and transportation.</i>	

Staff Findings

The Warrenton Volunteer Fire Department requested consideration of wider access roads, strict enforcement of no parking areas, more fire hydrants, and ensuring flat areas 1/4th of the height of the

building. Community Development staff raised concerns about perimeter parking, understanding of the impervious surface dimensions (e.g. parking and travelways), and information regarding school pick off and drop off to prevent stacking in the public right-of-way. Public Works and Utilities raised the 1986 condition of dedicating the right-of-way to the centerline of Winchester Street. The applicant acknowledged these items and stated they would be addressed at site plan. Staff has worked to try to develop a set of draft conditions of approval to address the right of way, potential maintenance needs and who is responsible for them, and vehicle stacking in the public right-of-way. It should also be noted there is no proposed sidewalk along the frontage of Winchester Street. Normally a subdivision is the trigger for installing a sidewalk. In this case, the applicant is not subdividing the property.

Community Facilities and Environmental Analysis

Plan Warrenton 2040 outlines Community Facilities goals and Environmental goals by stating:

- Green infrastructure and sustainability are incorporated into community facilities to promote energy efficiency and environmental protections.
- Ensure healthy, safe, adequate water and wastewater services.
- Preserve, enhance, and protect the environmental, scenic, and natural quality of the Town.

<u>Standard</u>	<u>Analysis</u>
<i>Whether the proposed Special Use Permit will be served adequately by essential public facilities, services and utilities.</i>	There is an existing water and sewer system on the parcel. The applicant has indicated a potential stormwater management area with a note that stormwater is subject to change with final design on the SUP Plan.
<i>The location of any existing and/or proposed adequate on and off-site infrastructure.</i>	

Staff Findings

The Town Public Works and Utilities Department cannot verify the disturbance work or the erosion and sediment control measures and calculations without more information provided. The applicant was provided information from 2017 site development plan that stated the additional disturbance related to the recently constructed education building (per SDP 2017-01) will be considered accumulative to this new SUP application (per SUP-23-01) and will trigger the Commonwealth's SWM Regulations, as indicated in General Note 12 of the 2017 of the Saint John the Evangelist Roman Catholic Church SDP sheet 2. Public Works and Utilities also informed the applicant that at least a 10% reduction in runoff and nutrients from the site. Per February 2, 2017, memorandum (SDP 2017-01 St. John's Catholic Church Pre-School Addition letter), the additional disturbance will be considered accumulative to this SUP application and will trigger the Commonwealth's SWM Regulations, as indicated in General Note 12 of the 2017 of the Saint John the Evangelist Roman Catholic Church SDP sheet 2. Further concern from Public Works is the site plan must ensure that the existing drainage on Winchester Street has adequate capacity to convey drainage from this improved site.

Public Works requested a Stormwater Master Plan for the site showing how stormwater is proposed to leave the site and how it meets the Stormwater Town's Ordinance criteria. This relates to the recently constructed education building (per SDP 2017-01) and the proposed new building. Staff is unable to ensure all these concerns have been addressed until more detail is provided at site plan.

The applicant states they will address all outstanding issues at time of Site Development Plan.

Economic Resources Analysis

An economic goal of Plan Warrenton 2040 is to promote a diverse, equitable stable tax base while preserving the character of the community.

<u>Standard</u>	<u>Analysis</u>
<i>Whether the proposed Special Use Permit use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan.</i>	The proposed use does not change the existing uses on the property.
<i>The number of employees.</i>	Unknown. Students is capped at 540.
<i>The proposed days/hours of operation.</i>	Unknown.

Staff Findings

The proposal does not change the existing economic use of the site.

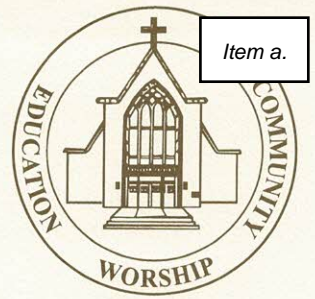
Conditions of Approval

The Planning Commission recommended conditions of approval for the Town Council’s consideration.



SAINT JOHN THE EVANGELIST CHURCH

271 Winchester Street
Warrenton, Virginia 20186
(540) 347-2922



Statement of Justification

The church has an existing Special Use Permit for all the current uses on this property and has been operating on this site for 63 years. No new use is being requested. The church would like to demolish the existing cinder block office building and replace it with a new office building of similar size. The existing building was constructed as classroom and dormitory space in the early '40's and is located right on the property line abutting a residential neighborhood with no setback. The church has worked for the past two years to develop a plan to renovate the existing building to make it ADA accessible, install central HVAC, and manipulate the configuration to accommodate the modern needs of the church, but the cost was tremendous and given the shape of the existing building, the space was still not suitable for current needs.

The new building would be placed on the site to be on axis with the church and will meet all current setbacks. It will be finished in stone and stucco to match the church. The demolition of the existing building will allow for increased parking on the site to help mitigate any overflow onto neighboring streets. All new landscaping and any change in parking lot lighting will be presented on the site development plan and will be in accordance with all town ordinances. The schematic design of the building has already been presented to the town Architectural Review Board and has received their blessing.

The new building will provide a much better, fully accessible work environment, but will not increase the number of employees or increase the hours of operation. There will be no change to the service or refuse areas already located on the site.

As mentioned above, the church has had this use on the property for 63 years and it was used as the Stuyvesant School for decades before that. For as far back in the records as we could find, the future land use map has designated this parcel as Public/Semi Public – Intense. Only recently, and undisclosed to the church, this was changed to Live/Work Neighborhood. The church is an established use and has no intention of vacating this property. The zoning on the ground is still R-10 and allows for this use with a Special Use Permit which the church already possesses. Therefore, we are requesting that the existing Special Use Permit be amended to allow the existing office building to be demolished and reconstructed in a more favorable location on the site.



Civil Engineering ♦ Land Surveying ♦ Land Planning

Saint John – SUP Amendment

Addendum to Statement of Justification

January 26, 2023

Revised February 10, 2023

Additional items requested in letter from Town dated January 23, 2023

- The existing conditions are shown on sheet 2 of the permit plat. Existing conditions are provided for the entire parcel.
- The SUP plat shows existing trees in vicinity of the existing building and the proposed building that will replace it. All previous approved plans and amendments have an approved landscape plan. A landscape plan associated with the proposed building will be required and provided at site development plan. At that time screening and buffering will be provided per Ordinance requirements. In addition, and in accordance with final design plans, existing trees between Winchester Street and the proposed building will be preserved to the extent possible.
- A copy of the previous SUP plat and conditions of approval have been provided in the form of a zoning determination letter dated January 6, 2017. We have also provided a copy of a master plan that may have been associated with the original special use permit approved June 3, 1986.
- Existing and proposed parking has been shown on the SUP amendment. No change is made to the existing required parking tabulation as provided in the Pre-School Addition plan approved on August 1, 2017. For the purposes of this application, more parking is being added to the site, while no increase to use/intensity is proposed. Therefore, adequate parking will be provided. Detailed parking tabulation will be required and provided with the site development plan.

Evaluation Criteria; Issues for Consideration

1. Whether the proposed Special Use Permit is consistent with the Comprehensive Plan.

Evaluation: The amended Special Use Permit is consistent with the Comprehensive Plan, as no change in use is proposed.

2. Whether the proposed Special Use Permit will adequately provide for safety from fire hazards and have effective measures of fire control.

Evaluation: The new office building is the same size as the old one, therefore current provisions for safety from fire hazards and effective

measures of fire control should be adequate. In addition, measures will be evaluated with site development and building plan as appropriate.

3. The level and impact of any noise emanating from the site, including that generated by the proposed use, in relation to the uses in the immediate area.

Evaluation: No additional noise shall be generated. Intensity of use is not being changed.

4. The glare or light that may be generated by the proposed use in relation to uses in the immediate area.

Evaluation: No additional light shall be generated. Intensity of use is not being changed. Commercial building and parking lot lighting if proposed will be required to meet Ordinance standards.

5. The proposed location, lighting and type of signs in relation to the proposed use, uses in the area, and the sign requirements of this Ordinance.

Evaluation: No signs are being proposed with the new building.

6. The compatibility of the proposed use with other existing or proposed uses in the neighborhood, and adjacent parcels.

Evaluation: No changes to the site's use is proposed. The site is compatible currently and this application only proposes to replace an existing building.

7. The location and area footprint with dimensions (all drawn to scale), nature and height of existing or proposed buildings, structures, walls, and fences on the site and in the neighborhood.

Evaluation: Shown on the SUP plat.

8. The nature and extent of existing or proposed landscaping, screening and buffering on the site and in the neighborhood.

Evaluation: No changes to landscaping, existing features are shown on the SUP plat. Additional landscaping will be required associated with the new building location and parking layout. A landscape plan will be provided and approved with a site development plan following the SUP amendment process.

9. The timing and phasing of the proposed development and the duration of the proposed use.

Evaluation: No changes to timing and phasing and duration of the proposed use. The church property is long-standing and is already integrated into the community.

10. Whether the proposed Special Use Permit will result in the preservation or destruction, loss or damage of any significant topographic or physical, natural, scenic, archaeological or historic feature.

Evaluation: The applicant is working with the ARB in terms of the existing building and any historical significance. It should be noted that a portion of the existing building foundation will be preserved to the extent practical and used as a retaining wall. This will reduce the impact of grading and construction on the existing features to be preserved.

11. Whether the proposed Special Use Permit at the specified location will contribute to or promote the welfare or convenience of the public.

Evaluation: The church property is long-standing and is integrated into the community.

12. The traffic expected to be generated by the proposed use, the adequacy of access roads and the vehicular and pedestrian circulation elements (on and off-site) of the proposed use, all in relation to the public's interest in pedestrian and vehicular safety, efficient traffic movement and access in case of fire or catastrophe.

Evaluation: No additional traffic beyond what is already existing.

13. Whether the proposed use will facilitate orderly and safe road development and transportation.

Evaluation: No change to roads or internal travelways.

14. Whether, in the case of existing structures proposed to be converted to uses requiring a Special Use Permit, the structures meet all code requirements of the Town of Warrenton.

Evaluation: The existing structure is to be demolished as the building can longer be serviced and maintained to current building standards. A new building is necessary to provide all code requirements.

15. Whether the proposed Special Use Permit will be served adequately by essential public facilities, services and utilities.

Evaluation: The new office building is the same size and use as the old one, so all services will be adequate.

16. The effect of the proposed Special Use Permit on environmentally sensitive land or natural features, wildlife habitat and vegetation, water quality and air quality.

Evaluation: The proposed building will be constructed in an existing open grass area. The land does not contain environmentally sensitive features that contribute to wildlife, water or air quality.

17. Whether the proposed Special Use Permit use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan.

Evaluation: Not applicable.

18. The effect of the proposed Special Use Permit use in enhancing affordable shelter opportunities for residents of the Town, if applicable.

Evaluation: Not applicable.

19. The location, character, and size of any outdoor storage.

Evaluation: Not applicable.

20. The proposed use of open space.

Evaluation: Not applicable.

21. The location of any major floodplain and steep slopes.

Evaluation: Not applicable.

22. The location and use of any existing non-conforming uses and structures.

Evaluation: Not applicable.

23. The location and type of any fuel and fuel storage.

Evaluation: Not applicable.

24. The location and use of any anticipated accessory uses and structures.

Evaluation: Not applicable.

25. The area of each proposed use.

Evaluation: No changes of use. Only replacement of an existing building.

26. The proposed days/hours of operation.

Evaluation: No change to operation. Church use is predominantly on Sunday and the school is Monday through Friday during the day. The purpose of the amendment is the replacement building.

27. The location and screening of parking and loading spaces and/or areas.

Evaluation: Location of parking indicated on the plat. Screening to be addressed with landscape plan required at site development plan.

28. The location and nature of any proposed security features and provisions.

Evaluation: Provided on SUP plat, if applicable.

29. The number of employees.

Evaluation: Not applicable, existing uses with no changes.

30. The location of any existing and/or proposed adequate on and off-site infrastructure.

Evaluation: Provided.

31. Any anticipated odors which may be generated by the uses on site.

Evaluation: Not applicable.

32. Refuse and service areas.

Evaluation: Refuse and service areas will be accommodated with site development plan. Adequate area is available across the parcel.

There being no further business, the meeting adjourned.

Respectfully submitted,

Evelyn J. Weimer
Evelyn J. Weimer
Recorder

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE TOWN OF
WARRENTON HELD ON TUESDAY, JUNE 3, 1986

The regular meeting of the Council of the Town of Warrenton was held on Tuesday, June 3, 1986 at 7:00 p.m. in the Council Chambers of the Municipal Building.

The following members were present: Mr. J. W. Lineweaver, Mayor; Benjamin T. Harris, Vice-Mayor; Councilmen J. Frederick Austin, Jr.; Frank S. Foley; Robert J. Hockensmith; John L. Mann, Sr.; Councilwoman Kathryn A. Carter; Donald A. Smith, Acting Town Manager; Carroll J. Martin, Jr., Town Attorney, and Evelyn J. Weimer, Town Recorder.

The meeting was opened with invocation by Reverend Donald W. Pickens, Pastor, Warrenton Assembly of God.

All members received copies of the minutes of the regular meeting of May 6, 1986 and the recessed meeting of May 8, 1986. Miss Carter requested that page 3, paragraph 2 of the minutes of the recessed meeting of May 8, 1986 be corrected to read: "On a motion by Miss Carter, seconded by Mr. Austin, Council voted to ask Mr. Bendall to see if elections could be held the first Tuesday in May. If this is not possible, Council requested elections take place the last Tuesday in April preceding April 22nd."

On a motion by Mr. Hockensmith, seconded by Mr. Foley, Council approved the minutes of the regular meeting as presented and the minutes of the recessed meeting of May 8, 1986 as corrected.


Next on the agenda was to hear from visitors. Mrs. Beverly K. Hunsaker, Secretary of the Baha'i Local Spiritual Assembly of Fauquier County, appeared before Council to request Council passage of a proclamation declaring 1986 the year of Peace in the Town of Warrenton. Miss Carter expressed concern that the Town would be setting a precedent to allow visitors to speak on matters other than Town business. The Mayor told Mrs. Hunsaker it was not Council policy to pass a proclamation without first reviewing it. Mrs. Hunsaker left a copy of the proclamation for consideration.

Next was the Public Hearing on the application of Arlington Catholic Diocese for a special use permit for expansion of the St. John Catholic School and Church at 271 Winchester Street.

The Mayor stated the Public Hearing had been properly advertised.

The Mayor declared the Public Hearing open at 7:08 p.m. Mr. James Downey, Attorney, addressed Council on behalf of the Arlington Catholic Diocese. Mr. Downey stated the Church had been at its present location for 25 years. The current enrollment of the school is 203. Mr. Downey stated the school would be constructed in two phases. In Phase I, the present school would be closed and used for meetings and special functions. Phase I would increase enrollment to 270 students and would be completed in approximately 1 1/2 years. Phase II, would increase enrollment to 540 and include a relocation of the convent. The church would be constructed over a period of ten years or more.

There being no one other person to speak for and no one to speak against the application, the Mayor declared the Public Hearing closed at 7:15 p.m.



The Acting Town Manager stated that the architect's plans had been submitted indicating that the Church owned all of King Street and to the centerline of Winchester Street. Town Staff recommended a special use permit be granted only if the Arlington Diocese agreed to construct the public improvements and submit a plan prepared by a registered surveyor.

On a motion by Mr. Hockensmith, seconded by Mr. Mann, Council approved the special use permit for expansion of St. John's Church and School located at 271 Winchester Street subject to proper site plan review and resolution of the street right-of-ways.

Next was the Public Hearing on the application of the Warrenton Assembly of God Church for a special use permit to operate a pre-school program in the Church located at 276 Cleveland Street.

The Public Hearing had been properly advertised and the Mayor opened the Public Hearing at 7:28 p.m.

Reverend Donald Pickens stated that the Warrenton Assembly of God would like to operate a pre-school for children ages 2-5. He stated they were going through the process of obtaining all necessary permits.

There being no one else to speak for and no one to speak against the application, the Mayor declared the Public Hearing closed at 7:29 p.m.

On a motion by Mr. Harris, seconded by Miss Carter, Council approved the application of Warrenton Assembly of God for a special use permit to operate a pre-school program in the Church located at 276 Cleveland Street.

Next on the agenda was a Public Hearing on the application of Fauquier Temporary Family Shelter Coalition for a special use permit to operate a temporary shelter in an RMF zone on land owned by the County of Fauquier located at Keith and E. Franklin Streets.

The Public Hearing had been properly advertised and the Mayor declared the public hearing open at 7:31 p.m.

Mr. Steve Crosby, Fauquier County Administrator, stated the Board of Supervisors approved a portion of County land to be used by the shelter. The costs of relocation of the house will be funded by the Department of Social Services and FISH. The County will be responsible for the maintenance of the house after relocation.

Mrs. Jan Selbo, Director of the Department of Social Services, stated that her agency would be responsible for admissions to the shelter. She stated they would receive referrals from other community service organizations such as FISH, Community Action, and the Health Department. Social Services would use the services of the Town Police Department to screen people who would be using the shelter. Department of Social Services will make daily visits to the shelter when it is occupied and would be on call for emergencies.

Mrs. Jean Davis of FISH stated her organization is all-volunteer. They provide food, transportation, fuel, pay utility bills, purchase medical supplies and subscriptions and supply emergency housing for those who cannot obtain it through other sources. She stated the need was great for a shelter of this kind. She stated from July 1 through December 31, 1985, FISH received 41 requests for emergency housing assistance, but they only handled 7 of these, involving 14 people. FISH volunteers housed these 14 people in their own homes. She stated the Social Services Department has received 45 calls this year and only helped 2. Fauquier Community Action receives 5-10 calls per week for this kind of assistance.

Moving and renovating the house will be financed entirely by donations.



TOWN OF WARRENTON

POST OFFICE DRAWER 341
 WARRENTON, VIRGINIA 20188-0341
<http://www.warrentonva.gov>
 TELEPHONE (540) 347-1101
 FAX (540) 349-2414
 TDD 1-800-828-1120

January 6, 2017

David A. Norden, AIA
 Hinckley, Shepherd, Norden, Architects
 19 Winchester Street
 Warrenton, Virginia 20186

RE: Zoning Determination Letter for 271 Winchester Street (GPIN 6984-36-7135-000)

Dear Mr. Norden:

In response to your request for a Zoning Determination Letter for the above-mentioned property within the Town of Warrenton, please note the following:

- The zoning district for the parcel in question is R-10 (Residential). The parcel lies within the Historic District and is subject to the regulations of this Zoning Overlay District.
- The 2006 Zoning Ordinance R-10 District requires a Special Use Permit for church and school uses. However, the existing uses, Saint John the Evangelist Catholic Church and School received a Special Use Permit on June 3, 1986 to expand the church and school. The Special Use Permit included the following:
 - Construction of a school within two phases:
 - Phase I: Use of existing school for meetings and special functions. Increase enrolment from 203 to 270 students within approximately 1 ½ years.
 - Phase II: Increase enrolment to 540 students and relocate the convent.
 - Construction of the church would occur over a period of 10 years or more.

Conditions for the Special Use Permit approved on June 3, 1986 included:

- Proper Site Plan Review
- Resolution of Street Right-of-Ways
- As per the Special Use Permit approved on June 3, 1986, expansion of the school to allow the enrolment of up to 540 students is allowed by right upon approval of a Site Plan. All applicable Federal, state, and local regulations will need to be met for Site Plan approval. This includes, but is not limited to items such as:
 - Approval by the Architectural Review Board

- Building Code Regulations
- Public Facilities Manual Regulations
- Storm Water Management Regulations
- Zoning Ordinance Regulations
 - Impervious surfaces maximums (65%)
 - Setbacks (30ft front; 15ft side; 20ft rear)
 - Height (35 ft – up to 60 feet for institutional/church uses provided setbacks are increased 1ft per each foot above 35ft)
 - Parking requirements per Article 7
 - Landscaping requirements per Article 8

As the documentation that the Town has regarding the approved Special Use Permit is limited, it would be helpful if we could obtain a copy of the architect's plans submitted for the Special Use Permit application. Mr. James Downey was the attorney for the Special Use Permit application.

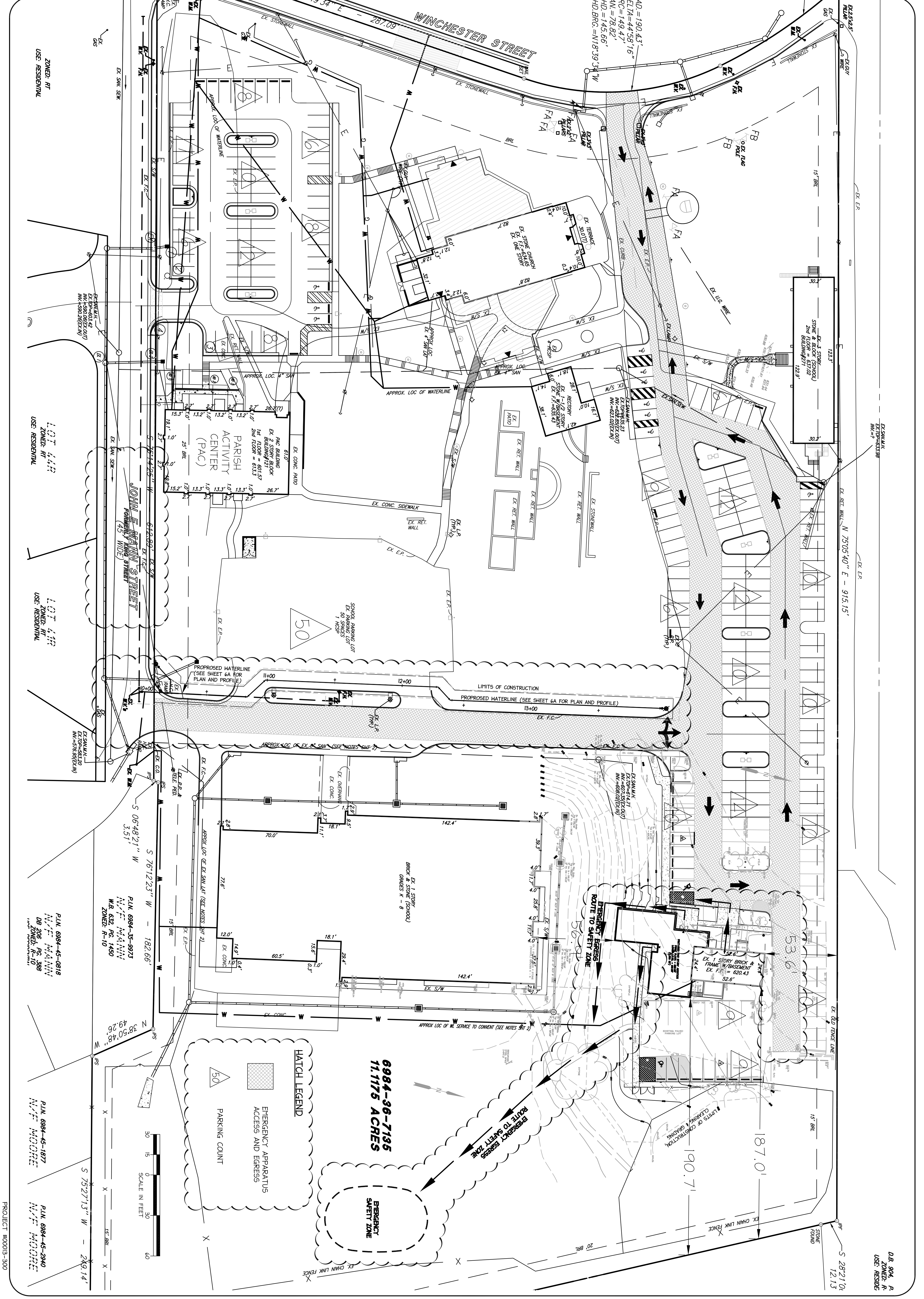
This Zoning Confirmation Letter only applies to the subject property noted above. This is a formal decision by the Zoning Administrator of the Town of Warrenton, Virginia. Any person aggrieved by any decision of the Zoning Administrator may take an appeal to the Board of Zoning Appeals. Such appeal shall be taken within thirty (30) days of the date of this letter by filing with the Zoning Administrator a notice of such appeal specifying the grounds thereof. The decision shall be final and unappealable if not appealed within thirty (30) days. The fees for filing an appeal are \$250.00 plus the cost of advertising and property notice mailings. Classified advertising is placed in the local paper for two consecutive weeks prior to the meeting with costs averaging around \$500.00. The cost for property notice mailings varies and depends on the number of adjacent owners. The adjacent property notices are sent via first class mail at the current first class postage rate, which is \$.48. The Zoning Office is located at 18 Court Street within Town Hall. Hours of operation are from 8 AM until 4:30 PM Monday through Friday. If you have any questions regarding this notice or would like additional information about the appeal process, please do not hesitate to contact me at (540) 347-2405.

Sincerely, .



Brandie M. Schaeffer
Director of Planning & Community
Development Department
Town of Warrenton

CC: File



ZONED: RT
 USE: RESIDENTIAL
 L.O.T. 4.48
 ZONED: RT
 USE: RESIDENTIAL
 L.O.T. 4.18
 ZONED: RT
 USE: RESIDENTIAL
 P.L.N. 6984-45-0818
 DATE: 11/14/11
 DB 206, PG. 388
 ZONED: R-10
 P.L.N. 6984-45-1877
 DATE: 11/14/11
 DB 206, PG. 388
 ZONED: R-10
 P.L.N. 6984-45-2940
 DATE: 11/14/11
 DB 206, PG. 388
 ZONED: R-10

WINCHESTER STREET
 JOHN E MANN STREET
 STONE & BLOCK SCHOOL
 PARISH ACTIVITY CENTER (PAC)
 SCHOOL PARKING LOT
 EMERGENCY EGRESS ROUTE TO SAFETY ZONE
 EMERGENCY EGRESS ROUTE TO SAFETY ZONE
 EMERGENCY SAFETY ZONE
 6984-36-7195
 11.175 ACRES
 HATCH LEGEND
 EMERGENCY APPARATUS ACCESS AND EGRESS
 PARKING COUNT
 SCALE IN FEET
 DATE: 6-12-17
 PROJECT #0003-300

COMMONWEALTH OF VIRGINIA
 PROFESSIONAL ENGINEER
 JAMES A. CARSON, JR.
 I.C. NO. 021624
 6-12-17

OVERALL SITE & EMERGENCY ACCESS PLAN
SAINT JOHN THE EVANGELIST
ROMAN CATHOLIC CHURCH
 TOWN OF WARRENTON
 FAUQUIER COUNTY, VIRGINIA

CARSON
 LAND CONSULTANTS
 Land Planning, Surveying & Site Design
 45 Main Street, 1st Floor • Warrenton VA 20186 • (503) 347-9191
 www.CarsonLC.com



Town Council Public Hearing
SUP 23-1 St John the Evangelist
July 11, 2023

Request

Item a.

Amend June 3, 1986 SUP

- **GPIN Applicant:** 6984-36-7135-000
- **Property Owner:** Catholic Diocese of Arlington (St Johns Catholic School Tees)
- **Representative:** Jim Carson
- **Zoning:** R-10 Residential
- **Comprehensive Plan:** Live Work Neighborhood
- SUP Amendment to allow for *(demolition permit approval required)* the demolition of a 11,000 sq ft classroom/dormitory building and construction of a 13,000 sq ft, three floor office building *(ARB COA required)*

Proposed Location



Previous SUP Approval

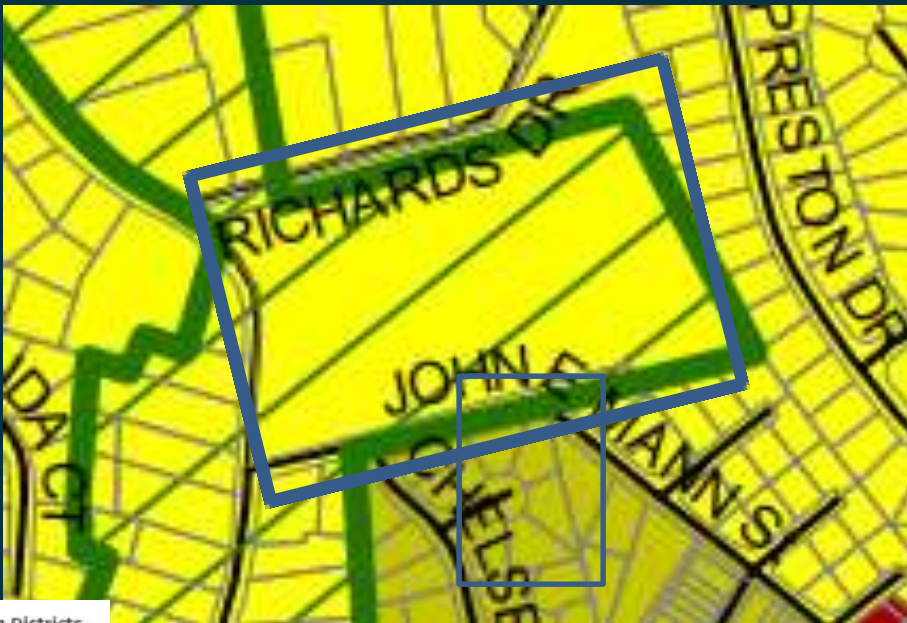
Item a.

- June 3, 1986 SUP Approval for Expansion of Church and School
- Town Council Minutes/2017 Zoning Determination Letter
 1. Construct School in two phases
 2. Phase 1 enrollment 270
 3. Phase 2 enrollment 540
 4. Relocate the convent
 5. Right of way dedication to centerline of King Street (aka John E Mann Street) and Winchester
- SDP 2017 -01
 - Public Works and Utility stated SWM/BMP calculations would not be required at that time *“however, as new projects are proposed by the Church, the additional work will be considered accumulative to this plan and will trigger the Commonwealth’s SWM Regulations.”*

Adjacent Uses

Item a.

Zoning Map



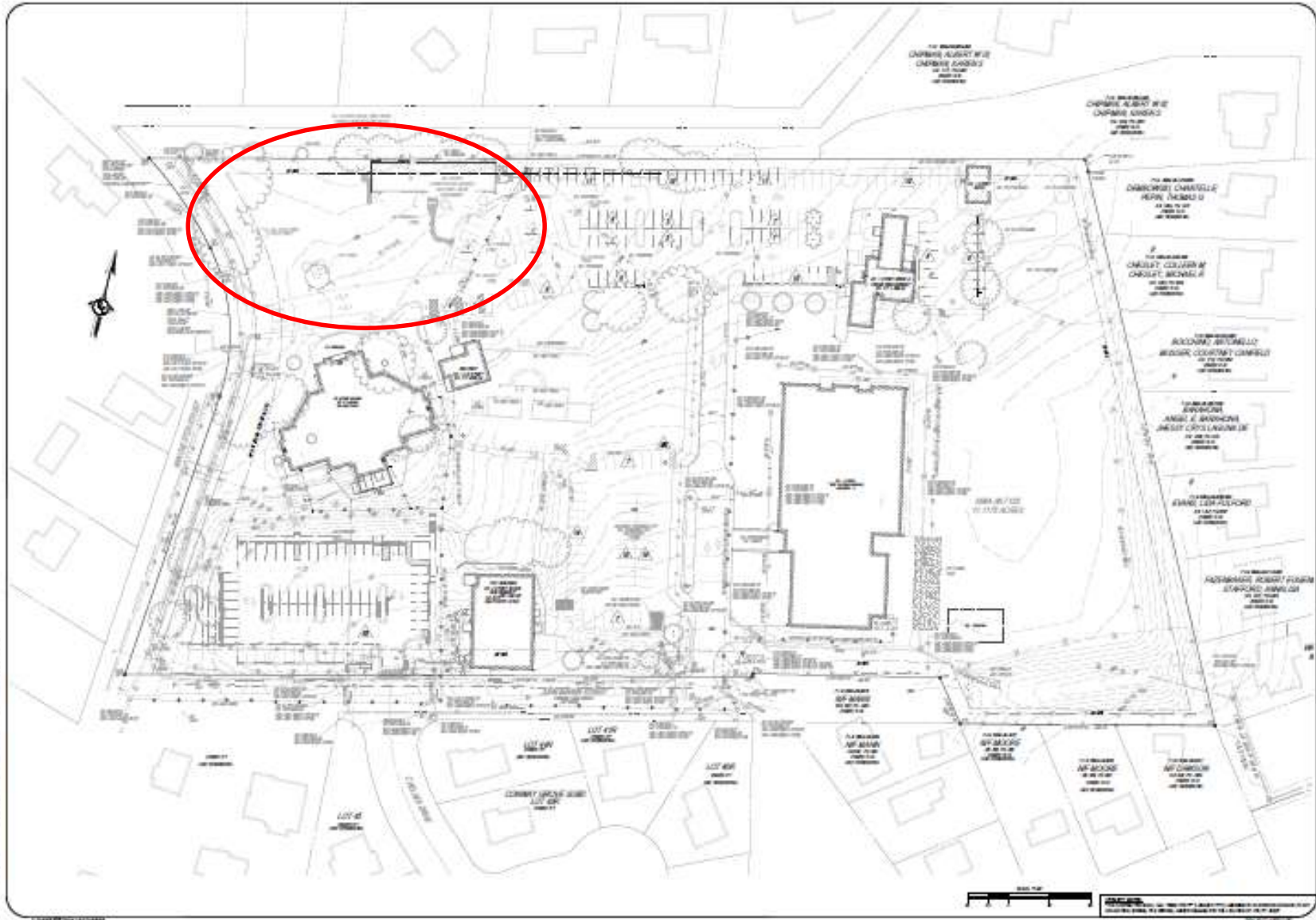
- R-10 Single Family Residential
- Conway Grove Single Family Residential, Reserve at Moorhead Single Family Residential, Richards Lane/Winchester Street/John E Mann Single Family Residential
- Historic District

Zoning Districts

- R-15
- R-10
- R-6
- RT
- RMF
- RO
- PSP
- C

Existing Conditions Plan

Item a.



CARLSON
LAND MANAGEMENT

NOT FOR CONSTRUCTION

**SAINT JOHN THE EVANGELIST
CATHOLIC CHURCH**
MANASSAS, VA

COURTESY MAINTENANCE DIRECTOR

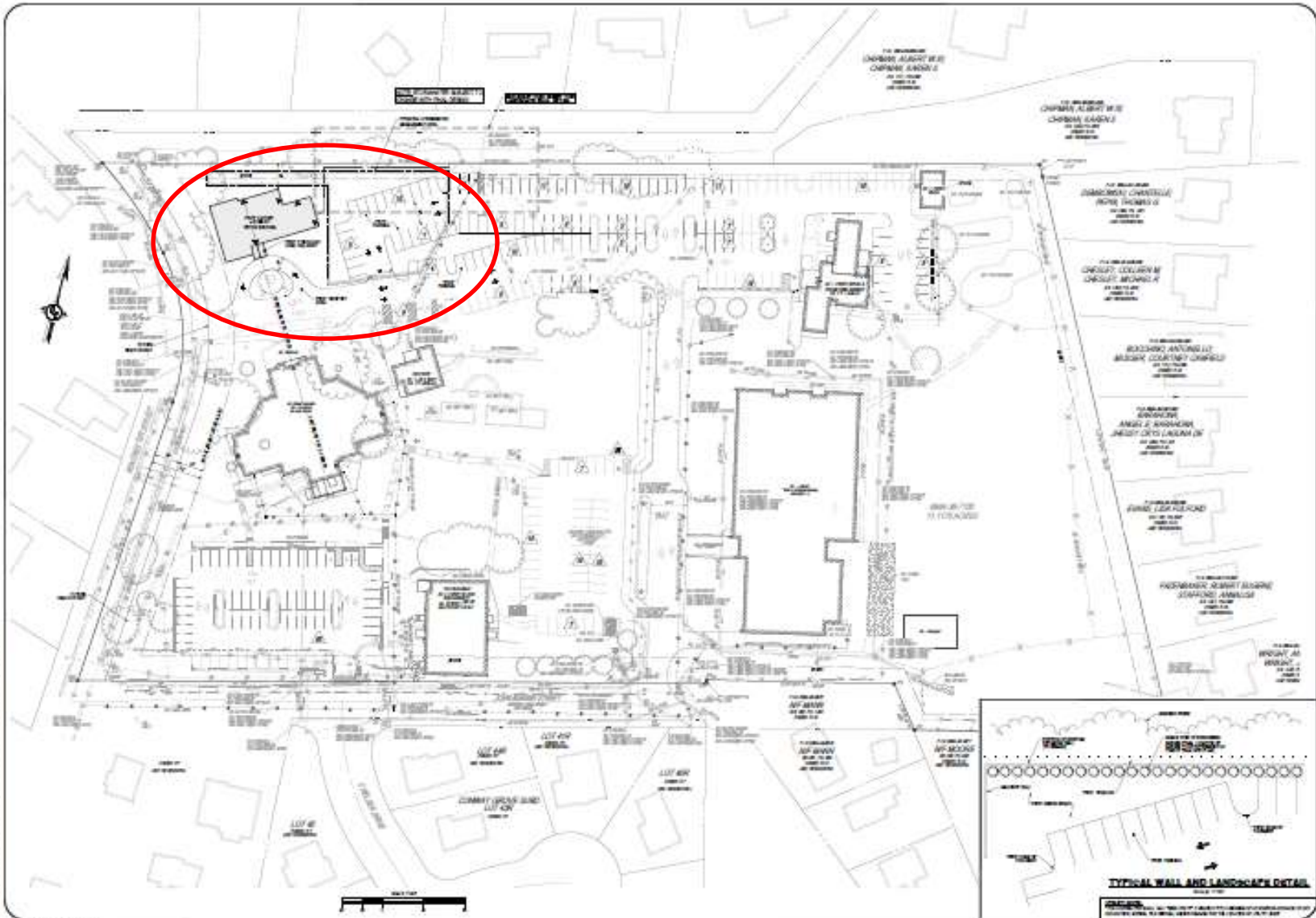


EXISTING
CONDITIONS
PLAN

839

SUP Plan

Item a.



CARSON
LANDSCAPE ARCHITECTURE
1100 N. G ST. SUITE 100
DALLAS, TEXAS 75207
TEL: 214.750.1234

NOT FOR CONSTRUCTION

**SAINT JOHN THE EVANGELIST
CATHOLIC CHURCH**
MANASSAS, VA
CENTRAL DISTRICT

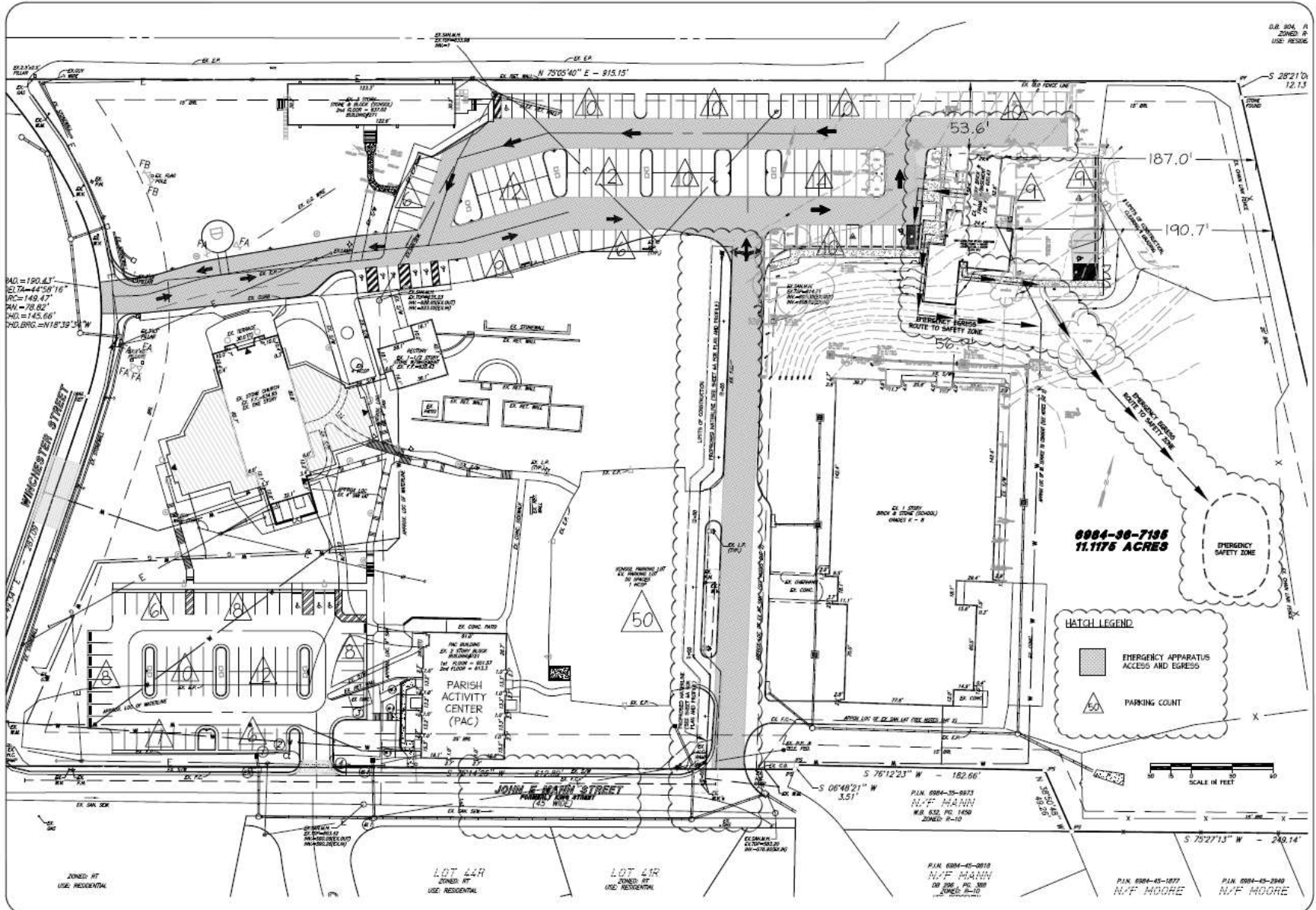
SPECIAL USE PERMIT PLAN

DATE: 10/1/14
SCALE: 1/8" = 1'-0"

840

Emergency Access Plan

Item a.



CARSON
LAND CONSULTANTS
Land Planning, Surveying & Engineering
4100 West 10th Street, Suite 100
Tomball, Texas 77375
www.carsonland.com

OVERALL SITE & EMERGENCY ACCESS PLAN
SAINT JOHN THE EVANGELIST
ROMAN CATHOLIC CHURCH
FAUQUIER COUNTY, VIRGINIA
TOWN OF WARRENTON

REVISIONS
DATE
BY

APPROVED
DATE
BY
JAMES A. CARSON, P.E.
LIC. NO. 00104
6-2-20

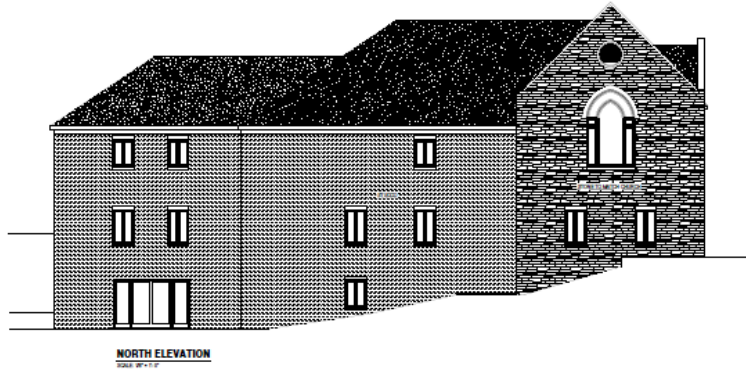
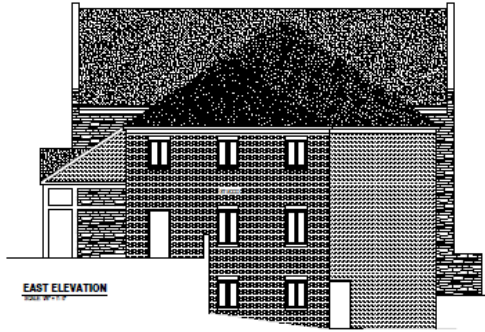
841

SHEET 4
OF 13

SAINT JOHN'S (PRE-SUBDIVISION SITE PLAN)

Elevations

Item a.



QUALITY SOURCE
THIS DRAWING IS FOR INFORMATION ONLY. IT IS NOT TO BE USED FOR CONSTRUCTION OR AS A BASIS FOR ANY DECISIONS. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS IN ADVANCE OF ANY CONSTRUCTION. MATERIALS, PALETTE COLORS, AND/OR FINISHES FOR THIS LOCATION OF ITEMITY 100007.

PROJECT #100007-040

ARB Approval Required

Artist Rendering

Item a.



843

ARB Approval Required

Planning Commission Review

Item a.

- Buffers and landscaping along the length of the northern boundary of the property
- Energy, water, and sewer demands
- Intentions of existing building and timing of demolition
- Parking overflow into adjacent neighborhoods and stacking in the public right-of-way
- Elevations from Winchester Street and the request for artist's rendering
- Appropriate stormwater and sediment control
- Boundary line adjustments
- ARB approvals

Planning Commission May 16, 2023 Public Hearing

Item a.

- Public Hearings May 16 and June 20
- Three citizens spoke at each PH raising:
 - Building proximity to road
 - Water run off issues
 - Potential noise/lighting
 - Loss of green space
 - Support for new building
- Planning Commission voted (4-0-1; Lawrence abstain) to recommend Approval with Conditions

Conditions of Approval

1. General: This Special Use Permit is issued covering the entire Property pursuant to the provisions of § 11-3.10 of the Town of Warrenton Zoning Ordinance.
2. Site Development: The Property shall be developed in substantial conformance with the Special Use Permit Plan entitled, “Special Use Permit Plat,” prepared by Carson Land Consultants, , Page 1 dated February 10, 2023 and Pages 2-4 dated December 6, 2022, all revised May 30, 2023, consisting of four (4) sheets (the “SUP Plan”). Minor changes and adjustments may be made to the road and street alignments, entrances, parking, dimensions and location of SWM/BMP facilities, the exact configuration and location of building footprints, and other similar features as shown on the SUP Plan, provided they meet the intent of these Conditions and are approved by the Director of Community Development or the Zoning Administrator.

Conditions of Approval

3. Use Parameters:

- a. Special Use Permit Area – The Special Use Permit shall apply to the entire +/-11.0664 acre site.
- b. Use Limitations – The use shall be limited to a religious institution and related facilities including the church, school, and those accessory uses customarily incidental to the primary uses.
- c. Maximum Students – The maximum number of students shall be 540 as approved in the previous SUP dated June 3, 1986.

4. Architecture: The site is located within the Historic District and is subject to Architectural Review Board, Certificates of Appropriateness (COA), and the Town of Warrenton Guide to Historic Resources. No structures shall be modified or erected until a COA has been issued. This includes walls and fences exceeding 36” in height.

5. Signage: All signage shall comply with the applicable provisions of Article 6 of the Town of Warrenton Zoning Ordinance.

6. Site Maintenance and Refuse Collection: Any refuse storage areas shall be screened with a solid enclosure constructed of materials that are compatible with the buildings on the property. The enclosure shall have gates that prohibit viewing this area from adjoining properties and public rights-of-way. The gates shall remain closed when not in use and the trash containers shall be emptied as necessary to prevent odors or infestation by vermin. Compliance with this condition shall be demonstrated on each final site plan(s). Deliveries and refuse collection shall follow Town Code Section 11-19(9).

Conditions of Approval

Item a.

7. Environment: All landscaping shall be native and drought-resistant or other species as may be approved on the final site plan(s).

- a) Landscaping – The Applicant shall make all efforts to maintain and preserve the existing mature vegetation and hardwood trees when feasible.
- b) Minimize Clearing and Grading – The Applicant shall show the limits of clearing and grading for the site on the approved final site plan(s). For portions of buffers located outside the limits of clearing and grading, the existing vegetation shall be preserved and supplemented to meet the intent the buffer as noted above. In addition, existing trees and shrubs shall be incorporated into the landscaping plan. This does not preclude the removal of diseased, noxious and/or invasive vegetation.
- c) Stormwater Management – The property owner is required to account for all improvements, regardless of square footage, made to the property since July 1, 2014, and design and construct for the accumulative stormwater management for both quantity and quality in accordance with all applicable State and local requirements in effect at the time of site development plan approval.

Conditions of Approval

Item a.

8. Lighting:

- a. Proposed lighting shall be reviewed during the review of the Certificate of Appropriateness and at the time of site plan in accordance with the Zoning Ordinance.
- b. Building-mounted security lighting, which is full cut-off and directed toward the building and in compliance with the Zoning Ordinance, shall be permitted.
- c. All new and replacement light fixtures shall consist of full cut-off fixtures with a color temperature of 3,000 K or lower, and a maximum mounting height of 14 feet.
- d. Lighting on the school managed turf fields is prohibited.
- e. All other proposed lighting shall be addressed at site plan in accordance with the Zoning Ordinance.

Conditions of Approval

Item a.

9. Transportation:

- a) Vehicular Access – The site shall be accessed from the Winchester Street and John E. Mann entrances. Egress shall be controlled via a stop sign traffic control with stop bar at the exits.
- b) There shall be no stacking of vehicles into the public right-of-way. The school is responsible for ensuring drop off and pick up from the school do not result in backs ups on the public streets. Stacking on the property by accessing the school by way of Winchester Street or staggering times is required to achieve this condition.
- c) Handicapped Parking and Signage – Handicapped parking and signage for shall be provided in accordance with the PFM and the Americans with Disabilities Act.
- d) Dedication of public right-of-way on Winchester Street shall be included on the Site Development Plan and be recorded prior to occupancy permit. With the dedication of the right-of-way frontage, the property owner will submit with the site plan an agreement to retain the maintenance of the existing perimeter wall and entrance features, including the entrance apron on Winchester Street for Town review and approval.

10. Parking: Parking located on the north side of the property, adjacent to Richards Lane shall buffer and shield the headlights of vehicles from the adjacent residences. Headlights shall be screened from view from the residential-zoned property located to the north to at least 3.5 feet in height above the parking surface elevation with a solid wall, sight-tight fence, evergreen shrubs, or other method as approved by the Zoning Administrator as a part of the Site Development Plan, to extend the length of the parking on the north side.

Draft Conditions of Approval for Consideration

Item a.

11. Water and Sewer: The site shall continue to be served by public water, with the property owner bearing all costs associated with providing the additional services that will be required. Construction of a new 3-story building, +/- 13,000 square foot located at the northwest corner of the property on Winchester Street will require a separate water meter, per Town code.

12. Demolition: Demolition of the existing 3 story stone and block building located in the northwest portion of the property adjacent to Richards Lane shall require a permit from the Town. No final occupancy permit shall be issued on a new 3-story building, +/- 13,000 square foot located at the northwest corner of the property on Winchester Street until the above existing building has been demolished. The old building will be demolished within 6 months after the issuance of the temporary occupancy permit.

Draft Motions for Consideration

Item a.

1. I move that the Town Council approve of SUP 23-1, St John Catholic Church to amend the approved SUP in June 3, 1986, to allow for the 13,000 square foot accessory use building the church and school, subject to the Conditions of Approval dated July 11, 2023, sheets 1 through 4 of the Special Use Permit Plan created by Carson Land Consultants dated February 10, 2023 and revised through May 30, 2023.

OR

2. I move that the Town Council forward SUP 23-1, St John the Evangelist to the next Town Council meeting.

OR

3. I move an alternative motion.

OR

4. I move to deny SUP 23-01 for the following reasons...



Planning Commission Public Hearing
SUP 23-1 St John the Evangelist
July 11, 2023



Town Council Public Hearing
SUP 23-1 St John the Evangelist
December 12, 2023

Request

Item a.

Amend June 3, 1986 SUP

- **GPIN Applicant:** 6984-36-7135-000
- **Property Owner:** Catholic Diocese of Arlington (St Johns Catholic School Tees)
- **Representative:** Jim Carson
- **Zoning:** R-10 Residential
- **Comprehensive Plan:** Live Work Neighborhood
- SUP Amendment to allow for *(demolition permit approval required)* the demolition of a 11,000 sq ft classroom/dormitory building and construction of a 13,000 sq ft, three floor office building *(ARB COA required)*

Proposed Location



Previous SUP Approval

Item a.

- June 3, 1986 SUP Approval for Expansion of Church and School
- Town Council Minutes/2017 Zoning Determination Letter
 1. Construct School in two phases
 2. Phase 1 enrollment 270
 3. Phase 2 enrollment 540
 4. Relocate the convent
 5. Right of way dedication to centerline of King Street (aka John E Mann Street) and Winchester
- SDP 2017 -01
 - Public Works and Utility stated SWM/BMP calculations would not be required at that time *“however, as new projects are proposed by the Church, the additional work will be considered accumulative to this plan and will trigger the Commonwealth’s SWM Regulations.”*

Adjacent Uses

Item a.

Zoning Map



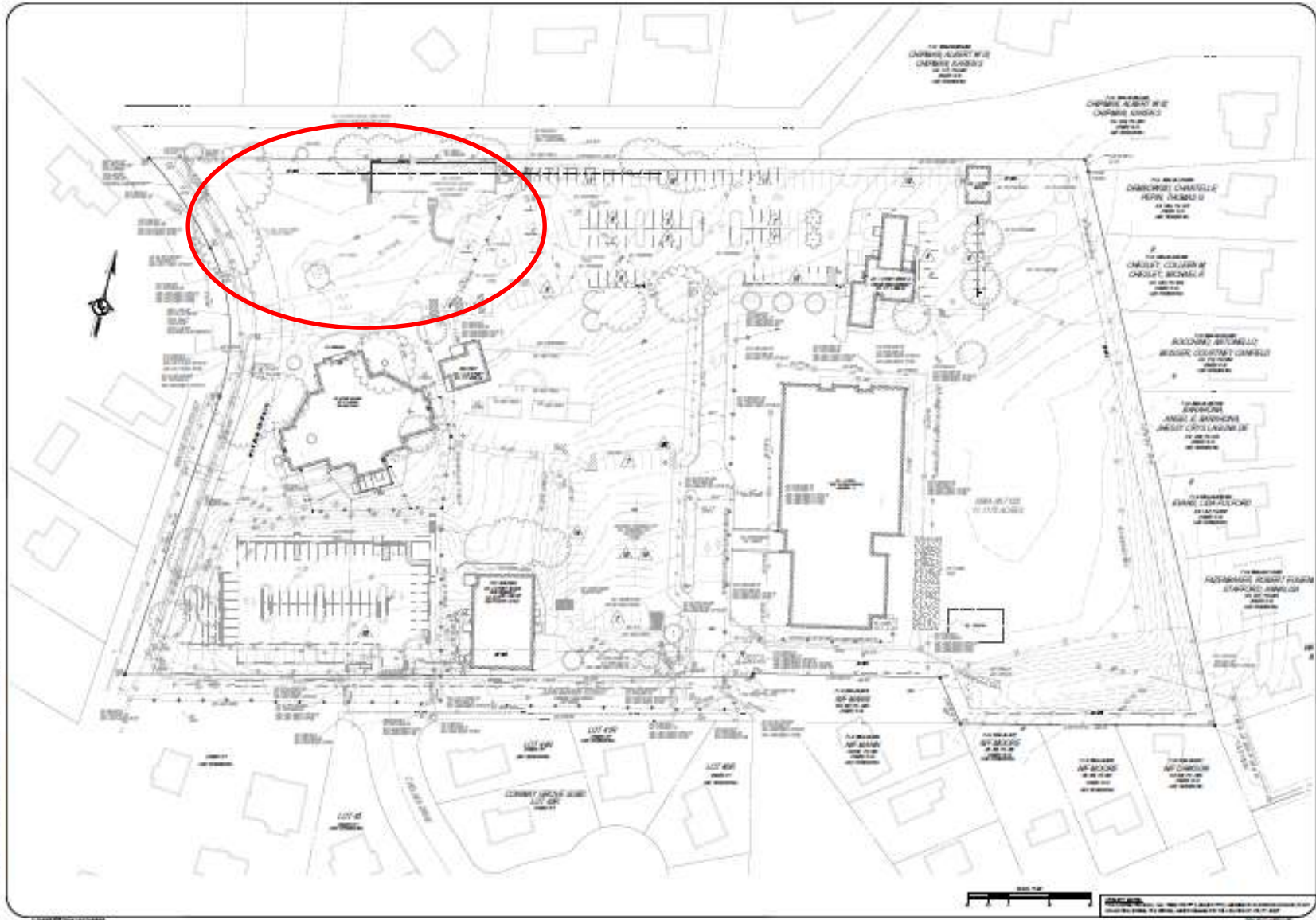
- R-10 Single Family Residential
- Conway Grove Single Family Residential, Reserve at Moorhead Single Family Residential, Richards Lane/Winchester Street/John E Mann Single Family Residential
- Historic District

Zoning Districts

- R-15
- R-10
- R-6
- RT
- RMF
- RO
- PSP
- C

Existing Conditions Plan

Item a.



CARLSON
LAND MANAGEMENT

NOT FOR CONSTRUCTION

**SAINT JOHN THE EVANGELIST
CATHOLIC CHURCH**
MANASSAS, VA

COURTESY OF THE ARCHDIOCESE OF WASHINGTON

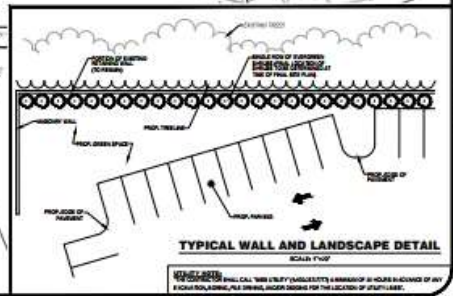
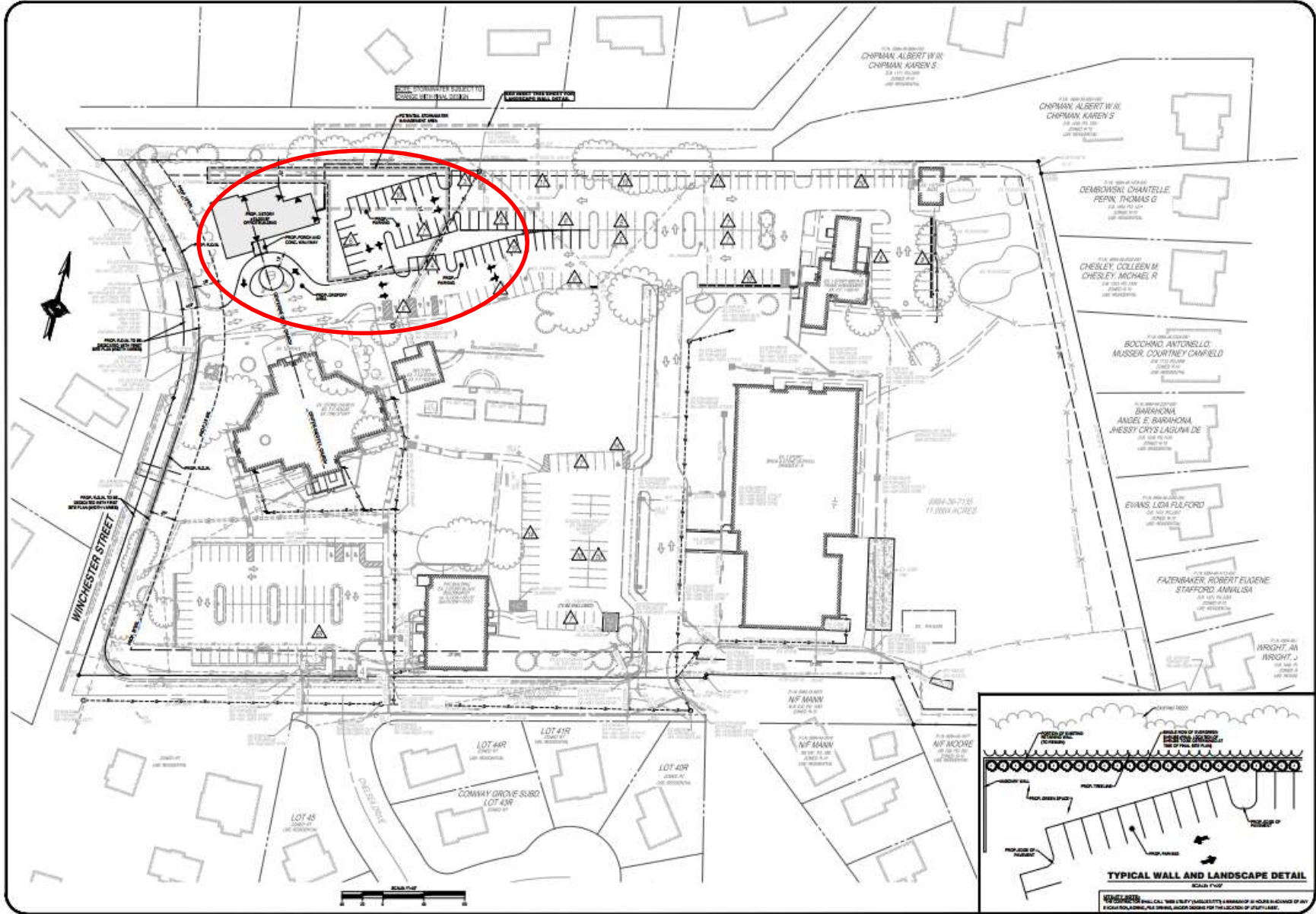


EXISTING
CONDITIONS
PLAN

858

SUP Plan

Item a.



CARSON
LANDSCAPE ARCHITECTURE

NOT FOR CONSTRUCTION

SAINT JOHN THE EVANGELIST CATHOLIC CHURCH
WARRENTON, VA

FAUQUIER COUNTY VIRGINIA

CENTER MAGISTERIAL DISTRICT

NO.	REVISION	DATE
1	ISSUED FOR PERMIT	05/21/21

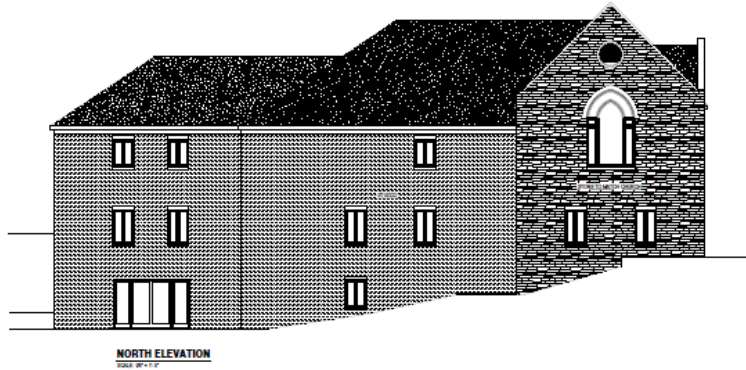
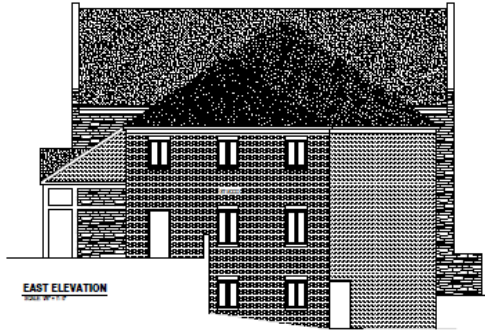
SPECIAL USE PERMIT

859

4

Elevations

Item a.



QUALITY SOURCE
THIS DRAWING IS FOR INFORMATION ONLY. IT IS NOT TO BE USED FOR CONSTRUCTION OR AS A BASIS FOR ANY DECISIONS. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS IN ADVANCE OF ANY CONSTRUCTION. MATERIALS, PALETTE COLORS, AND/OR FINISHES FOR THIS LOCATION OF ITEM #100001.

ARB Approval Required

Artist Rendering

Item a.



861

ARB Approval Required

Planning Commission Review

Item a.

- Buffers and landscaping along the length of the northern boundary of the property
- Energy, water, and sewer demands
- Intentions of existing building and timing of demolition
- Parking overflow into adjacent neighborhoods and stacking in the public right-of-way
- Elevations from Winchester Street and the request for artist's rendering
- Appropriate stormwater and sediment control
- Winchester Street limits of right-of-way dedication
- ARB approvals

Planning Commission May 16 – June 20, 2023 Public Hearing

Item a.

- Public Hearings May 16 and June 20
- Three citizens spoke at each PH raising:
 - Building proximity to road
 - Water run off issues
 - Potential noise/lighting
 - Loss of green space
 - Support for new building
- Planning Commission voted (4-0-1; Lawrence abstain) to recommend Approval with Conditions

Town Council Meetings

Item a.

1. July 2023
Applicant requested deferral to investigate Right-of-Way on Winchester Street
Public Hearing Held Open
2. August 2023
Applicant requested deferral
3. September 2023
Applicant requested deferral
Adjacent property owner testified regarding water runoff and green space
4. October 2023
Applicant requested deferral
5. November 2023
Applicant requested deferral after legally advertised deadlines to discuss new submission of redlined Conditions of Approval recommended by the Planning Commission

Outstanding Issues

Item a.

1. July 2023

Applicant requested deferral, investigated Right-of-Way dedication on Winchester Street, held meetings with staff and Town Attorney

2. October 27, 2023, Submission

Resolved on SUP Plan - Applicant revised SUP Plan Winchester Street dedication from the previously submitted 25' to +/- 15' from centerline

Applicant submitted redlined version of the Planning Commission recommended Conditions of Approval

3. December 2023

Applicant submitted new redlined version of the Planning Commission recommended Conditions of Approval

PC Recommended Conditions of Approval

Item a.

With Required Updates for Town Council

- Update Dates (Title & Condition 2)
- Update Scribner's Error (Condition 4)
- Update Winchester Street Dedication (Condition 9.d)

Draft Motions for Consideration

Item a.

1. I move the Town Council approve SUP 23-01 with Conditions of Approval dated December 12, 2023, per the Planning Commission recommendation, with subsequent modifications, through the attached December 12, 2023 Resolution.

OR

2. Due to the Applicant submitting redlined language to the Planning Commission's previously recommended Conditions of Approval that seek to remove or modify mitigations, I move the Town Council refer the application back to the Planning Commission based on Zoning Ordinance 11-3.10.9 Modifications to the Application or Conditions which states *"...after the Planning Commission has made its recommendation to the Town Council, should the application be modified, or additional conditions...offered by the applicant that results in...altered conditions that were intended to mitigate the impact of the development...then a second public hearing shall be held by the Planning Commission before the modified application may be heard by Town Council."*

OR

3. I move an alternative motion.

867



Planning Commission Public Hearing
SUP 23-1 St John the Evangelist
December 12, 2023

December 12th, 2023
Town Council
Regular Meeting

RESOLUTION TO APPROVE SPECIAL USE PERMIT 23-01 ST. JOHN THE EVANGELIST CATHOLIC CHURCH PURSUANT TO SECTION 11-3.10 OF THE ZONING ORDINANCE OF THE TOWN OF WARRENTON TO AMEND PREVIOUSLY APPROVED CONDITIONS FOR SPECIAL USE PERMIT JUNE 3, 1986 (GPIN 6984-36-7135-000)

WHEREAS, Warrenton, VA (Hereinafter "the Town") is a municipal corporation located within the County of Fauquier; and

WHEREAS, St. John the Evangelist Catholic Church, and the owner, the St Johns Catholic School TEES, ("the Applicant"), is the requesting a Special Use Permit approval on a parcel of land containing approximately 11.0664 acres, identified as GPIN 6984-36-7135-000, located at 271 Winchester Street in the Town of Warrenton and hereinafter referred to as the "Property"; and

WHEREAS, the Applicant has applied for a Special Use Permit pursuant to §3-4.2.3 of the Zoning Ordinance, to amend a June 3, 1986, approval to allow for the demolition of an existing building and the construction of a new approximate 13,000 square foot office building allow to be located on the Property, hereinafter the "Special Use Permit"; and

WHEREAS, pursuant to §11-3 of the Zoning Ordinance upon petition of the Applicant for approval of the Special Use Permit, the Planning Commission upon advertisement and notice properly given pursuant to §15.2-2204 of the Virginia Code held a Public Hearing on May 16, 2023 and June 20, 2023; and

WHEREAS, the Town Council received and considered the recommendation of the Planning Commission for approval of the Special Use Permit based on Conditions of Approval; and

WHEREAS, the Town Council of the Town of Warrenton held a Public Hearing on July 12, 2023, upon notice properly and duly given; and

WHEREAS, the Town Council of the Town of Warrenton deferred and held open the Public Hearing, upon the request of the Applicant, to December 12th, 2023, upon notice properly and duly given; and

WHEREAS, the Town Council finds that the Application meets the criteria for approval in the Town of Warrenton Zoning Ordinance; and

WHEREAS, the Town Council, in consideration of all of the foregoing, is of the opinion that the application for the Special Use Permit be approved subject to certain conditions;

NOW, THEREFORE, BE IT RESOLVED that the Warrenton Town Council on this 12th day of December 2023, that SUP 23-01 be, and is hereby, approved, subject the following conditions:

1. General: This Special Use Permit is issued covering the entire Property

- pursuant to the provisions of § 11-3.10 of the Town of Warrenton Zoning Ordinance.
2. **Site Development:** The Property shall be developed in substantial conformance with the Special Use Permit Plan entitled, "Special Use Permit Plat," prepared by Carson Land Consultants, Page 1 dated February 10, 2023 and Pages 2-4 dated December 6, 2022, all revised October 26, 2023, consisting of four (4) sheets (the "SUP Plan"). Minor changes and adjustments may be made to the road and street alignments, entrances, parking, dimensions and location of SWM/BMP facilities, the exact configuration and location of building footprints, and other similar features as shown on the SUP Plan, provided they meet the intent of these Conditions and are approved by the Director of Community Development or the Zoning Administrator.
 3. **Use Parameters:**
 - a. **Special Use Permit Area** – The Special Use Permit shall apply to the entire +/-11.0664 acre site.
 - b. **Use Limitations** – The use shall be limited to a religious institution and related facilities including the church, school, and those accessory uses customarily incidental to the primary uses.
 - c. **Maximum Students** – The maximum number of students shall be 540 as approved in the previous SUP dated June 3, 1986.
 4. **Architecture:** The site is located within the Historic District and is subject to Architectural Review Board, Certificates of Appropriateness (COA), and the Town of Warrenton Guide to Historic Resources. No structures shall be modified or erected until a COA has been issued. This includes walls and fences exceeding 42" in height.
 5. **Signage:** All signage shall comply with the applicable provisions of Article 6 of the Town of Warrenton Zoning Ordinance.
 6. **Site Maintenance and Refuse Collection:** Any refuse storage areas shall be screened with a solid enclosure constructed of materials that are compatible with the buildings on the property. The enclosure shall have gates that prohibit viewing this area from adjoining properties and public rights-of-way. The gates shall remain closed when not in use and the trash containers shall be emptied as necessary to prevent odors or infestation by vermin. Compliance with this condition shall be demonstrated on each final site plan(s). Deliveries and refuse collection shall follow Town Code Section 11-19(9).
 7. **Environment:** All landscaping shall be native and drought-resistant or other species as may be approved on the final site plan(s).
 - a) **Landscaping** – The Applicant shall make all efforts to maintain and preserve the existing mature vegetation and hardwood trees when feasible.

- b) Minimize Clearing and Grading – The Applicant shall show the limits of clearing and grading for the site on the approved final site plan(s). For portions of buffers located outside the limits of clearing and grading, the existing vegetation shall be preserved and supplemented to meet the intent the buffer as noted above. In addition, existing trees and shrubs shall be incorporated into the landscaping plan. This does not preclude the removal of diseased, noxious and/or invasive vegetation.
 - e) Stormwater Management –The property owner is required to account for all improvements, regardless of square footage, made to the property since July 1, 2014, and design and construct for the accumulative stormwater management for both quantity and quality in accordance with all applicable State and local requirements in effect at the time of site development plan approval.
8. Lighting:
- a. Proposed lighting shall be reviewed during the review of the Certificate of Appropriateness and at the time of site plan in accordance with the Zoning Ordinance.
 - b. Building-mounted security lighting, which is full cut-off and directed toward the building and in compliance with the Zoning Ordinance, shall be permitted.
 - c. All new and replacement light fixtures shall consist of full cut-off fixtures with a color temperature of 3,000 K or lower, and a maximum mounting height of 14 feet.
 - d. Lighting on the school managed turf fields is prohibited.
 - e. All other proposed lighting shall be addressed at site plan in accordance with the Zoning Ordinance.
9. Transportation:
- a) Vehicular Access – The site shall be accessed from the Winchester Street and John E. Mann entrances. Egress shall be controlled via a stop sign traffic control with stop bar at the exits.
 - b) There shall be no stacking of vehicles into the public right-of-way. The school is responsible for ensuring drop off and pick up from the school do not result in backs ups on the public streets. Stacking on the property by accessing the school by way of Winchester Street or staggering times is required to achieve this condition.
 - c) Handicapped Parking and Signage – Handicapped parking and signage for shall be provided in accordance with the PFM and the Americans with Disabilities Act. Dedication of public right-of-way on Winchester Street to back of curb and an easement over Town owned utilities shall be included on the Site Development Plan and be recorded prior to occupancy permit.
10. Parking: Parking located on the north side of the property, adjacent to Richards Lane shall buffer and shield the headlights of vehicles from the adjacent residences. Headlights shall be screened from view from the residential-zoned property located to

the north to at least 3.5 feet in height above the parking surface elevation with a solid wall, sight-tight fence, evergreen shrubs, or other method as approved by the Zoning Administrator as a part of the Site Development Plan, to extend the length of the parking on the north side.

- 11. Water and Sewer: The site shall continue to be served by public water, with the property owner bearing all costs associated with providing the additional services that will be required. Construction of a new 3-story building, +/- 13,000 square foot located at the northwest corner of the property on Winchester Street will require a separate water meter, per Town Code

- 12. Demolition: Demolition of the existing 3 story stone and block building located in the northwest portion of the property adjacent to Richards Lane shall require a permit from the Town. No final occupancy permit shall be issued on a new 3-story building, +/- 13,000 square foot located at the northwest corner of the property on Winchester Street until the above existing building has been demolished. The old building will be demolished within 6 months after the issuance of the temporary occupancy permit.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

For Information:

Community Development Director,
Town Attorney

ATTEST: _____
Town Recorder



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

Item a.

Council Meeting Date:	December 12 th , 2023.
Agenda Title:	Town Councilmember Handbook Updates
Requested Action:	Approval of the Town Councilmember’s Handbook Changes
Department / Agency Lead:	Town Clerk
Staff Lead:	Stephen Clough

EXECUTIVE SUMMARY

The Town Council Member’s handbook is a guiding document for the Town Council that establishes and informs members of the Council of current policies, procedures, and guidelines for the Town Council. This document should be updated and adopted biannually at the organizational meeting and when changes have been made to the policies or documents within it. Version 2 was the last adopted version of the handbook. Over the course of the last year version 3 and subsequently version 4 has been edited and updated.

A redline Copy has been provided as part of the materials for review.

Notable changes:

- 1) The electronic meeting policy has been updated with the new policy from November of 2022.
- 2) The meeting information has been updated with the new format and agenda.
- 3) The organization of the document has been updated to include appendices.
- 4) Additional reference documents have been added in the appendices for easy access for the members of Council.
- 5) The language has been edited to be more gender neutral.

BACKGROUND

Town Staff have been working collaboratively on a refresh of the Councilmembers handbook over the last year. The former Acting Town Manager, Tommy Cureton, worked closely with the Council on suggested edits and updates to the handbook.

STAFF RECOMMENDATION

With the addition of a new Councilmember, staff recommends adopting the current version v4 of the handbook. Staff also recommends identifying specific items or for addressing at future council meetings before the organizational meeting held in January 2025.

Service Level/Policy Impact

The Councilmembers Handbook guides the Council on a variety of topics directing impacting all levels of services offered by the Town. It directly impacts each aspect of Plan Warrenton 2040.

Fiscal Impact

No additional financial impact is expected at this time.

Legal Impact

No additional legal impact is expected at this time.

ATTACHMENTS

- 1. Town Council Member’s Handbook V4 Complete
- 2. Town Council Member’s Handbook Redline Changes from V2-V4



WARRENTON TOWN COUNCIL HANDBOOK

Town Council 2023-2024

H. E. Carter Nevill, Mayor
Heather D. Sutphin, Ward 1
William T. Semple II, Ward 2
Brett A. Hamby, Ward 3
James N. Hartman III, Ward 4, Vice Mayor
Eric Gagnon, Ward 5
David A. McGuire, At Large
Paul W. Mooney, At Large

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Appendix 3) Town Council Meeting Information Handout

Appendix 4) Town Council Meeting Draft Agenda information

Appendix 5) VML FOIA/ COIA handbook.

I. INTRODUCTION

This Handbook was prepared for you and is intended to describe the laws, rules, and practices by which the Warrenton Town Council operates. The Handbook includes excerpts from the Warrenton Town Charter and Code of the Town of Warrenton as well as the Code of the Commonwealth of Virginia, plus excerpts from the Handbook for Virginia Mayors & Council Members. Unless otherwise noted, the text of the Handbook is assumed to be Council established practices and procedures in addition to those established in law. The Handbook serves as a quick reference.

Sources are indicated as follows:

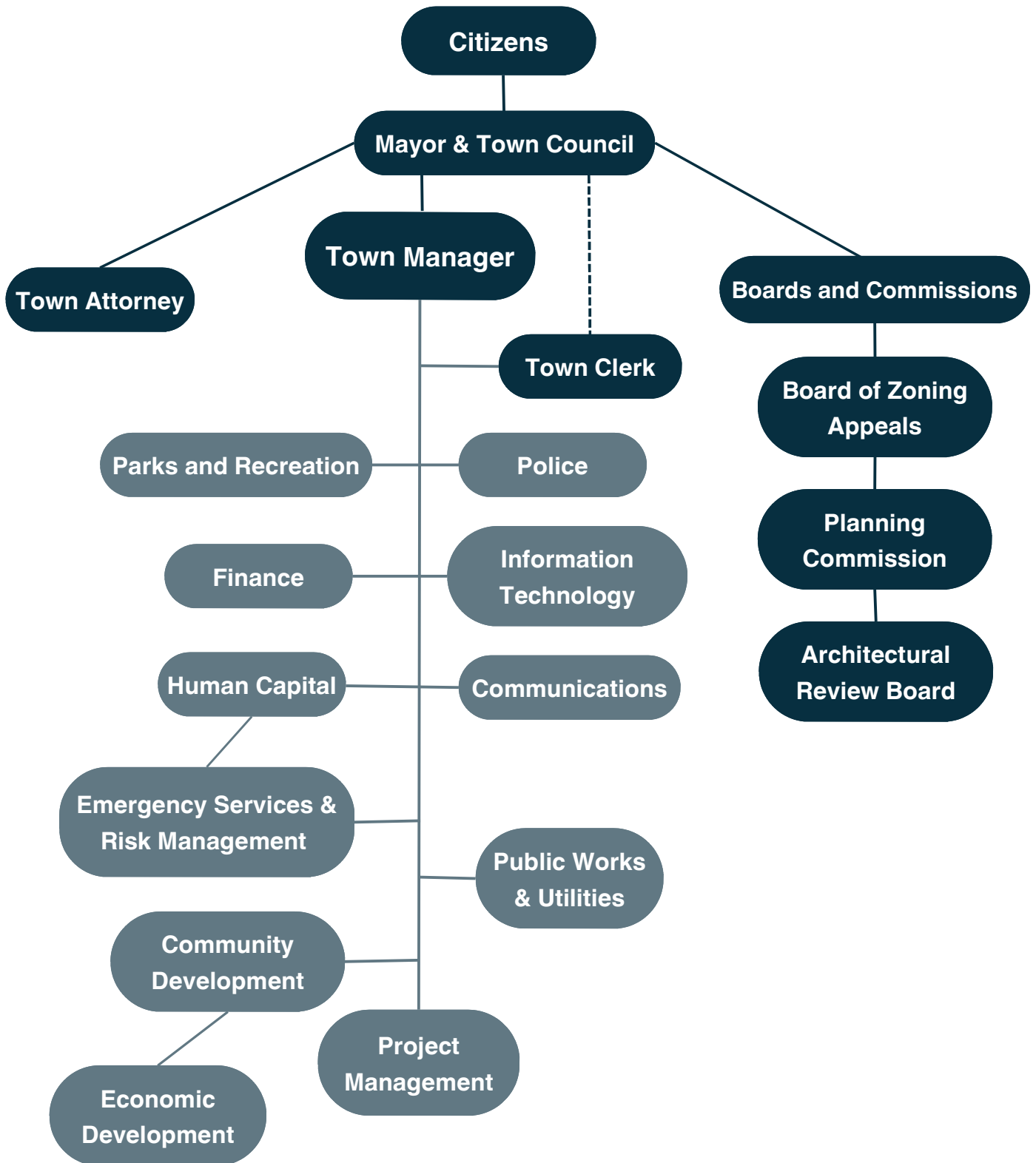
- Charter = Town Charter
- Code = Town Code
- RR = Robert's Rules of Order
- VML = Virginia Municipal League's Handbook for Mayors and Council Members
- VA Code = Code of Virginia

II. WARRENTON TOWN COUNCIL OATH OF OFFICE

"I do solemnly swear I will support the Constitution of the United States and the Constitution of the Commonwealth of Virginia and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as a member of the Warrenton Town Council, for a term of four (4) years, according to the best of my ability, so help me
God."

Town of Warrenton

Organizational Chart



PART ONE

TOWN COUNCIL STRUCTURE AND FUNCTIONS

I. POWERS OF TOWN COUNCIL

Local Government powers are conferred on the elected Mayor and Town Council by the Commonwealth of Virginia and the people of Warrenton, Virginia. Powers are defined by the Charter of the Town of Warrenton, the Code of Virginia, and the Virginia Constitution. As interpreted by the Dillon Rule, localities are “tenants at will” of the state legislature and depend on the Virginia General Assembly for their operating authority.

TOWN CHARTER

Charter Sec. 2.1. - General grant of powers.

The Town of Warrenton shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this Charter shall be held to be exclusive, and shall have, exercise and enjoy all the rights, immunities, powers and privileges, and be subject to all the duties and obligations now appertaining to and incumbent on the town as a municipal corporation.

In addition to the general rights and powers conferred on “towns” by the Code of Virginia, the Council has several powers specifically enumerated in its Charter, including the ability to:

- Fill vacant Council seats. Charter Sec.3.5
- Appoint/remove the Town Manager, Town Attorney, Town Recorder, and Town Clerk*. Charter Sec. 6.1, 3.7 and 3.8
- Possess the power of Eminent Domain pursuant to Title 15.2 of the Code of Virginia. Charter 2.5
- Enact a Conflict of Interest Act. Charter 4.6

II. MAYOR AND VICE MAYOR DUTIES

The Mayor

The Mayor is elected every four years by the people of Warrenton. The Mayor shall preside over the meetings of the Council and shall have the same right to speak therein as Councilmembers, however the Mayor shall not have the right to vote except in the case of a tie, in which event they shall be entitled to cast one vote. The Mayor shall be recognized as the head of the Town for all ceremonial purposes, the purposes of military law and the service of civil process. The Mayor serves as the presiding officer at Town Council meetings and performs other duties consistent with the office. The Mayor is recognized as the official head of the Town for:

- Participation in public ceremonies.
- Recognition by the courts for serving civil process.
- Recognition for ceremonial and military purposes.
- Signing and delivering of required or authorized documents and instruments. Charter

Sec.5.2

The Vice Mayor

The Vice Mayor is chosen by a majority of Councilmembers present at the first meeting of the Council, every two years, to possess the powers of and perform the duties of the Mayor in the absence or disability of the Mayor.

III. FILLING MAYOR AND COUNCIL VACANCIES

The Charter addresses the filling of a Mayor or Council vacancy however in certain circumstances sections of the Code of Virginia may also apply. Legal counsel from the Town Attorney should be sought regarding this subject. Charter Sec. 3.5.

Charter Sec. 3.5. Vacancies on council.

Vacancies on the Council shall be filled for the unexpired portion of the term by a majority vote of the remaining members of the Council, if such vacancy shall occur two years or less before the date of expiration of such term. If the vacancy shall occur more than two years before the expiration of the term, the vacancy shall be filled by a majority vote of the remaining members of Council only until the next councilman election, at which election the qualified voters shall elect a person to serve as councilman for the remaining two years of the term. (1964, c. 47)

IV. COUNCIL-MANAGER GOVERNMENT

Originating in 1908 with Staunton, Virginia's provision by ordinance for the appointment of a general manager, the Council-Manager plan has become the most widely accepted system of local government in the United States.

The plan is modeled after the American corporation, as opposed to the Mayor-Council plan which is modeled after the elected branches of government found in the U.S. Constitution.

In the Council-Manager plan, the governing body is composed of public-spirited citizens serving on a part-time basis to decide major policy issues, much in the same manner as the Board of Directors of a private corporation. The Mayor's role is to preside over Council meetings much like a Chairman of the Board. The Mayor and Councilmembers serve the interests of the citizens who elected them to office -- the stockholders of the corporation.

V. THE TOWN MANAGER'S ROLE IN TOWN GOVERNMENT

The Town Manager, who is a professionally trained public administrator charged with implementing the policies and directives of Town Council, is the Town's Chief Administrative Officer. The Town Manager has broad administrative authority with strict rules prohibiting political interference in administrative matters. Likewise, the Town Manager refrains from participating in partisan political activities which would impair professional administration.

Town Council delegates broad administrative power to the Town Manager subject to its continuing review. Qualifications, powers, and duties of the Town Manager are provided for in Article VI of the Charter. Delegated duties include the ability to:

- (a) To see that all laws and ordinances are enforced;
- (b) To exercise supervision and control over all administrative departments and divisions;
- (c) To attend all regular meetings of the Council, with the right to take part in the discussion, but having no vote;
- (d) To recommend to the Council for adoption such measures as they may deem necessary or desirable;
- (e) To execute all contracts on behalf of the Town;
- (f) To prepare and submit to the Council the annual budget;

(g) To keep the Council advised as to the present and future needs of the Town and as to all operations of its government;

(h) To perform all such other duties as may be prescribed by the Charter or be required of him by the Council. (1964, c. 47).

While the Town Manager and Town Attorney serve at the pleasure of the Council, all other Town staff are employees of the Town Manager. Thus, neither the Council nor any of its members should direct or request the appointment or removal of officers and employees in the administrative service of the Town.

Charter Article VI. The Manager

6-1. Appointment.

There shall be a Town Manager who shall be the chief executive officer of the Town and shall be responsible to the Council for the proper administration of the Town government. They shall be chosen by the Council without regard to his political beliefs and solely on the basis of his executive and administrative qualifications. They shall be appointed for an indefinite period and shall hold office during the pleasure of the Council. (1964, c. 47)

§ 6-2. Employees.

The Town Manager shall appoint for an indefinite term the heads of all departments and all other officers and employees of the Town. The Manager shall have the power to remove any officer or employee appointed by him. (1964, c. 47)

VI. COUNCIL/STAFF RELATIONSHIPS AND COMMUNICATIONS

Except for the purposes of inquiry and timely communication, the Council and its members should deal with that portion of administrative service for which the Manager is responsible through the Manager, and neither the Council nor any individual member should give orders or direction to any subordinate of the Manager, either publicly or privately. Any violation by a member of the Council should be brought to the immediate attention of the Council as a whole.

Information that would be difficult or time consuming to produce, however, or that relates to a current or future agenda item should be formally requested of the Town Manager, preferably during a Town Council meeting, rather than requested of an individual staff member. Work assignment and policy directions should come from the elected body as a whole and not from individual members. To avoid confusion and conflicting priorities, certain guidelines for Council/staff relationships must be followed. Councilmembers' initiatives generally fall into one of four categories:

CATEGORIES OF STAFF INITIATIVES FROM COUNCIL (Department Heads)

1. Requests for information readily available.
2. Follow-up for a constituent relative to a municipal problem or question.
3. Requests for information not readily available and requiring considerable staff time and research effort.
4. Initiation of a new priority or program.

Normally, Items 1 and 2 can be handled directly between the Town Councilmember and the department head. Items 3 and 4 should be channeled through the Town Manager. In the past, understanding and common sense have guided Council/staff relationships and difficulties have seldom developed.

If a Councilmember is less than satisfied with the channels of communication, that Councilmember should approach the Town Manager who will work to improve the flow of information to and from key staff members.

VII. IMPLEMENTING THE WILL OF THE MAJORITY

Perhaps the most challenging aspect of Town Council/staff relationships arises when an issue lacks Council consensus. Once a vote is taken and the issue decided, however, Town Council speaks to the staff with a single voice. It is sometimes tempting for Councilmembers holding the minority view to pursue their viewpoint, first through staff and later with Council. Nevertheless, the Town staff must respond to the majority view, regardless of whether an individual Councilmember agrees, and regardless of whether the staff may agree. While staff may like to be responsive to each individual Councilmember, an impossible situation develops when staff is requested to accommodate a Councilmember apart from the Council-to-Manager-to-staff line of authority.

VIII. ROLE OF THE TOWN ATTORNEY

The Code of Virginia and the Town’s Charter require that a Town Attorney be appointed.

Sec. 2-112. - Powers and duties generally.

The town attorney shall have the management, charge and control of all legal affairs of the town and shall be the legal adviser of the town council or any committee thereof, town officers and the several departments of the town government. When required by the mayor or town manager, [the town attorney] shall furnish written or verbal opinions upon any legal affairs of the town.
(Code 1981, § 2-23)

IX. ELECTRONIC COMMUNICATIONS

The widespread use of the electronic mail system (E-Mail) raises concerns over the appropriate communications among Councilmembers and between Council staff. All E-Mail communications among Councilmembers should be considered open to Freedom of Information Act inquiries. All E-Mail communications to and from staff members should be in accordance with established guidelines for staff inquiries.

There are occasions when Councilmembers communicate among themselves electronically. These communications constitute public records under FOIA and are subject to release under FOIA. Communications marked “confidential” are not shared with the general public or any individual not privy to confidential information. Merely marking a document “confidential,” however, does not guarantee exclusion from FOIA and the document may be considered a public record subject to release under FOIA.

At the start of a Town Councilmember’s term and at the request of the Town Councilmember, the Information Technology Department will provide an iPad for the member to use at home for the purpose of conducting business. In addition to the iPad, the Town will also establish an e- mail address at the Town and Internet access.

X. COUNCIL REPRESENTATIVES ON VARIOUS COMMITTEES

The Town Council is represented on a number of committees and groups. These include ad hoc Town committees, VML policy committees, intergovernmental bodies, and various organizations in the community. Such representation is distinct from formal appointments to Boards and Commissions as provided in Part Four of this Handbook.

Representation originates in two main ways. Outside groups often invite the Council to participate in their activities. Alternatively, the Council as a whole, deeming its participation to be important, decides to send a representative to the committee or group.

See Part Four of this document for a current listing of Council representatives on committees.

XI. CONFLICT OF INTEREST RULES

To ensure citizens that the judgment of public officers and employees is not compromised or affected by inappropriate conflicts, the General Assembly adopted the Virginia State and Local Government Conflict of Interest Act. Violation is a criminal offense. To keep standards of conduct uniform throughout the Commonwealth, no local government may regulate conflict of interest more strictly than the Virginia Code. The law requires all Councilmembers to:

- Disclose financial interests when appropriate.
- Refrain from contracting for business with the local government.
- Abstain from voting on items of personal interest that apply solely to the Councilmember or that prevent impartial voting.
- Not engage in unethical conduct, such as accepting anything of value or disclosing confidential information.

The Town Attorney and the local Commonwealth's Attorney are the proper persons to turn to for competent legal advice concerning conflict of interest questions. As a member of a local governing body, Councilmembers are entitled by statute to obtain a formal opinion from the local Commonwealth's Attorney. A Councilmember cannot be prosecuted for violating the Act if that Councilmember acts based on a written opinion of the Commonwealth's Attorney (assuming full disclosure of all the relevant facts). VML Provisions of Virginia's Conflict of Interest Act concerning financial disclosure apply to councilmembers of all cities and towns with populations greater than 3,500 people.

XII. STATEMENTS OF ECONOMIC INTERESTS AND DISCLOSURE OF REAL ESTATE HOLDINGS

Generally, in January of each year, the Town Clerk will supply a Statement of Economic Interests to members of Council. A Disclosure of Real Estate Holdings is provided to the Town Manager and members of boards and commissions as required by State Code. The required forms must be filed by February 1, respectively.

XIII. CAMPAIGN FINANCIAL DISCLOSURE ACT

The Warrenton Town Council adopted the provisions of Chapter 9.3, Campaign Disclosure Act of 2006, Title 24.2, Elections, of the Code of Virginia, making the act apply with necessary changes to all elections for Town offices in the Town and to participants therein. (Warrenton Town Code, Chapter 2 (Administration), Section 2.23 (Campaign Financial Disclosure Act))

Code Sec. 2-23 - Campaign Finance Disclosure Act.

Code of Virginia, Chapter 9.3, Campaign Finance Disclosure Act of 2006, of title 24.2, Elections, as amended, shall be applicable to elections for town offices in the town pursuant to Code of Virginia, § 24.2-945, as amended.
(Ord. No. 2014-04, 12-9-14)

IX. CODE OF ETHICS

The Town Council has adopted for itself the Code of Ethics. To the extent the Town's Code of Ethics conflicts with Virginia Law (e.g. Virginia State and Local Government Conflict of Interest Act, Virginia Freedom of Information Act), State Law shall prevail. The Town of Warrenton Code of Ethics follows:

TOWN OF WARRENTON CODE OF ETHICS

The Town Council adopted the attached Code of Ethics at its meeting on August 9, 2016. The Code addresses how members will conduct themselves in an ethical manner to earn and maintain the public's full confidence for integrity.

The Code of Ethics is adopted for execution by each elected or appointed member of a Town public body, including the Mayor and Town Council Members, the Planning Commission, Board of Zoning Appeals and Architectural Review Board.

Preamble

The citizens and businesses of Town of Warrenton, Virginia, are entitled to have fair, ethical and accountable local government, which has earned the public's full confidence for integrity. In keeping with the Town of Warrenton's Commitment to Excellence, the effective functioning of democratic government therefore requires that public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government; that public officials be independent, impartial and fair in their judgment and actions; that public office be used for the public good, not for personal gain; and that public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Town of Warrenton Town Council has adopted this Code of Ethics for members of the Council and of the Town's boards, commissions, and committees to assure public confidence in the integrity of local government and its effective and fair operation.

1. Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of the Town of Warrenton and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims, and transactions coming before the Town of Warrenton Town Council, boards, commissions, and committees.

2. Conduct of Members

The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the Town Council, boards, commissions, and committees, the staff or public.

3. Respect for Process

Members shall perform their duties in accordance with the processes and rules of order established by the Town Council and boards, committees, and commissions governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the Town Council by Town staff.

4. Conduct of Public Meetings

Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

5. Decisions Based on Merit

Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

6. Communication

Members shall publicly share substantive information that is relevant to a matter under consideration by the Town Council or boards, committees and commissions, which they may have received from sources outside of the public decision-making process.

7. Conflict of Interest

In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest, or where they have an organizational responsibility or personal relationship that may give the appearance of a conflict of interest.

In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts may exist.

8. Gifts and Favors

Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office, which are not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.

9. Confidential Information

Members shall respect the confidentiality of information concerning the property, personnel, or affairs of the Town. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial, or other private interests.

10. Use of Public Resources

Members shall not use public resources that are not available to the public in general, such as Town staff time, equipment, supplies or facilities, for private gain or personal purposes.

11. Representation of Private Interests

In keeping with their role as stewards of the public interest, members of the Council shall not appear on behalf of the private interests of third parties before the Town Council or any board, committee, commission or proceeding of the Town, nor shall members of boards, committees or commissions appear before their own bodies or before the Town Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

12. Advocacy

Members shall represent the official policies or positions of the Town Council, boards, commissions, or committees to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the Town of Warrenton, nor will they allow the inference that they do.

13. Policy Role of Members

The Town Council determines the policies of the Town with the advice, information and analysis provided by the public, boards, commissions, and committees, and Town staff. The Town Council delegates authority for the administration of the Town to the Town Manager.

Members therefore shall not interfere with the administrative functions of the Town

or the professional duties of Town staff; nor shall they impair the ability of staff to implement Council policy decisions.

In order to prioritize staff time, members shall not cause Town staff to spend more than one hour of time on any project without the specific approval of all Councilmembers in a majority vote in an open meeting, unless such time is the result of a closed session discussion involving duly authorized projects such as work on litigation, the sale or purchase of real property, etc. Any project requiring more than one hour by staff shall be brought to the attention of the Town Manager and Mayor who shall place the project for discussion on the next Town Council meeting's agenda.

14. Independence of Board and Commissions

Because of the value of the independent advice of boards, committees and commissions to the public decision-making process, members of the Town Council shall refrain from using their positions to unduly influence the deliberations or outcomes of board, committee, or commission proceedings.

15. Positive Workplace Environment

Members shall support the maintenance of a positive and constructive work place environment for Town employees and for citizens and businesses dealing with the Town. Members shall recognize their special role in dealings with Town employees and in no way create the perception of inappropriate direction to staff.

16. Implementation

As an expression of the standards of conduct for members expected by the Town, the Town of Warrenton Code of Ethics is intended to be self-enforcing. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions.

For this reason, ethical standards shall be included in the regular orientations for candidates for the Town Council, applicants to boards, committees and commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming they have read and understood the Town of Warrenton Code of Ethics. In addition, the Town Council, boards, committees and commissions, shall annually review the Code of Ethics and the Town Council shall consider recommendations from boards, committees and commissions to update it as necessary.

17. Compliance and Enforcement

The Town of Warrenton Code of Ethics expresses standards of ethical conduct expected of members of the Town Council, boards, committees and commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

The chairs of boards, committees and commissions and the Mayor have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Ethics are brought to their attention.

The Town Council may impose sanctions on members whose conduct does not comply with the Town's ethical standards, such as reprimand, formal censure, loss of seniority or committee assignment, or budget restriction. Where allowed by law, the Town Council also may remove members of Town-appointed boards, committees and commissions from office.

A violation of this Code of Ethics shall not be considered a basis for challenging the validity of a Town Council, board, and committee or commission decision.

PART TWO

I. TOWN COUNCIL MEETINGS

The Warrenton Town Council meets for regular meetings in the Council Chambers at 21 Main Street, Warrenton, Virginia at 9:00 a.m. for a work session and 6:30 p.m. on the second Tuesday of each month. The Town Council may by resolution prescribe any public place or prescribe a day or time other than those established in this section, for a regular meeting of the Town Council.

Special meetings may be called at any time by the Mayor, the Town Manager, or any four members of the Council, and shall prescribe the method of giving notice thereof, provided such notice shall contain a statement of the specific item or items of business to be transacted, and no other business shall be transacted at such meetings except by the unanimous consent of all the members of Council; provided, however, that a special meeting may be held at any time without notice if all members of the Council attend said meeting or waive notice thereof. (1964, c. 47)

If the day established for a regular meeting falls on a legal holiday, that meeting shall be held on the next duty day at 6:30 p.m. in the Council Chambers Building.

- Public Hearings as required by law or Council policy. Public hearings may cover subjects such as proposed budgets, proposed Comprehensive Plan amendments, rezoning and special exceptions.
- Reports and Recommendations from Town Manager, Town Attorney and departments.
- Ordinances and Resolutions which are legal instruments whereby Council establishes public policy either in the form of local laws (ordinances) or formal statements of fact and intent (resolutions).

II. OPEN MEETING LAW

The Virginia Freedom of Information Act (FOIA) generally requires that all meetings of the Council as well as most other public bodies, such as Planning Commissions, Boards of Zoning Appeals, School Boards, Redevelopment and Housing Authorities, be open to the public. It is important to note that committees appointed by Council or any other public body subject to the FOIA must also be open to the public. Therefore, all committees appointed by Council, whether composed of selected members of Council or of non-council persons or a mixture, and regardless of number are subject to the FOIA's public meeting requirement. Section 2.2-3702. of the Act states that public officials shall read and familiarize themselves with the provisions of the Virginia Freedom of Information Act.

The FOIA provides that in order to constitute a "meeting" a quorum must be present. Therefore, FOIA applies to regular meetings as well as gatherings of three or more Councilmembers **where Town business is discussed**. Likewise, FOIA also applies to regular meetings as well as gatherings of members of any committee or subcommittee appointed by or from Council where the business of such committee or subcommittee is discussed and where a quorum of such committee or

subcommittee is present. Except in the case of a committee or subcommittee consisting of at least four members (where a quorum would be three members), a meeting or gathering of two or more committee or subcommittee members at which the business of such committee or subcommittee is discussed constitutes a meeting covered by FOIA.

FOIA requires that Council and committees and subcommittees appointed by Council give advance written notice of every meeting to every citizen, including news media, who has requested to receive such notice. Council may require that the requests for notice be renewed annually. In addition, copies of agendas and materials distributed to Council must be simultaneously made available for public inspection. Unless exempted by the FOIA, all materials must be made available to the public. The Town Clerk typically handles the notice requirement to media for Council.

Information packets are posted electronically approximately one week before the council meeting to Councilmembers and are made available to the public and press. Minutes must be kept of all meetings of Council, including work sessions and informal meetings at which no official action is taken. Votes are recorded in the minutes of the meeting. Secret ballots are prohibited by the Code of Virginia.

III. CLOSED MEETINGS

Meetings of the Council shall be open to the public except when the public welfare requires Closed Meetings. A Town Council or committee may go into Closed Meeting and exclude the public for certain stated reasons. More than 20 items are exempted from the Freedom of Information Act and may be discussed in a closed meeting. Closed Meeting issues typically involve:

- Personnel VA Code § 2.2-3711.1
- Property VA Code § 2.2-3711.3
- Legal briefings VA Code § 2.2-3711.7

The procedure for convening a Closed Meeting is as follows:

- (1) While in public session, a majority of Councilmembers must approve a motion to go into Closed Meeting. The motion must include the reason and a citation of the specific code section containing the FOIA exemption allowing the Closed Meeting. Exclusions are located in Section 2.2-3705.1 of the Virginia Code.
- (2) While in the Closed Meeting, Councilmembers may discuss only the subject mentioned in the motion.
- (3) Certify by recorded vote, after Council completes the Closed Meeting and returns to public session, that all the discussion in closed meeting was appropriate under the law. (See Code of Virginia text below.)

Code of Virginia Section 2.2-3712

“Now, therefore, be it resolved that the Town Council of Warrenton hereby certifies that, to the best of each member’s knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia Law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the Town Council of Warrenton.”

IV. SETTING THE MEETING AGENDA

All meeting agenda items which require formal Council action are placed on the agenda for consideration. The agendas for meetings are finalized and taken public approximately one week prior to the meeting. If an item involves a legal matter, it should be submitted in sufficient time to allow a review by the Town Attorney.

Councilmembers should forward requests for agenda items to the Town Manager and the Mayor at least three weeks prior to a work session. Department directors submit agenda items to the Town Manager to be included at the Manager’s discretion on the agenda depending on the topic and its importance. The Town Clerk is responsible for preparing and distributing the agenda. (See samples of information and guidelines sheet and agendas in the appendixes.

V. MAYOR AS PRESIDING OFFICER

The Mayor presides at every meeting of the Council and at the hour appointed, calls the Council to order, provided a quorum is present. The Mayor signs various ordinances and resolutions on behalf of the Council. All legislative actions are certified by the Town Recorder.

The Mayor preserves order and, with the assistance of the Town Attorney and Town Clerk, speaks to and decides all points of order. The Mayor has control of the Council Chamber and the connecting halls and corridors. In case of a disturbance or disorderly conduct, the Mayor may order the same to be cleared.

The Vice Mayor presides in the Mayor’s absence. Warrenton Town Code Section 2.36.

VI. ORDER OF BUSINESS

1. Call to Order
2. Invocation
3. Pledge of Allegiance to the United States of America (1954)
4. Citizen Comments
5. Proclamations and Recognitions
6. Approval of the Agenda

7. Public Hearings
8. Consent Agenda
9. New Business
10. Unfinished Business
11. Town Attorney's report
12. Town Manager's report
13. Council Member's time
14. Adjournment

VII. PUBLIC PARTICIPATION IN COUNCIL MEETINGS

The public is invited to speak on all public hearing items. The public is also permitted to speak on any topic not listed as a public hearing item during the "Citizens Time" portion of the meeting. The Chair will recognize all speakers, who shall state their name and address for the record; have up to three minutes to address council; and may only address Council once on each topic unless called back by the Chair at the request of Council.

Citizen's Time: Individuals may address the Council on any matter not listed on the agenda as a public hearing. This is Their time to address the Council and share what's important to them. Each speaker has up to three minutes to address Council. When called to the podium, speakers should state their name and address for the record. Copies of written statements and supporting materials should be given to the Town Clerk for the record. The Mayor will establish the order of speakers and will maintain decorum. Citizen's Time is not designed as a question-and-answer session or a debate.

Public Hearings: Formal proceedings held to hear from the public on a specific topic. All public hearings are advertised prior to the scheduled hearings, and the notices indicate where citizens can obtain information pertinent to matters scheduled for public hearings. Applicants, or representatives of the applicant, will be allowed to introduce information regarding the matter advertised for public hearing. Public hearings are intended to enable citizens to influence the public decision process based on prior research and discussions with appropriate public officials and to address only those issues pertinent to the matters advertised for public hearing. Public hearings are not question and answer sessions or debates, and all statements should be addressed to the Town Council.

VIII. ORDINANCES AND RESOLUTIONS

A copy of each ordinance or resolution is included in the Warrenton Town Council agendas.

No ordinance can be passed, or resolution adopted that appropriates money, levies taxes and licenses without a two- thirds vote of Council Members. Virginia State Code § 15.2-1427.

IX. ELECTRONIC PARTICIPATION

The electronic participation in meetings is governed by Virginia State Code § 2.2-3708.3. A Resolution was passed at a special meeting on November 7th, 2022, updating the policy.

Town Policy – Remote electronic participation in meetings.

It is the policy of the Town Council of the Town of Warrenton that individual Town Council Members may participate in meetings of the Town Council by electronic means as permitted by Virginia State Code § 2.2-3708.3. This policy shall apply to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

Whenever an individual member wishes to participate from a remote location, the law requires a quorum of the Town Council to be physically assembled at the primary or central meeting location, and there must be arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location. The reason that the member is unable to attend the meeting and the remote location from which the member participates must be recorded in the meeting minutes.

Automatic Approval with Vote if Challenged.

Individual participation from a remote location shall be approved unless such participation would violate this policy of the provisions of the Virginia of Freedom of Information Act. IF a member's participation from a remove location is challenged, the Town Council of the Town of Warrenton shall vote whether to allow such participation. If the Town Council of the Town of Warrenton votes to disapprove of the member's participation because of such participation shall be recorded in the minutes with specificity.

X. ORGANIZATIONAL MEETINGS

The biennial organizational meeting of the Council is traditionally at the first regular meeting in January every other year. The last organizational meeting was held in January 2023. The first order of business is for Council to consider a resolution adopting the schedule of meetings for the Town Council and to consider a resolution electing a vice mayor for the electing term.

XI. RULES OF CONDUCT DURING COUNCIL MEETINGS

Robert's Rules of Order is the classic statement of present-day parliamentary procedure. Familiarity with and use of Robert's Rules provides the means whereby the affairs of the Council can be controlled by the general will of the members. Council meetings can proceed in a controlled and predictable manner, allowing the business of the citizens of Warrenton to be handled in a direct, constructive, and democratic manner. The following rules of conduct are adapted from the pages of Henry M. Robert's time-honored book and merit the Council's special attention.

PROCEDURES FOR SMALL BOARDS

Since the Town Council is relatively small compared with other organizations using Robert's Rules, some of the procedural formality can be dispensed with. The following Procedures for Small Boards from Robert's Rules is modified for use by the Warrenton Town Council. Modifications to Robert's Rules for Small Boards are noted in italics.

- While members are required to obtain the floor before making motions or speaking, they may do so while seated. (Text normally reads that members are not required to obtain the floor beforehand.)
- Motions must be seconded. (Text normally reads, "Motions need not be seconded.")
- No limit is placed on the number of times a member may speak to a question. However, motions to close or limit debate may be entertained. (Text normally reads that such motions "should not be entertained.")
- Informal discussion of a subject is permitted while no motion is pending. It is normally expected, however, that discussion will follow a motion on the floor.
- Sometimes when a proposal is perfectly clear to all present, a vote can be taken without a motion having been introduced. Unless agreed to by general consent, however, all proposed actions of a board must be approved by vote under the same rules as other assemblies, except that a vote can be taken initially by a show of hands. Normally, the ayes and nays on any question must be recorded. Code Sec. 2-29.
- The chairman can speak in discussion without rising or leaving the chair, can make motions, and votes on all questions.

MEMBER CONDUCT

Every member who wishes to speak must first respectfully address the Mayor / Chair, and not proceed until recognized by the Mayor / Chair. They will confine themselves to the immediately pending question and avoid mentioning all personalities. No member shall address the Chair out of his place, nor interrupt another without the consent of the member who has the floor, except when making a point of order.

The member upon whose motion is subject to debate is first entitled to the floor and is entitled to close debate after each member who wishes to speak has been allowed to do so.

COUNCIL VOTING

In most instances, the affirmative vote of a majority of the members elected to Council present at a regular or special meeting at which a quorum is present and voting shall be necessary to adopt any ordinance, resolution, or pass other matters presented to the Council. Four members constitute a quorum. However, some ordinances and resolutions appropriating money, imposing taxes or authorizing the borrowing of money shall only pass by a recorded affirmative vote of a majority of all Councilmembers. In some cases, as prescribed by Code, a super majority of all Councilmembers

may be required. Every member present at a Council meeting when a question is put shall give his vote, unless excused by the Chair. All votes are recorded in the minutes of the meeting. Secret ballots are prohibited.

After a vote is announced, no member shall change his vote without the consent of the Council. The right to change a vote shall be limited to the current meeting and not continue for any subsequent.

KEY PASSAGES FROM ROBERTS RULES

Several key passages are included to help familiarize Councilmembers with Robert's Rules. The Town Clerk and Town Attorney serve as the parliamentarian of the Council and should be consulted on the proper application of Robert's Rules and applicable laws.

Obtaining the Floor (RR § 3). Before a member can make a motion, or address the Council in debate, it is necessary that they obtain the floor -- that is, they must address the presiding officer by official title, thus, "Madame Mayor, Mayor or Mayor Smith." If the member is entitled to the floor, the chair recognizes them by name.

Main Motions (RR § 4). A motion is made by a member obtaining the floor and saying, "I move that," and then stating the proposed action. Typically, no member can make two motions at a time except by general consent. Main motions, which introduce business, take precedent over nothing. That is, they cannot be made when another question is before the assembly. Privileged, incidental, and subsidiary motions may be made while a main motion is pending.

That the motion be stated by the chair for the benefit of the Council and audience. The fact that a motion has been made does not put it before the Council. The chair alone can put a motion before the Council. The chair must either rule the motion out of order or state the question so that all may know the immediately pending question.

Debate (RR § 7). After a question has been stated, it is before the Council for consideration and action. All but a few motions are subject to debate. Debate must be limited to the merits of the immediately pending question -- that is the last question stated by the Chair. Speakers must address their remarks to the Chair, be courteous in their language, avoid all personalities, and never allude to the motives of members.

Amendments (RR § 33). Amendments may be made on all motions except those listed by Robert's Rules.

The motion to amend is made in a form similar to this: "I move to amend the resolution by inserting (or striking or substituting) the word 'very' before the word 'good';" or simply "I move to insert (or strike or substitute) 'very' before 'good'."

An amendment can be amended itself, but this "amendment to an amendment" cannot be amended.

In other words, an amendment of the third degree would be too complicated and is not in order.

An amendment of a pending question requires only a majority vote for its adoption, even though the question to be amended requires higher threshold (ex., two-thirds or unanimous vote).

Robert's Rules lists a number of improper amendments in Section 33, including ones that are not germane to the question being amended, or are identical to questions previously decided.

Reconsideration of a motion (RR § 36). A motion to reconsider a previous vote must be made by one who voted with the prevailing side. Normally, a reconsideration motion can only be made on the day that the original vote was taken, or on the day of the next succeeding Council meeting. The motion to reconsider cannot interrupt pending business. However, as soon as the pending item is disposed of, it can be called up with preference over other main motions and general orders.

Rescind, Repeal, or Annul (RR § 37). Any vote taken by the Council, except those listed by Robert's Rules, may be rescinded by a majority vote, provided notice has been given at the previous meeting or in the call for this meeting. When no notice is given, a two-thirds vote or majority vote of the elected Council is required.

The motion to rescind can be applied to votes on all main motions. It is itself a main motion without any privilege, and therefore can only be introduced when there is nothing else before the assembly. It may be made by any member, and is debatable.

Among the votes that Robert's Rules specifies cannot be rescinded are ones that occur:

- After something has been done because of that vote that the Council cannot undo; or,
- Where it is in the nature of a contract and the other party is informed of the fact; or,
- Where a resignation has been acted upon.

XII. QUICK REFERENCE CHART

	Must be Seconded	Open for Discussion	Can be Amended	Vote Count Required to Pass	May be Reconsidered or Rescinded
Main Motion	✓	✓	✓	Majority	✓
Amend Motion	✓	✓		Majority	✓
Limit Debate	✓		✓	$\frac{2}{3}$ Supermajority	✓
Close Discussion	✓			$\frac{2}{3}$ Supermajority	✓
Recess	✓		✓	Majority	
Adjourn Meeting	✓			Majority	✓
Refer to Committee	✓	✓	✓	Majority	✓
Postpone to a Later Time/Date	✓	✓	✓	Majority	
Table	✓			Majority	
Postpone Indefinitely	✓	✓	✓	Majority	✓

PART THREE

TOWN COUNCIL POLICY MAKING PROCESS

Please note: This is a living document that is updated annually by the Town Council. The Goals will be updated at a Strategic retreat scheduled for January of 2024.

I. BIENNIAL GOAL SETTINGS POLICY AND PROCEDURES

The Town recognizes the importance of setting specific goals. Goals provide both a means of sorting out priorities, and a standard against which to measure effectiveness. More than any other determinant stated goals drive the budget. Goal setting is an integral part of the budget process.

The chart included in this section outlining the two-year election cycle fits well with a biennial goal setting cycle.

Town of Warrenton Biannual FY24-FY25 Strategic Plan

Mission Statement

In Cooperation With And For Our Citizens...

...The Mayor, Town Council and the Staff of Warrenton are dedicated to providing public safety, economic opportunity, and quality public services in an attractive, well-planned community with historic character for the benefit, enjoyment and accessibility of all.

Vision & Value Statement

Provide high level services in a cost-effective manner; display honesty, respectfulness, and fairness in all relationships; support the health and economic well-being of our citizens and businesses; preserve our historic small-town character; encourage opportunities, services and infrastructure that allow people of all means to live, work and visit here; and address public concerns and opportunities promptly and effectively.

We recognize our Mission can be achieved only by the exchange of information and that through teamwork we can maintain an environment in which we can maximize our potential.

Strategic Plan Goals and Focus Areas:

Goal 1: Resiliency

Goal Statement: Identify key actions and initiatives that will protect and promote a successful future for Warrenton in the areas of financial and workforce resources.

- **Financial**
 - o Objective 1: Review current fiscal policies to determine if they are in the best interest of financial resiliency for Town operations.
 - Action Strategy: Following review, bring forward recommended policy changes for Council review.

- Objective 2: Create an economic development marketing strategy that includes a detailed retail retention and recruitment strategy.
- Action Strategy: Evaluate the ability to hire an Economic Development Manager and Communications Manager to support this objective and bring it to fruition.
- **Workforce**
- Objective 1: Conduct a Compensation and Classification Study for all Town Staff.
- Action Strategy: Report to Council the details and recommendations associated with the study conducted so that they may decide upon the best way to address identified weaknesses in the current structure.
- Objective 2: Conduct an Organizational Study of all town departments.
- Action Strategy: Report to Council the details and recommendations associated with the study conducted so that they may decide upon the best way to address identified weaknesses in the current structure.

Goal 2: Preparedness

Goal Statement: Identifying key actions and initiatives that will protect and promote a successful future for Warrenton in the areas of technology and utility investments.

- **Technology**
- Objective 1: Implement infrastructure improvements that benefit town-owned community facilities.
- Action Strategy: Evaluate our current IT infrastructure and initiate the process of addressing deferred maintenance.
- **Utilities**
- Objective 1: Maintain a reliable and sufficient quantity of wastewater treatment capacity and a sufficient quantity and quality of public water supply to meet the needs of expected long term residential and commercial growth.
- Action Strategy: Utilize the Capital Improvement Program to address deferred maintenance issues.
- Objective 2: Implement robust maintenance schedules on community facilities to extend the life of investments.
- Action Strategy: Develop a facility master plan for Town facilities to determine viable maintenance schedules that support their longevity.

PART FOUR

I. APPOINTMENTS

Current as of January 2023

Board or Committee	Name	Residency	Term Expiration
Architectural Review Board			
Four Year Term			
	Steve Wojcik	Town resident	12/31/2026
	Laura Bartee	Architect ¹	12/31/2026
	Virginia Gerrish	Town resident	12/31/2026
	Karen Lavarnway	Town resident	12/31/2025
	John Thorsen	Town resident	12/32/2025

BOARD OF ZONING APPEALS

Five Year Term

Amos Crosgrove	Town resident	12/31/2026
Larry Kovalik	Town resident	12/31/2026
Melea Maybach	Town resident	12/31/2026
Betsy Sullivan	Town resident	12/31/2026
Vacant	-	-

Planning Commission

Four Year Term

Terry Lasher	Town Resident	12/31/2026
Darine Barbour	Town Resident	12/31/2026
James Lawrence	Town Resident	12/31/2024
Ryan Stewart	Town Resident	12/31/2024
Steve Ainsworth	Town Resident	12/31/2024
Vacant	-	-
Vacant	-	-

¹ May or may not be a Town resident.

APPENDIX

Appendix 1) Warrenton Plan 2040

Appendix 2) Staff Report Information

Appendix 3) Town Council Meeting Information Handout

Appendix 4) Town Council Meeting Draft Agenda information

Appendix 5) VML FOIA/ COIA handbook.



ADOPTED COPY APRIL 13, 2021

Item a.

PLAN WARRENTON 2040



ACKNOWLEDGMENTS

The Town of Warrenton would like to acknowledge the dedication and commitment to the individual citizens, students, teachers, business owners, merchants, property owners, non-profits, and community partners who participated in the process of updating the Comprehensive Plan. In addition, the Town would like to thank Fauquier County, the Rappahannock-Rapidan Regional Commission, and the Virginia Department of Transportation for participating in the planning process. Special thanks to the PATH Foundation for their support of the Complete Streets and Walkability Audit components.

Town Council

- Carter Nevill, Mayor*
- Renard Carlos, At-Large*
- Sean Polster, At-Large*
- Heather Sutphin, Ward 1*
- William Semple, Ward 2*
- Brett Hamby, Ward 3*
- James Hartman, Ward 4*
- Kevin Carter, Ward 5*

Planning Commission

- Susan Rae Helander, Chair*
- Ali Zarabi, Vice Chair*
- Gerald Johnston*
- James Lawrence*
- Mark Moore*
- Ryan Stewart*

Comprehensive Plan Steering Committee

- Chris Coutts*
- Doug Larson*
- Jim Lawrence*
- John W. McCarthy*
- Kirsten Dueck*
- Marie E. Washington*
- Melanee Montalvo*
- Fauquier County Community Development Staff*

Urban Development Area Steering Group

- Roy Anderson*
- Trey Austin*
- Merle Fallon*
- Susan Helander*
- Nick Kalis*
- Brian Larson*
- Joe Martin*
- John McAuliff*
- Brian Roeder*
- Kevin Roop*
- Ryan Stewart*
- Walter Story*
- Pablo Teodoro*
- John Thompson*

Town of Warrenton Staff

- Brandie Schaeffer, Town Manager*
- Whit Robinson, Town Attorney*
- Frank Cassidy, Community Development Director*
- Denise Harris, Planning Manager*
- Rob Walton, Zoning Administrator*
- Millie Latack, Preservation Planner*
- Kelly Machen, Zoning Planner*
- Stephanie Miller, Director of Finance and Human Resources*
- Paul Bernard, Assist. Public Works / Public Utilities Director*
- Michael Kochis, Chief of Police*
- Rodney Woodward, Warrenton Volunteer Fire Company*
- Timothy Carter, Deputy Chief of Police*
- Edward Tucker, Former Public Works / Public Utilities Director*
- Margaret Rice, Former Director Parks and Recreation*

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MAYOR'S MESSAGE 2040

“We are a sum of our past, we are the hope of our future, all rolled into one, and we can see that every day when we walk down the streets of Warrenton. Whether its in Old Town, or going down to the WARF, or walking the streets in our neighborhoods. It is a genuine, sincere community, and it is defined by the people, and the place where we live.”

**THIS IS YOUR TOWN,
THIS IS YOUR NEIGHBORHOOD,
AND THIS IS YOUR PLAN.”**

- Mayor Carter Nevill

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EXECUTIVE SUMMARY 2040

Introduction


The Plan Warrenton 2040 was adopted in one of the most challenging years of recent history. The international pandemic of COVID-19 impacted fundamental aspects of personal and community life calling into question how people live, work, go to school, and recreate. It threw into high relief how our communities are designed to support, or fail to support, the needs of a functioning economy through infrastructure and public spaces. Simply, the pandemic exposed our collective community strengths and challenges.

Communities do well if they have the preparedness and flexibility to respond quickly to the changing nature of the environment. Communities who lay the groundwork for strategic investments can weather the many types of unforeseen storms. A comprehensive plan serves its greatest purpose in these instances. Plan Warrenton 2040 begins with recognition of the nexus between planning, economic resiliency, and public health. This plan is built on the premise that the physical, mental, social, and economic health of our community reaches into all aspects of our quality of life. These central themes have already been instilled in our community from the passage of the Healthy Eating Active Lifestyle (HEAL) Resolution by the Town Council in 2015, the Walkability Audit and Complete Streets Guide in 2017, the Fiscal Impact Model of 2019, the Robert Wood Johnson Culture of Health nomination, and the Eva Walker Park Master Plan in 2021.

Plan Warrenton 2040 lays out a vision that enhances these themes and protects the character

of the Town of Warrenton, while it works to anticipate a rapidly changing future due to technological advancements and the prolonged impacts of the pandemic. The plan focuses on the elements of community to maintain a standard of living. Public spaces, a notable goal in previous Comprehensive Plans, are now a necessity for the mental, physical, and social health of our residents. Opening the built environment of the Town's assets and right-of-way is essential for the economic health of our business and food supply. Further necessity of multi-modal, active transportation has become more apparent as people seek a means to safely leave their residences after working from home or learning virtually. The shifting demands on water, sewer, and telecommunications infrastructure become apparent as society begins to reallocate how and where it spends its time. Perhaps most importantly, the design of our community needs to support the needs of all residents and businesses through elements like attainable housing to encourage resident diversity and retention. These elements of community allow Warrenton to positively respond to the needs of its residents, ensuring that even through change we are still Warrenton: a community that deeply cares for all its members.

While no one can yet state with certainty the long-term shifts in behavior the pandemic will have on communities, the goals and objectives remain the same. Plan Warrenton 2040 seeks to capture the community spirit to ensure the Town is the best Warrenton it envisions for itself during the greatest and most trying of times.



WHO WE ARE

10,027


24.4%
Under the
Age of 18


19.0%

Over the
Age of 65

4.5


SQUARE MILES






SCHOOLS

- 2 High
- 4 Middle
- 5 Elementary




FAUQUIER COUNTY SEAT

- 3 Courts
- 1 Library
- 1 Hospital



ACTIVE LIVING

- 5 Parks
- 1 Rail Trail
- 2 Farmers Market



BUSINESS

- 1 Main Street Program
- 1 Local Chamber
- 857 Business Licenses

WHAT IS A COMPREHENSIVE PLAN?

A Comprehensive Plan is a holistic, aspirational vision to guide future decisions of the Town of Warrenton.

The Code of Virginia §15.2223 states the Comprehensive Plan’s purpose is to guide and accomplish a coordinated, adjusted and harmonious development, keeping in accordance with present and probable future needs and resources, to best promote the health, safety, morals, order, convenience, prosperity and general welfare of the residents, including the elderly and persons with disabilities. The Comprehensive Plan is to be general in nature, in that it designates the general or approximate location, character, and extent of features. Plan Warrenton 2040 serves as the official document tying together community features with the overall vision for its future.

WHAT IS PLAN WARRENTON 2040?

Plan Warrenton 2040 is the outcome of thoughtful conversations throughout the community. It contains a vision of equity for its residents, a high quality of life for the community, and fiscal vibrancy for the businesses. The vision contains three drivers that serve as the backbone of the seven topical elements.

DRIVERS

Community Character

Community Character seeks to preserve and enhance the identity and quality of life in Warrenton as a place for everyone to meet, talk, and be neighborly; as a place that is interconnected, human scaled, and walkable; as a place, historic and new, that combines aesthetic form, development patterns, and amenities that ensure the heritage of the Town is honored for current and future generations.

Community Health

Community Health prioritizes social, physical, environmental, and mental health through policies and equitable investments that promote personal well-being, fiscal strength, and a strong community fabric through a safe, vibrant, and thriving community.

Economic & Fiscal Resilience

Economic and Fiscal Resilience cultivates entrepreneurial opportunities by leveraging community-based assets, in conjunction with integral geographic and regional relationships, to attract high quality investors, creating a resilient multi-faceted fiscal base that provides residents the ability to live and work in the community.

TOPICAL ELEMENTS

Jasmine, 17
FHS

Historic Resources

Preserve the place making features that continue to give the Town its unique identity, its character, and its feeling of home.

Grace, 17
FHS

Community Facilities

Strategic investments in accessible community facilities improving health and overall quality-of-life for a diverse community.

Taylor, 11
Brumfield

Housing

Preserve established residential neighborhoods, while expanding housing options to ensure inclusive, attainable housing for all ages, incomes, and needs. Create walkable communities with shared open space developments compatible with existing uses in scale and character.

Olivia, 17
FHS

Open Space, Parks, & Environment

Boast a network of open spaces to strengthen community health, protect the natural environment, and maintain the aesthetic and image of Warrenton as a critical element of Town character.

Morgan, 17
FHS

Transportation & Circulation

Strategic investments for a safe, vibrant, and interconnected multi-modal transportation network.

Nick, 15
FHS

Economic & Fiscal Resilience

Encourage a community where people may choose to live and work with a robust economy that cultivates entrepreneurial opportunities for a diverse and talented workforce.

Kayla, 17
FHS

Land Use & Character Districts

Expand amenity options within character districts and existing neighborhoods to improve quality-of-life and maintain community character.

HOW COMPREHENSIVE PLANS ARE IMPLEMENTED

Plan Warrenton 2040 sets the overall guidance for informed decisions, while the Virginia State Code identifies several methods for implementation of goals and strategies. Comprehensive plans are to be aspirational to communicate an agreed upon future form for the Town. The implementation tools are developed and updated to carry out the goals of the community. Below are a few of these implementation documents.

ZONING ORDINANCE

Zoning ordinances regulate the use of land within a locality and provide an official zoning map. This document details the allowable uses properties are entitled to utilize, the specifics to how the built environment will be structured (size, height, area, bulk, location, etc), the requisite areas and dimensions of the land and required elements, and identifies how localities may grant changes to these modifications.

SUBDIVISION ORDINANCE

The purpose of the Subdivision Ordinance is to establish reasonable and desirable subdivision standards and procedures for the Town of Warrenton. These regulations apply to all divisions of land into parcels or adjustments to the boundaries of parcels within the Town. This document incorporates a Public Facilities Manual that applies to all utilities constructed, including transportation, stormwater, water, and sewer.

HISTORIC DISTRICT GUIDELINES

The Historic District Guidelines provide the framework for consistent decision-making by elaborating upon the Zoning Ordinance's goal to identify, protect and preserve the buildings within historic district boundaries. The Secretary of Interior's Standards for Treatments of Historic Properties, in conjunction with the goals and strategies of the Comprehensive Plan, provide the framework for this important document.

CAPITAL IMPROVEMENT PLAN

The Capital Improvement Program (CIP) provides for an orderly implementation of short and long range plans for construction of Capital Improvement Projects and Land Acquisition. It further provides for the scheduling of the associated expenditures over a period of many years. The first year of the program represents the proposed Capital Budget for the upcoming fiscal year.

TOWN CODE

The Town Code is adopted by localities to enable the codification of ordinances. Related to the goals of Comprehensive Plan it enforces licensing, noise, how business is conducted, and a number of items specific to public streets, water, and sewer.

OTHER DOCUMENTS

While the Comprehensive Plan provides a “high level” set of goals and strategies, more focused efforts produce site, topical, or area specific objectives. For example, the Eva Walker Park Master Plan speaks to the long term improvements envisioned and specific to that public space. The Broadview Safety Improvement Project contains the engineered design to fulfill the Smartscale grant. Roll Out Warrenton and Warm Out Warrenton serve as examples of providing opportunities that seek to support the business community.

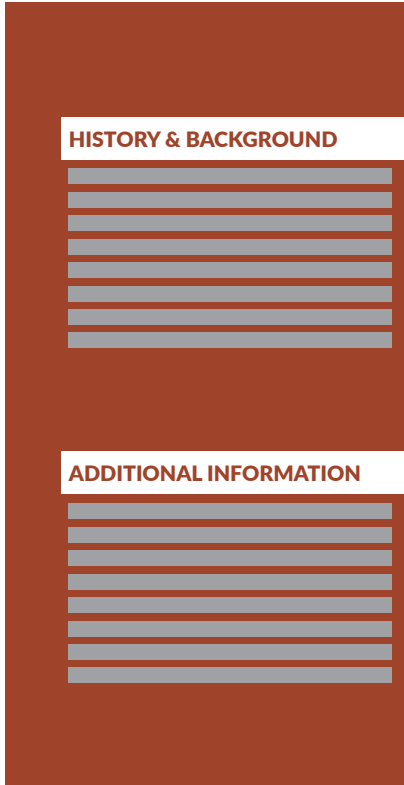
ADOPTION BY REFERENCE

Plan Warrenton 2040 includes the adoption of documents that were previously developed and produced as part of this process or in the same timeframe. Documents adopted by reference into the Comprehensive Plan include:

- Complete Streets Guidance Report (Toole Design Group, September 2017)
- Walkability Audit Report (Toole Design Group, September 2017)
- Urban Development Areas (Town Council Adopted March 13, 2018)
- Plan Warrenton 2040 Background Report
- Demographic and Housing Analysis White Paper (RKG Associates, February 1, 2020)
- Fiscal Sustainability Analysis White Paper (RKG Associates, February 1, 2020)
- Economic Base White Paper (RKG Associates, February 1, 2020)
- Character Districts Design Guide Book Plan Warrenton 2040 Hyperlink
- Density Bonus Recommendations Plan Warrenton 2040 Hyperlink
- Eva Walker Park Master Plan (Town Council Adopted February 9, 2021)

HOW TO USE THIS PLAN

Decision makers, staff, and the community should look to this document as a guide for important policies and land use decisions. It serves to inform budgeting and Capital Improvement Plans, regulatory documents, and legislative actions. The vision and goals, with the Future Land Use and Transportation maps, serve to coordinate the harmonious development of the Town’s current and future needs to best promote the prosperity and general welfare of all its residents.



HYPERLINKS

Each section will have a sidebar like this one to the left. The white bars are clickable hyperlinks that will pull up more information for each title subject.

Any words formatted like the example below are also clickable hyperlinks embed in the text for quick references.

EXAMPLE

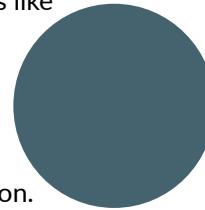
METRICS

Each section will have a metrics sidebar like below that lists markers to tract progress of Comprehensive Goals with successful implementations in Town.



ROLLOVERS

If you find a dot that looks like this one, rollover with you mouse for quick information.



OTHER TOWN PLANS AND RESOURCES

Plan Warrenton 2040 builds upon, and works in conjunction with, many other documents in the Town to support the vision. Throughout this document, hyperlinks are included to allow the reader to do a “deeper dive” into topical areas. Many of these documents are adopted on their own or serve as informational data points that are updated throughout time. They are not adopted in this official plan unless specifically stated. This structure allows for the long-term vision and goals to stay consistent, while the associated regulatory documents, small area plans, and data may be to be updated as needed on short time horizons.

PUBLIC INPUT

Plan Warrenton 2040 sought out innovative public outreach while also building upon words the community have spoken throughout previous planning efforts. It began with the simple premise that the adults of today hold our Town’s future in trust for our children. Almost 25% of Warrenton’s residents are under the age of 18. Yet, as Planning Magazine wrote “...young people sometimes fly under the radar even though they are a huge part of our communities and have very different needs, perspectives – and tech skills – than their parents and grandparents.” Warrenton decided to correct this in the Student Postcard Project by asking the youth ages 5-18 what they valued today and for the future. The over 1,000 students who participated have different needs and different perspectives, yet the values proved similar to the adults in the community:

- Community Gathering Spots
- Walkability
- Accessibility
- Age Friendly
- Sense of Place

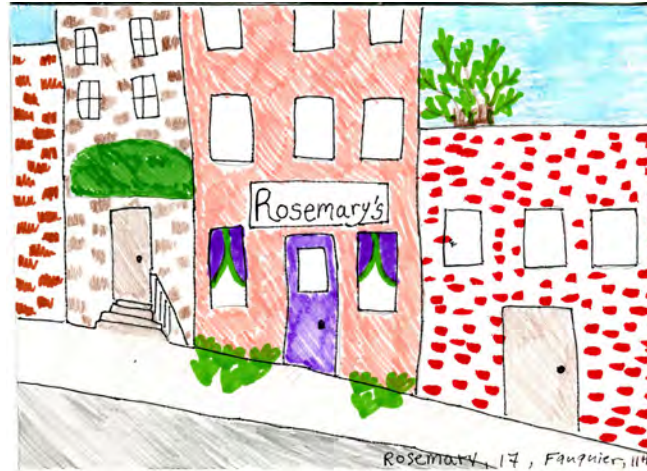
After a reception presenting the voice of the youth, the larger community was invited to contribute to the conversation. The “This is Your Town, Your Neighborhood, Your Plan” video, linked on page 11, encouraged residents and businesses to add their voice to the developing vision and goals. Public outreach was conducted in multiple formats, across multiple groups. Warrentonians provided their unique perspectives by attending meetings, taking surveys, and participating in workshops to help shape the Town’s future. Listening to the whole community, across spectrums of age, income, background, gender, and employment, creates a vision to equitably serve the entire community. Plan Warrenton 2040 seeks to ensure ALL its residents are afforded a high quality of life.

PUBLIC OUTREACH



2016 STUDENT POSTCARD PROJECT

Students of Warrenton schools were asked to draw the Town now and what they hoped it would look like in 2040. Throughout the document there will be some of these “postcards” of Warrenton with insight on what our youngest residents find important.



2040

Remember the vacant pink building on Culpeper Street I was talking about in 2016? Well, now that building is occupied and it is mine! I now have my donut shop called Rosemary's and it feels great giving back to the community!



BACKGROUND REPORT

2018 analysis of the 2002 Warrenton Comprehensive Plan and subsequent planning, including an analysis of existing conditions and external influences outside the Town boundaries.

PUBLIC COMMENT SURVEYS

Response data from a public survey released in 2019 for community input on Town needs and enhancements.

Plan Warrenton 2040 Vision : Your Town, Your Neighborhood, Your Plan

Warrenton in 2040 is a vibrant historic town with a strong sense of place. Families, retirees, students, young people just starting out, professionals, and business entrepreneurs live here because we have great pride in our community character, a healthy community and quality of life, and are economically strong and resilient.

Warrenton in 2040 has great neighborhoods, historic character and charm, community facilities and places to gather that reflect distinct architecture, and human-scaled design and housing options to meet people’s needs at different stages of life.

Warrenton in 2040 is a healthy community with a thriving arts and cultural scene, well designed parks and open spaces for all citizens, access to local foods, interconnected trails, educational options, and nearby wellness services. Our residents enjoy safe streets and the ability to enjoy a 10-minute walk, bike ride or local bus trip to their favorite Town park, shopping area or other destination. Commercial corridors are thriving economically and support a mix of transportation modes designed to make them walkable and accessible.

Our Town is fiscally sound, and we provide a high level of services and public amenities for our citizens and visitors to enjoy.

Warrenton is recognized nationally as one of the best places to live, work and visit in the Virginia Piedmont region.

We are thriving as the county seat of Fauquier, where we have a clustering of jobs in government services, healthcare, education, tourism, non-profits, high-tech and specialty trades. We attract visitors to our Town that enjoy authentic experiences derived from our historic resources, recreational and wellness assets, local art, and local foods. People visit us for a day or stay for the weekend to escape the hustle and bustle of other parts of the region. We are a place where people want to be in 2040 and for a lifetime.



HISTORIC RESOURCES GOALS



- HR-1: Conserve, reuse, and promote historic resources to enhance the Town’s sense of place and grow the economy.
- HR-2: Preserve the authenticity and tell the stories of historic resources for generations to come through documentation.
- HR-3: Educate the community on the value of historic resources.
- HR-4: Enhance the environment through preservation and sustainability best practices.
- HR-5: Protect the rich histories of existing neighborhoods.
- HR-6: Promote asset-based economic development through historic resources.

COMMUNITY FACILITIES GOALS



- CF-1: Serve as the central inviting public service center for Town and County residents with a proportionate share of community services provided by other governments, including a fair and reasonable balance in funding sources for community facilities.
- CF-2: Public safety services and policies are viewed as amongst the best in similar Virginia towns for the responsiveness, community trust, and effectiveness.
- CF-3: Green infrastructure and sustainability are incorporated into community facilities to promote energy efficiency and environmental protections.
- CF-4: Ensure healthy, safe, adequate water and wastewater services.
- CF-5: To provide a fiscally responsible infrastructure that maintains a high quality of life for residents, supports current businesses, and attracts new employers with a stable tax structure.
- CF-6: Identify telecommunications facility locations to ensure a broad range of communications services that also respect the character and viewsheds of the Town.

HOUSING GOALS



- 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.

OPEN SPACE, PARKS, & ENVIRONMENT GOALS



- P-1: Preserve, enhance, and protect the environmental, scenic, and natural quality of the Town.
- P-2: The Town of Warrenton’s Parks, Open Space, and Environment serve as key elements to the Town’s public health infrastructure. All Town residents will have the opportunity to access its recreational assets and natural resources, including public spaces and recreational amenities.
- P-3: Create a long-term approach to the development of parks, recreation, and open space in the Town of Warrenton.

TRANSPORTATION & CIRCULATION GOALS



- T-1:** Improve multi-modal capacity and safety that encourages trips by walking, bicycling, and transit.
- T-2:** Enhance the traveling experience by creating great streets.
- T-3:** Promote livability in the Town by creating great places where residents and visitors feel welcome and safe.
- T-4:** Provide an equitable and connected Multi-Modal Network.

ECONOMIC & FISCAL RESILIENCE GOALS



- E-1:** Grow a strong, diversified, and resilient economy that supports residents and businesses alike.
- E-2:** Increase the employment base to allow residents to live and work in Warrenton.
- E-3:** Promote Warrenton as a cultural, entertainment, and arts center.
- E-4:** Support Character Districts as unique mixed-use neighborhood centers.
- E-5:** Be proactive in the Town's Economic Development.

LAND USE & CHARACTER DISTRICTS



- L-1:** Organize Land Use According to Character Districts in select areas and protect existing neighborhoods.
- L-2:** **Old Town Character District:** The Old Town Character District will include a mix of infill and new mixed-use development that is designed to maintain, preserve, reuse, and renovate Old Town's historic character.
- L-3:** **New Town Character District:** The New Town Character District will support the revitalization of the commercial shopping malls with a walkable development pattern that includes a mix of uses, green space and public amenities, as well as provide a location for a major employer.
- L-4:** **Health and Wellness Character District:** The Health and Wellness Character District will support and promote a mix of uses that are health related, such as workforce housing, medical and emergency services and aging in-place related uses.
- L-5:** **Greenway and Makers District Character District:** The Greenway and Makers District will be promoted as the southern gateway into the Town and maintain the critical linkages between education, civic uses, and the surrounding neighborhoods, as well as the remaining industrial uses located in the Town.
- L-6:** **Experience Broadview Character District:** The Experience Broadview Character District will maintain and enhance the existing commercial corridor with mixed use residential nodes to serve as transitions to adjacent neighborhoods.



PLAN WARRENTON 2040

HISTORIC RESOURCES

“My favorite place in Warrenton is the [Old] Jail Museum. I love historical things. I like hearing what it was like back in the old days.” *Brittan, Age 9*



Main Street, 2019.

Vision

In the 21st Century, Warrenton’s historic fabric will be the place-making feature that continues to give the Town its unique identity, its character, and its feeling of home. Residents and visitors alike will appreciate the unique and distinctive heritage of this place while understanding the Town’s historic fabric is what makes Warrenton, Warrenton.

The Town and property owners will work toward a common goal of preserving the historic built environment for current and future generations, knowing their efforts will strengthen Warrenton’s neighborhoods, complement place-based economic development, encourage local economic growth, promote equity of its residents, and conserve natural resources.

Key aspiration related to vision include:

- Conserve, reuse, and promote historic resources to enhance the Town’s sense of place and grow the economy through economic activity.

GOALS

HR-1: Conserve, reuse, and promote historic resources to enhance the Town’s sense of place and grow the economy.

POLICIES & STRATEGIES

HR-1.1: Maintain the Historic District Guidelines to ensure relevant information is available by correlating modern building materials, preservation practices, and other forms of legislation.

HR-1.2: Create a Historic Preservation Plan to define the Town’s long-range historic resource goals and implementation standards.

HR-1.3: Update the Zoning Ordinance to complement Historic District Guidelines and Preservation Plan.

HR-1.4: Reward responsible property owners by streamlining the permitting process.

HR-1.5: Incentivize investment of responsible property owners through maintenance programs and tax incentive education.

HR-1.6: Explore all viable options to preserve and maintain historic resources, regardless of whether in the Local or National Historic District.

HR-2: Preserve the authenticity and tell the stories of historic resources for generations to come by thorough documentation.

POLICIES & STRATEGIES

HR-2.1: Maintain an accurate inventory of historic resources that stays current with the Period of Significance and integrates with the Town’s Geographic Information System (GIS).

HR-2.2: Update the National Register of Historic Places nomination to align with the local Historic District boundaries.

HR-2.3: Identify potential new historic resources that are eligible under the Period of Significance.

HR-3: Educate the community on the value of historic resources.

POLICIES & STRATEGIES

HR-3.1: Promote the Architectural Review Board as a resource for the entire community to consult on matters of materials, scale, massing for preservation, and new build best practices.

Item a.

TOWN HISTORY & DEVELOPMENT

Outline of the Town development over 200 years and the background related to policies and information for historic resources.

WARRENTON HISTORIC DISTRICT

Updated information regarding the formation and development of the National and Local Warrenton Historic Districts, their relation to Town wide resources, and community importance.

VDHR VCRIS DATABASE

External link to the Virginia Department of Historic Resources VCRIS Database listing all Historic District surveys.

HISTORIC NEIGHBORHOODS

Descriptions of assessed historic neighborhoods with historic background and images where available.

925

HISTORIC RESOURCES

HR-3.2: Provide information to the community on federal, state, and local economic incentives available to help finance rehabilitation and restoration.

HR-3.3: Raise awareness of cultural and historic resources through awards programs, heritage related signage, events and tours, and training.

HR-4: Enhance the Environment Through Preservation and Sustainability Best Practices.

POLICIES & STRATEGIES

HR-4.1: Update the Historic District Guidelines and Zoning Ordinance to keep pace with emerging energy saving technologies promoted by the U.S. Secretary of the Interior.

HR-4.2: Encourage adaptive reuse of historic buildings to reduce new carbon footprints and resource consumption.

HR-4.3: Educate property owners on LEED Certifications when rehabilitating structures.

HR-5: Protect the Rich Histories of Existing Neighborhoods.

POLICIES & STRATEGIES

HR-5.1: Explore a Historic Gateway Corridor Overlay District.

HR-5.2: Creation of new local historic districts in appropriate existing neighborhoods within the period of significance to protect from demolition and provide review for by-right new builds.

HR-5.3: Help property owners preserve the historic building stock through maintenance programs.

HR-5.4: Ensure all infill is context sensitive and respects the existing character of the surrounding area.

HR-6: Promote Asset-Based Economic Development Through Historic Resources

POLICIES & STRATEGIES

HR-6.1: Encourage heritage tourism showcasing the Town's unique cultural resources.

HR-6.2: Partner with the Town's Main Street organization and other entities to strengthen economic opportunities highlighting the Town's historical, arts, and culinary assets for placemaking events.

HR-6.3: Conserve the natural and market-built landscape to encourage investments and job creation in historic resources.

METRICS

1. The creation of a comprehensive survey, including all parcels with both the National and Local historic significance.
2. Submission of a successful National Register of Historic Places district nomination update or expansion, approved by the Virginia Department of Historic Resources and the National Parks Service.
3. Complete a reconnaissance-level survey of historic-age resources throughout the Town.
4. Town sponsorship of one or more cultural resource training event(s) per year.
5. Review, revise, and amend the Warrenton historic preservation ordinance.
6. Initiate the Historic Gateway Corridor Overlay District through a zoning ordinance.
7. The completion of a stand-alone Historic Preservation Plan.

Item a.

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PLAN WARRENTON 2040

COMMUNITY FACILITIES

“The [police] are important because if something goes wrong, they will be there. Also, in the mornings they give you free breakfast.” *Ashleigh, Age 9*



Vision

In 2040 Warrenton residents and visitors alike benefit from strategic investments in accessible community facilities located throughout the Town that meet the 2040 vision of providing a high quality of life to a diverse community. Community facilities play an important role in a healthy, safe, and connected community. Recognizing Town residents are also County residents, in 2040 County facilities continue to be integrated into the fabric of the Town of Warrenton, providing economic benefits to reinforce the Town’s vibrant small-town appeal, while promoting the Town’s health by connecting assets and building on an economic and fiscal resilience strategy.

Key aspirations related to this vision include:

- Foster high-quality, equitable, and accessible community facilities that meet the Town’s service requirements and support a high quality of life for the community.
- Make responsible and strategic community facility investments that support the Town’s vision for a live/work community, sustaining its fiscal well-being and economic resiliency.
- Promote sustainability in all Town-owned facilities.
- Reinforce the role of County community facilities into the Town fabric
- Promote livability through properly located Town services, schools, libraries, courts, and County administrative functions.
- Support the connection of residential dwellings to public water and sewer.
- Provide a high quality of life to capture economic benefits through diverse businesses, employers, and residences.

GOALS

CF-1: Serve as the central, inviting public service center for Town and County residents with a proportionate share of community services provided by other governments, including a fair and reasonable balance in funding sources for community facilities.

POLICIES & STRATEGIES

- CF-1.1:** Foster high-quality, equitable, and accessible community facilities that meet the Town’s service requirements and support a high quality of life for the community.
- CF-1.2:** Locate in person customer-serving facilities in high-visibility areas and incorporate design elements that speak to the character of the Town. Use technology and electronic capabilities to promote efficiencies for services.
- CF-1.3:** Ensure that community facilities are accessible to persons in all stages of life and all abilities.
- CF-1.4:** Encourage and strengthen a sense of community and the character of Warrenton through the design and appearance of public facilities.
- CF-1.5:** Encourage the use of community facilities and grounds for community events and public functions.
- CF-1.6:** Provide efficient, right-sized community facilities that meet identified levels of service.
- CF-1.7:** Address space needs in a cohesive partnership with the County, courts, and other agencies.
- CF-1.8:** Emphasize the retention of key economic driving facilities such as, County courts, library, school and administration offices, as well as the Post Office.
- CF-1.9:** Continue to promote Fauquier Hospital and Fauquier County as a contributor to the Health and Wellness Character District.
- CF-1.10:** Implement infrastructure improvements that benefit county-owned community facilities.
- CF-1.11:** Identify synergy between the Town’s and County’s Capital Improvement Programs and the infrastructure priorities in areas that serve Town residents like libraries, schools, and social services.
- CF-1.12:** Encourage schools to retain their presence in Town in walkable, safe, environmentally appropriate locations.

EXISTING CONDITIONS BACKGROUND

COMMUNITY FACILITIES (TOWN, COUNTY, & PRIVATE)

Overview of the current facilities owned or provided in the Town boundaries.

WATER & WASTEWATER

Information on the status of water and wastewater facilities and capacities in and around the Town.

TELECOMMUNICATIONS & BROADBAND

Capacity and demand analysis for telecommunication in the region.

CRITICAL FACILITIES (HAZARD MITIGATION)

Emergency services in Town and future needs.

CF-2: Public safety services and policies are viewed as amongst the best in similar Virginia towns for the responsiveness, community trust, and effectiveness.

POLICIES & STRATEGIES

- CF-2.1:** Maintain accepted level of service in terms of staffing and response times.
- CF-2.2:** Incorporate security measures designed to be unobtrusive but affording protection for citizens and users alike at community built and electronic facilities.
- CF-2.3:** Partner with County on their space and operational needs for the Sheriff's Office, Joint Communications, and Fire Rescue and Emergency Management.
- CF-2.4:** Identify and provide new substation and public safety facilities as new development/redevelopment occurs.
- CF-2.5:** Continue cooperative agreements with the County for public safety needs.

CF-3: Green infrastructure and sustainability are incorporated into community facilities to promote energy efficiency and environmental protections.

POLICIES & STRATEGIES

- CF-3.1:** Promote energy efficiency, green infrastructure, pervious surfaces, and healthy building environments in all community facilities and parking lots through a Green Infrastructure and Facilities Program. Leverage green infrastructure and ecosystem services as key economic and health benefits to the Town.
- CF-3.2:** Prioritize energy and water conservation and waste reduction in community facilities.
- CF-3.3:** Promote the use of third-party building certification systems such as Leadership in Energy and Environmental Design (LEED) in the design of public facilities.
- CF-3.4:** Where appropriate, encourage the design of community facilities in a multi-story configuration to reduce building footprints.
- CF-3.5:** Encourage water conservation and adopt new technologies to conserve water in the Town's administrative buildings.
- CF-3.6:** Promote use of native and water-conserving landscaping in the design of community facilities.
- CF-3.7:** All public facilities and utilities should be designed and developed so as to limit environmental degradation and protect the public environment. Safeguard floodplain and environmentally critical areas through the prohibitions against public facility development.
- CF-3.8:** Minimize impervious areas in new developments and future road construction projects, thereby reducing stormwater flows and impacts to the Municipal Separate Storm Sewer System program.

CF-4: Ensure healthy, safe, adequate water and wastewater services.

POLICIES & STRATEGIES

CF-4.1: Maintain a reliable and sufficient quantity of wastewater treatment capacity and a sufficient quantity and quality of public water supply to meet the needs of expected long term residential and commercial growth.

CF-4.2: Meet the future infrastructure needs through careful planning and acquisition of required permits.

CF-4.3: Reduce Infiltration and Inflow (I&I) and promote sustainability within the wastewater infrastructure system.

CF-4.4: Ensure that the fee/rate structure is consistent with water and wastewater capital works expenditure to ensure financial operating capacity of the public works department.

CF-4.5: 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.

CF-4.6: Continue installing smart metering systems to identify user demands and optimize the load on the water system.

CF-4.7: Explore policies that give credits for development that use water conservation practices and reduce water consumption.

CF-4.8: Explore resources to help property owners and promote connection to public water and sewer within the Town boundaries.

CF-5: To provide a fiscally responsible infrastructure that maintains a high quality of life for residents, supports current businesses, and attracts new employers with a stable tax structure.

POLICIES & STRATEGIES

CF-5.1: Implement robust maintenance schedules on community facilities to extend the life of investments.

CF-5.2: Support the Town’s current and future population through the provision of timely and comprehensive community facilities.

METRICS

1. Development and maintenance of community facilities that meet the needs of the existing and future populations.
2. Increase of community facilities provision consistent with the LOS guidelines.
3. County, court, and school buildings that meet space needs while maintaining a Town address.
4. Construction of sustainable LEED-certified projects.
5. Increase patronage and promote greater user value for community facilities.
6. Invest in walkability improvements, transportation accessibility and linkages.
7. Increase in private developer interest in the Town.
8. Number of households or total population served by water and wastewater facilities.
9. Reduce I&I each year.
10. Number of buildings or developments with water conservation techniques or technologies installed.

CF-5.3: Anticipate and provide community resources where needed.

CF-5.4: Evaluate broadband to provide reliable high-speed broadband service to customers to attract residents and businesses and support civic, social, and educational purposes.

CF-6: Identify telecommunications facility locations to ensure a broad range of communications services that also respect the character and viewsheds of the Town.

POLICIES & STRATEGIES

CF-6.1: Survey and determine potential locations of future telecommunication facilities that address needs.

CF-6.2: Locate facilities in a manner that is compatible with adjacent and nearby uses and in conformance with federal, state, and county requirements and procedures for review and approval of such facilities.

CF-6.3: Prioritize and encourage wireless network deployment in a manner that protects the Town's historic resources, scenic byways, recreational amenities, visual landscape, natural resources.

CF-6.4: Prioritize and encourage the collocation of wireless facilities on any existing buildings or structures, such as the water tower.

CF-6.5: Develop new wireless structures only if it can be shown that no alternative location or co-location on existing structure is possible, that there is a justified need for service, and if service cannot be provided in any other way.

The hierarchy of preferred new telecommunication facilities, from most desirable to least, is:

- 1) co-location antenna on existing tower
- 2) co-location antenna on existing buildings or structures not a tower
- 3) non-concealed antenna on existing building or structures not a tower
- 4) concealed support structure
- 5) an un-concealed support structure (prohibit guyed and lattice towers)

CF-6.6: New telecommunication structures are prohibited in the Historic District.

METRICS

11. Develop a plan addressing the telecommunications infrastructure and broadband that meets the needs of the community and preserves community character.

12. Implementation of Green Infrastructure and Facilities program.

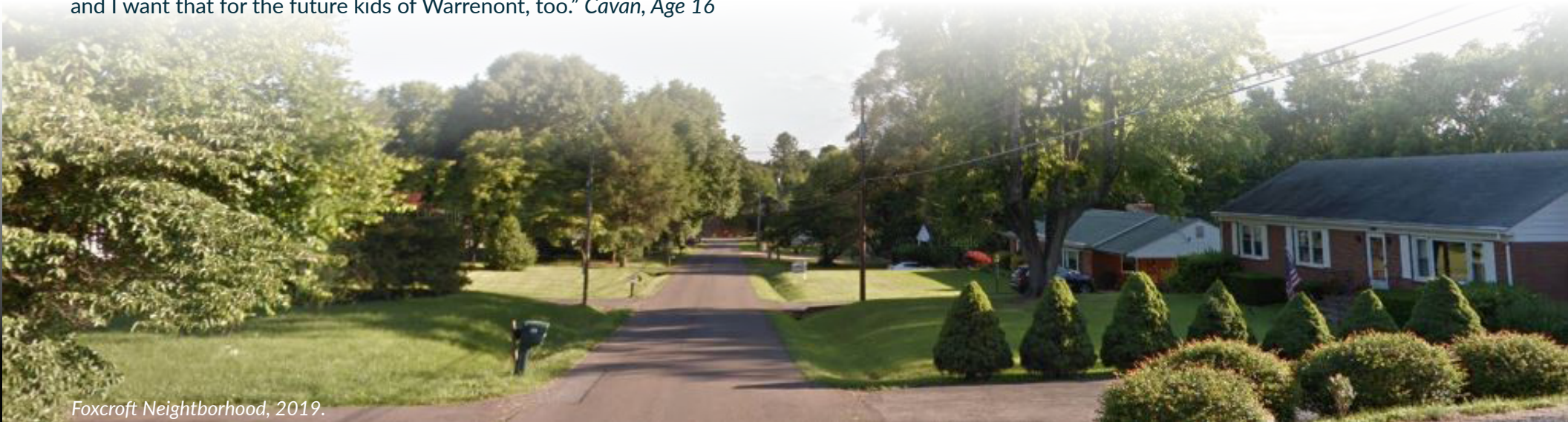
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PLAN WARRENTON 2040 HOUSING

"I want Warrenton to be like it is today with a few additions [in 25 years]... Warrenton has become a great place for me to grow up and go to school and I want that for the future kids of Warrenton, too." *Cavan, Age 16*



Foxcroft Neighborhood, 2019.

Vision

In 2040, Warrenton will have inclusive and attainable housing for all ages, incomes, and needs that is compatible with existing Town character to create walkable communities with shared open space and a sense of place.

Existing housing stock is improved and maintained to preserve established residential neighborhoods, while expanding housing options in Character Districts to ensure that the Town supports infill development that contributes to the Town's small town feeling where neighbors know their neighbors.

Key aspirations related to this vision:

- Allow for housing types that cater to the needs of a diverse community: include young families, professionals early in their careers, essential workforce (e.g. teachers and police officers), and those entering retirement.
- Design new housing developments as walkable interconnected communities with shared open spaces, creating a sense of place.
- Promote Character Districts as the place to accommodate a range of housing typologies. Place an emphasis on physical form of the housing (e.g. number of stories, building profile, and appropriate transitions to adjoining neighborhoods), while protecting the character of existing residential neighborhoods.

Housing Recommendations

When considering implementation, conventional zoning that separates land uses and measures development intensities by dwelling units per acre (DU/AC) is not compatible with a vision of mixed-use, walkable neighborhoods with a range of housing types. The Character Districts use physical form rather than a separation of uses as the organizing

principal, providing a framework for the implementation of middle-range housing. For each Character District, the number of stories, setbacks, and range of design elements (such as exterior materials, terraces, stoops, awnings, etc.) are articulated to provide the Town with options to ensure its small-town character and friendly street frontages are maintained

Middle-range housing types are similar in form and scale to detached, single-family homes, but with more units, they often vary dramatically in their densities, making them impossible to regulate with a traditional dwellings-per-acre density-based system. For example, four (approximately 750 square foot) bungalow court homes cannot become part of a single-family residential zoning district that allows one 2,400 square foot home on a 10,000 square foot lot. The dwelling units per acre would be significantly higher than what is typically allowed in this zoning district. If the density requirements for a zoning district are revised accordingly, the chances are high that a typical multi-family building will be built. Setting district standards based on form (e.g., height, setbacks) rather than density offers flexibility to achieve the middle-range housing types desired by current and potential future residents. Specific zoning recommendations for middle-range housing types are provided in the Goals and Strategies section of this chapter.

Missing Middle Housing Options



GOALS

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.

POLICIES & STRATEGIES

H-1.1: Encourage development of the “Missing Middle” housing types beyond traditional single-family homes, townhouses, and apartments by updating the Zoning Ordinance to create a beneficial mix.

Accessory Dwelling Unit (Carriage House or ADU)

An accessory structure typically located at the rear of a lot providing space for a small residential unit, home office, or other small commercial or service use. This unit could be above a garage or at ground level.

Duplex: Side-by-Side

A small to medium-sized structure that consists of two dwelling units, one next to the other, both of which face and are entered from the street.

Duplex: Stacked

A small to medium-sized structure that consists of two dwelling units, one on top of the other, both of which face and are entered from the street.

Fourplex

A medium-sized structure that consists of four units: typically, two on the ground floor and two above often with a shared entry.

Bungalow Court

A series of small, detached structures providing multiple units arranged to define a shared court that is typically perpendicular to the street. The shared court takes the place of a private rear yard and is an important community-enhancing element.

Courtyard Apartments

A medium to large-sized structure consisting of multiple side-by-side and/or stacked dwelling units accessed from a courtyard or series of courtyards. Each unit may have its own individual entry or up to three units may share a common entry.

Townhouse

A small to medium-sized structure consisting of two to eight (usually) attached single-family homes placed side by side.

Multiplex Apartment

A medium structure that consists of five to 10 side-by-side and/or stacked dwelling units, typically with one shared entry or individual entries along the front.

Live/Work

A small to medium-sized attached or detached structure consisting of one or two dwelling units above or behind a flexible ground-floor space for residential, service, or retail uses. Both the primary ground-floor flex space and the second unit are owned by one entity.

EXISTING CONDITIONS & BACKGROUND

WHAT IS ATTAINABLE HOUSING?

RANGE OF HOUSING TYPES

Frurther definition for what a range in housing type looks like and how it interacts with the community.

DEMOGRAPHIC & HOUSING ANALYSIS

White Paper analysis identifying demographic and housing information on the Town.

ZONING RECOMMENDATIONS

PREVIOUS STUDIES & TOWN INITIATIVES

REGIONAL HOUSING STUDY

DENSITY BONUS RECOMMENDATIONS

- H-1.2:** Create a range of housing types that are compatible to existing neighborhoods in scale and character to attract a more diverse demographic.
- H-1.3:** Encourage the development of workforce housing by revising the existing density bonus program.
- H-1.4:** Expand the Accessory Dwelling Unit (ADU) ordinance by updating the Zoning Ordinance to allow for greater lot coverage for development of detached ADUs (i.e. converted garage or granny unit) and set appropriate square footage maximums.
- H-1.5:** Encourage the use of universal design principles for new construction and home renovations to allow residents to age-in-place.
- H-1.6:** Promote aging in place policies and revise the Zoning Ordinance to facilitate multi-generational residential development.
- H-1.7:** Engage community partners and residents to create a committee to address affordability, optimum percentages of housing typology mix, and design.



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

POLICIES & STRATEGIES

H-2.1: Place an emphasis on physical form of the housing (e.g. number of stories, building profile, and appropriate transitions to adjoining neighborhoods) by updating the Zoning Ordinance, while protecting the character of existing residential neighborhoods.

H-2.2: Increase opportunities for multi-family and mixed-use residential development by updating the commercial corridors in the Character Districts to allow for appropriate use and scale transitions into existing neighborhoods.

H-2.3: Review the Zoning Ordinance minimum lot size, density requirements, setbacks, parking requirements, and open space requirements to realize opportunities to encourage affordability without sacrificing Warrenton's character and place-based, walkable design.

H-2.4: Examine allowing fee waivers and tax exemptions relating to lot and building regulations and the creation of Incentive Housing Zones to offer exemptions to regulations.

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

POLICIES & STRATEGIES

H-3.1: Encourage property owners for both rentals and owned homes to undertake renovations to modernize and maintain the Town's housing stock.

H-3.2: Preserve the existing neighborhoods by maintaining and improving existing housing stock for all income levels through financial incentives.

METRICS

- 1: Measure the total number of net new housing units by type.
- 2: Net new ADUs created by 2040.
- 3: Net new housing in mid-range housing price point and at varying density levels by 2040.
- 4: Total number of net new housing enabled by total DUs per acre by 2040.
- 5: Percentage of housing at price points affordable to households earning between 60 percent and 120 percent of resident AMI.
- 6: Track the number of new and renovated housing units that include universal design principles.
- 7: Measure the number of properties that have been rehabilitated, retained, and improved.
- 8: Measure the number of renovated housing units.

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

POLICIES & STRATEGIES

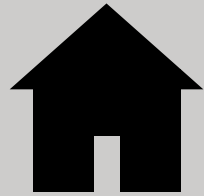
- H-4.1:** Engage and expand existing partnerships for the rehabilitation and retention of existing affordable housing.
- H-4.2:** Continue working with non-profit partners to acquire at-risk properties to protect, rehabilitate, and retain affordable housing stock.
- H-4.3:** Partner with Commonwealth, County, and regional stakeholders to provide financing tools to defray costs for construction/renovation of accessory dwelling units.
- H-4.4:** Encourage establishment and participate in a Housing Committee to address affordability on a regional level and the recommended qualifications of established Area Median Income.

HOUSING QUICK STATS

WARRENTON



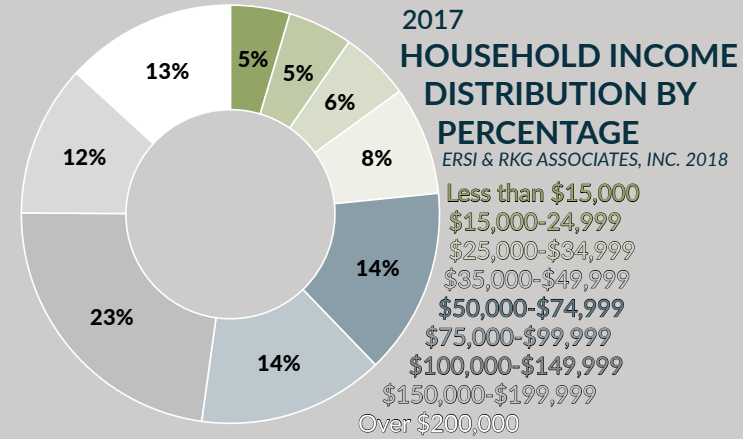
AVERAGE
6.2
New Construction
houses built (based on 5-year data)



2017 AVERAGE
2.52
Household Size

AVERAGE
61.7%
Owner Occupied Housing Unit
(based on US Census 2014-2018 data)

75.3%
Single Family
(attached and detached dwellings)
46.8% DETACHED
28.5% ATTACHED
5.4% 2-4 UNITS
18.9% 5+ UNITS
.30% OTHER



FAUQUIER COUNTY

“Since 1967, the underpinning of the Fauquier County planning goal is to concentrate and guide growth into Service Districts.”
Fauquier County Comprehensive Plan



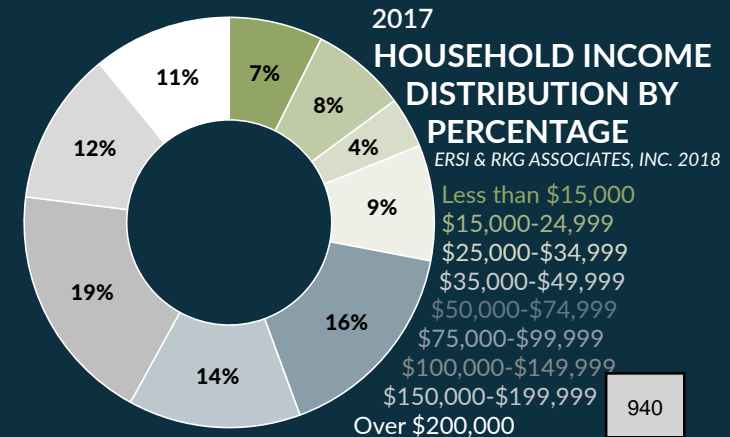
4.1
average new housing permits
per 1,000 population in Virginia
(based on 2019 US Census data)

NEW DWELLING PERMITS
30%
In-Service District

NEW DWELLING PERMITS
70%
Rural

AVERAGE
78.2%
Owner Occupied Housing Unit
(based on US Census 2014-2018 data)

90%
attached and detached single
family homes in Fauquier County
59.9% SINGLE FAMILY
3.5% MULTI FAMILY
8% GOVERNMENT
28.6% COMMERCIAL/ INDUSTRIAL





PLAN WARRENTON 2040

OPEN SPACE, PARKS, & ENVIRONMENT

"In 25 years I wish to have a garden area where people could plant or pick!...I wonder if maybe this will help our town become a more healthy and clean place."

**Economic &
Fiscal Resilience**

**Community
Character**

**Community
Health**

Rady Park, 2017.

Vision

In 2040, Warrenton will boast an accessible network of active and passive open spaces that contribute to the community's well-being, while protecting the environmental health and unique natural features, to be enjoyed by a diverse mix of residents and visitors. The Town's open space, parks, trails, and rural buffer are just as much part of the aesthetic and image of the community as Old Town and Main Street, providing an important facet to the Town's character.

Key aspirations related to this vision:

- Embrace a long term approach to the development of open space, parks and recreation areas, and environment that provides safe, interconnected spaces that reflect the needs and priorities of the residents of the Town.
- Protect and enhance environmental features that honor the natural beauty of the Town's rolling hills, water features and springs, viewsheds, and native flora and fauna.
- Ensure access to a green space, trail, park, parklet, or pedestrian trail from anywhere within the Town.
- Incorporate green infrastructure and low-impact development into all new facilities.
- Promote a healthy community lifestyle through nature, active mobility, healthy food, and social interactions.
- Recognize that the visitor experience in open space parks is paramount, regardless of the size of the land. The Town will ensure equal consideration will be given throughout the Town for passive and active amenities.
- Aspire for open space access within a 10 minute walk radius.

GOALS

P-1: Preserve, enhance, and protect the environmental, scenic, and natural quality of the Town.

POLICIES & STRATEGIES

- P-1.1:** Create an environmental resources map that includes floodplains, wetlands, perennial streams, steep slopes, soils, Heritage trees, tree cover, and viewsheds. Consider adopting performance measures into the Zoning Ordinance to protect these features.
- P-1.2:** Incorporate green infrastructure and low impact development into new open space and park development and improvements to existing open spaces.
- P-1.3:** Use a nature-based systems approach in development to mitigate stormwater and improve habitat within the Town’s open spaces.
- P-1.4:** Protect and enhance environmental features that honor the natural beauty of the Town’s rolling hills, water features and springs, viewsheds, and native flora and fauna through policies and development regulations.
- P-1.5:** Minimize the loss of existing tree cover and promote the addition of new trees in the development process to realize air, noise, and water quality benefits as well as habitat preservation, reduced stormwater management costs, carbon sequestration, and energy conservation.
- P-1.6:** Review the landscaping requirements and update as necessary to reflect native species and best practices.

EXISTING CONDITIONS & BACKGROUND

Information regarding elements of the Town’s current environment.

PARKS FACILITIES & AMENITIES

OPEN SPACE & NATURAL ENVIRONMENT

WATERSHEDS & FLOODPLAINS

SOILS & TYPOLOGY

CLIMATE

SOIL MAPPING

Custom Soil Resource Report for the Town of Warrenton.

WATERS OF WARRENTON

Flood hazard zones and wetlands.

P-2: The Town of Warrenton’s Parks, Open Space and Environment serve as key elements to the Town’s public health infrastructure.

POLICIES & STRATEGIES

- P-2.1:** Provide a dynamic system of safe, interconnected spaces for a variety of public uses that promote healthy, active, recreational activities in spaces throughout the Town. These spaces will reflect the culture, ecology, and natural environment of Warrenton.
- P-2.2:** Recognize that the visitor experience in open space parks is paramount, regardless of the size of the land. The Town will ensure equitable consideration will be given throughout the Town for passive and active amenities.
- P-2.3:** Build connectivity improvements for sidewalks, shared roadways, and trails, including improving access and use of the Greenway Trail.
- P-2.4:** Dedicate Capital Improvement Program funding for land acquisition to create new public parks and open space.
- P-2.5:** Increase the number of safe routes for pedestrians, including safe routes to schools and parks, homes, and workplaces. Focus on increasing Walk Scores that rate safe active transportation routes.
- P-2.6:** Promote and support community gardens that will be managed by committed community groups, such as schools, clubs, and neighborhoods.

CHARACTER DISTRICT PARK DESIGN ELEMENTS

Guidance on elements of open space, parks, and environment tailored to each Character District. (Please see Land Use & Character District for more information on each Character District.)

EVA WALKER PARK MASTER PLAN

Complete master plan for Eva Walker Park adopted by Town Council on February 9th, 2021.

METRICS

1. Track parks, recreation, and open space success through public engagement surveys
2. Measure increasing percentage of residential units within a half mile of trail, green space, park, or parklet, number of linear feet (LF) of new trails and sidewalks built annually.
3. Measure participation in public events.
4. Measure the percentage of residential units within a half mile of a trail, green space, or parklet, and LF of new trails and sidewalks built annually.
5. Measure the number of new permanent, temporary, or pop-up parks.
6. Measure the total number of green infrastructure projects built over time.
7. Measure LF of improvement, Americans with Disabilities Act (ADA) access, and the number of new light fixtures added annually.
8. Measure square footage of garden space and community.
9. LF of new sidewalk and number of new canopy trees planted for each new or retrofitted residential development frontage.
10. Number of trees maintained and new trees planted.

P-3: All Town residents will have the opportunity to access its recreational assets and natural resources, including public spaces and recreational amenities.

POLICIES & STRATEGIES

- P-3.1:** Ensure a 10-minute walk to a green space, trail, park, parklet, or pedestrian trail from anywhere within the Town per Trust for Public Land and NPRA guidance.
- P-3.2:** Acquire additional park and recreation spaces throughout the Town in areas that currently do not have these resources within a 10-minute walk (half mile radius).

P-4: Create a long-term approach to open space and environment, preserving existing trees and parks in the Town of Warrenton.

POLICIES & STRATEGIES

- P-4.1:** Create a Town-wide Tree Plan that promotes the health of the community by increasing the total tree canopy of Warrenton's public open spaces and parks through targeted stewardship.
- P-4.2:** Partner with the County to maintain rural buffers around the Town.
- P-4.3:** Develop a System Parks Master Plan for the Town to guide long term investments.



PLAN WARRENTON 2040

TRANSPORTATION & CIRCULATION

"I want there to be a quicker road to Prince William County. My dad teaches there and I want him to come home earlier." Tommy, Age 10

Circuit Rider at the Courthouse, photo courtesy of the PATH Foundation

Vision

In 2040, Warrenton residents and businesses benefit from strategic investments in a safe, vibrant, and interconnected multi-modal transportation network. This network promotes a pleasant travel experience for all modes, creates an accessible business environment, and provides a desirable place for a diversity of residents and their employers, all while preserving the Town's character and established neighborhoods.

Key aspirations related to this vision:

- Improve multimodal safety by enacting access management strategies, incorporating bike-friendly policies into new development standards, and deconflicting through-travel and local traffic movements.
- Enhance the traveling experience into and throughout Town by recognizable gateways, implementing complete street typologies, increasing the attractiveness of public transit, and enacting innovative parking strategies to foster greater economic activity.
- Promote livability in the Town by integrating multi-modal, interconnected transportation solutions with land use development in each mixed-use Character District and applying traffic calming techniques that foster and protect non-vehicular street activities in established residential neighborhoods.
- Require linkages and connectivity that reduces dependence on the car for local trips, enlivens commercial areas, and addresses accessibility gaps and barriers currently limiting mobility.

Strategies for Implementation

Implementing transportation improvements requires many resources. Smaller towns like Warrenton, which own and maintain their roads often seek grant funding to help support projects. Grants are extremely competitive, requiring the Town to work closely with the Virginia Department of Transportation throughout the process. Below is an outline of the most applicable Federal and state grant funds the Town considers for transportation improvements.

Highway Funding:

Implementation of the recommended improvements will require the successful identification of funding sources. The VDOT SMART SCALE Program is a process that invests in projects that meet the most critical transportation needs in the State. Projects are evaluated based on improvements in certain categories such as congestion and safety. At the corridor level, more specific strategies and operational improvements can be assessed in studies and implemented using a variety of funding sources, including Federal funding streams such as the Surface Transportation Program (STP), National Highway System (NHS) funds, the Congestion Mitigation and Air Quality Improvement (CMAQ) Program, Revenue Sharing, and the Highway Safety Improvement Program (HSIP), as well as through State or local funding or other discretionary funding sources. For larger projects, particularly capacity-adding projects, demand management and operational strategies should also be analyzed for incorporation in the project as part of the project development process.

Bicycle/Pedestrian Funding:

- The SMART SCALE program is a competitive application process and scores projects based on an objective, outcome-based process. Bicycle and pedestrian improvements are eligible for SMART SCALE funding.

- The Transportation Alternatives (TA) Set-Asides are intended to improve non-motorized transportation, enhance the public's traveling experience, revitalize communities, and improve quality of life. The program requires a 20 percent local match (80 percent Federal).
- The Revenue Sharing Program provides additional funding for use by a county, city, or town to construct or improve the highway systems within such county, city, or town, with statutory limitations on the amount of State funds authorized per locality. The program requires a 50 percent local match (50 percent State) and a portion of the funds must be expended within 1 year of allocation. Sidewalks and shared-use paths are eligible activities under the Revenue Sharing Program.
- The Highway Safety Improvement Program (HSIP)'s Bicycle and Pedestrian Safety Program (BPSP) provides funds for implementing short-term, low-cost bicycle and pedestrian safety projects in Virginia. This initiative is administered by evaluating each project application on a case-by-case basis and does not require a local match.

Currently, most transportation funds programmed by the State are allocated through VDOT's SMART SCALE process. In accordance with SMART SCALE policies, regions of the State are classified into Area Types that each have unique scoring criteria upon which each project will be evaluated. The Town of Warrenton is currently classified as Area Type D, which scores safety and economic benefit above congestion, accessibility, and environmental quality. The recommended prioritization of the proposed projects and pursuits are aligned with VDOT's

Near-Term Recommendations	Type	Cost Low	Cost High
Lee Hwy between Broadview Ave and U.S. 15/17/29 Interchange	Segment	\$ 5.4M	\$9.0M
Broadview Avenue and Roebing Street	Intersection	\$ 7.2M	\$8.5M
Broadview Ave and Lee Hwy	Intersection	\$ 2.0M	\$8.5M
Bear Wallow Rd and Roebing St	Intersection	\$ 3.0M	\$6.5M
Main Street Improvements	Segment	\$ 1.5M	\$2.5M
Walker Street and East Lee	Intersection	\$ 1.4M	\$2.7M
Shirley Ave between Culpeper St and Falmouth St	Segment	\$ 3.3M	\$8.6M
Shirley Ave between Broadview Ave and Culpeper St	Segment	\$ 5.7M	\$9.6M
Shirley Ave and Culpeper St	Intersection	\$ 3.0M	\$6.5M
U.S. 211 and Van Roijen St	Intersection	\$ 2.0M	\$6.5M
Blackwell Rd and Lee Hwy	Intersection	\$ 2.0M	\$3.5M

current SMART SCALE ranking criteria. These projects will have the highest potential to receive State funding based on the scoring system. It should also be noted that the Town has proposed multimodal improvements and transit considerations. Those improvements should be evaluated for incorporation into the proposed traffic projects, as transit and multimodal improvements often increase the chance of funding.

VDOT's policy should continue to be followed and local officials are encouraged to coordinate with VDOT staff to maximize scoring when submitting applications. Other funding sources such as HSIP, grants, partnerships, and local funding should be explored for projects that may not be funded under the SMART SCALE program.

Finally, the table above is attached for projects that should be pursued immediately and could be implemented under the SMART SCALE or Revenue Sharing programs based on the current funding cycles and allowed number of submissions by a jurisdiction.

These priorities may shift over time as data and transportation systems adjust with the community. Partnering with the VDOT allows the Town to pursue funding applications that have the best chance for success to benefit the public. The following pages outline additional proposed projects and the 2040 Transportation Map that works in conjunction with the Complete Streets typology map.

	Proposed Projects	Type	Existing Capacity	Future Capacity	Crash History	Economic Development
1	Shirley Ave and Culpeper St	Intersection	HIGH	HIGH	POOR	SIGNIFICANT BENEFIT
2	Shirley Ave between Culpeper St and Falmouth St	Segment	HIGH	HIGH	POOR	SIGNIFICANT BENEFIT
3	Lee Hwy between Broadview Ave and U.S. 15/17/29 Interchange	Segment	HIGH	HIGH	POOR	SIGNIFICANT BENEFIT
4	Blackwell Rd and Lee Hwy	Intersection	HIGH	HIGH	POOR	SIGNIFICANT BENEFIT
5	Falmouth St between Shirley Ave and Old Meetze	Segment	MODERATE	HIGH	GOOD	POTENTIAL BENEFIT
6	Broadview Ave and Lee Hwy	Intersection	MODERATE	HIGH	POOR	SIGNIFICANT BENEFIT
7	James Madison between Falmouth St and Alwington Blvd	Segment	MODERATE	HIGH	POOR	SIGNIFICANT BENEFIT
8	Shirley Ave between Broadview Ave and Culpeper St	Segment	MODERATE	HIGH	POOR	SIGNIFICANT BENEFIT
9	Bear Wallow Rd and Roebling St	Intersection	MODERATE	MODERATE	POOR	SIGNIFICANT BENEFIT
10	U.S. 211 and Van Roijen St	Intersection	LOW	MODERATE	POOR	SIGNIFICANT BENEFIT
11	Roebling St and Broadview Ave	Intersection	MODERATE	HIGH	OBSERVE	SIGNIFICANT BENEFIT
12	Main Street Improvements	Segment	MODERATE	MODERATE	POOR	POTENTIAL BENEFIT
13	Blackwell Rd between Walker Dr and Lee Hwy	Segment	LOW	MODERATE	OBSERVE	SIGNIFICANT BENEFIT
14	Broadview Ave between Roebling St and U.S. 17	Segment	LOW	MODERATE	OBSERVE	SIGNIFICANT BENEFIT
15	Broadview Ave between Roebling St and Lee Hwy	Segment	LOW	MODERATE	OBSERVE	SIGNIFICANT BENEFIT
16	Falmouth St and Lee St	Intersection	MODERATE	MODERATE	OBSERVE	POTENTIAL BENEFIT
17	Walker Dr and Blackwell Rd	Intersection	LOW	MODERATE	GOOD	SIGNIFICANT BENEFIT
18	Blackwell Rd/ Alexandria Pike between Walker Dr and Main St	Segment	LOW	LOW	GOOD	SIGNIFICANT BENEFIT
19	Walker Dr between Blackwell Rd and Lee St	Segment	LOW	LOW	GOOD	SIGNIFICANT BENEFIT
20	Timber Fence Bypass	Segment	LOW	LOW	GOOD	SIGNIFICANT BENEFIT
21	Southern Bypass	Segment	LOW	LOW	GOOD	SIGNIFICANT BENEFIT
22	North Hill Dr Connection to Winchester St	Segment	LOW	LOW	GOOD	SIGNIFICANT BENEFIT
23	Alexandria Pk between Blackwell Rd and Berm at Walker Dr	Segment	LOW	LOW	GOOD	SIGNIFICANT BENEFIT
24	Moser Rd to Frazier Rd	Segment	LOW	LOW	GOOD	SIGNIFICANT BENEFIT
25	Waterloo St between Broadview Ave and Main St	Segment	LOW	LOW	OBSERVE	POTENTIAL BENEFIT
26	Old Waterloo Rd and Van Roijen St	Intersection	LOW	LOW	POOR	MINIMAL BENEFIT
27	Old Waterloo Rd between Broadview and Waterloo Rd	Segment	LOW	LOW	POOR	MINIMAL BENEFIT
28	Winchester St between Rappahannock St and Town Limits	Segment	LOW	LOW	GOOD	POTENTIAL BENEFIT
29	Walker Dr and East Lee St	Intersection	LOW	MODERATE	GOOD	MINIMAL BENEFIT
30	Missing Links (Roebling St, etc.)	Segment	LOW	LOW	GOOD	MINIMAL BENEFIT
31	Connector road between East Lee and Falmouth St	Segment	N/A	N/A	N/A	POTENTIAL BENEFIT
32	Walkability Audit Recommendations	Townwide	N/A	N/A	N/A	SIGNIFICANT BENEFIT

Recommended Policies and Projects

Desired Outcome Map

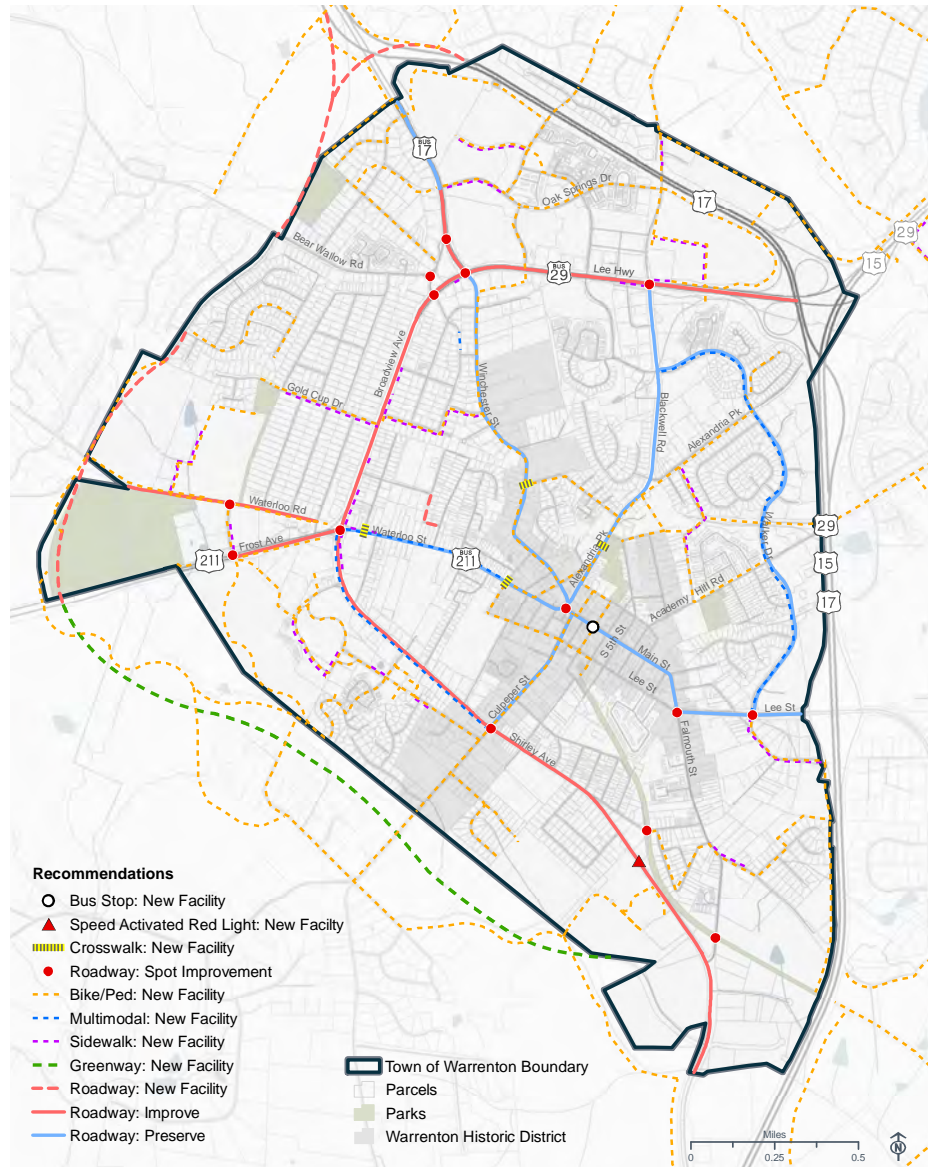


Figure 5-1: Town of Warrenton Transportation Plan map.

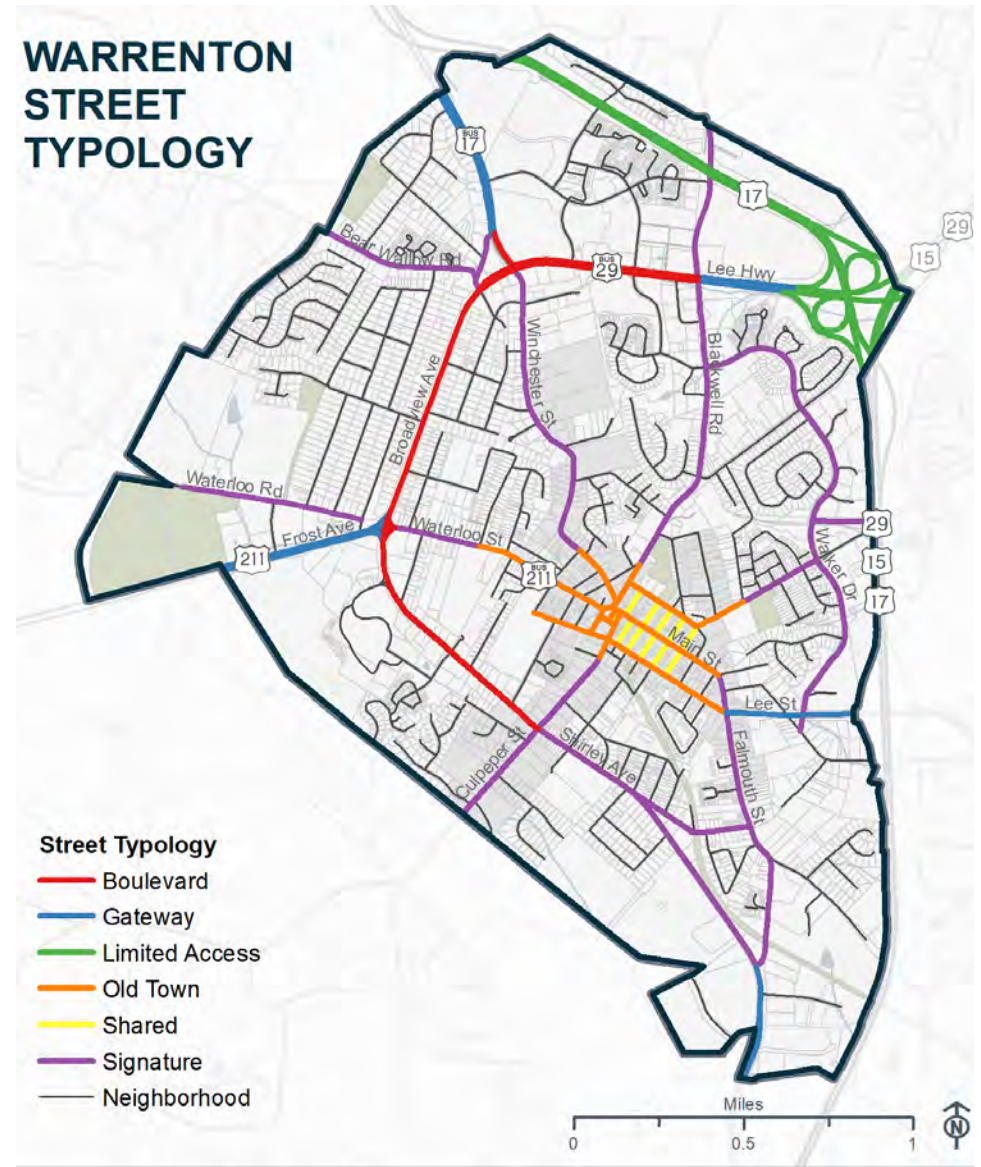


Figure 5-2: Warrenton Street Typology map; a part of the Complete Streets Classification System.

GOALS

T-1: Improve Multimodal Capacity and Safety that Encourages trips by walking, bicycling, and transit.

POLICIES & STRATEGIES

T-1.1: Promote a balanced and multimodal transportation system that serves the mobility needs of all segments of the population. Maximize the capacity of existing streets by investing in Smart Mobility technology.

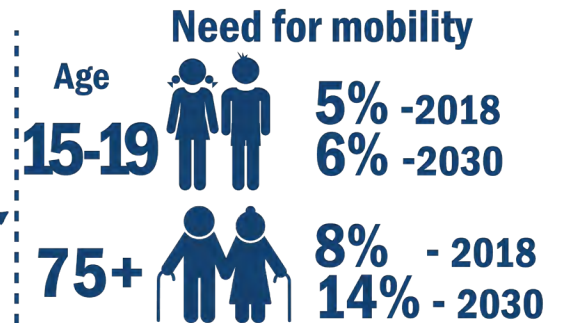
T-1.2: Assess the needs for access management strategies and capacity improvements along Warrenton's main corridors and boulevards.

T-1.3: Maintain the capacity and safety of Signature Streets by providing multimodal accommodations and incorporating innovative solutions.

T-1.4: Prioritize safety improvements for project implementation based on crash rates, congestion levels, and locations adjacent to schools.

T-1.5: Create an overarching vision for roadway safety through the development and adoption of a traffic safety policy. This safety policy should incorporate Vision Zero strategies with the goal of eliminating traffic fatalities and severe injuries while increasing safe, healthy, and equitable mobility for all.

Two Corridors
of Statewide Significance
meet in Warrenton



35 minutes
average commute time



11%
of commuters
carpool



Two transit routes operate

7:30 am - 6:45 pm
(Monday - Friday)



Every
45 minutes

98% of the town residents
own at least
one vehicle ⁺¹



24,550 trips
are provided
by Circuit Rider
annually



161
automobile crashes a year in Warrenton



35,000 Daily Trips
are made through
Warrenton
without stopping

Sources: U.S. Census 2017 Five-year Estimates, Virginia Department of Transportation, Virginia Regional Transit

- T-1.6: Identify and analyze roadways with excessive vehicle speeds for engineering or enforcement countermeasures.
- T-1.7: Work with VDOT to incorporate multimodal and innovative design features as part of any new projects.
- T-1.8: Continue implementing traffic-calming measures on local streets, as appropriate, to improve safety, livability, and transportation choices, while meeting land use objectives.
- T-1.9: Prioritize the monitoring of comfort levels and safety metrics for motorists, bicyclists, and pedestrians at signalized intersections and within the vicinity of schools.
- T-1.10: Analyze locations with significantly higher crash rates to develop projects and programs to reduce the number of crashes and overall crash severity.
- T-1.11: Identify context-sensitive, forward-thinking transportation solutions that incorporate Warrenton’s plans for growth through the development and adoption of a long-range transportation plan.

EXISTING CONDITIONS & BACKGROUND

CORRIDOR OF STATEWIDE SIGNIFICANCE

REGIONAL TRANSPORTATION DEMAND

STREET CLASSIFICATION

BICYCLE & PEDESTRIAN INFRASTRUCTURE/MULTI-MODAL CONNECTIVITY*

SAFETY

TRAFFIC VOLUMES

TRAFFIC FLOW

TRUCK ROUTING*

PARKING

T-2: Enhance the Traveling Experience by Creating Great Streets

POLICIES & STRATEGIES

- T-2.1: Implement the 5 C’s of a walkable community: Connected, Comfortable, Convenient, Convivial, and Conspicuous.
- T-2.2: Improve pedestrian and bicycle safety and connectivity to neighborhoods and destinations by implementing the recommendations of the Town of Warrenton Walkability Audit and the Town of Warrenton Complete Streets Recommendations Report.
- T-2.3: Create distinguished gateway features along routes leading into the jurisdiction.
- T-2.4: Preserve neighborhood and heritage streets through traffic calming and safety measures.
- T-2.5: Preserve and pursue targeted and demand-driven expansion for the local bus system to meet the transportation needs of the community.
- T-2.6: Increase the number of daily Circuit riders by providing additional features, amenities, and expanded hours for the existing transit service.

T-2.7: Develop a wayfinding system that is simple, consistent, and intuitive for all users. Wayfinding should direct visitors and residents along the preferred routes to local destinations. Beyond the Town's boundary, wayfinding can help the active transportation network (streets and trail system) connect seamlessly to the county trail networks.

T-2.8: Limit through-truck movements on internal Town streets.

T-2.9: Reduce lane blockage and double parking, and improve site access with curbside access on internal Town streets.

T-3: Promote Livability in the Town by Creating Great Places Where Residents and Visitors Feel Welcome and Safe

POLICIES & STRATEGIES

T-3.1: Implement Complete Streets within the context of adjacent land uses to improve safety and neighborhood livability.

T-3.2: When constructing sidewalks on existing streets, sidewalks will be constructed on both sides of the street.

T-3.3: Facilitate new, compact redevelopment in Character Districts to introduce sidewalks and linkages to trails/paths and promote walkability.

T-3.4: Provide and improve sidewalks, crosswalks, pedestrian signals, lighting, and other amenities to make it safer, easier and more comfortable for people to walk.

T-3.5: Continue to provide more bicycle facilities as part of the road resurfacing program, where possible, by striping bicycle lanes and markings.

T-3.6: Continue to seek opportunities to increase the availability of bicycle parking.

T-3.7: Increase the availability of bicycle connections and amenities.

T-3.8: Develop an integrated parking system to efficiently manage demand, enforcement, and effectiveness of the historic Town's surface parking.

T-3.9: Continue to apply flexible transportation mitigation measures within UDAs, and along signature streets, in an effort to promote redevelopment.

MAIN ARTERIALS (TIMBER FENCE & SOUTHERN PARKWAY)

Information on main thoroughways in Warrenton including Timber Fence and the Southern Parkway.

PUBLIC TRANSIT

Synopsis on the availability and use of transit in the Town.

OPPORTUNITIES & CHALLENGES

Inventory of the needs related to the goals and strategies for transportation in the Town.

COMPLETE STREETS GUIDE (2017)

- T-3.10:** Encourage bicycle-friendly policies in new development standards (on-site showers, bicycle parking, etc.)
- T-3.11:** Explore implementing distinct wayfinding systems to communicate to residents and visitors alike, the unique branding of each Character District.

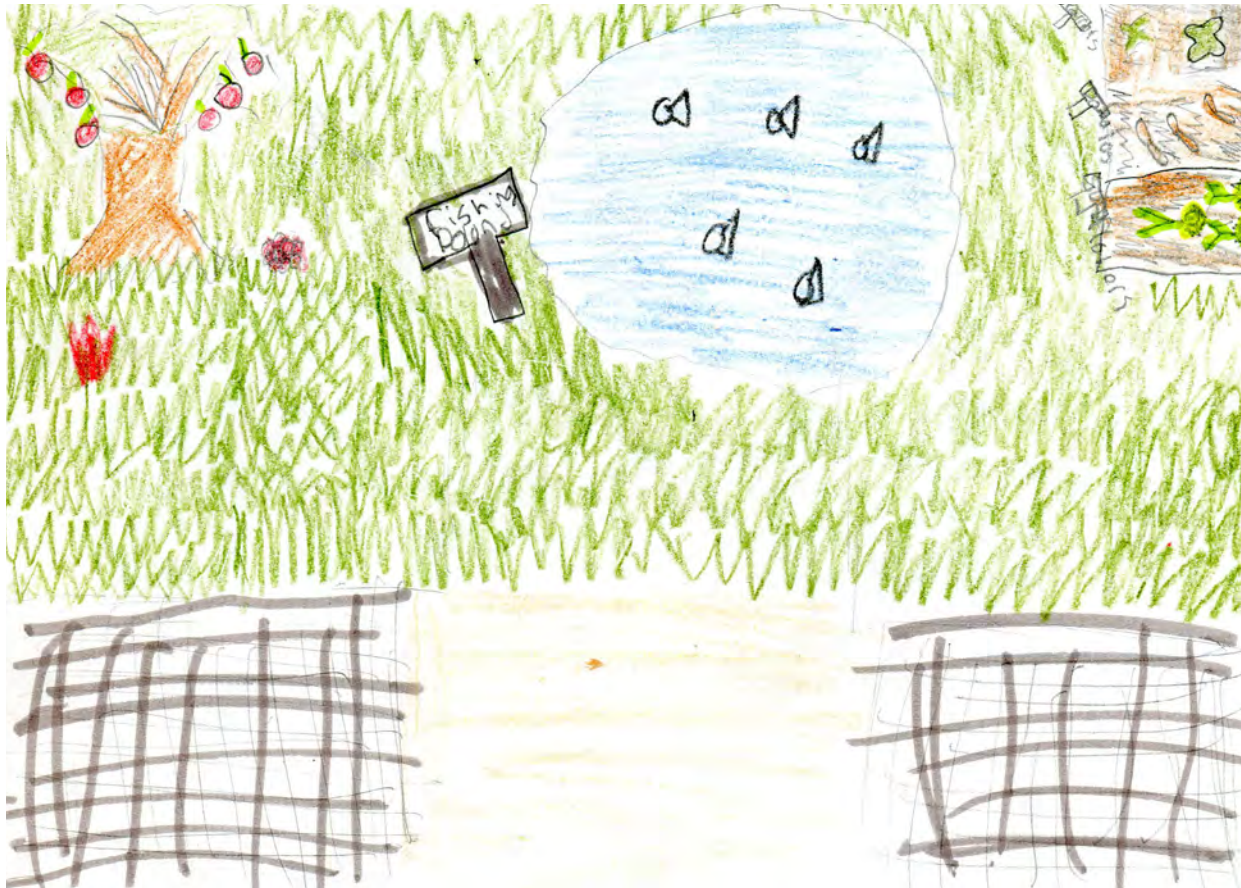
T-4: Provide an Equitable and Connected Multi-Modal Network

POLICIES & STRATEGIES

- T-4.1:** Coordinate the construction of sidewalk and trail connection projects as part of new redevelopment plans.
- T-4.2:** Require that the proposed street system for new developments will be designed to provide a network of interconnected streets.
- T-4.3:** In large development parcels, create compact development blocks with internal streets for pedestrian and vehicular circulation to support walk access and decrease auto-trip patterns.
- T-4.4:** Work cooperatively with VDOT to ensure that their transportation projects best distribute regional traffic demand within the context of future land use visions.
- T-4.5:** Connect bike lanes and trails into a cohesive network.
- T-4.6:** Support connectivity by continuing to create new connections, both through new development and by identifying and implementing connectivity opportunities.
- T-4.7:** Identify future multimodal connections by either restoring severed connections or incorporating multimodal features with emergency access lanes.
- T-4.8:** Work with regional partners to best leverage intercity bus, like Virginia Breeze, to serve the Town of Warrenton.
- T-4.9:** Reconfigure and add additional emergency access connections that accommodate bicycle/pedestrian connectivity.

METRICS

1. Decrease the frequency of rear-end and angle crashes along Broadview Avenue, Frost Avenue, Shirley Avenue, Business U.S. 17, and U.S. 29/211.
2. Decrease delay and queue lengths generated at major intersections.
3. Decrease the travel time between the Town of Warrenton's boundaries on major corridors and boulevards.
4. Reduction of the number of traffic infractions on roadways entering and traveling through the Town of Warrenton such as Alexandria Pike/ Blackwell Road, Winchester Street, and Waterloo Street.
5. Reduction of the number of bicycle- and pedestrian-related crashes.
6. Maintain capacity at or below a VC of 1.00 on signature streets.
7. Reduced speeds within school zones.
8. Reduction in fatalities and injuries for the traveling public across all modes.
9. Increase in transportation projects that have proven safety benefits.
10. Increase in the number of applications for projects that focus on school transit and transportation (Safe Routes to School).
11. Increase in the miles of bicycle and pedestrian facilities of independent utility or that provide access to transit services.



“My absolute favorite place in Warrenton is the greenway! I always go there when I need fresh air. I enjoy riding my bike or scooter throughout the greenway. If the greenway wasn’t there I would be inside watching television.” Taylor, Age 11

From the 2016 Student Postcard Project

12. Increase the mileage of walkable facilities along existing roadway networks.
13. Increase the number of existing crossings to incorporate pedestrian and bicycle-friendly improvements.
14. Increase the preventative maintenance of existing and future pedestrian and bicycle markings and signage along Town streets.
15. Increased number of gateway cues and roundabouts.
16. Reduce the number of traffic infractions within neighborhoods.
17. Reduce the number of speed-related and pedestrian crashes within neighborhoods.
18. Increased daily ridership on the Circuit Rider.
19. Increased wayfinding signage installed throughout the Town.
20. Reduced through-truck movements on internal Town streets.
21. Reduced lane blockage and double parking.
22. Reduced number of crashes that involve pedestrians.
23. Increase the amount of sidewalk that is in good condition (not in need of repair).
24. Increase in ADA accessibility features at sidewalk curbs.

SMART MOBILITY CONCEPTS

Preparing for next generation technology

Smart mobility refers to the integration of information and communication technologies among roads, traffic signals, transit vehicles, parking systems, and shared on-demand providers to optimize the performance and convenience of interconnected mobility services.

This comprehensive plan enables Warrenton to proactively plan for emerging and future mobility technologies.

Potential Applications for Old Town:



Smart Parking - Identifies free spaces, provides pay-by-phone options, and can be used to reserve electric charging spaces.



Robot delivery - Last mile autonomous technology solutions to address short-trip congestion, integrated into shared pedestrian spaces.

Potential Applications for Corridors and Neighborhoods:



Autonomous shuttles - Connect residential developments and neighborhoods to other transit stops, commercial centers, or park and ride lots.



Intelligent traffic signals - Feature sensors and artificial intelligence to adapt to demand and provide transit priority and emergency vehicle preemption.

- Item a.
25. Increased bicycle counts on main corridors and trails.
 26. Increased length of continuous demarcated bicycle routes.
 27. Number of bicycle racks, repair and air stations.
 28. Increased bicycle counts on main corridors and trails.
 29. Maximum length of continuous demarcated bicycle routes.
 30. Number of bicycle racks, repair and air stations.
 31. Reduced number of parking violations
 32. Walk score of new developments
 33. First mile/last mile connections and gap closure
 34. Coordination with VDOT and Fauquier County on development proposals in the corridors for Timberfence Parkway and the Southern Gateway.
 35. Increased number of linkages between neighborhoods.
 36. Reduced Volume to Capacity Ratio on main arterials.

Transportation in Character Districts

Each Character District provides a framework for transportation opportunities that accommodate all modes of travel within the context of each Character District. Strategies applicable to developing Character Districts include connecting pathways for pedestrians and bicycles with existing and planned active transportation improvements, minimizing curb cuts and creating interior circulation streets for access, service, and parking. For Character Districts in more established areas, strategies also include ways to protect existing residential neighborhoods from cut-through traffic and roadway treatments to slow traffic down. The following summaries highlight how each Character District is unique in how the transportation elements are framed, prioritized, and implemented.

1. New Town Warrenton (Lee Highway UDA)

Defined by large lots, direct access from Route 29, and high visibility, this gateway district represents a highly desirable location for a potential signature office/jobs center, characterized by mixed-use with strong live, work, and play options. Redevelopment of existing commercial parcels could provide the opportunity for compact development blocks with an interior street grid that includes sidewalks that connect to the adjoining neighborhoods. This district could also provide opportunities to connect new pathways for bicycles and pedestrians with existing and planned pathways. Opportunities exist for mixed-use developments with a park-and-ride facility for commuter service because of its proximity to Route 29 and the large parcel sizes. Finally, the district should focus on innovative solutions along Lee Highway and cohesive street designs within developments that incorporate roundabouts and raised intersections. An existing floodplain could provide an opportunity for a green or public gathering area with development planned around it.

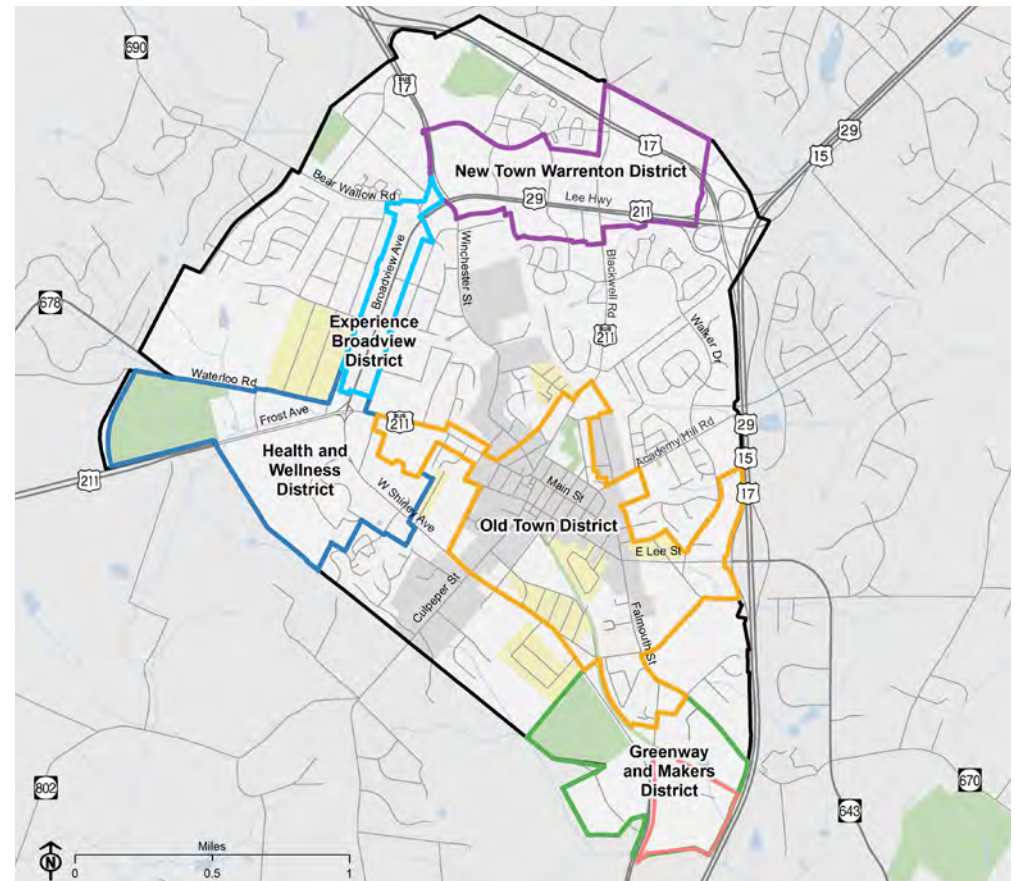


Figure 5-3: Character Districts map.

2. Health and Wellness District (Frost and Broadview UDA)

This gateway district is defined by the regional anchors of Fauquier Hospital and the WARF. Opportunities exist for improving all modes of travel, including the provision of safe linkages for pedestrians between the WARF and the hospital, and at the Frost and Broadview intersection.

By creating better access, this district could possibly include a shuttle connecting the hospital with surrounding medical offices, health services, senior housing and care, hotels, and commercial uses. This district serves as the western entrance into Warrenton, and improvement along Route 211 and at key intersections should be prioritized to improve safety.

and provide a gateway. Simple traffic-calming features such as raised intersections, narrower streets, and bulb-outs for safe travel should be incorporated in areas near the hospital.

3. Greenway and Makers District (East Shirley UDA)

This district is defined as the southern gateway into the Town of Warrenton. While this district is largely defined by its vehicular movements, over the next 20 years the street design will need to accommodate other modes of travel such as pedestrians and bicyclists. The completion of sidewalks on both sides of Shirley Avenue throughout the district should be an immediate priority. There is also an opportunity for a vertical gateway element to emphasize the area as Warrenton’s southern gateway, framing the experience as one enters the Town. The Town should capitalize on the existing roundabout at Shirley Avenue and Falmouth Street, as well as adopting a unified complete streets theme for Shirley Avenue within this District.

4. Old Town District (Old Town UDA)

The cultural heart of Warrenton will have more foot traffic over the next 20 years with the gradual infill and adaptive reuse of buildings. Enhancements to street intersection design such as curb bulb outs to facilitate safe street crossing and slow traffic will encourage pedestrian activity. Encouraging on street parking, narrower streets, median refuges, and mini-roundabouts will provide opportunities for safe pedestrian passage and maintaining the lower speeds expected within the Town. The development of a structured parking garage can activate constrained surface parking lots by accommodating required parking in the parking structure. Traffic-calming treatments between the CBD and the older single-family neighborhoods should be considered and the evaluation of through-truck restrictions will help preserve Old Town’s character. Adjacent to the main point of entry into Warrenton from U.S. 29, the intersection at East Lee Street and Walker Drive is an exceptional opportunity to provide a Town gateway and improve safety.



Image 5-1: Broadview Avenue, 2019.

5. Experience Broadview

With revitalization occurring incrementally over time, new development as mixed use or multi-family anchors will provide opportunities at key nodes along Broadview Avenue to create a consistent street frontage. This would provide the opportunity to create internal connectivity between parcels to minimize curb cuts along Broadview Avenue through the designation of interior streets that provide access to service and parking. In addition, new development brings the opportunity to improve the transitional frontage to adjoining neighborhoods, which would include traffic-calming features to discourage vehicle cut-throughs and speeding. Opportunities to improve safety along Broadview Avenue exist through the consideration of access management strategies including appropriate median treatments. In order to maintain capacity and safety on Broadview Avenue, special focus should be given to intersections at Shirley Avenue, Roebling Street, and Business Route 29.

Additional Implementation Tools and Techniques

Curb Management

Curbside management must be involved in the creation of an organized curb layout that improves mobility and safety for all users through prioritized and optimized curb space use. Managing curb space effectively requires a policy for matching regulations and operations for the following purposes:

- **Mobility:** Move people and goods (sidewalks, bike lanes).
- **Access for People/Commerce:** Create Dropoffs, loading zones, or transfer between modes (bus, taxi zones).
- **Activation and Greening:** Develop vibrant social spaces (seating, food trucks) and landscaping (trees).

- **Special Function:** Create spaces for bus layover and reserve space for electric car charging, etc.

Current issues to solve:

- Address the need for reliable access to freight loading and unloading.
- Avoid blockages to travel lanes due to undesirable stopping.
- Meet the demand for ride-hail passenger loading/unloading space.
- Create space for bike storage and shared mobility devices.

Access Management

Access management is the proactive management of vehicular access points to land developments surrounding the roadway system to promote safe and efficient use of the transportation network. Balancing property access while preserving the flow of traffic may include the following measures:

- **Access spacing:** Increase the uninterrupted curb distance between access points and intersections.
- **Safe Turning Lanes:** Create dedicated lanes to keep through-traffic flowing and reduce conflict points.
- **Median Treatments:** Create physical separations to channel turning movements to safer and/or controlled locations.

- **Right-of-Way Management:** Preserve space for good sight distance and future access along corridors.

Current issues to solve:

- Improve safety and driver comfort.
- Improve non-motorized experience along the road.
- Reduce conflict and preserve traffic flow.
- Control turning movements on key locations.

Parking Management

- **Parking Minimums:** Local laws require private businesses and residences to provide at least a certain number of off-street parking spaces. This policy tends to make infill development less practical, often resulting in idle parking lots except during a few seasonal peaks.
- **Parking Maximums:** Limit parking supply, either at individual sites or in an area in order to encourage more efficient parking management. This approach may be too generalized and ignore context. In reality, occasional uses may benefit from a higher volume of parking maximum.
- **No parking requirements:** Developers and businesses decide how many parking spaces to provide for their customers. Removing parking mandates complements expanding sustainable transportation options and ensures better management of curb parking and loading.



PLAN WARRENTON 2040

ECONOMIC & FISCAL RESILIENCE

"In 25 years, I hope that Warrenton grows in size, and advances in tech, all while keeping that balance of urban and rural areas. Just expanding, not replacing." *Ethan, Age 12*

Economic &
Fiscal Resilience

Community
Health

Community
Character

Broadview Avenue, 2018

Vision

In 2040, Warrenton is a live/work community that cultivates and promotes economic and entrepreneurial opportunities and supports its public amenities and overall quality of life, while preserving its unique small-town character. The Town is an integral part of the regional economy with Character Districts that act as economic catalysts in key locations throughout the Town. The Town supports job creation by attracting major new employers through livable amenities and housing diversity to grow and attract a talented workforce. Warrenton in 2040 is a distinct yet integral part of the region, building on its recreational opportunities and enhancing its gateway location to Shenandoah National Park, wine and horse country, and beyond.

Key aspirations related to this guiding vision include:

- Create a robust strategy for housing and employment, become more proactive in business retention and recruitment, and locate major employers within the Town's Character Districts.
- Promote the Town as an integral part of the regional economy that is manageable, maintain small-town character, and reduce the percentage of Town residents commuting for work.
- Promote the Town's Character Districts as the focal point for revitalization to allow for mixed-use and multi-family development at an appropriate scale compatible with the Town's character and existing neighborhoods. Transform aging commercial corridors to vibrant mixed-use neighborhoods.

GOALS

E-1: Grow a strong, diversified, and resilient economy that supports residents and businesses alike.

POLICIES & STRATEGIES

- E-1.1:** Promote locally-owned businesses and restaurants to maintain the unique character of Warrenton.
- E-1.2:** Allow for a range of housing, commercial spaces, and hotels at appropriate heights and square footage to meet market standards, and allow for ranges per Character District with context sensitive transitions into existing neighborhoods.
- E-1.3:** Leverage the Town's location as a gateway to the Piedmont for tourism and economic development through wayfinding and promotion.
- E-1.4:** Preserve Old Town and the Town's historic character to enhance Warrenton's identity.
- E-1.5:** Promote a diverse, equitable stable tax base to maintain a healthy economy.
- E-1.6:** Warrenton's Town Limits will be arrived at in a manner that reflects the Town's best interests to meet its economic, fiscal, and service priorities.

E-2: Increase the employment base to allow residents to live and work in Warrenton.

POLICIES & STRATEGIES

- E-2.1:** Partner with local schools, universities, and employers to ensure a competitive workforce for a global economy.
- E-2.2:** Promote Warrenton's high quality of life to attract employers to locate here.
- E-2.3:** Create economic development teams made up of property owners, schools, and local staff to recruit potential employers.
- E-2.4:** Leverage existing employers and location in the region to build upon technology and federal government synergies.
- E-2.5:** Develop a range of housing types and housing assistance programs for employees to live in Warrenton.

EXISTING CONDITIONS & BACKGROUND

ECONOMIC BASE ANALYSIS

Documentation of the economic trends shaping the western portion of the Northern Virginia Region

FISCAL SUSTAINABILITY ANALYSIS

A fiscal impact model to relay the relationship between land use decisions and the change in revenues and expenditures for the Town.

LABOR FORCE DATA

Tables of data related to labor force evolution in Fauquier County.

DEMOGRAPHIC & HOUSING ANALYSIS

Analysis identifying demographic and housing information on the Town.

E-3: Promote Warrenton as a cultural, entertainment, and arts center.

POLICIES & STRATEGIES

- E-3.1:** Coordinate and partner with local arts groups and business associations to promote artists and cultural events.
- E-3.2:** Market to creative arts and entrepreneurial businesses to locate within appropriate Character Districts.
- E-3.3:** Maximize the Town’s public spaces and right-of-way to allow for arts and cultural events to operate, including outdoor dining and gathering places.

E-4: Support Character Districts as Unique Mixed-Use Neighborhood Centers.

POLICIES & STRATEGIES

- E-4.1:** Promote business attraction by considering business improvement districts.
- E-4.2:** Evaluate tax increment financing that can be used to fund infrastructure and site improvements.
- E-4.3:** Develop a marketing strategy for each Character District to encourage various types of businesses based on their envisioned unique themes:
 - New Town District: Class A Office, Future University satellite campus, and Employment Center
 - Health and Wellness District: Medical-related office and treatment
 - Greenway and Makers District: Overlay in Industrial zoned area to allow for creation of food and craft.
 - Old Town: Adaptive reuse to encourage tourism, locally owned businesses, and creative services.
 - Broadview District: Redevelopment through parcel consolidation, interparcel connections, and mixed-use at key nodes to create a synergy and investment strategies.
- E-4.4:** Leverage Town assets by exploring public/private partnerships to activate surface parking lots as potential development sites.

METRICS

1. Growth in the number of employers (health related), senior housing units, medical office square footage, and hotel rooms.
2. Growth in the number housing units, square footage of commercial space, Class A office square feet, and hotel rooms.
3. Businesses relocated to or started in Warrenton.
4. Growth in the square footage of retail and service businesses.
5. Increase in the number and variety of new businesses along Broadview Avenue.
6. BID established, funds raised, and programs and projects developed; Old Town business vacancy rates.
7. Number of gathering spaces and outdoor dining locations.
8. Number of public parking stalls provided, square footage of development produced, and leased parking space.
9. Number events planned, street closure permits, art/gallery space leased, pop-up arts-related ventures, new arts-related space, and hotel rooms added in Warrenton.
10. Tax Increment Financing (TIF) district established, funds raised, and improvements completed.

E-5: Be proactive in the Town's Economic Development

POLICIES & STRATEGIES

- E-5.1:** Create an economic development marketing strategy that includes a detailed retail retention and recruitment strategy.
- E-5.2:** Develop a site prospectus book to market properties seeking redevelopment.
- E-5.3:** Coordinate with the County and regional economic development partners to promote the Town.
- E-5.4:** Track industry and market trends to position Warrenton at the forefront.
- E-5.5:** Seek to establish a dedicated resource that is responsible for attracting new businesses with an emphasis on employers possessing the ability to hire multiple employees.



PLAN WARRENTON 2040

LAND USE & CHARACTER DISTRICTS

"I think that there should be way more places for children and social activity. I don't want my kids to have to be limited to our property... Then maybe we'd get off the devices everyone complains about." *Elizabeth, Age 10*

#lovewarrenton

Warrenton, Virginia 2017.

Vision

In 2040, Warrenton's sense of place is found in its historical Old Town, existing neighborhoods, and mixed-use Character Districts. Town residents have numerous options to shop, dine, and be entertained within a series of walkable areas and will live within a half-mile radius of a park, green space, trail, or public amenity. There is attainable housing for residents of all age groups that encourage equitable, inclusive, and vibrant neighborhoods. The mix and balance of housing types and employment centers maintains the small-town character, in which people live and work.

Key aspirations related to this guiding vision:

- Create mixed-use Character Districts using appropriate intensities, with specific guidance for form and transition to adjoining neighborhoods.
- Develop Character Districts with places for people to meet, talk, and be neighborly, with gathering places that include parks, plazas, sidewalks, and shops.
- Protect, stabilize, and retain the character of existing neighborhoods while allowing for a diversification of housing types into mixed-use Character Districts.

CURRENT & FUTURE LAND USE

Warrenton is made up of cherished existing neighborhoods and an Old Town filled with history. Residents value the charm of their community and seek to enhance it. The Land Use and Character District format serves to preserve the existing neighborhoods by providing a guide of how to develop/redevelop subareas of Town that are candidates for revitalization in the coming decades. In 2018 the Town of Warrenton adopted Urban Development Areas (UDAs)*, thus designating to the state where future growth should be accommodated through a public process. Residents of the Town developed “branding” components to give each district an identity that links current land use functions and the future desires of the community. Warrenton 2040 provides a model on how to get from today’s reality to tomorrow’s vision as developed by the community. The following pages, and hyperlinked Character District Guidebook, provide a path forward on how Warrenton will create, parcel by parcel, a future that preserves its identity while meeting the goals of the overall Comprehensive Plan.

*“Urban Development Areas” is a Virginia Department of Transportation technical term

FUTURE LAND USE MAP

The Future Land Use Map is the Town’s visual guide to future planning for 2040. The Future Land Use Map brings together all of the elements of this Comprehensive Plan, such as land use, economic and fiscal health, housing, and transportation. The Future Land Use Map shows how the 2040 Comprehensive Plan foresees appropriate development over the next 20 years.

The following new mixed-use Character Districts with definitions will be added to the Future Land Use Map:

- New Town Warrenton
- Old Town
- Health and Wellness
- Experience Broadview
- Greenway and Makers

New Overlay Districts guidelines:

Broadview Commercial District:

“Experience Broadview” will allow for mixed-use residential at lower density, but nodal development with mixed-use anchors and improved edges to adjacent single-family neighborhoods. Current commercial uses will be maintained.

Makers District:

Maintain current light industrial zoned uses, but allow for, and foster, the new creative production economy in order to enable local purveyors to produce the goods they sell and distribute throughout the region. This new district overlay would complement existing light industrial activities and attract small-scale entrepreneurs and larger companies looking to start and expand businesses within Warrenton.

Arts and Culture District:

Allows for temporary events, pop-up storefronts that are arts and culture focused along Main and Culpeper streets through a streamlined permitting process.

FUTURE LAND USE

Character Districts

- Greenway and Makers District
- Health and Wellness District
- New Town District
- Old Town District
- Broadview Commercial District

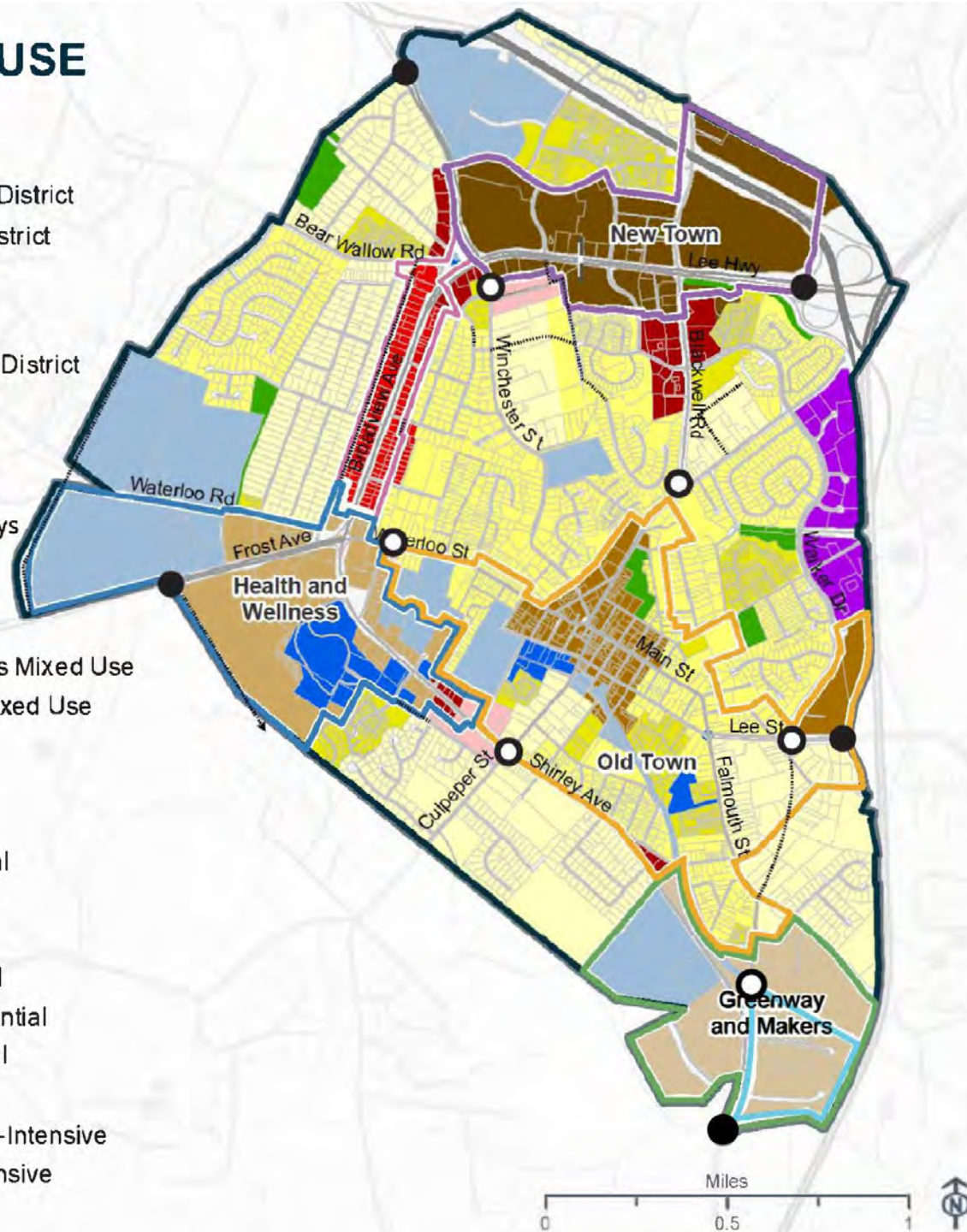
Overlay Districts

- Makers District
- Gateways
- Historic District Gateways

--- Sampling of Future Road Connections

Future Land Use

- Greenway and Wellness Mixed Use
- Health and Wellness Mixed Use
- Old Town Mixed Use
- New Town Mixed Use
- Office
- Re-Planned Commercial
- Commercial
- Light Industrial
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Park
- Public/Semi-Public Non-Intensive
- Public/Semi-Public Intensive



FUTURE LAND USE DESCRIPTIONS

CHARACTER DISTRICT SUMMARIES



New Town Warrenton District

With large lots, direct access from Route 29, and high visibility, this district could be a location for a signature office/jobs center; with greater intensity of mixed use and strong live, work, and play options. A mix of uses could be organized around an internal street network and public amenities, such as civic spaces, parks, green space, and public gathering areas.



Health and Wellness District

This district could leverage Fauquier Hospital with businesses, services, and housing options that promote aging in place, expanded health and wellness amenities; medical offices, and commercial uses.



Greenway and Makers District

This district could maximize use of industrial areas for maker space with a food and arts focus, create connective elements to the greenway, and enhance gateway form and function.



Old Town District

Warrenton will continue to promote Old Town as the signature cultural, social, and historic hub. The Town will encourage infill housing and other adaptive reuse of structures to bring more foot traffic to Old Town, but maintain the historic character and scale.



Experience Broadview District

Maintain and enhance the existing commercial corridor, but add nodal development with mixed-use residential anchors and improve transitions to adjacent single-family neighborhoods. A Form-Based Transect is the best tool to transform Broadview Avenue to a neighborhood commercial corridor, with a consistent street frontage along Broadview and graceful step-downs in scale adjacent to adjoining neighborhoods.

THE TEN GUIDING PRINCIPLES FOR CHARACTER DISTRICTS

Many parts make a neighborhood.

A neighborhood has stores and shops that satisfy everyday needs within an easy walk with safe and friendly streets on which people feel they “belong.” Residential streets should feel public and more like open space than traffic ways. Streets can be a pleasant part of the neighborhood. A great neighborhood has many choices to move by foot, bicycle, transit, and auto. A great neighborhood has places for people to meet, talk, and be neighborly with gathering places that include parks, plazas, sidewalks, and shops. Lastly, a great neighborhood has its own character, shaped by its physical setting, streets, buildings, open spaces, history, and the people who live in it. The following are Ten Guiding Principles to guide development in each of the Character Districts.



1. A discernible center. Every neighborhood should have a discernible center that is walkable within a quarter-mile radius. The center can accommodate programmed or spontaneous events, or simply be a place people relax or meet friends. The center is often a hardscaped plaza or a green or park space; sometimes it can even be a busy street corner or a main street.



2. Connected sidewalks with a clear pedestrian path, street trees, and lighting. Streets within the Character District form a connected network, which disperses traffic by providing a variety of pedestrian and vehicular routes to any destination. There is an interconnected street grid network that disperses traffic and eases walking.



3. Buildings that are placed close to the street to create a sense of place. All buildings are directly accessible with front doors from the street.



4. Parking placed behind buildings and away from street frontages. Interior access roads to services and parking are designed into the site plan.



5. Complete streets create a balance between cars, pedestrians, and bicyclists. Complete Streets have no singular design prescription. Each one is unique and responds to its community context; however, complete streets are designed to balance drivers, pedestrians, and bicyclists.



6. Compact street blocks encourage walking. Compact street blocks that are 200 to 400 feet wide and up to 600-feet deep provide a comfortable neighborhood scale that facilitates a fine-grain development pattern and walking experience. For blocks that exceed the maximum recommended length of 600 feet, a mid-block pedestrian path is recommended to allow for passage.



7. A park, trail, or activity center is within a half mile walking radius. Linkages to pedestrian amenities can be made with continuous sidewalks, street trees, and through-block pedestrian pathways.



8. A variety of dwelling types accommodates a wide range of family sizes and income levels and commercial activity. The variety provides synergy among uses and creates an immediate critical mass to sustain retail and commercial uses.



9. Neighborhood identity connects district wayfinding and identification with a larger marketing effort to bring private investment to the neighborhood. Neighborhood identity provides the brand and image of the area, and a basis for a marketing strategy to promote businesses, events, and future development opportunities.



10. The neighborhood edge provides the means of transition from the Character District to adjoining properties. The edge would transition to adjacent established neighborhoods and future land-use categories and exhibit compatibility in scale, massing, and setback with existing and planned developed on adjacent land.

RECOMMENDATIONS TO THE EXISTING RESIDENTIAL ZONING DISTRICTS

Refer to Housing Section II for housing definitions.

R-15 Residential District

Contains low-density, single-family dwellings and other uses that are customarily incidental.

Recommendation: Accessory Dwelling Units (ADU) allowed by special permit.

R-10 Residential District

Single-family, detached homes and limited groups are allowed. Limited service uses are allowed with a special use permit. This zone allows for smaller lot sizes and setbacks than R-15.

Recommendation: Bungalow Court to be allowed by-right and ADUs by special permit.

R-6 Residential District

Allows medium to high concentrations of predominantly residential uses, generally intended to encompass and preserve those residential structures which have developed over the years along the traffic arteries serving the Central Business District (CBD).

Recommendation: Bungalow Court to be allowed by-right and ADUs by special permit.

RT Residential Townhouse District

This district is composed of certain medium concentrations of residential use, often located between lower density residential and commercial areas.

Recommendation: Bungalow Court and Duplex to be allowed by-right and ADUs by special permit.

RMF Residential Multi-family District

Contains higher concentrations of residential uses recommended for those sections of Town in proximity to the CBD, adjacent to existing intensive land uses, used as a transitional area between commercial and lower density residential areas, or need revitalization.

Recommendation: Bungalow Courts, Duplex, Fourplex, Courtyard Apartments, and Townhouses to be allowed by-right and ADUs by special permit.

R-40 Residential District

Allows low-density, single-family dwellings and other selected uses that are compatible with the low-density residential character of the district.

Recommendation: ADUs by special permit.

R-E Residential District

This district is comprised of low-density, single-family dwellings and other selected uses that are compatible with the open and rural character of the district. All commercial activities are prohibited.

Recommendation: ADUs allowed by special permit.

RO Residential Office District

Allows business and professional offices and certain personal service uses. This is a transition area between a commercial area and a residential area.

Recommendation: Duplex, Fourplex, Courtyard Apartments, Bungalow Courts, Townhouses, Multiplex, Live/Work, and Mixed-Use Residential to be allowed. ADUs allowed by special permit.

CBD

The intent of this district is to provide for orderly development, infill, and revitalization of the CBD.

Recommendation: Live/Work and Mixed-Use Residential (with commercial at the ground level) to be allowed.

GOALS

L-1: Organize Land Use According to Character Districts in Select Areas

POLICIES & STRATEGIES

- L-1.1:** Create Mixed Use Character Districts, based on the Town’s adopted Urban Development Areas.
- L-1.2:** Create and encourage implementation tools to support the individual Character Districts policies.
- L-1.3:** Create the Experience Broadview Overlay to allow for mixed-use or multi-family developments.
- L-1.4:** Redevelopment and new development is encouraged, and each Character District will use the suggested illustrations in the design manual as guidance.
- L-1.5:** Create a Makers District Zoning Overlay in the light-industrial zoned area of the Greenway and Makers Character District (West Shirley UDA) to foster the new creative-production economy.
- L-1.6:** Update the Density Bonus Program.

EXISTING CONDITIONS & BACKGROUND

DENSITY BONUS RECOMMENDATIONS

Suggested updates to the bonus program identified in the Town’s Zoning Ordinance to create a more comprehensive approach for desired uses and public amenities within the Town.

UDAS/ CHARACTER DISTRICTS

Information about the adopted UDA’s and corresponding Character Districts.

NEW TOWN

HEALTH & WELLNESS

GREENWAY & MAKERS

OLD TOWN

EXPERIENCE BROADVIEW

L-2: Old Town Character District – The Old Town Character District will include a mix of infill and new mixed-use development that is designed to maintain Old Town’s historic character. ADOPTED MARCH 13, 2018

POLICIES & STRATEGIES

- L-2.1:** Maintain Old Town Historic Character through preservation and protection of contributing historic resources.
- L-2.2:** Create cultural anchors at both ends of Main Street.
- L-2.3:** Evaluate the feasibility of financing and constructing a structured parking garage that is designed to be compatible to the character of the Historic District and is located behind street facing buildings.
- L-2.4:** Evaluate the location, design and feasibility of a Pedestrian Mall.
- L-2.5:** Evaluate the design and feasibility of a traffic circle at the intersection of Culpeper and Shirley streets.
- L-2.6:** Develop revitalization strategies for Lee and Horner Streets
- L-2.7:** Promote the possibility of a Bed and Breakfast concept in appropriate locations.
- L-2.8:** Promote new development typologies and a mix of uses in Old town that includes mixed-use development, adaptive re-use of existing buildings, live-work lofts, restaurants, new infill development on vacant lots and higher density residential development that comport to and maintain the historic character of Old Town.
- L-2.9:** Locate an event space in the Old Town UDA that can be used to accommodate public and private events, festivals of all types appropriate and other opportunities.
- L-2.10:** Develop a marketing and branding strategy for Old Town that promotes business and events.
- L-2.11:** Develop a parking policy that maintains adequate parking supply for businesses, residents, workers, tourists and shoppers.
- L-2.12:** Create a streetscape plan for the Old Town Character District that promotes a consistent walking experience and maintains the historic character of Old Town. The streetscape plan should define specifications for sidewalk, crosswalks, street trees, seating, lighting, bicycle parking and locations for a pocket park, where appropriate.
- L-2.13:** Evaluate traffic calming measures at locations where public safety issues are evident.
- L-2.14:** Develop Traditional Neighborhood Design Guidelines (TND) specific for Old Town, for the design for new buildings, infill development and the adaptive reuse of existing buildings.
- L-2.15:** Develop a Façade Improvement Program that promotes and incentivizes the improvements of facades as well as the potential of a Business Improvement District (BID) that would finance such a program.

L-3: New Town Character District – The New Town Character District will support the revitalization of the commercial shopping malls with a walkable development pattern that includes a mix of uses, green space and public amenities, as well as provide a location for a major employer. **ADOPTED MARCH 13, 2018**

POLICIES & STRATEGIES

- L-3.1:** Evaluate a variety of branding strategies for the New Town Character District as a Town gateway, possible entertainment hub or a mixed-use development integrated with an educational institution, such Virginia Tech, exploring a Campus Business Hub concept.
- L-3.2:** Create a development plan for key sites that plans for the redevelopment of aging big box shopping centers to include mixed-use and infill development with a variety of uses, such as restaurants, entertainment venues, a hotel, breweries and office.
- L-3.3:** Create a streetscape plan for the New Town Character District to support the development plan for key sites, promoting development within a compact street grid that includes a mix of uses, entertainment, and park space, as well as being walkable along the edges and adjacent parcels with sidewalks and striped crosswalks.
- L-3.4:** Evaluate the establishment of a Business Improvement District to promote business development and events within the New Town Character District, and maintain pedestrian amenities, such as public-accessible parks and plazas.
- L-3.5:** Evaluate the design and implementation of roundabouts within this Character District.
- L-3.6:** Evaluate development incentives that stimulate private investment and new development.

METRICS

1. Square footage of mixed-use developments, and number of residential units
2. Number of contiguous street blocks with street trees, clear pedestrian paths, and street lights
3. Number of new arts, and craft businesses opening in the Makers District
4. Number of projects using the Density Bonus Recommendations

L-4: Health and Wellness Character District – the Health and Wellness Character District will support and promote a mix of uses that are health related, such as workforce housing, medical and emergency services and aging in-place related uses.

ADOPTED MARCH 13, 2018

POLICIES & STRATEGIES

- L-4.1:** Evaluate the marketing and development strategy of creating a “Hospital as Hub” concept within the Health and Wellness District that could grow to become a Medical Center Campus or Sustainable Living neighborhood that promotes compatible hospital-related land uses, such as medial offices, senior housing, and other hospital medical-related concepts.
- L-4.2:** Evaluate the concept of a bus circulator system that would connect the hospital with future senior housing, medical offices and mixed-use developments within the Health and Wellness Character District.
- L-4.3:** Develop a streetscape transition at intersection Frost and Broadview Avenue intersection to where the boundary of Old Town starts, for aesthetics and traffic calming.
- L-4.4:** Evaluate development incentives that stimulate private investment and new development.
- L-4.5:** Promote several types of land use within the Health and Wellness Character District, such as hotels, adaptive re-use of existing buildings, senior housing, medical offices, and all levels of care.
- L-4.6:** Create a development plan for large key sites located within the Character District that identify massing and profile, types of uses, and phasing of development, ensuring walkability within the site and to adjacent parcels and neighborhoods.
- L-4.7:** Create a streetscape plan for the Health and Wellness Character District that promotes a consistent walking experience. The streetscape plan should define specifications for sidewalks, crosswalks, street trees, seating, lighting, and bicycle infrastructure.
- L-4.8:** Develop traffic calming measures at locations along East Shirley, Frost, and Broadview avenues where public safety issues are evident.
- L-4.9:** Leverage Conservation Easements south of Town boundary and promote context sensitive viewshed treatments.

L-5: Greenway and Makers District Character District – the Greenway and Makers District will be promoted as the southern gateway into the Town and maintain the critical linkages between education, civic uses and the surrounding neighborhoods, as well as the remaining industrial uses located in the Town. **ADOPTED MARCH 13, 2018**

POLICIES & STRATEGIES

- L-5.1:** The Town, County, and School District properties should be walkable and accessible from the adjoining neighborhoods.
- L-5.2:** Develop a land use strategy that keeps industrial use in the southeast half of the Character District and residential use in the northern half of the Character District.
- L-5.3:** Evaluate a possible pedestrian linkage to Walker Drive from the area to the north east, above the Warrenton Greenway Trail.
- L-5.4:** Evaluate more possibilities for pedestrian access to the Warrenton Greenway Trail from adjacent neighborhoods.
- L-5.5:** Design and implement a vertical gateway feature announcing arrival into the Town of Warrenton at the south end of the Character District along James Madison Highway.
- L-5.6:** Promote a mix of housing in the northern half of the Character District that includes mixed-use residential development, multi-family housing, and affordable housing that uses high quality materials.
- L-5.7:** Create a streetscape plan for the Character District that promotes a consistent walking experience.
- L-5.8:** The streetscape plan should define specifications for sidewalks, crosswalks, street trees, seating, lighting, and bicycle infrastructure.
- L-5.9:** Create development incentives that stimulate private investment and new development.
- L-5.10:** Evaluate locations for a new park space within the Greenway and Markers Character District.

L-6: Experience Broadview Character District: The Experience Broadview Character District will maintain and enhance the existing commercial corridor with mixed use residential nodes to serve as transitions to adjacent neighborhoods.

POLICIES & STRATEGIES

L-6.1: Implement a consistent street frontage along Broadview with the commercial uses brought closer to the street.

L-6.2: Improve and implement interparcel access to encourage linkages between commercial and mixed use sites.

L-6.3: Limit new access points and consolidate current entrances off Broadview to improve safety, circulation, and congestion along the corridor.

DEFINITIONS & DESCRIPTIONS

Item a.

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Future Land Use Descriptions

Greenway and Wellness Mixed Use

The Greenway and Wellness Character District provides policies for this area.

Health and Wellness Mixed Use

The Health and Wellness Character District provides policies for this area.

Old Town Mixed Use

This designation covers the historic, mixed-use downtown area and closely matches the area of the existing Central Business District's zoning district. The Old Town Character District provides policies for this area.

New Town Mixed Use

The New Town Character District provides policies for this area.

Office

Office land use is incorporated into the character districts, with key acreage being reserved in the New Town Character District for a potential major employer in the future. The remaining few office land uses are found in current areas off of Shirley Avenue and Winchester Street. These are intended to be small scale office buildings to serve as

a transition to between character districts and adjacent residential neighborhoods and to provide locations for the conduct of small shops, studios, and professional offices. Residential uses of low and medium density may be permitted in these areas if they are carefully designed as transitional uses between existing residential neighborhoods and office areas.

In many cases, these areas can be classified as infill development and such development should be compatible with existing uses and likely future uses through appropriate buffering and screening. Controlling vehicular access points so that traffic patterns do not infringe upon adjacent residential areas will also reduce the incompatibility with the adjacent uses. Office uses should be the predominant use in the established districts, whether located within remodeled single-family structures or new structures. Architecturally, new structures should blend in with the architecture of the neighborhood in which its located.

Re-planned Commercial

The majority of commercial follows the Experience Broadview Character District policies. These are older highway commercial areas which are encouraged to be re-planned to provide pedestrian-oriented streetscapes with parking behind buildings, interparcel connections, access and buffers between neighboring residential neighborhoods and, in certain cases, on-street parking.

Commercial

The majority of commercial follows the Experience Broadview, New Town, Health and Wellness, or Old Town Character District policies. For the small portion outside of the character district there continues to be retail and service commercial uses which require high-volume truck activity, and should be placed under strict site plan control with particular emphasis on adequate screening, vehicular access, and restrictions on bulk and height of structures. Zoning regulations for the districts that permit these uses should require interparcel connections, limited points of access from major streets and substantial landscaping, as well as discourage large expanses of parking areas that exceed minimum parking regulations while encouraging shared parking.

Commercial expansions should only occur where compatible land uses exist, and the local street system can accommodate the additional traffic demand. In addition, such uses should be designed to fit into the character of the area in which they are located. Any adjacent residential areas should be linked by convenient pedestrian access. Since commercial strip development is discouraged, access to adjacent streets should be restricted, also. Therefore, shared access points should be encouraged to assist in consolidating small parcels in order to limit traffic congestion. Incentives to promote this concept should be provided in order to achieve a well-designed commercial development that coordinates vehicular and pedestrian access,

parking, signage, architecture, and site design.

The commercial uses included in this category are primarily those uses that serve the daily needs of the residents of the Town. They include restaurants, drug stores, personnel services, banks, grocery stores, and general merchandise items.

The future land use map presumes that the commercial pattern of land uses that is already established is generally appropriate for the community. Any change should be evaluated in the context of the change being appropriate to its surroundings and an established need. The following issues should be considered and resolved when development that suggests changes to the future land use map is proposed.

- **Town Services.** All developments must be connected to the Town’s public water and sewer system, and the project must demonstrate that it does not exceed the capacity of the water and sewer systems to meet the needs of the development. If the proposal exceeds the capacity or delivery system of either the existing water, sanitary sewer, or storm sewer systems, improvements to meet the increased demand must be provided by the applicant.

- **Traffic Demand and Circulation.** Any new project should maintain a level of service that is in keeping with the surrounding road networks capability. Any level of service that is lower than “D” should be reevaluated, as this is not be an

acceptable level of service. Interparcel access and service roads are encouraged in order to limit access to arterial streets. Where necessary, deceleration lanes should be provided, and where conflicts exist, left turns into and out of a site should be avoided. In order to reduce vehicular traffic, a pedestrian access should be provided on the site, as well as linking it to adjacent neighborhoods and all adjacent commercial uses. The project should also make provisions for bicycle access and parking.

- **Design Guidelines.** All new or redeveloped projects should seek to minimize impacts on surrounding land uses and the public right of way by providing landscaped buffers, placing parking to the side and rear of buildings, coordinating the siting and massing of buildings, using monument signs or signs integrated into the building facades, and using the massing and materials of the buildings to create pedestrian-oriented, human scaled outdoor spaces.

- **Consolidation of smaller properties** is encouraged to provide the opportunity for efficient use and design of the site.

- **Placement of pedestrian areas** near main entrances to buildings, which includes seating, planting, and bicycle facilities should be provided, as well as any other outdoor architectural features.

- **Delivery of services** should occur behind the buildings and screened from

public view. This can be achieved through the use of natural vegetation and/or landscaping buffers. Item a.

- The site should be well landscaped in order to provide a visual barrier to adjacent non-compatible uses, soften lengthy expanses of buildings and parking lots, and provide shade in the parking areas.

Light Industrial

The Greenway and Makers Character

District seeks to incorporate previous uses envisioned for Light Industrial. The remaining Light Industrial is located off the east side of Walker Drive. This area includes light manufacturing, flex industrial uses and wholesale commercial uses, and limited office uses with floor area ratios generally not exceeding 0.35 on a single site. These areas have been designed to provide additional types of employment opportunities within the Town in addition to services and commercial retail uses. Industrial land use designations should be limited to light industrial uses that do not generate inordinate amounts of noise, smoke, dust, odors, heat, or electrical disturbances. Environmentally heavy uses that draw significant water, like data centers, are better served in locations not utilizing public water and sewer.

Particular attention should be given to vehicular access and reducing the impact on adjacent properties.

Integrating certain industrial land uses 979

Town will enable residents to live and work in the Town. This concept will encourage the integration of the workplace with residential and commercial land use components already existing in Town. Industrial sites should be co-located or located near one another. Scattered sites or strip sites are strongly discouraged. For business parks, a true campus-style site plan is encouraged.

By creating and expanding these sites, it will reduce the amount of persons commuting towards Northern Virginia, thereby reducing travel time and congestion. The areas proposed for light industrial shown on the future land use map should adhere to the following standards and guidelines:

- Access to industrial areas should not conflict with residential traffic and, therefore, should be separated from other types of traffic. This should be accomplished by a road system that permits separation of uses. The non-residential traffic should be routed to collector roads and highways as quickly as possible.
- Industrial uses should be supported with public utilities. In addition, where other utilities are not available, such as natural gas, electric, and phone, those companies should be encouraged to extend their services into industrial areas.
- A set of performance standards should be established in order to mitigate any potential adverse impacts that may be

emitted by a particular use.

- When designating, and/or developing industrial sites, particular attention should be given to buffering adjacent non-industrial uses, including appropriate landscaping, screening, setbacks, and open space.
- When evaluating new locations for industrial sites, compatibility with adjacent uses should be carefully considered. Industrial uses should be located adjacent to compatible uses.
- Uses should be limited to those providing a variety of light industrial uses that will contribute to the creation of new businesses, as well as retention and expansion of existing businesses. Very limited support for commercial uses will be allowed as integrated elements of the industrial development for the purpose of reducing traffic generation from the site.

Low Density Residential

This designation includes single family, detached residential dwellings at densities ranging from existing levels of development (no change) up to 2.5 dwellings per net acre, contingent upon adequate pedestrian and vehicular access, compatibility with surrounding properties, and mitigation of potential impacts. Certain areas specified in the text are intended to remain at densities well below 2.5 d.u. per acre and should follow the policies of any corresponding character

district. These include the areas of ex Item a. low density historic neighborhoods along Winchester and Culpeper Streets.

The designation of low density residential is generally applied to established residential neighborhoods which should be conserved and/or expanded in a manner similar to, and compatible with, the existing surroundings. Many neighborhoods in these areas have older homes and are characterized by mature vegetation and social interaction between neighbors.

New lots within established subdivisions should contain an area that approximates those existing lots. Neighborhood recreational facilities, small parks or “green space”, and other neighborhood amenities should be provided in compatible locations within such developments.

Although residential infill will sometimes be a slightly higher density than existing lot configurations, any such infill development should be generally similar in density and lot size, and the placement of structures on the lot(s) should be sensitive to the existing structures and lots on neighboring properties. The exterior elevations of the structures should complement and respect the surrounding neighborhood’s existing design and architectural elements.

Retaining the high quality of established neighborhoods is a continual challenge. Since the low density areas are a desirable place to live they are becoming attractive for i 980 development. The low density

residential areas are located so as to protect the character of existing neighborhoods and to provide quiet residential areas attractive for single family housing.

Where site characteristics permit, and where negative impact to adjacent properties is minimal, non-residential home occupations and businesses may be permitted as provided for in the Zoning Ordinance. However, neighborhoods should retain their distinctive character, incorporating those characteristics of architecture, mature vegetation, and open spaces appropriate to the character of the neighborhood. Mature vegetation should be retained.

This Plan seeks to preserve the integrity of existing residential neighborhoods by limiting and discouraging incompatible uses in established residential spaces while maintaining and improving neighborhood qualities by eliminating substandard housing. In doing so, this will enhance the physical features that include streets, sidewalks, street lights, and other public improvements.

Winchester Street: The larger lots along Winchester Street containing historic houses are important elements of Warrenton’s downtown character. The large size of the lots present an opportunity to preserve the majority of each lot, including the frontage along the street as very low density residential, while developing the back portion of the lot with medium density residential uses.

Culpeper Street: Like Winchester Street,

the larger lots and historic houses are important elements of Warrenton’s downtown character. These lots should remain essentially as they are, at very low densities, with only very carefully designed, small scale structures that preserve the essential character of the street.

Falmouth Street: Like Winchester and Culpeper Street, Falmouth has important buildings that establish the historic character of the entrance to the downtown. The lots with historic buildings, and those adjacent to them, should be maintained as very low density uses, with only very carefully designed, small scale infill structures that preserve the essential character of the street.

Medium Density Residential

This designation includes single family detached residential dwellings at densities up to five dwellings per net acre, contingent upon pedestrian and vehicular access, compatibility with surrounding properties, and mitigation of potential impacts.

Much like the designated low density residential areas, the medium density areas are made up largely of established single family neighborhoods. The neighborhoods are located in many areas of the Town and have access to all Town services.

Medium density areas are composed of high concentrations of residential uses. The areas that border the Central Business District (CBD) have been developed over the years along the vehicular

entryways to the CBD. Many have been incorporated into the policies of the Old Town Character District. It is the intent to protect and enhance these areas, while at the same time permitting changes to occur in an effort to ensure that the use of these areas is economically feasible. Since the areas adjacent to the CBD consist of predominantly single family houses, that character must be protected. Approving non-residential uses should be done in a very limited fashion and in a manner that maintains the essential character of the residential areas. Small scale, non-residential uses like home occupations and offices may be appropriate in some of these areas.

The designation of medium density residential is also applied to established residential neighborhoods which should be conserved and/or expanded in a manner similar to, and compatible with, the existing surroundings. Many neighborhoods in these areas have older homes and are characterized by mature vegetation and social interaction between neighbors. Medium density areas are intended to permit densities of up to five dwelling units per net acre, and new lots within established subdivisions should contain an area that approximates the size and configuration of existing lots in the neighborhood. The higher densities should be considered as more appropriate near major thoroughfares and commercial areas. Recreational facilities and other neighborhood amenities should be provided in developments when densities exceed three units per net acre.

New subdivisions and lots within this designation should complement and enhance the area in which it occurs. Residential infill areas should be compatible in density, lot size, and placement of structures on the lots with existing neighboring structures and lots. The exterior elevations of the structures should complement and respect the surrounding neighborhood's existing design and architectural elements.

Retaining the high quality of established neighborhoods is a continual challenge. Since the low density and the medium density areas are a desirable place to live, they are becoming attractive for infill development. The medium density residential areas are located so as to protect the character of existing neighborhoods and to provide quiet residential areas attractive for single family housing. Where site characteristics permit, and where negative impact to adjacent properties is minimal, non-residential, home occupations and businesses may be permitted as provided for in the Zoning Ordinance. Mature vegetation should be retained.

In order to support the goals and objectives of medium density residential areas, the Plan seeks to preserve the integrity of existing residential neighborhoods. In order to do so, the plan limits and discourages incompatible uses in established residential neighborhoods, maintaining and improving neighborhood qualities by eliminating substandard housing and improving its physical features such as, streets, sidewalks, street lights, and other public improvements.

High Density Residential

These designations include single family attached and/or multi-family dwellings up to 12 dwelling units per net acre, contingent upon adequate pedestrian and vehicular access, compatibility with surrounding properties, and mitigation of potential impacts.

The density in these areas can accommodate townhouses, apartments, and similar residential types. Because these areas provide for more intensive development, they should be carefully integrated into the existing townscape to ensure that the existing character is protected. Further, any such developments should be carefully integrated into the area with attention given to creating spatially defined open space areas such as parks and "greens", trail and sidewalk connections, street connections, recreational facilities, parking, and landscaping. The scale and mass of buildings should be compatible with the historic fabric of the Town as a whole, and neighboring properties in particular.

The high density residential areas can be developed at a density of up to 12 units per net acre. The areas for high density development have been designated for those sections of Town which are adjacent to areas of a similar existing density or similar zoning. Housing types permitted in these areas include single family, two, three, and four family dwellings, townhouses, triplex and quadruplex, and apartments. Higher density developments may function as a transition between commercial and lower

density residential areas and should be located where streets are capable of carrying the expected traffic. These are key areas encouraged for creative development to help fill the "missing middle with attainable, diverse housing types.

Along with the low and medium density areas, the high density residential areas will provide a variety of options for residential housing types in the Town. It further encourages housing types, and costs, at different levels which will serve the needs of the Town's citizens. As provided in the low and medium density areas, new multi-family residential buildings should be arranged so that the buildings define outdoor spaces, including a human scale streetscape.

Park

This designation includes public and private parkland and park facilities serving local neighborhoods, passive and/or active. It includes the three Town parks: Eva Walker, Sam Tarr, Academy Hill, and Rady Park, as well as the Warrenton Branch Trail. Additional proposed small parks and "greens" that should be developed in conjunction with new residential neighborhood development are not included as they are addressed in character district and park policies. The specific size, design, function, and configuration of these parks will depend upon the particular needs and attributes of the proposed development and surrounding uses.

Public/Semi-Public Uses

Intensive. This designation includes hospitals, utility plants, government administrative uses, and other uses which have a relatively high degree of development intensity and building coverage.

Non-Intensive. Schools which have significant outdoor recreational components, cemeteries, churches, buffer areas, and similar areas of very low intensity development.

A number of areas on the future land use map have been designated as public/semi-public. These designations provide for the maintenance and expansion of existing community facilities. Specific decisions about locating these services should be made in the context of their impact and location on other related decisions which are made by both the Town Council, County Board of Supervisors, and Fauquier County School Board. Therefore, as specified in the Community Facilities section, the Town and County should coordinate their planning and capital programming efforts.

The areas designated for public and semi-public uses include both County and Town facilities, as well as semi-public facilities such as the hospital.

Town residents are also County residents, and receive the same services that the County residents receive. Warrenton has historically been the center of governmental and commercial activity for the County and plans to remain so for the foreseeable future. Thus, the Town is an appropriate location to provide the full range of public and semi-

public services such as a library, schools, and fire and rescue services, as well as various state agencies.

It will be necessary to provide public services to not only the residents of the Town, but to day-time employees, customers, and visitors, as well. This larger population will place additional demands upon the services provided by the Town, including solid waste collection, water and sewer, fire and rescue, and police services. This overall population will continue to grow and increase demands for services.

Specific areas designated for the public/semi-public category include the following:

- The area around and including the Fauquier Hospital, now incorporated into the Health and Wellness Character District. This area should continue to be maintained as the community's medical center. This designation encourages ancillary medical services be located in proximity to the existing hospital, and takes advantage of the proximity of the rescue squad and a public health center. Future complementary development to the hospital should continue, and land for its future expansion reserved.
- Areas that include the Bradley Elementary School, Warrenton Middle School, Brumfield Elementary School, Taylor Middle School, Fauquier High School, the Highland School, St. James Episcopal Church and School, and St. John's Church and School. The land

adjacent to these sites should continue to be maintained and protected for public and semi-public use. Because the public schools are part of the Fauquier County system, the Town has no direct responsibility for them. However, the Town should ensure that adjacent areas are carefully planned and that any new development is compatible with the site. Further, the Town should work closely with the County, or the relevant private organizations, to carefully plan for and utilize schools in conjunction with the Town's growth and development. These schools provide Town and County residents a setting for educational, social, and recreational activities.

- The area in the vicinity of the WARF, the Virginia Department of Forestry and the Town's Sewage Treatment Facilities off Route 211 and the area adjacent to the National Guard Armory. These areas should be recognized as important elements of the Town and should be fully protected to allow for future expansion. Any future expansion should be carefully planned and screened from adjacent properties.
- These areas include the many churches located within the Town, which are not all mapped specifically, but are planned to remain as churches, including areas for future expansion.
- Town resources that include

Item a.

Public Works facility and cemetery, as well as Town and County functions in the downtown area that include municipal offices, court buildings, sheriffs office, municipal parking lots, and jail should also be reserved for their continued and expanded use.



Office of the Town Manager
Frank Cassidy

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

Item a.

STAFF REPORT

Council Meeting Date:	The date at which the staff report is to be presented, Updated each meeting.
Agenda Title:	A title that is unique and acknowledges the contents of the specific staff report. This should match with the agenda item title for the meeting.
Requested Action:	A shortened description of the requested action. Maximum 1-2 sentences.
Department / Agency Lead:	Department or agenda responsible for the information in this report.
Staff Lead:	Individual or group of individuals that are presenting the information.

EXECUTIVE SUMMARY

The executive summary is a brief description of the item going before the council with the focus on the pertinent information and the rationale of bringing the item before the Council/Commission/Board.

BACKGROUND

Background information is the history of the item and reference materials to support the topic. Timelines, previous actions, reference materials, and ancillary information are all appropriate for this area. The elongated and in-depth basis for the staff recommendation. The reasoning may be legal, social, scientific, fiscal, medical, and/or justified by other means not explicitly mentioned. Explain in a manner that is easy to understand for those unfamiliar with this topic, the relationship between the issue presented, the staff recommendation, and the justification.

STAFF RECOMMENDATION

Staff recommendations should include the course of action that the Council may take without being binding. Staff can recommend, but the policy direction and actions of the Council/Commission/Board remain their own decision.

Service Level/Collaborative Impact

Explain how the agenda item and subsequent staff recommendations would affect other relevant services provided by the Town and the individuals tasked with enforcement of the staff recommendation. Explain what collaboration would be necessary with other departments and the impact of such.

Policy Direction/Warrenton Plan 2040

A required tie in of the item to the Warrenton Plan 2040 and the policy direction that required this item to be brought before the Council.

Fiscal Impact

Explains what monetary impact the staff recommendation would have on various parties involved in the resolution. This includes from where funding is sourced, the total costs incurred, revenue generated, and/or other fiscal impacts not mentioned.

Legal Impact

A section required for certain staff recommendations that explains the legal course of action necessary for implementation and/or legal necessity to act on this topic.

ATTACHMENTS

1. Optional attachments allow for potential citations, reports, and other means of intellectual support that led the author to their conclusion and recommendation.
- 2.
- 3.

WELCOME TO THE TOWN COUNCIL MEETING INFORMATION & GUIDELINES FOR PARTICIPATION

Thank you for taking the time to participate in your Town Council meeting. The Mayor and Council encourage participation whenever possible to make your voice heard.

Types of Agenda Items

Citizen's Time: Individuals may address the Council on any matter not listed on the agenda as a public hearing. This is your time to address your Council and share what's important to you. Each speaker has up to three minutes to address Council. When called to the podium, speakers should state their name and address for the record. Copies of written statements and supporting materials should be given to the Town Clerk for the record. The Mayor will establish the order of speakers and will maintain decorum. Citizen's Time is not designed as a question and answer session or a debate.

Work Sessions: Informal, informational meetings at which Council may discuss specific topics or receive an in-depth presentation from staff or an outside party on a particular topic. Generally, a Work Session aims to inform Council on a topic and for Councilmembers to give staff or others general direction.

Public Hearings: Formal proceedings held to hear from the public on a specific topic. All public hearings are advertised prior to the scheduled hearings, and the notices indicate where citizens can obtain information pertinent to matters scheduled for public hearings. Applicants, or representatives of the applicant, will be allowed to introduce information regarding the matter advertised for public hearing. Public hearings are intended to enable citizens to influence the public decision process based on prior research and discussions with appropriate public officials and to address only those issues pertinent to the matters advertised for public hearing. Public hearings are not question and answer sessions or debates, and all statements should be addressed to the Town Council.

Closed Sessions: In certain instances, the Virginia Freedom of Information Act permits the Town Council to hold a meeting where the public is excluded. Any action taken during a closed meeting must be ratified by a vote in a public session of Council.

Special Meetings: The Mayor or any four members of the Council may call a meeting or change the time of a meeting at any time once notice is given to all Councilmembers and the press. No business other than that for which the meeting is called may be transacted unless all members are present, in which case a majority vote of the Council may change this provision.

Consent Agenda: The consent agenda is used for eligible items and may include routine appropriations, grant applications, reports, contracts, resolutions, ordinances, second readings, and the minutes.

Rules of Decorum: Signs, placards, posters, or like material are not permitted in the Town Council Chamber, adjoining areas, or offices. Remain seated during the meeting unless called upon to stand for recognition as a speaker, official duties, physical necessity, or to enter or leave the meeting. The use of profane, vulgar, obscene, or threatening speech is not permitted and can result in removal from the meeting. Turn off or deactivate the sound from all cell phones or other electronic devices.

**Persons with disabilities may request reasonable accommodations by contacting
(540)-347-1101. Persons are encouraged to make requests in advance.**



TOWN COUNCIL REGULAR MEETING

21 Main Street

Saturday, September 07, 2024 at 9:00 AM

AGENDA

Possible additions to the agenda and related materials are not set forth herein.

Times set forth are approximate and may be adjusted as necessary.

I. WORKSESSION - 9:00 AM

- A. **Work Sessions:** Informal, informational meetings at which Council may discuss specific topics or receive an in-depth presentation from staff or an outside party on a particular topic. Generally, a Work Session aims to inform Council on a topic and for Councilmembers to give staff or others general direction.
- B. **Closed Sessions:** In certain instances, the Virginia Freedom of Information Act permits the Town Council to hold a meeting where the public is excluded. Any action taken during a closed meeting must be ratified by a vote in a public session of Council. Items brought forth in closed session must be narrowly and specifically defined. Only the item described in the motion to enter closed session may be discussed in closed session. Virginia State Code § 2.2-3711 defines the exemptions permitted by VFOIA including personnel discussions, discussions of accusations or disposition of publicly held real property, consultation with legal counsel, discussion of award of a public contract, or other permitted items.
- C. **Staff Reports:** The Staff Report document is the main document to convey information for agenda items. Staff reports are used in all departments with a common template and can be carried over from the Town Council to the Planning Commission, the Board of Zoning Appeals, and the Architectural Review Board.

This template can be slightly modified to suit the needs of the item being brought forth.
- D. **Agenda Review:** The Town Manager will review the meeting agenda with the Council and discuss any items that need additional information or presentation from staff.

II. REGULAR MEETING - 6:30 PM

A. INVOCATION.

- a. **Invocation:** Local religious leaders lead meeting attendees in a prayer before the proceedings of the meeting.

B. PLEDGE OF ALLEGIANCE.

- a. **Pledge of Allegiance:** An informal pledge of loyalty to the flag of the United States of America led by the Mayor before the proceedings of a regular meeting. Originating in 1892 and having undergone five rewordings, the 1954 Pledge of Allegiance is read.

C. PROCLAMATIONS AND RECOGNITIONS.

- a. **Proclamations and Recognitions:** The Mayor or Town Council may choose to have a proclamation read at a meeting or at an event of their choosing for recognition of an individual, group of individuals, or organization. Proclamations proclaim a certain things to be true or honor a specific date range of note. Resolutions resolve or declare intent from the Town Council.

The Town Manager will also review current achievements and accolades received by staff with the Council.

D. CITIZEN'S TIME.

- a. **Citizen's Time:** Individuals may address the Council for up to three minutes on any matter not listed on the agenda at a public hearing. This is their time to address the Council and share what's important to them.

When called to the podium, speakers should state their name and address for the record. Copies of written statements and supporting materials should be given to the Town Clerk for the record. The Mayor will establish the order of speakers and will maintain decorum. Citizen's Time is not designed as a question-and-answer session or a debate.

E. APPROVAL OF THE AGENDA.

- a. **Approval of the Agenda:** Under Robert's Rules the agenda of the meeting must be adopted before items can be considered. The Mayor will seek a motion for the approval of the agenda. Once moved and seconded the motion will be voted on and if adopted the agenda will be set. An additional motion can be made to amend the agenda which would need a second for discussion and a vote.

F. PUBLIC HEARINGS.

- a. **Public Hearings:** Formal proceedings held to hear from the public on a specific topic. All public hearings are advertised prior to the scheduled hearings, and the notices indicate where citizens can obtain information pertinent to matters scheduled for public hearings. Applicants, or

representatives of the applicant, will be allowed to introduce information regarding the matter advertised for public hearing. Public hearings are intended to enable citizens to influence the public decision process based on prior research and discussions with appropriate public officials and to address only those issues pertinent to the matters advertised for public hearing. Public hearings are not question and answer sessions or debates, and all statements should be addressed to the Town Council.

G. CONSENT AGENDA.

- a. **Consent Agenda:** The consent agenda is used for eligible items and may include routine appropriations, grant applications, reports, contracts, resolutions, ordinances, second readings, and the minutes. The consent agenda is designed for standard items that do not require discussion for approval. If an item is on the Consent Agenda that Council wishes to discuss, a motion may be made to amend the agenda to move it to a more appropriate area for discussion.
- b. **Minutes:** Minutes are the written record of the proceedings of the Town Council. They are provided for review in the Town Council packet. Once voted on, they act as the official record of business for the Town Council.
- c. **Departmental Quarterly Reports:** Reports are run quarterly (every three months) for the Council to show reported data and highlight trends within the data. Quarterly reports are favored over monthly reports to compile greater amounts of data for each department producing such reports, thus providing more accurate reports regarding trends and performance.

H. NEW BUSINESS.

- a. **New Business:** New topics being brought to Council that require action and further discussion. Items may be brought forth from the work session or from previous discussions with Council.

I. UNFINISHED BUSINESS.

- a. **Unfinished Business:** Topics that the Council has been briefed on that require action or update and are open again for discussion at the meeting.

J. TOWN ATTORNEY'S REPORT.

- a. **Town Attorney's Report:** A report given by the Town Attorney updating the Council on legal matters, court proceedings, and general topics of work that the Town Attorney is currently engaged with.

K. TOWN MANAGER'S REPORT.

- a. **Town Managers Report:** An opportunity to provide an update to the Town Council from the Town Manager. Updates may include upcoming topics for

meetings, upcoming events, employee highlights, or challenges that may be faced by Council in the future.

L. COUNCILMEMBERS TIME.

- a. **Councilmembers Time:** This is the Council Member's opportunity to speak and address those gathered at the meeting. This is not designed as a response to Citizen's time and the comments made then. This is a chance to update the Citizens on your views, happenings in your Ward or around Town, and tell the Citizens what is important to each Council Member.

M.ADJOURNMENT.

- a. **Adjournment:** The suspension of the regular meeting indefinitely or for resumption at a later time or date.

2023-2024 Edition

Virginia Freedom of Information Act

LOCAL OFFICIALS' RESOURCE SERIES

Virginia Conflict of Interests Act

and the

Virginia Public Records Act

*Guide for
Local Government
Leaders*



BETTER COMMUNITIES THROUGH
SOUND GOVERNMENT

804-649-8471
www.vml.org

2023-2024 Edition

The Virginia Freedom of Information Act, Virginia Conflict of Interest Act and Virginia Public Records Act

Guide for Local Government Leaders



BETTER COMMUNITIES THROUGH
SOUND GOVERNMENT

July 2023

Introduction

July 2023

THIS UPDATED GUIDE is designed to help local government officials understand their responsibilities under the Virginia Freedom of Information Act (FOIA), Virginia Conflict of Interests Act (COIA) and Virginia Public Records Act.

Each of the acts requires council members, supervisors, and certain other elected and appointed officials to read and familiarize themselves with the three sets of laws.

This 2023 Virginia Municipal League publication explains these laws in non-legal terms as much as possible. It is not written for lawyers, though we hope it will be useful for attorneys, too.

VML encourages city and town council members to consult this guide when questions arise about these topics.

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Virginia Freedom of Information Act

Guide for Local Government Officials

Introduction

The Virginia Freedom of Information Act was enacted by the General Assembly in 1968. In the years since, the law has undergone major revisions and has been modified annually to address new situations. Local public officials are required to read and familiarize themselves with the law. § 2.2-3702(ii). All local government officials including the executive director and members of each industrial development authority (“IDA”), economic development authority (“EDA”), and members of any boards governing any authority established pursuant to the Park Authorities Act are required to take FOIA training within 2 months of assuming office and at least once every two years thereafter. Each local and regional public body must designate a FOIA Officer, whose contact information must be readily available. This guide provides useful assistance in meeting that obligation. Many provisions of the act address state agencies and other matters that do not concern local governments. Those provisions are not discussed. This guide will help local officials become familiar with their obligations under the law.

The Freedom of Information Act Advisory Council (“FOIA Council”), through its staff, provides local officials with timely information about the act that will assist in compliance. Contact information for the staff is found later in this report and can be found at <http://foiacouncil.dls.virginia.gov>.

This guide has two major sections – meetings of a public body and records of a public body. The term “public body” will be used to generally describe any locally elected public body, such as city and town councils, as well as any county board, ida, eda, and committees of all such bodies. Where a difference exists in the act’s requirements for a specific type of local elected public body, the difference is noted.

Purpose of the act

FOIA generally determines how local public bodies must conduct their meetings, from city council sessions to a citizen advisory committee recommending where to locate a new sidewalk. The act also regulates the public’s access to local government records.

The guiding principle of FOIA is openness. The act aims to “[ensure] the people of the Commonwealth ready access to records in the custody of public officials and free entry to meetings of public bodies wherein the business of the people is being conducted.” § 2.2-3700(B). The section further declares that “the affairs of government are not intended to be conducted in an atmosphere of secrecy since at all times the public is to be the beneficiary of any action taken at any level of government.” *Id.*

Thus, FOIA attempts to ensure that Virginia’s citizens have the ability to observe how their elected public officials are conducting public business.

What’s New

During the pandemic most local governments conducted all electronic meetings utilizing the authority in the state budget. In the 2022 General Assembly session there was an attempt to allow electronic meetings to continue in a more narrowed way. However, the final legislation does not allow local governing bodies, zoning appeals boards, planning commissions, local school boards, architectural review boards or any board with the authority to deny, revoke, or suspend a professional or occupational license to hold electronic meetings in the absence of the pandemic or other declared state of emergency. There is limited authority for other boards and commissions.

Also new is the requirement that a cities, counties and town with a population of over 250 and any school board shall post on their official government website a written policy (i) that explains how the public body assesses charges for accessing or searching for requested records, and (ii) notes the current fee charged, if any, for accessing and searching for the requested records.. Public bodies may now offer an electronic method of payment for the production of records.

Lastly, upon receiving a FOIA request, if the locality intends to charge for producing the record, it shall notify the requestor in writing of the right to ask for a cost estimate. Note the “in writing,” so even if the FOIA request is oral, you have to advise the requester in writing of their right to an estimate.

I. Notices.

All local public bodies, including regional bodies shall designate and publicly identify one or more FOIA officers who will be responsible for FOIA requests in their locality. In addition, they must be trained once every 2 years by either the FOIA Council or their locality's attorney. § 2.2-3704.2. The name of the designated officer/officers must be provided to the FOIA Council by July 1st of each year.

Any city or town with a population of more than 250 must post rights and responsibilities on their website. §2.2-3704.1. A template of the rights and responsibilities is available on the FOIA Council website and can be easily adapted to any locality.

Cities and towns with a population of more than 250 shall also include a link on their official government public website to an online public comment form that will be on the FOIA Council's website.

Notice of date, time and location of a public meeting should be posted on the official government website if there is one, and also the usual places: in a public location where notices are usually posted and at the office of the clerk or if there is no clerk, the officer of the chief administrator. §2.2-3707.

If a meeting is continued; notice must be given to the public at the same time as the notice is sent to the members of the public body conducting the meeting. §2.2-3708.2.

II. Meetings.

The basic fundamental principle of FOIA is that all meetings of public bodies are open to the public. Section §2.2-3700(B) makes this clear:

“Meetings shall be presumed open, unless an exemption is properly invoked. The provisions of this chapter shall be liberally construed to promote an increased awareness by all persons of governmental activities and afford every opportunity to citizens to witness the operations of governments. Any exemption from public access to...meetings shall be narrowly construed and no...meeting closed to the public unless specifically made exempt pursuant to this chapter or other specific provision of law.”¹

Nevertheless, the Act contains numerous exceptions to the open meeting requirement. Some issues may be discussed in a meeting closed to the public. For instance, public bodies may hold a closed meeting if an open discussion will lead to the release of information that certain other state laws require to be kept secret. See § 2.2-3711(A)(26), (33), (34). Still, the fact that a

meeting may be closed does not mean that it must be closed. Even should be closed. Furthermore, any exceptions are to be narrowly construed.

Although not a part of FOIA, Virginia Code Section § 15.2-1416 now requires local governing bodies to hold a public comment period at a regular meeting at least quarterly.

A. Public body.

The open meeting requirements apply whenever a public body holds or participates in a meeting. The definition of “public body” is very broad. See § 2.2-3701. City and town councils and county boards of supervisors obviously are included. All committees and subcommittees are included, regardless of whether any members of the local governing body serve on the committee. Citizen committees are included if the committee is charged by the public body appointing it with either carrying out some function for the public body or advising it. Elected local constitutional officers and private police departments are included for the purpose of access to public records but are not subject to the public meeting requirements. FOIA specifically states that having citizen members does not exempt a body from the act. *Id.* Accordingly, a citizens' committee formed by a city or town council to advise where a park or school should be located would be a public body subject to FOIA.

B. What is a meeting?

City and town council meetings, county board meetings and committee meetings of a public body are certainly meetings regulated by the act. Like the definition of public body, the definition of meeting is broadly construed under § 2.2-3701, intending to capture any meeting where public business is transacted or discussed. A council work session is also a meeting, as is any other “informal assemblage” of as many as three members of a public body (or a quorum, if quorum is less than three members) where public business of the locality is discussed.

¹The Virginia Supreme Court recently ruled that the public must be able to physically attend a meeting. However, the Court made clear that physical attendance is not “absolute,” but rather is subject to a rule of reason (“a public body is not required to rent an arena if a topic is likely to generate larger than normal public interest; rather it must provide the ‘normal’ in-person access and take steps to allow members of the public who cannot be accommodated in the meeting room access by other means. Conversely, a public body may not select, design, or arrange a meeting room in a manner that artificially limits or removes the ability of the public to attend in person”). *Suffolk City Sch. Bd. v. Wahlstrom*, 886 S.E.2d 244 (Va. 2023).

FOIA typically applies to public body gatherings irrespective of the meeting's location. It doesn't matter if a meeting is held in the council chambers or at a council retreat held out of the locality. The Virginia Supreme Court has specifically ruled that Virginia's FOIA applies even if the meeting is out of state.

Attendance at a VML Annual Conference or a National League of Cities meeting is sometimes a touchy subject. Because of the broad definition of public meeting, some councils and boards consider attendance at a state or national conference to be a meeting, and will comply with the notice requirements of the act (discussed below) to be on the safe side, even though there is no plan to discuss the locality's public business. This action sometimes invokes a negative response from the media or citizens who complain that they cannot attend the out-of-town meeting. Conversely, if the council doesn't consider attendance at a conference to be a meeting, then the complaint becomes one that the council has left town for a private or secret meeting. The best practice is to announce the conference at a council meeting, but not describe it as a meeting of the locality, and to strictly avoid discussing town, city, or county business while attending the conference.

A gathering of council members does not create a meeting if public business is not discussed or carried out and the gathering was not called for the purpose of doing public business. § 2.2-3701. This section is aimed at allowing participation in community events, partisan political gatherings or social events. Without this section, a citizen could criticize a council for holding a meeting if three members of council happen to show up at a community forum.

The definition of meeting includes a gathering of three or more members of a public body to discuss public business. §2.2-3701.² It is not a meeting 1) when the discussion or transaction of any public business is no part or purpose of the gathering or attendance, 2) the gathering was not prearranged for the purpose of

²For a topic to constitute the 'business' of a public body, it must relate to a subject that falls within the purview of that public body. It must be something that is either before the public body or likely to come before the body in the foreseeable future." (the consideration of topics that are on the Board's agenda or soon will be is the business of the legislative body). *Gloss v. Wheeler*, No. 210779, 2023 Va. LEXIS 22 (May 18, 2023). In footnote 10, the Court also cited Roger C. Wiley's summary provided within a previous Freedom of Information Act Guide, namely that "'work sessions,' 'retreats' and other 'informal gatherings' of the public body at which public business is discussed are meetings covered by FOIA just as certainly as more formal assemblies, regardless of whether a formal agenda will be followed, or votes taken."

public business, or 3) if the attendees are at a public forum, debate, or candidate appearance that is held to inform the electorate and no public business is being transacted, even if the performance of members is a topic of discussion or debate at the gathering. Finally, a staff meeting of employees of public body for business purposes does not constitute a meeting, under the § 2.2-3701 definition.

Number of public officials needed to constitute a meeting

Obviously, any meeting of a council qualifies as a public meeting. For the purposes of the act, such a council meeting is created if a majority of council, or three members, regardless of how many are needed for a majority, get together and discuss public business. § 2.2-3701. Therefore, if three members of a council meet on their own to discuss or act on government business, that creates a council meeting for purposes of FOIA, even if it is not considered a meeting under the locality's rules. If a public body or committee of a public body has only three members, then two members make a quorum, and members should not discuss the business of the body or committee outside of properly convened public meetings, inconvenient as that may be.

Notice provisions

General notice requirements that are spelled out in the act must be followed in order to hold any meeting of a public body. The state code also contains numerous specific notice and advertising requirements for particular types of public business. These specific, subject matter requirements apply only if the public body is discussing the relevant type of public business.

Examples include notice of zoning actions (§ 15.2-2204) and adopting budgets (§ 15.2-2506). In all cases, the more general requirements in FOIA need to be followed in addition to any other requirements. For all regular meetings of a council, committee, board, or other agency, notice must be posted on the body's official public government website if any, public bulletin board or prominent public location and in the council clerk's office, or, if there is no clerk in the office of the chief administrator. The notice must state the date, time and location of the meeting and must be posted at least three days before the date the meeting is to take place. § 2.2-3707(C). If the newspaper makes a mistake in your public notice after a locality has submitted a correct and timely notice; that notice is deemed to have met the requirements. See §15.2-2204.

For regular meetings, a simple way to comply with this requirement is to post a single notice listing the

information for all meetings of the next year. This way, nobody will forget to give notice of a regularly scheduled meeting. For special, emergency meetings or continued meetings, the notice must be reasonable given the circumstances. The notice must be given to the public and anyone who has requested individual notice, at the same time the notice is given to the members being called to attend. § 2.2-3707(D).

Any person may file an annual request for notice of all meetings. In that case, the public body must notify the person making the request of all meetings. Sending the annual schedule of all regular meetings will assist in complying with this obligation. If the requester supplies an e-mail address, all notices may be sent via e-mail, unless the person objects. § 2.2-3707(E).

If a citizen submits an e-mail address and other personal contact information to a local governing body or any of its members for the purpose of being notified of meetings and other events, that e-mail address and other personal information need not be disclosed to others who request it, unless the citizen has indicated his approval for that disclosure pursuant to § 2.2-3705.1(10). Personal contact information includes addresses, email addresses and telephone numbers.

Meeting minutes

Minutes of council meetings must be taken at all open meetings. § 2.2-3707(H). Minutes must be written and include the meeting's date, time, and location, along with attendance, a summary of discussed matters, and any votes taken. Minutes of council committee meetings are required to be taken only if a majority of the members of the council serve on the committee. Draft minutes and any audio or video recording made of a meeting are available to the public for inspection and copying. § 2.2-3707(H). This means that draft minutes must be disclosed when requested even if they have not yet been approved by the public body. Once finally approved, minutes of meetings of local governing bodies must be posted on their locality's website within seven working days.

The agenda packet and all materials furnished to the members of the council (except documents that are exempt from disclosure, such as advice of the town or city attorney or personnel records of an individual employee) must be made available for public inspection at the same time they are distributed to the members. 2.2-3707(F). Any records that are exempt from disclosure do not need to be made available. The practical problem is for staff to remember to cull any exempt documents when making the public copy of the agenda.

The better practice is to not include exempt documents as a part of the agenda package, but to send them to the members of the body separately.

Recording meetings

Citizens have an absolute right to photograph and make video or audiotapes of public meetings. While the council may establish rules for where the equipment may be set up so meetings are not disrupted, the recording equipment may not be excluded altogether. § 2.2-3707(G). Council may not meet in a location where recordings are prohibited. If a courtroom, for example, has a standing order forbidding any form of recordation, public body meetings must be held elsewhere. § 2.2-3707(G).

Electronic Meetings

Generally, in the absence of a declared state of emergency, a local governing body and many other public bodies may not hold a meeting via electronic media, including a conference call, pursuant to §§2.2-3707, 2.2-3708.2 and 2.2-3708.3. In all of these situations public bodies are encouraged to provide public access both in person and through electronic communication means and provide avenues for public comment when customarily received.

There are a few exceptions:

Individual members participate remotely (§2.2-3708.3)

Public bodies may hold meetings where one or more members participate by electronic means as long as a quorum of members is physically present at the meeting location, and the meetings comply with the heightened procedural requirements in §2.2-3708.3. These require that the public body has adopted an electronic meeting policy and the member has one of the following situations:

- a. The member has a temporary or permanent disability or other medical condition that prevents their physical attendance.
- b. A medical condition of a member of the member's family requires the member to provide care that prevents their physical attendance.
- c. The member's principal residence is more than 60 miles from the meeting location.
- d. The member is unable to attend due to a personal matter and identifies with specificity the nature of the matter. However, the member may NOT use this provision more than twice or 25% of the meetings per calendar year, whichever is greater.

If remote participation is approved, it must be recorded in the minutes along with the reason for electronic participation. The remote location need not be open to the public.

Electronic meetings outside a state of emergency (§2.2-3708.3)

Bodies that are NOT local governing bodies, local school boards, planning commissions, architectural review boards, zoning appeals boards and any board with the authority to deny, revoke, or suspend a professional or occupational license may hold all-virtual public meetings subject to procedural requirements and limitations to include the adoption of a policy and:

- a. The meeting notice should indicate that the meeting will be electronic
- b. Public access is provided via electronic communication means
- c. Means of electronic communications must allow the public to hear all members of the public body participating and see them if possible
- d. A phone number or other live contact information is provided to alert the public body if the audio or visual fails and the meeting must cease until transmission is restored
- e. A copy of the proposed agenda, all agenda packets and any other public meeting materials must be available in an electronic format at the same time such materials are provided to the public body
- f. The public is afforded the opportunity to comment through electronic means when public comment is customarily received (this includes written comments)
- g. No more than 2 members of the public body are participating from the same remote location
- h. If closed session is convened transmission of the meeting must resume prior to the certification of closed session
- i. The public body may only convene all electronic meetings 2 times or 25% of the meetings per calendar year whichever is greater.

Electronic meetings during a state of emergency (§2.2-3708.2)

If the Governor has declared a state of emergency pursuant to §44.1-146.17 or the locality in which the public body is located declared a state of emergency pursuant to §44.1-146.21 and if it is impracticable or unsafe to assemble a quorum and if the purpose of the

meeting is to provide for the continuity of operations³ or the discharge of its lawful purposes, duties and responsibilities – the local government may convene an electronic meeting if:

- a. Public notice is given using the best available method and contemporaneously with the public body
- b. Public access must be provided through electronic means
- c. Allow public comment if customarily received

In addition to these exceptions, council members have some flexibility in communicating through e-mail. A 2004 Virginia Supreme Court opinion, *Beck v. Shelton*, 267 Va. 482; 593 S.E.2d 195, ruled that council members e-mailing each other did not create a meeting for purposes of FOIA. In *Beck*, multiple e-mails were sent by an individual council member to all other members; some e-mails were in a reply to all members, and in one or two of the e-mails, the reply was made more than 24 hours after the e-mail to which it replied. The court found that no meeting had occurred, although the opinion noted that the outcome may have been different had the e-mails been part of instant messaging or a chat room discussion.

The Virginia Supreme Court reinforced its *Beck* reasoning in *Hill v. Fairfax County School Board*, No.111805 (June 7, 2012). *Hill* involved e-mails between members of a school board that were exchanged over an even shorter interval than in *Beck*. Back-and-forth communications only occurred between two board members (not the three required for a meeting under FOIA). Any e-mail that was received by three or more members was found to be of an informational or unilateral nature and did not create any discussion among members. Following *Beck*, the court reiterated that e-mails between council members must be sufficiently simultaneous to create a meeting for the purposes of FOIA. *Hill* affirmed the lower court's finding

³Unless another state code section specifically overrides the open meeting provisions of the Freedom of Information Act and conflicts with those provisions, any meeting, including electronic meetings, must follow the open meeting requirements set forth in the Freedom of Information Act. The Supreme Court in *Berry v. Board of Supervisors of Fairfax County* voided a revamped zoning ordinance vote that occurred at the beginning of the COVID-19 pandemic, because the Court found that neither the Freedom of Information Act, the continuity of government ordinance, nor the 2020 budget allowed votes to be taken in electronic meetings on matters that were not "time-sensitive," or necessary for the "continuity of operations" (*Berry v. Bd. of Supervisors*, 884 S.E.2d 515 (Va. 2023)). As of the date of this Guide, the County is pursuing a request for a re-hearing.

that the school board members' communications did not create a meeting because the e-mails did not show the simultaneity or group discussion required under FOIA. Thus, responsive e-mails between at least three council members must occur within quick succession to constitute a meeting (though the precise responsive speed that would be necessary is unclear).

Text messages have been the subject of many discussions by the FOIA Council in the last year or so. If you conduct public business via text message, you are obligated to retain those records under the Public Records Act and all of the FOIA rules apply.

Voting

All votes must be made publicly. Secret ballots are not allowed, unless specifically permitted by some other provision of law. § 2.2-3710(A). This section, however, specifically authorizes each member of council to contact other members of a council or other body “for the purpose of ascertaining a member’s position” on public business without making the position public. § 2.2-3710(B). Further, nonbinding votes or “straw polls” may be taken in closed session, but they have no legal effect until repeated in open session.

C. Closed meetings.

A closed meeting is a meeting of a council or other public body from which the public is excluded. It may be held only for specific reasons, which are delineated in the act. Closed meetings must be convened during an open meeting of the public body (the specific procedures are described below). After the closed portion of a meeting, the council must reconvene in open session to certify that the closed meeting portion was carried out legally. There are a few exceptions to the requirement that a closed meeting be held as a part of an open meeting. They are discussed below.

Purposes for closed meetings

Section §2.2-3711 sets out many permissible reasons for holding a closed meeting, some of which don't apply to local governments. A city or town council or board of supervisors will generally need to hold a closed meeting for one of eight possibilities:

- Personnel matters - subsection 1;
- Real property acquisition or disposition- subsection 3;
- Privacy of individuals unrelated to public business - subsection 4;
- Prospective location of a new business or expansion of an existing one subsection 5;

- Consultation with legal counsel pertaining to actual or probable litigation- subsection 7;
- Consultation with legal counsel regarding specific legal matters- subsection 8;
- Terrorism- subsection 19; or
- Award of a public contract involving the expenditure of public funds subsection 29.

1. Personnel matters. §2.2-3711(A)(1) authorizes a closed meeting for: “[d]iscussion, consideration or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of any public body.”

The most significant requirement in this subsection is that the discussion be about one or more specific people. This means that the council may not discuss general personnel issues in a closed meeting. For example, the council would not be authorized to meet behind closed doors to discuss a pay plan or set salaries for all employees. The council could, however, meet to discuss the pay increase to be given an employee or appointee, based on the council's discussion in the meeting of the employee's performance.

Note that the section applies to three classes of public officials: public officers, public appointees and employees of the public body. Therefore, the council could discuss the performance of a specific planning commission member in closed meeting since that person is an appointee of the council.

Two Virginia attorney general opinions have clouded the use of the section for a closed meeting discussion of most employees and some other public officials. In an opinion issued Dec. 16, 1998, the attorney general opined that a council may not hold a closed meeting to discuss employees who are not directly employed by the council. The opinion states that only the manager, clerk, and city attorney could be discussed in a closed meeting, because the city charter stated that only those three employees are under the “full supervisory authority” of the council. The attorney general confirmed the opinion in a second opinion dated May 18, 2000, which was written in response to a request for reconsideration. 2000 WL 8752.

Many local government attorneys disagree with this opinion. The specific language of the subsection allowing a closed meeting for personnel matters states that the individual must be an employee of the public body. The opinion limits the term “employee of the public body” in a manner that is inconsistent with the common understanding of the authority of a city or town

council over all employees, not just those who report directly to the council. If a council directs the manager to fire an employee for a problem it discussed in a closed meeting, the manager would be expected to fire the individual. Direct supervisory control by council may not exist, but the council retains the ultimate responsibility for the operation of the city or town; hence, the council should logically retain the ability to confidentially discuss the employee. The FOIA Council does advise that, even accepting the attorney’s general opinion, the council could convene in closed session to discuss the manager’s handling of the personnel matter, since the manager is a direct employee of the council.

The other opinion that has cast a cloud on the use of the exemption was issued April 5, 1999. It states that a school board cannot meet in closed session to discuss choosing a chairman and vice chairman. The rationale was that the chairman and vice chairman are not appointed or employed by the public body. The specific words of the section, however, make personnel matters apply to “specific public officers, appointees or employees” of the public body. Certainly, in the case in the opinion, the chairman is a public officer and appointee of the school board, since the board makes the appointment or election in the case in the opinion, and the chair is the leader of the board.

Opinions of the attorney general do not have the effect of a court decision. They are only opinions that may be considered for guidance. Courts will give some weight to such opinions but are not bound by them. Localities are cautioned in this area. It is always possible that a judge will simply follow an opinion without evaluating its merits. In that case, a locality could find itself losing a case in court over either of these two issues.

2. Real property. A closed session for discussion of real property issues is allowed for the acquisition of land for a public purpose or disposition of publicly held land, but only if discussing the matter in open session would harm the council’s bargaining position. § 2.2-3711(A)(3).

The council does not need to state why an open discussion would harm its position in the motion to hold a closed meeting. Still, a council should be prepared to defend the closed meeting if challenged.

3. Privacy of individuals unrelated to public business. Local governments do not use this section very often because a council meeting is generally limited to discussing public business. However, if as a part of public business a matter arises that affects the privacy of an individual unrelated to public business, the meeting may be carried out in private.

For example, if the locality is relocating a street, and a landowner who could be displaced has a medical condition that would make condemning his home a life-threatening situation, that would be a privacy issue for the citizen not related to public business. It would be appropriate for the council to avoid discussion in the public view, in order to protect the individual’s privacy.

Usually closed sessions are limited to a specific permissible topic related to public business. Once in a while, however, there may be a need for a member of a public body to make colleagues aware of a personal situation not related to public business. Typically, this involves sharing information about the medical condition or treatment of the member or someone in the member’s family. § 2.2-3711(A)(4).

4. Prospective business and business retention. Recruitment of new businesses can be highly competitive, and prospects often don’t want to reveal their interest in a locality until they make a firm decision to locate there. § 2.2-3711(A)(5) allows a closed discussion about a prospective business is allowed as long as there has been no previous “announcement” of the interest of the business in the community. What constitutes an announcement is an unresolved question. One circuit court has ruled that a news report without any statement by the government qualifies as an announcement. The FOIA Council, however, takes the position that an announcement is something more than a newspaper report speculating about business prospect.

If a public official or official of the business makes a public statement about the business coming to the locality, however that is likely to be considered an announcement and a closed session under this subsection is no longer allowed.

§ 2.2-3711(A)(5) also permits a closed meeting to discuss the expansion of an existing business. In that situation there must have been no public announcement of the company’s interest in expanding.

A locality may also go into closed session to discuss the retention of an existing business. FOIA allows this when the retention discussion relies on proprietary information from the business, or memoranda and/or working papers from the public body that, if publicized, would be adverse to the financial interests of the locality. §§ 2.2-3711(40) & 2.2-3705.6(3).

5. Consultation with legal counsel. This important provision is limited to two types of legal matters:

- 1. Actual litigation; and
- 2. Probable litigation: § 2.2-3711(A)(7);

For actual or probable litigation, a closed meeting is

allowed only if discussion in the open could “adversely affect the negotiating or litigating posture” of the public body. § 2.2-3711(A)(7). For example, there is no need to hold a closed meeting to simply explain to city council that the locality has been sued. The suit is a public record in the circuit court clerk’s office, so a briefing that the suit has been filed should be done in open meeting. In contrast, a briefing by the city attorney on the strategy for defending the suit would be appropriate for a closed meeting because open discussion would obviously hinder the defense.

In contrast to actual litigation, probable litigation need not have been filed, but must have been “specifically threatened,” or the locality or its attorney must have a “reasonable basis” to believe a suit will be filed.

6. Specific legal matters requiring the advice of counsel. This category is limited to “consultation with counsel ... regarding specific legal matters” requiring legal advice. § 2.2-3711(A)(8). This category, like the two litigation categories, is limited to consulting the attorney (or other staff members or consultants) about a legal issue facing the locality that is an appropriate matter for a closed meeting.

If non-attorney staff members participate, the attorney should still be present and participating in the consultation. Simply having an attorney present does not allow a general discussion among the members about other issues.

This rule was demonstrated in the March 2000 Richmond Circuit Court opinion *Colonial Downs, L.P. v. Virginia Racing Commission*, (2000 WL 305986). In that case, the racing commission went into a closed meeting for consultation with counsel, but spent the time holding a general discussion of Colonial Downs’ application for licensing. The court held that the meeting was a violation of the act.

7. Terrorism. After the September 11 terrorist attacks, it became clear that some provisions of the act made it easy for a terrorist to gain security information through a FOIA request. One step in response was to allow a meeting in closed session to discuss planning to protect from terrorist activity or specific cybersecurity threats or vulnerabilities under § 2.2-3711(A)(19). The public body may meet to be briefed by staff, attorneys or law-enforcement or emergency personnel to respond to terrorist or “a related threat to public safety”. This exemption applies if “discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system or software program; or discussion of reports or plans related to the security of any gov-

ernmental facility, building or structure, or the safety of persons using such facility, building or structure.”

8. Award of a Public Contract. Localities need to be able to conduct interviews of bidders or offerors as well as discuss negotiated terms of contracts before approving them. If a contract involves the expenditure of public funds and discussion in an open session would adversely affect the bargaining position or negotiating strategy of the locality, a closed session is appropriate under § 2.2-3711(A)(29).

Procedures for closed meetings

To go from an open meeting to a closed meeting, there must be a re- corded vote in open meeting. The motion must include the following elements:

1. The subject must be identified (example: new park in east end of city);
2. A statement of the purpose of the meeting (acquiring land for park); and,
3. A reference to the code section authorizing the meeting. § 2.2-3712(A).

The degree of specificity required in stating the subject of a meeting varies with the nature of the issue.

For example, for discussion about a pending lawsuit, the motion should name the suit. After all, the pleadings are public and the suit may well have been the subject of a newspaper article. On the other hand, a discussion of a sensitive person- nel matter should not contain as much specificity in the motion. Identifying the employee who is the subject of the closed meeting would partially negate the reason for having the closed meeting – protection of the employee’s privacy. The council will need to exercise discretion in the wording of closed meeting motions.

Nonetheless, in no case will a general statement be sufficient to satisfy the first and second requirements for the closed meeting motion. “Personnel matters, pursuant to FOIA” is NOT adequate for a motion for a closed meeting. The Virginia Supreme Court opinion in *White Dog Publishing, Inc. v. Culpeper County Board of Supervisors*, made this clear and was reinforced this in the case of *Cole v. Smyth County Board of Supervisors*.

During a closed meeting, only the topics identified in the motion may be discussed. § 2.2-3712(C). To discuss more than one topic, the council should either include both topics in one motion, which is the preferred method, or come out of closed meeting, certify the first topic and re-enter after making a new motion

on the second topic. The council may record minutes, but that is not required and generally not a good idea. § 2.2-3712(I).

Va. Code § 2.2-3712(H) states that any official vote or action must be held in open session. Many local governments, therefore, take no more than a straw poll during a closed meeting, or take no votes at all, no matter how informal.

Any member who disagrees and intends to vote against the certification motion must state how the closed meeting did not satisfy the requirements of the Act, before the vote is taken. § 2.2-3712(D). A record of the vote must be kept in the public body's minutes.

Interviewing chief administrative officer candidates. Most closed meetings must be held as a part of, or soon after an open meeting, so the public knows the time and place of the closed meeting. The Act contains an important exception for local governments in § 2.2-3712(B). If a public body plans to hold interviews with applicants for its chief administrative officer position, it may make a single announcement in open meeting that it will hold interviews. It need not identify the location of the interviews or the names of the interviewees. The interviews must be held within 15 days of the motion.

Annexation agreements. Independent of FOIA, Va. Code § 15.2-2907(D) allows a council or board to hold meetings on matters concerning annexation or a voluntary settlement agreement with no FOIA implications. This means notice need not be given, the public need not be invited, and minutes need not be taken. No other FOIA requirements need to be followed. The section does not prohibit a public body from following the FOIA requirements, but they are not mandatory.

III. Records.

A major purpose of FOIA is to set out the rules for public record disclosure. The general rule in FOIA concerning records is that they are open to public inspection and copying. However, many categories of records are exempt from public access. Most of these categories do not apply to local governments. The fact that a record may be exempt from disclosure does not require it to be withheld. Each exemption section states in the opening sentence that the records “may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law.” § 2.2-3705.1, 2, 3, 4, 5, 6, 7.

Some records, however, are prohibited by other laws from being disclosed at all. The custodian has no discretion to permit their disclosure. Common exam-

ples include certain tax records that Va. Code § 58.1-3 requires to be kept confidential, most social services records, and health records protected by the federal HIPPA law.

FOIA applies broadly to records of a public body, regardless of form. It does not matter whether the records are on paper, or in an electronic form, or in some other medium. E-mails, databases, GPS maps, text and voice mail messages, audio and video recordings, or even a note scribbled on a paper napkin can be public records if they are about, and created while conducting, the business of a public body. A Facebook page or Twitter post can be a public record if it meets these criteria.

A. Responding to disclosure requests

Custodian of records. The records provisions of the Act use the term “custodian of the records” as the person who has the responsibility to respond. Some sections mention the obligation of the public body, but the responsibility is clearly with the custodian. If suit is brought over a violation, however, the public body can expect to be named as a defendant.

A records request should not be denied just because it was directed to the wrong official if the recipient knows or should know that the records are available from another official. In this case, the recipient of the request should respond to the request with the contact information for the other public body or its FOIA officer or just work with the other official to provide the records. § 2.2-3704(B)(3).

If the locality stores archived records off-site, and the records are in control of a third party, it is still the public body's responsibility to retrieve those records if they are requested. § 2.2-3704(J). The Library of Virginia is the custodian of local records once they have been properly archived there. *Id.*

Procedures for handling requests. Any citizen or member of the media may request an opportunity to inspect and/or copy public records. The request does not have to refer to the Act, but only needs to identify the requested records with reasonable specificity. § 2.2-3704(B). There is no authority to require the request to be in writing, nor may the custodian of the records refuse to reply to a request if the requester refuses to put a request in writing. Some public bodies nevertheless ask for the request to be reduced to writing voluntarily. This is a useful policy because it helps the custodian better understand what is being requested. That helps the requester, since the custodian can shorten the time researching records, thereby reducing the potential cost

to the individual. If the individual making the request declines to reduce the request to writing, a helpful option is to confer with the individual and write down the request, allowing the person to see the note and hopefully sign it, so no confusion will exist. The requester does not have to say why the records are being requested, and the public body or its FOIA officer should not ask what they will be used for.

The custodian or FOIA officer may, however, require the persons asking to see or copy records to give their name and legal address. § 2.2-3704(A). This 2002 amendment was part of an anti-terrorism bill but is not limited to record requests relating to terrorism.

The act is not clear on what happens if the requester refuses. VML suggests that if the requester does refuse, the language that the custodian “may require” the information necessarily implies that the custodian may refuse to allow access to the records.

The act does not give any rights to people who are not residents of Virginia, or to media representatives if the media entity does not publish or broadcast into the state. § 2.2-3704(A). The right to refuse out-of state requests for records has been affirmed by the courts. As a practical matter, however, it is often easy for someone from another state to find a Virginia citizen who will request the records.

B. Types of responses

There are five possible and permissible responses to a request:

1. Provide the records within five working days;
2. If the response is made within five working days, obtain seven additional days to respond. and in the case of a request for criminal investigative files pursuant to § 2.2-3706.1, 60 work days in which to provide one of the responses below;
3. Claim one or more specific exemptions from all or a portion of the request;
4. Say that the records do not exist; or
5. Say that the records are kept by another public body and give the contact information for that body or its FOIA officer.

The initial response must be made within five business days of the receipt of the request, pursuant to § 2.2-3704, regardless of which response is used. If the custodian fails to respond within the times required, § 2.2-3704 considers that to be a denial of the request and makes it a violation of the act. In counting the five days, if you receive the request on a Monday, day one is Tuesday and then the five days would expire the next Monday.

NOTE: the extent to which FOIA applies to confidential court records is unclear, but a clerk of court must make non-confidential court records available to the public upon request no later than 30 days after the request is made. The clerk may charge a fee for the actual cost of producing the records. §16.1-69.54:1 and §17.1-208.

Notably, the public body is not required to create records if they do not exist or to compile information into a new record. § 2.2-3704(D). However, simple extraction of information from an electronic database into a separate document or file is not considered to be the creation of a new record. Subsection D does encourage public bodies to abstract or summarize information in a manner agreed to with the requester.

1. Provide the records. The first response, providing the records, is straightforward. The custodian simply makes them available. If the individual asks to receive copies, the copies need to be made within the five days, if possible, or at such later time the custodian and requester agree.

2. Obtain seven additional days to respond. Similarly, if it is “not practically possible to provide the ... records or to determine whether they are available,” § 2.2-3704(B)(4), within the five days, the custodian may send a written response to the person making the request, explaining the conditions that make the response impractical. After complying with this requirement, the custodian will have an additional seven business days to respond. The added seven days does not begin until the end of the fifth day of the initial period. For example, if the custodian sends a letter on the second day after receipt of the request, he or she will still have a total of 12 workdays to respond. In the case of a request for criminal investigative files pursuant to § 2.2-3706.1, the custodian may send a written response to the person making the request and invoke an additional 60 workdays to respond to the request (2.2-3704(4)).

Additionally, a public body may petition a court for even more time to respond to a request. However, VML recommends that you first try to negotiate with the requester. The additional time will likely be granted if the public body can demonstrate that the volume of records requested is so large that it would disrupt its operations to respond in the prescribed time and that it is unable to reach an agreement for a time to respond with the requester. § 2.2-3704(C).

3. Claim a partial or full exemption to the request. If one or more of the many exemptions apply, the custodian may, within the five-workday limit, send the requester a written explanation of why all or some of the records are exempt. The explanation must identify

tify the subject matter of the records (example: performance evaluations) and must cite the section of FOIA that authorizes the exemption. § 2.2-3704(B)(2).

If only a portion of the requested records is exempt, the non-exempt parts must be made available within the five days, unless additional time is properly invoked.

In 1999, the Virginia Supreme Court decided *Lawrence v. Jenkins*, 258 Va. 598, a case in which a county zoning administrator failed to supply the code section he was relying on to exempt certain information in response to a FOIA request. The act required the code sections to be identified in the written response to the requester. Long after the time to respond had passed, the administrator sent the requester a letter identifying the code section. The court ruled that the violation still did not permit the individual to see the records and ruled that the records were exempt. Even though the zoning administrator did fail to meet FOIA requirements, the court determined the violation did not harm the requester because he would not have been allowed to see the records if the act had been complied with. VML does not recommend relying on this case. It is simple enough to include in your response the code sections containing the exemptions on which you are relying to deny the requests.

Charges for responding to a request

The public body may charge the requester for searching and copying records. The costs must be reasonable, not to exceed the actual cost “incurred in accessing, duplicating, supplying, or searching for the requested records.” § 2.2-3704(F). A public body may not charge for overhead items, such as utilities, debt payments and the like. The hourly salary rate of any local employee who spends time researching and assembling records for the request may be charged, as may actual copying costs. The time limit to respond to a FOIA request is tolled during the time that elapses between notice of the cost estimate and the response. If the public body receives no response from the requester within 30 days of sending the estimate the request is deemed withdrawn.

In responding to a request for duplication of part of a geographic information system database by making copies of GIS maps, the locality may base its charge on a per acre cost if the area requested exceeds 50 acres. § 2.2-3704(F).

If the custodian determines that the cost of responding will be more than \$200, the requester may be asked to agree to pay a deposit in the amount of the projected costs before any information is disclosed. The time limits are tolled until payment of the deposit.

Format of records

Confusingly, the custodian must provide computer records in any “tangible medium identified by the requester,” except that it need not produce the material found in an electronic database in “a format not regularly used by the public body.” § 2.2-3704(G). The subsection is further muddled by a statement that provides – notwithstanding this limitation – that the public body should try to come to an agreement with the requester regarding the format of the documents to be supplied. Thus, a public body does not have to disclose electronic records in a format it does not regularly use but it must comply with any request for records maintained in a medium the public body uses in the regular course of business.

In a 1999 opinion, the attorney general opined that a local commissioner of the revenue is not required to make a copy of the personal property book for a citizen. The personal property book is a large, computer-generated bound book that every commissioner maintains. The attorney general reasoned that the act allows the commissioner to put the burden of copying on the citizen if the office has no means to copy the document. In most localities today, the information in the personal property book could be reproduced in electronic form without the book binding. The same reasoning would apply, however, to a local government agency that is incapable of providing requested information stored on electronic databases in a particular format requested by a citizen. § 2.2-3704(G).

E-mails and Text Messages

E-mails have generated much controversy since they began being used in government business operation. E-mails that deal with public business are public records. E-mails kept on the home computer of a council member or local government employee that relate to the transaction of public business are public and subject to inspection and copying by a citizen who makes a request to see the records.

Text messages have become the subject of many FOIA requests as well. These must be produced if requested and are subject to the records retention rules as well. If you are transacting public business, the ownership of the device used to send a text message about that public business is irrelevant.

Draft documents

Draft documents are disclosable records. When FOIA was first adopted, there was a specific exemption of drafts from mandatory disclosure, but the General Assembly later repealed that exemption. The only

specific mention of draft records in FOIA now is to the minutes of a public body. Section §2.2-3707 specifically states that draft minutes are available for inspection. Some local governments once had policies that denied the public viewing of draft minutes. Those policies are invalid.

C. Exemptions list.

The list of hundreds of types of public records that may be held exempt from disclosure by the custodian is set out in seven separate, lengthy sections. The Act uses the terms “exemption” and “exclusion” more or less interchangeably. Fortunately, the relevant Code sections are arranged by subject area to make it easier to find the exemptions that may apply. The current sections are:

- Exclusions of general application to public bodies: § 2.2-3705.1.
- Exclusions; records relating to public safety: § 2.2-3705.2
- Exclusions; records relating to administrative investigations: § 2.2-3705.3.
- Exclusions; educational records and certain records of educational institutions: § 2.2-3705.4.
- Exclusions; health and social services records: § 2.2-3705.5.
- Exclusions; proprietary records and trade secrets: § 2.2-3705.6.
- Exclusions; records of specific public bodies and certain other limited exemptions: § 2.2-3705.7.

Most local governments will only use approximately 20 of the exemptions, and only 10 will apply frequently. The exemptions that most often apply to local government are:

- “State income, business, and estate tax returns, personal property tax returns, scholastic and confidential records held pursuant to § 58.1-3.” § 2.2-3705.7(1).
- “Personnel records containing information concerning identifiable individuals, except that access shall not be denied to the person who is the subject thereof.” § 2.2-3705.1.(1). Any adult subject may waive confidentiality, in which case the government may release information about that person.⁴
- “Working papers and correspondence of the ... mayor or chief executive officer of any political subdivision of the Commonwealth However, no record which is otherwise open to inspection under

this chapter shall be deemed exempt by virtue of the fact that it has been attached to or incorporated within any working paper or correspondence. Working papers will not be information that is publicly available that has been aggregated, combined, or changed in format without substantive analysis or revision. § 2.2-3705.7(2). n Publicly available information that has been aggregated, combined, or changed in format without substantive analysis or revision will not be considered a “working paper.”

As used in this subdivision: “Working papers” means those records prepared by or for a named public official for his personal or deliberative use. Generally, once the records have been shared by the chief administrative officer (county administrator or city or town manager), the records lose the working papers status, unless the records are collected from the council members or other people who have accessed them at the end of a closed meeting where the records were distributed.

- Consultants’ reports as working papers: Working papers, by the above definition, applies to records prepared by or for a manager or mayor for his personal or deliberative use. Once a consultant’s report is distributed or disclosed to council or that is the subject of the consultant’s report, the report loses its exempt status as a working paper. § 2.2-3705.8. Therefore, until either of those two conditions occurs, the report may be withheld as a working paper. Once either event occurs, the working paper is no longer exempt from mandatory disclosure. If the report is exempt for other reasons, it remains exempt.
- “Written advice of legal counsel to state, regional or local public bodies or public officials, and any other records protected by the attorney client privilege.” § 2.2-3705.1(2).

⁴In *Hawkins v. Town of South Hill*, the Supreme Court adopted a definition of “personnel information” to encompass “data, facts, or statements within a public record relating to a specific government employee, which are in the possession of the entity solely because of the individual’s employment relationship with the entity, and are private, but for the individual’s employment with the entity.” *Hawkins v. Town of S. Hill*, 878 S.E.2d 408 (Va. 2022). Using an objective test, the Court held that “data, facts, and statements are private if their disclosure would constitute an ‘unwarranted invasion of personal privacy’ to a reasonable person under the circumstances (finding that a letter from several town employees requesting a meeting with town administrators regarding their “concerns” about the “workplace environment” did not contain any exempt personnel information or “anything else that could be deemed to be personal in nature”). However, the Court order redacted portions of an email containing specific complaints about the performance of the Town Manager and remanded the case for further consideration.

- “Legal memoranda and other work product compiled specifically for use in litigation or for use in an active administrative investigation concerning a matter which is properly the subject of a closed meeting under § 2.2-3711.” § 2.2-3705.1(3).

Subsections 2 and 3 of § 2.2-3705.1 are the classic attorney client and attorney’s work product rules.

- “Library records which can be used to identify (i) both (a) any library patron who has borrowed or accessed material online from a library, (b) the material such patron borrowed or accessed (ii) any library patron under 18 years of age. For purposes of this clause (ii), access shall not be denied to the parent, including a noncustodial parent, or guardian of such library patron.” § 2.2-3705.7(3).
- “Any test or examination used, administered or prepared by any public body for purposes of evaluation of (i) any student or any student’s performance, (ii) any employee or employment seeker’s qualifications or aptitude for employment, retention, or promotion, or (iii) qualifications for any license or certificate issued by a public body.” § 2.2-3705.1(4). This subsection includes exemptions for test keys and any other information that would defeat the usefulness of the test.
- “Records recorded in or compiled exclusively for use in closed meetings lawfully held pursuant to § 2.2-3711. However, no record which is otherwise open to inspection under this chapter shall be deemed exempt by virtue of the fact that it has been reviewed or discussed in a closed meeting.” § 2.2-3705.1(5).
- “Computer software developed by or for a ... political subdivision of the Commonwealth.” § 2.2-3705.1(7).
- “Customer account information of a public utility affiliated with a political subdivision of the Commonwealth, including the customer’s name and service address, but excluding the amount of utility service provided and the amount of money charged or paid for such utility service.” § 2.2-3705.7(7). Note that under this subsection, anyone has access to the volume of service used at a particular address and the price paid, even though the current customer’s name and payment record are exempt from disclosure.
- “Appraisals and cost estimates of real property subject to a proposed purchase, sale or lease, prior to the completion of such purchase, sale or lease.” § 2.2-3705.1(8).

This section has been modified by Va. Code § 25.1-417. Local governments are now in the list of agencies that must follow the Uniform Relocation Assistance Act. One of the obligations, in paragraph (2) requires that: “real property shall be appraised before the initiation of negotiations, and the owner or his designated representative shall be given an opportunity to accompany the appraiser during his inspection of the property.” Therefore, in any purchase of land to which the URAA applies, the landowner must be allowed to see a copy of the appraisal, and the appraisal must be done before beginning negotiations for the land.

- “Confidential information designated as trade secrets or proprietary information by any person in connection with a procurement transaction or by any person who has submitted to a public body an application for prequalification to bid on public construction projects in accordance with subsection B of § 2.2-4317.” § 2.2-3705.6(10). Language in the Virginia Public Procurement Act supports this exemption. However, a bidder, offeror, or contractor may not designate as trade secrets or proprietary information (a) an entire bid, proposal, or prequalification application; (b) any portion of a bid, proposal, or prequalification application that does not contain trade secrets or proprietary information; or (c) line item prices or total bid, proposal, or prequalification application prices. 2.2-4342(F).
- “Information contained in (i) engineering, architectural, or construction drawings; (ii) operational, procedural, tactical planning, or training manuals; (iii) staff meeting minutes; or (iv) other records that reveal any of the following, the disclosure of which would jeopardize the safety or security of any person; governmental facility, building, or structure; or public or private commercial office, multifamily residential, or retail building or its occupants. § 2.2-3705.2(14).

This section also includes critical infrastructure and information related to such, as well as vulnerability assessments and information technology.

NOTE: If a public body receives a request for these types of records, the public body is responsible for notifying the Secretary of Public Safety and Homeland Security or their designee.

- Information contained in engineering and construction drawings and plans for any single family residential dwelling submitted for the purpose of complying with the Uniform Statewide Building

Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.) shall be confidential and shall not be subject to disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), except to the applicant or the owner of the property upon the applicant's or owner's request. §36-105.3.

- Personal information furnished to a public body for the purpose of receiving electronic mail from the public body, provided that the electronic mail recipient has requested that the public body not disclose such information. However, access shall not be denied to the person who is the subject of the record. § 2.2-3705.1(10). Personal contact information includes home or business address, email address or telephone number.
- The name, address and phone number of a person complaining about another person on a Zoning, Building Code or Fire prevention Code complaint are exempt from disclosure. This provision is not limited to criminal complaints: it applies in any investigation of the complaints. § 2.2-3705.3(8).
- §2.2-3705.5(7) exempts information or records of local or regional adult fatality review teams from disclosure. HB 1558. Any locality participating in such review teams may withhold records and information to the extent the information is made confidential by § 32.1-283.6.

D. Criminal incident information.

Most of the rules for criminal incident information are set out in §2.2-3706 and §2.2-3706.1. Both sections discuss the disclosure of law enforcement and criminal records.

Records under §2.2-3706

There are certain records required to be released under this code section, including:

- a. Adult arrestee photographs taken during initial intake following the arrest and as part of a routine booking procedure, except when releasing a photo would jeopardize a felony case, and only until the release will no longer jeopardize the case
- b. Information about the identity of any individual, other than a juvenile who is arrested and charged along with the status
- c. Records of completed unattended death investigations [shall be released] to the parent or spouse of the decedent, or if there is no

living person or spouse, to the most immediate family member who is not a person of interest or suspect

These records may be disclosed at the discretion of the custodian unless prohibited by another code section:

- a. Criminal investigative files related to ongoing cases.
- b. Reports submitted in confidence to law enforcement agencies, investigators as defined, and campus police departments as defined in the code section
- c. Records of local law-enforcement agencies relating to neighborhood watch programs
- d. All records of persons imprisoned in penal institutions in the Commonwealth related to the imprisonment
- e. All records of adult persons under investigation or supervision by state or local pretrial services or probation services both state or local
- f. Records of law-enforcement agencies to the extent they disclose telephone numbers, etc. provided to its personnel for use in the performance of official duties
- g. Portions of records related to undercover operations or protective detail that would reveal the staffing, logistics, or tactical plans of such operations
- h. Records of background investigations of applicants for law-enforcement agency employment, administrative investigations of wrongdoing by law enforcement and other administrative investigations made confidential by law
- i. The identity of any victim, witness, or undercover officer, or investigative techniques or procedures; however, the identity of any victim or witness shall be withheld if disclosure is prohibited or restricted under § 19.2-11.2; and
- j. Records of Sex Offender and Crimes Against Minors Registry

The identity of any individual providing information about a crime or criminal activity under a promise of anonymity shall not be disclosed. §2.2-3706(C).

If someone has been promised anonymity it shall not be disclosed. Noncriminal records may be withheld or portions thereof when it would jeopardize the safety or privacy of any person.

§2.2-3706.1 and §8.01-622.2

This code section was amended and §8.01-622.2 was added to the Code in 2022. They provide that criminal investigative file relating to a criminal investigation or proceeding that is not ongoing are excluded from the mandatory disclosure provisions of FOIA though they may be disclosed at the custodian's discretion to certain individuals. With the except of disclosure to an attorney representing a petitioner or inspection by an attorney or person proceeding pro se in a petition for a writ of habeas corpus or writ of actual innocence of any other federal or state post-conviction processing, no criminal investigative file or portion thereof shall be disclosed to any requestor except the victim, the victim's immediate family if the victim is deceased and the immediate family member to whom the records are to be disclosed as long as such is not a person of interest or a suspect in the investigation; or the victim's parent or guardian, also if not a suspect unless the public body has made reasonable efforts to notify any such individual of the request. The bill provides a timeline of 14 days and adds avenues for appropriate court protection of the records.

The records may not be released if they interfere with an investigation, deprive a person of the right to fair trial, constitute a violation of personal privacy, disclose a confidential informant, or endanger the life or safety of an individual.

§8.01-622.2 provides a mechanism to file an injunction against disclosure of criminal investigative file materials under FOIA.

Rights of penal institution inmates under FOIA

§2.2-3703(C) generally denies people who are in a local jail or state or federal penitentiary any rights under FOIA. Inmates may still have access to their own health records, and shall have any information rights guaranteed by the Constitution, such as the right to subpoena evidence.

Enforcement provisions

Any person who believes a public body or public official has violated FOIA may file suit in the general district or circuit court of the public body's or official's locality. § 2.2-3713(A). A FOIA action may commence in the name of a person, even if the plaintiff's attorney, acting on his or her behalf, made the original FOIA request. If the petition or affidavit supporting the petition for mandamus or injunction alleges violations of open meetings then the three day notice to the party shall not be required. The case must be heard initially within seven days of filing. § 2.2-3713(C).

The petitioner must state a claim of a violation with reasonable specificity, pursuant to subsection D. Even though a suit is filed by the complaining citizen, the public body must put on its evidence first and must prove that it has complied with the act. It is not the petitioner's obligation to prove the violation. § 2.2-3713(E).

The court may award an injunction against repeated violations, or even for a single occurrence of noncompliance. Further, if the petitioner wins the case, the court may, and in some cases must, require the public body to pay the petitioner's attorney's fees by the court.⁵ If the court determines that an individual public official willfully or knowingly violated FOIA, it is required to impose a civil penalty against that individual in an amount between \$500 and \$2,000 for a first offense and \$2,000 to \$5,000 for subsequent offenses. The penalties are to be paid into the Literary Fund. § 2.2-3714. Additional penalties of up to \$100 per record altered or destroyed could be assessed if an officer, employer or member of a public body failed to provide records because the records were altered or destroyed with the intent to avoid FOIA.

In addition, if a member of a public body votes to certify a closed session and the certification was not proper, the court may impose on the public body a civil penalty of up to \$1,000. §2.2-3714.

Mitigating factors for the fine shall include the reliance of members on (i) opinions of the Attorney General, (ii) court cases substantially supporting the rationale of the public body, and (iii) published opinions of the Freedom of Information Advisory Council.

Freedom of Information Advisory Council

The Freedom of Information Advisory Council ("FOIA Council") serves primarily as an office to answer questions about FOIA made by government agencies, the public, and the media. An attorney who staffs the office writes the opinions of the council. The opinions are considered be informal, advisory, and nonbinding, although the courts rely on them to considerable extent.

Any officer, employee or member of a public body alleged to knowingly and willful violation FOIA shall

⁵Section 2.2-3713(D) does not require a petitioner to prevail on all aspects of his or her claim to be entitled to fees and costs, but only to substantially prevail on the merits of the case. To substantially prevail, a litigant "need not have achieved all of his or he objectives in litigation, but rather, must have been successful regarding the main object of his or her suit." *Suffolk City Sch. Bd. v. Wahlstrom*, 886 S.E.2d 244 (Va. 2023).

be able to introduce any relevant advisory opinion issued as evidence that they did not act knowingly and willfully if the person acted in good faith reliance on the opinion. If a government agency submits records for a review and advice by the FOIA officer, the officer may not release the submitted information without the permission of the agency that submitted them.

The FOIA Council has a toll-free number (866) 448-4100 for requests and a website: <http://foiacouncil.dls.virginia.gov/>. The council has lists of written opinions on the website that are searchable.

All localities should appoint a FOIA Officer and provide their contact information on the government website. §2.2-3704.2. Each locality that has more than 250 people shall post on its government website the FOIA rights and responsibilities, as well as a link to the FOIA Council online public comment form. §2.2-3704.1.

In addition to issuing opinions, which may be made via telephone, letter or e-mail, the FOIA office conducts FOIA training for the FOIA Officer and any other government officials. Because public officials must read and familiarize themselves with the act as well as attend training once every two years, the training sessions are an important opportunity to learn the act's requirements. § 30-179 Training can be conducted by the FOIA Council or the local government attorney. The clerk must maintain records of the training for 5 years.

Summary

The Freedom of Information Act includes many requirements and restrictions pertaining to public access to government meetings and information. The fundamental principle woven throughout FOIA is that the public is presumed to have free access to government records and meetings. The Act sets out the specific types of meetings that may be closed to the public and records that may be withheld from disclosure. These exemptions protect the operation of government reasonably well. FOIA will continue to evolve to meet the changing expectations of the public and government agencies.

In the area of electronic information, expect to see significant changes as the General Assembly makes the act more relevant in the fast-changing electronic age. For example, application of the act to the use of e-mail, instant messaging and government posts on social media will likely be revisited many times!

As required under Virginia Code § 2.2-3702, “Any person elected, reelected, appointed or reappointed

to any body not excepted from this chapter shall ... read and become familiar with the provisions of this chapter.” In addition within 2 months of taking office and once every two years all local elected officials must complete training.

The text of the FOIA act follows to assist local officials in complying with this section of the Act.

Additional Code sections that deal with FOIA but that are in other chapters of the Code are included as well.

Title 2.2. Administration of Government. Chapter 37. Virginia Freedom of Information Act

§ 2.2-3700. Short title; policy.

A. This chapter may be cited as “The Virginia Freedom of Information Act.”

B. By enacting this chapter, the General Assembly ensures the people of the Commonwealth ready access to public records in the custody of a public body or its officers and employees, and free entry to meetings of public bodies wherein the business of the people is being conducted. The affairs of government are not intended to be conducted in an atmosphere of secrecy since at all times the public is to be the beneficiary of any action taken at any level of government. Unless a public body or its officers or employees specifically elect to exercise an exemption provided by this chapter or any other statute, every meeting shall be open to the public and all public records shall be available for inspection and copying upon request. All public records and meetings shall be presumed open, unless an exemption is properly invoked.

The provisions of this chapter shall be liberally construed to promote an increased awareness by all persons of governmental activities and afford every opportunity to citizens to witness the operations of government. Any exemption from public access to records or meetings shall be narrowly construed and no record shall be withheld or meeting closed to the public unless specifically made exempt pursuant to this chapter or other specific provision of law. This chapter shall not be construed to discourage the free discussion by government officials or employees of public matters with the citizens of the Commonwealth.

All public bodies and their officers and employees shall make reasonable efforts to reach an agreement with a requester concerning the production of the records requested.

Any ordinance adopted by a local governing body that conflicts with the provisions of this chapter shall be void.

§ 2.2-3701. Definitions.

As used in this chapter, unless the context requires a different meaning:

“All-virtual public meeting” means a public meeting (i) conducted by a public body, other than those excepted pursuant to subsection C of §2.2-3708.3, using electronic communication means, (ii) during which all members of the public body who participate do so remotely rather than being assembly in one physical location, and (iii) to which public access is provided through electronic communications means.

“Closed meeting” means a meeting from which the public is excluded.

“Electronic communication” means the use of technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities to transmit or receive information.

“Emergency” means an unforeseen circumstance rendering the notice required by this chapter impossible or impracticable and which circumstance requires immediate action.

“Information” as used in the exclusions established by §§ 2.2-3705.1 through 2.2-3705.7, means the content within a public record that references a specifically identified subject matter, and shall not be interpreted to require the production of information that is not embodied in a public record.

“Meeting” or “meetings” means the meetings including work sessions, when sitting physically, or through electronic communication means pursuant to § 2.2-3708.2 or §2.2-3708.3, as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body. Neither the gathering of employees of a public body nor the gathering or attendance of two or more members of a public body (a) at any place or function where no part of the purpose of such gathering or attendance is the discussion or transaction of any public business, and such gathering or attendance was not called or prearranged with any purpose of discussing or transacting any business of the public body, or (b) at a public forum, candidate appearance, or debate, the purpose of which is to inform the electorate and not to transact public business or to hold discussions relating to the transaction of public business, even though the perfor-

mance of the members individually or collectively in the conduct of public business may be a topic of discussion or debate at such public meeting, shall be deemed a “meeting” subject to the provisions of this chapter.

“Official public government website” means any Internet site controlled by a public body and used, among other purposes, to post required notices and other content pursuant to this chapter on behalf of the public body.

“Open meeting” or “public meeting” means a meeting at which the public may be present.

“Public body” means any legislative body, authority, board, bureau, commission, district or agency of the Commonwealth or of any political subdivision of the Commonwealth, including counties, cities and towns, municipal councils, governing bodies of counties, school boards and planning commissions; governing boards of public institutions of higher education; and other organizations, corporations or agencies in the Commonwealth supported wholly or principally by public funds. It shall include (i) the Virginia Birth-Related Neurological Injury Compensation Program and its board of directors established pursuant to Chapter 50 (§ 38.2-5000 et seq.) of Title 38.2 and (ii) any committee, subcommittee, or other entity however designated, of the public body created to perform delegated functions of the public body or to advise the public body. It shall not exclude any such committee, subcommittee or entity because it has private sector or citizen members. Corporations organized by the Virginia Retirement System are “public bodies” for purposes of this chapter.

For the purposes of the provisions of this chapter applicable to access to public records, constitutional officers and private police departments as defined in § 9.1-101 shall be considered public bodies and, except as otherwise expressly provided by law, shall have the same obligations to disclose public records as other custodians of public records.

“Public records” means all writings and recordings that consist of letters, words or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostating, photography, magnetic impulse, optical or magneto-optical form, mechanical or electronic recording or other form of data compilation, however stored, and regardless of physical form or characteristics, prepared or owned by, or in the possession of a public body or its officers, employees or agents in the transaction of public business.

“Regional public body” means a unit of government organized as provided by law within defined boundar-

ies, as determined by the General Assembly, which unit includes two or more localities.

“Remote participation” means participation by an individual member of a public body by electronic communication means in a public meeting where a quorum of the public body is otherwise physically assembled.

“Scholastic records” means those records containing information directly related to a student or an applicant for admission and maintained by a public body that is an educational agency or institution or by a person acting for such agency or institution.

“Trade secret” means the same as that term is defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.).

§ 2.2-3702. Notice of chapter.

Any person elected, reelected, appointed or reappointed to any body not excepted from this chapter shall (i) be furnished by the public body’s administrator or legal counsel with a copy of this chapter within two weeks following election, reelection, appointment or reappointment and (ii) read and become familiar with the provisions of this chapter.

§ 2.2-3703. Public bodies and records to which chapter inapplicable; voter registration and election records; access by persons incarcerated in a state, local, or federal correctional facility.

A. The provisions of this chapter shall not apply to:

1. The Virginia Parole Board (the Board), except that (i) information from the Board providing the number of inmates considered by the Board for discretionary parole, the number of inmates granted or denied parole, and the number of parolees returned to the custody of the Department of Corrections solely as a result of a determination by the Board of a violation of parole shall be open to inspection and available for release, on a monthly basis, as provided by § 2.2-3704; (ii) all guidance documents, as defined in § 2.2-4101, shall be public records and subject to the provisions of this chapter; (iii) all records concerning the finances of the Board shall be public records and subject to the provisions of this chapter; and (iv) individual Board member votes shall be public records and subject to the provisions of this chapter. The information required by clause (i) shall be furnished by offense, sex, race, age of the inmate, and the locality in which the conviction was obtained, upon the request of the party seeking the information. The information required

by clause (ii) shall include all documents establishing the policy of the Board or any change in or clarification of such policy with respect to grant, denial, deferral, revocation, or supervision of parole or geriatric release or the process for consideration thereof, and shall be clearly and conspicuously posted on the Board’s website. However, such information shall not include any portion of any document reflecting the application of any policy or policy change or clarification of such policy to an individual inmate;

2. Petit juries and grand juries;
3. Family assessment and planning teams established pursuant to § 2.2-5207;
4. Sexual assault response teams established pursuant to § 15.2-1627.4, except that records relating to (i) protocols and policies of the sexual assault response team and (ii) guidelines for the community’s response established by the sexual assault response team shall be public records and subject to the provisions of this chapter;
5. Multidisciplinary child sexual abuse response teams established pursuant to § 15.2-1627.5;
6. The Virginia State Crime Commission; and
7. The records maintained by the clerks of the courts of record, as defined in § 1-212, for which clerks are custodians under § 17.1-242, and courts not of record, as defined in § 16.1-69.5, for which clerks are custodians under § 16.1-69.54, including those transferred for storage, maintenance, or archiving. Such records shall be requested in accordance with the provisions of §§ 16.1-69.54:1 and 17.1-208, as appropriate. However, other records maintained by the clerks of such courts shall be public records and subject to the provisions of this chapter.

B. Public access to voter registration and election records shall be governed by the provisions of Title 24.2 and this chapter. The provisions of Title 24.2 shall be controlling in the event of any conflict.

C. No provision of this chapter or Chapter 21 (§ 30-178 et seq.) of Title 30 shall be construed to afford any rights to any person (i) incarcerated in a state, local or federal correctional facility, whether or not such facility is (a) located in the Commonwealth or (b) operated pursuant to the Corrections Private Management Act (§ 53.1-261 et seq.) or (ii) civilly committed pursuant to the Sexually Violent Predators Act (§ 37.2-900 et seq.). However, this subsection shall not be construed to prevent such persons from exercising their constitution-

ally protected rights, including, but not limited to, their right to call for evidence in their favor in a criminal prosecution.

§ 2.2-3703.1. Disclosure pursuant to court order or subpoena.

Nothing contained in this chapter shall have any bearing upon disclosures required to be made pursuant to any court order or subpoena. No discretionary exemption from mandatory disclosure shall be construed to make records covered by such discretionary exemption privileged under the rules of discovery, unless disclosure is otherwise prohibited by law.

§ 2.2-3704. Public records to be open to inspection; procedure for requesting records and responding to request; charges; transfer of records for storage, etc.

A. Except as otherwise specifically provided by law, all public records shall be open to citizens of the Commonwealth, representatives of newspapers and magazines with circulation in the Commonwealth, and representatives of radio and television stations broadcasting in or into the Commonwealth during the regular office hours of the custodian of such records. Access to such records shall be provided by the custodian in accordance with this chapter by inspection or by providing copies of the requested records, at the option of the requester. The custodian may require the requester to provide his name and legal address. The custodian of such records shall take all necessary precautions for their preservation and safekeeping.

B. A request for public records shall identify the requested records with reasonable specificity. The request need not make reference to this chapter in order to invoke the provisions of this chapter or to impose the time limits for response by a public body. Any public body that is subject to this chapter and that is the custodian of the requested records shall promptly, but in all cases within five working days of receiving a request, provide the requested records to the requester or make one of the following responses in writing:

1. The requested records are being entirely withheld. Such response shall identify with reasonable particularity the volume and subject matter of withheld records, and cite, as to each category of withheld records, the specific Code section that authorizes the withholding of the records.
2. The requested records are being provided in part and are being withheld in part. Such response shall identify with reasonable particularity the subject matter of withheld portions, and cite, as

to each category of withheld records, the specific Code section that authorizes the withholding of the records.

3. The requested records could not be found or do not exist. However, if the public body that received the request knows that another public body has the requested records, the response shall include contact information for the other public body.
4. It is not practically possible to provide the requested records or to determine whether they are available within the five-work-day period. Such response shall specify the conditions that make a response impossible. If the response is made within five working days, the public body shall have an additional seven work days or, in the case of a request for criminal investigative files pursuant to § 2.2-3706.1, 60 work days in which to provide one of the four preceding responses.

C. Any public body may petition the appropriate court for additional time to respond to a request for records when the request is for an extraordinary volume of records or requires an extraordinarily lengthy search, and a response by the public body within the time required by this chapter will prevent the public body from meeting its operational responsibilities. Before proceeding with the petition, however, the public body shall make reasonable efforts to reach an agreement with the requester concerning the production of the records requested.

D. Subject to the provisions of subsection G, no public body shall be required to create a new record if the record does not already exist. However, a public body may abstract or summarize information under such terms and conditions as agreed between the requester and the public body.

E. Failure to respond to a request for records shall be deemed a denial of the request and shall constitute a violation of this chapter.

F. Except with regard to scholastic records requested pursuant to subdivision A 1 of §2.2-3705.4 that must be made available for inspection pursuant to the federal Family Educational Rights and Privacy Act (20 U.S.C. §1232g) and such requests for scholastic records by a parent or legal guardian of a minor student or by a student who is 18 years of age or older, a public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records and shall make all reasonable efforts to supply the requested records at the lowest possible cost. No public body shall impose any

extraneous, intermediary, or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of the public body. Any duplicating fee charged by a public body shall not exceed the actual cost of duplication. The public body may also make a reasonable charge for the cost incurred in supplying records produced from a geographic information system at the request of anyone other than the owner of the land that is the subject of the request. However, such charges shall not exceed the actual cost to the public body in supplying such records, except that the public body may charge, on a pro rata per acre basis, for the cost of creating topographical maps developed by the public body, for such maps or portions thereof, which encompass a contiguous area greater than 50 acres. Prior to conducting a search for records, the public body shall notify the requester in writing that the public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for requested records and inquire of the requester whether he would like to request a cost estimate in advance of supplying the requested records. The public body shall provide the requester with a cost estimate if requested. The period within which the public body shall respond under this section shall be tolled for the amount of time that elapses between notice of the cost estimate and the response of the requester. If the public body receives no response from the requester within 30 days of sending the cost estimate, the request shall be deemed to be withdrawn. Any costs incurred by the public body in estimating the cost of supplying the requested records shall be applied toward the overall charges to be paid by the requester for the supplying of such requested records. Any local public body that charges for the production of records pursuant to this section may provide an electronic method of payment through which all payments for the production of such records to such locality may be made. For purposes of this subsection, "electronic method of payment" means any kind of noncash payment that does not involve a paper check and includes credit cards, debit cards, direct deposit, direct debit, electronic checks, and payment through the use of telephonic or similar communications.

G. Public records maintained by a public body in an electronic data processing system, computer database, or any other structured collection of data shall be made available to a requester at a reasonable cost, not to exceed the actual cost in accordance with subsection F. When electronic or other databases are combined or contain exempt and nonexempt records, the public

body may provide access to the exempt records if not otherwise prohibited by law, but shall provide access to the nonexempt records as provided by this chapter

Public bodies shall produce nonexempt records maintained in an electronic database in any tangible medium identified by the requester, including, where the public body has the capability, the option of posting the records on a website or delivering the records through an electronic mail address provided by the requester, if that medium is used by the public body in the regular course of business. No public body shall be required to produce records from an electronic database in a format not regularly used by the public body. However, the public body shall make reasonable efforts to provide records in any format under such terms and conditions as agreed between the requester and public body, including the payment of reasonable costs. The excision of exempt fields of information from a database or the conversion of data from one available format to another shall not be deemed the creation, preparation, or compilation of a new public record.

H. In any case where a public body determines in advance that charges for producing the requested records are likely to exceed \$200, the public body may, before continuing to process the request, require the requester to pay a deposit not to exceed the amount of the advance determination. The deposit shall be credited toward the final cost of supplying the requested records. The period within which the public body shall respond under this section shall be tolled for the amount of time that elapses between notice of the advance determination and the response of the requester.

I. Before processing a request for records, a public body may require the requester to pay any amounts owed to the public body for previous requests for records that remain unpaid 30 days or more after billing.

J. In the event a public body has transferred possession of public records to any entity, including but not limited to any other public body, for storage, maintenance, or archiving, the public body initiating the transfer of such records shall remain the custodian of such records for purposes of responding to requests for public records made pursuant to this chapter and shall be responsible for retrieving and supplying such public records to the requester. In the event a public body has transferred public records for storage, maintenance, or archiving and such transferring public body is no longer in existence, any public body that is a successor to the transferring public body shall be deemed the custodian of such records. In the event no successor entity exists, the entity in possession of the public

records shall be deemed the custodian of the records for purposes of compliance with this chapter, and shall retrieve and supply such records to the requester. Nothing in this subsection shall be construed to apply to records transferred to the Library of Virginia for permanent archiving pursuant to the duties imposed by the Virginia Public Records Act (§ 42.1-76 et seq.). In accordance with § 42.1-79, the Library of Virginia shall be the custodian of such permanently archived records and shall be responsible for responding to requests for such records made pursuant to this chapter.

§ 2.2-3704.1. Posting of notice of rights and responsibilities by state and local public bodies; assistance by the Freedom of Information Advisory Council.

A. All state public bodies subject to the provisions of this chapter, any county or city, any town with a population of more than 250, and any school board shall make available the following information to the public upon request and shall post a link to such information on the homepage of their respective official public government websites:

1. A plain English explanation of the rights of a requester under this chapter, the procedures to obtain public records from the public body, and the responsibilities of the public body in complying with this chapter. For purposes of this section, “plain English” means written in nontechnical, readily understandable language using words of common everyday usage and avoiding legal terms and phrases or other terms and words of art whose usage or special meaning primarily is limited to a particular field or profession;
2. Contact information for the FOIA officer designated by the public body pursuant to § 2.2-3704.2 to (i) assist a requester in making a request for records or (ii) respond to requests for public records;
3. A general description, summary, list, or index of the types of public records maintained by such public body;
4. A general description, summary, list, or index of any exemptions in law that permit or require such public records to be withheld from release;
5. Any policy the public body has concerning the type of public records it routinely withholds from release as permitted by this chapter or other law; and
6. The following statement: “A public body may make reasonable charges not to exceed its actual

cost incurred in accessing, duplicating, supplying, or searching for the requested records and shall make all reasonable efforts to supply the requested records at the lowest possible cost. No public body shall impose any extraneous, intermediary, or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of the public body. Any duplicating fee charged by a public body shall not exceed the actual cost of duplication. Prior to conducting a search for records, the public body shall notify the requester in writing that the public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for requested records and inquire of the requester whether he would like to request a cost estimate in advance of the supplying of the requested records as set forth in subsection F of § 2.2-3704 of the Code of Virginia.” and

7. A written policy (i) explaining how the public body assesses charges for accessing or searching for requested records and (ii) noting the current fee charged, if any, for accessing and searching for such requested records.

B. Any state public body subject to the provisions of this chapter and any county or city, and any town with a population of more than 250, shall post a link on its official public government website to the online public comment form on the Freedom of Information Advisory Council’s website to enable any requester to comment on the quality of assistance provided to the requester by the public body.

C. The Freedom of Information Advisory Council, created pursuant to § 30-178, shall assist in the development and implementation of the provisions of subsection A, upon request.

§ 2.2-3704.01. Records containing both excluded and nonexcluded information; duty to redact.

No provision of this chapter is intended, nor shall it be construed or applied, to authorize a public body to withhold a public record in its entirety on the grounds that some portion of the public record is excluded from disclosure by this chapter or by any other provision of law. A public record may be withheld from disclosure in its entirety only to the extent that an exclusion from disclosure under this chapter or other provision of law applies to the entire content of the public record. Otherwise, only those portions of the public record containing information subject to an exclusion under this chapter or other provision of law may be withheld,

and all portions of the public record that are not so excluded shall be disclosed.

§ 2.2-3704.2. Public bodies to designate FOIA officer.

A. All state public bodies, including state authorities, that are subject to the provisions of this chapter and all local public bodies and regional public bodies that are subject to the provisions of this chapter shall designate and publicly identify one or more Freedom of Information Act officers (FOIA officer) whose responsibility is to serve as a point of contact for members of the public in requesting public records and to coordinate the public body's compliance with the provisions of this chapter.

B. For such state public bodies, the name and contact information of the public body's FOIA officer to whom members of the public may direct requests for public records and who will oversee the public body's compliance with the provisions of this chapter shall be made available to the public upon request and be posted on the respective public body's official public government website at the time of designation and maintained thereafter on such website for the duration of the designation.

C. For such local public bodies and regional public bodies, the name and contact information of the public body's FOIA officer to whom members of the public may direct requests for public records and who will oversee the public body's compliance with the provisions of this chapter shall be made available in a way reasonably calculated to provide notice to the public, including posting at the public body's place of business, posting on its official public government website, or including such information in its publications.

D. For the purposes of this section, local public bodies shall include constitutional officers.

E. Any such FOIA officer shall possess specific knowledge of the provisions of this chapter and be trained at least once during each consecutive period of two calendar years commencing with the date on which he last completed a training session by legal counsel for the public body or the Virginia Freedom of Information Advisory Council (the Council) or through an online course offered by the Council. Any such training shall document that the training required by this subsection has been fulfilled.

F. The name and contact information of a FOIA officer trained by legal counsel of a public body shall be (i) submitted to the Council by July 1 of the year a FOIA officer is initially trained on a form developed

by the Council for that purpose and (ii) updated in a timely manner in the event of any changes to such information.

G. The Council shall maintain on its website a listing of all FOIA officers, including name, contact information, and the name of the public body such FOIA officers serve.

§ 2.2-3704.3. Training for local officials.

A. The Virginia Freedom of Information Advisory Council (the Council) or the local government attorney shall provide in-person or online training sessions for local elected officials; the executive directors and members of industrial development authorities and economic development authorities, as created by the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.); and members of any boards governing any authority established pursuant to the Park Authorities Act (§ 15.2-5700 et seq.) on the provisions of this chapter.

B. Each local elected official and the executive director and members of each industrial development authority and economic development authority, as created by the Industrial Development and Revenue Bond Act, and members of the any boards governing any authority established pursuant to the Park Authorities Act (15.2-5700 et seq.) shall complete a training session described in subsection A within two months after assuming the local elected office and thereafter at least once during each consecutive period of two calendar years commencing with the date on which he last completed a training session, for as long as he holds such office. No penalty shall be imposed on a local elected official or an executive director or member of an industrial development authority or an economic development authority for failing to complete a training session.

C. The clerk of each governing body or school board shall maintain records indicating the names of elected officials and executive directors and members of industrial development authorities and economic development authorities, and members of any boards governing any authority established pursuant to the Park Authorities Act (§15.2-5700 et seq.) subject to the training requirements in subsection B and the dates on which each such official completed training sessions satisfying such requirements. Such records shall be maintained for five years in the office of the clerk of the respective governing body or school board.

D. For purposes of this section, "local elected officials" shall include constitutional officers.

§ 2.2-3705.1. Exclusions to application of chapter; exclusions of general application to public bodies.

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. Personnel information concerning identifiable individuals, except that access shall not be denied to the person who is the subject thereof. Any person who is the subject of such information and who is 18 years of age or older may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, such information shall be disclosed. Nothing in this subdivision shall be construed to authorize the withholding of any resumes or applications submitted by persons who are appointed by the Governor pursuant to §§ 2.2-106 or 2.2-107.

No provision of this chapter or any provision of Chapter 38 (§ 2.2-3800 et seq.) shall be construed as denying public access to (i) contracts between a public body and its officers or employees, other than contracts settling public employee employment disputes held confidential as personnel records under § 2.2-3705.1; (ii) records of the name, position, job classification, official salary, or rate of pay of, and records of the allowances or reimbursements for expenses paid to, any officer, official, or employee of a public body; or (iii) the compensation or benefits paid by any corporation organized by the Virginia Retirement System or its officers or employees. The provisions of this subdivision, however, shall not require public access to records of the official salaries or rates of pay of public employees whose annual rate of pay is \$10,000 or less.

2. Written advice of legal counsel to state, regional or local public bodies or the officers or employees of such public bodies, and any other information protected by the attorney-client privilege.

3. Legal memoranda and other work product compiled specifically for use in litigation or for use in an active administrative investigation concerning a matter that is properly the subject of a closed meeting under § 2.2-3711.

4. Any test or examination used, administered or prepared by any public body for purposes of evaluation of (i) any student or any student's performance, (ii) any employee or employment seeker's qualifications or aptitude for employment, retention, or promotion, or (iii) qualifications for any license or certificate issued by

a public body.

As used in this subdivision, "test or examination" shall include (a) any scoring key for any such test or examination and (b) any other document that would jeopardize the security of the test or examination. Nothing contained in this subdivision shall prohibit the release of test scores or results as provided by law, or limit access to individual records as provided by law. However, the subject of such employment tests shall be entitled to review and inspect all records relative to his performance on such employment tests.

When, in the reasonable opinion of such public body, any such test or examination no longer has any potential for future use, and the security of future tests or examinations will not be jeopardized, the test or examination shall be made available to the public. However, minimum competency tests administered to public school children shall be made available to the public contemporaneously with statewide release of the scores of those taking such tests, but in no event shall such tests be made available to the public later than six months after the administration of such tests.

5. Records recorded in or compiled exclusively for use in closed meetings lawfully held pursuant to § 2.2-3711. However, no record that is otherwise open to inspection under this chapter shall be deemed exempt by virtue of the fact that it has been reviewed or discussed in a closed meeting.

6. Vendor proprietary information software that may be in the public records of a public body. For the purpose of this subdivision, "vendor proprietary information software" means computer programs acquired from a vendor for purposes of processing data for agencies or political subdivisions of the Commonwealth.

7. Computer software developed by or for a state agency, public institution of higher education in the Commonwealth, or political subdivision of the Commonwealth.

8. Appraisals and cost estimates of real property subject to a proposed purchase, sale, or lease, prior to the completion of such purchase, sale, or lease.

9. Information concerning reserves established in specific claims administered by the Department of the Treasury through its Division of Risk Management as provided in Article 5 (§ 2.2-1832 et seq.) of Chapter 18, or by any county, city, or town; and investigative notes, correspondence and information furnished in confidence with respect to an investigation of a claim or a potential claim against a public body's insurance policy or self-insurance plan. However, nothing in this subdivision shall prevent the disclosure of information taken

from inactive reports upon expiration of the period of limitations for the filing of a civil suit.

10. Personal contact information furnished to a public body or any of its members for the purpose of receiving electronic communications from the public body or any of its members, unless the recipient of such electronic communications indicates his approval for the public body to disclose such information. However, access shall not be denied to the person who is the subject of the record. As used in this subdivision, “personal contact information” means the information provided to the public body or any of its members for the purpose of receiving electronic communications from the public body or any of its members and includes home or business (i) address, (ii) email address, or (iii) telephone number or comparable number assigned to any other electronic communication device.

11. Communications and materials required to be kept confidential pursuant to § 2.2-4119 of the Virginia Administrative Dispute Resolution Act (§ 2.2-4115 et seq.).

12. Information relating to the negotiation and award of a specific contract where competition or bargaining is involved and where the release of such information would adversely affect the bargaining position or negotiating strategy of the public body. Such information shall not be withheld after the public body has made a decision to award or not to award the contract. In the case of procurement transactions conducted pursuant to the Virginia Public Procurement Act (§ 2.2-4300 et seq.), the provisions of this subdivision shall not apply, and any release of information relating to such transactions shall be governed by the Virginia Public Procurement Act.

13. Account numbers or routing information for any credit card, debit card, or other account with a financial institution of any person or public body. However, access shall not be denied to the person who is the subject of the information. For the purposes of this subdivision, “financial institution” means any organization authorized to do business under state or federal laws relating to financial institutions, including, without limitation, banks and trust companies, savings banks, savings and loan companies or associations, and credit unions.

14. Names and data of any kind that directly or indirectly identify an individual as a member, supporter, or volunteer of, or donor of financial or nonfinancial support to, any entity exempt from federal income tax pursuant to § 501(c) of the Internal Revenue Code, except for those entities established by or for, or in support of, a public body as authorized by state law.

§ 2.2-3705.2. Exclusions to application of chapter; records relating to public safety.

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. Confidential information, including victim identity, provided to or obtained by staff in a rape crisis center or a program for battered spouses.

2. Information that describes the design, function, operation, or access control features of any security system, whether manual or automated, which is used to control access to or use of any automated data processing or telecommunications system.

3. Information that would disclose the security aspects of a system safety program plan adopted pursuant to Federal Transit Administration regulations by the Commonwealth’s designated Rail Fixed Guideway Systems Safety Oversight agency; and information in the possession of such agency, the release of which would jeopardize the success of an ongoing investigation of a rail accident or other incident threatening railway safety.

4. Information concerning security plans and specific assessment components of school safety audits, as provided in § 22.1-279.8.

Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the effectiveness of security plans after (i) any school building or property has been subjected to fire, explosion, natural disaster, or other catastrophic event or (ii) any person on school property has suffered or been threatened with any personal injury.

5. Information concerning the mental health assessment of an individual subject to commitment as a sexually violent predator under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2 held by the Commitment Review Committee; except that in no case shall information identifying the victims of a sexually violent predator be disclosed.

6. Subscriber data provided directly or indirectly by a communications services provider to a public body that operates a 911 or E-911 emergency dispatch system or an emergency notification or reverse 911 system if the data is in a form not made available by the communications services provider to the public generally. Nothing in this subdivision shall prevent the disclosure

of subscriber data generated in connection with specific calls to a 911 emergency system, where the requester is seeking to obtain public records about the use of the system in response to a specific crime, emergency or other event as to which a citizen has initiated a 911 call.

For the purposes of this subdivision:

“Communications services provider” means the same as that term is defined in § 58.1-647.

“Subscriber data” means the name, address, telephone number, and any other information identifying a subscriber of a communications services provider.

7. Subscriber data collected by a local governing body in accordance with the Enhanced Public Safety Telephone Services Act (§ 56-484.12 et seq.) and other identifying information of a personal, medical, or financial nature provided to a local governing body in connection with a 911 or E-911 emergency dispatch system or an emergency notification or reverse 911 system if such records are not otherwise publicly available.

Nothing in this subdivision shall prevent the disclosure of subscriber data generated in connection with specific calls to a 911 emergency system, where the requester is seeking to obtain public records about the use of the system in response to a specific crime, emergency or other event as to which a citizen has initiated a 911 call.

For the purposes of this subdivision:

“Communications services provider” means the same as that term is defined in § 58.1-647.

“Subscriber data” means the name, address, telephone number, and any other information identifying a subscriber of a communications services provider.

8. Information held by the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, that would (i) reveal strategies under consideration or development by the Council or such commission or organizations to prevent the closure or realignment of federal military installations located in Virginia or the relocation of national security facilities located in Virginia, to limit the adverse economic effect of such realignment, closure, or relocation, or to seek additional tenant activity growth from the Department of Defense or federal government or (ii) disclose trade secrets provided to the Council or such commission or organizations in connection with their work.

In order to invoke the trade secret protection provided by clause (ii), the submitting entity shall, in writing and at the time of submission (a) invoke this exclusion, (b) identify with specificity the information for which such protection is sought, and (c) state the reason why such protection is necessary. Nothing in this subdivision shall be construed to prevent the disclosure of all or part of any record, other than a trade secret that has been specifically identified as required by this subdivision, after the Department of Defense or federal agency has issued a final, unappealable decision, or in the event of litigation, a court of competent jurisdiction has entered a final, unappealable order concerning the closure, realignment, or expansion of the military installation or tenant activities, or the relocation of the national security facility, for which records are sought.

9. Information, as determined by the State Comptroller, that describes the design, function, operation, or implementation of internal controls over the Commonwealth’s financial processes and systems, and the assessment of risks and vulnerabilities of those controls, including the annual assessment of internal controls mandated by the State Comptroller, if disclosure of such information would jeopardize the security of the Commonwealth’s financial assets. However, records relating to the investigation of and findings concerning the soundness of any fiscal process shall be disclosed in a form that does not compromise internal controls. Nothing in this subdivision shall be construed to prohibit the Auditor of Public Accounts or the Joint Legislative Audit and Review Commission from reporting internal control deficiencies discovered during the course of an audit.

10. Information relating to the Statewide Agencies Radio System (STARS) or any other similar local or regional public safety communications system that (i) describes the design, function, programming, operation, or access control features of the overall system, components, structures, individual networks, and subsystems of the STARS or any other similar local or regional communications system or (ii) relates to radio frequencies assigned to or utilized by STARS or any other similar local or regional communications system, code plugs, circuit routing, addressing schemes, talk groups, fleet maps, encryption, or programming maintained by or utilized by STARS or any other similar local or regional public safety communications system.

11. Information concerning a salaried or volunteer Fire/EMS company or Fire/EMS department if disclosure of such information would reveal the telephone numbers for cellular telephones, pagers, or comparable

portable communication devices provided to its personnel for use in the performance of their official duties.

12. Information concerning the disaster recovery plans or the evacuation plans in the event of fire, explosion, natural disaster, or other catastrophic event for hospitals and nursing homes regulated by the Board of Health pursuant to Chapter 5 (§ 32.1-123 et seq.) of Title 32.1 provided to the Department of Health. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the effectiveness of executed evacuation plans after the occurrence of fire, explosion, natural disaster, or other catastrophic event.

13. Records received by the Department of Criminal Justice Services pursuant to §§ 9.1-184, 22.1-79.4, and 22.1-279.8 or for purposes of evaluating threat assessment teams established by a public institution of higher education pursuant to § 23.1-805 or by a private nonprofit institution of higher education, to the extent such records reveal security plans, walk-through checklists, or vulnerability and threat assessment components.

14. Information contained in (i) engineering, architectural, or construction drawings; (ii) operational, procedural, tactical planning, or training manuals; (iii) staff meeting minutes; or (iv) other records that reveal any of the following, the disclosure of which would jeopardize the safety or security of any person; governmental facility, building, or structure or persons using such facility, building, or structure; or public or private commercial office, multifamily residential, or retail building or its occupants:

- a. Critical infrastructure information or the location or operation of security equipment and systems of any public building, structure, or information storage facility, including ventilation systems, fire protection equipment, mandatory building emergency equipment or systems, elevators, electrical systems, telecommunications equipment and systems, or utility equipment and systems;
- b. Vulnerability assessments, information not lawfully available to the public regarding specific cybersecurity threats or vulnerabilities, or security plans and measures of an entity, facility, building structure, information technology system, or software program;
- c. Surveillance techniques, personnel deployments, alarm or security systems or technologies, or operational or transportation plans or protocols; or
- d. Interconnectivity, network monitoring, network operation centers, master sites, or systems related to the Statewide Agencies Radio System

(STARS) or any other similar local or regional public safety communications system.

The same categories of records of any person or entity submitted to a public body for the purpose of antiterrorism response planning or cybersecurity planning or protection may be withheld from disclosure if such person or entity in writing (a) invokes the protections of this subdivision, (b) identifies with specificity the records or portions thereof for which protection is sought, and (c) states with reasonable particularity why the protection of such records from public disclosure is necessary to meet the objective of antiterrorism, cybersecurity planning or protection, or critical infrastructure information security and resilience. Such statement shall be a public record and shall be disclosed upon request.

Any public body receiving a request for records excluded under clauses (a) and (b) of this subdivision 14 shall notify the Secretary of Public Safety and Homeland Security or his designee of such request and the response made by the public body in accordance with § 2.2-3704.

Nothing in this subdivision 14 shall prevent the disclosure of records relating to (1) the structural or environmental soundness of any such facility, building, or structure or (2) an inquiry into the performance of such facility, building, or structure after it has been subjected to fire, explosion, natural disaster, or other catastrophic event.

As used in this subdivision, “critical infrastructure information” means the same as that term is defined in 6 U.S.C. § 131.

15. Information held by the Virginia Commercial Space Flight Authority that is categorized as classified or sensitive but unclassified, including national security, defense, and foreign policy information, provided that such information is exempt under the federal Freedom of Information Act, 5 U.S.C. § 552.

§ 2.2-3705.3. Exclusions to application of chapter; records relating to administrative investigations.

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. Information relating to investigations of applicants for licenses and permits, and of all licensees and

permittees, made by or submitted to the Virginia Alcoholic Beverage Control Authority, the Virginia Lottery pursuant to Chapter 40 (§ 58.1-4000 et seq.) and Chapter 41 (§ 58.1-4100 et seq.) of Title 58.1, the Virginia Racing Commission, the Department of Agriculture and Consumer Services relating to investigations and applications pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2, or the Private Security Services Unit of the Department of Criminal Justice Services.

2. Records of active investigations being conducted by the Department of Health Professions or by any health regulatory board in the Commonwealth pursuant to § 54.1-108.

3. Investigator notes, and other correspondence and information, furnished in confidence with respect to an active investigation of individual employment discrimination complaints made to the Department of Human Resource Management, to such personnel of any local public body, including local school boards, as are responsible for conducting such investigations in confidence, or to any public institution of higher education. However, nothing in this subdivision shall prevent the disclosure of information taken from inactive reports in a form that does not reveal the identity of charging parties, persons supplying the information, or other individuals involved in the investigation.

4. Records of active investigations being conducted by the Department of Medical Assistance Services pursuant to Chapter 10 (§ 32.1-323 et seq.) of Title 32.1.

5. Investigative notes and other correspondence and information furnished in confidence with respect to an investigation or conciliation process involving an alleged unlawful discriminatory practice under the Virginia Human Rights Act (§ 2.2-3900 et seq.) or under any local ordinance adopted in accordance with the authority specified in § 2.2-524, or adopted pursuant to § 15.2-965, or adopted prior to July 1, 1987, in accordance with applicable law, relating to local human rights or human relations commissions. However, nothing in this subdivision shall prevent the distribution of information taken from inactive reports in a form that does not reveal the identity of the parties involved or other persons supplying information.

6. Information relating to studies and investigations by the Virginia Lottery of (i) lottery agents, (ii) lottery vendors, (iii) lottery crimes under §§ 58.1-4014 through 58.1-4018, (iv) defects in the law or regulations that cause abuses in the administration and operation of the lottery and any evasions of such provisions, or (v) the use of the lottery as a subterfuge for organized crime

and illegal gambling where such information has not been publicly released, published or copyrighted. All studies and investigations referred to under clauses (ii), (iv), and (v) shall be open to inspection and copying upon completion of the study or investigation.

7. Investigative notes, correspondence and information furnished in confidence, and records otherwise exempted by this chapter or any Virginia statute, provided to or produced by or for (i) the Auditor of Public Accounts; (ii) the Joint Legislative Audit and Review Commission; (iii) an appropriate authority as defined in § 2.2-3010 with respect to an allegation of wrongdoing or abuse under the Fraud and Abuse Whistle Blower Protection Act (§ 2.2-3009 et seq.); (iv) the Office of the State Inspector General with respect to an investigation initiated through the Fraud, Waste and Abuse Hotline or an investigation initiated pursuant to Chapter 3.2 (§ 2.2-307 et seq.); (v) internal auditors appointed by the head of a state agency or by any public institution of higher education; (vi) the committee or the auditor with respect to an investigation or audit conducted pursuant to § 15.2-825; or (vii) the auditors, appointed by the local governing body of any county, city, or town or a school board, who by charter, ordinance, or statute have responsibility for conducting an investigation of any officer, department, or program of such body. Information contained in completed investigations shall be disclosed in a form that does not reveal the identity of the complainants or persons supplying information to investigators. Unless disclosure is excluded by this subdivision, the information disclosed shall include the agency involved, the identity of the person who is the subject of the complaint, the nature of the complaint, and the actions taken to resolve the complaint. If an investigation does not lead to corrective action, the identity of the person who is the subject of the complaint may be released only with the consent of the subject person. Local governing bodies shall adopt guidelines to govern the disclosure required by this subdivision.

8. The names, addresses, and telephone numbers of complainants furnished in confidence with respect to an investigation of individual zoning enforcement complaints or complaints relating to the Uniform State-wide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.) made to a local governing body.

9. Records of active investigations being conducted by the Department of Criminal Justice Services pursuant to Article 4 (§ 9.1-138 et seq.), Article 4.1 (§ 9.1-150.1 et seq.), Article 11 (§ 9.1-185 et seq.), and Article 12 (§ 9.1-186 et seq.) of Chapter 1 of Title 9.1.

10. Information furnished to or prepared by the Board of Education pursuant to subsection D of § 22.1-253.13:3 in connection with the review or investigation of any alleged breach in security, unauthorized alteration, or improper administration of tests by local school board employees responsible for the distribution or administration of the tests. However, this section shall not prohibit the disclosure of such information to (i) a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after the conclusion of a review or investigation, in a form that (a) does not reveal the identity of any person making a complaint or supplying information to the Board on a confidential basis and (b) does not compromise the security of any test mandated by the Board.

11. Information contained in (i) an application for licensure or renewal of a license for teachers and other school personnel, including transcripts or other documents submitted in support of an application, and (ii) an active investigation conducted by or for the Board of Education related to the denial, suspension, cancellation, revocation, or reinstatement of teacher and other school personnel licenses including investigator notes and other correspondence and information, furnished in confidence with respect to such investigation. However, this subdivision shall not prohibit the disclosure of such (a) application information to the applicant at his own expense or (b) investigation information to a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee. Information contained in completed investigations shall be disclosed in a form that does not reveal the identity of any complainant or person supplying information to investigators. The completed investigation information disclosed shall include information regarding the school or facility involved, the identity of the person who was the subject of the complaint, the nature of the complaint, and the actions taken to resolve the complaint. If an investigation fails to support a complaint or does not lead to corrective action, the identity of the person who was the subject of the complaint may be released only with the consent of the subject person. No personally identifiable information regarding a current or former student shall be released except as permitted by state or federal law.

12. Information provided in confidence and related to an investigation by the Attorney General under Article 1 (§ 3.2-4200 et seq.) or Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2, Article 10 (§ 18.2-

246.6 et seq.) of Chapter 6 or Chapter 13 (§ 18.2-512 et seq.) of Title 18.2, or Article 1 (§ 58.1-1000) of Chapter 10 of Title 58.1. However, information related to an investigation that has been inactive for more than six months shall, upon request, be disclosed provided such disclosure is not otherwise prohibited by law and does not reveal the identity of charging parties, complainants, persons supplying information, witnesses, or other individuals involved in the investigation.

13. Records of active investigations being conducted by the Department of Behavioral Health and Developmental Services pursuant to Chapter 4 (§ 37.2-400 et seq.) of Title 37.2.

§ 2.2-3705.4. Exclusions to application of chapter; educational records and certain records of educational institutions.

A. The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except as provided in subsection B or where such disclosure is otherwise prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. Scholastic records containing information concerning identifiable individuals, except that such access shall not be denied to the person who is the subject thereof, or the parent or legal guardian of the student. However, no student shall have access to (i) financial records of a parent or guardian or (ii) records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto, that are in the sole possession of the maker thereof and that are not accessible or revealed to any other person except a substitute.

The parent or legal guardian of a student may prohibit, by written request, the release of any individual information regarding that student until the student reaches the age of 18 years. For scholastic records of students under the age of 18 years, the right of access may be asserted only by his legal guardian or parent, including a non-custodial parent, unless such parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. For scholastic records of students who are emancipated or attending a public institution of higher education in the Commonwealth, the right of access may be asserted by the student.

Any person who is the subject of any scholas-

- tic record and who is 18 years of age or older may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, such records shall be disclosed.
2. Confidential letters and statements of recommendation placed in the records of educational agencies or institutions respecting (i) admission to any educational agency or institution, (ii) an application for employment or promotion, or (iii) receipt of an honor or honorary recognition.
 3. Information held by the Brown v. Board of Education Scholarship Committee that would reveal personally identifiable information, including scholarship applications, personal financial information, and confidential correspondence and letters of recommendation.
 4. Information of a proprietary nature produced or collected by or for faculty or staff of public institutions of higher education, other than the institutions' financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical or scholarly issues, whether sponsored by the institution alone or in conjunction with a governmental body or a private concern, where such information has not been publicly released, published, copyrighted or patented.
 5. Information held by the University of Virginia or the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, that contain proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would be harmful to the competitive position of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be.
 6. Personal information, as defined in § 2.2-3801, provided to the Board of the Virginia College Savings Plan or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1, including personal information related to (i) qualified beneficiaries as that term is defined in § 23.1-700, (ii) designated survivors, or (iii) authorized individuals. Nothing in this subdivision shall be construed to prevent disclosure or publication of information in a statistical or other form that does not identify individuals or provide personal information. Individuals shall be provided access to their own personal information.

For purposes of this subdivision:

“Authorized individual” means an individual who may be named by the account owner to receive information regarding the account but who does not have any control or authority over the account.

“Designated survivor” means the person who will assume account ownership in the event of the account owner’s death.
 7. Information maintained in connection with fundraising activities by or for a public institution of higher education that would reveal (i) personal fundraising strategies relating to identifiable donors or prospective donors or (ii) wealth assessments; estate, financial, or tax planning information; health-related information; employment, familial, or marital status information; electronic mail addresses, facsimile or telephone numbers; birth dates or social security numbers of identifiable donors or prospective donors. The exclusion provided by this subdivision shall not apply to protect from disclosure (a) information relating to the amount, date, purpose, and terms of the pledge or donation or the identity of the donor or (b) the identities of sponsors providing grants to or contracting with the institution for the performance of research services or other work or the terms and conditions of such grants or contracts. For purposes of clause (a), the identity of the donor may be withheld if (1) the donor has requested anonymity in connection with or as a condition of making a pledge or donation and (2) the pledge or donation does not impose terms or conditions directing academic decision-making.
 8. Information held by a threat assessment team established by a local school board pursuant to § 22.1-79.4 or by a public institution of higher education pursuant to § 23.1-805 relating to the assessment or intervention with a specific individual. However, in the event an individual who has been under assessment commits an act, or is prosecuted for the commission of an act that has caused the death of, or caused serious bodily

injury, including any felony sexual assault, to another person, such information of the threat assessment team concerning the individual under assessment shall be made available as provided by this chapter, with the exception of any criminal history records obtained pursuant to § 19.2-389 or 19.2-389.1, health records obtained pursuant to § 32.1-127.1:03, or scholastic records as defined in § 22.1-289. The public body providing such information shall remove personally identifying information of any person who provided information to the threat assessment team under a promise of confidentiality.

9. Records provided to the Governor or the designated reviewers by a qualified institution, as those terms are defined in § 23.1-1239, related to a proposed memorandum of understanding, or proposed amendments to a memorandum of understanding, submitted pursuant to Chapter 12.1 (§ 23.1-1239 et seq.) of Title 23.1. A memorandum of understanding entered into pursuant to such chapter shall be subject to public disclosure after it is agreed to and signed by the Governor.

B. The custodian of a scholastic record shall not release the address, phone number, or email address of a student in response to a request made under this chapter without written consent. For any student who is (i) 18 years of age or older, (ii) under the age of 18 and emancipated, or (iii) attending an institution of higher education, written consent of the student shall be required. For any other student, written consent of the parent or legal guardian of such student shall be required.

§ 2.2-3705.5. Exclusions to application of chapter; health and social services records.

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. Health records, except that such records may be personally reviewed by the individual who is the subject of such records, as provided in subsection F of § 32.1-127.1:03.

Where the person who is the subject of health records is confined in a state or local correctional facility, the administrator or chief medical officer of such facility may assert such confined person's right of access to

the health records if the administrator or chief medical officer has reasonable cause to believe that such confined person has an infectious disease or other medical condition from which other persons so confined need to be protected. Health records shall only be reviewed and shall not be copied by such administrator or chief medical officer. The information in the health records of a person so confined shall continue to be confidential and shall not be disclosed by the administrator or chief medical officer of the facility to any person except the subject or except as provided by law.

Where the person who is the subject of health records is under the age of 18, his right of access may be asserted only by his guardian or his parent, including a noncustodial parent, unless such parent's parental rights have been terminated, a court of competent jurisdiction has restricted or denied such access, or a parent has been denied access to the health record in accordance with § 20-124.6. In instances where the person who is the subject thereof is an emancipated minor, a student in a public institution of higher education, or is a minor who has consented to his own treatment as authorized by §§ 16.1-338 or 54.1-2969, the right of access may be asserted by the subject person.

For the purposes of this chapter, statistical summaries of incidents and statistical data concerning abuse of individuals receiving services compiled by the Commissioner of Behavioral Health and Developmental Services shall be disclosed. No such summaries or data shall include any information that identifies specific individuals receiving services.

2. Applications for admission to examinations or for licensure and scoring records maintained by the Department of Health Professions or any board in that department on individual licensees or applicants; information required to be provided to the Department of Health Professions by certain licensees pursuant to § 54.1-2506.1; information held by the Health Practitioners' Monitoring Program Committee within the Department of Health Professions that identifies any practitioner who may be, or who is actually, impaired to the extent that disclosure is prohibited by § 54.1-2517; and information relating to the prescribing and dispensing of covered substances to recipients and any abstracts from such information that are in the possession of the Prescription Monitoring Program (Program) pursuant to Chapter 25.2 (§ 54.1-2519 et seq.) of Title 54.1 and any material relating to the operation or security of the Program.

3. Reports, documentary evidence, and other information as specified in §§ 51.5-122 and 51.5-184

and Chapter 1 (§ 63.2-100 et seq.) of Title 63.2 and information and statistical registries required to be kept confidential pursuant to Chapter 1 (§ 63.2-100 et seq.) of Title 63.2.

4. Investigative notes; proprietary information not published, copyrighted or patented; information obtained from employee personnel records; personally identifiable information regarding residents, clients or other recipients of services; other correspondence and information furnished in confidence to the Department of Education in connection with an active investigation of an applicant or licensee pursuant to Chapter 14.1 (§ 22.1-289.02 et seq.) of Title 22.1; other correspondence and information furnished in confidence to the Department of Social Services in connection with an active investigation of an applicant or licensee pursuant to Chapters 17 (§ 63.2-1700 et seq.) and 18 (§ 63.2-1800 et seq.) of Title 63.2; and information furnished to the Office of the Attorney General in connection with an investigation or litigation pursuant to Article 19.1 (§ 8.01-216.1 et seq.) of Chapter 3 of Title 8.01 and Chapter 9 (§ 32.1-310 et seq.) of Title 32.1. However, nothing in this subdivision shall prevent the disclosure of information from the records of completed investigations in a form that does not reveal the identity of complainants, persons supplying information, or other individuals involved in the investigation.

5. Information collected for the designation and verification of trauma centers and other specialty care centers within the Statewide Emergency Medical Services System and Services pursuant to Article 2.1 (§ 32.1-111.1 et seq.) of Chapter 4 of Title 32.1.

6. Reports and court documents relating to involuntary admission required to be kept confidential pursuant to § 37.2-818.

7. Information acquired (i) during a review of any child death conducted by the State Child Fatality Review Team established pursuant to § 32.1-283.1 or by a local or regional child fatality review team to the extent that such information is made confidential by § 32.1-283.2; (ii) during a review of any death conducted by a family violence fatality review team to the extent that such information is made confidential by § 32.1-283.3; (iii) during a review of any adult death conducted by the Adult Fatality Review Team to the extent made confidential by § 32.1-283.5 or by a local or regional adult fatality review team to the extent that such information is made confidential by § 32.1-283.6; (iv) by a local or regional overdose fatality review team to the extent that such information is made confidential by § 32.1-283.7; (v) during a review of any death conducted

by the Maternal Mortality Review Team to the extent that such information is made confidential by § 32.1-283.8; or (vi) during a review of any death conducted by the Developmental Disabilities Mortality Review Committee to the extent that such information is made confidential by § 37.2-314.1.

8. Patient level data collected by the Board of Health and not yet processed, verified, and released, pursuant to § 32.1-276.9, to the Board by the nonprofit organization with which the Commissioner of Health has contracted pursuant to § 32.1-276.4.

9. Information relating to a grant application, or accompanying a grant application, submitted to the Commonwealth Neurotrauma Initiative Advisory Board pursuant to Article 12 (§ 51.5-178 et seq.) of Chapter 14 of Title 51.5 that would (i) reveal (a) medical or mental health records or other data identifying individual patients or (b) proprietary business or research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant.

10. Any information copied, recorded, or received by the Commissioner of Health in the course of an examination, investigation, or review of a managed care health insurance plan licensee pursuant to §§ 32.1-137.4 and 32.1-137.5, including books, records, files, accounts, papers, documents, and any or all computer or other recordings.

11. Records of the Virginia Birth-Related Neurological Injury Compensation Program required to be kept confidential pursuant to § 38.2-5002.2.

12. Information held by the State Health Commissioner relating to the health of any person subject to an order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 of Title 32.1. However, nothing in this subdivision shall be construed to prevent the disclosure of statistical summaries, abstracts, or other information in aggregate form.

13. The names and addresses or other contact information of persons receiving transportation services from a state or local public body or its designee under Title II of the Americans with Disabilities Act, (42 U.S.C. § 12131 et seq.) or funded by Temporary Assistance for Needy Families (TANF) created under § 63.2-600.

14. Information held by certain health care committees and entities that may be withheld from discovery

as privileged communications pursuant to § 8.01-581.17.

15. Data and information specified in § 37.2-308.01 relating to proceedings provided for in Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1 and Chapter 8 (§ 37.2-800 et seq.) of Title 37.2.

16. Records of and information held by the Emergency Department Care Coordination Program required to be kept confidential pursuant to § 32.1-372.

§ 2.2-3705.6. Exclusions to application of chapter; proprietary records and trade secrets.

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. Proprietary information gathered by or for the Virginia Port Authority as provided in § 62.1-132.4 or 62.1-134.1.

2. Financial statements not publicly available filed with applications for industrial development financings in accordance with Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2.

3. Proprietary information, voluntarily provided by private business pursuant to a promise of confidentiality from a public body, used by the public body for business, trade, and tourism development or retention; and memoranda, working papers, or other information related to businesses that are considering locating or expanding in Virginia, prepared by a public body, where competition or bargaining is involved and where disclosure of such information would adversely affect the financial interest of the public body.

4. Information that was filed as confidential under the Toxic Substances Information Act (§ 32.1-239 et seq.), as such Act existed prior to July 1, 1992.

5. Fisheries data that would permit identification of any person or vessel, except when required by court order as specified in § 28.2-204.

6. Confidential financial statements, balance sheets, trade secrets, and revenue and cost projections provided to the Department of Rail and Public Transportation, provided such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided

in confidence to the Surface Transportation Board and the Federal Railroad Administration.

7. Proprietary information related to inventory and sales, voluntarily provided by private energy suppliers to the Department of Energy, used by that Department for energy contingency planning purposes or for developing consolidated statistical information on energy supplies.

8. Confidential proprietary information furnished to the Board of Medical Assistance Services or the Medicaid Prior Authorization Advisory Committee pursuant to Article 4 (§ 32.1-331.12 et seq.) of Chapter 10 of Title 32.1.

9. Proprietary, commercial or financial information, balance sheets, trade secrets, and revenue and cost projections provided by a private transportation business to the Virginia Department of Transportation and the Department of Rail and Public Transportation for the purpose of conducting transportation studies needed to obtain grants or other financial assistance under the Transportation Equity Act for the 21st Century (P.L. 105-178) for transportation projects if disclosure of such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration. However, the exclusion provided by this subdivision shall not apply to any wholly owned subsidiary of a public body.

10. Confidential information designated as provided in subsection F of § 2.2-4342 as trade secrets or proprietary information by any person in connection with a procurement transaction or by any person who has submitted to a public body an application for prequalification to bid on public construction projects in accordance with subsection B of § 2.2-4317.

11. a. Memoranda, staff evaluations, or other information prepared by the responsible public entity, its staff, outside advisors, or consultants exclusively for the evaluation and negotiation of proposals filed under the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) where (i) if such information was made public prior to or after the execution of an interim or a comprehensive agreement, § 33.2-1820 or 56-575.17 notwithstanding, the financial interest or bargaining position of the public entity would be adversely affected and (ii) the basis for the determination required in clause (i) is documented in writing by the responsible public entity; and

b. Information provided by a private entity to a responsible public entity, affected jurisdiction, or affected local jurisdiction pursuant to the provisions of the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) if disclosure of such information would reveal (i) trade secrets of the private entity; (ii) financial information of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (iii) other information submitted by the private entity where if such information was made public prior to the execution of an interim agreement or a comprehensive agreement, the financial interest or bargaining position of the public or private entity would be adversely affected. In order for the information specified in clauses (i), (ii), and (iii) to be excluded from the provisions of this chapter, the private entity shall make a written request to the responsible public entity:

- (1) Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- (2) Identifying with specificity the data or other materials for which protection is sought; and
- (3) Stating the reasons why protection is necessary.

The responsible public entity shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial information of the private entity. To protect other information submitted by the private entity from disclosure, the responsible public entity shall determine whether public disclosure prior to the execution of an interim agreement or a comprehensive agreement would adversely affect the financial interest or bargaining position of the public or private entity. The responsible public entity shall make a written determination of the nature and scope of the protection to be afforded by the responsible public entity under this subdivision. Once a written determination is made by the responsible public entity, the information afforded protection under this subdivision shall continue to be protected from disclosure when in the possession of any affected jurisdiction or affected local jurisdiction.

Except as specifically provided in subdivision 11 a, nothing in this subdivision shall be construed to authorize the withholding of (a) procurement records as required by §§ 33.2-1820 or 56-575.17; (b) information concerning the terms and conditions of any interim or comprehensive agreement, service contract, lease, partnership, or any agreement of any kind entered into

by the responsible public entity and the private entity, (c) information concerning the terms and conditions of any financing arrangement that involves the use of any public funds; or (d) information concerning the performance of any private entity developing or operating a qualifying transportation facility or a qualifying project.

For the purposes of this subdivision, the terms “affected jurisdiction,” “affected local jurisdiction,” “comprehensive agreement,” “interim agreement,” “qualifying project,” “qualifying transportation facility,” “responsible public entity,” and “private entity” shall mean the same as those terms are defined in the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or in the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.).

12. Confidential proprietary information or trade secrets, not publicly available, provided by a private person or entity pursuant to a promise of confidentiality to the Virginia Resources Authority or to a fund administered in connection with financial assistance rendered or to be rendered by the Virginia Resources Authority where, if such information were made public, the financial interest of the private person or entity would be adversely affected.

13. Trade secrets or confidential proprietary information that is not generally available to the public through regulatory disclosure or otherwise, provided by a (i) bidder or applicant for a franchise or (ii) franchisee under Chapter 21 (§ 15.2-2100 et seq.) of Title 15.2 to the applicable franchising authority pursuant to a promise of confidentiality from the franchising authority, to the extent the information relates to the bidder’s, applicant’s, or franchisee’s financial capacity or provision of new services, adoption of new technologies or implementation of improvements, where such new services, technologies, or improvements have not been implemented by the franchisee on a nonexperimental scale in the franchise area, and where, if such information were made public, the competitive advantage or financial interests of the franchisee would be adversely affected.

In order for trade secrets or confidential proprietary information to be excluded from the provisions of this chapter, the bidder, applicant, or franchisee shall (a) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (b) identify the data or other materials for which protection is sought, and (c) state the reason why protection is necessary.

No bidder, applicant, or franchisee may invoke the exclusion provided by this subdivision if the bidder, ap-

plicant, or franchisee is owned or controlled by a public body or if any representative of the applicable franchising authority serves on the management board or as an officer of the bidder, applicant, or franchisee.

14. Information of a proprietary or confidential nature furnished by a supplier or manufacturer of charitable gaming supplies to the Department of Agriculture and Consumer Services (i) pursuant to subsection E of § 18.2-340.34 and (ii) pursuant to regulations promulgated by the Commissioner of Agriculture and Consumer Services related to approval of electronic and mechanical equipment.

15. Information related to Virginia apple producer sales provided to the Virginia State Apple Board pursuant to § 3.2-1215.

16. Trade secrets submitted by CMRS providers as defined in § 56-484.12 to the former Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to former § 56-484.15, relating to the provision of wireless E-911 service.

17. Information relating to a grant or loan application, or accompanying a grant or loan application, to the Commonwealth Health Research Board pursuant to Chapter 5.3 (§ 32.1-162.23 et seq.) of Title 32.1 if disclosure of such information would (i) reveal proprietary business or research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant.

18. Confidential proprietary information and trade secrets developed and held by a local public body (i) providing telecommunication services pursuant to § 56-265.4:4 and (ii) providing cable television services pursuant to Article 1.1 (§ 15.2-2108.2 et seq.) of Chapter 21 of Title 15.2 if disclosure of such information would be harmful to the competitive position of the locality.

In order for confidential proprietary information or trade secrets to be excluded from the provisions of this chapter, the locality in writing shall (a) invoke the protections of this subdivision, (b) identify with specificity the information for which protection is sought, and (c) state the reasons why protection is necessary. However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

19. Confidential proprietary information and trade secrets developed by or for a local authority created in accordance with the Virginia Wireless Service Authori-

ties Act (§ 15.2-5431.1 et seq.) to provide qualifying communications services as authorized by Article 5.1 (§ 56-484.7:1 et seq.) of Chapter 15 of Title 56, where disclosure of such information would be harmful to the competitive position of the authority, except that information required to be maintained in accordance with § 15.2-2160 shall be released.

20. Trade secrets or financial information of a business, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, provided to the Department of Small Business and Supplier Diversity as part of an application for certification as a small, women-owned, or minority-owned business in accordance with Chapter 16.1 (§ 2.2-1603 et seq.). In order for such trade secrets or financial information to be excluded from the provisions of this chapter, the business shall (i) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (ii) identify the data or other materials for which protection is sought, and (iii) state the reasons why protection is necessary.

21. Information of a proprietary or confidential nature disclosed by a carrier to the State Health Commissioner pursuant to §§ 32.1-276.5:1 and 32.1-276.7:1.

22. Trade secrets, including, but not limited to, financial information, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, and revenue and cost projections supplied by a private or nongovernmental entity to the State Inspector General for the purpose of an audit, special investigation, or any study requested by the Office of the State Inspector General in accordance with law.

In order for the information specified in this subdivision to be excluded from the provisions of this chapter, the private or nongovernmental entity shall make a written request to the State Inspector General:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

The State Inspector General shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial information of the private entity. The State Inspector General shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

23. Information relating to a grant application, or accompanying a grant application, submitted to the Tobacco Region Revitalization Commission that would (i) reveal (a) trade secrets, (b) financial information of a grant applicant that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, or (c) research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant; and memoranda, staff evaluations, or other information prepared by the Commission or its staff exclusively for the evaluation of grant applications. The exclusion provided by this subdivision shall apply to grants that are consistent with the powers of and in furtherance of the performance of the duties of the Commission pursuant to § 3.2-3103.

In order for the information specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Commission:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data, information or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

The Commission shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets, financial information, or research-related information of the applicant. The Commission shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

24. a. Information held by the Commercial Space Flight Authority relating to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority if disclosure of such information would adversely affect the financial interest or bargaining position of the Authority or a private entity providing the information to the Authority; or

b. Information provided by a private entity to the Commercial Space Flight Authority if disclosure of such information would (i) reveal (a) trade secrets of the private entity; (b) financial information of the private entity, including balance sheets and financial state-

ments, that are not generally available to the public through regulatory disclosure or otherwise; or (c) other information submitted by the private entity and (ii) adversely affect the financial interest or bargaining position of the Authority or private entity.

In order for the information specified in clauses (a), (b), and (c) of subdivision 24 b to be excluded from the provisions of this chapter, the private entity shall make a written request to the Authority:

- (1) Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- (2) Identifying with specificity the data or other materials for which protection is sought; and
- (3) Stating the reasons why protection is necessary.

The Authority shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial information of the private entity. To protect other information submitted by the private entity from disclosure, the Authority shall determine whether public disclosure would adversely affect the financial interest or bargaining position of the Authority or private entity. The Authority shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

25. Information of a proprietary nature furnished by an agricultural landowner or operator to the Department of Conservation and Recreation, the Department of Environmental Quality, the Department of Agriculture and Consumer Services, or any political subdivision, agency, or board of the Commonwealth pursuant to §§ 10.1-104.7, 10.1-104.8, and 10.1-104.9, other than when required as part of a state or federal regulatory enforcement action.

26. Trade secrets provided to the Department of Environmental Quality pursuant to the provisions of § 10.1-1458. In order for such trade secrets to be excluded from the provisions of this chapter, the submitting party shall (i) invoke this exclusion upon submission of the data or materials for which protection from disclosure is sought, (ii) identify the data or materials for which protection is sought, and (iii) state the reasons why protection is necessary.

27. Information of a proprietary nature furnished by a licensed public-use airport to the Department of Aviation for funding from programs administered by the Department of Aviation or the Virginia Aviation Board, where if such information was made public, the financial interest of the public-use airport would be adversely affected.

In order for the information specified in this subdivision to be excluded from the provisions of this chapter, the public-use airport shall make a written request to the Department of Aviation:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

28. Information relating to a grant, loan, or investment application, or accompanying a grant, loan, or investment application, submitted to the Commonwealth of Virginia Innovation Partnership Authority (the Authority) established pursuant to Article 11 (§ 2.2-2351 et seq.) of Chapter 22, an advisory committee of the Authority, or any other entity designated by the Authority to review such applications, to the extent that such records would (i) reveal (a) trade secrets; (b) financial information of a party to a grant, loan, or investment application that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (c) research-related information produced or collected by a party to the application in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of a party to a grant, loan, or investment application; and memoranda, staff evaluations, or other information prepared by the Authority or its staff, or a reviewing entity designated by the Authority, exclusively for the evaluation of grant, loan, or investment applications, including any scoring or prioritization documents prepared for and forwarded to the Authority.

29. Proprietary information, voluntarily provided by a private business pursuant to a promise of confidentiality from a public body, used by the public body for a solar services or carbon sequestration agreement, where disclosure of such information would (i) reveal (a) trade secrets of the private business; (b) financial information of the private business, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (c) other information submitted by the private business and (ii) adversely affect the financial interest or bargaining position of the public body or private business.

In order for the information specified in clauses (i)

(a), (b), and (c) to be excluded from the provisions of this chapter, the private business shall make a written request to the public body:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

30. Information contained in engineering and construction drawings and plans submitted for the sole purpose of complying with the Building Code in obtaining a building permit if disclosure of such information would identify specific trade secrets or other information that would be harmful to the competitive position of the owner or lessee. However, such information shall be exempt only until the building is completed. Information relating to the safety or environmental soundness of any building shall not be exempt from disclosure.

31. Trade secrets, including, but not limited to, financial information, including balance sheets and financial statements that are not generally available to the public through regulatory disclosure or otherwise, and revenue and cost projections supplied by a private or nongovernmental entity to the Virginia Department of Transportation for the purpose of an audit, special investigation, or any study requested by the Virginia Department of Transportation in accordance with law.

In order for the records specified in this subdivision to be excluded from the provisions of this chapter, the private or nongovernmental entity shall make a written request to the Department:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

The Virginia Department of Transportation shall determine whether the requested exclusion from disclosure is necessary to protect trade secrets or financial records of the private entity. The Virginia Department of Transportation shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

32. Information related to a grant application, or accompanying a grant application, submitted to the Department of Housing and Community Development that would (i) reveal (a) trade secrets, (b) financial information of a grant applicant that is not a public body,

including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, or (c) research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant. The exclusion provided by this subdivision shall only apply to grants administered by the Department, the Director of the Department, or pursuant to § 36-139, Article 26 (§ 2.2-2484 et seq.) of Chapter 24, or the Virginia Telecommunication Initiative as authorized by the appropriations act.

In order for the information submitted by the applicant and specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Department:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data, information, or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

The Department shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or confidential proprietary information of the applicant. The Department shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

33. Financial and proprietary records submitted with a loan application to a locality for the preservation or construction of affordable housing that is related to a competitive application to be submitted to either the U.S. Department of Housing and Urban Development (HUD) or the Virginia Housing Development Authority (VHDA), when the release of such records would adversely affect the bargaining or competitive position of the applicant. Such records shall not be withheld after they have been made public by HUD or VHDA.

34. Information of a proprietary or confidential nature disclosed by a health carrier or pharmacy benefits manager pursuant to § 38.2-3407.15:6, a wholesale distributor pursuant to § 54.1-3436.1, or a manufacturer pursuant to § 54.1-3442.02.

§ 2.2-3705.7. Exclusions to application of chapter; records of specific public bodies and certain other limited exclusions.

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. State income, business, and estate tax returns, personal property tax returns, and confidential records held pursuant to § 58.1-3.

2. Working papers and correspondence of the Office of the Governor, the Lieutenant Governor, or the Attorney General; the members of the General Assembly, the Division of Legislative Services, or the Clerks of the House of Delegates or the Senate of Virginia; the mayor or chief executive officer of any political subdivision of the Commonwealth; or the president or other chief executive officer of any public institution of higher education in the Commonwealth. However, no information that is otherwise open to inspection under this chapter shall be deemed excluded by virtue of the fact that it has been attached to or incorporated within any working paper or correspondence. Further, information publicly available or not otherwise subject to an exclusion under this chapter or other provision of law that has been aggregated, combined, or changed in format without substantive analysis or revision shall not be deemed working papers. Nothing in this subdivision shall be construed to authorize the withholding of any resumes or applications submitted by persons who are appointed by the Governor pursuant to §§ 2.2-106 or 2.2-107.

As used in this subdivision:

“Members of the General Assembly” means each member of the Senate of Virginia and the House of Delegates and their legislative aides when working on behalf of such member.

“Office of the Governor” means the Governor; the Governor’s chief of staff, counsel, director of policy, and Cabinet Secretaries; the Assistant to the Governor for Intergovernmental Affairs; and those individuals to whom the Governor has delegated his authority pursuant to § 2.2-104.

“Working papers” means those records prepared by or for a public official identified in this subdivision for his personal or deliberative use.

3. Information contained in library records that can be used to identify (i) both (a) any library patron who

has borrowed or accessed material or resources from a library and (b) the material or resources such patron borrowed or accessed or (ii) any library patron under 18 years of age. For the purposes of clause (ii), access shall not be denied to the parent, including a noncustodial parent, or guardian of such library patron.

4. Contract cost estimates prepared for the confidential use of the Department of Transportation in awarding contracts for construction or the purchase of goods or services, and records and automated systems prepared for the Department's Bid Analysis and Monitoring Program.

5. Lists of registered owners of bonds issued by a political subdivision of the Commonwealth, whether the lists are maintained by the political subdivision itself or by a single fiduciary designated by the political subdivision.

6. Information furnished by a member of the General Assembly to a meeting of a standing committee, special committee, or subcommittee of his house established solely for the purpose of reviewing members' annual disclosure statements and supporting materials filed under § 30-110 or of formulating advisory opinions to members on standards of conduct, or both.

7. Customer account information of a public utility affiliated with a political subdivision of the Commonwealth, including the customer's name and service address, but excluding the amount of utility service provided and the amount of money charged or paid for such utility service.

8. Personal information, as defined in § 2.2-3801, (i) filed with the Virginia Housing Development Authority concerning individuals who have applied for or received loans or other housing assistance or who have applied for occupancy of or have occupied housing financed, owned or otherwise assisted by the Virginia Housing Development Authority; (ii) concerning persons participating in or persons on the waiting list for federally funded rent-assistance programs; (iii) filed with any local redevelopment and housing authority created pursuant to § 36-4 concerning persons participating in or persons on the waiting list for housing assistance programs funded by local governments or by any such authority; or (iv) filed with any local redevelopment and housing authority created pursuant to § 36-4 or any other local government agency concerning persons who have applied for occupancy or who have occupied affordable dwelling units established pursuant to §§ 15.2-2304 or 15.2-2305. However, access to one's own information shall not be denied.

9. Information regarding the siting of hazardous

waste facilities, except as provided in § 10.1-1441, if disclosure of such information would have a detrimental effect upon the negotiating position of a governing body or on the establishment of the terms, conditions, and provisions of the siting agreement.

10. Information on the site-specific location of rare, threatened, endangered, or otherwise imperiled plant and animal species, natural communities, caves, and significant historic and archaeological sites if, in the opinion of the public body that has the responsibility for such information, disclosure of the information would jeopardize the continued existence or the integrity of the resource. This exclusion shall not apply to requests from the owner of the land upon which the resource is located.

11. Memoranda, graphics, video or audio tapes, production models, data, and information of a proprietary nature produced by or for or collected by or for the Virginia Lottery relating to matters of a specific lottery game design, development, production, operation, ticket price, prize structure, manner of selecting the winning ticket, manner of payment of prizes to holders of winning tickets, frequency of drawings or selections of winning tickets, odds of winning, advertising, or marketing, where such information not been publicly released, published, copyrighted, or patented. Whether released, published, or copyrighted, all game-related information shall be subject to public disclosure under this chapter upon the first day of sales for the specific lottery game to which it pertains.

12. Information held by the Virginia Retirement System, acting pursuant to § 51.1-124.30, or a local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a trust established by one or more local public bodies to invest funds for post-retirement benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the board of visitors of The College of William and Mary in Virginia, acting pursuant to § 23.1-2803, or by the Virginia College Savings Plan, acting pursuant to § 23.1-704, relating to the acquisition, holding, or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, if disclosure of such information would (i) reveal confidential analyses prepared for the board of visitors of the University of Virginia, prepared for the board of visitors of The College of William and Mary in Virginia, prepared by the retirement system, a

local finance board or board of trustees, or the Virginia College Savings Plan, or provided to the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan under a promise of confidentiality of the future value of such ownership interest or the future financial performance of the entity and (ii) have an adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of trustees, the board of visitors of the University of Virginia, the board of visitors of The College of William and Mary in Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested, or the present value of such investment.

13. Financial, medical, rehabilitative, and other personal information concerning applicants for or recipients of loan funds submitted to or maintained by the Assistive Technology Loan Fund Authority under Chapter 11 (§ 51.5-53 et seq.) of Title 51.5.

14. Information held by the Virginia Commonwealth University Health System Authority pertaining to any of the following: an individual's qualifications for or continued membership on its medical or teaching staffs; proprietary information gathered by or in the possession of the Authority from third parties pursuant to a promise of confidentiality; contract cost estimates prepared for confidential use in awarding contracts for construction or the purchase of goods or services; information of a proprietary nature produced or collected by or for the Authority or members of its medical or teaching staffs; financial statements not publicly available that may be filed with the Authority from third parties; the identity, accounts, or account status of any customer of the Authority; consulting or other reports paid for by the Authority to assist the Authority in connection with its strategic planning and goals; the determination of marketing and operational strategies where disclosure of such strategies would be harmful to the competitive position of the Authority; and information of a proprietary nature produced or collected by or for employees of the Authority, other than the Authority's financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical, or scholarly issues, whether sponsored by the Authority alone or in conjunction with a governmental body or a private concern, when such information has not been publicly released, published, copyrighted, or patented. This exclusion shall also apply when such information is in the possession of Virginia Commonwealth University.

15. Information held by the Department of Environmental Quality, the State Water Control Board, the State Air Pollution Control Board, or the Virginia Waste Management Board relating to (i) active federal environmental enforcement actions that are considered confidential under federal law and (ii) enforcement strategies, including proposed sanctions for enforcement actions. Upon request, such information shall be disclosed after a proposed sanction resulting from the investigation has been proposed to the director of the agency. This subdivision shall not be construed to prevent the disclosure of information related to inspection reports, notices of violation, and documents detailing the nature of any environmental contamination that may have occurred or similar documents.

16. Information related to the operation of toll facilities that identifies an individual, vehicle, or travel itinerary, including vehicle identification data or vehicle enforcement system information; video or photographic images; Social Security or other identification numbers appearing on driver's licenses; credit card or bank account data; home addresses; phone numbers; or records of the date or time of toll facility use.

17. Information held by the Virginia Lottery pertaining to (i) the social security number, tax identification number, state sales tax number, home address and telephone number, personal and lottery banking account and transit numbers of a retailer, and financial information regarding the nonlottery operations of specific retail locations and (ii) individual lottery winners, except that a winner's name, hometown, and amount won shall be disclosed. If the value of the prize won by the winner exceeds \$10 million, the information described in clause (ii) shall not be disclosed unless the winner consents in writing to such disclosure.

18. Information held by the Board for Branch Pilots relating to the chemical or drug testing of a person regulated by the Board, where such person has tested negative or has not been the subject of a disciplinary action by the Board for a positive test result.

19. Information pertaining to the planning, scheduling, and performance of examinations of holder records pursuant to the Virginia Disposition of Unclaimed Property Act (§ 55.1-2500 et seq.) prepared by or for the State Treasurer or his agents or employees or persons employed to perform an audit or examination of holder records.

20. Information held by the Virginia Department of Emergency Management or a local governing body relating to citizen emergency response teams established pursuant to an ordinance of a local governing

body that reveal the name, address, including e-mail address, telephone or pager numbers, or operating schedule of an individual participant in the program.

21. Information held by state or local park and recreation departments and local and regional park authorities concerning identifiable individuals under the age of 18 years. However, nothing in this subdivision shall operate to prevent the disclosure of information defined as directory information under regulations implementing the federal Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, unless the public body has undertaken the parental notification and opt-out requirements provided by such regulations. Access shall not be denied to the parent, including a noncustodial parent, or guardian of such person, unless the parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. For such information of persons who are emancipated, the right of access may be asserted by the subject thereof. Any parent or emancipated person who is the subject of the information may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, the public body shall open such information for inspection and copying.

22. Information submitted for inclusion in the Statewide Alert Network administered by the Department of Emergency Management that reveal names, physical addresses, email addresses, computer or internet protocol information, telephone numbers, pager numbers, other wireless or portable communications device information, or operating schedules of individuals or agencies, where the release of such information would compromise the security of the Statewide Alert Network or individuals participating in the Statewide Alert Network.

23. Information held by the Judicial Inquiry and Review Commission made confidential by § 17.1-913.

24. Information held by the Virginia Retirement System acting pursuant to § 51.1-124.30, a local retirement system acting pursuant to § 51.1-803 (hereinafter collectively referred to as the retirement system), or the Virginia College Savings Plan, acting pursuant to § 23.1-704 relating to:

- a. Internal deliberations of or decisions by the retirement system or the Virginia College Savings Plan on the pursuit of particular investment strategies, or the selection or termination of investment managers, prior to the execution of such investment strategies or the selection or termination of such managers, if disclosure of such information would have an adverse impact

on the financial interest of the retirement system or the Virginia College Savings Plan; and

- b. Trade secrets provided by a private entity to the retirement system or the Virginia College Savings Plan if disclosure of such records would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan.

For the records specified in subdivision b to be excluded from the provisions of this chapter, the entity shall make a written request to the retirement system or the Virginia College Savings Plan:

- (1) Invoking such exclusion prior to or upon submission of the data or other materials for which protection from disclosure is sought;
- (2) Identifying with specificity the data or other materials for which protection is sought; and
- (3) Stating the reasons why protection is necessary.

The retirement system or the Virginia College Savings Plan shall determine whether the requested exclusion from disclosure meets the requirements set forth in subdivision b.

Nothing in this subdivision shall be construed to prevent the disclosure of the identity or amount of any investment held or the present value and performance of all asset classes and subclasses.

25. Information held by the Department of Corrections made confidential by former § 53.1-233.

26. Information maintained by the Department of the Treasury or participants in the Local Government Investment Pool (§ 2.2-4600 et seq.) and required to be provided by such participants to the Department to establish accounts in accordance with § 2.2-4602.

27. Personal information, as defined in § 2.2-3801, contained in the Veterans Care Center Resident Trust Funds concerning residents or patients of the Department of Veterans Services Care Centers, except that access shall not be denied to the person who is the subject of the information.

28. Information maintained in connection with fundraising activities by the Veterans Services Foundation pursuant to § 2.2-2716 that reveal the address, electronic mail address, facsimile or telephone number, social security number or other identification number appearing on a driver's license or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction, or credit card or

bank account data of identifiable donors, except that access shall not be denied to the person who is the subject of the information. Nothing in this subdivision, however, shall be construed to prevent the disclosure of information relating to the amount, date, purpose, and terms of the pledge or donation or the identity of the donor, unless the donor has requested anonymity in connection with or as a condition of making a pledge or donation. The exclusion provided by this subdivision shall not apply to protect from disclosure (i) the identities of sponsors providing grants to or contracting with the foundation for the performance of services or other work or (ii) the terms and conditions of such grants or contracts.

29. Information prepared for and utilized by the Commonwealth's Attorneys' Services Council in the training of state prosecutors or law-enforcement personnel, where such information is not otherwise available to the public and the disclosure of such information would reveal confidential strategies, methods, or procedures to be employed in law-enforcement activities or materials created for the investigation and prosecution of a criminal case.

30. Information provided to the Department of Aviation by other entities of the Commonwealth in connection with the operation of aircraft where the information would not be subject to disclosure by the entity providing the information. The entity providing the information to the Department of Aviation shall identify the specific information to be protected and the applicable provision of this chapter that excludes the information from mandatory disclosure.

31. Information created or maintained by or on the behalf of the judicial performance evaluation program related to an evaluation of any individual justice or judge made confidential by § 17.1-100.

32. Information reflecting the substance of meetings in which (i) individual sexual assault cases are discussed by any sexual assault response team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a child are discussed by multidisciplinary child sexual abuse response teams established pursuant to § 15.2-1627.5, or (iii) individual cases of abuse, neglect, or exploitation of adults as defined in § 63.2-1603 are discussed by multidisciplinary teams established pursuant to §§ 15.2-1627.5 and 63.2-1605. The findings of any such team may be disclosed or published in statistical or other aggregated form that does not disclose the identity of specific individuals.

33. Information contained in the strategic plan, marketing plan, or operational plan prepared by the

Virginia Economic Development Partnership Authority pursuant to § 2.2-2237.1 regarding target companies, specific allocation of resources and staff for marketing activities, and specific marketing activities that would reveal to the Commonwealth's competitors for economic development projects the strategies intended to be deployed by the Commonwealth, thereby adversely affecting the financial interest of the Commonwealth. The executive summaries of the strategic plan, marketing plan, and operational plan shall not be redacted or withheld pursuant to this subdivision.

34. Information discussed in a closed session of the Physical Therapy Compact Commission or the Executive Board or other committees of the Commission for purposes set forth in subsection E of § 54.1-3491.

35. Information held by the Commonwealth of Virginia Innovation Partnership Authority (the Authority), an advisory committee of the Authority, or any other entity designated by the Authority, relating to (i) internal deliberations of or decisions by the Authority on the pursuit of particular investment strategies prior to the execution of such investment strategies and (ii) trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided by a private entity to the Authority, if such disclosure of records pursuant to clause (i) or (ii) would have an adverse impact on the financial interest of the Authority or a private entity.

36. Personal information provided to or obtained by the Virginia Lottery in connection with the voluntary exclusion program administered pursuant to § 58.1-4015.1.

37. Personal information provided to or obtained by the Virginia Lottery concerning the identity of any person reporting prohibited conduct pursuant to § 58.1-4043.

§ 2.2-3705.8. Limitation on record exclusions.

Nothing in this chapter shall be construed as denying public access to the nonexempt portions of a report of a consultant hired by or at the request of a local public body or the mayor or chief executive or administrative officer of such public body if (i) the contents of such report have been distributed or disclosed to members of the local public body or (ii) the local public body has scheduled any action on a matter that is the subject of the consultant's report.

§ 2.2-3706. Disclosure of law-enforcement and criminal records; limitations.

A. Records required to be released. All public bodies engaged in criminal law-enforcement activities

shall provide the following records when requested in accordance with the provisions of this chapter:

1. Adult arrestee photographs taken during the initial intake following the arrest and as part of the routine booking procedure, except when necessary to avoid jeopardizing an investigation in felony cases until such time as the release of the photograph will no longer jeopardize the investigation;
2. Information relative to the identity of any individual, other than a juvenile, who is arrested and charged, and the status of the charge or arrest; and
3. Records of completed unattended death investigations to the parent or spouse of the decedent or, if there is no living parent or spouse, to the most immediate family member of the decedent, provided the person is not a person of interest or a suspect. For the purposes of this subdivision, “unattended death” means a death determined to be a suicide, accidental or natural death where no criminal charges will be initiated, and “immediate family” means the decedent’s personal representative or, if no personal representative has qualified, the decedent’s next of kin in order of intestate succession as set forth in § 64.2-200.

B. Discretionary releases. The following records are excluded from the mandatory disclosure provisions of this chapter, but may be disclosed by the custodian, in his discretion, except where such disclosure is prohibited by law:

1. Criminal investigative files, defined as any documents and information, including complaints, court orders, memoranda, notes, diagrams, maps, photographs, correspondence, reports, witness statements, and evidence, relating to a criminal investigation or prosecution not required to be disclosed in accordance with § 2.2-3706.1;
2. Reports submitted in confidence to (i) state and local law-enforcement agencies, (ii) investigators authorized pursuant to Chapter 3.2 (§ 2.2-307 et seq.), and (iii) campus police departments of public institutions of higher education established pursuant to Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1;
3. Records of local law-enforcement agencies relating to neighborhood watch programs that include the names, addresses, and operating schedules of individual participants in the program that are provided to such agencies under a promise of anonymity;

4. All records of persons imprisoned in penal institutions in the Commonwealth provided such records relate to the imprisonment;
5. Records of law-enforcement agencies, to the extent that such records contain specific tactical plans, the disclosure of which would jeopardize the safety or security of law-enforcement personnel or the general public;
6. All records of adult persons under (i) investigation or supervision by a local pretrial services agency in accordance with Article 5 (§ 19.2-152.2 et seq.) of Chapter 9 of Title 19.2; (ii) investigation, probation supervision, or monitoring by a local community-based probation services agency in accordance with Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1; or (iii) investigation or supervision by state probation and parole services in accordance with Article 2 (§ 53.1-141 et seq.) of Chapter 4 of Title 53.1;
7. Records of a law-enforcement agency to the extent that they disclose the telephone numbers for cellular telephones, pagers, or comparable portable communication devices provided to its personnel for use in the performance of their official duties;
8. Those portions of any records containing information related to undercover operations or protective details that would reveal the staffing, logistics, or tactical plans of such undercover operations or protective details. Nothing in this subdivision shall operate to allow the withholding of information concerning the overall costs or expenses associated with undercover operations or protective details;
9. Records of (i) background investigations of applicants for law-enforcement agency employment, (ii) administrative investigations relating to allegations of wrongdoing by employees of a law-enforcement agency, and (iii) other administrative investigations conducted by law-enforcement agencies that are made confidential by law;
10. The identity of any victim, witness, or undercover officer, or investigative techniques or procedures. However, the identity of any victim or witness shall be withheld if disclosure is prohibited or restricted under § 19.2-11.2; and
11. Records of the Sex Offender and Crimes Against Minors Registry maintained by the Department of State Police pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, including infor-

mation obtained from state, local, and regional officials, except to the extent that information is required to be posted on the Internet pursuant to § 9.1-913.

C. Prohibited releases. The identity of any individual providing information about a crime or criminal activity under a promise of anonymity shall not be disclosed.

D. Noncriminal records. Public bodies (i) engaged in emergency medical services, (ii) engaged in fire protection services, (iii) engaged in criminal law-enforcement activities, or (iv) engaged in processing calls for service or other communications to an emergency 911 system or any other equivalent reporting system may withhold those portions of noncriminal incident or other noncriminal investigative reports or materials that contain identifying information of a personal, medical, or financial nature where the release of such information would jeopardize the safety or privacy of any person. Access to personnel records of persons employed by a public body engaged in emergency medical services or fire protection services, a law-enforcement agency, or an emergency 911 system or any other equivalent reporting system shall be governed by the provisions of subdivision B 9 subdivision 1 of § 2.2-3705.1, as applicable.

E. Records of any call for service or other communication to an emergency 911 system or communicated with any other equivalent reporting system shall be subject to the provisions of this chapter.

F. Conflict resolution. In the event of conflict between this section as it relates to requests made under this section and other provisions of law, this section shall control.

§ 2.2-3706.1. Disclosure of law-enforcement records; criminal incident information and certain criminal investigative files; limitations.

A. For purposes of this section:

“Criminal investigative files” means any documents and information, including complaints, court orders, memoranda, notes, diagrams, maps, photographs, correspondence, reports, witness statements, and evidence, relating to a criminal investigation or prosecution, other than criminal incident information subject to disclosure in accordance with subsection B.

“Family representative” means the decedent’s personal representative or, if no personal representative as set forth in §64.2-100 has

qualified, the decedent’s next of kin in order of intestate succession as set forth in § 64.2-200.

“Immediate family members” means the decedent’s family representative, spouse, child, sibling, parent, grandparent, or grandchild. “Immediate family members include a stepparent, stepchild, stepsibling, and adoptive relationships.

“Ongoing” refers to a case in which the prosecution has not been finally adjudicated, the investigation continues to gather evidence for a possible future criminal case, and such case would be jeopardized by the premature release of evidence.

B. All public bodies engaged in criminal law-enforcement activities shall provide records and information when requested in accordance with the provisions of this chapter regarding criminal incident information relating to felony offenses contained in any report, notes, electronic communication, or other document, including filings through an incident-based reporting system, which shall include:

1. A general description of the criminal activity reported;
2. The date and time the alleged crime was committed;
3. The general location where the alleged crime was committed;
4. The identity of the investigating officer or other point of contact;
5. A description of any injuries suffered or property damaged or stolen; and

A verbal response as agreed to by the requester and the public body is sufficient to satisfy the requirements of this subsection.

C. Criminal investigative files relating to an ongoing criminal investigation or proceeding are excluded from the mandatory disclosure provisions of this chapter, but may be disclosed by the custodian, in his discretion, except as provided in subsection E or where such disclosure is prohibited by law.

D. Criminal investigative files relating to a criminal investigation or proceeding that is not ongoing are excluded from the mandatory disclosure provisions of this chapter, but may be disclosed by the custodian, in his discretion, except as provided in subsection E; however, such records shall be disclosed, by request, to (i) the victim; (ii) the victim’s immediate family members, if the victim is deceased and the immediate family member to which the records are to be disclosed is not a person of interest or a suspect in the criminal investigation or

proceeding; (iii) the parent or guardian of the victim, if the victim is a minor and the parent or guardian is not a person of interest or a suspect in the criminal investigation or proceeding; (iv) an attorney representing a petitioner in a petition for a writ of habeas corpus or writ of actual innocence pursuant to Chapter 19.2 (§19.2-327.2 et seq) of Title 19.2 or any other federal or state post-conviction proceeding or pardon; and (v) for the sole purpose of inspection at the location where such records are maintained by the public body that is the custodian of the records, (a) an attorney or his agent when such attorney is considering representing a petitioner in a post-conviction proceeding or pardon, (b) an attorney who provides a sworn declaration that the attorney has been retained by an individual for purposes of pursuing a civil or criminal action and has a good faith basis to believe that the records being requested are material to such action, or (c) a person who is proceeding pro se in a petition for a writ of habeas corpus or writ of actual innocence pursuant to Chapter 19.2 (§19.2-327.2 et seq.) of Title 19.2 or any other federal or state post-conviction proceeding or pardon, who provides a sworn affidavit that the records being requested are material to such action. An attorney or his agent who is in receipt of criminal investigative files or has inspected criminal investigative files pursuant to clause (iv) or (v) shall not release such criminal investigative files or any information contained therein except as necessary to provide adequate legal advice or representation to a person whom the attorney either represents or is considering representing in a post-conviction proceeding or pardon or represents in a civil or criminal action.

An attorney who is in receipt of criminal investigative files pursuant to clause (iv) shall return the criminal investigative files to the public body that is the custodian of such records within 90 days of a final determination of any writ of habeas corpus, writ of actual innocence, or other federal or state post-conviction proceeding or pardon or, if no petition for such writ or post-conviction proceeding or pardon was filed, within six months of the attorneys' receipt of the records.

No disclosure for the purpose of inspection pursuant to clause (v) (c) of this subsection shall be made unless an appropriate circuit court has reviewed the affidavit provided and determined the records requested are material to the action being pursued. The court shall order the person not to disclose or otherwise release any information contained in a criminal investigative file except as necessary for the pending action and may include other conditions as appropriate.

E. The provisions of subsections C and D shall not apply if the release of such information:

1. Would interfere with a particular ongoing criminal investigation or proceeding in a particularly identifiable manner;
2. Would deprive a person of a right to a fair trial or an impartial adjudication;
3. Would constitute an unwarranted invasion of personal privacy;
4. Would disclose (i) the identity of a confidential source or (ii) in the case of a record compiled by a law-enforcement agency in the course of a criminal investigation, information furnished only by a confidential source;
5. Would disclose law-enforcement investigative techniques and procedures, if such disclosure could reasonably be expected to risk circumvention of the law; or
6. Would endanger the life or physical safety of any individual.

Nothing in this subsection shall be construed to authorize the withholding of those portions of such information that are unlikely to cause any effect listed herein.

F. Notwithstanding the provisions of subsection C or D, no criminal investigative file or portion thereof, except disclosure of records under clause (iv) of subsection D or clause (v) (a) of subsection D, shall be disclosed to any requester pursuant to this section, unless the public body has made reasonable efforts to notify (i) the victim; (ii) the victim's immediate family members, if the victim is deceased and the immediate family member to be notified is not a person of interest or a suspect in the criminal investigation or proceeding; or (iii) the victim's parent or guardian, if the victim is a minor and the parent or guardian to be notified is not a person of interest or a suspect in the criminal investigation or proceeding.

Upon receipt of notice that a public body has received a request for criminal investigative files pursuant to this section, an individual listed in clause (i), (ii), (iii) shall have 14 days to file in an appropriate court a petition for an injunction to prevent the disclosure of the records as set forth in §8.01-622.2. The public body shall not respond to the request until at least 14 days has passed from the time notice was received by an individual listed in clause (i), (ii), or (iii). The period within which the public body shall respond to the underlying request pursuant to §2.2-3704 shall be tolled pending the notification process and any subsequent disposition by the court.

G. No photographic, audio, video, or other recording depicting a victim or allowing for a victim to be readily identified shall be released pursuant to subsection C or D to anyone except (i) the victim; (ii) the victim's family representative, if the victim is deceased and the family representative to which the records are to be disclosed is not a person of interest or a suspect in the criminal investigation or proceeding; or (iii) the victim's parent or guardian, if the victim is a minor and the parent or guardian is not a person of interest or a suspect in the criminal investigation or proceeding.

H Nothing in this section shall prohibit the disclosure of current anonymized, aggregate location and demographic data collected pursuant to § 52-30.2 or similar data documenting law-enforcement officer encounters with members of the public.

I. In the event of a conflict between this section as it relates to requests made under this section and other provisions of law, the other provisions of law, including court sealing orders, that restrict disclosure of criminal investigative files, shall control.

§ 2.2-3707. Meetings to be public; notice of meetings; recordings; minutes.

A. All meetings of public bodies shall be open, except as provided in §§ 2.2-3707.01 and 2.2-3711.

B. No meeting shall be conducted through telephonic, video, electronic or other electronic communication means where the members are not physically assembled to discuss or transact public business, except as provided in § 2.2-3708.2 and §2.2-3708.3 or as may be specifically provided in Title 54.1 for the summary suspension of professional licenses.

C. Every public body shall give notice of the date, time, and location of its meetings by:

1. Posting such notice on its official public government website, if any;
2. Placing such notice in a prominent public location at which notices are regularly posted; and
3. Placing such notice at the office of the clerk of the public body or, in the case of a public body that has no clerk, at the office of the chief administrator.

All state public bodies subject to the provisions of this chapter shall also post notice of their meetings on a central, publicly available electronic calendar maintained by the Commonwealth. Publication of meeting notices by electronic means by other public bodies shall be encouraged.

The notice shall be posted at least three working days prior to the meeting.

D. Notice, reasonable under the circumstance, of special, emergency, or continued meetings shall be given contemporaneously with the notice provided to the members of the public body conducting the meeting.

E. Any person may annually file a written request for notification with a public body. The request shall include the requester's name, address, zip code, daytime telephone number, electronic mail address, if available, and organization, if any. The public body receiving such request shall provide notice of all meetings directly to each such person. Without objection by the person, the public body may provide electronic notice of all meetings in response to such requests.

F. At least one copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of a public body for a meeting shall be made available for public inspection at the same time such documents are furnished to the members of the public body. The proposed agendas for meetings of state public bodies where at least one member has been appointed by the Governor shall state whether or not public comment will be received at the meeting and, if so, the approximate point during the meeting when public comment will be received.

G. Any person may photograph, film, record or otherwise reproduce any portion of a meeting required to be open. The public body conducting the meeting may adopt rules governing the placement and use of equipment necessary for broadcasting, photographing, filming or recording a meeting to prevent interference with the proceedings, but shall not prohibit or otherwise prevent any person from photographing, filming, recording, or otherwise reproducing any portion of a meeting required to be open. No public body shall conduct a meeting required to be open in any building or facility where such recording devices are prohibited.

H. Minutes shall be taken at all open meetings. However, minutes shall not be required to be taken at deliberations of (i) standing and other committees of the General Assembly; (ii) legislative interim study commissions and committees, including the Virginia Code Commission; (iii) study committees or commissions appointed by the Governor; or (iv) study commissions or study committees, or any other committees or subcommittees appointed by the governing bodies or school boards of counties, cities and towns, except where the membership of any such commission, committee or subcommittee includes a majority of the governing

body of the county, city or town or school board.

Minutes, including draft minutes, and all other records of open meetings, including audio or audio/visual records shall be deemed public records and subject to the provisions of this chapter.

Minutes shall be in writing and shall include (a) the date, time, and location of the meeting; (b) the members of the public body recorded as present and absent; and (c) a summary of the discussion on matters proposed, deliberated or decided, and a record of any votes taken. In addition, for electronic communication meetings conducted in accordance with § 2.2-3708.2 or §2.2-3708.3, minutes shall include (1) the identity of the members of the public body who participated in the meeting through electronic communication means, (2) the identity of the members of the public body who were physically assembled at one physical location, and (3) the identity of the members of the public body who were not present at the location identified in clause (2) but who monitored such meeting through electronic communication means.

§ 2.2-3707.01. Meetings of the General Assembly.

A. Except as provided in subsection B, public access to any meeting of the General Assembly or a portion thereof shall be governed by rules established by the Joint Rules Committee and approved by a majority vote of each house at the next regular session of the General Assembly. At least 60 days before the adoption of such rules, the Joint Rules Committee shall (i) hold regional public hearings on such proposed rules and (ii) provide a copy of such proposed rules to the Virginia Freedom of Information Advisory Council.

B. Floor sessions of either house of the General Assembly; meetings, including work sessions, of any standing or interim study committee of the General Assembly; meetings, including work sessions, of any subcommittee of such standing or interim study committee; and joint committees of conference of the General Assembly; or a quorum of any such committees or subcommittees, shall be open and governed by this chapter.

C. Meetings of the respective political party caucuses of either house of the General Assembly, including meetings conducted by telephonic or other electronic communication means, without regard to (i) whether the General Assembly is in or out of regular or special session or (ii) whether such caucuses invite staff or guests to participate in their deliberations, shall not be deemed meetings for the purposes of this chapter.

D. No regular, special, or reconvened session of the

General Assembly held pursuant to Article IV, Section 6 of the Constitution of Virginia shall be conducted using electronic communication means pursuant to § 2.2-3708.2 or § 2.2-3708.3.

§ 2.2-3707.1. Posting of minutes for state boards and commissions.

All boards, commissions, councils, and other public bodies created in the executive branch of state government and subject to the provisions of this chapter shall post minutes of their meetings on such body's official public government website and on a central electronic calendar maintained by the Commonwealth. Draft minutes of meetings shall be posted as soon as possible but no later than 10 working days after the conclusion of the meeting. Final approved meeting minutes shall be posted within three working days of final approval of the minutes.

§ 2.2-3707.2 Posting of minutes for local public bodies.

Except as provided in subsection H of §2.2-3707, any local public body subject to the provisions of this chapter shall post minutes of its meetings on its official public government website, if any, within seven working days of final approval of the minutes.

If a local public body does not own or maintain an official public government website, such public body shall make copies of all meeting minutes available no later than seven working days after final approval of the minutes (i) at a prominent public location in which meeting notices are regularly posted pursuant to subdivision C 2 of §2.2-3707; (ii) at the office of the clerk of the public body; or (iii) in the case of a public body has no clerk, at the office of the chief administration.

§ 2.2-3708.2. Meetings held through electronic communication means. (Effective September 1, 2022)

Any public body, or any joint meetings thereof, may meet by electronic communication means without a quorum of the public body physically assembled at one location when the Governor has declared a state of emergency in accordance with § 44-146.17 or the locality in which the public body is located has declared a local state of emergency pursuant to § 44-146.21, provided that (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to provide for the continuity of operations of the public body or the discharge of its lawful purposes, duties, and responsibilities. The public body convening a

meeting in accordance with this section shall:

1. Give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the public body conducting the meeting;
2. Make arrangements for public access to such meeting through electronic communication means, including videoconferencing if already used by the public body;
3. Provide the public with the opportunity to comment at those meetings of the public body when public comment is customarily received; and
4. Otherwise comply with the provisions of this chapter.

The nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held shall be stated in the minutes.

The provisions of this section 3 shall be applicable only for the duration of the emergency declared pursuant to §§ 44-146.17 or 44-146.21.

§ 2.2-3708.3 Meetings held through electronic communication means; situations other than declared states of emergency.

A. Public bodies are encouraged to (i) provide public access, both in person and through electronic communication means, to public meetings and (ii) provide avenues for public comment at public meetings when public comment is customarily received, which may include public comments made in person or by electronic means or other methods.

B. Individual members of a public body may use remote participation instead of attending a public meeting in person if, in advance of the public meeting, the public body has adopted a policy as described in subsection D and the member notifies the public body chair that:

1. The member has a temporary or permanent disability or other medical condition that prevents the member's physical attendance;
2. A medical condition of a member of the member's family requires the member to provide care that prevents the member's physical attendance;
3. The member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or
4. The member is unable to attend the meeting due to a personal matter and identifies with specific-

ity the nature of the personal matter. However, the member may not use remote participation due to personal matters more than two meetings per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

If participation by a member through electronic communication means is approved pursuant to this subsection, the public body holding the meeting shall record in its minutes the remote location from which the member participated; however, the remote location need not be open to the public and may be identified in the minutes by a general description. If participation is approved pursuant to subdivision 1 or 2, the public body shall also include in its minutes the fact that the member participated through electronic communication means due to a (i) temporary or permanent disability or other medical condition that prevented the member's physical attendance or (ii) family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance. If participation is approved pursuant to subdivision 3, the public body shall also include in its minutes the fact that the member participated through electronic communication means due to a distance between the member's principal residence and the meeting location. If participation is approved pursuant to subdivision 4, the public body shall also include in its minutes the specific nature of the personal matter cited by the member.

If a member's participation from a remote location pursuant to this subsection is disapproved because such participation would violate the policy adopted pursuant to subsection D, such disapproval shall be recorded in the minutes with specificity.

C. With the exception of local governing bodies, local school boards, planning commissions, architectural review boards, zoning appeals boards, and boards with the authority to deny, revoke, or suspend a professional or occupational license, any public body may hold all-virtual public meetings, provided that the public body follows the other requirements in this chapter for meetings, the public body has adopted a policy as described in subsection D, and;

1. An indication of whether the meeting will be an in-person or all-virtual public meeting is included in the required meeting notice along with a state-

ment notifying the public that the method by which a public body chooses to meet shall not be changed unless the public body provides a new meeting notice in accordance with the provisions of §2.2-3707;

2. Public access to the all-virtual public meeting is provided via electronic communication means;
3. The electronic communication means used allows the public to hear all members of the public body participating in the all-virtual public meeting and, when audio-visual technology is available, to see the members of the public body as well;
4. A phone number or other live contact information is provided to alert the public body if the audio or video transmission of the meeting provided by the public body fails, the public body monitors such designated means of communication during the meeting, and the public body takes a recess until public access is restored if the transmission fails for the public;
5. A copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of a public body for a meeting is made available to the public in electronic format at the same time that such materials are provided to members of the public body;
6. The public is afforded the opportunity to comment through electronic means, including by way to written comments, at those public meetings when public comment is customarily received.
7. No more than two members of the public body are together in any one remote location unless that remote location is open to the public to physically access it;
8. If a closed session is held during an all-virtual public meeting, transmission of the meeting to the public resumes before the public body votes to certify the closed meeting as required by subsection D of §2.2-3712;
9. The public body does not convene an all-virtual public meeting (i) more than two times per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater, or (ii) consecutively with another all-virtual public meeting; and
10. Minutes of all-virtual public meetings held by electronic communication means are taken as required by §2.2-3707 and include the fact that the meeting was held by electronic communication

means and the type of electronic communication means by which the meeting was held. If a member's participation from a remote location pursuant to this subsection is disapproved because such participation would violate the policy adopted pursuant to subsection D, such disapproval shall be recorded in the minutes with specificity.

D. Before a public body uses all-virtual public meetings as described in subsection C or allows members to use remote participation as described in subsection B, the public body shall first adopt a policy, by a recorded vote at a public meeting, that shall be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting. The policy shall:

1. Describe the circumstances under which an all-virtual public meeting and remote participation will be allowed and the process the public body will use for making requests to use remote participation, approving or denying such requests, and creating a record of such requests; and
2. Fix the number of times remote participation for personal matters or all-virtual public meetings can be used per calendar year, not to exceed the limitations set forth in subsections B 4 and C 9.

Any public body that creates a committee, subcommittee, or other entity however designated of the public body to perform delegated functions of the public body or to advise the public body may also adopt a policy on behalf of its committee, subcommittee, or other entity that shall apply to the committee, subcommittee, or other entity's use of individual remote participation and all-virtual public meetings.

§ 2.2-3710. Transaction of public business other than by votes at meetings prohibited.

A. Unless otherwise specifically provided by law, no vote of any kind of the membership, or any part thereof, of any public body shall be taken to authorize the transaction of any public business, other than a vote taken at a meeting conducted in accordance with the provisions of this chapter. No public body shall vote by secret or written ballot, and unless expressly provided by this chapter, no public body shall vote by telephone or other electronic communication means.

B. Notwithstanding the foregoing, nothing contained herein shall be construed to prohibit (i) separately

contacting the membership, or any part thereof, of any public body for the purpose of ascertaining a member's position with respect to the transaction of public business, whether such contact is done in person, by telephone or by electronic communication, provided the contact is done on a basis that does not constitute a meeting as defined in this chapter or (ii) the House of Delegates or the Senate of Virginia from adopting rules relating to the casting of votes by members of standing committees. Nothing in this subsection shall operate to exclude any public record from the provisions of this chapter.

§ 2.2-3711. Closed meetings authorized for certain limited purposes.

A. Public bodies may hold closed meetings only for the following purposes:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters that affect the membership of such body or board collectively.
2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any public institution of higher education in the Commonwealth or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.
3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.
4. The protection of the privacy of individuals in personal matters not related to public business.
5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.
6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.
7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.
8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.
9. Discussion or consideration by governing boards of public institutions of higher education of matters relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or work to be performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public institution of higher education in the Commonwealth

- shall be subject to public disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision, (i) “foreign government” means any government other than the United States government or the government of a state or a political subdivision thereof, (ii) “foreign legal entity” means any legal entity (a) created under the laws of the United States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the membership of any such entity is composed of foreign persons or foreign legal entities or (b) created under the laws of a foreign government, and (iii) “foreign person” means any individual who is not a citizen or national of the United States or a trust territory or protectorate thereof.
10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, the Fort Monroe Authority, and The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from private sources.
 11. Discussion or consideration of honorary degrees or special awards.
 12. Discussion or consideration of tests, examinations, or other information used, administered, or prepared by a public body and subject to the exclusion in subdivision 4 of § 2.2-3705.1.
 13. Discussion, consideration, or review by the appropriate House or Senate committees of possible disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed by the member, provided the member may request in writing that the committee meeting not be conducted in a closed meeting.
 14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.
 15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic activity and estimating general and nongeneral fund revenues.
 16. Discussion or consideration of medical and mental health records subject to the exclusion in subdivision 1 of § 2.2-3705.5.
 17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3 and subdivision 11 of § 2.2-3705.7.
 18. Those portions of meetings in which the State Board of Local and Regional Jails discusses or discloses the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner’s life or safety.
 19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2, where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.
 20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a trust established by one or more local public bodies to invest funds for postemployment benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of visitors of the Uni-

versity of Virginia, acting pursuant to § 23.1-2210, or by the Board of the Virginia College Savings Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or a local finance board or board of trustees, or the Virginia College Savings Plan or provided to the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of trustees, the board of visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested or the present value of such investment.

21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5, those portions of meetings in which individual adult death cases are discussed by a local or regional adult fatality review team established pursuant to § 32.1-283.6, those portions of meetings in which individual death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7, those portions of meetings in which individual maternal death cases are discussed by the Maternal Mortality Review Team pursuant to § 32.1-283.8, and those portions of meetings in which individual death cases of persons with developmental disabilities are discussed by the Developmental Disabilities Mortality Review Committee established pursuant to § 37.2-314.1.
22. Those portions of meetings of the board of visitors of the University of Virginia or the Eastern Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any persons to whom management responsibilities for the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as the case may be.
23. Discussion or consideration by the Virginia Commonwealth University Health System Authority or the board of visitors of Virginia Commonwealth University of any of the following: the acquisition or disposition by the Authority of real property, equipment, or technology software or hardware and related goods or services, where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; matters relating to gifts or bequests to, and fundraising activities of, the Authority; grants and contracts for services or work to be performed by the Authority; marketing or operational strategies plans of the Authority where disclosure of such strategies or plans would adversely affect the competitive position of the Authority; and members of the Authority's medical and teaching staffs and qualifications for appointments thereto.
24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions to the extent such discussions identify any practitioner who may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 is discussed.
26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as defined in § 56-484.12, related to the provision of wireless E-911 service.
27. Those portions of disciplinary proceedings by any regulatory board within the Department of Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or meetings of health regulatory boards or conference committees of such boards to consider settlement proposals in pending disciplinary actions or modifications to previously issued board orders as requested by either of the parties.
28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in § 33.2-1800, or any independent review panel appointed to review information and advise the responsible public entity concerning such records.
29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.
30. Discussion or consideration of grant or loan application information subject to the exclusion in subdivision 17 of § 2.2-3705.6 by the Commonwealth Health Research Board.
31. Discussion or consideration by the Commitment Review Committee of information subject to the exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.
32. Discussion or consideration of confidential proprietary information and trade secrets developed and held by a local public body providing certain telecommunication services or cable television services and subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).
33. Discussion or consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade secrets subject to the exclusion in subdivision 19 of § 2.2-3705.6.
34. Discussion or consideration by the State Board of Elections or local electoral boards of voting security matters made confidential pursuant to §§ 24.2-410.2 or 24.2-625.1.
35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal investigative files.
36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of information or confidential matters subject to the exclusion in subdivision A 3 of § 2.2-3705.4, and meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover scholarship awards.
37. Discussion or consideration by the Virginia Port Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.6 related to certain proprietary information gathered by or for the Virginia Port Authority.
38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College Savings Plan acting pursuant to § 23.1-706, or by the Virginia College Savings Plan's Investment Advisory Committee appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of § 2.2-3705.7.

39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-3705.6 related to economic development.
40. Discussion or consideration by the Board of Education of information relating to the denial, suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.
41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, during which there is discussion of information subject to the exclusion in subdivision 8 of § 2.2-3705.2.
42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable information of donors.
43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of information subject to the exclusion in subdivision 23 of § 2.2-3705.6 related to certain information contained in grant applications.
44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of information subject to the exclusion in subdivision 24 of § 2.2-3705.6 related to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority and certain proprietary information of a private entity provided to the Authority.
45. Discussion or consideration of personal and proprietary information related to the resource management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that contain information that has been certified for release by the person who is the subject of the information or transformed into a statistical or aggregate form that does not allow identification of the person who supplied, or is the subject of, the information.
46. Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.3 related to investigations of applicants for licenses and permits and of licensees and permittees.
47. Discussion or consideration of grant, loan, or investment application records subject to the exclusion in subdivision 28 of § 2.2-3705.6 for a grant, loan, or investment pursuant to Article 11 (§ 2.2-2351 et seq.) of Chapter 22.
48. Discussion or development of grant proposals by a regional council established pursuant to Article 26 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity Board.
49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a child by a child sexual abuse response team established pursuant to § 15.2-1627.5, or (iii) individual cases involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and 63.2-1605.
50. Discussion or consideration by the Board of the Virginia Economic Development Partnership Authority, the Joint Legislative Audit and Review Commission, or any subcommittees thereof, of the portions of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to subdivision 33 of § 2.2-3705.7.
51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic Development Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and discuss information received from the Virginia Employment Commission pursuant to subdivision C 2 of § 60.2-114.
52. Discussion or consideration by the Commonwealth of Virginia Innovation Partnership Authority (the Authority), an advisory committee of the Authority, or any other entity designated by the Authority, of information subject to the exclusion in subdivision 35 of § 2.2-3705.7.
53. Deliberations of the Virginia Lottery Board conducted pursuant to § 58.1-4105 regarding the denial or revocation of a license of a casino gaming operator, or the refusal to issue, suspension

of, or revocation of any license or permit related to casino gaming, and discussion, consideration, or review of matters related to investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

54. Deliberations of the Virginia Lottery Board in an appeal conducted pursuant to § 58.1-4007 regarding the denial of, revocation of, suspension of, or refusal to renew any license or permit related to sports betting and any discussion, consideration, or review of matters related to investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

§ 2.2-3712. Closed meetings procedures; certification of proceedings.

A. No closed meeting shall be held unless the public body proposing to convene such meeting has taken

an affirmative recorded vote in an open meeting approving a motion that (i) identifies the subject matter, (ii) states the purpose of the meeting as authorized in subsection A of § 2.2-3711 or other provision of law and (iii) cites the applicable exemption from open meeting requirements provided in subsection A of § 2.2-3711 or other provision of law. The matters contained in such motion shall be set forth in detail in the minutes of the open meeting. A general reference to the provisions of this chapter, the authorized exemptions from open meeting requirements, or the subject matter of the closed meeting shall not be sufficient to satisfy the requirements for holding a closed meeting.

B. The notice provisions of this chapter shall not apply to closed meetings of any public body held solely for the purpose of interviewing candidates for the position of chief administrative officer. Prior to any such closed meeting for the purpose of interviewing candidates, the public body shall announce in an open meeting that such closed meeting shall be held at a disclosed or undisclosed location within 15 days thereafter.

C. The public body holding a closed meeting shall restrict its discussion during the closed meeting only to those matters specifically exempted from the provisions of this chapter and identified in the motion required by subsection A.

D. At the conclusion of any closed meeting, the public body holding such meeting shall immediately reconvene in an open meeting and shall take a roll call or other recorded vote to be included in the minutes of that body, certifying that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body. Any member of the public body who believes that there was a departure from the requirements of clauses (i) and (ii), shall so state prior to the vote, indicating the substance of the departure that, in his judgment, has taken place. The statement shall be recorded in the minutes of the public body.

E. Failure of the certification required by subsection D to receive the affirmative vote of a majority of the members of the public body present during a meeting shall not affect the validity or confidentiality of such meeting with respect to matters considered therein in compliance with the provisions of this chapter. The recorded vote and any statement made in connection therewith, shall upon proper authentication, constitute evidence in any proceeding brought to enforce the provisions of this chapter.

F. A public body may permit nonmembers to attend a closed meeting if such persons are deemed necessary or if their presence will reasonably aid the public body in its consideration of a topic that is a subject of the meeting.

G. A member of a public body shall be permitted to attend a closed meeting held by any committee or subcommittee of that public body, or a closed meeting of any entity, however designated, created to perform the delegated functions of or to advise that public body. Such member shall in all cases be permitted to observe the closed meeting of the committee, subcommittee or entity. In addition to the requirements of § 2.2-3707, the minutes of the committee or other entity shall include the identity of the member of the parent public body who attended the closed meeting.

H. Except as specifically authorized by law, in no event may any public body take action on matters discussed in any closed meeting, except at an open meeting for which notice was given as required by § 2.2-3707.

I. Minutes may be taken during closed meetings of a public body, but shall not be required. Such minutes shall not be subject to mandatory public disclosure.

§ 2.2-3713. Proceedings for enforcement of chapter.

A. Any person, including the attorney for the Commonwealth acting in his official or individual capacity, denied the rights and privileges conferred by this chapter may proceed to enforce such rights and privileges by filing a petition for mandamus or injunction, supported by an affidavit showing good cause. Such petition may be brought in the name of the person notwithstanding that a request for public records was made by the person's attorney in his representative capacity. Venue for the petition shall be addressed as follows:

1. In a case involving a local public body, to the general district court or circuit court of the county or city from which the public body has been elected or appointed to serve and in which such rights and privileges were so denied;
2. In a case involving a regional public body, to the general district or circuit court of the county or city where the principal business office of such body is located; and
3. In a case involving a board, bureau, commission, authority, district, institution, or agency of the state government, including a public institution of higher education, or a standing or other committee of the General Assembly, to the general dis-

trict court or the circuit court of the residence of the aggrieved party or of the City of Richmond.

B. In any action brought before a general district court, a corporate petitioner may appear through its officer, director or managing agent without the assistance of counsel, notwithstanding any provision of law or Rule of Supreme Court of Virginia to the contrary.

C. Notwithstanding the provisions of § 8.01-644, the petition for mandamus or injunction shall be heard within seven days of the date when the same is made, provided the party against whom the petition is brought has received a copy of the petition at least three working days prior to filing. However, if the petition or the affidavit supporting the petition for mandamus or injunction alleges violations of the open meetings requirements of this chapter, the three-day notice to the party against whom the petition is brought shall not be required. The hearing on any petition made outside of the regular terms of the circuit court of a locality that is included in a judicial circuit with another locality or localities shall be given precedence on the docket of such court over all cases that are not otherwise given precedence by law.

D. The petition shall allege with reasonable specificity the circumstances of the denial of the rights and privileges conferred by this chapter. A single instance of denial of the rights and privileges conferred by this chapter shall be sufficient to invoke the remedies granted herein. If the court finds the denial to be in violation of the provisions of this chapter, the petitioner shall be entitled to recover reasonable costs, including costs and reasonable fees for expert witnesses, and attorney fees from the public body if the petitioner substantially prevails on the merits of the case, unless special circumstances would make an award unjust. In making this determination, a court may consider, among other things, the reliance of a public body on an opinion of the Attorney General or a decision of a court that substantially supports the public body's position.

E. In any action to enforce the provisions of this chapter, the public body shall bear the burden of proof to establish an exclusion by a preponderance of the evidence. No court shall be required to accord any weight to the determination of a public body as to whether an exclusion applies. Any failure by a public body to follow the procedures established by this chapter shall be presumed to be a violation of this chapter.

F. Failure by any person to request and receive notice of the time and place of meetings as provided in § 2.2-3707 shall not preclude any person from enforcing his rights and privileges conferred by this chapter.

**§ 2.2-3714. Violations and penalties.
(Effective September 1, 2022)**

A. In a proceeding commenced against any officer, employee, or member of a public body under § 2.2-3713 for a violation of § 2.2-3704, 2.2-3705.1 through 2.2-3705.7, 2.2-3706, 2.2-3706.1, 2.2-3707, 2.2-3708.2, §2.2-3708.3, 2.2-3710, 2.2-3711 or 2.2-3712, the court, if it finds that a violation was willfully and knowingly made, shall impose upon such officer, employee, or member in his individual capacity, whether a writ of mandamus or injunctive relief is awarded or not, a civil penalty of not less than \$500 nor more than \$2,000, which amount shall be paid into the Literary Fund. For a second or subsequent violation, such civil penalty shall be not less than \$2,000 nor more than \$5,000.

B. In addition to any penalties imposed pursuant to subsection A, if the court finds that any officer, employee, or member of a public body failed to provide public records to a requester in accordance with the provisions of this chapter because such officer, employee, or member altered or destroyed the requested public records with the intent to avoid the provisions of this chapter with respect to such request prior to the expiration of the applicable record retention period set by the retention regulations promulgated pursuant to the Virginia Public Records Act (§ 42.1-76 et seq.) by the State Library Board, the court may impose upon such officer, employee, or member in his individual capacity, whether or not a writ of mandamus or injunctive relief is awarded, a civil penalty of up to \$100 per record altered or destroyed, which amount shall be paid into the Literary Fund.

C. In addition to any penalties imposed pursuant to subsections A and B, if the court finds that a public body voted to certify a closed meeting in accordance with subsection D of § 2.2-3712 and such certification was not in accordance with the requirements of clause (i) or (ii) of subsection D of § 2.2-3712, the court may impose on the public body, whether or not a writ of mandamus or injunctive relief is awarded, a civil penalty of up to \$1,000, which amount shall be paid into the Literary Fund. In determining whether a civil penalty is appropriate, the court shall consider mitigating factors, including reliance of members of the public body on (i) opinions of the Attorney General, (ii) court cases substantially supporting the rationale of the public body, and (iii) published opinions of the Freedom of Information Advisory Council.

§ 2.2-3715. Effect of advisory opinions from the Freedom of Information Advisory Council on liability for willful and knowing violations.

Any officer, employee, or member of a public body who is alleged to have committed a willful and knowing violation pursuant to § 2.2-3714 shall have the right to introduce at any proceeding a copy of a relevant advisory opinion issued pursuant to § 30-179 as evidence that he did not willfully and knowingly commit the violation if the alleged violation resulted from his good faith reliance on the advisory opinion.

**Title 2.2. Administration of Government,
Chapter 43. Virginia Public Procurement
Act**

§ 2.2-4342. Public inspection of certain records.

A. Except as provided in this section, all proceedings, records, contracts and other public records relating to procurement transactions shall be open to the inspection of any citizen, or any interested person, firm or corporation, in accordance with the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

B. Cost estimates relating to a proposed procurement transaction prepared by or for a public body shall not be open to public inspection.

C. Any competitive sealed bidding bidder, upon request, shall be afforded the opportunity to inspect bid records within a reasonable time after the opening of all bids but prior to award, except in the event that the public body decides not to accept any of the bids and to reopen the contract. Otherwise, bid records shall be open to public inspection only after award of the contract.

D. Any competitive negotiation offeror, upon request, shall be afforded the opportunity to inspect proposal records within a reasonable time after the evaluation and negotiations of proposals are completed but prior to award, except in the event that the public body decides not to accept any of the proposals and to reopen the contract. Otherwise, proposal records shall be open to public inspection only after award of the contract.

E. Any inspection of procurement transaction records under this section shall be subject to reasonable restrictions to ensure the security and integrity of the records.

F. Trade secrets or proprietary information submitted by a bidder, offeror, or contractor in connection with a procurement transaction or prequalification

application submitted pursuant to subsection B of § 2.2-4317 shall not be subject to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.); however, the bidder, offeror, or contractor shall (i) invoke the protections of this section prior to or upon submission of the data or other materials, (ii) identify the data or other materials to be protected, and (iii) state the reasons why protection is necessary. A bidder, offeror, or contractor shall not designate as trade secrets or proprietary information (a) an entire bid, proposal, or prequalification application; (b) any portion of a bid, proposal, or prequalification application that does not contain trade secrets or proprietary information; or (c) line item prices or total bid, proposal, or prequalification application prices.

Title 8.01 Civil Remedies and Procedure

§ 8.01-622.2 Injunction against disclosure of criminal investigative file materials under the Virginia Freedom of Information Act.

Except with respect to the disclosure of records under clause (iv) of subsection D or clause (v) (a) of subsection D of §2.2-3706.1, an injunction may be awarded to prevent the disclosure of records related to criminal investigative files requested under §2.2-3706.1 of the Virginia Freedom of Information Act (§2.2-3700 et seq.).

In making its determination, a court shall consider the following and shall enter its findings on the record:

1. Whether disclosure of the public records would constitute an unreasonable invasion of personal privacy;
2. Whether disclosure of the public records would endanger the life of physical safety of any individual;
3. Whether disclosure of the public records would subject (i) the victim; (ii) the victim's immediate family members as set forth in §2.2-3706.1, if the victim is deceased and the immediate family member is not a person of interest or a suspect in the criminal investigation or proceeding; or (iii) the parent or guardian of the victim, if the victim is a minor and the parent or guardian is not a person of interest or a suspect in the criminal investigation or proceeding, to severe mental or emotional distress; and
4. Any other factor or information deemed by the court to be relevant.

Title 15.2. Counties, Cities and Towns » Subtitle II. Powers of Local Government » Chapter 14. Governing Bodies of Localities

§ 15.2-1416. Regular meetings.

A. The governing body shall assemble at a public place as the governing body may prescribe, in regular session in January for counties and in July for cities and towns. Future meetings shall be held on such days as may be prescribed by resolution of the governing body but in no event shall less than six meetings be held in each fiscal year.

B. The days, times and places of regular meetings to be held during the ensuing months shall be established at the first meeting which meeting may be referred to as the annual or organizational meeting; however, if the governing body subsequently prescribes any public place other than the initial public meeting place, or any day or time other than that initially established, as a meeting day, place or time, the governing body shall pass a resolution as to such future meeting day, place or time. The governing body shall cause a copy of such resolution to be posted on the door of the courthouse or the initial public meeting place and inserted in a newspaper having general circulation in the county or municipality at least seven days prior to the first such meeting at such other day, place or time. Should the day established by the governing body as the regular meeting day fall on any legal holiday, the meeting shall be held on the next following regular business day, without action of any kind by the governing body.

At its annual meeting the governing body may fix the day or days to which a regular meeting shall be continued if the chairman or mayor, or vice-chairman or vice-mayor if the chairman or mayor is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the regular meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.

C. Regular meetings may be adjourned from day to day or from time to time or from place to place, not beyond the time fixed for the next regular meeting, until the business before the governing body is completed. Notice of any regular meeting continued under this section shall be reasonable under the circumstances and be given as provided in subsection D of § 2.2-3707.

D. The governing body shall provide members of

the general public with the opportunity for public comment during a regular meeting at least quarterly.

E. Notwithstanding the provisions of this section, any city or town that holds an organizational meeting in compliance with its charter or code shall be deemed to be in compliance with this section.

Title 15.2. Counties, Cities and Towns, Chapter 21. Franchises; Sale and Lease of Certain Municipal Public Property; Public Utilities

§ 15.2-2103.1. Solar services agreements; nondisclosure of proprietary information.

A. A solar services agreement may be structured as a service agreement or may be subject to available appropriation.

B. Nothing in this article shall be construed to require the disclosure of proprietary information voluntarily provided by a private entity in connection with a franchise, lease, or use under a solar services agreement that is excluded from mandatory disclosure pursuant to subdivision 29 of § 2.2-3705.6 of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

C. Nothing in this section, however, shall be construed as authorizing the withholding of the financial terms of such agreements.

Title 17.1. Courts of Record, Chapter 2. Clerks, Clerks' Offices and Records

§ 17.1-293. (Effective until January 1, 2021) Posting and availability of certain information on the Internet; prohibitions.

A. Notwithstanding Chapter 37 (§ 2.2-3700 et seq.) of Title 2.2 or subsection B, it is unlawful for any court clerk to disclose the social security number or other identification numbers appearing on driver's licenses or other documents issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction or information on credit cards, debit cards, bank accounts, or other electronic billing and payment systems that was supplied to a court clerk for the purpose of paying fees, fines, taxes, or other charges collected by such court clerk. The prohibition shall not apply where disclosure of such information is required (i) to conduct or complete the transaction for which such information was submitted or (ii) by other law or court order.

B. Beginning January 1, 2004, no court clerk shall post on the Internet any document that contains the following information: (i) an actual signature, (ii) a social security number, (iii) a date of birth identified with a particular person, (iv) the maiden name of a person's parent so as to be identified with a particular person, (v) any financial account number or numbers, or (vi) the name and age of any minor child.

C. Each such clerk shall post notice that includes a list of the documents routinely posted on its website. However, the clerk shall not post information on his website that includes private activity for private financial gain.

D. Nothing in this section shall be construed to prohibit access to any original document as provided by law.

E. This section shall not apply to the following:

1. Providing access to any document among the land records via secure remote access pursuant to § 17.1-294;
2. Postings related to legitimate law-enforcement purposes;
3. Postings of historical, genealogical, interpretive, or educational documents and information about historic persons and events;
4. Postings of instruments and records filed or recorded that are more than 100 years old;
5. Providing secure remote access to any person, his counsel, or staff which counsel directly supervises to documents filed in matters to which such person is a party;
6. Providing official certificates and certified records in digital form of any document maintained by the clerk pursuant to § 17.1-258.3:2; and
7. Providing secure remote access to nonconfidential court records, subject to any fees charged by the clerk, to members in good standing with the Virginia State Bar and their authorized agents, pro hac vice attorneys authorized by the court for purposes of the practice of law, and such governmental agencies as authorized by the clerk.

F. Nothing in this section shall prohibit the Supreme Court or any other court clerk from providing online access to a case management system that may include abstracts of case filings and proceedings in the courts of the Commonwealth, including online access to subscribers of nonconfidential criminal case information to confirm the complete date of birth of a defendant.

G. The court clerk shall be immune from suit arising from any acts or omissions relating to providing remote access on the Internet pursuant to this section unless the clerk was grossly negligent or engaged in willful misconduct.

This subsection shall not be construed to limit, withdraw, or overturn any defense or immunity already existing in statutory or common law, or to affect any cause of action accruing prior to July 1, 2005.

H. Nothing in this section shall be construed to permit any data accessed by secure remote access to be sold or posted on any other website or in any way redistributed to any third party, and the clerk, in his discretion, may deny secure remote access to ensure compliance with these provisions. However, the data accessed by secure remote access may be included in products or services provided to a third party of the subscriber provided that (i) such data is not made available to the general public and (ii) the subscriber maintains administrative, technical, and security safeguards to protect the confidentiality, integrity, and limited availability of the data.

§ 17.1-293.1. (For contingent expiration date see cc. 524 and 542) Online case information system.

The Executive Secretary shall make available a publicly viewable online case information system of certain nonconfidential information entered into the case management system for criminal cases in the circuit courts participating in the Executive Secretary's case management system and in the general district courts. Such system shall be searchable by defendant name across all participating courts, and search results shall be viewable free of charge.

§ 17.1-293.1. (For contingent effective date see cc. 524 and 542) Online case information system; exceptions.

A. The Executive Secretary shall make available a publicly viewable online case information system of certain nonconfidential information entered into the case management system for criminal cases in the circuit courts participating in the Executive Secretary's case management system and in the general district courts. Such system shall be searchable by defendant name across all participating courts, and search results shall be viewable free of charge.

B. Upon entry of a sealing order pursuant to § 19.2-392.7, 19.2-392.8, 19.2-392.9, 19.2-392.11, or 19.2-392.12, the Executive Secretary shall not make any offense that was ordered to be sealed available for online public viewing in an appellate court, circuit court, or district court case management system maintained by

the Executive Secretary.

C. Upon entry of a sealing order pursuant to § 19.2-392.7, 19.2-392.8, 19.2-392.9, 19.2-392.11, or 19.2-392.12, any circuit court clerk who maintains a viewable online case management or case information system shall not make any offense that was ordered to be sealed available for online public viewing.

§ 17.1-294. Secure remote access to land records.

A. No circuit court clerk shall provide secure remote access to any land record that does not comply with the provisions of this section and the secure remote access standards developed by the Virginia Information Technologies Agency in consultation with the circuit court clerks, the Executive Secretary of the Supreme Court, the Compensation Board, and users of land and other court records.

B. 1. Beginning July 1, 2012, any land record made available to subscribers via secure remote access may contain only the last four digits of the social security number of any party. Nothing in this subsection shall be construed to require the clerk to reinsert the last four digits of a social security number on any land record where the redaction of the entire social security number has been completed prior to July 1, 2012.

2. However, the original land record maintained by the clerk may contain a social security number if otherwise provided by law, but that original record shall not be made available via secure remote access unless it complies with this section.

3. Except in cases where the original record is required by law to contain a social security number, the attorney or party who prepares or submits the land record for recordation has the responsibility for ensuring that the social security number has been removed from the writing prior to the instrument's being submitted for recordation.

C. Nothing in this section shall be construed to prohibit access to any original document as provided by law.

D. Nothing in this section shall be construed to permit any data accessed by secure remote access to be sold or posted on any other website or in any way redistributed to any third party, and the clerk, in his discretion, may deny secure remote access to ensure compliance with these provisions. However, the data accessed by secure remote access may be included in products or services provided to a third party of the subscriber provided that (i) such data is not made available to the general public and (ii) the subscriber maintains administrative, technical, and security safeguards to protect the confidentiality, integrity,

and limited availability of the data.

E. The clerk of the circuit court of any jurisdiction shall be immune from suit arising from any acts or omissions relating to providing secure remote access to land records pursuant to this section unless the clerk was grossly negligent or engaged in willful misconduct.

§ 17.1-295. Definitions.

As used in this title:

“Confidential court records” means any civil or criminal record maintained by a clerk of the circuit court designated by this Code as confidential or any such record sealed pursuant to court order.

“Electronic filing of court records” means the networks or systems maintained by a clerk of the circuit court, or the clerk’s designated application service providers, for the submittal of instruments for electronic filing of court records in accordance with this title, the Rules of the Supreme Court of Virginia, and the secure remote access standards developed by the Virginia Information Technologies Agency.

“Electronic recording of land records” means the networks or systems maintained by a clerk of the circuit court, or the clerk’s designated application service providers, for the submittal of instruments for electronic filing of land records in accordance with the provisions of Article 3 (§ 55.1-346 et seq.) of Chapter 3 of Title 55.1 regarding the satisfaction of mortgages, the Uniform Real Property Electronic Recording Act (§ 55.1-661 et seq.), and the provisions of this title.

“Operational expenses” means expenses of the clerk of court used to maintain the clerk’s office and includes, but is not limited to, (i) computer support, maintenance, enhancements, upgrades, and replacements and office automation and information technology equipment, including software and conversion services; (ii) preserving, maintaining, and enhancing court records, including, but not limited to, the costs of repairs, maintenance, consulting services, service contracts, redaction of social security numbers from certain records, and system replacements or upgrades; and (iii) improving public access to records maintained by the clerk, including locating technology in an offsite facility for such purposes or for implementation of a disaster recovery plan.

“Public access” means that the clerk of the circuit court has made available to subscribers that are other than governmental agencies, secure remote access to records maintained by the clerk in accordance with § 17.1-294.

“Secure remote access to court records” means public access by electronic means on a network or system to court records maintained by the clerk of the circuit court or the clerk’s designated application service providers, in compliance with this title, the Rules of the Supreme Court of Virginia, and the secure remote access standards developed by the Virginia Information Technologies Agency.

“Secure remote access to land records” means public access by electronic means on a network or system to land records maintained by the clerk of the circuit court or the clerk’s designated application service providers, in compliance with the Secure Remote Access Standards developed by the Virginia Information Technologies Agency.

“Subscriber” means any person who has entered into a subscriber agreement with the clerk of the circuit court authorizing the subscriber to have secure remote access to land records or secure remote access to court records maintained by the clerk or the clerk’s designated application service providers. If the subscriber is an entity with more than one person who will use the network or system to access land records maintained by the clerk, or the clerk’s designated application service providers, each individual user shall execute a subscriber agreement and obtain a separate “user id” and “password” from the clerk. The subscriber is responsible for the fees due under this title and the proper use of the secure remote access system pursuant to the subscriber agreement, applicable Virginia law, and Secure Remote Access Standards developed by the Virginia Information Technologies Agency.

Title 30, General Assembly, Chapter 21. Virginia Freedom of Information Advisory Council.

§ 30-178. Virginia Freedom of Information Advisory Council; membership; terms; quorum; expenses.

A. The Virginia Freedom of Information Advisory Council (the Council) is hereby created as an advisory council in the legislative branch to encourage and facilitate compliance with the Freedom of Information Act (§ 2.2-3700 et seq.).

B. The Council shall consist of 14 members as follows: the Attorney General or his designee; the Librarian of Virginia or his designee; the Director of the Division of Legislative Services or his designee; five members appointed by the Speaker of the House of

Delegates, two of whom shall be members of the House of Delegates, and three nonlegislative citizen members, at least one of whom shall be or have been a representative of the news media; four members appointed by the Senate Committee on Rules, two of whom shall be members of the Senate, one of whom shall be or have been an officer of local government, and one nonlegislative citizen at-large member; and two nonlegislative citizen members appointed by the Governor, one of whom shall not be a state employee. The local government representative may be selected from a list recommended by the Virginia Association of Counties and the Virginia Municipal League, after due consideration of such list by the Senate Committee on Rules. The citizen members may be selected from a list recommended by the Virginia Press Association, the Virginia Association of Broadcasters, and the Virginia Coalition for Open Government, after due consideration of such list by the appointing authorities.

C. All appointments following the initial staggering of terms shall be for terms of four years, except that appointments to fill vacancies shall be for the unexpired terms in the same manner as the original appointment. No nonlegislative citizen member shall be eligible to serve for more than two successive four-year terms. At the end of a term, a nonlegislative citizen member shall continue to serve until a successor is appointed. However, after the expiration of a term of three years or less, or after the expiration of the remainder of a term to which appointed to fill a vacancy, two additional terms may be served by such member if appointed thereto. Legislative members and other state government officials shall serve terms coincident with their terms of office. Legislative members may be reappointed for successive terms.

D. The members of the Council shall elect from among their membership a chairman and a vice-chairman for two-year terms. The chairman and vice-chairman may not succeed themselves to the same position.

E. The Council shall hold meetings quarterly or upon the call of the chairman. A majority of the Council shall constitute a quorum. Notwithstanding the provisions of subsection C, if any nonlegislative citizen member of the Council fails to attend a majority of meetings of the Council in a calendar year, the Council shall notify the member's appointing authority. Upon receipt of such notification, the appointing authority may remove the member and appoint a successor as soon as practicable.

F. Members of the Council shall receive no compensation for their services but shall be reimbursed for all reasonable and necessary expenses incurred in the

performance of their duties as provided in §§ 2.2-2813, 2.2-2825 and 30-19.12, as appropriate. Funding for expenses of the members shall be provided from existing appropriations to the Council.

§ 30-179. Powers and duties of the Council. (Effective September 1, 2022)

The Council shall:

1. Furnish, upon request, advisory opinions or guidelines, and other appropriate information regarding the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) to any person or public body, in an expeditious manner;
2. Conduct training seminars and educational programs for the members and staff of public bodies and other interested persons on the requirements of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.);
3. Publish such educational materials as it deems appropriate on the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.);
4. Request from any public body such assistance, services, and information as will enable the Council to effectively carry out its responsibilities. Information provided to the Council by a public body shall not be released to any other party unless authorized by such public body;
5. Assist in the development and implementation of the provisions of § 2.2-3704.1;
6. Develop an online public comment form to be posted on the Council's official public government website to enable any requester to comment on the quality of assistance provided to the requester by a public body; and
7. Report annually on or before December 1 of each year on its activities and findings regarding the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), including recommendations for changes in the law, to the General Assembly and the Governor. The annual report shall be published as a state document.

§ 30-180. Staff.

Staff assistance to the Council shall be provided by the Division of Legislative Services. Staff shall perform those duties assigned to it by the Council.

§ 30-181. Cooperation of agencies of state and local government.

Every department, division, board, bureau, commission, authority or political subdivision of the Commonwealth shall cooperate with, and provide such assistance to, the Council as the Council may request.

Title 36. Housing, Chapter 6. Uniform Statewide Building Code

§ 36-105.3. Security of certain records.

Building Code officials shall institute procedures to ensure the safe storage and secure handling by local officials having access to or in the possession of engineering and construction drawings and plans containing critical structural components, security equipment and systems, ventilation systems, fire protection equipment, mandatory building emergency equipment or systems, elevators, electrical systems, telecommunications equipment and systems, and other utility equipment and systems submitted for the purpose of complying with the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.).

Further, information contained in engineering and construction drawings and plans for any single-family residential dwelling submitted for the purpose of complying with the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.) shall not be subject to disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), except to the applicant or the owner of the property upon the applicant's or owner's request.

Virginia Conflict of Interests Act

Guide for Local Government Officials

Introduction

The Virginia State and Local Government Conflict of Interests Act (“COIA” or the “Act.”) regulates the financial relationships of council members and mayors with their localities and with any other governmental agencies that are related to the local government. The Act is intended to be the sole body of law for governing city and town council members’ financial involvement in contracts or other transactions with their own localities and with other governmental entities. While this Guide refers to city and town councils it is equally applicable to boards of supervisors and counties, along with regional bodies. Many of the Act’s rules and restrictions also apply to other officers and employees of local governments, including locally elected constitutional officers.

COIA regulates how involved a council member may be in an item being considered by council if the member has a financial interest in that item. The Act also defines what constitutes bribery or taking unfair advantage of information gained by reason of being on council. It sets penalties for violations and provides a procedural framework for its enforcement.

The Act is codified in Title 2.2, Chapter 31 of the Code of Virginia, § 2.2-3100 and following. While this Guide describes the general operation of the law, the reader should consult the law’s specific language for a better understanding (code references are given throughout this Guide). Furthermore, a council member with questions about a contract or transaction should consult the city or town attorney for the member’s locality.

The 2014 General Assembly created the Virginia Conflict of Interest and Ethics Advisory Council (“COIA Council”) to review and post online disclosure forms filed by officials who are subject to the Act. The Advisory Council also issues formal opinions about specific conflicts and offers informal advice, education and training. The duties and responsibilities of the Advisory Council are discussed throughout this Guide.

Since the Council was created many changes to the law have occurred as the General Assembly tries to strike a balance between the need for disclosure and the

practicality of complying with the law. For instance, the forms were originally supposed to be filed semi-annually but now must be filed annually. The definition of what constitutes a permissible or impermissible gift and how to include family members’ interests have also been the subject of many changes to this law. Your locality’s attorney is a primary source of advice about application of the Act, but the locality’s Commonwealth Attorney and the Advisory Council are also good resources, and in some circumstances their opinions provide legal protection from prosecution for violations of the Act.

Purpose of the act

The first section of the act, Va. Code § 2.2-3100, sets out the purpose of the law, citing three main goals:

1. To help ensure that the government will fully represent the public in its operations;
2. To give citizens confidence in public officials and the government so they will trust the government, by creating a clear set of rules for government officials; and,
3. To assemble all the laws affecting conflict of interests in a single location in order to create uniform rules. (While COIA largely accomplishes this purpose, additional rules are stated in the Virginia Public Procurement Act and in various other code sections.)

The act contains three general areas of regulation (listed below). The act also has procedural, enforcement, and penalty provisions.

Areas of regulation

The Act regulates the financial relationships of council members with their localities in three general categories:

1. General provisions covering bribes and other illegal behavior.
2. Regulation of financial interests a council member or other officer or employee may have in business dealings with his or her locality or with

agencies related to his or her locality. The Act calls this a personal interest in a contract.

3. Regulation of the level of involvement a council member, officer or employee of a locality may have in an item being considered by the locality that involves the official's business, property or other personal financial interest. The Act calls this a personal interest in a transaction.

I. Generally Prohibited Conduct

Bribes and other illegal behavior

Section § 2.2-3103 prohibits public officials from taking or soliciting bribes and from allowing money to influence their actions. This section applies to a person's actions as a government official; COIA does not apply to private individuals or businesses that may offer the bribes. Their actions are governed by other provisions in the state criminal code.

The Act prohibits a council member from soliciting or accepting money or benefits for doing his or her work as a public official. § 2.2-3103(1). For example, a council member may not take money (other than a properly reported campaign contribution) for voting in favor of a rezoning to help a developer build a project. Similarly, council members may not offer or take money to get a government job offer for themselves or for someone else, or in exchange for obtaining a contract or business deal with the local government. §§ 2.2-3103(1) & 3103(2).

A knowing violation of these prohibitions is a Class 1 misdemeanor. Enforcement and penalties for COIA violations are discussed in greater detail later in this Guide.

Undue influence

One step below the outright bribery rule is the prohibition on taking certain gifts or opportunities while serving as a public official. §§ 2.2-3103(5), (6), (8), (9) &

2.2-3103.1. The act prohibits a council member from accepting money, loans, gifts, services, business opportunities, or other benefits if it is reasonable to construe that the benefit was given to influence the council member in his or her duties. An exception is made for political campaign contributions – but only if the contribution is used for a political campaign or constituent service purposes and is reported as required by the campaign disclosure laws.

A typical example of this issue for cities and towns occurs when a vendor or contractor gives Christmas gifts of substantial value to the members of council.

Whether the gift complies with the act is a judgment call in most cases. Is a Christmas turkey reasonable if the developer is also giving the same gift to his employees, his business associates, and his materials suppliers? What if the gift is a box of cookies for the whole staff? The circumstances of the specific case usually indicate whether the gifts are appropriate.

The following items are exempted from the prohibition on gifts: (1) coupons and tickets that are not used; (2) honorary degrees; (3) scholarships or financial aid awards that were awarded in the same manner as they would be to the general public; (4) campaign contributions that are properly received and reported; (5) a gift that relates to the private profession or volunteer service of the officer or a member of the officer's immediate family; (6) food or beverages consumed while attending an event at which the filer is performing official duties related to public service, (7) food or beverages received at or registration of attendance fees waived for any event at which the filer is a featured speaker, presenter, or lecturer, (8) unsolicited awards of appreciation or recognition; (9) a devise or inheritance; (10) travel disclosed under the Campaign Finance Disclosure Act (§24.2-945 et seq.); (11) travel paid for or provided by a government entity; (12) travel provided to facilitate attendance by a legislator at a regular or special session of General Assembly or other meeting approved by the House or Senate Committee on Rules; (13) travel related to an official meeting of, or any meal provided for attendance at such meeting by, the Commonwealth, political subdivisions, or any board, commission, authority, or other entity, or any charitable organization established pursuant to §501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has been appointed or elected or is a member by virtue of his office or employment; (14) gifts with a value less than \$20; (15) attendance at a reception or similar function where food, such as hors d'oeuvres, and beverages that can be conveniently consumed by a person while standing or walking are offered; or (16) gifts from relatives or personal friends as the Act defines "personal friend". § 2.2-3101. Overturning an Advisory opinion from the Council, the General Assembly has changed the definition of gift and does NOT include tickets or registration or admission fees to an event that are provided by an agency to its own officers or employees for the purposes of performing official duties related to their public service!

For purposes of §2.2-3101 and what is not a gift when received from a relative, that term is defined as the recipient's spouse, child, uncle, aunt, niece, nephew, or first cousin; a person whom the donee is engaged to marry, the recipient or recipient's spouse's parent,

grandparent, grandchild, brother, sister, step-parent, step-grandparent, step-grandchild, step-brother, or step-sister or the recipient's brother's or sister's spouse or the recipient's son-in-law or daughter-in-law.

The Act limits who can be considered a personal friend for the purposes of the disclosure exemption. The reason for this limitation is to ensure that the term "personal friend" is not applied loosely, allowing anyone's gift to qualify for the exemption from disclosure by the recipient. Personal friends are discussed further below.

§ 2.2-3103.1 pertains to prohibited gifts. This provision applies to all candidates, officers, and employees of local governments and advisory agencies, and members of their immediate family. These individuals may not solicit, accept or receive a tangible gift that is valued at over \$108 or a combination of gifts within a year with an aggregate value of over \$108 if it is given to him by (1) a lobbyist, (2) a lobbyist's principal,¹ or (3) a person, organization, or business that is seeking to be or already is a party to a contract with the local agency of which he is an officer or employee. However, the limit only applies to individuals who are required to file a disclosure form prescribed in §2.2-3117. Therefore, it does not apply to officials of localities with a population under 3,500.

An official may accept a gift with a value in excess of \$108 if the gift was from a personal friend. The following factors will be considered in determining whether someone qualifies as a personal friend: (a) the circumstances under which the gift was offered; (b) the history of the relationship, to include its nature, duration and previous gift exchanges; (c) to the extent known, whether the donor personally paid for the gift or sought a tax deduction or business reimbursement and (d) whether the donor has given similar gifts to other persons required to file disclosure forms. §2.2-3103.1.

A lobbyist or a lobbyist's principal cannot, however be considered a personal friend whose gifts are exempt from these limits. A person, organization, or business also cannot be considered a personal friend if that entity or person is a party to a contract with the local government or agency for which the officer or employee works. This is true whether the contract has

already been awarded or if the person, organization, or business is just seeking to be a party to a contract.

Some may wonder how an officer or official would even try to argue that he or she has a personal friendship with an organization or business. In this context, the terms "organization" and "business" include those who are officers, directors, owners, or have a controlling ownership interest in the organization or business. § 2.2-3101.

Council members are also prohibited from taking benefits if they know the benefits are being offered to influence the member's decision or vote. § 2.2-3103(5). Therefore, even if the gift is not unreasonable, the council member may not accept it if the circumstances or statements of the giver make it clear that the gift is being given to influence the council member.

A further prohibition is aimed at gifts given by a private party looking for a specific action by the government. § 2.2-3103(8). This subsection prohibits a council member from accepting a gift from a private party whose interests can be affected by the council member's actions, where the timing of the gift would lead a reasonable person to question whether the gift is being given to influence the council member. For example, if the day before an important council vote on a rezoning, the applicant for that rezoning gives the council member \$2,000 and calls it a campaign contribution, it would be reasonable to think the money was given to influence the vote. Also, if a council member accepts gifts so often that it creates the appearance that he or she routinely accepts gifts simply for doing his or her job, that behavior constitutes a violation. § 2.2-3103(9). Violations of these two prohibitions may not be the basis for a criminal charge.

Why is the gift limit \$108? the Council is empowered every 5 years to adjust this amount for inflation. In 2020 they raised the original \$100 limit to \$108.

Local governments can adopt ordinance limiting dollar value of gifts

Local governments may adopt an ordinance to limit the dollar value of gifts to officials and employees of the locality. § 2.2-3104.2. The ordinance can include a required gift disclosure provision. While a public official may have nothing to fear legally once a gift is disclosed, keep in mind that the appearance of impropriety is often more harmful than the impropriety itself. A \$50 limit is often used. While this amount is arbitrary, setting a limit does make it simpler for all involved to know what behavior is permissible. Even if the locality adopted an ordinance prohibiting acceptance of gifts over a fixed

¹Prior to the General Assembly overturning the Advisory opinion from the Council, the elected members of a locality were to follow the restrictions and reporting requirements provided for in the Act whenever they received any gifts from lobbyist's principals. This applied even in circumstances where the lobbyist's principal was their own locality, and the locality was giving them a gift, distinct from their regular compensation. 2020-F-001 (November 18, 2020).

amount, its officers or employees may accept a gift of greater value given by a §501(c)(3) charitable organization in recognition of the recipient's meritorious public service.

Insider information

It is a violation of the Act for a public official to use information not available to the public for his or her own or another person's economic benefit. § 2.2-3103(4). For council members, a violation of this prohibition is sometimes alleged unfairly. For example, a council member who simply pays attention to plans submitted to the locality that are available to the public, and then buys a nearby property, has not violated the Act, but the public may still believe that the council member had advance knowledge of the business opportunity. Once again, the perception may be more problematic than the reality.

II. Regulation of council member's actions as a citizen.

Personal interest in a contract.

The Act limits what financial interests a council member may have in business dealings with his or her locality and with agencies related to his or her locality. § 2.2-3107. The Act calls this a "personal interest in a contract." While this Guide's discussion is limited to the restrictions on council members, the Act also sets forth different restrictions for school board members (§ 2.2-3108) and for local government employees (§ 2.2-3109). Council members need to keep in mind the restrictions on the employees of a city or town as they carry out their duties and watch over the affairs of the locality.

According to § 2.2-3107(A), "no person elected or appointed as a member of the governing body of a county, city or town" shall have "a personal interest in a contract" with his or her city or town or with certain other related government agencies. (The definition of a personal interest in a contract is described below.)

The council member may not have a personal interest in a contract with any agency of his or her locality, including the operating departments of the city or town. In addition, he or she may not have a personal interest in a contract with any government agency that is under the council's ultimate control. For example, if the council appoints a library board, then council members would have ultimate control over the library. Therefore, a council member could not have a financial interest in a contract with the library board. In a city

where the school board is appointed by the city council, council members would likewise be prohibited from having an interest in a contract with the school system.

This section of the Act also prohibits involvement in a contract with any agency if the council appoints a majority of the members of that agency's governing body. For example, if the locality is a member of a regional jail and its council appoints four of the jail board's seven members, then a council member would be prohibited from being involved in a contract with the jail.

Definitions of personal interest and personal interest in a contract, and personal interest in a transaction

The Act only prohibits a council member's participation if he or she has a personal interest in the contract with one of the agencies described. The definition of "personal interest in a contract" has three parts: "a personal interest," a "personal interest in a transaction" and a "personal interest in a contract." § 2.2-3101.

Personal interest. The definition of a personal interest is the key building block of the Act. The term is used throughout. A personal interest exists if any one of the following tests is met:

1. The council member owns at least 3 percent of the equity of a business.
2. The council member has annual income from a business that is or reasonably could be in excess of \$5,000 or owns an interest in property worth more than \$5000.
3. The council member has a salary, fringe benefits, or other compensation, from a business, or gets rent or other benefits from the use of property involved in a contract or transaction that exceeds or reasonably could exceed \$5,000 annually.
4. The council member's ownership interest in property exceeds \$5,000.
5. The council member's liability for a business exceeds 3 percent of the equity of the business.
6. The council member has an option on real property and, upon exercise of the option, his or her ownership will meet the levels in either test 1 or 4, above.

Immediate Family. In addition to the council member, if any person in the council member's immediate family has one of the six types of a personal interest, the personal interest exists for the council member. The term "immediate family" always includes

the person's spouse. The term also includes any other person who resides in the same household as the officer or employee and who is a dependent of the officer or employee.

As this definition demonstrates, if a council member's spouse has a personal interest in a business that would like to contract with the city, the contract is prohibited even though the husband/council member has no involvement in the contracts.

Personal Interest in a transaction. A personal interest in a transaction exists when an officer or employee or immediate family member of one has a personal interest in property or a business and that property or business is:

1. The subject of the transaction, or,
2. The member or the property or business in which the member has an interest may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of the action of the member's agency considering the transaction.

A personal interest in a transaction does not exist when:

1. An elected member of a local governing body serves without remuneration as a member of the board of trustees of a not-for-profit entity and the member and his immediate family has no personal interest in the entity.
2. An officer, employee, or elected member of a local governing body is appointed by such local governing body to serve on a governmental agency and the personal interest in the transaction is the result of benefits provided to the member or his immediate family.

Personal interest in a contract. If the council member's involvement meets any one of the six definitions of a personal interest, the next step is determining whether the council member has a personal interest in the contract in question. According to the Act's definition, a council member has a personal interest in a contract with a government agency if that contract is with the council member or with a business in which he or she has a personal interest. § 2.2-3101.

In looking at a particular contract, it is important to ask: Is a council member or his or her business or property involved in the contract? Does that council member have a personal interest as defined by the Act? The answers to these questions will help determine if the contract is prohibited under the Act.

Situations where conflicts do not exist

Some situations are not legally defined as conflicts under the Act, even though they may appear to be natural conflicts. If a council member earns a total salary of \$4,900 per year from a business, that business could contract with the locality, because the council member would not meet the income level to have a personal interest for purposes of the Act. As the third test of the definition – salary – shows, the salary must exceed \$5,000 per year to create a personal interest.

Note also that an official's personal interest in a contract or transaction is based only on the official's financial interest. If a council member serves on the board of a charitable entity, the fact that the council member may have divided loyalties between the charity and the locality, or may support the policy goals of the charity does not create a legal conflict under the Act, as long as the council member serves on the charity's board for less than \$5,000 compensation per year and doesn't have an ownership interest in the charity. § 2.2-3101.

Exceptions to conflicts in contracts

The Act sets out a series of exceptions to the prohibitions on having a personal interest in a contract.

Exceptions that apply only to council members. Several exceptions are specific to council members. § 2.2-3107(B).

1. A council member may be an employee of the locality as long as the employment began before the member's election to council. § 2.2-3107(B)(1). This section of the law also allows employment and service on council if the person was an employee prior to July 1, 1983. If an employee of locality serves on council, he or she will sometimes run into potential conflicts when matters come before council that affect the locality's employees such as salary and disciplinary decisions. (This issue is explored below, in the section on personal interests in a transaction).

2. A council member may buy goods or services from his or her locality as long as they are made available to the public at uniform prices. § 2.2-3107(B)(2).

3. A council member may sell goods to his or her locality if the following conditions are met, pursuant to § 2.2-3107(B)(3):

- a. The purchase must be made by competitive sealed bidding. Therefore, if the contract is being solicited by a request for proposals, the exception doesn't apply.
- b. The contract must be for goods, not services, and the need for the goods must have been

established prior to the person's coming on council.

For example if the city needs a tractor, and a council member owns a tractor dealership, if the city had bought tractors prior to the council member's election, the member's dealership may continue to bid on the contract.

- c. The council member who wants to sell to the locality must play no role in preparing the specifications for the purchase.
- d. The remaining members of council must pass a resolution in writing that the council member's bidding on the contract is in the public interest.

Note: this exception does not apply to providing services, only to contracts for buying goods. For example, a council member who is an accountant, or the member's firm may not have a contract to provide auditing services to the member's locality.

Eight exceptions that apply to all local government officials and employees.

The following eight exceptions to the prohibition on having a personal interest in a contract apply not only to council members, but to all other local government officials and employees as well. § 2.2-3110(A).

1. Any sale, lease, or exchange of real property between a local official and his or her locality is allowed as long as the official doesn't participate on behalf of the locality in making the deal, and the fact that the official wasn't involved is recorded in the public record of the locality or governmental agency involved in the transaction. The reason for this exception is that each parcel of real estate is deemed to be unique. If a city needs a certain lot or parcel, the fact that a council member or city employee owns it should not prevent the purchase of the needed land by the city. § 2.2-3110(A)(1).

2. The prohibition does not apply to contracts for the publication of official notices, presumably so that the local newspaper may be used for ads required by state law even when a council member is an owner or employee of that paper. This is a balancing of needs; the state code requires many local government notices to be run in the local paper. Without this exception, those publication requirements could not be met in such a situation. § 2.2-3110(A)(2).

3. For counties, towns and cities with a population under 10,000 contracts between a council member and his or her locality are allowed, despite the general prohibition, if the total of those contracts does not exceed

\$5,000 per year. Further, contracts up to \$25,000 are allowed if the contract is awarded by competitive sealed bidding. This higher level only applies if the public official has filed a statement of economic interests form. Every council member except those in localities with populations of 3,500 and under must file that form annually, so this requirement does not create an added obligation. § 2.2-3110(A)(3).

4. If the sole personal interest a local official has in a contract comes from employment by the contracting business for more than \$5,000 per year the business may still be able to contract with the locality. For this exception to apply, neither the local official nor any member of his or her immediate family may have any authority to participate in making the deal with the locality, and must not actually participate on behalf of either the business or the locality in negotiating the deal. A typical example of this might be a contract with a large engineering firm that employs a council member but the member or member's spouse plays no role in soliciting the contract or negotiating its terms. § 2.2-3110(A)(4).

5. If a council member is employed by a public service corporation, a bank, a savings and loan association, or a public utility, and the member discloses that employment and refrains from participating on behalf of the city or town, then the utility, bank, etc., may contract with the locality. § 2.2-3110(A)(6). Without this exception, all employees of the local electric power company or local bank might effectively be barred from seeking public office in the locality.

6. The prohibition does not apply to any contract for goods or services below \$500 in value. But if a locality normally purchased paper on an annual contract, for example, could it split up a year's worth of paper contracts so that each is less than \$500? While the section is silent on splitting up a larger contract to meet this exception, the consensus is that splitting a contract solely to evade the \$500 limit would violate the law. § 2.2-3110(A)(7).

7. Program grants made to a local public official are allowed if the rates or amounts paid to all qualified applicants are uniform and are established solely by the agency administering the grants. § 2.2-3110(A)(8).

8. If the spouse of a local official is employed by the locality, the personal interest prohibition does not apply if the spouse was employed by the agency five or more years prior to marrying the other official. § 2.2-3110(A)(9). If one spouse is the supervisor of the other spouse, the conflict does not exist if the subordinate spouse earns less than \$35,000 per year. § 2.2-3110(B).

III. Council member's participation as public official

Personal interest in a transaction

The rule concerning a personal interest in a transaction sets out the level of involvement a council member may have in an item being considered by the governing body (the transaction) that involves the membership, property, or other personal financial interest. § 2.2-3112.

As with a personal interest in a contract, the first step is to determine whether the council member has a personal interest in the transaction. The same definition of a personal interest is used in the transactions provisions as in the contracts provisions, but the definition of personal interest in a transaction goes beyond the definition of a personal interest in a contract.

Definition of transaction & personal interest in a transaction

Transaction. In the context of a city or town council, a transaction is defined as any matter considered by the council, a council committee or subcommittee, or any department, agency, or board of the locality including the local planning commission, if any official action is taken or is being contemplated. § 2.2-3101.

Personal interest in a transaction. This term is broadly defined as a personal interest of a council member “in any matter considered by his [locality]”. § 2.2-3101. Specifically, a personal interest in a transaction exists if a council member or immediate family member has a personal interest (as defined in Part II) in the property, business, or governmental agency – or represents/provides services to any individual or business property – and the property, business, or represented/served individual or business either (1) is the subject of the transaction, or (2) may realize a reasonably foreseeable benefit or detriment as the result of the transaction.

A typical example of representing or servicing an individual or business would be a council member who is an accountant and whose accounting firm handles the books of the business that is the subject of the transaction. Another common example occurs when the council member or member's spouse is a principal in an engineering firm that represents an applicant for a land-use permit before council. In these cases, the council member may well have a personal interest in the transaction unless he or she is not directly involved in the representation. In practice, if a matter comes before council or a council committee or involves any

department of the locality, and a council member has a personal interest in the subject matter or represents the subject business, the council member must then follow the Act's requirements for his or her participation in § 2.2-3112 (discussed below in “Levels of transactions” section).

Exceptions and limitation on conflicts

A personal interest in a transaction does not exist if the council member serves on a not-for-profit board without pay, and neither the council member nor his or her immediate family has a financial interest in the not-for-profit entity (Definition of personal interest in §2.2-3101).

No prohibited personal interest exists when an employee or council member of a locality is appointed by the locality to an ex-officio role in another governmental agency and the appointee's interest in the transaction exists solely due to the locality's employment of the appointee or appointee's spouse. See the definition of “personal interest in a transaction” in § 2.2-3101.

The Act provides in § 2.2-3112(C) that if an employee, but not a council member, is disqualified from participating in a transaction, the employee may still represent his private interests before the council as long as the employee is not paid for the representation and discloses the nature of his or her interest. This exception appears not to apply to council members.

Other employees

Section §2.2-3112 sets out the rules for a locality's employees other than council members who have a personal interest in a transaction with the locality. The section also contains a list of exceptions that apply to the employees of the government agencies in the locality. Those rules and exceptions do not apply to council members. For example, an employee's spouse may contract with the locality to provide services (for example, accounting) if certain conditions are met. In contrast, a council member's spouse could not have a contract for the same services to the locality.

Levels of transactions

The fact that a council member has a personal interest in a transaction before council does not always require the member to disqualify himself. The Act's requirements for participation, if a personal interest in the transaction does exist, set out three levels of transactions. § 2.2-3112(B).

1. If the council member is in a firm that represents the subject of the transaction, but the council member does not personally represent the subject in the trans-

action, the member may participate in the council discussion after making the declaration requirements of § 2.2-3114(G) or § 2.2-3115(I).

2. If the transaction affects a business, profession, occupation or group of three or more members to which the council member belongs, he may participate in the transaction only if he completes a disclosure form, described in the “Disclosures” section, below. § 2.2-3112(B)(2).

3. If the transaction affects the public generally, the council member may participate. A council member may, for example, obviously vote on raising property taxes, even though that vote affects the member, because it also affects the public generally. In comparing items 2 and 3, some transactions are considered to affect the public generally, even though not every member of the public is affected. For example, the business license tax applies only to property owners, but it is considered to affect the general public.

Additional exception

Disqualification under the provisions of § 2.23112(C) does not prevent any employee who has a personal interest in a transaction with his or her agency from representing himself, herself, or immediate family members in such transaction provided the employee does not receive compensation for such representation and complies with the disqualification and relevant disclosure requirements of the Act.

Effects of disqualification

If a council member is disqualified from participating in a transaction, the Act requires several steps. § 2.2-3112:

1. The council member must disclose the interest that causes the disqualification by identifying the interest, including the name and address of the business or property. § 2.2-3115(F). The disclosure is required whether the law requires the disqualification or the council member voluntarily disqualifies himself out of an abundance of caution. The disclosure can be made in a written record sent to the Clerk or made verbally in a public meeting and recorded in the minutes of that meeting.
2. The disclosure must be kept for five years in the records of the council.
3. The council member may not vote on or participate in discussion on the transaction. It is a best practice for the council member to sit in the audience during the discussion and vote, on a matter

for which the member has been disqualified

4. The disqualified council member may not attend the portion of a closed meeting at which the transaction is discussed.
5. The disqualified council member may not discuss the matter with other members or with anyone in the local government who is involved in the transaction.

Savings clause for certain votes

The Act allows the remainder of council to vote when disqualifications rob the council of a quorum. § 2.2-3112(D). The council may act by a vote of the majority of the members who are not disqualified. Even if the law requires a unanimous vote, it only has to be by a unanimous vote of the remaining members. The Advisory Council issued a formal advisory opinion (2017-F-001) on April 24, 2017 confirming the quorum analysis above. The opinion states in part that when five members of a seven member board are in attendance and two persons are disqualified from voting, the three remaining members do constitute a quorum. One caution – the Virginia Supreme Court has ruled that when there are disqualifications, and a vote is taken using this section, the disqualified members of council must remain present to maintain a quorum. If the disqualified members leave the meeting, such that fewer members are present than required for a quorum – a quorum does not exist and the meeting cannot continue. See *Jakabcin v. Front Royal*, 271 Va. 660, 628 S.E.2d 319 (2006).

In order for a council to sell or lease land, state law requires a three-fourths vote of all members elected to council. § 15.2-2100. Section 2.2-3112(D) of the Act allows a council member to participate in a discussion and vote on a proposed sale, lease, or similar conveyance of land, if the council member’s only personal interest in that sale is that he or she is employed by the business that is contracting with the locality for the land deal.

IV. Disclosures

If a transaction affects a group, business, or profession as set forth in § 2.2-3112(B)(1), the council member may participate if he or she certifies in good faith that he or she can represent the public fairly in the transaction. The certification requires the following elements to be identified - § 2.2-3115(H):

- The transaction;
- The nature of the personal interest;

- The fact that the council member is a member of a business, profession, occupation, or group that will be affected by the transaction;
- A statement that the council member is able to participate fairly, objectively, and in the public interest.

If the transaction affects a party that the council member's firm represents, but the council member is not involved on behalf of the firm, the disclosure requires the following elements to be identified. § 2.2-3115(I):

- The transaction involved;
- The fact that a party to the transaction is a client of the council member's firm;
- A statement that the council member does not personally represent the client;
- A statement that the council member is able to participate fairly, objectively, and in the public interest.

If either of these disclosures is required, the council member must either state it at the meeting or file it in writing with the clerk of the council or the manager. A written disclosure should be filed before the meeting or, if that is impracticable, by the end of the following business day. § 2.2-3115(H), (I). In both cases, the disclosure is public. VML advises that it is better to make the disclosure at the meeting, orally, when the transaction is about to be considered. It is also recommended that the person sit in the audience for the discussion and vote. This conveys a clearer message of self-disqualification than simply handing the clerk a written statement. If the disqualification is handed in with no announcement, the public will wonder why the council member is not participating.

Annual Statement of Economic Interests Form

In addition to transaction-specific disclosures, each council member of every locality with a population of more than 3,500 must file the Statement of Economic Interests form. The Statement of Economic Interests form must be filed annually on or before February 1st for the preceding calendar year. § 2.2-3115.

This disclosure form will be created and provided by the Advisory Council at least 30 days prior to the filing deadline. Forms should be disseminated by the clerks of the governing bodies to their respective members not less than 20 days before the filing deadline. The forms must be available for review by the public no later than six weeks after the deadline and shall be maintained in the clerk's office for five years. §2.2-3115(D).

The forms will require the disclosure of holdings in excess of \$5,000, which is a change from the previous threshold of \$10,000. § 2.2-3117.

The city or town council may also adopt an ordinance to require other officials and employees of the locality to file the Statement of Economic Interests form pursuant to § 2.2-3115(A). Typically, this provision is used for the city or town manager, but some localities require various other employees to file the form. Other localities do not require the form to be completed by any employees or officials except those required to file by state law. The council also may require members of boards, commissions and councils whom it appoints to file a disclosure form. § 2.2-3115(B).

In localities with a population of more than 3,500, members of planning commissions, boards of zoning appeals, real estate assessors, and all county, city and town managers must file an annual disclosure that is limited real estate interests. § 2.2-3115(G).

The section clarifies that no local government officer or employee is required to file any disclosures not specifically mentioned in the article. § 2.2-3115(C).

Who Files Disclosure Form

The following local officials are required to file the State and Local Statement of Economic Interests per § 2.2-3115:

- Members of the board of supervisors
- Members of the city council
- Members of the town council, if the town has a population exceeding 3,500
- Members of a school board
- Members and the executive director of any industrial development authority or economic development Authority
- Citizen members of the Northern Virginia Transportation Authority and the Northern Virginia Transportation Commission
- Persons holding positions of trust appointed or employed by the governing body if the governing body has passed an ordinance requiring them to file
- Persons holding positions of trust appointed or employed by school board if the school board has adopted a policy requiring them to file
- Members of the governing body of any entity established in a county or city with the power to issue bonds or expend funds in excess of \$10,000 in any fiscal year if the governing body of the

appointing jurisdiction has required them to submit this form

The following local officials are required to file the Financial Disclosure Statement per § 2.2-3115:

- Members of the governing body of any entity established in a county or city with the power to issue bonds or expend funds in excess of \$10,000 in any fiscal year unless required to file the Statement of Economic Interest by the governing body of the appointing jurisdiction
- Non-salaried citizen members of local boards, commissions, and councils if the governing body has designated them to file.

The following local officials are required to file the Real Estate Disclosure per § 2.2-3115 (G):

- Planning commission members
- Members of board of zoning appeals
- Real estate assessors
- County, city, or town managers
- Executive officers

*Nothing precludes a locality from requiring others to file.

V. Enforcement & penalties

Criminal penalties

A knowing violation of COIA is a Class 1 misdemeanor. § 2.2-3120. According to the Act, a violation is knowingly made if an official acts or refuses to act when he or she knows that the behavior is either prohibited or required by the Act. An example of refusing to do a required act is a council member's refusal to file a disclosure form. A Class 1 misdemeanor has maximum penalties of one year in jail and a fine of \$2,500.

Three other specific violations have a lower, Class 3 penalty (maximum \$500 fine):

1. Failure to disqualify oneself from participating in a transaction.
2. Failure to file the annual statement of economic interests.
3. Failure to file the statement of reasons for a disqualification in a transaction.

Additional consequences for violations

In addition to the criminal consequences, a council member who is found guilty of a knowing COIA violation is also guilty of malfeasance in office. In that

case, the judge may order the forfeiture of the member's council seat. § 2.2-3122.

If a contract is made by a locality is found to involve either a council member who violated the general provisions relating to bribes, insider information, undue influence (§ 2.2-3103), or a violation of the "personal interest in a contract" provisions, the council may rescind the contract. In that case, a contractor, even if innocent of wrongdoing, may not receive the full profits he anticipated in the deal. The contractor may only receive a "reasonable value," according to § 2.2-3123.

If a council action involves a violation of "the personal interest in a transaction" requirements, the council may rescind the award of a contract or other decision made. In rescinding the action, the best interests of the locality and any third parties are to be considered. § 2.2-3112(D).

If a council member violates any of the general provisions related to bribes and other illegal behavior, the rules regarding personal interest in a contract, or the rules regarding personal interest in a transaction, any value the member received from the transaction must be forfeited. If the violation was knowingly made, the judge may impose a civil penalty equal to the value received. §2.2-3124.

Any person required to file a disclosure form shall be entitled to an extension of the time limit for good cause shown. Good cause includes (i) the death of a relative, (ii) a state emergency declared by the Governor or by the President of the United States or a governor of another state if such emergency interferes with the timely filing of disclosure forms, (iii) being a member of a uniformed service and on active duty on the date of the filing deadline, or (iv) failure of the electronic filing system. § 30-356.2(A).

If a person is unable to timely file the disclosure form because it was not made available until after the deadline, the person shall receive a five-day extension upon request. The head of the agency for which the person works or the clerk of the governing body of the locality responsible for providing the disclosure form to such person shall be assessed a civil penalty in the amount equal to \$250. If the disclosure form is provided to the person within three days prior to the filing deadline, the person shall receive a three-day extension upon request and no civil penalties will be assessed against the head of such person's agency or the clerk. § 30-356.2(B). This does not apply to statements of economic interest required to be filed as requirement of candidacy. § 30-356.2(C).

Advisory opinions

Commonwealth's Attorney

The law allows some opportunity to avoid a problem by setting up a process for a local official to obtain an opinion a COIA question from the local commonwealth's attorney. The commonwealth's attorney is required by § 2.2-3126(B) to issue advisory opinions on whether a fact situation constitutes a violation. In addition to issuing opinions, the commonwealth's attorney is charged with prosecuting violations of the Act by local officials. If the council member gives the attorney all the relevant facts and the attorney determines that the council member is allowed by law to participate, the council member may not be prosecuted for doing so. § 2.2-3121(B). If the commonwealth's attorney opines that the facts constitute a violation, the council member then may ask the attorney general to review and override the local opinion. The law makes it clear that any written opinions are public records and are therefore available to the public.

If the council member obtains a written opinion from the town or city attorney, based on full disclosure of the facts, the council member may introduce the favorable opinion from the attorney upon challenge. § 2.2-3121(C). However, keep in mind that the town or city attorney cannot provide the legal protection from prosecution for a violation that the Commonwealth's Attorney or the Conflict of Interest and Ethics Advisory Council are legally authorized to grant.

The Virginia Conflict of Interest and Ethics Advisory Council

The Advisory Council is another resource that may be used to help localities and local officials avoid a conflicts of interest or ethics problem. It has the authority to issue formal advisory opinions and guidelines relating to ethics and conflicts issues. Additionally, the Council may issue informal advice in response to specific questions. Any informal advice issued by the Advisory Council is protected by attorney-client privilege and is exempt from disclosure under the Virginia Freedom of Information Act. However, if the recipient invokes the immunity provisions of §2.2-3121 or §30-124, the record of the request and the informal advice shall be deemed to be a public record and released upon request.

Formal advisory opinions can be found on the Advisory Council website along with the adopted procedures for issuing formal advisory opinions. Formal opinions are public records, but may have some personal information redacted.

Another role of the Advisory Council is to provide training on ethics and conflicts issues. These training seminars will be available to lobbyists, state and local government officers and employees, legislators, and other interested persons. The written materials for these training sessions will also be published by the Council, when it is deemed appropriate. § 30-356(7), (9).

Summary

The Virginia State and Local Government Conflict of Interests Act determines when public officials and employees have personal interests in public contracts or transactions, if those interests conflict with the officials' public duties, and how the officials should behave considering such a conflict. The Act dictates the terms for disclosure of public officials' personal and financial interests and decides when officials must disqualify themselves from participating in a public business transaction. The Act also defines other types of conduct that public officials are prohibited from engaging in, including involvement in bribery, influence peddling, or misuse of insider information.

Council members should always consult the Act's specific language when a potential conflict seems possible. Inquiries about specific contracts or transactions should be directed first to the local city or town attorney. However, keep in mind that the town or city attorney cannot provide the legal protection from possible prosecution that the Commonwealth's Attorney or the Conflict of Interest and Ethics Advisory Council can. We hope this Guide will help local governments become better informed of their responsibilities and how to recognize when a prospective conflict may occur.

Title 2.2. Administration of Government. Chapter 31. State and Local Government Conflict of Interests Act

As required under Virginia Code § 2.2-3100.1, ...” All officers and employees shall read and familiarize themselves with the provisions of this chapter.”

The text of the Act follows to assist local officials in complying with this section of the law.

Additional Code sections that deal with conflicts but that are in other chapters of the Code are included as well.

Article 1. General Provisions.

§ 2.2-3100. Policy; application; construction.

The General Assembly, recognizing that our system of representative government is dependent in part upon (i) citizen legislative members representing fully the public in the legislative process and (ii) its citizens maintaining the highest trust in their public officers and employees, finds and declares that the citizens are entitled to be assured that the judgment of public officers and employees will be guided by a law that defines and prohibits inappropriate conflicts and requires disclosure of economic interests. To that end and for the purpose of establishing a single body of law applicable to all state and local government officers and employees on the subject of conflict of interests, the General Assembly enacts this State and Local Government Conflict of Interests Act so that the standards of conduct for such officers and employees may be uniform throughout the Commonwealth.

This chapter shall supersede all general and special acts and charter provisions which purport to deal with matters covered by this chapter except that the provisions of §§ 15.2-852, 15.2-2287, 15.2-2287.1, and 15.2-2289 and ordinances adopted pursuant thereto shall remain in force and effect. The provisions of this chapter shall be supplemented but not superseded by the provisions on ethics in public contracting in Article 6 (§ 2.2-4367 et seq.) of Chapter 43 of this title and ordinances adopted pursuant to § 2.2-3104.2 regulating receipt of gifts.

The provisions of this chapter do not preclude prosecution for any violation of any criminal law of the Commonwealth, including Articles 2 (Bribery and Related Offenses, § 18.2-438 et seq.) and 3 (Bribery of Public Servants and Party Officials, § 18.2-446 et seq.) of Chapter 10 of Title 18.2, and do not constitute a defense to any prosecution for such a violation.

This chapter shall be liberally construed to accomplish its purpose.

§ 2.2-3100.1. Copy of chapter; review by officers and employees.

Any person required to file a disclosure statement of personal interests pursuant to subsections A or B of § 2.2-3114, subsections A or B of § 2.2-3115 or § 2.2-3116 shall be furnished by the public body’s administrator a copy of this chapter within two weeks following the person’s election, reelection, employment, appointment or reappointment.

All officers and employees shall read and familiarize themselves with the provisions of this chapter.

§ 2.2-3101. Definitions.

As used in this chapter, unless the context requires a different meaning:

“Advisory agency” means any board, commission, committee or post which does not exercise any sovereign power or duty, but is appointed by a governmental agency or officer or is created by law for the purpose of making studies or recommendations, or advising or consulting with a governmental agency.

“Affiliated business entity relationship” means a relationship, other than a parent-subsidary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that may be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person owns or manages the two entities, there are common or commingled funds or assets, the business entities share the use of the same offices or employees, or otherwise share activities, resources or personnel on a regular basis, or there is otherwise a close working relationship between the entities.

“Business” means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

“Candidate” means a person who seeks or campaigns for an office of the Commonwealth or one of its governmental units in a general, primary, or special election and who is qualified to have his name placed on the ballot for the office. The candidate shall become

subject to the provisions of this chapter upon the filing of a statement of qualification pursuant to § 24.2-501. The State Board of Elections or general registrar shall notify each such candidate of the provisions of this chapter. Notification made by the general registrar shall consist of information developed by the State Board of Elections.

“Contract” means any agreement to which a governmental agency is a party, or any agreement on behalf of a governmental agency that involves the payment of money appropriated by the General Assembly or a political subdivision, whether or not such agreement is executed in the name of the Commonwealth, or some political subdivision thereof. “Contract” includes a subcontract only when the contract of which it is a part is with the officer’s or employee’s own governmental agency.

“Council” means the Virginia Conflict of Interest and Ethics Advisory Council established in § 30-355.

“Employee” means all persons employed by a governmental or advisory agency, unless otherwise limited by the context of its use.

“Financial institution” means any bank, trust company, savings institution, industrial loan association, consumer finance company, credit union, broker-dealer as defined in subsection A of § 13.1-501, or investment company or advisor registered under the federal Investment Advisors Act or Investment Company Act of 1940.

“Gift” means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred. “Gift” does not include (i) any offer of a ticket, coupon, or other admission or pass unless the ticket, coupon, admission, or pass is used; (ii) honorary degrees; (iii) any athletic, merit, or need-based scholarship or any other financial aid awarded by a public or private school, institution of higher education, or other educational program pursuant to such school, institution, or program’s financial aid standards and procedures applicable to the general public; (iv) a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2; (v) any gift related to the private profession or occupation or volunteer service of an officer or employee or of a member of his immediate family; (vi) food or beverages consumed while attending an event at which the filer is performing official duties related to his public service;

(vii) food and beverages received at or registration or attendance fees waived for any event at which the filer is a featured speaker, presenter, or lecturer; (viii) unsolicited awards of appreciation or recognition in the form of a plaque, trophy, wall memento, or similar item that is given in recognition of public, civic, charitable, or professional service; (ix) a devise or inheritance; (x) travel disclosed pursuant to the Campaign Finance Disclosure Act (§ 24.2-945 et seq.); (xi) travel paid for or provided by the government of the United States, any of its territories, or any state or any political subdivision of such state; (xii) travel provided to facilitate attendance by a legislator at a regular or special session of the General Assembly, a meeting of a legislative committee or commission, or a national conference where attendance is approved by the House Committee on Rules or its Chairman or the Senate Committee on Rules or its Chairman; (xiii) travel related to an official meeting of, or any meal provided for attendance at such meeting by, the Commonwealth, its political subdivisions, or any board, commission, authority, or other entity, or any charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has been appointed or elected or is a member by virtue of his office or employment; (xiv) gifts with a value of less than \$20; (xv) attendance at a reception or similar function where food, such as hors d’oeuvres, and beverages that can be conveniently consumed by a person while standing or walking are offered; (xvi) tickets or the registration or admission fees to an event that are provided by an agency to its own officers or employees for the purposes of performing official duties related to their public service; or (xvii) gifts from relatives or personal friends. For the purpose of this definition, “relative” means the donee’s spouse, child, uncle, aunt, niece, nephew, or first cousin; a person to whom the donee is engaged to be married; the donee’s or his spouse’s parent, grandparent, grandchild, brother, sister, step-parent, step-grandparent, step-grandchild, step-brother, or step-sister; or the donee’s brother’s or sister’s spouse or the donee’s son-in-law or daughter-in-law. For the purpose of this definition, “personal friend” does not include any person that the filer knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2; (b) a lobbyist’s principal as defined in § 2.2-419; (c) for an officer or employee of a local governmental or advisory agency, a person, organization, or business who is a party to or is seeking to become a party to a contract with the local agency of which he is an officer or an employee; or (d) for an officer or employee of a state governmental

or advisory agency, a person, organization, or business who is a party to or is seeking to become a party to a contract with the Commonwealth. For purposes of this definition, “person, organization, or business” includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business.

“Governmental agency” means each component part of the legislative, executive or judicial branches of state and local government, including each office, department, authority, post, commission, committee, and each institution or board created by law to exercise some regulatory or sovereign power or duty as distinguished from purely advisory powers or duties. Corporations organized or controlled by the Virginia Retirement System are “governmental agencies” for purposes of this chapter.

“Immediate family” means (i) a spouse and (ii) any other person who resides in the same household as the officer or employee and who is a dependent of the officer or employee.

“Officer” means any person appointed or elected to any governmental or advisory agency including local school boards, whether or not he receives compensation or other emolument of office. Unless the context requires otherwise, “officer” includes members of the judiciary.

“Parent-subsidiary relationship” means a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation.

“Personal interest” means a financial benefit or liability accruing to an officer or employee or to a member of his immediate family. Such interest shall exist by reason of (i) ownership in a business if the ownership interest exceeds three percent of the total equity of the business; (ii) annual income that exceeds, or may reasonably be anticipated to exceed, \$5,000 from ownership in real or personal property or a business; (iii) salary, other compensation, fringe benefits, or benefits from the use of property, or any combination thereof, paid or provided by a business or governmental agency that exceeds, or may reasonably be anticipated to exceed, \$5,000 annually; (iv) ownership of real or personal property if the interest exceeds \$5,000 in value and excluding ownership in a business, income, or salary, other compensation, fringe benefits or benefits from the use of property; (v) personal liability incurred or assumed on behalf of a business if the liability exceeds three percent of the asset value of the business; or (vi) an option for ownership of a business or real or

personal property if the ownership interest will consist of clause (i) or (iv).

“Personal interest in a contract” means a personal interest that an officer or employee has in a contract with a governmental agency, whether due to his being a party to the contract or due to a personal interest in a business that is a party to the contract.

“Personal interest in a transaction” means a personal interest of an officer or employee in any matter considered by his agency. Such personal interest exists when an officer or employee or a member of his immediate family has a personal interest in property or a business or governmental agency, or represents or provides services to any individual or business and such property, business or represented or served individual or business (i) is the subject of the transaction or (ii) may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of the action of the agency considering the transaction. Notwithstanding the above, such personal interest in a transaction shall not be deemed to exist where (a) an elected member of a local governing body serves without remuneration as a member of the board of trustees of a not-for-profit entity and such elected member or member of his immediate family has no personal interest related to the not-for-profit entity or (b) an officer, employee, or elected member of a local governing body is appointed by such local governing body to serve on a governmental agency, or an officer, employee, or elected member of a separate local governmental agency formed by a local governing body is appointed to serve on a governmental agency, and the personal interest in the transaction of the governmental agency is the result of the salary, other compensation, fringe benefits, or benefits provided by the local governing body or the separate governmental agency to the officer, employee, elected member, or member of his immediate family.

“State and local government officers and employees” shall not include members of the General Assembly.

“State filer” means those officers and employees required to file a disclosure statement of their personal interests pursuant to subsection A or B of § 2.2-3114.

“Transaction” means any matter considered by any governmental or advisory agency, whether in a committee, subcommittee, or other entity of that agency or before the agency itself, on which official action is taken or contemplated.

Article 2. Generally Prohibited and Unlawful Conduct.

§ 2.2-3102. Application.

This article applies to generally prohibited conduct that shall be unlawful and to state and local government officers and employees.

§ 2.2-3103. Prohibited conduct.

No officer or employee of a state or local governmental or advisory agency shall:

1. Solicit or accept money or other thing of value for services performed within the scope of his official duties, except the compensation, expenses or other remuneration paid by the agency of which he is an officer or employee. This prohibition shall not apply to the acceptance of special benefits that may be authorized by law;
2. Offer or accept any money or other thing of value for or in consideration of obtaining employment, appointment, or promotion of any person with any governmental or advisory agency;
3. Offer or accept any money or other thing of value for or in consideration of the use of his public position to obtain a contract for any person or business with any governmental or advisory agency;
4. Use for his own economic benefit or that of another party confidential information that he has acquired by reason of his public position and which is not available to the public;
5. Accept any money, loan, gift, favor, service, or business or professional opportunity that reasonably tends to influence him in the performance of his official duties. This subdivision shall not apply to any political contribution actually used for political campaign or constituent service purposes and reported as required by Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2;
6. Accept any business or professional opportunity when he knows that there is a reasonable likelihood that the opportunity is being afforded him to influence him in the performance of his official duties;
7. Accept any honoraria for any appearance, speech, or article in which the officer or employee provides expertise or opinions related to the performance of his official duties. The term "honoraria" shall not include any payment for or reimbursement to such person for his actual

travel, lodging, or subsistence expenses incurred in connection with such appearance, speech, or article or in the alternative a payment of money or anything of value not in excess of the per diem deduction allowable under § 162 of the Internal Revenue Code, as amended from time to time. The prohibition in this subdivision shall apply only to the Governor, Lieutenant Governor, Attorney General, Governor's Secretaries, and heads of departments of state government;

8. Accept a gift from a person who has interests that may be substantially affected by the performance of the officer's or employee's official duties under circumstances where the timing and nature of the gift would cause a reasonable person to question the officer's or employee's impartiality in the matter affecting the donor. Violations of this subdivision shall not be subject to criminal law penalties;
9. Accept gifts from sources on a basis so frequent as to raise an appearance of the use of his public office for private gain. Violations of this subdivision shall not be subject to criminal law penalties; or
10. Use his public position to retaliate or threaten to retaliate against any person for expressing views on matters of public concern or for exercising any right that is otherwise protected by law, provided, however, that this subdivision shall not restrict the authority of any public employer to govern conduct of its employees, and to take disciplinary action, in accordance with applicable law, and provided further that this subdivision shall not limit the authority of a constitutional officer to discipline or discharge an employee with or without cause.

§ 2.2-3103.1. Certain gifts prohibited.

A. For purposes of this section:

"Person, organization, or business" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business.

"Widely attended event" means an event at which at least 25 persons have been invited to attend or there is a reasonable expectation that at least 25 persons will attend the event and the event is open to individuals (i) who are members of a public, civic, charitable, or professional organization, (ii) who are from a particular industry or profession, or (iii) who represent persons interested in a particular issue.

B. No officer or employee of a local governmental or advisory agency or candidate required to file the disclosure form prescribed in § 2.2-3117 or a member of his immediate family shall solicit, accept, or receive any single gift with a value in excess of \$100 or any combination of gifts with an aggregate value in excess of \$100 within any calendar year for himself or a member of his immediate family from any person that he or a member of his immediate family knows or has reason to know is (i) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4; (ii) a lobbyist's principal as defined in § 2.2-419; or (iii) a person, organization, or business who is or is seeking to become a party to a contract with the local agency of which he is an officer or an employee. Gifts with a value of less than \$20 are not subject to aggregation for purposes of this prohibition.

C. No officer or employee of a state governmental or advisory agency or candidate required to file the disclosure form prescribed in § 2.2-3117 or a member of his immediate family shall solicit, accept, or receive any single gift with a value in excess of \$100 or any combination of gifts with an aggregate value in excess of \$100 within any calendar year for himself or a member of his immediate family from any person that he or a member of his immediate family knows or has reason to know is (i) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4; (ii) a lobbyist's principal as defined in § 2.2-419; or (iii) a person, organization, or business who is or is seeking to become a party to a contract with the state governmental or advisory agency of which he is an officer or an employee or over which he has the authority to direct such agency's activities. Gifts with a value of less than \$20 are not subject to aggregation for purposes of this prohibition.

D. Notwithstanding the provisions of subsections B and C, such officer, employee, or candidate or a member of his immediate family may accept or receive a gift of food and beverages, entertainment, or the cost of admission with a value in excess of \$100 when such gift is accepted or received while in attendance at a widely attended event and is associated with the event. Such gifts shall be reported on the disclosure form prescribed in § 2.2-3117.

E. Notwithstanding the provisions of subsections B and C, such officer or employee or a member of his immediate family may accept or receive a gift from a foreign dignitary with a value exceeding \$100 for which the fair market value or a gift of greater or equal value has not been provided or exchanged. Such gift shall be accepted on behalf of the Commonwealth or a locality and archived in accordance with guidelines

established by the Library of Virginia. Such gift shall be disclosed as having been accepted on behalf of the Commonwealth or a locality, but the value of such gift shall not be required to be disclosed.

F. Notwithstanding the provisions of subsections B and C, such officer, employee, or candidate or a member of his immediate family may accept or receive certain gifts with a value in excess of \$100 from a person listed in subsection B or C if such gift was provided to such officer, employee, or candidate or a member of his immediate family on the basis of a personal friendship. Notwithstanding any other provision of law, a person listed in subsection B or C may be a personal friend of such officer, employee, or candidate or his immediate family for purposes of this subsection. In determining whether a person listed in subsection B or C is a personal friend, the following factors shall be considered: (i) the circumstances under which the gift was offered; (ii) the history of the relationship between the person and the donor, including the nature and length of the friendship and any previous exchange of gifts between them; (iii) to the extent known to the person, whether the donor personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iv) whether the donor has given the same or similar gifts to other persons required to file the disclosure form prescribed in § 2.2-3117 or 30-111.

G. Notwithstanding the provisions of subsections B and C, such officer, employee, or candidate or a member of his immediate family may accept or receive gifts of travel, including travel-related transportation, lodging, hospitality, food or beverages, or other thing of value, with a value in excess of \$100 that is paid for or provided by a person listed in subsection B or C when the officer, employee, or candidate has submitted a request for approval of such travel to the Council and has received the approval of the Council pursuant to § 30-356.1. Such gifts shall be reported on the disclosure form prescribed in § 2.2-3117.

H. During the pendency of a civil action in any state or federal court to which the Commonwealth is a party, the Governor or the Attorney General or any employee of the Governor or the Attorney General who is subject to the provisions of this chapter shall not solicit, accept, or receive any gift from any person that he knows or has reason to know is a person, organization, or business that is a party to such civil action. A person, organization, or business that is a party to such civil action shall not knowingly give any gift to the Governor or the Attorney General or any of their employees who are subject to the provisions of this chapter.

I. The \$100 limitation imposed in accordance with this section shall be adjusted by the Council every five years, as of January 1 of that year, in an amount equal to the annual increases for that five-year period in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor, rounded to the nearest whole dollar.

J. The provisions of this section shall not apply to any justice of the Supreme Court of Virginia, judge of the Court of Appeals of Virginia, judge of any circuit court, or judge or substitute judge of any district court. However, nothing in this subsection shall be construed to authorize the acceptance of any gift if such acceptance would constitute a violation of the Canons of Judicial Conduct for the State of Virginia.

§ 2.2-3103.2. Return of gifts.

No person shall be in violation of any provision of this chapter prohibiting the acceptance of a gift if (i) the gift is not used by such person and the gift or its equivalent in money is returned to the donor or delivered to a charitable organization within a reasonable period of time upon the discovery of the value of the gift and is not claimed as a charitable contribution for federal income tax purposes or (ii) consideration is given by the donee to the donor for the value of the gift within a reasonable period of time upon the discovery of the value of the gift provided that such consideration reduces the value of the gift to an amount not in excess of \$100 as provided in subsection B or C of § 2.2-3103.1.

§ 2.2-3104. Prohibited conduct for certain officers and employees of state government.

For one year after the termination of public employment or service, no state officer or employee shall, before the agency of which he was an officer or employee, represent a client or act in a representative capacity on behalf of any person or group, for compensation, on matters related to legislation, executive orders, or regulations promulgated by the agency of which he was an officer or employee. This prohibition shall be in addition to the prohibitions contained in § 2.2-3103.

For the purposes of this section, “state officer or employee” shall mean (i) the Governor, Lieutenant Governor, Attorney General, and officers appointed by the Governor, whether confirmation by the General Assembly or by either house thereof is required or not, who are regularly employed on a full-time salaried basis; those officers and employees of executive branch agencies who report directly to the agency head; and those at the level immediately below those who report

directly to the agency head and are at a payband 6 or higher and (ii) the officers and professional employees of the legislative branch designated by the joint rules committee of the General Assembly. For the purposes of this section, the General Assembly and the legislative branch agencies shall be deemed one agency.

To the extent this prohibition applies to the Governor’s Secretaries, “agency” means all agencies assigned to the Secretary by law or by executive order of the Governor.

Any person subject to the provisions of this section may apply to the Council or Attorney General, as provided in § 2.2-3121 or 2.2-3126, for an advisory opinion as to the application of the restriction imposed by this section on any post-public employment position or opportunity.

§ 2.2-3104.01. Prohibited conduct; bids or proposals under the Virginia Public Procurement Act, Public-Private Transportation Act, and Public-Private Education Facilities and Infrastructure Act; loans or grants from the Commonwealth’s Development Opportunity Fund.

A. Neither the Governor, his political action committee, or the Governor’s Secretaries, if the Secretary is responsible to the Governor for an executive branch agency with jurisdiction over the matters at issue, shall knowingly solicit or accept a contribution, gift, or other item with a value greater than \$50 from any bidder, offeror, or private entity, or from an officer or director of such bidder, offeror, or private entity, who has submitted a bid or proposal to an executive branch agency that is directly responsible to the Governor pursuant to the Virginia Public Procurement Act (§ 2.2-4300 et seq.), the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.), or the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) (i) during the period between the submission of the bid and the award of the public contract under the Virginia Public Procurement Act or (ii) following the submission of a proposal under the Public-Private Transportation Act of 1995 or the Public-Private Education Facilities and Infrastructure Act of 2002 until the execution of a comprehensive agreement thereunder.

B. The provisions of this section shall apply only for public contracts, proposals, or comprehensive agreements where the stated or expected value of the contract is \$5 million or more. The provisions of this section shall not apply to contracts awarded as the result of competitive sealed bidding as set forth in § 2.2-4302.1.

C. Any person who knowingly violates this section

shall be subject to a civil penalty of \$500 or up to two times the amount of the contribution or gift, whichever is greater, and the contribution, gift, or other item shall be returned to the donor. The attorney for the Commonwealth shall initiate civil proceedings to enforce the civil penalties. Any civil penalties collected shall be payable to the State Treasurer for deposit to the general fund and shall be used exclusively to fund the Council.

§ 2.2-3104.02. Prohibited conduct for constitutional officers.

In addition to the prohibitions contained in § 2.2-3103, no constitutional officer shall, during the one year after the termination of his public service, act in a representative capacity on behalf of any person or group, for compensation, on any matter before the agency of which he was an officer.

The provisions of this section shall not apply to any attorney for the Commonwealth.

Any person subject to the provisions of this section may apply to the Council or the attorney for the Commonwealth for the jurisdiction where such person was elected as provided in § 2.2-3126, for an advisory opinion as to the application of the restriction imposed by this section on any post-public employment position or opportunity.

§ 2.2-3104.1. Exclusion of certain awards from scope of chapter.

The provisions of this chapter shall not be construed to prohibit or apply to the acceptance by (i) any employee of a local government, or (ii) a teacher or other employee of a local school board of an award or payment in honor of meritorious or exceptional services performed by the teacher or employee and made by an organization exempt from federal income taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code.

§ 2.2-3104.2. Ordinance regulating receipt of gifts.

The governing body of any county, city, or town may adopt an ordinance setting a monetary limit on the acceptance of any gift by the officers, appointees or employees of the county, city or town and requiring the disclosure by such officers, appointees or employees of the receipt of any gift.

Article 3. Prohibited Conduct Relating to Contracts.

§ 2.2-3105. Application.

This article proscribes certain conduct relating to contracts by state and local government officers and employees. The provisions of this article shall be supplemented but not superseded by the provisions on ethics in public contracting in Article 6 (§ 2.2-4367 et seq.) of Chapter 43 of this title.

§ 2.2-3106. Prohibited contracts by officers and employees of state government and Eastern Virginia Medical School.

A. No officer or employee of any governmental agency of state government or Eastern Virginia Medical School shall have a personal interest in a contract with the governmental agency of which he is an officer or employee, other than his own contract of employment.

B. No officer or employee of any governmental agency of state government or Eastern Virginia Medical School shall have a personal interest in a contract with any other governmental agency of state government unless such contract is (i) awarded as a result of competitive sealed bidding or competitive negotiation as set forth in § 2.2-4302.1 or 2.2-4302.2 or (ii) is awarded after a finding, in writing, by the administrative head of the governmental agency that competitive bidding or negotiation is contrary to the best interest of the public.

C. The provisions of this section shall not apply to:

1. An employee's personal interest in additional contracts of employment with his own governmental agency that accrue to him because of a member of his immediate family, provided the employee does not exercise any control over the employment or the employment activities of the member of his immediate family and the employee is not in a position to influence those activities;
2. The personal interest of an officer or employee of a public institution of higher education or the Eastern Virginia Medical School in additional contracts of employment with his own governmental agency that accrue to him because of a member of his immediate family, provided (i) the officer or employee and the immediate family member are engaged in teaching, research or administrative support positions at the educational institution or the Eastern Virginia Medical School, (ii) the governing board of the

- educational institution finds that it is in the best interests of the institution or the Eastern Virginia Medical School and the Commonwealth for such dual employment to exist, and (iii) after such finding, the governing board of the educational institution or the Eastern Virginia Medical School ensures that the officer or employee, or the immediate family member, does not have sole authority to supervise, evaluate or make personnel decisions regarding the other;
3. An officer's or employee's personal interest in a contract of employment with any other governmental agency of state government;
 4. Contracts for the sale by a governmental agency or the Eastern Virginia Medical School of services or goods at uniform prices available to the general public;
 5. An employee's personal interest in a contract between a public institution of higher education in the Commonwealth or the Eastern Virginia Medical School and a publisher or wholesaler of textbooks or other educational materials for students, which accrues to him solely because he has authored or otherwise created such textbooks or materials;
 6. An employee's personal interest in a contract with his or her employing public institution of higher education to acquire the collections or scholarly works owned by the employee, including manuscripts, musical scores, poetry, paintings, books or other materials, writings, or papers of an academic, research, or cultural value to the institution, provided the president of the institution approves the acquisition of such collections or scholarly works as being in the best interests of the institution's public mission of service, research, or education;
 7. Subject to approval by the board of visitors, an employee's personal interest in a contract between the Eastern Virginia Medical School or a public institution of higher education in the Commonwealth that operates a school of medicine or dentistry and a not-for-profit nonstock corporation that operates a clinical practice within such public institution of higher education or the Eastern Virginia Medical School and of which such employee is a member or employee;
 8. Subject to approval by the relevant board of visitors, an employee's personal interest in a contract for research and development or commercialization of intellectual property between a public institution of higher education in the Commonwealth or the Eastern Virginia Medical School and a business in which the employee has a personal interest, if (i) the employee's personal interest has been disclosed to and approved by such public institution of higher education or the Eastern Virginia Medical School prior to the time at which the contract is entered into; (ii) the employee promptly files a disclosure statement pursuant to § 2.2-3117 and thereafter files such statement annually on or before February 1; (iii) the institution has established a formal policy regarding such contracts, approved by the State Council of Higher Education or, in the case of the Eastern Virginia Medical School, a formal policy regarding such contracts in conformity with any applicable federal regulations that has been approved by its board of visitors; and (iv) no later than December 31 of each year, the institution or the Eastern Virginia Medical School files an annual report with the Secretary of the Commonwealth disclosing each open contract entered into subject to this provision, the names of the parties to each contract, the date each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the institution's or the Eastern Virginia Medical School's employee responsible for administering each contract, the details of the institution's or the Eastern Virginia Medical School's commitment or investment of resources or finances for each contract, and any other information requested by the Secretary of the Commonwealth; or
 9. Subject to approval by the relevant board of visitors, an employee's personal interest in a contract between a public institution of higher education in the Commonwealth or the Eastern Virginia Medical School and a business in which the employee has a personal interest, if (i) the personal interest has been disclosed to the institution or the Eastern Virginia Medical School prior to the time the contract is entered into; (ii) the employee files a disclosure statement pursuant to § 2.2-3117 and thereafter annually on or before February 1; (iii) the employee does not participate in the institution's or the Eastern Virginia Medical School's decision to contract; (iv) the president of the institution or the Eastern Virginia Medical School finds and certifies in writing that the contract is for goods and services needed for

quality patient care, including related medical education or research, by the institution's medical center or the Eastern Virginia Medical School, its affiliated teaching hospitals and other organizations necessary for the fulfillment of its mission, including the acquisition of drugs, therapies and medical technologies; and (v) no later than December 31 of each year, the institution or the Eastern Virginia Medical School files an annual report with the Secretary of the Commonwealth disclosing each open contract entered subject to this provision, the names of the parties to each contract, the date each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the institution's or the Eastern Virginia Medical School's employee responsible for administering each contract, the details of the institution's or the Eastern Virginia Medical School's commitment or investment of resources or finances for each contract, and any other information requested by the Secretary of the Commonwealth.

D. Notwithstanding the provisions of subdivisions C 8 and C 9, if the research and development or commercialization of intellectual property or the employee's personal interest in a contract with a business is subject to policies and regulations governing conflicts of interest promulgated by any agency of the United States government, including the adoption of policies requiring the disclosure and management of such conflicts of interests, the policies established by the Eastern Virginia Medical School pursuant to such federal requirements shall constitute compliance with subdivisions C 8 and C 9, upon notification by the Eastern Virginia Medical School to the Secretary of the Commonwealth by January 31 of each year of evidence of their compliance with such federal policies and regulations.

E. The board of visitors may delegate the authority granted under subdivision C 8 to the president of the institution. If the board elects to delegate such authority, the board shall include this delegation of authority in the formal policy required by clause (iii) of subdivision C 8. In those instances where the board has delegated such authority, on or before December 1 of each year, the president of the relevant institution shall file a report with the relevant board of visitors disclosing each open contract entered into subject to this provision, the names of the parties to each contract, the date each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the institution's or the Eastern Virginia Medical School's employee responsible for ad-

ministering each contract, the details of the institution's or the Eastern Virginia Medical School's commitment or investment of resources or finances for each contract, the details of how revenues are to be dispersed, and any other information requested by the board of visitors.

§ 2.2-3107. Prohibited contracts by members of county boards of supervisors, city councils and town councils.

A. No person elected or appointed as a member of the governing body of a county, city or town shall have a personal interest in (i) any contract with his governing body, or (ii) any contract with any governmental agency that is a component part of his local government and which is subject to the ultimate control of the governing body of which he is a member, or (iii) any contract other than a contract of employment with any other governmental agency if such person's governing body appoints a majority of the members of the governing body of the second governmental agency.

B. The provisions of this section shall not apply to:

1. A member's personal interest in a contract of employment provided (i) the officer or employee was employed by the governmental agency prior to July 1, 1983, in accordance with the provisions of the former Conflict of Interests Act, Chapter 22 (§ 2.1-347 et seq.) of Title 2.1 as it existed on June 30, 1983, or (ii) the employment first began prior to the member becoming a member of the governing body;
2. Contracts for the sale by a governmental agency of services or goods at uniform prices available to the public; or
3. A contract awarded to a member of a governing body as a result of competitive sealed bidding where the governing body has established a need for the same or substantially similar goods through purchases prior to the election or appointment of the member to serve on the governing body. However, the member shall have no involvement in the preparation of the specifications for such contract, and the remaining members of the governing body, by written resolution, shall state that it is in the public interest for the member to bid on such contract.

§ 2.2-3108. Prohibited contracts by members of school boards.

A. No person elected or appointed as a member of a local school board shall have a personal interest in (i) any contract with his school board or (ii) any contract

with any governmental agency that is subject to the ultimate control of the school board of which he is a member.

B. The provisions of this section shall not apply to:

1. A member's personal interest in a contract of employment provided the employment first began prior to the member becoming a member of the school board;
2. Contracts for the sale by a governmental agency of services or goods at uniform prices available to the public; or
3. A contract awarded to a member of a school board as a result of competitive sealed bidding where the school board has established a need for the same or substantially similar goods through purchases prior to the election or appointment of the member to serve on the school board. However, the member shall have no involvement in the preparation of the specifications for such contract, and the remaining members of the school board, by written resolution, shall state that it is in the public interest for the member to bid on such contract.

§ 2.2-3109. Prohibited contracts by other officers and employees of local governmental agencies.

A. No other officer or employee of any governmental agency of local government, including a hospital authority as defined in § 2.2-3109.1, shall have a personal interest in a contract with the agency of which he is an officer or employee other than his own contract of employment.

B. No officer or employee of any governmental agency of local government, including a hospital authority as defined in § 2.2-3109.1, shall have a personal interest in a contract with any other governmental agency that is a component of the government of his county, city or town unless such contract is (i) awarded as a result of competitive sealed bidding or competitive negotiation as set forth in § 2.2-4302.1 or 2.2-4302.2 or is awarded as a result of a procedure embodying competitive principles as authorized by subdivision A 10 or 11 of § 2.2-4343 or (ii) is awarded after a finding, in writing, by the administrative head of the governmental agency that competitive bidding or negotiation is contrary to the best interest of the public.

C. The provisions of this section shall not apply to:

1. An employee's personal interest in additional contracts for goods or services, or contracts of employment with his own governmental agency

that accrue to him because of a member of his immediate family, provided the employee does not exercise any control over (i) the employment or the employment activities of the member of his immediate family and (ii) the employee is not in a position to influence those activities or the award of the contract for goods or services;

2. An officer's or employee's personal interest in a contract of employment with any other governmental agency that is a component part of the government of his county, city or town;
3. Contracts for the sale by a governmental agency of services or goods at uniform prices available to the general public;
4. Members of local governing bodies who are subject to § 2.2-3107;
5. Members of local school boards who are subject to § 2.2-3108; or
6. Any ownership or financial interest of members of the governing body, administrators, and other personnel serving in a public charter school in renovating, lending, granting, or leasing public charter school facilities, as the case may be, provided such interest has been disclosed in the public charter school application as required by § 22.1-212.8.

§ 2.2-3109.1. Prohibited contracts; additional exclusions for contracts by officers and employees of hospital authorities.

A. As used in this section, "hospital authority" means a hospital authority established pursuant to Chapter 53 (§ 15.2-5300 et seq.) of Title 15.2 or an Act of Assembly.

B. The provisions of § 2.2-3109 shall not apply to:

1. The personal interest of an officer or employee of a hospital authority in additional contracts of employment with his own governmental agency that accrue to him because of a member of his immediate family, provided (i) the officer or employee and the immediate family member are licensed members of the medical profession or hold administrative support positions at the hospital authority, (ii) the governing board of the hospital authority finds that it is in the best interests of the hospital authority and the county, city, or town for such dual employment to exist, and (iii) after such finding, the governing board of the hospital authority ensures that neither the officer or employee, nor the immediate family member,

- has sole authority to supervise, evaluate, or make personnel decisions regarding the other;
2. Subject to approval by the governing board of the hospital authority, an officer or employee's personal interest in a contract between his hospital authority and a professional entity that operates a clinical practice at any medical facilities of such other hospital authority and of which such officer or employee is a member or employee;
 3. Subject to approval by the relevant governing body, an officer or employee's personal interest in a contract for research and development or commercialization of intellectual property between the hospital authority and a business in which the employee has a personal interest, provided (i) the officer or employee's personal interest has been disclosed to and approved by the hospital authority prior to the time at which the contract is entered into; (ii) the officer or employee promptly files a disclosure statement pursuant to § 2.2-3117 and thereafter files such statement annually on or before January 15; (iii) the local hospital authority has established a formal policy regarding such contracts in conformity with any applicable federal regulations that has been approved by its governing body; and (iv) no later than December 31 of each year, the local hospital authority files an annual report with the Virginia Conflict of Interest and Ethics Advisory Council disclosing each open contract entered into subject to this provision, the names of the parties to each contract, the date each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the hospital authority's employee responsible for administering each contract, the details of such hospital authority's commitment or investment of resources or finances for each contract, and any other information requested by the Virginia Conflict of Interest and Ethics Advisory Council; or
 4. Subject to approval by the relevant governing body, an officer or employee's personal interest in a contract between the hospital authority and a business in which the officer or employee has a personal interest, provided (i) the personal interest has been disclosed to the hospital authority prior to the time the contract is entered into; (ii) the officer or employee files a disclosure statement pursuant to § 2.2-3117 and thereafter annually on or before January 15; (iii) the officer

or employee does not participate in the hospital authority's decision to contract; (iv) the president or chief executive officer of the hospital authority finds and certifies in writing that the contract is for goods and services needed for quality patient care, including related medical education or research, by any of the hospital authority's medical facilities or any of its affiliated organizations, or is otherwise necessary for the fulfillment of its mission, including but not limited to the acquisition of drugs, therapies, and medical technologies; and (v) no later than December 31 of each year, the hospital authority files an annual report with the Virginia Conflict of Interest and Ethics Advisory Council disclosing each open contract entered into subject to this provision, the names of the parties to each contract, the date each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the hospital authority's employee responsible for administering each contract, the details of the hospital authority's commitment or investment of resources or finances for each contract, and any other information requested by the Virginia Conflict of Interest and Ethics Advisory Council.

C. Notwithstanding the provisions of subdivisions B 3 and B 4, if the research and development or commercialization of intellectual property or the officer or employee's personal interest in a contract with a business is subject to policies and regulations governing conflicts of interest promulgated by any agency of the United States government, including the adoption of policies requiring the disclosure and management of such conflicts of interest, the policies established by the hospital authority pursuant to such federal requirements shall constitute compliance with subdivisions B 3 and B 4, upon notification by the hospital authority to the Virginia Conflict of Interest and Ethics Advisory Council by January 31 of each year of evidence of its compliance with such federal policies and regulations.

D. The governing body may delegate the authority granted under subdivision B 2 to the president or chief executive officer of hospital authority. If the board elects to delegate such authority, the board shall include this delegation of authority in the formal policy required by clause (iii) of subdivision B 3. In those instances where the board has delegated such authority, on or before December 1 of each year, the president or chief executive officer of the hospital authority shall file a report with the relevant governing body disclosing each open contract entered into subject to this provision, the names of the parties to each contract, the date

each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the hospital authority's employee responsible for administering each contract, the details of the hospital authority's commitment or investment of resources or finances for each contract, the details of how revenues are to be dispersed, and any other information requested by the governing body.

§ 2.2-3110. Further exceptions.

A. The provisions of Article 3 (§ 2.2-3106 et seq.) shall not apply to:

1. The sale, lease or exchange of real property between an officer or employee and a governmental agency, provided the officer or employee does not participate in any way as such officer or employee in such sale, lease or exchange, and this fact is set forth as a matter of public record by the governing body of the governmental agency or by the administrative head thereof;
2. The publication of official notices;
3. Contracts between the government or school board of a county, city, or town with a population of less than 10,000 and an officer or employee of that county, city, or town government or school board when the total of such contracts between the government or school board and the officer or employee of that government or school board or a business controlled by him does not exceed \$5,000 per year or such amount exceeds \$5,000 and is less than \$25,000 but results from contracts arising from awards made on a sealed bid basis, and such officer or employee has made disclosure as provided for in § 2.2-3115;
4. An officer or employee whose sole personal interest in a contract with the governmental agency is by reason of income from the contracting firm or governmental agency in excess of \$5,000 per year, provided the officer or employee or a member of his immediate family does not participate and has no authority to participate in the procurement or letting of such contract on behalf of the contracting firm and the officer or employee either does not have authority to participate in the procurement or letting of the contract on behalf of his governmental agency or he disqualifies himself as a matter of public record and does not participate on behalf of his governmental agency in negotiating the contract or in approving the contract;
5. When the governmental agency is a public institution of higher education, an officer or employee whose personal interest in a contract with the institution is by reason of an ownership in the contracting firm in excess of three percent of the contracting firm's equity or such ownership interest and income from the contracting firm is in excess of \$5,000 per year, provided that (i) the officer or employee's ownership interest, or ownership and income interest, and that of any immediate family member in the contracting firm is disclosed in writing to the president of the institution, which writing certifies that the officer or employee has not and will not participate in the contract negotiations on behalf of the contracting firm or the institution, (ii) the president of the institution, or an officer or administrator designated by the president of the institution to make findings imposed by this section, makes a written finding as a matter of public record that the contract is in the best interests of the institution, (iii) the officer or employee either does not have authority to participate in the procurement or letting of the contract on behalf of the institution or disqualifies himself as a matter of public record, and (iv) the officer or employee does not participate on behalf of the institution in negotiating the contract or approving the contract;
6. Except when the governmental agency is the Virginia Retirement System, contracts between an officer's or employee's governmental agency and a public service corporation, financial institution, or company furnishing public utilities in which the officer or employee has a personal interest, provided the officer or employee disqualifies himself as a matter of public record and does not participate on behalf of his governmental agency in negotiating the contract or in approving the contract;
7. Contracts for the purchase of goods or services when the contract does not exceed \$500;
8. Grants or other payment under any program wherein uniform rates for, or the amounts paid to, all qualified applicants are established solely by the administering governmental agency;
9. An officer or employee whose sole personal interest in a contract with his own governmental agency is by reason of his marriage to his spouse who is employed by the same agency, if the spouse was employed by such agency for five or more years prior to marrying such officer or employee;
10. Contracts entered into by an officer or employee or immediate family member of an officer or

employee of a soil and water conservation district created pursuant to Article 3 (§ 10.1-506 et seq.) of Chapter 5 of Title 10.1 to participate in the Virginia Agricultural Best Management Practices Cost-Share Program (the Program) established in accordance with § 10.1-546.1 or to participate in other cost-share programs for the installation of best management practices to improve water quality. This subdivision shall not apply to subcontracts or other agreements entered into by an officer or employee of a soil and water conservation district to provide services for implementation of a cost-share contract established under the Program or such other cost-share programs; or

11. Contracts entered into by an officer or immediate family member of an officer of the Marine Resources Commission for goods or services for shellfish replenishment, provided that such officer or immediate family member does not participate in (i) awarding the contract, (ii) authorizing the procurement, or (iii) authorizing the use of alternate procurement methods pursuant to § 28.2-550.

B. Neither the provisions of this chapter nor, unless expressly provided otherwise, any amendments thereto shall apply to those employment contracts or renewals thereof or to any other contracts entered into prior to August 1, 1987, which were in compliance with either the former Virginia Conflict of Interests Act, Chapter 22 (§ 2.1-347 et seq.) or the former Comprehensive Conflict of Interests Act, Chapter 40 (§ 2.1-599 et seq.) of Title 2.1 at the time of their formation and thereafter. Those contracts shall continue to be governed by the provisions of the appropriate prior Act. Notwithstanding the provisions of subdivision (f)(4) of former § 2.1-348 of Title 2.1 in effect prior to July 1, 1983, the employment by the same governmental agency of an officer or employee and spouse or any other relative residing in the same household shall not be deemed to create a material financial interest except when one of such persons is employed in a direct supervisory or administrative position, or both, with respect to such spouse or other relative residing in his household and the annual salary of such subordinate is \$35,000 or more.

Article 4. Prohibited Conduct Relating to Transactions.

§ 2.2-3111. Application.

This article proscribes certain conduct by state and local government officers and employees having a personal interest in a transaction.

§ 2.2-3112. Prohibited conduct concerning personal interest in a transaction; exceptions.

A. Each officer and employee of any state or local governmental or advisory agency who has a personal interest in a transaction shall disqualify himself from participating in the transaction if (i) the transaction has application solely to property or a business or governmental agency in which he has a personal interest or a business that has a parent-subsidary or affiliated business entity relationship with the business in which he has a personal interest or (ii) he is unable to participate pursuant to subdivision B 1, 2, or 3. Any disqualification under the provisions of this subsection shall be recorded in the public records of the officer's or employee's governmental or advisory agency. The officer or employee shall disclose his personal interest as required by subsection E of § 2.2-3114 or subsection F of § 2.2-3115 and shall not vote or in any manner act on behalf of his agency in the transaction. The officer or employee shall be prohibited from (i) attending any portion of a closed meeting authorized by the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) when the matter in which he has a personal interest is discussed and (ii) discussing the matter in which he has a personal interest with other governmental officers or employees at any time.

B. An officer or employee of any state or local government or advisory agency who has a personal interest in a transaction may participate in the transaction:

1. If he is a member of a business, profession, occupation, or group of three or more persons the members of which are affected by the transaction, and he complies with the declaration requirements of subsection F of § 2.2-3114 or subsection H of § 2.2-3115;
2. When a party to the transaction is a client of his firm if he does not personally represent or provide services to such client and he complies with the declaration requirements of subsection G of § 2.2-3114 or subsection I of § 2.2-3115; or
3. If it affects the public generally, even though his personal interest, as a member of the public, may also be affected by that transaction.

C. Disqualification under the provisions of this section shall not prevent any employee having a personal interest in a transaction in which his agency is involved from representing himself or a member of his immediate family in such transaction provided he does not receive compensation for such representation and provided he complies with the disqualification and relevant disclosure requirements of this chapter.

D. Notwithstanding any other provision of law, if disqualifications of officers or employees in accordance with this section leave less than the number required by law to act, the remaining member or members shall constitute a quorum for the conduct of business and have authority to act for the agency by majority vote, unless a unanimous vote of all members is required by law, in which case authority to act shall require a unanimous vote of remaining members. Notwithstanding any provisions of this chapter to the contrary, members of a local governing body whose sole interest in any proposed sale, contract of sale, exchange, lease or conveyance is by virtue of their employment by a business involved in a proposed sale, contract of sale, exchange, lease or conveyance, and where such member's or members' vote is essential to a constitutional majority required pursuant to Article VII, Section 9 of the Constitution of Virginia and § 15.2-2100, such member or members of the local governing body may vote and participate in the deliberations of the governing body concerning whether to approve, enter into or execute such sale, contract of sale, exchange, lease or conveyance. Official action taken under circumstances that violate this section may be rescinded by the agency on such terms as the interests of the agency and innocent third parties require.

E. The provisions of subsection A shall not prevent an officer or employee from participating in a transaction merely because such officer or employee is a party in a legal proceeding of a civil nature concerning such transaction.

F. The provisions of subsection A shall not prevent an employee from participating in a transaction regarding textbooks or other educational material for students at state institutions of higher education, when those textbooks or materials have been authored or otherwise created by the employee.

G. The provisions of this section shall not prevent any justice of the Supreme Court of Virginia, judge of the Court of Appeals of Virginia, judge of any circuit court, judge or substitute judge of any district court, member of the State Corporation Commission, or member of the Virginia Workers' Compensation Commission from participating in a transaction where such

individual's participation involves the performance of adjudicative responsibilities as set forth in Canon 3 of the Canons of Judicial Conduct for the State of Virginia. However, nothing in this subsection shall be construed to authorize such individual's participation in a transaction if such participation would constitute a violation of the Canons of Judicial Conduct for the State of Virginia.

Article 5. Disclosure Statements Required to Be Filed.

§ 2.2-3113. Application.

This article requires disclosure of certain personal and financial interests by state and local government officers and employees.

§ 2.2-3114. Disclosure by state officers and employees.

A. In accordance with the requirements set forth in § 2.2-3118.2, the Governor, Lieutenant Governor, Attorney General, Justices of the Supreme Court, judges of the Court of Appeals, judges of any circuit court, judges and substitute judges of any district court, members of the State Corporation Commission, members of the Virginia Workers' Compensation Commission, members of the Commonwealth Transportation Board, members of the Board of Trustees of the Virginia Retirement System, members of the Board of Directors of the Virginia Alcoholic Beverage Control Authority, members of the Board of the Virginia College Savings Plan, and members of the Virginia Lottery Board and other persons occupying such offices or positions of trust or employment in state government, including members of the governing bodies of authorities, as may be designated by the Governor, or officers or employees of the legislative branch, as may be designated by the Joint Rules Committee of the General Assembly, shall file with the Council, as a condition to assuming office or employment, a disclosure statement of their personal interests and such other information as is required on the form prescribed by the Council pursuant to § 2.2-3117 and thereafter shall file such a statement annually on or before February 1.

B. In accordance with the requirements set forth in § 2.2-3118.2, nonsalaried citizen members of all policy and supervisory boards, commissions and councils in the executive branch of state government, other than the Commonwealth Transportation Board, members of the Board of Trustees of the Virginia Retirement System, members of the Board of the Virginia College

Savings Plan, and the Virginia Lottery Board, shall file with the Council, as a condition to assuming office, a disclosure form of their personal interests and such other information as is required on the form prescribed by the Council pursuant to § 2.2-3118 and thereafter shall file such form annually on or before February 1. Nonsalaried citizen members of other boards, commissions and councils, including advisory boards and authorities, may be required to file a disclosure form if so designated by the Governor, in which case the form shall be that prescribed by the Council pursuant to § 2.2-3118.

C. The disclosure forms required by subsections A and B shall be made available by the Council at least 30 days prior to the filing deadline. Disclosure forms shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § 30-356. All forms shall be maintained as public records for five years in the office of the Council. Such forms shall be made public no later than six weeks after the filing deadline.

D. Candidates for the offices of Governor, Lieutenant Governor or Attorney General shall file a disclosure statement of their personal interests as required by § 24.2-502.

E. Any officer or employee of state government who has a personal interest in any transaction before the governmental or advisory agency of which he is an officer or employee and who is disqualified from participating in that transaction pursuant to subsection A of § 2.2-3112, or otherwise elects to disqualify himself, shall forthwith make disclosure of the existence of his interest, including the full name and address of the business and the address or parcel number for the real estate if the interest involves a business or real estate, and his disclosure shall also be reflected in the public records of the agency for five years in the office of the administrative head of the officer's or employee's governmental agency or advisory agency or, if the agency has a clerk, in the clerk's office.

F. An officer or employee of state government who is required to declare his interest pursuant to subdivision B 1 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) the nature of the officer's or employee's personal interest affected by the transaction, (iii) that he is a member of a business, profession, occupation, or group the members of which are affected by the transaction, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written

minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day.

G. An officer or employee of state government who is required to declare his interest pursuant to subdivision B 2 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) that a party to the transaction is a client of his firm, (iii) that he does not personally represent or provide services to the client, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day.

H. Notwithstanding any other provision of law, chairs of departments at a public institution of higher education in the Commonwealth shall not be required to file the disclosure form prescribed by the Council pursuant to § 2.2-3117 or 2.2-3118.

§ 2.2-3114.1. Filings of statements of economic interests by General Assembly members.

The filing of a current statement of economic interests by a General Assembly member, member-elect, or candidate for the General Assembly pursuant to §§ 30-110 and 30-111 of the General Assembly Conflicts of Interests Act (§ 30-100 et seq.) shall suffice for the purposes of this chapter. The Secretary of the Commonwealth may obtain from the Council a copy of the statement of a General Assembly member who is appointed to a position for which a statement is required pursuant to § 2.2-3114. No General Assembly member, member-elect, or candidate shall be required to file a separate statement of economic interests for the purposes of § 2.2-3114.

§ 2.2-3114.2. Report of gifts by certain officers and employees of state government.

The Governor, Lieutenant Governor, Attorney General, and each member of the Governor's Cabinet shall file, on or before May 1, a report of gifts accepted or received by him or a member of his immediate family during the period beginning on January 1 complete through adjournment sine die of the regular session of the General Assembly. The gift report shall be on a form prescribed by the Council and shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § 30-356. For purposes of this section, "adjournment sine die" means adjournment on the last legislative day of the regular session and does not include the ensuing reconvened session. Any gifts reported pursuant to this section shall not be listed on the annual disclosure form prescribed by the Council pursuant to § 2.2-3117.

§ 2.2-3115. Disclosure by local government officers and employees.

A. In accordance with the requirements set forth in § 2.2-3118.2, the members of every governing body and school board of each county and city and of towns with populations in excess of 3,500 and the executive director and members of each industrial development authority and economic development authority, as created by the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), shall file, as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is required on the form prescribed by the Council pursuant to § 2.2-3117 and thereafter shall file such a statement annually on or before February 1.

In accordance with the requirements set forth in § 2.2-3118.2, the members of the governing body of any authority established in any county or city, or part or combination thereof, and having the power to issue bonds or expend funds in excess of \$10,000 in any fiscal year, other than the executive director and members of each industrial development authority and economic development authority, as created by the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), shall file, as a condition to assuming office, a disclosure statement of their personal interests and other information as is required on the form prescribed by the Council pursuant to § 2.2-3118 and thereafter shall file such a statement annually on or before February 1, unless the governing body of the jurisdiction that appoints the members requires that the members file the form set forth in § 2.2-3117.

In accordance with the requirements set forth in § 2.2-3118.2, the members of the Northern Virginia Transportation Authority and the Northern Virginia Transportation Commission shall file, as a condition to assuming office, a disclosure of their personal interests and other information as is required on the form prescribed by the Council pursuant to § 2.2-3118 and thereafter shall file such a statement annually on or before February 1.

In accordance with the requirements set forth in § 2.2-3118.2, persons occupying such positions of trust appointed by governing bodies and persons occupying such positions of employment with governing bodies as may be designated to file by ordinance of the governing body shall file, as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is required on the form prescribed by the Council pursuant to § 2.2-3117 and thereafter shall file such a statement annually on or before February 1.

In accordance with the requirements set forth in § 2.2-3118.2, persons occupying such positions of trust appointed by school boards and persons occupying such positions of employment with school boards as may be designated to file by an adopted policy of the school board shall file, as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is required on the form prescribed by the Council pursuant to § 2.2-3117 and thereafter shall file such a statement annually on or before February 1.

B. In accordance with the requirements set forth in § 2.2-3118.2, nonsalaried citizen members of local boards, commissions and councils as may be designated by the governing body shall file, as a condition to assuming office, a disclosure form of their personal interests and such other information as is required on the form prescribed by the Council pursuant to § 2.2-3118 and thereafter shall file such form annually on or before February 1.

C. No person shall be mandated to file any disclosure not otherwise required by this article.

D. The disclosure forms required by subsections A and B shall be made available by the Virginia Conflict of Interest and Ethics Advisory Council at least 30 days prior to the filing deadline, and the clerks of the governing body and school board shall distribute the forms to designated individuals at least 20 days prior to the filing deadline. Forms shall be filed and maintained as public records for five years in the office of the clerk of the respective governing body or school board. Forms

filed by members of governing bodies of authorities shall be filed and maintained as public records for five years in the office of the clerk of the governing body of the county or city. Such forms shall be made public no later than six weeks after the filing deadline.

E. Candidates for membership in the governing body or school board of any county, city or town with a population of more than 3,500 persons shall file a disclosure statement of their personal interests as required by § 24.2-502.

F. Any officer or employee of local government who has a personal interest in any transaction before the governmental or advisory agency of which he is an officer or employee and who is disqualified from participating in that transaction pursuant to subsection A of § 2.2-3112 or otherwise elects to disqualify himself, shall forthwith make disclosure of the existence of his interest, including the full name and address of the business and the address or parcel number for the real estate if the interest involves a business or real estate, and his disclosure shall be reflected in the public records of the agency for five years in the office of the administrative head of the officer's or employee's governmental or advisory agency.

G. In addition to any disclosure required by subsections A and B, in each county and city and in towns with populations in excess of 3,500, members of planning commissions, boards of zoning appeals, real estate assessors, and all county, city and town managers or executive officers shall make annual disclosures of all their interests in real estate located in the county, city or town in which they are elected, appointed, or employed. Such disclosure shall include any business in which such persons own an interest, or from which income is received, if the primary purpose of the business is to own, develop or derive compensation through the sale, exchange or development of real estate in the county, city or town. In accordance with the requirements set forth in § 2.2-3118.2, such disclosure shall be filed as a condition to assuming office or employment, and thereafter shall be filed annually with the clerk of the governing body of such county, city, or town on or before February 1. Such disclosures shall be filed and maintained as public records for five years. Such forms shall be made public no later than six weeks after the filing deadline. Forms for the filing of such reports shall be made available by the Virginia Conflict of Interest and Ethics Advisory Council to the clerk of each governing body.

H. An officer or employee of local government who is required to declare his interest pursuant to subdivi-

vision B 1 of § 2.2-3112 shall declare his interest by stating (i) the transaction involved, (ii) the nature of the officer's or employee's personal interest affected by the transaction, (iii) that he is a member of a business, profession, occupation, or group the members of which are affected by the transaction, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day. The officer or employee shall also orally disclose the existence of the interest during each meeting of the governmental or advisory agency at which the transaction is discussed and such disclosure shall be recorded in the minutes of the meeting.

I. An officer or employee of local government who is required to declare his interest pursuant to subdivision B 2 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) that a party to the transaction is a client of his firm, (iii) that he does not personally represent or provide services to the client, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day.

J. The clerk of the governing body or school board that releases any form to the public pursuant to this section shall redact from the form any residential address, personal telephone number, email address, or signature contained on such form; however, any form filed pursuant to subsection G shall not have any residential addresses redacted.

§ 2.2-3116. Disclosure by certain constitutional officers.

For the purposes of this chapter, holders of the constitutional offices of treasurer, sheriff, attorney for the Commonwealth, clerk of the circuit court, and commissioner of the revenue of each county and city shall be required to file with the Council, as a condition to assuming office, the Statement of Economic Interests prescribed by the Council pursuant to § 2.2-3117. These officers shall file statements annually on or before February 1. Candidates shall file statements as required by § 24.2-502. Statements shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § 30-356. These officers shall be subject to the prohibition on certain gifts set forth in subsection B of § 2.2-3103.1.

§ 2.2-3117. Disclosure form.

The disclosure form to be used for filings required by subsections A and D of § 2.2-3114 and subsections A and E of § 2.2-3115 shall be prescribed by the Council. Except as otherwise provided in § 2.2-3115, all completed forms shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § 30-356. Any person who knowingly and intentionally makes a false statement of a material fact on the Statement of Economic Interests is guilty of a Class 5 felony.

§ 2.2-3118. Disclosure form; certain citizen members.

The financial disclosure form to be used for filings required pursuant to subsection B of § 2.2-3114 and subsection B of § 2.2-3115 shall be filed in accordance with the provisions of § 30-356. The financial disclosure form shall be prescribed by the Council. Except as otherwise provided in § 2.2-3115, all completed forms shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § 30-356.

§ 2.2-3118.1. Special provisions for individuals serving in or seeking multiple positions or offices; reappointees.

A. The filing of a single current statement of economic interests by an individual required to file the form prescribed in § 2.2-3117 shall suffice for the purposes of this chapter as filing for all positions or offices held or sought by such individual during the course of a calendar year. The filing of a single current financial disclosure statement by an individual required to file the form prescribed in § 2.2-3118 shall suffice for the

purposes of this chapter as filing for all positions or offices held or sought by such individual and requiring the filing of the § 2.2-3118 form during the course of a calendar year.

B. Any individual who has met the requirement for annually filing a statement provided in § 2.2-3117 or 2.2-3118 shall not be required to file an additional statement upon such individual's reappointment to the same office or position for which he is required to file, provided such reappointment occurs within 12 months after filing such annual statement.

§ 2.2-3118.2. Disclosure form; filing requirements.

A. An officer or employee required to file an annual disclosure on or before February 1 pursuant to this article shall disclose his personal interests and other information as required on the form prescribed by the Council for the preceding calendar year complete through December 31. An officer or employee required to file a disclosure as a condition to assuming office or employment shall file such disclosure on or before the day such office or position of employment is assumed and disclose his personal interests and other information as required on the form prescribed by the Council for the preceding 12-month period complete through the last day of the month immediately preceding the month in which the office or position of employment is assumed; however, any officer or employee who assumes office or a position of employment in January shall be required to only file an annual disclosure on or before February 1 for the preceding calendar year complete through December 31.

B. When the deadline for filing any disclosure pursuant to this article falls on a Saturday, Sunday, or legal holiday, the deadline for filing shall be the next day that is not a Saturday, Sunday, or legal holiday.

Article 6. School Boards and Employees of School Boards.

§ 2.2-3119. Additional provisions applicable to school boards and employees of school boards; exceptions.

A. Notwithstanding any other provision of this chapter, it shall be unlawful for the school board of any county or city or of any town constituting a separate school division to employ or pay any teacher or other school board employee from the public funds, federal, state or local, or for a division superintendent to recommend to the school board the employment of any

teacher or other employee, if the teacher or other employee is the father, mother, brother, sister, spouse, son, daughter, son-in-law, daughter-in-law, sister-in-law or brother-in-law of the superintendent, or of any member of the school board.

This section shall apply to any person employed by any school board in the operation of the public free school system, adult education programs or any other program maintained and operated by a local county, city or town school board.

B. This section shall not be construed to prohibit the employment, promotion, or transfer within a school division of any person within a relationship described in subsection A when such person:

1. Has been employed pursuant to a written contract with a school board or employed as a substitute teacher or teacher's aide by a school board prior to the taking of office of any member of such board or division superintendent of schools; or
2. Has been employed pursuant to a written contract with a school board or employed as a substitute teacher or teacher's aide by a school board prior to the inception of such relationship; or
3. Was employed by a school board at any time prior to June 10, 1994, and had been employed at any time as a teacher or other employee of any Virginia school board prior to the taking of office of any member of such school board or division superintendent of schools.

C. A person employed as a substitute teacher may not be employed to any greater extent than he was employed by the school board in the last full school year prior to the taking of office of such board member or division superintendent or to the inception of such relationship. The exceptions in subdivisions B 1, B 2, and B 3 shall apply only if the prior employment has been in the same school divisions where the employee and the superintendent or school board member now seek to serve simultaneously.

D. If any member of the school board or any division superintendent knowingly violates these provisions, he shall be personally liable to refund to the local treasury any amounts paid in violation of this law, and the funds shall be recovered from the individual by action or suit in the name of the Commonwealth on the petition of the attorney for the Commonwealth. Recovered funds shall be paid into the local treasury for the use of the public schools.

E. The provisions of this section shall not apply to employment by any school district of the father, mother, brother, sister, spouse, son, daughter, son-in-law, daughter-in-law, sister-in-law, or brother-in-law of any member of the school board, provided that (i) the member certifies that he had no involvement with the hiring decision and (ii) the superintendent certifies to the remaining members of the governing body in writing that the employment is based upon merit and fitness and the competitive rating of the qualifications of the individual and that no member of the board had any involvement with the hiring decision.

F. The provisions of this section shall not apply to the employment by any school district of the father, mother, brother, sister, spouse, son, daughter, son-in-law, daughter-in-law, sister-in-law, or brother-in-law of any division superintendent, provided that (i) the superintendent certifies that he had no involvement with the hiring decision and (ii) the assistant superintendent certifies to the members of the governing body in writing that the employment is based upon merit and fitness and the competitive rating of the qualifications of the individual and that the superintendent of the division had no involvement with the hiring decision.

Article 7. Penalties and Remedies.

§ 2.2-3120. Knowing violation of chapter a misdemeanor.

Any person who knowingly violates any of the provisions of Articles 2 through 6 (§§ 2.2-3102 through 2.2-3119) of this chapter shall be guilty of a Class 1 misdemeanor, except that any member of a local governing body who knowingly violates subsection A of § 2.2-3112 or subsection D or F of § 2.2-3115 shall be guilty of a Class 3 misdemeanor. A knowing violation under this section is one in which the person engages in conduct, performs an act or refuses to perform an act when he knows that the conduct is prohibited or required by this chapter.

§ 2.2-3121. Advisory opinions.

A. A state officer or employee shall not be prosecuted for a knowing violation of this chapter if the alleged violation resulted from his good faith reliance on a written opinion of the Attorney General or a formal opinion or written informal advice of the Council made in response to his written request for such opinion or advice and the opinion or advice was made after a full disclosure of the facts regardless of whether such opinion or advice is later withdrawn provided the alleged violation occurred prior to the withdrawal of the opinion or advice.

B. A local officer or employee shall not be prosecuted for a knowing violation of this chapter if the alleged violation resulted from his good faith reliance on a written opinion of the attorney for the Commonwealth or a formal opinion or written informal advice of the Council made in response to his written request for such opinion or advice and the opinion or advice was made after a full disclosure of the facts regardless of whether such opinion or advice is later withdrawn, provided that the alleged violation occurred prior to the withdrawal of the opinion or advice. The written opinion of the attorney for the Commonwealth shall be a public record and shall be released upon request.

C. If any officer or employee serving at the local level of government is charged with a knowing violation of this chapter, and the alleged violation resulted from his reliance upon a written opinion of his county, city, or town attorney, made after a full disclosure of the facts, that such action was not in violation of this chapter, then the officer or employee shall have the right to introduce a copy of the opinion at his trial as evidence that he did not knowingly violate this chapter.

§ 2.2-3122. Knowing violation of chapter constitutes malfeasance in office or employment.

Any person who knowingly violates any of the provisions of this chapter shall be guilty of malfeasance in office or employment. Upon conviction thereof, the judge or jury trying the case, in addition to any other fine or penalty provided by law, may order the forfeiture of such office or employment.

§ 2.2-3123. Invalidation of contract; rescision of sales.

A. Any contract made in violation of § 2.2-3103 or §§ 2.2-3106 through 2.2-3109 may be declared void and may be rescinded by the governing body of the contracting or selling governmental agency within five years of the date of such contract. In cases in which the contract is invalidated, the contractor shall retain or receive only the reasonable value, with no increment for profit or commission, of the property or services furnished prior to the date of receiving notice that the contract has been voided. In cases of rescision of a contract of sale, any refund or restitution shall be made to the contracting or selling governmental agency.

B. Any purchase by an officer or employee made in violation of § 2.2-3103 or §§ 2.2-3106 through 2.2-3109 may be rescinded by the governing body of the contracting or selling governmental agency within five years of the date of such purchase.

§ 2.2-3124. Civil penalty from violation of this chapter.

A. In addition to any other fine or penalty provided by law, an officer or employee who knowingly violates any provision of §§ 2.2-3103 through 2.2-3112 shall be subject to a civil penalty in an amount equal to the amount of money or thing of value received as a result of such violation. If the thing of value received by the officer or employee in violation of §§ 2.2-3103 through 2.2-3112 increases in value between the time of the violation and the time of discovery of the violation, the greater value shall determine the amount of the civil penalty. Further, all money or other things of value received as a result of such violation shall be forfeited in accordance with the provisions of § 19.2-386.33.

B. An officer or employee required to file the disclosure form prescribed by § 2.2-3117 who fails to file such form within the time period prescribed shall be assessed a civil penalty in an amount equal to \$250. The Council shall notify the Attorney General of any state officer's or employee's failure to file the required form and the Attorney General shall assess and collect the civil penalty. The clerk of the school board or the clerk of the governing body of the county, city, or town shall notify the attorney for the Commonwealth for the locality in which the officer or employee was elected or is employed of any local officer's or employee's failure to file the required form and the attorney for the Commonwealth shall assess and collect the civil penalty. The Council shall notify the Attorney General and the clerk shall notify the attorney for the Commonwealth within 30 days of the deadline for filing. All civil penalties collected pursuant to this subsection shall be deposited into the general fund and used exclusively to fund the Council.

§ 2.2-3125. Limitation of actions.

The statute of limitations for the criminal prosecution of a person for violation of any provision of this chapter shall be one year from the time the Attorney General, if the violation is by a state officer or employee, or the attorney for the Commonwealth, if the violation is by a local officer or employee, has actual knowledge of the violation or five years from the date of the violation, whichever event occurs first. Any prosecution for malfeasance in office shall be governed by the statute of limitations provided by law.

§ 2.2-3126. Enforcement.

A. The provisions of this chapter relating to an officer or employee serving at the state level of government shall be enforced by the Attorney General.

In addition to any other powers and duties prescribed by law, the Attorney General shall have the following powers and duties within the area for which he is responsible under this section:

1. He shall advise the agencies of state government and officers and employees serving at the state level of government on appropriate procedures for complying with the requirements of this chapter. He may review any disclosure statements, without notice to the affected person, for the purpose of determining satisfactory compliance, and shall investigate matters that come to his attention reflecting possible violations of the provisions of this chapter by officers and employees serving at the state level of government;
2. If he determines that there is a reasonable basis to conclude that any officer or employee serving at the state level of government has knowingly violated any provision of this chapter, he shall designate an attorney for the Commonwealth who shall have complete and independent discretion in the prosecution of such officer or employee;
3. He shall render advisory opinions to any state officer or employee who seeks advice as to whether the facts in a particular case would constitute a violation of the provisions of this chapter. He shall determine which opinions or portions thereof are of general interest to the public and may, from time to time, be published.

Irrespective of whether an opinion of the Attorney General has been requested and rendered, any person has the right to seek a declaratory judgment or other judicial relief as provided by law.

B. The provisions of this chapter relating to an officer or employee serving at the local level of government shall be enforced by the attorney for the Commonwealth within the political subdivision for which he is elected.

Each attorney for the Commonwealth shall be responsible for prosecuting violations by an officer or employee serving at the local level of government and, if the Attorney General designates such attorney for the Commonwealth, violations by an officer or employee serving at the state level of government. In the event the violation by an officer or employee serving at the local level of government involves more than one local jurisdiction, the Attorney General shall designate which of the attorneys for the Commonwealth of the involved local jurisdictions shall enforce the provisions of this chapter with regard to such violation.

Each attorney for the Commonwealth shall establish an appropriate written procedure for implementing the disclosure requirements of local officers and employees of his county, city or town, and for other political subdivisions, whose principal offices are located within the jurisdiction served by such attorney for the Commonwealth. The attorney for the Commonwealth shall provide a copy of this act to all local officers and employees in the jurisdiction served by such attorney who are required to file a disclosure statement pursuant to Article 5 (§ 2.2-3113 et seq.) of this chapter. Failure to receive a copy of the act shall not be a defense to such officers and employees if they are prosecuted for violations of the act.

Each attorney for the Commonwealth shall render advisory opinions as to whether the facts in a particular case would constitute a violation of the provisions of this chapter to the governing body and any local officer or employee in his jurisdiction and to political subdivisions other than a county, city or town, including regional political subdivisions whose principal offices are located within the jurisdiction served by such attorney for the Commonwealth. If the advisory opinion is written, then such written opinion shall be a public record and shall be released upon request. In case the opinion given by the attorney for the Commonwealth indicates that the facts would constitute a violation, the officer or employee affected thereby may request that the Attorney General review the opinion. A conflicting opinion by the Attorney General shall act to revoke the opinion of the attorney for the Commonwealth. The Attorney General shall determine which of his reviewing opinions or portions thereof are of general interest to the public and may, from time to time, be published.

Irrespective of whether an opinion of the attorney for the Commonwealth or the Attorney General has been requested and rendered, any person has the right to seek a declaratory judgment or other judicial relief as provided by law.

§ 2.2-3127. Venue.

Any prosecution for a violation involving an officer serving at the state level of government shall be brought in the Circuit Court of the City of Richmond. Any prosecution for a violation involving an employee serving at the state level of government shall be within the jurisdiction in which the employee has his principal place of state employment.

Any proceeding provided in this chapter shall be brought in a court of competent jurisdiction within the county or city in which the violation occurs if the violation involves an officer or employee serving at the local level of government.

Article 8. Orientation for State Filers.

§ 2.2-3128. Semiannual orientation course.

Each state agency shall offer at least semiannually to each of its state filers an orientation course on this chapter, on ethics in public contracting pursuant to Article 6 (§ 2.2-4367 et seq.) of Chapter 43 of this title, if applicable to the filer, and on any other applicable regulations that govern the official conduct of state officers and employees.

§ 2.2-3129. Records of attendance.

Each state agency shall maintain records indicating the specific attendees, each attendee's job title, and dates of their attendance for each orientation course offered pursuant to § 2.2-3128 for a period of not less than five years after each course is given. These records shall be public records subject to inspection and copying consistent with § 2.2-3704.

§ 2.2-3130. Attendance requirements.

Except as set forth in § 2.2-3131, each state filer shall attend the orientation course required in § 2.2-3128, as follows:

1. For a state filer who holds a position with the agency on January 1, 2004, not later than December 31, 2004 and, thereafter, at least once during each consecutive period of two calendar years commencing on January 1, 2006.
2. For a person who becomes a state filer with the agency after January 1, 2004, within two months after he or she becomes a state filer and at least once during each consecutive period of two calendar years commencing on the first odd-numbered year thereafter.

§ 2.2-3131. Exemptions.

A. The requirements of § 2.2-3130 shall not apply to state filers with a state agency who have taken an equivalent ethics orientation course through another state agency within the time periods set forth in subdivision 1 or 2 of § 2.2-3130, as applicable.

B. State agencies may jointly conduct and state filers from more than one state agency may jointly attend an orientation course required by § 2.2-3128, as long as the course content is relevant to the official duties of the attending state filers.

C. Before conducting each orientation course required by § 2.2-3128, state agencies shall consult with the Attorney General and the Virginia Conflict of Interest and Ethics Advisory Council regarding appropriate course content.

§2.2-3132. Training on prohibited conduct and conflicts of interest.

A. The Council shall provide training sessions for local elected officials, the members of appointed school boards, and the executive directors and members of industrial development authorities and economic development authorities, as created by the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), on the provisions of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.). The Council may provide such training sessions by online means.

B. Each local elected official and member of an appointed school board, and the executive director and members of each industrial development authority and economic development authority, as created by the Industrial Development and Revenue Bond Act, shall complete the training session described in subsection A within two months after assuming the local office and thereafter at least once during each consecutive period of two calendar years while he holds such office, commencing with the date on which he last completed a training session. No penalty shall be imposed on a local elected official, a member of an appointed school board, or an executive director or member of an industrial development authority or an economic development authority for failing to complete a training session.

C. The clerk of the respective governing body or school board shall maintain records indicating local elected officials, members of appointed school boards, and executive directors and members of industrial development authorities and economic development authorities subject to the training requirement and the dates of their completion of a training session pursuant to subsection B. Such records shall be maintained as public records for five years in the office of the clerk of the respective governing body or school board.

Title 2.2. Administration of Government. Chapter 43.

From the Virginia Public Procurement Act

§ 2.2-4369. Proscribed participation by public employees in procurement transactions.

Except as may be specifically allowed by subdivisions B 1, 2, and 3 of § 2.2-3112, no public employee having official responsibility for a procurement transaction shall participate in that transaction on behalf of the public body when the employee knows that:

1. The employee is contemporaneously employed by a bidder, offeror or contractor involved in the procurement transaction;
2. The employee, the employee's partner, or any member of the employee's immediate family holds a position with a bidder, offeror or contractor such as an officer, director, trustee, partner or the like, or is employed in a capacity involving personal and substantial participation in the procurement transaction, or owns or controls an interest of more than five percent;
3. The employee, the employee's partner, or any member of the employee's immediate family has a pecuniary interest arising from the procurement transaction; or
4. The employee, the employee's partner, or any member of the employee's immediate family is negotiating, or has an arrangement concerning, prospective employment with a bidder, offeror or contractor.

Title 24.2. Elections. Chapter 5. Candidates for Office.

§ 24.2-502. Statement of economic interests as requirement of candidacy.

It shall be a requirement of candidacy that a written statement of economic interests shall be filed by (i) a candidate for Governor, Lieutenant Governor, or Attorney General and a candidate for the Senate or House of Delegates with the State Board, (ii) a candidate for a constitutional office with the general registrar for the county or city, and (iii) a candidate for member of the governing body or elected school board of any county, city, or town with a population in excess of 3,500 persons with the general registrar for the county or city. The statement of economic interests shall be that specified in § 30-111 for candidates for the General Assembly and in § 2.2-3117 for all other candidates. The foregoing requirement shall not apply to a candidate for reelection to the same office who has met the requirement of annually filing a statement pursuant to § 2.2-3114, 2.2-3115, 2.2-3116, or 30-110.

The general registrar, the clerk of the local governing body, or the clerk of the school board, as appropriate, shall transmit to the local electoral board, immediately after the filing deadline, a list of the candidates who have filed initial or annual statements of economic interests.

Title 30. General Assembly. Chapter 56.

Virginia Conflict of Interest and Ethics Advisory Council

§ 30-355. Virginia Conflict of Interest and Ethics Advisory Council; membership; terms; quorum; expenses.

A. The Virginia Conflict of Interest and Ethics Advisory Council (the Council) is hereby created as an advisory council in the legislative branch to encourage and facilitate compliance with the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.) and the General Assembly Conflicts of Interests Act (§ 30-100 et seq.) (hereafter the Acts) and the lobbying laws in Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 (hereafter Article 3).

B. The Council shall consist of nine members as follows: three members appointed by the Speaker of the House of Delegates, two of whom shall be members of the House of Delegates and one of whom shall be a former judge of a court of record; three members appointed by the Senate Committee on Rules, two of whom shall be members of the Senate and one of whom shall be a former judge of a court of record; and three members appointed by the Governor, one of whom shall be a current or former executive branch employee, one of whom shall be appointed from a list of three nominees submitted by the Virginia Association of Counties, and one of whom shall be appointed from a list of three nominees submitted by the Virginia Municipal League. In the appointment to the Council of members of the House of Delegates made by the Speaker and members of the Senate made by the Senate Committee on Rules, equal representation shall be given to each of the political parties having the highest and next highest number of members elected to their respective body. All members of the Council are subject to confirmation by the General Assembly by a majority vote in each house of (i) the members present of the majority party and (ii) the members present of the minority party.

C. All appointments following the initial staggering of terms shall be for terms of four years, except that appointments to fill vacancies shall be for the unexpired terms in the same manner as the original appointment. No nonlegislative citizen member shall be eligible to serve for more than two successive four-year terms. However, after the expiration of a term of three years or less, or after the expiration of the remainder of a term to which appointed to fill a vacancy, two additional terms may be served by such member if ap-

pointed thereto. Legislative members and other state government officials shall serve terms coincident with their terms of office. Legislative members may be reappointed for successive terms.

D. The members of the Council shall elect from among their membership a chairman and a vice-chairman for two-year terms. The chairman and vice-chairman may not succeed themselves to the same position. The Council shall hold meetings upon the call of the chairman or whenever the majority of the members so request. A majority of the Council appointed shall constitute a quorum.

E. Members of the Council shall receive no compensation for their services but shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813, 2.2-2825, and 30-19.12, as appropriate. Funding for expenses of the members shall be provided from existing appropriations to the Council.

§ 30-356. Powers and duties of the Council.

The Council shall:

1. Prescribe the forms required for complying with the disclosure requirements of Article 3 and the Acts. These forms shall be the only forms used to comply with the provisions of Article 3 or the Acts. The Council shall make available the disclosure forms and shall provide guidance and other instructions to assist in the completion of the forms;
2. Review all disclosure forms filed by lobbyists pursuant to Article 3 and by state government officers and employees and legislators pursuant to the Acts. The Council may review disclosure forms for completeness, including reviewing the information contained on the face of the form to determine if the disclosure form has been fully completed and comparing the disclosures contained in any disclosure form filed by a lobbyist pursuant to § 2.2-426 with other disclosure forms filed with the Council, and requesting any amendments to ensure the completeness of and correction of errors in the forms, if necessary. If a disclosure form is found to have not been filed or to have been incomplete as filed, the Council shall notify the filer in writing and direct the filer to file a completed disclosure form within a prescribed period of time, and such notification shall be confidential and is excluded from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.);
3. Require all disclosure forms and lobbyist registration statements that are required to be filed with the Council to be filed electronically in accordance with the standards approved by the Council. The Council shall provide software or electronic access for filing the required disclosure forms and registration statements without charge to all individuals required to file with the Council. The Council shall prescribe the method of execution and certification of electronically filed forms, including the use of an electronic signature as authorized by the Uniform Electronic Transactions Act (§ 59.1-479 et seq.). The Council may grant extensions as provided in § 30-356.2 and may authorize a designee to grant such extensions;
4. Accept and review any statement received from a filer disputing the receipt by such filer of a gift that has been disclosed on the form filed by a lobbyist pursuant to Article 3;
5. Beginning July 1, 2016, establish and maintain a searchable electronic database comprising those disclosure forms that are filed with the Council pursuant to §§ 2.2-426, 2.2-3117, 2.2-3118, and 30-111. Such database shall be available to the public through the Council's official website;
6. Furnish, upon request, formal advisory opinions or guidelines and other appropriate information, including informal advice, regarding ethics, conflicts issues arising under Article 3 or the Acts, or a person's duties under Article 3 or the Acts to any person covered by Article 3 or the Acts or to any agency of state or local government, in an expeditious manner. The Council may authorize a designee to furnish formal opinions or informal advice. Formal advisory opinions are public record and shall be published on the Council's website; however, no formal advisory opinion furnished by a designee of the Council shall be available to the public or published until such opinion has been approved by the Council. Published formal advisory opinions may have such deletions and changes as may be necessary to protect the identity of the person involved or other persons supplying information. Informal advice given by the Council or the Council's designee is confidential and is excluded from the mandatory disclosure provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.); however, if the recipient invokes the immunity provisions of § 2.2-3121 or 30-124, the record of

the request and the informal advice given shall be deemed to be a public record and shall be released upon request. Other records relating to formal advisory opinions or informal advice, including records of requests, notes, correspondence, and draft versions of such opinions or advice, shall also be confidential and excluded from the mandatory disclosure provisions of the Virginia Freedom of Information Act;

7. Conduct training seminars and educational programs for lobbyists, state and local government officers and employees, legislators, and other interested persons on the requirements of Article 3 and the Acts and provide training sessions for local elected officials in compliance with Article 9 (§ 2.2-3132) of Chapter 31 of Title 2.2 and ethics orientation sessions for legislators in compliance with Article 6 (§ 30-129.1 et seq.) of Chapter 13;
8. Approve orientation courses conducted pursuant to § 2.2-3128 and, upon request, review the educational materials and approve any training or course on the requirements of Article 3 and the Acts conducted for state and local government officers and employees;
9. Publish such educational materials as it deems appropriate on the provisions of Article 3 and the Acts;
10. Review actions taken in the General Assembly with respect to the discipline of its members for the purpose of offering nonbinding advice;
11. Request from any agency of state or local government such assistance, services, and information as will enable the Council to effectively carry out its responsibilities. Information provided to the Council by an agency of state or local government shall not be released to any other party unless authorized by such agency;
12. Redact from any document or form that is to be made available to the public any residential address, personal telephone number, email address, or signature contained on that document or form; and
13. Report on or before December 1 of each year on its activities and findings regarding Article 3 and the Acts, including recommendations for changes in the laws, to the General Assembly and the Governor. The annual report shall be submitted by the chairman as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be published as a state document.

§ 30-356.1. Request for approval for certain travel.

A. The Council shall receive and review a request for the approval of travel submitted by a person required to file the disclosure form prescribed in § 2.2-3117 or 30-111 to accept any travel-related transportation, lodging, hospitality, food or beverage, or other thing of value that has a value exceeding \$100 where such approval is required pursuant to subsection G of § 2.2-3103.1 or subsection F of § 30-103.1. A request for the approval of travel shall not be required for the following, but such travel shall be disclosed as may be required by the Acts:

1. Travel disclosed pursuant to the Campaign Finance Disclosure Act (§ 24.2-945 et seq.);
2. Travel paid for or provided by the government of the United States, any of its territories, or any state or any political subdivision of such state;
3. Travel provided to facilitate attendance by a legislator at a regular or special session of the General Assembly, a meeting of a legislative committee or commission, or a national conference where attendance is approved by the House Committee on Rules or its Chairman or the Senate Committee on Rules or its Chairman; or
4. Travel related to an official meeting of the Commonwealth, its political subdivisions, or any board, commission, authority, or other entity, or any charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has been appointed or elected or is a member by virtue of his office or employment.

B. When reviewing a request for the approval of travel, the Council shall consider the purpose of the travel as it relates to the official duties of the requester. The Council shall approve any request for travel that bears a reasonable relationship between the purpose of the travel and the official duties of the requester. Such travel shall include any meeting, conference, or other event (i) composed primarily of public officials, (ii) at which public policy related to the duties of the requester will be discussed in a substantial manner, (iii) reasonably expected to educate the requester on issues relevant to his official duties or to enhance the requester's knowledge and skills relative to his official duties, or (iv) at which the requester has been invited to speak regarding matters reasonably related to the requester's official duties.

C. The Council shall not approve any travel requests that bear no reasonable relationship between the

purpose of the proposed travel and the official duties of the requester. In making such determination, the Council shall consider the duration of travel, the destination of travel, the estimated value of travel, and any previous or recurring travel.

D. Within five business days of receipt of a request for the approval of travel, the Council shall grant or deny the request, unless additional information has been requested. If additional information has been requested, the Council shall grant or deny the request for the approval within five business days of receipt of such information. If the Council has not granted or denied the request for approval of travel or requested additional information within such five-day period, such travel shall be deemed to have been approved by the Council. Nothing in this subsection shall preclude a person from amending or resubmitting a request for the approval of travel. The Council may authorize a designee to review and grant or deny requests for the approval of travel.

E. A request for the approval of travel shall be on a form prescribed by the Council and made available on its website. Such form may be submitted by electronic means, facsimile, in-person submission, or mail or commercial mail delivery.

F. No person shall be prosecuted, assessed a civil penalty, or otherwise disciplined for acceptance of a travel-related thing of value if he accepted the travel-related thing of value after receiving approval under this section, regardless of whether such approval is later withdrawn, provided the travel occurred prior to the withdrawal of the approval.

§ 30-356.2. Right to grant extensions in special circumstances; civil penalty.

A. Notwithstanding any other provision of law, any person required to file the disclosure form prescribed in Article 3 or the Acts shall be entitled to an extension where good cause for granting such an extension has been shown, as determined by the Council. Good cause shall include:

1. The death of a relative of the filer, as relative is defined in the definition of “gift” in Article 3 or the Acts.
2. A state of emergency is declared by the Governor pursuant to Chapter 3.2 (§ 44-146.13 et seq.) of Title 44 or declared by the President of the United States or the governor of another state pursuant to law and confirmed by the Governor by an executive order, and such an emergency interferes with the timely filing of disclosure forms. The extension shall be granted only for those

filers in areas affected by such emergency.

3. The filer is a member of a uniformed service of the United States and is on active duty on the date of the filing deadline.
4. A failure of the electronic filing system and the failure of such system prevents the timely filing of disclosure forms.

B. For any person who is unable to timely file the disclosure form prescribed in the Acts due to the disclosure form not being made available to him until after the deadline has passed, the Council shall grant such person a five-day extension upon request. The head of the agency for which the person works or the clerk of the school board or governing body of the locality that was responsible for providing the disclosure form to such person shall be assessed a civil penalty in the amount equal to \$250, to be collected in accordance with the procedure set forth in subsection B of § 2.2-3124. If the disclosure form is provided to the person within three days prior to the filing deadline, the Council shall grant such person a three-day extension upon request and no civil penalties shall be assessed against the head of such person’s agency or the clerk.

C. The provisions of this section shall not apply to any statement of economic interests filed as a requirement of candidacy pursuant to § 24.2-502.

§ 30-357. Staff.

Staff assistance to the Council shall be provided by the Division of Legislative Services. Staff shall perform those duties assigned to it by the Council, including those duties enumerated in § 30-356. The Division of Legislative Services shall employ an executive director, who shall be subject to the confirmation of the Joint Committee on Rules.

§ 30-358. Cooperation of agencies of state and local government.

Every department, division, board, bureau, commission, authority, or political subdivision of the Commonwealth shall cooperate with, and provide such assistance to, the Council as the Council may request.

Virginia Public Records Act Requirements

By Jeffrey S. Gore and Roger C. Wiley
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Local government officials generally are not enthusiastic about the Virginia Public Records Act (the “Act”). Many elected officials are only vaguely aware that the Act exists. Managers and agency heads are likely to view it as just another nuisance requirement imposed by the state or even as an example of that most despised species – an unfunded mandate. Other local officials may be puzzled about how to handle the masses of paper that clutter their offices or the electronic messages and documents that fill up their email inboxes and hard drives.

All those reactions are predictable and sometimes they may seem valid. Certainly, the state is not sending localities money to spend on records management. Most of the Act’s requirements, however, merely reflect what would be viewed as good business and management practice. No organization can really operate efficiently if it can’t determine what it did last month, last year, or 10 years ago.

Dependence on one’s own memory of past events can be very risky, and although most organizations have a few long-serving individuals who provide some “institutional memory,” all of them move on eventually.

Keeping records and maintaining them in an accessible manner is vital not only for those who come along later, but for our own daily performance.

Having an effective system for keeping the records that are important and getting rid of those that are no longer needed, to make room for new ones, is just common sense. Still, it is easy to neglect records management. Getting today’s work done can always claim priority over organizing and storing records of yesterday’s work. Some of us are instinctively good at file maintenance while others need to be prodded.

The more positive way to view the Public Records Act is that, by imposing some legal requirements, it forces us to think about records management and assign it as a specific task to someone in our organization. The Act’s legal mandate also gives officials a justification for budgeting and spending the resources necessary to make a records management system function properly.

We hope that this handbook will give local government officials a basic understanding of the Virginia Public Records Act and how to comply with it. In its opening section you will find a discussion of the Act’s

basic requirements, presented in question and answer format, followed by several appendices that contain additional detailed information, as shown in the Table of Contents.

What is the purpose of the Virginia Public Records Act?

Virginia Public Records Act (the “Act”) is found in Chapter 7 of Title 42.1 of the Code of Virginia, the Title dealing with “Libraries.” It is in that part of the Code because the Library of Virginia is the state agency designated to administer the Act and issue regulations to implement it. The Act establishes the basic rules and authorizes the Library to issue more detailed regulations specifying how state and local public agencies, officials, and employees handle “public records.” This includes determining exactly what constitutes a public record, how and how long to maintain that public record, and when and how to eventually dispose of it – all of which the Act describes as the “lifecycle” of the public record.

What is a public record?

As defined in the Act, a public record is any recorded information possessed by a public agency, public official or public employee that documents a transaction or activity by or with any such agency, official or employee. The recorded information is a public record if it is produced, collected, received or retained in connection with the transaction of public business, regardless of its physical form. The medium (paper, film, magnetic or electronic file, etc.) on which the information is recorded has no bearing on whether it is a public record.

What local agencies officials are covered by the Act’s requirements? Does it also apply to elected constitutional officers?

The Act applies to all departments, divisions, boards, commissions, and authorities of a locality or in which a locality participates to conduct public business.

Officers and employees of these various local agencies have a responsibility to comply the Act’s requirements for the records they create or receive.

Elected city and county constitutional officers and the staffs and records of their offices are specifically included in the definitions of covered officials and agencies.

What about members of a local governing body?

Members of a city or town council, or county board of supervisors, regardless of their terms or compensation, are officers of the locality and are thus subject to the Act's requirement. In the past, many of them have not treated their individual correspondence and other records about public business, kept at home or in their private places of employment, as public records.

Legally, however, the Act does apply to these records. In recent years, as requests for disclosure of members' individual records under the Virginia Freedom of Information Act have become more common, clerks of governing bodies and local government managers and attorneys have begun assisting their governing bodies in establishing better systems to maintain these records and comply with the Act.

What are the primary responsibilities of local governments under the Act?

Tell governing body members to read the Act. Every person elected, re-elected, appointed, or reappointed to the governing body of any locality or other local public body subject to the Act must be provided a copy of the Act within two weeks of election, re-election, appointment or reappointment. The Act assigns responsibility for doing this to the public body's chief administrator, agency head or legal counsel, but in practice the duty may be delegated to someone else, such as the clerk of the public body. The Act also requires members of the public body to read and become familiar with the Act after they receive it. Following this explanation is a copy of the Act with amendments through July 1, 2023, to be used for this purpose.

Designate a local public records officer. Every locality is required to designate at least one records officer to serve as a liaison to the Library of Virginia, and to implement and oversee a records management program, and coordinate the disposition, including destruction, of obsolete records. Local records officers can be designated either by the governing body of the locality or agency or by its chief administrative officer. The locality must give the Library contact information for its designated public records officers and update

that information as it changes. Larger localities and organizations may decide to designate more than

one records officer, with some having responsibility for the records of only a single department, but all public records in the locality must have someone designated to be responsible for them. The Library conducts training programs for local records officers to help them understand and comply with the requirements of the Act.

Establish a local records management and retention program. The Act requires every locality and local agency to "ensure that its public records are preserved, maintained, and accessible throughout their lifecycle." The Library has published a very good technical manual for the establishment of a records management program, which along with much other useful information, is available on the public records section of the Library's website: www.lva.virginia.gov/agencies/records.

What are some duties of a records retention officer?

The primary duties are to be certain that the departments or agencies for which the officer is responsible keep their records for the required length of time, maintain them in an accessible manner, and destroy them when it is time to do so.

What does "accessible throughout their lifecycle" mean?

How many of us have a box or drawer in our office full of five floppy disks or 3.5-inch diskettes, but no longer have a drive on our desktop computer with which to read them? One of the jobs of the records retention officer is to make sure that records aren't made inaccessible in that way. Records must be maintained in a form that can be viewed or read for as long as those records are required to be kept. For paper records that is generally not a problem, except for very old records that must be kept permanently. These may require photographing, copying, or scanning to preserve their contents. For records stored in other media, the Act requires that they be converted or migrated to new media as technologies become obsolete, "as often as necessary so that information is not lost due to hardware, software, or media obsolescence or deterioration."

How long do records have to be kept?

The length of time varies depending on the type of record. As authorized by the Act, the Library of Virginia has established retention schedules for various categories of state and local government records. Some types of records must be maintained permanently. For

certain types of permanent records that are considered essential, copies must also be made and sent to the Library for storage, so they can be recovered in case the originals are destroyed by fire, flood or another catastrophe. Other types of records must be kept only a few years and then destroyed. All the schedules are also available online: www.lva.virginia.gov/agencies/records/sched_local/index.htm.

Are we really obligated to destroy some older records? Why?

Yes, the Act requires destruction of public records “in a timely manner” once their designated retention period has expired. The Library’s website has more guidance – www.lva.virginia.gov/agencies/records/timely.asp.

In part, this requirement is intended to make room for new records by getting rid of ones no longer needed. The Act also says that it is state policy for records management to be uniform throughout the Commonwealth. Requiring destruction on a regular schedule ensures that records of the same age and type will be available in all localities at any given time. This is helpful to someone researching information of the same type in more than one locality. Following the schedules for destruction of records will also be helpful in limiting the scope of future requests for disclosure of records under the Virginia Freedom of Information Act.

What conditions must be met before destroying records?

First, the designated retention schedule for the records must have expired. Second, the records must not be the subject of any current Freedom of Information Act disclosure request, litigation or audit, or any proposed change in the retention schedules. Third, the locality or agency’s designated public records officer must have certified on a form approved by the Library that the records are appropriate for destruction. After the records are destroyed that form must be sent to the Library of Virginia. The forms required for the record destruction process are found on the website of the Library.

Can we give the records away or sell them instead of destroying them?

The Act requires that any records created before 1912 be offered to the Library of Virginia before being destroyed. Selling public records or giving them to anyone else is specifically prohibited by the Act.

In the 2020 Virginia General Assembly session a section to the Act was added that states that any public records created prior to January 1, 1901, held by an individual or private entity lawfully in any manner may be displayed without paying a fee or requesting permission from the original custodian of such record.

What are the consequences if we don’t comply with the retention and destruction requirements for our records? Are there fines or penalties?

Unlike the Freedom of Information Act (FOIA), the Public Records does not authorize private citizens to sue public agencies or officials to force them to comply with the Act. The Librarian of Virginia is given limited authority to sue someone who is illegally retaining public records that he is not entitled to keep, such as an officeholder whose term has expired. The Act also gives the Library the power to audit state or local agencies for compliance with the Act and to report noncompliance to the local governing body and the General Assembly. Such audits are not frequent, and the Library has no power to impose monetary or other penalties for non-compliance even when revealed by audit.

Why do we need to comply, then?

The best reason for compliance is that good records management can make your organization more efficient and benefit both current and future local officials by making it easier to know what has occurred in the past. Legally, the lack of a specific penalty does not change your statutory obligation to comply with the Act, and deliberately ignoring it could be cited as poor job performance, or even as malfeasance in an extreme case.

The Freedom of Information Act may provide another reason to comply with the Public Records Act in some cases. When a citizen requests access to a record under FOIA, the local agency or official has an obligation to produce that record, unless it is covered by a specific statutory exemption.

If the record has been discarded or destroyed before the end of the retention period established by the State Library, the failure to comply with the Public Records Act may be revealed, which is embarrassing at the very least. We are not aware that any court has ruled that failure to produce the record due to its premature destruction also constitutes a violation of FOIA, but we believe such an argument could be made. FOIA violations, of course, can result in civil penalties and payment of the requester’s attorney fees.

Title 42.1. Libraries. Chapter 7. Virginia Public Records Act.

As required under Virginia Code § 42.1-76.1 and § 2.2-3702, “Any person elected, reelected, appointed, or re-appointed to the governing body of any agency subject to this chapter shall... read and become familiar with the provisions of this chapter.”

The text of the Public Records Act follows to assist local officials in complying with this section of the Act.

§ 42.1-76. Legislative intent; title of chapter.

The General Assembly intends by this chapter to establish a single body of law applicable to all public officers and employees on the subject of public records management and preservation and to ensure that the procedures used to manage and preserve public records will be uniform throughout the Commonwealth.

This chapter may be cited as the Virginia Public Records Act.

§ 42.1-76.1. Notice of Chapter.

Any person elected, reelected, appointed, or reappointed to the governing body of any agency subject to this chapter shall (i) be furnished by the agency or public body’s administrator or legal counsel with a copy of this chapter within two weeks following election, reelection, appointment, or reappointment and (ii) read and become familiar with the provisions of this chapter.

§ 42.1-77. Definitions.

As used in this chapter, unless the context requires a different meaning:

“Agency” means all boards, commissions, departments, divisions, institutions, and authorities, and parts thereof, of the Commonwealth or its political subdivisions and includes the offices of constitutional officers.

“Archival record” means a public record of continuing and enduring value useful to the citizens of the Commonwealth and necessary to the administrative functions of public agencies in the conduct of services and activities mandated by law that is identified on a Library of Virginia approved records retention and disposition schedule as having sufficient informational value to be permanently maintained by the Commonwealth.

“Archives” means the program administered by The Library of Virginia for the preservation of archival records.

“Board” means the State Library Board.

“Conversion” means the act of moving electronic records to a different format, especially data from an obsolete format to a current format.

“Custodian” means the public official in charge of an office having public records.

“Disaster plan” means the information maintained by an agency that outlines recovery techniques and methods to be followed in case of an emergency that impacts the agency’s records.

“Electronic record” means a public record whose creation, storage, and access require the use of an automated system or device. Ownership of the hardware, software, or media used to create, store, or access the electronic record has no bearing on a determination of whether such record is a public record.

“Essential public record” means records that are required for recovery and reconstruction of any agency to enable it to resume its core operations and functions and to protect the rights and interests of persons.

“Librarian of Virginia” means the State Librarian of Virginia or his designated representative.

“Lifecycle” means the creation, use, maintenance, and disposition of a public record.

“Migration” means the act of moving electronic records from one information system or medium to another to ensure continued access to the records while maintaining the records’ authenticity, integrity, reliability, and usability.

“Original record” means the first generation of the information and is the preferred version of a record. Archival records should to the maximum extent possible be original records.

“Preservation” means the processes and operations involved in ensuring the technical and intellectual survival of authentic records through time.

“Public official” means all persons holding any office created by the Constitution of Virginia or by any act of the General Assembly, the Governor and all other officers of the executive branch of the state government, and all other officers, heads, presidents or chairmen of boards, commissions, departments, and agencies of the state government or its political subdivisions.

“Public record” or “record” means recorded information that documents a transaction or activity by

or with any public officer, agency, or employee of an agency. Regardless of physical form or characteristic, the recorded information is a “public record” if it is produced, collected, received, or retained in pursuance of law or in connection with the transaction of public business. The medium upon which such information is recorded has no bearing on the determination of whether the recording is a “public record.”

For purposes of this chapter, “public record” does not include (i) nonrecord materials, meaning materials made or acquired and preserved solely for reference use or exhibition purposes, extra copies of documents preserved only for convenience or reference, or stocks of publications or (ii) records that are not related to or affect the carrying out of the constitutional, statutory, or other official ceremonial duties of a public official, including the correspondence, diaries, journals, or notes that are not prepared for, utilized for, circulated, or communicated in the course of the transaction of public business.

“Records retention and disposition schedule” means a Library of Virginia-approved timetable stating the required retention period and disposition action of a records series. The administrative, fiscal, historical, and legal value of a public record shall be considered in appraising its appropriate retention schedule. The terms “administrative,” “fiscal,” “historical,” and “legal” value shall be defined as:

1. “Administrative value”: Records shall be deemed of administrative value if they have continuing utility in the operation of an agency.
2. “Fiscal value”: Records shall be deemed of fiscal value if they are needed to document and verify financial authorizations, obligations, and transactions.
3. “Historical value”: Records shall be deemed of historical value if they contain unique information, regardless of age, that provides understanding of some aspect of the government and promotes the development of an informed and enlightened citizenry.
4. “Legal value”: Records shall be deemed of legal value if they document actions taken in the protection and proving of legal or civil rights and obligations of individuals and agencies.

§ 42.1-78. Confidentiality safeguarded.

Any records made confidential by law shall be so treated. Records that by law are required to be closed to the public shall not be deemed to be made open to the public under the provisions of this chapter. Records

in the custody of The Library of Virginia that are required to be closed to the public shall be open for public access 75 years after the date of creation of the record. No provision of this chapter shall be construed to authorize or require the opening of any records ordered to be sealed by a court; however, upon a petition filed with the clerk, a judge may enter an order releasing any record sealed prior to January 1, 1901. All records deposited in the archives that are not made confidential by law shall be open to public access.

§ 42.1-79. Records management function vested in The Library of Virginia.

A. The archival and records management function shall be vested in The Library of Virginia. The Library of Virginia shall be the official custodian and trustee for the Commonwealth of all public records of whatever kind, and regardless of physical form or characteristics, that are transferred to it from any agency. As the Commonwealth’s official repository of public records, The Library of Virginia shall assume ownership and administrative control of such records on behalf of the Commonwealth. The Library of Virginia shall own and operate any equipment necessary to manage and retain control of electronic archival records in its custody, but may, at its discretion, contract with third-party entities to provide any or all services related to managing archival records on equipment owned by the contractor, by other third parties, or by The Library of Virginia.

B. The Librarian of Virginia shall name a State Archivist who shall perform such functions as the Librarian of Virginia assigns.

C. Whenever legislation affecting public records management and preservation is under consideration, The Library of Virginia shall review the proposal and advise the General Assembly on the effects of its proposed implementation.

§ 42.1-82. Duties and powers of Library Board.

A. The State Library Board shall:

1. Issue regulations concerning procedures for the disposal, physical destruction or other disposition of public records containing social security numbers. The procedures shall include all reasonable steps to destroy such documents by (i) shredding, (ii) erasing, or (iii) otherwise modifying the social security numbers in those records to make them unreadable or undecipherable by any means.
2. Issue regulations and guidelines designed to facilitate the creation, preservation, storage, filing,

reformatting, management, and destruction of public records by agencies. Such regulations shall mandate procedures for records management and include recommendations for the creation, retention, disposal, or other disposition of public records.

B. The State Library Board may establish advisory committees composed of persons with expertise in the matters under consideration to assist the Library Board in developing regulations and guidelines.

§ 42.1-85. Records Management Program; agencies to cooperate; agencies to designate records officer.

A. The Library of Virginia shall administer a records management program for the application of efficient and economical methods for managing the life-cycle of public records consistent with regulations and guidelines promulgated by the State Library Board, including operation of a records center or centers. The Library of Virginia shall establish procedures and techniques for the effective management of public records, make continuing surveys of records and records keeping practices, and recommend improvements in current records management practices, including the use of space, equipment, software, and supplies employed in creating, maintaining, and servicing records.

B. Any agency with public records shall cooperate with The Library of Virginia in conducting surveys. Each agency shall establish and maintain an active, continuing program for the economical and efficient management of the records of such agency. The agency shall be responsible for ensuring that its public records are preserved, maintained, and accessible throughout their lifecycle, including converting and migrating electronic records as often as necessary so that information is not lost due to hardware, software, or media obsolescence or deterioration. Any public official who converts or migrates an electronic record shall ensure that it is an accurate copy of the original record. The converted or migrated record shall have the force of the original.

C. Each state agency and political subdivision of this Commonwealth shall designate as many as appropriate, but at least one, records officer to serve as a liaison to The Library of Virginia for the purposes of implementing and overseeing a records management program, and coordinating legal disposition, including destruction, of obsolete records. Designation of state agency records officers shall be by the respective agency head. Designation of a records officer for political subdivisions shall be by the governing body or chief

administrative official of the political subdivision. Each entity responsible for designating a records officer shall provide The Library of Virginia with the name and contact information of the designated records officer, and shall ensure that such information is updated in a timely manner in the event of any changes.

D. The Library of Virginia shall develop and make available training and education opportunities concerning the requirements of and compliance with this chapter for records officers in the Commonwealth.

§ 42.1-86. Essential public records; security recovery copies; disaster plans.

A. In cooperation with the head of each agency, The Library of Virginia shall establish and maintain a program for the selection and preservation of essential public records. The program shall provide for preserving, classifying, arranging, and indexing essential public records so that such records are made available to the public. The program shall provide for making recovery copies or designate as recovery copies existing copies of such essential public records.

B. Recovery copies shall meet quality standards established by The Library of Virginia and shall be made by a process that accurately reproduces the record and forms a durable medium. A recovery copy may also be made by creating a paper or electronic copy of an original electronic record. Recovery copies shall have the same force and effect for all purposes as the original record and shall be as admissible in evidence as the original record whether the original record is in existence or not. Recovery copies shall be preserved in the place and manner prescribed by the State Library Board and the Governor.

C. The Library of Virginia shall develop a plan to ensure preservation of public records in the event of disaster or emergency as defined in § 44-146.16. This plan shall be coordinated with the Department of Emergency Management and copies shall be distributed to all agency heads. The plan shall be reviewed and updated at least once every five years. The personnel of the Library shall be responsible for coordinating emergency recovery operations when public records are affected. Each agency shall ensure that a plan for the protection and recovery of public records is included in its comprehensive disaster plan.

§ 42.1-86.01. Records may be retained in electronic medium.

Notwithstanding any provision of law requiring a public record to be retained in a tangible medium, an agency may retain any public record in an electronic

medium, provided that the record remains accessible for the duration of its retention schedule and meets all other requirements of this chapter. Nothing herein shall affect any law governing the retention of exhibits received into evidence in a criminal case in any court.

§ 42.1-86.1. Disposition of public records.

A. No agency shall sell or give away public records. No agency shall destroy or discard a public record unless (i) the record appears on a records retention and disposition schedule approved pursuant to § 42.1-82 and the record's retention period has expired; (ii) a certificate of records destruction, as designated by the Librarian of Virginia, has been properly completed and approved by the agency's designated records officer; and (iii) there is no litigation, audit, investigation, request for records pursuant to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), or renegotiation of the relevant records retention and disposition schedule pending at the expiration of the retention period for the applicable records series. After a record is destroyed or discarded, the agency shall forward the original certificate of records destruction to The Library of Virginia.

B. No agency shall destroy any public record created before 1912 without first offering it to The Library of Virginia.

C. Each agency shall ensure that records created after July 1, 2006 and authorized to be destroyed or discarded in accordance with subsection A, are destroyed or discarded in a timely manner in accordance with the provisions of this chapter; provided, however, such records that contain identifying information as defined in clauses (iii) through (ix), or clause (xii) of subsection C of § 18.2-186.3, shall be destroyed within six months of the expiration of the records retention period.

§ 42.1-87. Archival public records.

A. Custodians of archival public records shall keep them in fire-resistant, environmentally controlled, physically secure rooms designed to ensure proper preservation and in such arrangement as to be easily accessible. Current public records should be kept in the buildings in which they are ordinarily used. It shall be the duty of each agency to consult with The Library of Virginia to determine the best manner in which to store long-term or archival electronic records. In entering into a contract with a third-party storage provider for the storage of public records, an agency shall require the third-party to cooperate with The Library of Virginia in complying with rules and regulations promulgated by the Board.

B. Public records deemed unnecessary for the trans-

action of the business of any state agency, yet deemed to be of archival value, may be transferred with the consent of the Librarian of Virginia to the custody of the Library of Virginia.

C. Public records deemed unnecessary for the transaction of the business of any county, city, or town, yet deemed to be of archival value, shall be stored either in The Library of Virginia or in the locality, at the decision of the local officials responsible for maintaining public records. Archival public records shall be returned to the locality upon the written request of the local officials responsible for maintaining local public records. Microfilm shall be stored in The Library of Virginia but the use thereof shall be subject to the control of the local officials responsible for maintaining local public records.

D. Record books deemed archival should be copied or repaired, renovated or rebound if worn, mutilated, damaged or difficult to read. Whenever the public records of any public official are in need of repair, restoration or rebinding, a judge of the court of record or the head of such agency or political subdivision of the Commonwealth may authorize that the records in need of repair be removed from the building or office in which such records are ordinarily kept, for the length of time necessary to repair, restore or rebind them, provided such restoration and rebinding preserves the records without loss or damage to them. Before any restoration or repair work is initiated, a treatment proposal from the contractor shall be submitted and reviewed in consultation with The Library of Virginia. Any public official who causes a record book to be copied shall attest it and shall certify an oath that it is an accurate copy of the original book. The copy shall then have the force of the original.

E. Nothing in this chapter shall be construed to divest agency heads of the authority to determine the nature and form of the records required in the administration of their several departments or to compel the removal of records deemed necessary by them in the performance of their statutory duty.

§ 42.1-88. Custodians to deliver all records at expiration of term; penalty for noncompliance.

Any custodian of any public records shall, at the expiration of his term of office, appointment or employment, deliver to his successor, or, if there be none, to The Library of Virginia, all books, writings, letters, documents, public records, or other information, recorded on any medium kept or received by him in the transaction of his official business; and any such person who shall refuse or neglect for a period of ten days after

a request is made in writing by the successor or Librarian of Virginia to deliver the public records as herein required shall be guilty of a Class 3 misdemeanor.

§ 42.1-89. Petition and court order for return of public records not in authorized possession.

The Librarian of Virginia or his designated representative such as the State Archivist or any public official who is the custodian of public records in the possession of a person or agency not authorized by the custodian or by law to possess such public records shall petition the circuit court in the city or county in which the person holding such records resides or in which the materials in issue, or any part thereof, are located for the return of such records. The court shall order such public records be delivered to the petitioner upon finding that the materials in issue are public records and that such public records are in the possession of a person not authorized by the custodian of the public records or by law to possess such public records. If the order of delivery does not receive compliance, the plaintiff shall request that the court enforce such order through its contempt power and procedures.

§ 42.1-90. Seizure of public records not in authorized possession.

A. At any time after the filing of the petition set out in § 42.1-89 or contemporaneous with such filing, the person seeking the return of the public records may by ex parte petition request the judge or the court in which the action was filed to issue an order directed at the sheriff or other proper officer, as the case may be, commanding him to seize the materials which are the subject of the action and deliver the same to the court under the circumstances hereinafter set forth.

B. The judge aforesaid shall issue an order of seizure upon receipt of an affidavit from the petitioner which alleges that the material at issue may be sold, secreted, removed out of this Commonwealth or otherwise disposed of so as not to be forthcoming to answer the final judgment of the court respecting the same; or that such property may be destroyed or materially damaged or injured if permitted to remain out of the petitioner's possession.

C. The aforementioned order of seizure shall issue without notice to the respondent and without the posting of any bond or other security by the petitioner.

§ 42.1-90.1. Auditing.

The Librarian may, in his discretion, conduct an audit of the records management practices of any agency. Any agency subject to the audit shall cooperate

and provide the Library with any records or assistance that it requests. The Librarian shall compile a written summary of the findings of the audit and any actions necessary to bring the agency into compliance with this chapter. The summary shall be a public record, and shall be made available to the agency subject to the audit, the Governor, and the chairmen of the House and Senate Committees on General Laws, the House Committee on Appropriations, and the Senate Committee on Finance and Appropriations of the General Assembly.

§ 42.1-91.1. Availability of public records created prior to January 1, 1901.

Notwithstanding any provisions of a previously executed contract with any department, agency, or institution of the Commonwealth or political subdivision, any individual or private entity lawfully in possession of public records created prior to January 1, 1901, or images of such records may display or publish such records in any format, including in an electronic database or on the Internet, without paying a fee to or requesting permission from the original custodian of such records.



WARRENTON TOWN COUNCIL HANDBOOK

Town Council ~~2022~~2023-2024

H. E. Carter Nevill, Mayor
 Heather D. Sutphin, Ward 1
 William T. Semple II, Ward 2
 Brett A. Hamby, Ward 3
 James N. Hartman III, Ward 4, Vice Mayor
~~John B. "Jay" Heroux III~~ Eric Gagnon, Ward 5
 David A. McGuire, At Large
 Paul W. Mooney, At Large

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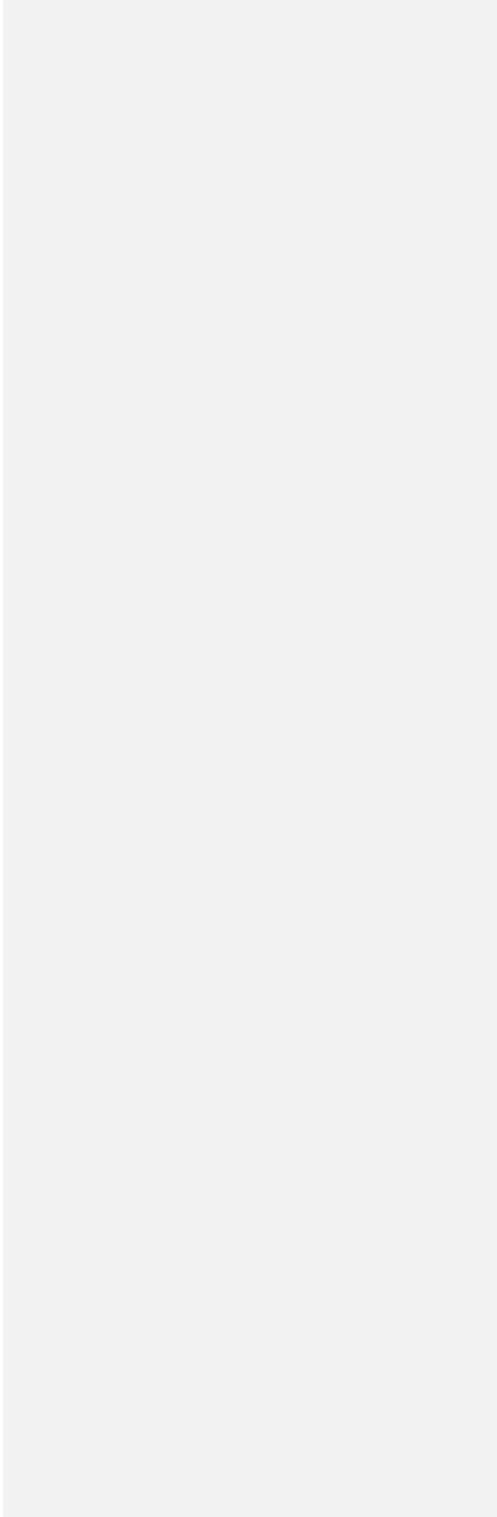
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Updated as of January 2023
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I. INTRODUCTION

This Handbook was prepared for you and is intended to describe the laws, rules, and practices by which the Warrenton Town Council operates. The Handbook includes excerpts from the Warrenton Town Charter and Code of the Town of Warrenton as well as the Code of the Commonwealth of Virginia, plus excerpts from the Handbook for Virginia Mayors & Council Members. Unless otherwise noted, the text of the Handbook is assumed to be Council established practices and procedures in addition to those established in law. The Handbook serves as a quick reference.

Sources are indicated as follows:

- Charter = Town Charter
- Code = Town Code
- RR = Robert's Rules of Order
- VML = Virginia Municipal League's Handbook for Mayors and Council Members
- VA Code = Code of Virginia

II. WARRENTON TOWN COUNCIL OATH OF OFFICE

"I do solemnly swear I will support the Constitution of the United States and the Constitution of the Commonwealth of Virginia and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as a member of the Warrenton Town Council, for a term of four (4) years, according to the best of my ability, so help me God."

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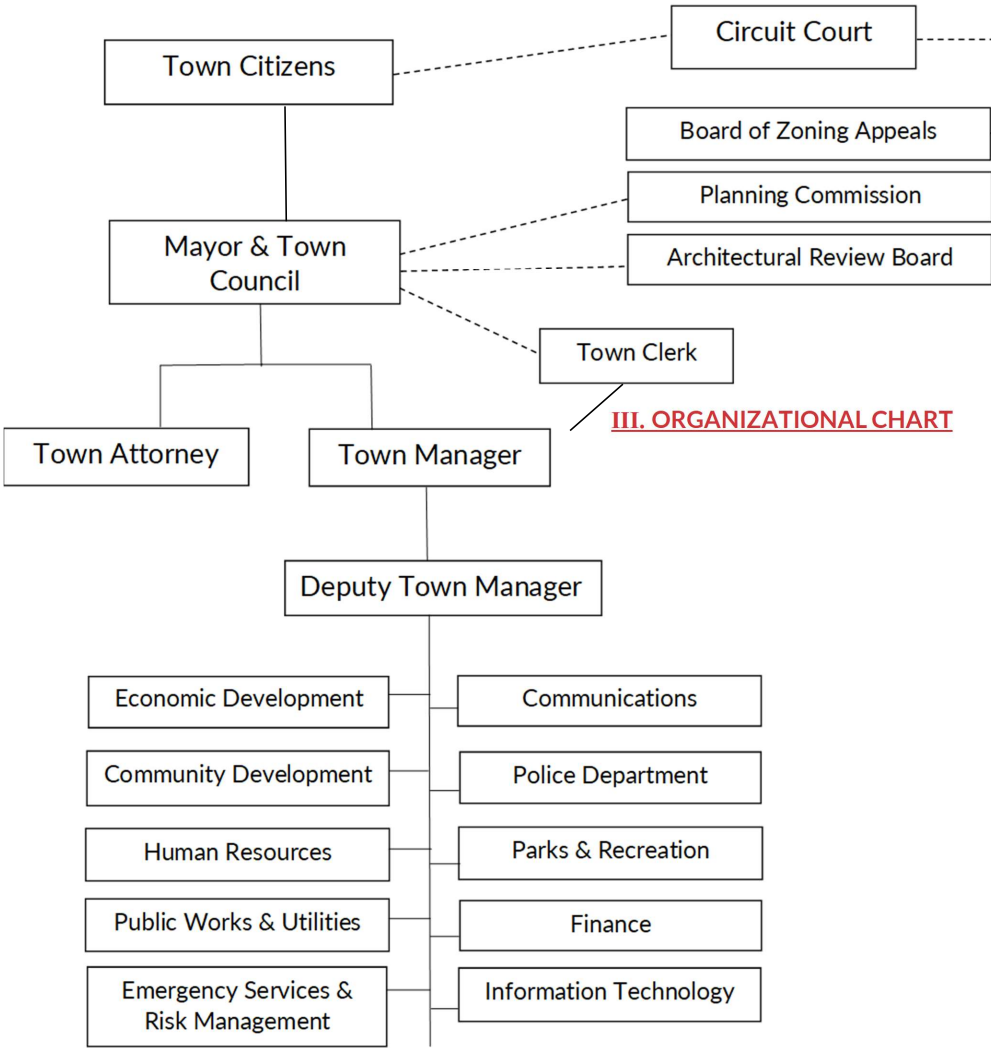
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ORGANIZATIONAL CHART

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III. ORGANIZATIONAL CHART

*Departmental organization charts are provided in each budget section

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PART ONE

TOWN COUNCIL STRUCTURE AND FUNCTIONS

I. POWERS OF TOWN COUNCIL

Local Government powers are conferred on the elected Mayor and Town Council by the Commonwealth of Virginia and the people of Warrenton, Virginia. Powers are defined by the Charter of the Town of Warrenton, the Code of Virginia, and the Virginia Constitution. As interpreted by the Dillon Rule, localities are “tenants at will” of the state legislature and depend on the Virginia General Assembly for their operating authority.

TOWN CHARTER

Charter Sec. 2.1. - General grant of powers.

The Town of Warrenton shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this Charter shall be held to be exclusive, and shall have, exercise and enjoy all the rights, immunities, powers and privileges, and be subject to all the duties and obligations now appertaining to and incumbent on the town as a municipal corporation.

In addition to the general rights and powers conferred on “towns” by the Code of Virginia, the Council has several powers specifically enumerated in its Charter, including the ability to:

- Fill vacant Council seats. Charter Sec.3.5
- Appoint/remove the Town Manager, Town Attorney, Town Recorder, and Town Clerk.* Charter Sec. 6.1, 3.7 and 3.8
- Possess the power of Eminent Domain pursuant to Title 15.2 of the Code of Virginia. Charter 2.5
- Enact a Conflict of Interest Act. Charter 4.6

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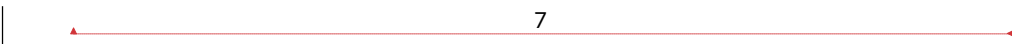
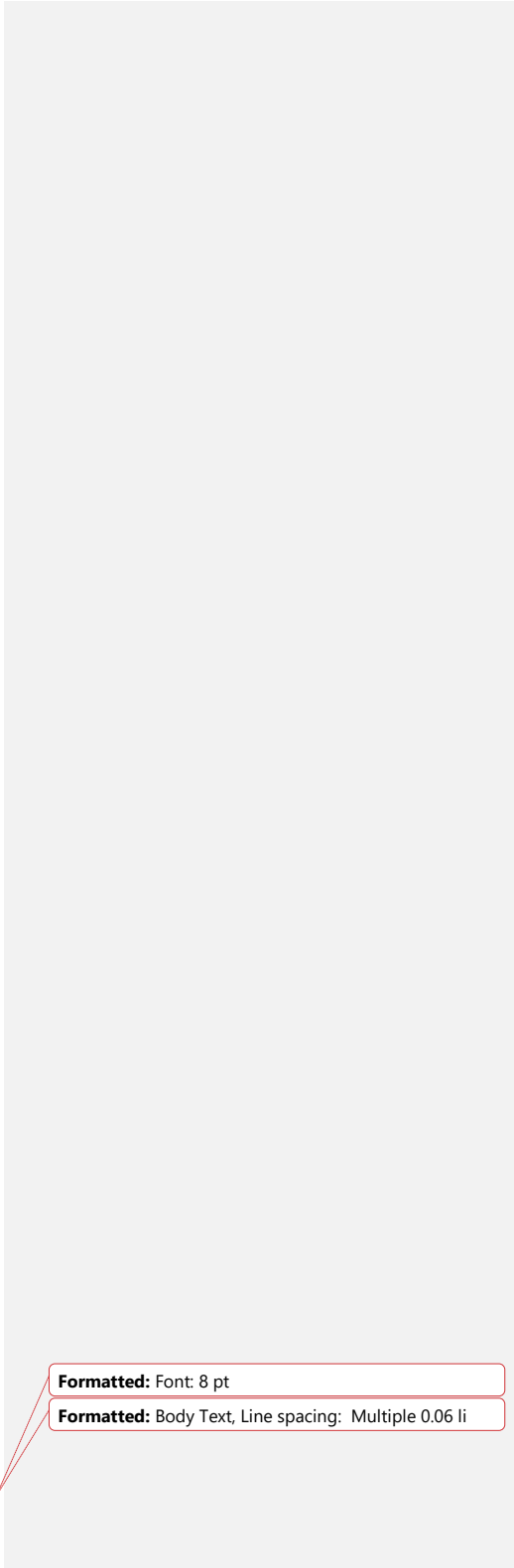
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II. MAYOR AND VICE MAYOR DUTIES

II. The Mayor

The Mayor is elected every four years by the people of Warrenton. The Mayor shall preside over the meetings of the Council and shall have the same right to speak therein as Councilmembers, however ~~he/she~~the Mayor shall not have the right to vote except in the case of a tie, in which event ~~he/she~~they shall be entitled to cast one vote. The Mayor shall be recognized as the head of the Town for all ceremonial purposes, the purposes of military law and the service of civil process. The Mayor serves as the presiding officer at Town Council meetings and performs other duties consistent with the office. The Mayor is recognized as the official head of the Town for:

- Participation in public ceremonies.
- Recognition by the courts for serving civil process.
- Recognition for ceremonial and military purposes.
- Signing and delivering of required or authorized documents and instruments. Charter

Sec.5.2

The Vice Mayor

The Vice Mayor is chosen by a majority of Councilmembers present at the first meeting of the Council, every two years, to possess the powers of and perform the duties of the Mayor in the absence or disability of the Mayor.

III. FILLING MAYOR AND COUNCIL VACANCIES

The Charter addresses the filling of a Mayor or Council vacancy however in certain circumstances sections of the Code of Virginia may also apply. Legal counsel from the Town Attorney should be sought regarding this subject. Charter Sec. 3.5.

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Charter Sec. 3.5. Vacancies on council.

~~Vacancies on the Council shall be filled for the unexpired portion of the term by a majority vote of the remaining members of the Council, if such vacancy shall occur two years or less before the date of expiration of such term. If the vacancy shall occur more than two years before the expiration of the term, the vacancy shall be filled by a majority vote of the remaining members of Council only until the next councilman election, at which election the qualified voters shall elect a person to serve as councilman for the remaining two years of the term. (1964, c. 47)~~

Charter Sec. 3.5. Vacancies on council.

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IV. COUNCIL-MANAGER GOVERNMENT

Originating in 1908 with Staunton, Virginia’s provision by ordinance for the appointment of a general manager, the Council-Manager plan has become the most widely accepted system of local government in the United States.

The plan is modeled after the American corporation, as opposed to the Mayor-Council plan which is modeled after the elected branches of government found in the U.S. Constitution.

In the Council-Manager plan, the governing body is composed of public-spirited citizens serving on a part-time basis to decide major policy issues, much in the same manner as the Board of Directors of a private corporation. The Mayor’s role is to preside over Council meetings much like a Chairman of the Board. The Mayor and Councilmembers serve the interests of the citizens who elected them to office -- the stockholders of the corporation.

V. THE TOWN MANAGER’S ROLE IN TOWN GOVERNMENT

The Town Manager, who is a professionally trained public administrator charged with implementing the policies and directives of Town Council, is the Town’s Chief Administrative Officer. The Town Manager has broad administrative authority with strict rules prohibiting political interference in administrative matters. Likewise, the Town

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Manager refrains from participating in partisan political activities which would impair professional administration.

Town Council delegates broad administrative power to the Town Manager subject to its continuing review. Qualifications, powers, and duties of the Town Manager are provided for in Article VI of the Charter. Delegated duties include the ability to:

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(a) To see that all laws and ordinances are enforced;

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(b) To exercise supervision and control over all administrative departments and divisions;

(c) To attend all regular meetings of the Council, with the right to take part in the discussion, but having no vote;

(d) To recommend to the Council for adoption such measures as they may deem necessary or desirable;

(e) To execute all contracts on behalf of the Town;

(f) To prepare and submit to the Council the annual budget;

(g) To keep the Council advised as to the present and future needs of the Town and as to all operations of its government;

(h) To perform all such other duties as may be prescribed by the Charter or be required of him by the Council. (1964, c. 47).

While the Town Manager and Town Attorney serve at the pleasure of the Council, all other Town staff are employees of the Town Manager. Thus, neither the Council nor any of its members should direct or request the appointment or removal of officers and employees in the administrative service of the Town.

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Charter Article VI. The Manager

6-1. Appointment.

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There shall be a Town Manager who shall be the chief executive officer of the Town and shall be responsible to the Council for the proper administration of the Town government. HeThey shall be chosen by the Council without regard to his political beliefs and solely on the basis of his executive and administrative qualifications. HeThey shall be appointed for an indefinite period and shall hold office during the pleasure of the Council. (1964, c. 47)

§ 6-2. Employees.

The Town Manager shall appoint for an indefinite term the heads of all departments and all other officers and employees of the Town. The Manager shall have the power to remove any officer or employee appointed by him. (1964, c. 47)

VI. COUNCIL/STAFF RELATIONSHIPS AND COMMUNICATIONS

Except for the purposes of inquiry and timely communication, the Council and its members should deal with that portion of administrative service for which the Manager is responsible through the Manager, and neither the Council nor any individual member should give orders or direction to any subordinate of the Manager, either publicly or privately. Any violation by a member of the Council should be brought to the immediate attention of the Council as a whole.

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Information that would be difficult or time consuming to produce, however, or that relates to a current or future agenda item should be formally requested of the Town Manager, preferably during a Town Council meeting, rather than requested of an individual staff member. Work assignment and policy directions should come from the elected body as a whole and not from individual members. To avoid confusion and conflicting priorities, certain guidelines for Council/-staff relationships must be followed. Councilmembers' initiatives generally fall into one of four categories:

CATEGORIES OF STAFF INITIATIVES FROM COUNCIL (Department Heads)

1. Requests for information readily available.
2. Follow-up for a constituent relative to a municipal problem or question.
3. Requests for information not readily available and requiring considerable staff time and research effort.
4. Initiation of a new priority or program.

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Normally, Items 1 and 2 can be handled directly between the Town Councilmember and the department head. Items 3 and 4 should be channeled through the Town Manager. In the past, understanding and common sense have guided Council/staff relationships and difficulties have seldom developed.

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If a Councilmember is less than satisfied with the channels of communication, ~~he or she~~that Councilmember should approach the Town Manager who will work to improve the flow of information to and from key staff members.

VII. IMPLEMENTING THE WILL OF THE MAJORITY

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Perhaps the most challenging aspect of Town Council/staff relationships arises when an issue lacks Council consensus. Once a vote is taken and the issue decided, however, Town Council speaks to the staff with a single voice. It is sometimes tempting for Councilmembers holding the minority view to pursue their viewpoint, first through staff and later with Council. Nevertheless, the Town staff must respond to the majority view, regardless of whether an individual Councilmember agrees, and regardless of whether ~~or not~~ the staff may agree. While staff may like to be responsive to each individual Councilmember, an impossible situation develops when staff is requested to accommodate a Councilmember apart from the Council-to-Manager-to-staff line of authority.

VIII. ROLE OF THE TOWN ATTORNEY

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The Code of Virginia and the Town's Charter require that a Town Attorney be appointed.

Sec. 2-112. - Powers and duties generally.
The town attorney shall have the management, charge and control of all legal affairs of the town and shall be the legal adviser of the town council or any committee thereof, town officers and the several departments of the town government. When required by the mayor or town manager, ~~he~~[the town attorney] shall furnish written or verbal opinions upon any legal affairs of the town. (Code 1981, § 2-23)

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IX. ELECTRONIC COMMUNICATIONS

The widespread use of the electronic mail system (E-Mail) raises concerns over the appropriate communications among Councilmembers and between Council staff. All E-Mail communications among Councilmembers should be considered open to Freedom of Information Act inquiries. All E-Mail communications to and from staff members should be in accordance with established guidelines for staff inquiries.

As the custodian of record, the Town Clerk should be copied on all communications relating to town business.

There are occasions when Councilmembers communicate among themselves electronically. These communications constitute public records under FOIA and are subject to release under FOIA. Communications marked "confidential" are not shared with the general public or any individual not privy to ~~the~~ confidential information. Merely marking a document "confidential," however, does not guarantee exclusion from FOIA and the document may be considered a public record subject to release under FOIA.

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At the start of a Town Councilmember's term and at the request of the Town Councilmember, the Information Technology Department will provide an iPad for the member to use at home for the purpose of conducting business. In addition to the iPad, the Town will also establish an e-mail address at the Town and Internet access, *if necessary*.

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X. COUNCIL REPRESENTATIVES ON VARIOUS COMMITTEES

The Town Council is represented on a number of committees and groups. These include ad hoc Town committees, VML policy committees, intergovernmental bodies, and various organizations in the community. Such representation is distinct from formal appointments to Boards and Commissions as provided in Part Four of this Handbook.

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Representation originates in two main ways. Outside groups often invite the Council to participate in their activities. Alternatively, the Council as a whole, deeming its participation to be important, decides to send a representative to the committee or group.

See Part Four of this document for a current listing of Council representatives on committees.

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XI. CONFLICT OF INTEREST RULES

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To ensure citizens that the judgment of public officers and employees is not compromised or affected by inappropriate conflicts, the General Assembly adopted the Virginia State and Local Government Conflict of Interest Act. Violation is a criminal offense. To keep standards of conduct uniform throughout the Commonwealth, no local government may regulate conflict of interest more strictly than the Virginia Code. The law requires all Councilmembers to:

- Disclose financial interests when appropriate.
- Refrain from contracting for business with the local government.
- Abstain from voting on items of personal interest that apply solely to the Councilmember or that prevent impartial voting.
- Not engage in unethical conduct, such as accepting anything of value or disclosing confidential information.

The Town Attorney and the local Commonwealth's Attorney are the proper persons to turn to for competent legal advice concerning conflict of interest questions. As a member of a local governing body, Councilmembers are entitled by statute to obtain a formal opinion from the local Commonwealth's Attorney. A Councilmember cannot be prosecuted for violating the Act if ~~hethat~~ Councilmember acts based on a written opinion of the Commonwealth's Attorney (assuming full disclosure of all the relevant facts). VML Provisions of Virginia's Conflict of Interest Act concerning financial disclosure apply to councilmembers of all cities and towns with populations greater than 3,500 people.

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XII. STATEMENTS OF ECONOMIC INTERESTS AND DISCLOSURE OF REAL ESTATE HOLDINGS

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Generally, in January of each year, the Town Clerk will supply a Statement of Economic Interests to members of Council. A Disclosure of Real Estate Holdings is provided to the Town Manager and members of boards and commissions as required by State Code. The required forms must be filed by February 1, respectively.

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XIII. CAMPAIGN FINANCIAL DISCLOSURE ACT

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The Warrenton Town Council adopted the provisions of Chapter 9.3, Campaign Disclosure Act of 2006, Title 24.2, Elections, of the Code of Virginia, making the act apply with necessary changes to all elections for Town offices in the Town and to participants therein.

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(Warrenton Town Code, Chapter 2 (Administration), Section 2.23 (Campaign Financial Disclosure Act),

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Code Sec. 2-23 - Campaign Finance Disclosure Act.

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Code of Virginia, Chapter 9.3, Campaign Finance Disclosure Act of 2006, of title 24.2, Elections, as amended, shall be applicable to elections for town offices in the town pursuant to Code of Virginia, § 24.2-945, as amended.
—(Ord. No. 2014-04, 12-9-14)

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XIV.IX. CODE OF ETHICS

The Town Council has adopted for itself the Code of Ethics. To the extent the Town's Code of Ethics conflicts with Virginia Law (e.g. Virginia State and Local Government Conflict of Interest Act, Virginia Freedom of Information Act), State Law shall prevail. The Town of Warrenton Code of Ethics follows:

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TOWN OF WARRENTON CODE OF ETHICS

The Town Council adopted the attached Code of Ethics at its meeting on August 9, 2016. The Code addresses how members will conduct themselves in an ethical manner to earn and maintain the public's full confidence for integrity.

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The Code of Ethics is adopted for execution by each elected or appointed member of a Town public body, including the Mayor and Town Council Members, the Planning Commission, Board of Zoning Appeals and Architectural Review Board.

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Preamble

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The citizens and businesses of Town of Warrenton, Virginia, are entitled to have fair, ethical and accountable local government, which has earned the public's full confidence for integrity. In keeping with the Town of Warrenton's Commitment to Excellence, the effective functioning of democratic government therefore requires that public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government; that public officials be independent, impartial and fair in their judgment and actions; that public office be used for the public good, not for personal gain; and that public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

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To this end, the Town of Warrenton Town Council has adopted this Code of Ethics for members of the Council and of the Town's boards, commissions, and committees to assure public confidence in the integrity of local government and its effective and fair operation.

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1. Act in the Public Interest

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Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of the Town of Warrenton and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims, and transactions coming before the Town of Warrenton Town Council, boards, commissions, and committees.

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2. Conduct of Members

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The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the Town Council, boards, commissions, and committees, the staff or public.

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3. Respect for Process

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Members shall perform their duties in accordance with the processes and rules of order established by the Town Council and boards, committees, and commissions governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the Town Council by Town staff.

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4. Conduct of Public Meetings

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Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

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5. Decisions Based on Merit

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Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

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6. Communication

Members shall publicly share substantive information that is relevant to a matter under consideration by the Town Council or boards, committees and commissions, which they may have received from sources outside of the public decision-making process.

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7. Conflict of Interest

In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest, or where they have an organizational responsibility or personal relationship that may give the appearance of a conflict of interest.

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In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts may exist.

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8. Gifts and Favors

Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office, which are not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.

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9. Confidential Information

Members shall respect the confidentiality of information concerning the property, personnel, or affairs of the Town. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal,

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financial, or other private interests.

10. Use of Public Resources

Members shall not use public resources that are not available to the public in general, such as Town staff time, equipment, supplies or facilities, for private gain or personal purposes.

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11. Representation of Private Interests

In keeping with their role as stewards of the public interest, members of the Council shall not appear on behalf of the private interests of third parties before the Town Council or any board, committee, commission or proceeding of the Town, nor shall members of boards, committees or commissions appear before their own bodies or before the Town Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

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12. Advocacy

Members shall represent the official policies or positions of the Town Council, boards, commissions, or committees to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the Town of Warrenton, nor will they allow the inference that they do.

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13. Policy Role of Members

The Town Council determines the policies of the Town with the advice, information and analysis provided by the public, boards, commissions, and committees, and Town staff. The Town Council delegates authority for the administration of the Town to the Town Manager.

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Members therefore shall not interfere with the administrative functions of the Town or the professional duties of Town staff; nor shall they impair the ability of staff to implement Council policy decisions.

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In order to prioritize staff time, members shall not cause Town staff to spend more than one hour of time on any project without the specific approval of all Councilmembers in a majority vote in an open meeting, unless such time is the result of a closed session discussion involving duly authorized projects such as work on litigation, the sale or purchase of real property, etc. Any project requiring more than one hour by staff shall be brought to the attention of the Town Manager and Mayor who shall place the project for discussion upon the next Town Council meeting's agenda.

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14. Independence of Board and Commissions

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Because of the value of the independent advice of boards, committees and commissions to the public decision-making process, members of the Town Council shall refrain from using their positions to unduly influence the deliberations or outcomes of board, committee, or commission proceedings.

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15. Positive ~~Work-Place~~Workplace Environment

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Members shall support the maintenance of a positive and constructive work place environment for Town employees and for citizens and businesses dealing with the Town. Members shall recognize their special role in dealings with Town employees and in noway create the perception of inappropriate direction to staff.

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16. Implementation

As an expression of the standards of conduct for members expected by the Town, the Town of Warrenton Code of Ethics is intended to be self-enforcing. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions.

For this reason, ethical standards shall be included in the regular orientations for candidates for the Town Council, applicants to boards, committees and commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming they have read and understood the Town of Warrenton Code of Ethics. In addition, the Town Council, boards, committees and commissions, shall annually review the Code of Ethics and the Town Council shall consider recommendations from boards, committees and commissions to update it as necessary.

17. Compliance and Enforcement

The Town of Warrenton Code of Ethics expresses standards of ethical conduct expected of members of the Town Council, boards, committees and commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

The chairs of boards, committees and commissions and the Mayor have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Ethics are brought to their attention.

The Town Council may impose sanctions on members whose conduct does not comply with the Town's ethical standards, such as reprimand, formal censure, loss of seniority or committee assignment, or budget restriction. Where allowed by law, the Town Council also may remove members of Town-appointed boards, committees and commissions from office.

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A violation of this Code of Ethics shall not be considered a basis for challenging the validity of a Town Council, board, and committee or commission decision.

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PART TWO

I. TOWN COUNCIL MEETINGS

The Warrenton Town Council meets for regular meetings in the Council Chambers at 21 Main Street, Warrenton, Virginia at 9:00 a.m. for a work session and 6:30 p.m. on the second Tuesday of each month. The Town Council may by resolution prescribe any public place or prescribe a day or time other than those established in this section, for a regular meeting of the Town Council.

Special meetings may be called at any time by the Mayor, the Town Manager, or any four members of the Council, and shall prescribe the method of giving notice thereof, provided such notice shall contain a statement of the specific item or items of business to be transacted, and no other business shall be transacted at such meetings except by the unanimous consent of all the members of Council; provided, however, that a special meeting may be held at any time without notice if all members of the Council attend said meeting or waive notice thereof. (1964, c. 47)

If the day established for a regular meeting falls on a legal holiday, that meeting shall be held on the next duty day at 6:30 p.m. in the Council Chambers Building.

- Public Hearings as required by law or Council policy. Public hearings may cover subjects such as proposed budgets, proposed Comprehensive Plan amendments, rezoning and special exceptions.
- Reports and Recommendations from Town Manager, Town Attorney and departments.
- Ordinances and Resolutions which are legal instruments whereby Council establishes public policy either in the form of local laws (ordinances) or formal statements of fact and intent (resolutions).

II. OPEN MEETING LAW

The Virginia Freedom of Information Act (FOIA), generally requires that all meetings of the Council as well as most other public bodies, such as Planning Commissions, Boards of Zoning Appeals, School Boards, Redevelopment and Housing Authorities, be open to the public. It is important to note that committees appointed by Council or any other public body subject to the FOIA must also be open to the public. Therefore, all committees appointed by Council, whether composed of selected members of Council or of non-council persons or a mixture, and regardless of number are subject to the FOIA's public meeting requirement. Section 2.2-3702. of the Act states that public officials shall read and familiarize themselves with the provisions of the Virginia Freedom of Information Act.

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The FOIA provides that in order to constitute a "meeting" a quorum must be present. Therefore, FOIA applies to regular meetings as well as gatherings of three or more Councilmembers where Town business is discussed. Likewise, FOIA also applies to regular meetings as well as gatherings of members of any committee or subcommittee appointed by or from Council where the business of such committee or subcommittee is discussed and where a quorum of such committee or subcommittee is present. Except in the case of a committee or subcommittee consisting of at least four members (where a quorum would be three members), a meeting or gathering of two or more committee or subcommittee members at which the business of such committee or subcommittee is discussed constitutes a meeting covered by FOIA.

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FOIA requires that Council and committees and subcommittees appointed by Council give advance written notice of every meeting to every citizen, including news media, who has requested to receive such notice. Council may require that the requests for notice be renewed annually. In addition, copies of agendas and materials distributed to Council must be simultaneously made available for public inspection. Unless exempted by the FOIA, all materials must be made available to the public. The Town Clerk typically handles the notice requirement to media for Council.

Information packets are posted electronically approximately one week before the council meeting to Councilmembers and are made available to the public and press. Minutes must be kept of all meetings of Council, including work sessions and informal meetings at which no official action is taken. Votes are recorded in the minutes of the meeting. Secret ballots are prohibited by the Code of Virginia.

III. CLOSED MEETINGS

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Meetings of the Council shall be open to the public except when the public welfare requires Closed Meetings. A Town Council or committee may go into Closed Meeting and exclude the public for certain stated reasons. More than 20 items are exempted from the Freedom of Information Act and may be discussed in a closed meeting. Closed Meeting issues typically involve:

- Personnel VA Code § 2.2-3711.1
- Property VA Code § 2.2-3711.3
- Legal briefings VA Code § 2.2-3711.7

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The procedure for convening a Closed Meeting is as follows:

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- (1) While in public session, a majority of Councilmembers must approve a motion to go into Closed Meeting. The motion must include the reason and a citation of the specific code section containing the FOIA exemption allowing the Closed Meeting. Exclusions are located in Section 2.2-3705.1 of the Virginia Code.
- (2) While in the Closed Meeting, Councilmembers may discuss only the subject mentioned in the motion.
- (3) Certify by recorded vote, after Council completes the Closed Meeting and returns to public session, that all the discussion in closed meeting was appropriate under the law. (See Code of Virginia text below.)

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Code of Virginia Section 2.2-3712

~~“Now, therefore, be it resolved that the Town Council of Warrenton hereby certifies that, to the best of each member’s knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia Law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed of considered by the Town Council of Warrenton.”~~

Code of Virginia Section 2.2-3712

“Now, therefore, be it resolved that the Town Council of Warrenton hereby certifies that, to the best of each member’s knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia Law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed of considered by the Town Council of Warrenton.”

IV. SETTING THE MEETING AGENDA

All meeting agenda items which require formal Council action are placed on the agenda for consideration. The agendas for meetings are finalized and taken public approximately one week prior to the meeting. If an item involves a legal matter, it should be submitted in sufficient time to allow a review by the Town Attorney.

Councilmembers should forward requests for agenda items to the Town Manager and the Mayor at least three weeks prior to a work session. Department directors submit agenda items to the Town Manager ~~at Thursday staff meetings three weeks prior to regular Council meetings to be included at the Manager’s discretion on the agenda depending on the topic and its importance.~~ The Town Clerk is responsible for preparing and distributing the agenda. (See samples of information and guidelines sheet and agendas.) in the appendixes.

V. MAYOR AS PRESIDING OFFICER

The Mayor presides at every meeting of the Council and at the hour appointed, calls the Council to order, provided a quorum is present. The Mayor signs various ordinances and resolutions on behalf of the Council. All legislative actions are certified by the Town Recorder.

The Mayor preserves order and, with the assistance of the Town Attorney and Town Clerk, speaks to and decides all points of order. The Mayor has control of the Council Chamber and the connecting halls and corridors. In case of a disturbance or disorderly conduct, the Mayor may order the same to be cleared.

The Vice Mayor presides in the Mayor’s absence. Warrenton Town Code Section 2.36.

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VI. ORDER OF BUSINESS

1. Call to Order
2. Invocation
3. Pledge of Allegiance to the United States of America (1954)
4. Citizen Comments

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WELCOME TO THE TOWN COUNCIL MEETING INFORMATION & GUIDELINES FOR PARTICIPATION

Thank you for taking the time to participate in your Town Council meeting. The Mayor and Council encourage participation whenever possible to make your voice heard.

- 5. Types of Proclamations and Recognitions
- 6. Approval of the Agenda Items
- 7. Public Hearings
- 8. Consent Agenda
- 9. New Business
- 10. Unfinished Business
- 11. Town Attorney's report
- 12. Town Manager's report
- 13. Council Member's time
- 14. Adjournment

VII. PUBLIC PARTICIPATION IN COUNCIL MEETINGS

The public is invited to speak on all public hearing items. The public is also permitted to speak on any topic not listed as a public hearing item during the "Citizens Time" portion of the meeting. The Chair will recognize all speakers, who shall state their name and address for the record; have up to three minutes to address council; and may only address Council once on each topic unless called back by the Chair at the request of Council.

Citizen's Time: Individuals may address the Council on any matter not listed on the agenda as a public hearing. This is ~~your~~ Their time to address ~~your~~ the Council and share what's important to ~~you~~ them. Each speaker has up to three minutes to address Council. When called to the podium, speakers should state their name and address for the record. Copies of written statements and supporting materials should be given to the Town Clerk for the record. The Mayor will establish the order of speakers and will maintain decorum. Citizen's Time is not designed as a question-and-answer session or a debate.

Work Sessions: Informal, informational meetings at which Council may discuss specific topics or receive an in-depth presentation from staff or an outside party on a particular topic. Generally, a Work Session aims to inform Council on a topic and for Councilmembers to give staff or others general direction.

Public Hearings: Formal proceedings held to hear from the public on a specific topic. All public hearings are advertised prior to the scheduled hearings, and the notices indicate where citizens can obtain information pertinent to matters scheduled for public hearings. Applicants, or representatives of the applicant, will be allowed to introduce information regarding the matter advertised for public hearing. Public hearings are intended to enable citizens to influence the public decision process based on prior research and discussions with appropriate public officials and to address only those issues pertinent to the matters advertised for public hearing. Public hearings are not question and answer sessions or debates, and all statements should be addressed to the Town Council.

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Closed Sessions: In certain instances, the Virginia Freedom of Information Act permits the Town Council to hold a meeting where the public is excluded. Any action taken during a closed meeting must be ratified by a vote in a public session of Council.

Special Meetings: The Mayor or any four members of the Council may call a meeting or change the time of a meeting at any time once notice is given to all Councilmembers and the press. No business other than that for which the meeting is called may be transacted unless all members are present, in which case a majority vote of the Council may change this provision.

Consent Agenda: The consent agenda is used for eligible items and may include routine appropriations, grant applications, reports, contracts, resolutions, ordinances, second readings, and the minutes.

Rules of Decorum: Signs, placards, posters, or like material are not permitted in the Town Council Chamber, adjoining areas, or offices. Remain seated during the meeting unless called upon to stand for recognition as a speaker, official duties, physical necessity, or to enter or leave the meeting. The use of profane, vulgar, obscene, or threatening speech is not permitted and can result in removal from the meeting. Turn off or deactivate the sound from all cell phones or other electronic devices.

Persons with disabilities may request reasonable accommodations by contacting (540) 347-1101. Persons are encouraged to make requests in advance.

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TOWN COUNCIL REGULAR MEETING

21 Main Street

Tuesday, December 13, 2022 at 9:00 AM

AGENDA

Possible additions to the agenda and related materials are not set forth herein.
Times set forth are approximate and may be adjusted as necessary.

I. WORKSESSION – 9:00 AM

- ~~A. Dominion Energy Presentation~~
- ~~B. Status of Special Use Permit (SUP) 2022-03 Amazon Data Center Application~~
- ~~C. Planning Commission Appointment Discussion~~
- ~~D. Water and Sewer System Growth and Capacity Evaluation~~
- ~~E. Public Works and **Utilities** Feasibility Study~~
- ~~F. RollOutWarrenton! Status of Second Street~~
- ~~G. Presentation of Fiscal Year 2022 Audit Results and Annual Comprehensive **Financial Report** – Brown, Edwards, and Company, LLP~~
- ~~H. Discussion of Town Attorney Contract~~
- ~~I. Agenda Review~~
- ~~J. A Proclamation designating 21 Main Street as The Municipal Building for the Town of Warrenton, Virginia~~

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H. REGULAR MEETING – 6:30 PM

- ~~A. INVOCATION.~~
- ~~B. PLEDGE OF ALLEGIANCE.~~
- ~~C. CITIZEN'S TIME.~~
- ~~D. APPROVAL OF THE AGENDA.~~
- ~~E. PUBLIC HEARINGS.~~

- ~~1. AN ORDINANCE TO AMEND ARTICLE I OF CHAPTER 10, SECTION 10-5 OF THE CODE OF ORDINANCES, TOWN OF WARRENTON, VIRGINIA (1991) AS~~

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~~AMENDED, RELATED GENERALLY TO SPEED LIMITS~~

~~**F. CONSENT AGENDA.**~~

- ~~1. Budget amendment to increase the contribution to Virginia Regional Transit in support of Circuit Rider~~
- ~~2. Bond Release for Chick Fil A (SDP 2007-14 Amended).:-~~
- ~~3. 24'x32' Pole Barn Permit Fee Waiver/ Keeping of Swine at Fauquier High School~~
- ~~4. Post Zoning Master Development Plan as proffered in the Walker Drive Rezoning (ZMA 2016-01).:-~~
- ~~5. Planning Commission Appointment Mr. Terry Lasher~~
- ~~6. Planning Commission Appointment MS. Darine Barbour~~
- ~~7. Resolution Ad Authorization Water and Sewer Capital Projects~~
- ~~8. Resolution Opening Second Street~~
- ~~9. APPROVAL OF COUNCIL MINUTES.~~
 - ~~1. September 13, 2022 Regular Town Council~~

~~**G. NEW BUSINESS.**~~

- ~~1. Resolution Ad Authorization Amazon SUP 2022-03~~

~~**H. UNFINISHED BUSINESS.**~~

~~**I. TOWN ATTORNEY'S REPORT.**~~

~~**J. TOWN MANAGER'S REPORT.**~~

~~**K. COUNCIL MEMBERS TIME.**~~

~~**L. ADJOURNMENT.**~~

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V.I. MAYOR AS PRESIDING OFFICER

The Mayor presides at every meeting of the Council and at the hour appointed, calls the Council to order, provided a quorum is present. The Mayor signs various ordinances and resolutions on behalf of the Council. All legislative actions are certified by the Town Clerk. ~~The Mayor preserves order and, with the assistance of the Town Attorney, speaks to and decides all points of order. The Mayor has control of the Council Chamber and the connecting halls and corridors. In case of a disturbance or disorderly conduct, the Mayor may order the same to be cleared.~~

~~The Vice Mayor presides in the Mayor's absence. Warrenton Town Code Section 2.36.~~

VI.I. ORDER OF BUSINESS

- ~~1. Call to Order~~
- ~~2.1. Invocation~~
 - ~~3. Pledge of Allegiance to the United States of Virginia~~
- ~~4.1. Citizen Comments~~
- ~~5.1. Public Hearings~~
 - ~~6. Discussion items~~
- ~~7.1. Adjournment~~

VII.I. PUBLIC PARTICIPATION IN COUNCIL MEETINGS

~~The public is invited to speak on all public hearing items. The public is also permitted to speak on any topic not listed as a public hearing item during the "Citizens Time" portion of the meeting. The Chair will recognize all speakers, who shall state their name and address for the record; have up to three minutes to address council; and may only address Council once on each topic unless called back by the Chair at the request of Council.~~

VIII. ORDINANCES AND RESOLUTIONS

A copy of each ordinance or resolution is included in the Warrenton Town Council agendas.

No ordinance can be passed, or resolution adopted that appropriates money, levies taxes and licenses without ~~the majority~~ a two- thirds vote of Council. Members. Virginia State Code § 15.2-1427.

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IX. ELECTRONIC PARTICIPATION

~~Electronic~~The electronic participation in meetings is governed by Virginia State Code § 2.2-3708.3. A Resolution was passed at a special meeting on November 7th, 2022, updating the policy.

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Town Policy – Remote electronic participation in meetings.

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It is the policy of the Town Council of the Town of Warrenton that individual Town Council Members may participate in meetings of the Town Council by electronic means as permitted by Virginia State Code § 2.2-3708.3. This policy shall apply to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

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Whenever an individual member wishes to participate from a remote location, the law requires a quorum of the Town Council to be physically assembled at the primary or central meeting location, and there must be arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location. The reason that the member is unable to attend the meeting and the remote location from which the member participates must be recorded in the meeting minutes.

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Automatic Approval with Vote if Challenged.

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Individual participation from a remote location shall be approved unless such participation would violate this policy of the provisions of the Virginia of Freedom of Information Act. IF a member's participation from a remove location is challenged, the Town Council of the Town of Warrenton shall vote whether to allow such participation. If the Town Council of the Town of Warrenton votes to disapprove of the member's participation because of such participation, shall be recorded in the minutes with specificity.

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X. ORGANIZATIONAL MEETINGS

The biennial organizational meeting of the Council is traditionally at the first regular meeting in January every other year. ~~The last organizational meeting was held in January 2023.~~ The first order of business is for Council to consider a resolution adopting ~~Robert's Rules~~ the schedule of Order for the purpose of conducting meetings ~~offer~~ the Town Council and to consider a resolution electing a vice mayor for the electing term.

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XI. RULES OF CONDUCT DURING COUNCIL MEETINGS

Robert's Rules of Order is the classic statement of present-day parliamentary procedure. Familiarity with and use of Robert's Rules provides the means whereby the affairs of the Council can be controlled by the general will of the members. Council meetings can proceed in a controlled and predictable manner, allowing the business of the citizens of Warrenton to be handled in a direct, constructive, and democratic manner. The following rules of conduct are adapted from the pages of Henry M. Robert's time-honored book and merit the Council's special attention.

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PROCEDURES FOR SMALL BOARDS

Since the Town Council is relatively small compared with other organizations using Robert's Rules, some of the procedural formality can be dispensed with. The following Procedures for Small Boards from Robert's Rules is modified for use by the Warrenton Town Council. Modifications to Robert's Rules for Small Boards are noted in italics.

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- While members are required to obtain the floor before making motions or speaking, they may do so while seated. (Text normally reads that members are not required to obtain the floor beforehand.)
- Motions must be seconded. (Text normally reads, "Motions need not be seconded.")
- No limit is placed on the number of times a member may speak to a question. However, motions to close or limit debate may be entertained. (Text normally reads that such motions "should not be entertained.")
- Informal discussion of a subject is permitted while no motion is pending. It is normally expected, however, that discussion will follow a motion on the floor.
- Sometimes when a proposal is perfectly clear to all present, a vote can be taken without a motion having been introduced. Unless agreed to by general consent, however, all proposed actions of a board must be approved by vote under the same rules as other assemblies, except that a vote can be taken initially by a show of hands. Normally, the ayes and nays on any question must be recorded. Code Sec. 2-29.
- The chairman can speak in discussion without rising or leaving the chair, can make motions, and votes on all questions.

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MEMBER CONDUCT

Every member who wishes to speak must first respectfully address the Mayor / Chair, and not proceed until recognized by the Mayor / Chair. They will confine themselves to the immediately pending question and avoid mentioning all personalities. No member shall address the Chair out of his place, nor interrupt another without the consent of the member who has the floor, except when making a point of order.

The member upon whose motion is subject to debate is first entitled to the floor and is entitled to close debate after each member who wishes to speak has been allowed to do so.

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COUNCIL VOTING

In most instances, the affirmative vote of a majority of the members elected to Council present at a regular or special meeting at which a quorum is present and voting shall be necessary to adopt any ordinance, resolution, or pass other matters presented to the Council. Four members constitute a quorum. However, some ordinances and resolutions appropriating money, imposing taxes or authorizing the borrowing of money shall only pass by a recorded affirmative vote of a majority of all Councilmembers. In some cases, as prescribed by Code, a super majority of all Councilmembers may be required. Every member present at a Council meeting when a question is put shall give his vote, unless excused by the Chair. All votes are recorded in the minutes of the meeting. Secret ballots are prohibited.

After a vote is announced, no member shall change his vote without the consent of the Council Meeting. The right to change a vote shall be limited to the current meeting and not continue for any subsequent.

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KEY PASSAGES FROM ROBERTS RULES

Several key passages are included to help familiarize Councilmembers with Robert's Rules. The Town Clerk and Town Attorney ~~serve~~ as the parliamentarian of the Council, and should be consulted on the proper application of Robert's Rules and applicable laws.

Obtaining the Floor (RR § 3). Before a member can make a motion, or address the Council in debate, it is necessary that ~~he should~~ they obtain the floor -- that is, ~~he~~ they must address the presiding officer by official title, thus, "Madame Mayor, Mayor or Mayor Smith." If the member is entitled to the floor, the chair recognizes ~~him~~ them by name.

Main Motions (RR § 4). A motion is made by a member obtaining the floor and saying, "I move that," and then stating the proposed action. Typically, no member can make two motions at a time except by general consent. Main motions, which introduce business, take precedent over nothing. That is, they cannot be made when another question is before the assembly. Privileged, incidental, and subsidiary motions may be made while a main motion is pending.

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That the motion be stated by the chair for the benefit of the Council and audience. The fact that a motion has been made does not put it before the Council. The chair alone can put a motion before the Council. The chair must either rule the motion out of order or state the question so that all may know the immediately pending question.

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Debate (RR § 7). After a question has been stated, it is before the Council for consideration and action. All but a few motions are subject to debate. Debate must be limited to the merits of the immediately pending question -- that is the last question stated by the Chair. Speakers must address their remarks to the Chair, be courteous in their language, avoid all personalities, and never allude to the motives of members.

Amendments (RR § 33). Amendments may be made on all motions except those listed by Robert's Rules.

The motion to amend is made in a form similar to this: "I move to amend the resolution by inserting (or striking or substituting) the word 'very' before the word 'good';" or simply "I move to insert (or strike or substitute) 'very' before 'good'."

An amendment can be amended itself, but this "amendment to an amendment" cannot be amended. In other words, an amendment of the third degree would be too complicated and is not in order.

An amendment of a pending question requires only a majority vote for its adoption, even though the question to be amended requires higher threshold (ex., two-thirds or unanimous vote).

Robert's Rules lists a number of improper amendments in Section 33, including ones that are not germane to the question being amended, or are identical to questions previously decided.

Reconsideration of a motion (RR § 36). A motion to reconsider a previous vote must be made by one who voted with the prevailing side. Normally, a reconsideration motion can only be made on the day that the original vote was taken, or on the day of the next succeeding Council meeting. The motion to reconsider cannot interrupt pending business. However, as soon as the pending item is disposed of, it can be called up with preference over other main motions and general orders.

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Rescind, Repeal, or Annul (RR § 37). Any vote taken by the Council, except those listed by Robert's Rules, may be rescinded by a majority vote, provided notice has been given at the previous meeting or in the call for this meeting. When no notice is given, a two-thirds vote or majority vote of the elected Council is required.

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The motion to rescind can be applied to votes on all main motions. It is itself a main motion without any privilege, and therefore can only be introduced when there is nothing else before the assembly. It may be made by any member, and is debatable.

Among the votes that Robert's Rules specifies cannot be rescinded are ones that occur:

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- After something has been done ~~as a result~~ because of that vote that the Council cannot undo; or,
- Where it is in the nature of a contract and the other party is informed of the fact; or,
- Where a resignation has been acted upon.

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Quick Reference

	Must Be Secended	Open for Discussion	Can be Amended	Vote Count Required to Pass	May Be Reconsidered or Rescinded
Main Motion	✓	✓	✓	Majority	✓
Amend Motion	✓	✓		Majority	✓
Limit Debate	✓		✓	2/3rds	✓
Close Discussion	✓			2/3rds	✓
Recess	✓		✓	Majority	
Adjourn (End meeting)	✓			Majority	
Refer to Committee	✓	✓	✓	Majority	✓
Postpone to a later time	✓	✓	✓	Majority	✓
Table	✓			Majority	
Postpone Indefinitely	✓	✓	✓	Majority	✓

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XII. QUICK REFERENCE CHART

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	<u>Must be Seconded</u>	<u>Open for Discussion</u>	<u>Can be Amended</u>	<u>Vote Count Required to Pass</u>	<u>May be Reconsidered or Rescinded</u>
<u>Main Motion</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>	<u>Majority</u>	<u>✓</u>
<u>Amend Motion</u>	<u>✓</u>	<u>✓</u>		<u>Majority</u>	<u>✓</u>
<u>Limit Debate</u>	<u>✓</u>		<u>✓</u>	<u>2/3 Supermajority</u>	<u>✓</u>
<u>Close Discussion</u>	<u>✓</u>			<u>2/3 Supermajority</u>	<u>✓</u>
<u>Recess</u>	<u>✓</u>		<u>✓</u>	<u>Majority</u>	
<u>Adjourn Meeting</u>	<u>✓</u>			<u>Majority</u>	<u>✓</u>
<u>Refer to Committee</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>	<u>Majority</u>	<u>✓</u>
<u>Postpone to a Later Time/Date</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>	<u>Majority</u>	
<u>Table</u>	<u>✓</u>			<u>Majority</u>	
<u>Postpone Indefinitely</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>	<u>Majority</u>	<u>✓</u>

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PART THREE

TOWN COUNCIL POLICY MAKING PROCESS

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Please note: This is a living document that is updated annually by the Town Council. The Goals will be updated at a Strategic retreat scheduled for January of 2024.

I. BIENNIAL GOAL SETTINGS POLICY AND PROCEDURES

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The Town recognizes the importance of setting specific goals. Goals provide both a means of sorting out priorities, and a standard against which to measure effectiveness. More than any other determinant, stated goals drive the budget. Goal setting is an integral part of the budget process.

The chart included in this section outlining the two-year election cycle fits well with a biennial goal setting cycle.

~~WARRENTON TOWN COUNCIL
2035 VISION STRATEGIC
PLAN~~

~~In the year 2035, Warrenton is an innovative town where history and heritage are respected and where people and their involvement matter. Warrenton's inclusiveness and sense of community foster empowerment in each resident. Its unique character and charm attract and nurture a wide variety of people and businesses. Warrenton is the heart of an expanded community where arts and entertainment enrich the quality of life and bring people together. Our environmental stewardship assures Warrenton's future as a healthy and sustainable town.~~

~~Warrenton thrives in 2035
by:~~

- ~~Honoring People~~
- ~~Celebrating Community Spirit~~
- ~~Enriching Lives through Arts and Entertainment~~
- ~~Championing Business and Technology~~
- ~~Cultivating a Sustainable Environment~~

Town of Warrenton Biannual FY24-FY25 Strategic Plan

Mission Statement

In Cooperation With And For Our Citizens...

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...The Mayor, Town Council and the Staff of Warrenton are dedicated to providing public safety, economic

opportunity, and quality public services in an attractive, well-planned community with historic character for the benefit, enjoyment and accessibility of all.

Vision & Value Statement

Provide high level services in a cost-effective manner; display honesty, respectfulness, and fairness in all relationships; support the health and economic well-being of our citizens and businesses; preserve our historic small-town character; encourage opportunities, services and infrastructure that allow people of all means to live, work and visit here; and address public concerns and opportunities promptly and effectively.

We recognize our Mission can be achieved only by the exchange of information and that through teamwork we can maintain an environment in which we can maximize our potential.

Strategic Plan Goals and Focus Areas:

Goal 1: Resiliency

Goal Statement: Identify key actions and initiatives that will protect and promote a successful future for Warrenton in the areas of financial and workforce resources.

- Financial

o Objective 1: Review current fiscal policies to determine if they are in the best interest of financial resiliency for Town operations.

▪ Action Strategy: Following review, bring forward recommended policy changes for Council review.

o Objective 2: Create an economic development marketing strategy that includes a detailed retail retention and recruitment strategy.

▪ Action Strategy: Evaluate the ability to hire an Economic Development Manager and Communications Manager to support this objective and bring it to fruition.

- Workforce

o Objective 1: Conduct a Compensation and Classification Study for all Town Staff.

▪ Action Strategy: Report to Council the details and recommendations associated with the study conducted so that they may decide upon the best way to address identified weaknesses in the current structure.

o Objective 2: Conduct an Organizational Study of all town departments.

▪ Action Strategy: Report to Council the details and recommendations associated with the study conducted so that they may decide upon the best way to address identified weaknesses in the current structure.

Goal 2: Preparedness

Goal Statement: Identifying key actions and initiatives that will protect and promote a successful future for Warrenton in the areas of technology and utility investments.

- Technology

o Objective 1: Implement infrastructure improvements that benefit town-owned community facilities.

▪ Action Strategy: Evaluate our current IT infrastructure and initiate the process of addressing deferred maintenance.

- Utilities

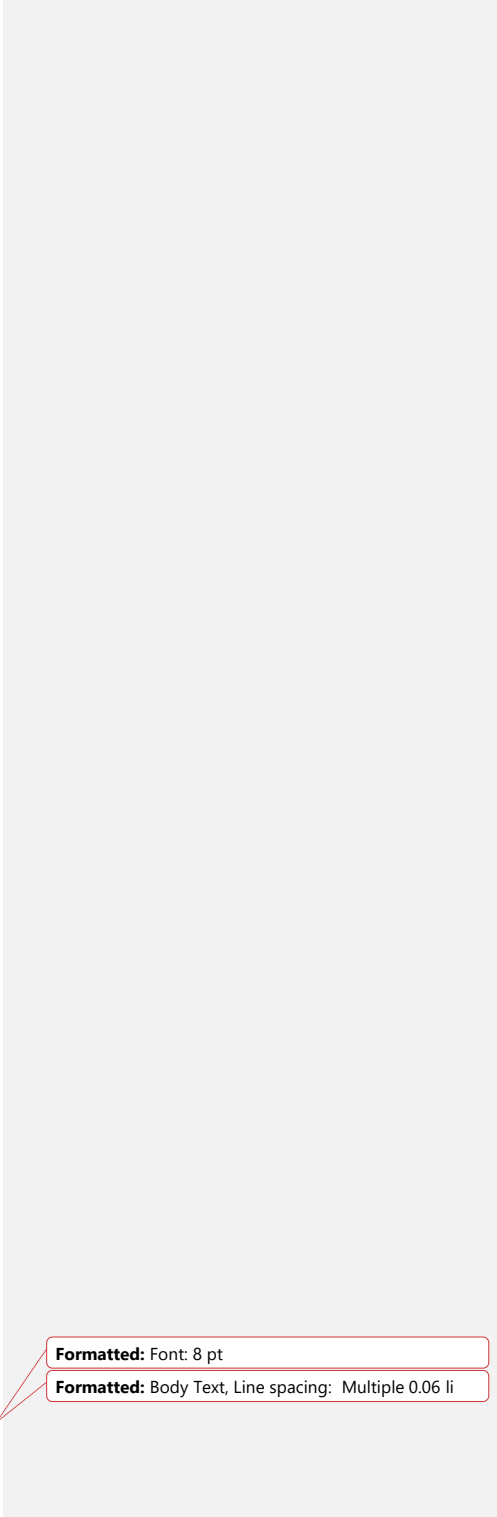
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- Objective 1: Maintain a reliable and sufficient quantity of wastewater treatment capacity and a sufficient quantity and quality of public water supply to meet the needs of expected long term residential and commercial growth.
- Action Strategy: Utilize the Capital Improvement Program to address deferred maintenance issues.
- Objective 2: Implement robust maintenance schedules on community facilities to extend the life of investments.
- Action Strategy: Develop a facility master plan for Town facilities to determine viable maintenance schedules that support their longevity.



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PART FOUR
I. APPOINTMENTS
Current as of January 2023

TERM
EXPIRATION

ARCHITECTURAL REVIEW BOARD
Four-year term

*may or may not be a town resident

Board or Committee

Architectural Review Board

Four Year Term

<u>Name</u>	<u>Residency</u>	<u>Term Expiration</u>
Steve Wojcik	Town resident	12/31/252026
Laura Bartee	Architect* ¹	12/31/252026
Virginia Gerrish	Town resident	12/31/252026
Karen Lavarney	Town resident	12/31/252025
John Thorsen	Town resident	12/31/2532/2025

BOARD OF ZONING APPEALS

Five Year Term

<u>Amos Crosgrave</u>	<u>Town resident</u>	<u>12/31/2026</u>
<u>Larry Kovalik</u>	<u>Town resident</u>	<u>12/31/2026</u>
<u>Melea Maybach</u>	<u>Town resident</u>	<u>12/31/2026</u>
<u>Betsy Sullivan</u>	<u>Town resident</u>	<u>12/31/2026</u>
<u>Vacant</u>	<u>=</u>	<u>=</u>

Planning Commission

Four Year Term

<u>Terry Lasher</u>	<u>Town Resident</u>	<u>12/31/2026</u>
<u>Darine Barbour</u>	<u>Town Resident</u>	<u>12/31/2026</u>
<u>James Lawrence</u>	<u>Town Resident</u>	<u>12/31/2024</u>

¹ May or may not be a Town resident.

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<u>Ryan Stewart</u>	<u>Town Resident</u>	<u>12/31/2024</u>
<u>Steve Ainsworth</u>	<u>Town Resident</u>	<u>12/31/2024</u>
<u>Vacant</u>	:	:
<u>Vacant</u>	:	:

BOARD OF ZONING APPEALS

Five-year term

	Town resident	_____
<u>Amos Crosgrave</u>		<u>12/31/26</u>
<u>Larry Kovalik</u>	Town resident	<u>12/31/26</u>
<u>Melea Maybach</u>	Town Resident	<u>12/31/26</u>
<u>Betsy Sullivan</u>	Town Resident	<u>12/31/26</u>
<u>Vacant</u>		

PLANNING COMMISSION

Four-year term

<u>Terry Lasher</u>	Town resident	<u>12/31/27</u>
<u>Diane Barbour</u>		

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APPENDIX

Appendix 1) Warrenton Plan 2040

Appendix 2) Staff Report Information

Appendix 3) Town Council Meeting Information Handout

Appendix 4) Town Council Meeting Draft Agenda information

Appendix 5) VML FOIA/ COIA handbook.

Town resident	12/31/27
James Lawrence	Town resident 12/31/24
Ryan Stewart	Town resident 12/31/24
Steve Ainsworth	Town resident 12/31/24
Vacant	
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Office of the Town Manager

Tommy Cureton

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

Item a.

Council Meeting Date:	December 12, 2023
Agenda Title:	Health Center Agreement Update
Requested Action:	No Action Needed
Department / Agency Lead:	Human Capital, Kasey Braun
Staff Lead:	Kasey Braun

EXECUTIVE SUMMARY

In March of 2021, Fauquier County Administrator reached out to the Town Manager to request an opportunity to explore the County's Health Clinic move to the Old Visitor Center as well as the Town Participation in the Health Clinic.

In May 2022, the Town of Warrenton and Fauquier County executed a signed lease agreement for the County to rent the Health Clinic.

In September 2022, Town of Warrenton Human Capital Manager Kasey Braun and Fauquier County's Human Capital began discussions on the Wellness Center Agreement.

March 30, 2023, Town of Warrenton and Fauquier County are in discussions regarding the final terms within the Wellness Center Agreement. This agreement will be presented to Town Council once all parties agree with the terms within for further discussion with Town Council.

December 6, 2023, Town of Warrenton and Fauquier County have finalized the terms within the Wellness Center Agreement. The County HR is still pending the opening of the Wellness Center which is anticipated soon. In the meantime, the County's HR and the Town's Human Capital Departments will be discussing the communication to our Town staff regarding the services available.

STAFF RECOMMENDATION

To be discussed upon final contract review.

Service Level/Policy Impact

To be discussed upon final contract review.

Fiscal Impact

To be discussed upon final contract review.

Legal Impact

Town of Warrenton's Town Attorney has been involved in all discussions pertaining to the Lease Agreement and the Wellness Center Agreement.

