

VILLAGE OF CATLETT
ZONING MAP AMENDMENT
AND
CATEGORY 20 – SEWAGE TREATMENT
SPECIAL EXCEPTION
STATEMENT OF JUSTIFICATION

Proposed by Catlett Farm, LLC

November 16, 2009

Project No. 09- _____

PROPERTY

Catlett Farm, LLC, a Virginia limited liability company, also known of record as W&S Company, a Virginia partnership which was converted to Catlett Farm, LLC, hereinafter the “Applicant”, submits this Statement of Justification with its application (i) for a Category 20 Special Exception for a sewage treatment plant and (ii) for a rezoning of approximately 793.11 acres, parcel identification number 7922-34-3184, located in the Cedar Run Magisterial District and adjacent to existing Catlett, hereinafter referred to alternately as the “Property” and the “Village of Catlett.”

The Property is currently zoned a combination of R-1, approximately 51.84066 acres, and R-A, approximately 741.63406 acres. The Applicant seeks to rezone by Zoning Map Amendment, the “Amendment”, 486.16295 acres to Planned Residential District, “PRD”, pursuant to Chapter Four, Part 1, Section 4-101, et. seq., of the Fauquier County Zoning Ordinance, the “Zoning Ordinance”, and 307.31178 acres to Rural Agricultural, “RA”, with proffers.

The Property also contains an area designated in the Comprehensive Plan as a sewage treatment plant location. In addition, the final paragraph of the Catlett Service District Comprehensive Plan permits the relocation of the sewage treatment plant on a different portion of the Applicant’s Property. The Applicant seeks now a special exception to implement the provisions of the Plan and to permit the development of a non-discharge sewage treatment plant on the Applicant’s Property.

COMPREHENSIVE PLAN

The Comprehensive Plan for the Catlett Service District, hereinafter the "Plan", identifies constraints for the future growth of Catlett which have bedeviled the village for 30 years. The limiting factor is the local soils and the lack of a realistic alternative to provide sanitary sewer service to Catlett. The Plan also notes that the failing drainfields for existing homes and businesses for Catlett and neighboring Calverton represent a serious public safety and health issue for the County.

The Plan establishes the goal of an effective solution to the public sewer problem and states as follows: "A cost effective solution for public sewer collection and treatment system needs to be designed, funded and constructed." (see Section 1, Existing Characteristics, paragraph b.) The Plan further discusses a variety of proposed solutions considered by Fauquier County, none of which have been implemented.

In Section 2, paragraph b, the Plan notes that the limiting factor for solving the problem of failing drainfields and providing public sewer to the community of Catlett is the Occoquan policy (VR-680-11-05). The policy severely limits the ability to create any new community-based, direct discharge wastewater treatment facility. The Plan does note however, in the same paragraph, that the regional policy does allow a non-discharged wastewater treatment system.

The Comprehensive Plan delineates a sewage treatment plant in Map 6.6C located on the Applicant's Property. The final paragraph of the Catlett Service District Plan addresses the Applicant's Property as a location for a wastewater treatment facility and the ability of the Applicant to demonstrate that additional capacity exists for the land development of Applicant's Property. The Plan permits the Applicant an option to petition for a Comprehensive Plan change to add capacity to the wastewater treatment facility and for the transfer of the facility and the density located on Applicant's Property. As further outlined below, the Applicant has made such petition to amend the Comprehensive Plan Amendment filed July 1, 2009.

The Applicant has engaged a professional soil scientist and a professional engineer to study the Applicant's ability to construct a non-discharge sewage treatment system consistent with the requirements of the Occoquan Policy. The resulting study establishes that a non-discharge wastewater treatment facility with a capacity in excess of 400,000 gallons per day is feasible for the Applicant's Property. Applicant filed an application on October 8, 2009 with the Virginia Department of Health to obtain the necessary permits for the operation of such system and expects approval before the end of 2009.

COMPREHENSIVE PLAN AMENDMENT

In furtherance of the goal of establishing an effective sewer collection and treatment system, the Applicant filed its proposed Comprehensive Plan Amendment to facilitate a non-discharge sewage treatment system to serve existing Catlett and the Applicant's Property. In addition, the Applicant seeks other changes to the Plan to accommodate the development of the Village of Catlett.

While the Applicant's Property is zoned a mixture of Rural Agricultural and Residential-1, the Comprehensive Plan envisions more dense development for the Property. The Plan includes approximately 503 acres of the Applicant's Property in the Catlett Service District. In addition a substantial portion of the Applicant's Property within the Service District, approximately 310 acres, is designated a residential development at a density of one to three units per acre for a total density of 930 units. In addition, the Plan designates a smaller portion of the Applicant's Property, approximately 52 acres, as a mixed use area permitting the development of retail, commercial and additional residential at a density undefined but anticipated as a density higher than one to three units per acre which is typical within mixed use areas.

The Applicant's proposed Concept Development Plan filed herewith presents a density in the range of 660 to 760 residences in the area planned for one to three units per acre and a density in the range of 180 to 220 residences in the mixed use area. The number of units proposed by the Applicant in its Concept Development Plan is well within the range of density proposed currently in the Comprehensive Plan. In the low density area the range of units of 660 to 760 is well within the range of one to three units per acre as prescribed by the Plan. In addition, the density for the mixed use area is in the range of 3½ to 4½ units per acre, only slightly higher than the range of density prescribed for low density residential. The Applicant's proposal includes an overall density of only 1.2 units per acre for the entire property and proposes 70% of Applicant's Property as open space, including the area designated for the drainfield associated with the treatment plant.

Finally, the Comprehensive Plan designates approximately 62 acres as office and the Applicant in its proposed Comprehensive Plan Amendment seeks to remove the office designation and to replace it with a school site and an expanded mixed use area of approximately 99 acres. The mixed use area is concentrated around the village core.

The Applicant's proposal to move the mixed use area around the core is in furtherance of a goal of the Comprehensive Plan noted in the Village Land Use Plan and Phasing section. The Concept Development Plan, the "CDP", filed with the Applicant's Zoning Map Amendment attempts to protect the core of the village and to maintain a pedestrian-friendly environment for commercial development for a mix of uses. The residential types will include townhouses, duplexes, and further from the core, single family dwellings, all with convenient pedestrian linkages to the central core, as established in the Comprehensive Plan. Density decreases as you move outward from the core mixed use area to the more open and less dense area of lower density single family homes.

The Comprehensive Plan Amendment also proposes the expansion of the Catlett Service District to include approximately 175 acres for inclusion of the treatment plant and the disposal area. This area is identical to the area for which the Category 20 Special Exception is proposed. The proposed expansion will be zoned R-A with proffers and will not result in additional density for the Applicant's Property and is therefore consistent with the final paragraph of the Catlett Service District Section of the Comprehensive Plan.

The Applicant intends to pursue a parallel approval path for its Zoning Map Amendment and its Comprehensive Plan Amendment. The changes to the Comprehensive Plan are minimal and the Applicant's Concept Development Plan, densities, and site layout are consistent with the current Land Use section of the Catlett Village Service District Plan.

SEWAGE TREATMENT FACILITIES

The Applicant has engaged professionals to analyze and design a non-discharge sewage treatment facility located on the Applicant's Property. The team has established that soils available in the location the Applicant has designated for the Special Exception area on the Applicant's Property are sufficient to handle a minimum of 400,000 gallons a day of effluent from a single batch reactor sewage treatment plant, the same treatment plant used today by the Fauquier County Water and Sanitation Authority at its Vint Hill plant and a smaller facility.

The Applicant has filed with the Virginia Department of Health an application for approval of the drainfield and anticipates approval by the end of calendar year 2009. The Applicant obtained input on design and equipment for the drainfield and the treatment facilities from the Fauquier County Water and Sanitation Authority. The team proposed a design based upon that input and has begun negotiation of an agreement for the sewage treatment system to be constructed by the Applicant and ultimately operated and owned by the Authority.

A 400,000 gallon per day non-discharge system is now a viable option to address the goal of the Board's Comprehensive Plan to introduce adequate sanitary sewer service for the village of Catlett. The Applicant is proposing as part of its Amendment, a special exception application to permit the construction of all the requisite facilities to introduce sewer to the Catlett Service District by a non-discharge system located as shown on the Applicant's CDP.

JUSTIFICATION OF CATEGORY 20

SPECIAL EXCEPTION

The Applicant's proposal for a Category 20 Special Exception is to permit the construction of a public wastewater treatment facility. The facility is envisioned by the Comprehensive Plan and is identified in the Catlett Service District Section, as well as being notated on Map 6.6C. The Applicant proposes to build the plant in conjunction with the development of Applicant's Property. Justification for the plant is technology is now available to permit the development of a non-discharge wastewater treatment system consistent with the Occoquan Policy and the Catlett Service District Section of the Comprehensive Plan.

In Chapter 9 of the Comprehensive Plan, the County has established a goal, Goal 6, "To plan for necessary public facilities and utilities through public and private cooperation within those areas presently containing services and to establish priorities for service implementation in those areas not served." On December 7, 1993 the Fauquier County Board of Supervisors passed a unanimous resolution stating:

1. "That the Board of Supervisors states that it is the goal of this Board to provide public water and sewer services to the New Baltimore, Catlett, Calverton and Midland service districts as soon as possible in keeping with the revised Comprehensive Plan;

2. That the Board policy shall be to assist, promote and implement this goal through all fiscally prudent means including public-private partnerships prior to the year 2000. The Board realizing this is the policy will necessitate careful planning of growth pasterns to integrate the service districts together into comprehensive utility systems."

The Applicant proposes just such a system to provide sewer service to both the Applicant's development and existing Catlett. The capacity necessary to serve the Applicant's proposed development and the existing customers as well as in fill in Catlett is a realistic possibility subject to the approval of this Special Exception.

The Board of Supervisors can make a finding that there is no more suitable location for this facility in the remainder of the Catlett Service District. Regardless of zoning district, the Comprehensive Plan currently designates the Applicant's Property as the location of a sewage treatment facility. The designation is based on previous studies establishing that the Applicant's Property contains the necessary soils to handle processed wastewater. No other area is designated in the Catlett Service District as a potential drainfield or wastewater treatment area.

Approval of the Applicant's Special Exception will not adversely effect Catlett and the surrounding area. It will enhance, not hinder, the community by providing sewage treatment to an area of failing drainfields from a plant consistent with the Occoquan Policy, approved by the Virginia Department of Health and owned and operated by a public entity, the Fauquier Water and Sanitation Authority.

JUSTIFICATION FOR ZONING MAP AMENDMENT

The Applicant's proposal to rezone its Property to PRD is justified by the change in circumstances of the introduction of viable sewage treatment facility sufficient in size to accommodate the Applicant's proposed development as well as the needs of the existing resident's of the village of Catlett. The Comprehensive Plan has a detailed analysis of attempts made by the County to introduce a viable sewer system to the Catlett Service District. However, for over thirty years no viable alternative has been presented to the Board and no actions of the Board have generated an alternative for sewage treatment for the village of Catlett.

The Applicant through its engineers and soil scientists has established that the Applicant's Property contains an area which will permit the establishment of a non-discharge sewer system envisioned by the County's Comprehensive Plan. The Applicant has filed for approval from the Virginia State Health Department, and this Department is the only regulatory body currently authorized to approve the system. The Applicant anticipates approval prior to the end of calendar year 2009 and anticipates the execution of an agreement with Fauquier Water and Sanitation Authority to develop the sewage treatment system a public system. The introduction of a viable sewage treatment system envisioned by the goals of the Catlett Service

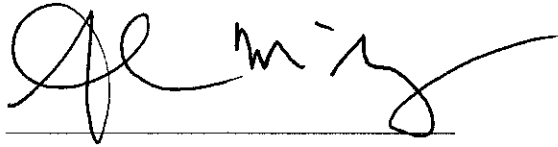
District Comprehensive Plan represents a change in circumstances justifying the Applicant's proposed Zoning Map Amendment.

The Applicant has filed with its Zoning Map Amendment a Concept Development Plan and a Code of Development for the Village of Catlett. The Code of Development contains specific design guidelines, including both general and specific standards to guide the future development of the Village of Catlett. Those guidelines are comprised of both mandatory standards and interpretive design strategies. The Code of Development and the requirements contained therein implement the requirements of the planned development residential district, as well as represent the implementation of Chapter 11 of the Comprehensive Plan which provides community design guidelines.

As noted in Chapter 11 of the Code of Development, the Village of Catlett has incorporated the Comprehensive Plan guidelines in the design of the community. In Chapter 11 of the Code of Development, the Applicant outlines how the proposed development of Applicant's Property is consistent with each of the goals established in Chapter 11 of the Comprehensive Plan, for the development of efficient and well designed commercial, industrial, residential and community projects in Fauquier County. The Applicant's proposed development meets each of the criteria and goals established in Chapter 11 of the Comprehensive Plan.

Respectfully submitted,
Catlett Farm, LLC

By: _____

A handwritten signature in black ink, appearing to read "J. M. [unclear]", written over a horizontal line.