

JUDGES OK DEAL FOR ANNEXATION

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Front Royal adds more than 600 acres

By Alex Bridges

FRONT ROYAL — The town will grow by more than 600 acres when it adds land from Warren County on Nov. 1.

A panel of judges in Warren County Circuit Court on Tuesday approved a voluntary settlement agreement that called for Front Royal to annex 604.76 acres of undeveloped land in Warren County owned by the Front Royal Limited Partnership. The land lies northeast of town to north of Happy Creek Road, west of Shenandoah Shores Road and south of Interstate 66.

The Supreme Court of Virginia appointed judges Nolan B. Dawkins, Sarah L. Deneke and Catherine C. Hammond to hear the case for the voluntary settlement agreement reached by Town Council, the Board of Supervisors and the landowner. Judges raised no concerns about the agreement but did ask questions about the process and the presence of a third party to the deal.

The hearing took about two hours, at the end of which the panel spent about 15 minutes discussing the three-party agreement of whether they should consider an alternative deal that excludes the developer as recommended by the

Commission on Local Government.

“All three members of the special court have entered an order today that approves what I’m going to refer to for the purposes of this as the three-party agreement,” Deneke said, serving as the chief judge designate of the panel.

Attorney John Foote represented the Front Royal Limited Partnership, which filed the citizen-initiated petition with the Commission on Local Government more than two years ago that started the annexation process.

“It’s a huge deal,” Foote said after the hearing. “In some respects, it’s a historic event as well because it’s one of the largest expansions [of] the town that it’s ever experienced. But also the fact that the court chose to enter the three-party agreement — the first time in Virginia history that that’s been done.”

County Attorney Blair Mitchell and Town Attorney Douglas Napier represented their jurisdictions. Each attorney presented information to the panel about their party’s reasons for supporting the annexation through a stipulation of the facts rather than by making arguments or calling witnesses. Judges asked about the process, whether they should approve a deal involving all parties or just the town and county.

The agreement also sets conditions that limit development of the property to slightly more than 800 homes. The Front Royal Limited Partnership has touted the annexation as a way to move forward on the creation of a two-lane highway that would connect Happy Creek Road with Shenandoah Shores Road.

The town and county spent the past two years ironing out details of the agreement with David Vazzana and the Front Royal Limited Partnership. The Commission on Local Government held its required hearings on the annexation and issued a report Jan. 13 in which the agency found the agreement in the best interest of the town, the county and the state.

Town and county officials, along with the Front Royal Limited Partnership, supported the three-party agreement primarily because it binds the current or future developer to the conditions set by the elected bodies and the landowner that pertain to the development of the property. The Commission on Local Government stated earlier this year that such a deal could not include a private third party.

Dawkins asked Mitchell if, during the course of the work on the agreement and the state agency's hearings, anyone spoke against the annexation. Mitchell said that five people spoke at the commission's hearing in opposition to the arrangement. Speakers voiced concerns about the potential impact on the viewshed and the rural aesthetics of the area near the annexed land. Mitchell pointed out that the proposed connector road would be a vast improvement over the dirt-and-gravel route currently serving the residents along Marys Shady Lane.

The county doesn't get all that it wanted from the agreement. County officials sought a higher proffer amount, or voluntary contribution, from the developer for each home built on the site. In the end, the county agreed to require the developer pay \$12,500 per market-rate dwelling unit to help offset the impact of development. A fiscal impact model showed that the county

should seek \$24,000 for each unit, Mitchell said. As Dawkins pointed out, the \$12,500 proffer amount would not cover the cost to build a new school given that new homes likely will bring more students to the county school system.

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