

**BOARD OF SUPERVISORS
TRANSPORTATION AND LAND USE COMMITTEE**

#3

ACTION ITEM

SUBJECT: Fee Waiver Request, Audubon Naturalist Society

ELECTION DISTRICT: Former & New: Catoctin

CRITICAL ACTION DATE: At the Pleasure of the Committee

STAFF CONTACT: John Merrithew, Department of Planning, Julie Pastor, Director

RECOMMENDATIONS:

Staff: Staff finds the requested fee waiver is consistent with the County fee waiver policy.

BACKGROUND:

The Audubon Naturalist Society seeks a Minor Special Exception (SPMI) to conduct indoor and outdoor events at the Margaret Dole Rust Estate, west of Leesburg. The Zoning Ordinance allows such events on a regular basis in banquet/event facilities, permitted in the AR-1 district by minor special exception. The fee for the SPMI is \$8,215. The Society hopes to increase operating revenues to address operating shortfalls.

The Margaret Dole Rust property includes the late Mrs. Rust's early twentieth century residence and the surrounding 62-acre property at the end of Children's Road, west of Route 7. In 2000, the County approved SPEX 1999-0011, which permits the current educational and research facility. The property is subject to a Virginia Outdoor Foundation easement, which limits subdivision, road construction, grading and clearing and new construction. The property conveyed to the Audubon Naturalist Society (ANS) for uses consistent with the open space easement and is open to the public for passive use, school field trips, bird walks, and summer day camp. The Society plans to enter into an agreement by which the Northern Virginia Regional Park Authority will manage the events and assist in maintaining the property.

The proposal is to accommodate weddings and other functions not necessarily related to education or research. The revenue from the events will fund the continuing operation of the facility and programs.

While the comments from a pre-application conference are preliminary, it was noted that the project is consistent with the Rural land use policies and no significant issues were identified. Typically, on-site utilities, transportation and compatibility with surrounding uses are the principle areas of staff review. Staff anticipates the application will require the standard review period to address these issues.

ISSUES:

1. The \$8,215 application fee covers the County's costs of processing the Minor Special Exception application. These costs include time spent by staff in processing and reviewing the application, report preparation, costs associated with Planning Commission and Board of Supervisors public

hearings and meetings, and other costs associated with the application except the applicant cost of posting the property and sending notifications to neighboring properties.

2. The Board adopted guidelines for waiving application fees in July of 2000. Charitable and non-profit organizations are eligible to receive a fee waiver, if the requested facility serves the public, is not affiliated with a church, or the applicant can demonstrate hardship. The Society is an eligible nonprofit organization engaged in advocating for and preserving the natural environment.

FISCAL IMPACT:

If the Board waives the \$8,215 fee, the costs to process the SPMI will be funded from local tax revenues.

ALTERNATIVES:

1. Waive the fee as requested
2. Do not waive the fee
3. Reduce the fee.

DRAFT MOTION(S):

1. I move that the Transportation and Land Use Committee approve the request to waive the \$8,215 fee for the Audubon Naturalist Society Minor Special Exception request.

Or

2. I move that the Transportation and Land Use Committee deny the request to waive the \$8,215 fee for the Audubon Naturalist Society Minor Special Exception request.

Or

3. I move an alternate motion

ATTACHMENTS:

1. Land Development Application Fee Waiver Policy
2. Vicinity Map
3. Fee Waiver Application

**LOUDOUN COUNTY LAND DEVELOPMENT APPLICATION
FEE WAIVER POLICY
Adopted July 10, 2000**

The Loudoun County Board of Supervisors affirms its Blanket Fee Waiver Policy for Land Development Applications initiated by the County Government, the Loudoun County School System, the incorporated Towns, the Loudoun County Sanitation Authority, and the Fire and Rescue Companies. Waivers may also be granted upon written request from applicants meeting the criteria set forth in Sections 15.2-953 and 15.2-820 of the Code of Virginia, which defines the groups which may receive gifts or donations from a locality in the Commonwealth as described below, for facilities to serve the public, when the applicant can demonstrate hardship, or for replacement of facilities serving the public which have been lost as a result of disaster and when the loss is not reimbursable from a third party. As set forth in the Loudoun County Zoning Ordinance, no fee will be charged to any applicant for downzoning to A-10 and A-25. No approvals will be given to requests that fees be based on recorded time and expenses for processing individual applications.

Eligible Groups:

Any charitable institution or association, located within their respective limits or outside their limits if such institution or association provides services to residents of the locality not controlled in whole or in part by any church or sectarian society;

Any charitable institution or nonprofit or other organization, providing housing for persons sixty years of age or older, or operating a hospital or nursing home;

Any organization furnishing voluntary fire fighting services;

Any non-profit lifesaving crew or lifesaving organization or rescue squad;

Non-profit recreational associations or organizations...not controlled in whole or in part by any church or sectarian society;

Chambers of Commerce which are non-profit and non-sectarian;

Industrial Development Authorities

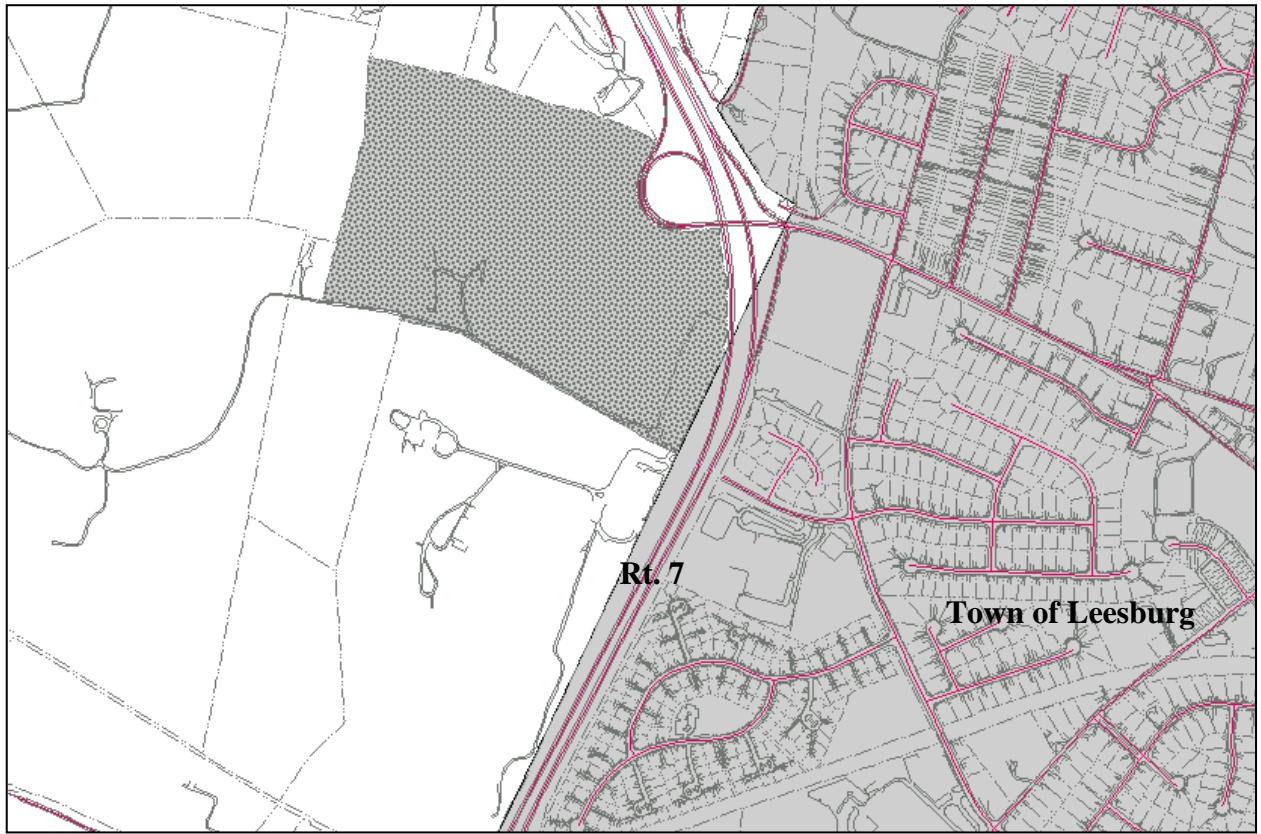
Public and private nonprofit organizations engaged in commemorating historical events;

A state college or university which provides services to such locality's residents;

Any non-profit legal entity that is not controlled in whole or in part by any church, sectarian society or group that has exclusionary membership practices or rules, that owns recreational facilities in the county, such as swimming pools, tennis courts, etc....

luc\fee waiver policy-adopted 7/10/00

VICINITY MAP



From Leesburg, follow Catocin Circle west to Children's Center Road. Turn left onto Children's Center Road and cross over Rt. 7. The property is located at the terminus of Children's Center Road and runs north to Route 7.

LOUDOUN COUNTY LAND DEVELOPMENT APPLICATION
REQUEST FOR FEE WAIVER

RECEIVED BY
LOUDOUN COUNTY
APR 23 2011
OFFICE OF THE
COUNTY
MANAGER

This form should be completed and submitted to County Administration for transmittal to the Board of Supervisors' Land Use Committee. You will be notified in advance of the date and time of the meeting at which this request will be considered.

County Administration, 1 Harrison Street, S.E., P. O. Box 7000, Leesburg, VA 20177
703-777-0200

Name of Organization: Audubon Naturalist Society of the Central Atlantic States
Address: 802 Children's Center Road Contact Person: Neal Fitzpatrick Inc.
Leesburg, VA 20175 Phone: 301-652-9188 x34
Fax: 301-951-7179

Date of Fee Waiver Request: 4/22/2011

Signature of Contact Person: Neal T. Fitzpatrick Executive Director
(Title)

Type of Land Use Development Application: minor amendment to our Special Exception for banquet/event facility in the AR district

Date of Submission of Application: not yet submitted

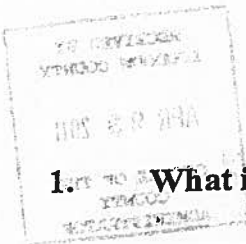
Fee: \$ SPMI #8, 215.00 Requested Waiver: Full or Partial
Modification of 5-600 standards \$1,870.00

If Partial, please indicate on this line the amount you wish to have waived (subtracted) from the full fee: \$ _____

Purpose of Application:
Audubon Natrualist Society requests a minor amendment to our Special Exception to operate the Rust Native Sanctuary. The minor amendment would allow the Society to conduct a limited number of rental events (mostly weddings) each year.

The Loudoun County Land Development Application Fee Waiver Policy is attached. This policy identifies the organizations which are eligible to apply for a land development fee waiver, and defines the circumstances in which a request for a fee waiver may be granted. Fee waivers may be granted to eligible organizations for facilities to serve the public when the applicant can demonstrate hardship, or for replacement of facilities serving the public which have been lost as a result of disaster and when the loss is not reimbursable from a third party.

THE FOLLOWING ADDITIONAL INFORMATION IS REQUIRED IN ORDER TO PROCESS YOUR REQUEST FOR A WAIVER OF LAND DEVELOPMENT APPLICATION FEES:



1. What is the mission of your organization and/or its basic purpose?

The Audubon Naturalist Society inspires residents of the greater Washington DC region to appreciate understand and protect their natural environment through outdoor experiences, education, and advocacy.

2. What specific public good will the proposed facility provide to Loudoun County residents?

The Audubon Naturalist Society's Rust Nature Sanctuary provides opportunities for Loudoun County residents, especially children and school groups, to learn about nature. Our 67+ acre wildlife sanctuary is open to the public. The Virginia Outdoors Foundation holds the conservation easement

3. Describe the qualifying circumstances for this fee waiver request (i.e. hardship or replacement of facilities serving the public which have been lost as a result of disaster and when the loss is not reimbursable from a third party). If more space is needed, please continue on a separate sheet of paper.

The Society's request for a minor amendment to our Special Exception is aimed at providing additional operating revenue to support ANS environmental education programs and to support the maintenance of the buildings and grounds.

4. Have land development application fees previously been waived for this organization?

Not that I am aware.

If yes, please indicate when and for what type of application(s)

5. What other contributions have you received for this project?

The Rust Nature Sanctuary and its programs are financially supported by more than 600 ANS members residing in Loudoun County, as well as significant gifts from John and Peggy Rust, Betsey Brown Jeanne and Mike Morency, Judy Randal, Virginia Friend, Phil Dailey, and Joe Coleman. Foundation support is provided by the Rust Foundation, the Rust Family Foundation, KBR Foundation, Lock Stone, REI, Wegmans, Community Foundation of Northern Virginia

6. Please attach a copy of the documentation of your organization's IRS status (501.C.3 or other).

LESA and USEPA.

Attachments:

Loudoun County Land Development Application Fee Waiver Policy
Virginia Code Sections 15.2-953 and 15.2-820

Internal Revenue Service

Date: July 10, 2007

AUDUBON NATURALIST SOCIETY OF THE
CENTRAL ATLANTIC STATES INC
8940 JONES MILL RD
CHEVY CHASE MD 20815-4725 402

Department of the Treasury
P. O. Box 2508
Cincinnati, OH 45201

Person to Contact:
Ms. Jackson 31-07417
Customer Service Representative
Toll Free Telephone Number:
877-829-5500
Federal Identification Number:
53-0233715

Dear Sir or Madam:

This is in response to your request of July 10, 2007, regarding your organization's tax-exempt status.

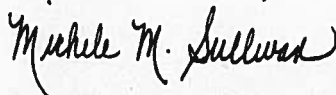
In June 1947 we issued a determination letter that recognized your organization as exempt from federal income tax. Our records indicate that your organization is currently exempt under section 501(c)(3) of the Internal Revenue Code.

Our records indicate that your organization is also classified as a public charity under section 509(a)(2) of the Internal Revenue Code.

Our records indicate that contributions to your organization are deductible under section 170 of the Code, and that you are qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Internal Revenue Code.

If you have any questions, please call us at the telephone number shown in the heading of this letter.

Sincerely,



Michele M. Sullivan, Oper. Mgr.
Accounts Management Operations 1