



FAIRFAX COUNTY

APPLICATION FILED: March 10, 2005
PLANNING COMMISSION: September 29, 2005
BOARD OF SUPERVISORS: October 17, 2005

V I R G I N I A

September 22, 2005

STAFF REPORT

APPLICATIONS RZ 2005-DR-006, FDP 2005-DR-006 and Resource Protection Area (RPA) Encroachment Request #6553-WRPA-001-2

DRANESVILLE DISTRICT

APPLICANT: Basheer-Edgemoor-Moutoux, L.L.C.

PRESENT ZONING: R-A (58.13 acres)
R-1 (11.04 acres)

REQUESTED ZONING: R-1 and R-A to R-1 (11.20 acres)
R-A to PDH-1 (57.97 acres)

PARCELS: RZ – 19-1 ((3)) 2Z, 19-1 ((1)) 5, 8, 9Z, 11A, 42Z pt.
FDP – 19-1 ((3)) 2Z pt., 19-3 ((1)) 8, 9Z pt., 42Z pt.

TOTAL ACREAGE: 69.17 acres

DENSITY: R-1 0.27 du/ac (3 Single Family Detached Units)
PDH-1 0.98 du/ac (57 Single Family Detached Units)
Overall 0.87 du/ac (60 Single Family Detached Units)

OPEN SPACE: PDH-1 14.49 acres (25 percent)
R-1 8.10 acres (72 percent)
Overall 26.50 acres (38 percent)

PLAN MAP: .2 - .5 du/ac 12.02 acres
.5 – 1 du/ac 57.15 acres

PROPOSAL: Single Family Detached Subdivision, approval of a Final Development Plan within the 57.97 acre portion to be rezoned to the PDH-1 District and approval of Resource Protection Area Encroachment to permit encroachment in the Resource Protection Area (RPA) to construct a regional wet pond with dam, trails, road crossing, pedestrian bridge, maintenance access road, storm

sewer outfall, sanitary sewer, associated clearing and grading and structure removal and restoration of the RPA with native vegetation.

STAFF RECOMMENDATIONS:

Staff recommends that the Board of Supervisors approve RZ 2005-DR-006 subject to the execution of the draft proffers contained in Appendix 1 and that the Board of Supervisors approve the Conceptual Development Plan.

Staff further recommends that the Planning Commission approve FDP 2005-DR-006 subject to the Board of Supervisor's approval of RZ 2005-DR-006, the associated Conceptual Development Plan and Resource Protection Area Encroachment Request 6553-WRPA-001-2.

Staff further recommends that the Board of Supervisors approve the following P-District variances pursuant to the provisions of Par. 8 of Sect. 16-401:

- A variance to allow the piers shown on Sheet 19 of the GDP/CDP/FDP to be seven feet tall along Beulah Road;
- A variance to allow a gatehouse shown on Sheet 19 of the GDP/CDP/FDP to be constructed in a front yard;
- A variance to allow lots developed as shown in the illustrations labeled "Option #2 – 4-Car w/Motorcourt" on Sheet 23 of the GDP/CDP/FDP to have garages in a front yard provided that those garages are a minimum of fifteen feet from the front lot line.

Staff further recommends that the Board of Supervisors approve Resource Protection Area Encroachment Request 6553-WRPA-001-2 subject to the proposed development conditions contained in Appendix 2 dated September 21, 2005.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

**A GLOSSARY OF TERMS FREQUENTLY
USED IN STAFF REPORTS WILL BE
FOUND AT THE BACK OF THIS REPORT**

DESCRIPTION OF THE APPLICATION

The applicant, Basheer/Edgemoor-Moutoux, L. L. C., is seeking to rezone the application property to allow 60 single-family detached dwellings on the 69.17 acre application property resulting in an overall density of 0.87 du/ac. Two of the existing dwelling units on the property are currently planned to be retained and 58 new single family detached dwelling units are proposed to be constructed. An 11.04 acre portion of the application property is currently zoned R-1 (Residential District, One Dwelling Unit/Acre) and 58.13 acres is zoned R-A (Rural Agricultural District). The application proposed to keep the 11.04 acres currently zoned R-1 in that district and rezone 0.16 acres from R-A to R-1; the remaining 57.97 acres are proposed to be rezoned to the PDH-1 District. The application proposes 3 dwelling units within the 11.20 acres zoned R-1, at a density of 0.27 du/ac. Fifty-seven (57) single family detached dwelling units are proposed within the 57.97 acres that are proposed to be rezoned to the PDH-1 District (Planned Development Housing, one dwelling unit per acre) at a density of 0.98 du/ac.

A Resource Protection Area (RPA) Exception application for this property has also been filed with the County. General RPA Encroachment Requests under CBPO 118-6-9 with an associated rezoning application require approval by the Board of Supervisors (Board) through a public hearing held concurrent with the public hearing for the rezoning application, per procedures of CBPO 118-6-1. Therefore, RPA Exception application, 6553-WRPA-001-2 will also be considered by the Board of Supervisors concurrently with the rezoning application.

A reduced copy of the proposed combined Generalized/Conceptual/Final Development Plan (GDP/CDP/FDP) is included in the front of this report. The applicant's draft proffers are included as Appendix 1. Proposed Development Conditions for 6553-WRPA-001-2 are contained in Appendix 2. The applicant's affidavit is Appendix 3 and the applicant's statements regarding the application are included as Appendix 4.

The review of the portion of the property to be rezoned to the PDH-1 District is subject to the standards contained in Part 1, Standards for All Planned Developments, in Article 16, Development Plans of the Zoning Ordinance. The most relevant standards are contained in the Excerpts from the Zoning Ordinance found in Appendix 17.

LOCATION AND CHARACTER

The application property is located on the west side of Beulah Road approximately 800 feet south of Leesburg Pike. The major portion of the application

property includes land that is part of the Moutoux Orchards along with additional land around the periphery of the orchards. The western portion of the site includes the Wolftrap Run stream valley, which is wooded. A tributary runs along the northern edge of the Spring Ridge subdivision and through the application property to Wolftrap Run. The tributary has been degraded in the area between the existing farm pond and Beulah Road. The following chart describes the existing use and improvements on each of the parcels included in the application.

Existing Uses					
Parcel Number	Current Use	Current Improvements	Improvements Retained	Zoning	Parcel Size
11A	Residential	Single Dwelling w/ Attached Garage	Yes	R-1	1.84 ac.
5	Vacant	None	N/A	R-1	6.71 ac.
8	Residential	Single Dwelling w/ Detached Garage	Yes	R-A	13.76 ac.
9Z/9V	Orchard	Orchards, Single Dwelling w/ Attached Garage, Sheds & Barn	No	R-A	35.75 ac.
2Z/2V	Orchard	Single Dwelling	No	R-A	7.5 ac.
42Z/42V pt. ¹	Agriculture	Single Dwelling, Pool & Barn	No	R-A	3.42 ac

¹ The acreage figure for this parcel includes the portion of this parcel which is included in the rezoning application. The remaining portion of the lot is approximately 5.21 acres in size, which exceeds the minimum lot size in the R-A District, 5 acres.

The properties to the south, east (across Beulah Road) and to the west (across the stream valley) have been developed with residential subdivisions. The Wolftrap Run Stream Valley abuts the application property to the west and is owned by the Fairfax County Park Authority (FCPA), with the exception of the portion included with this application. The property to the north contains the Potomac Vegetable Farms, an agricultural use with a farm stand on Leesburg Pike; Blueberry Hill, a co-housing project developed in conjunction with Potomac Vegetable Farms; and Town and County School, a nursery school. The following chart identifies the zoning and plan map designation of the surrounding properties.

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan Map
North	Blueberry Hill	PDH-1, R-A	1-2 du/ac, .2-.5 du/ac Private Open Space

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan Map
	Town and County School	R-1	1-2 du/ac
South	Single Family Detached (Spring Ridge Subdivision)	R-1 (Cluster)	.5-1 du/ac
East	Single Family Detached (Bent Creek Subdivision)	R-2	1-2 du/ac
	Large Lots	R-1	1-2 du/ac
West	Wolftrap Run Park	R-1	Public Park
	Single Family Detached (Harvest Run & Harvest King Subdivisions ¹)	R-1	.2-.5 du/ac

¹ Located across Wolftrap Run Stream Valley.

BACKGROUND

A portion of the application property (Tax Map Parcel 2Z, 9Z and 42Z) is within the Moutoux Orchard Local Agricultural and Forestal District established pursuant to the provisions of Chapter 115 of the Fairfax County Code. The main portion of the subject property has been owned by the Moutoux family since 1948; additional parcels were added in 1967 and 1991. That property has been in residential and agricultural uses, primarily orchards, since that time. The property has been a participant in the Local Agricultural and Forestal District since the approval of AF 84-0D-005 on December 3, 1984, which established the Moutoux Orchard Local Agricultural and Forestal District on 40.85 acres. The district was renewed and increased in size to 43.34 acres on January 11, 1993. On April 30, 2001, the district was renewed again for a period of eight years. The records regarding the Moutoux Orchard Agricultural and Forestal District are on file in the Department of Planning and Zoning.

The establishment of an agricultural and forestal district is a pre-requisite to qualify for use value taxation in Fairfax County. Use value taxation allows properties to be taxed based on the use of the property rather than the value based on development potential, provided that the use of the property qualifies for use value taxation. Upon rezoning of the property to a more intensive use that is not related to the agricultural use, the property will be subject to rollback taxes, which consists of the value of the property taxes that were deferred during the previous five years plus simple interest.

COMPREHENSIVE PLAN PROVISIONS (Appendix 5)

Plan Area: II
Planning District: McLean Planning District
Planning Sector: Wolf Trap Community Planning Sector (M7)

The Comprehensive Plan provides the following guidance on the land use and the intensity/density for the property. On pages 128-130 of the McLean Planning District of the 2003 edition of the Area II Plan, the Plan states:

“Land Use

The Wolf Trap sector is largely developed as stable residential neighborhoods. Infill development in this sector should be of a compatible use, type and intensity in accordance with the guidance provided by the Policy Plan under Land Use Objectives 8 and 14.

Where substantial parcel consolidation is specified, it is intended that such consolidations will provide for projects that function in a well-designed efficient manner and provide for the development of unconsolidated parcels in conformance with the Area Plan.

...

2. Development west of Beulah Road, which is partly located in the Difficult Run and not sewerred, is planned for .2-.5, .5-1 and 1-2 dwelling units per acre as shown on the Plan map. Developers should design with varying lot sizes corresponding to the planned land use densities on the map and existing development even if the area to be developed covers more than one residential density. Further guidance is found in the environmental section of the Area Overview for Area II.”

The Comprehensive Plan Map shows this property to be planned for Residential at .2-.5 du/ac, .5-1 du/ac, 1-2 du/ac, Private Open Space and Public Parks.

ANALYSIS

Combined Generalized/Conceptual/Final Development Plan (Reduction at front of staff report)

Title of GDP/CDP/FDP:	Maymont
Prepared By:	Christopher consultants
Original and Revision Dates:	August 8, 2005 and sealed September 15, 2005

The submitted development plan includes the Generalized Development Plan for the portions of the site to be zoned R-1 and the combined Conceptual/Final Development Plan for the portion of the site that is proposed to be rezoned to the PDH-1 District. The GDP/CDP/FDP includes twenty-three sheets. The first twelve sheets depict the layout including a sheet with the overall project, depictions of portions of the project at a larger scale and the details regarding stormwater management; the last eleven sheets (Sheets 13-23) provide architectural and urban design details of the project.

GDP/CDP/FDP (Maymont)	
Sheet #	Description of Sheet

GDP/CDP/FDP (Maymont)	
Sheet #	Description of Sheet
1 of 23	Cover Sheet with Tabulations, Notes, Vicinity Map & Sheet Index
2 of 23	Detailed Sections of the Streets and Key Map
3 of 23	Existing Conditions in Plan View
4 of 23	Overall Site Plan at 100 Scale
5 of 23	Site Plan of Eastern Portion at 50 Scale (See Key Map)
6 of 23	Site Plan of Northwestern Portion at 50 Scale (See Key Map)
7 of 23	Site Plan of Southwestern Portion at 50 Scale (See Key Map)
8 of 23	Plan View of Proposed Beulah Road Improvements
9 of 23	BMP Computations and Pond Detail
10 of 23	Stormwater Management Computations
11 of 23	Existing Vegetation Map
12 of 23	Streetscape and Trail Plan
13 of 23	Lot Layout Plan including Streetscape, Buffering of Offsite Properties, and Landscaped Open Spaces
14 of 23	Lot Typicals showing Landscaping, Courtyards and Garages; and Illustrative Road Section
15 of 23	Detail Illustrations of Promenade Park and Terrace Park
16 of 23	Detail Illustration of the Landscaping and Trails in the Open Space around the Stormwater Management Pond (Summerhouse Pond Park)
17 of 23	Buffering Detail at the South End (Adjacent to Spring Ridge)
18 of 23	Buffering Detail at North End (Adjacent to Blueberry Hill)
19 of 23	Entry Detail along Beulah Road
20 of 23	Schematic Front Elevations
21 of 23	Schematic Front Elevations
22 of 23	Schematic Front Elevations
23 of 23	House Matrix showing Typical Yard Configurations

The following features are depicted on the proposed GDP/CDP/FDP:

- Site Layout. The upland portions of the site are proposed to be developed. The stream valley associated with Wolftrap Run and a tributary that separates the southern arm of the property from the major portion of the site are to be open space. The proposed lots are to be located outside the environmental quality corridor (EQC) and the Resource Protection Area (RPA) associated with Wolftrap Run and its tributary. A regional stormwater management pond is to be located within the stream valley associated with the tributary in the location of the existing farm pond. This area will also be developed as recreational open space including trails and an open play area. The Wolftrap Run Stream Valley is to be dedicated to the Fairfax County Park Authority (FCPA) as undeveloped open space.

The property is proposed to be rezoned to the PDH-1 District and the R-1 District. Three portions of the site will be rezoned to the R-1 District. The portion in the western portion of the site is located within the Wolftrap Run Stream Valley and within the area to be dedicated to the FCPA. The second area is located in the northwest corner of the rezoning application property and will be developed with one single family detached dwelling unit and undisturbed open space that will be part of the homeowner's common open space. The third area is located in the northeast corner of the property along Beulah Road and includes one of the two existing homes to be retained on the property. A second dwelling will be constructed immediately south of the dwelling that is to be retained. This second dwelling will be accessed from the internal street network and the existing dwelling will be accessed from Beulah Road at an existing driveway. The lots within the R-1 portion are all in excess of 35,000 square feet in size.

Fifty-seven of the dwellings are to be located within the PDH-1 portion of the property. These include the existing house located in the southern portion of the site which is shown on a proposed five acre lot. Nine additional dwellings are proposed in the southern portion of the site, on lots that are between 16,500 sq. ft. and 23,000 sq. ft. in size. This area is accessed via a street connection across the tributary. The major portion of the proposed development is located north of the tributary of Wolftrap Run. This portion will include forty-eight lots with sizes ranging from approximately 16,500 square feet up to approximately 47,000 square feet in the PDH-1 portion.

- Vehicular Access. All vehicular access to the proposed subdivision is from a single entrance point along Beulah Road. While there is an existing stub street connection within the Spring Ridge subdivision (Tax Map Parcel A1) a street connection is not proposed to this stub

street. Access in this location will be limited to a pedestrian trail and emergency vehicles. Therefore, the length of the single ended access is approximately 2700 feet. The streets within the subdivision are public, with the exception of three small private loop roads that provide access to no more than five lots each. The interior of the private loop roads is to be community open space. The public streets will be constructed as ditch sections with sidewalks on both sides with a streetscape of large deciduous trees planted fifty feet apart. The sidewalks are to be located outside the right-of-way. There is a detail of the street section on Sheet 2 and on Sheet 14 there is an illustrative road section which includes the landscaping.

An interparcel road connection is provided to the north to Blueberry Hill, located north of the proposed development (Tax Map 19-3 ((20))). This street will connect to the existing cul-de-sac in that development. This cul-de-sac is the current terminus of Newcombs Farm Road, a single ended access road that provides access to Blueberry Hill to Leesburg Pike. The draft proffers for this application include a commitment to vacate the right-of-way for Newcombs Farm Road and remove the pavement. With this change, the nineteen dwelling units in Blueberry Hill will no longer have direct access onto Leesburg Pike; that community will access Leesburg Pike at the signalized intersection at Beulah Road and Leesburg Pike via the roads to be constructed as part of Maymont. The proffers accepted by the Board of Supervisors as part of the rezoning that allowed the development of Blueberry Hill anticipate the relocation of the access for Blueberry Hill. The GDP/CDP/FDP also includes an area of future right-of-way to provide access for Tax Map Parcel 19-1 ((1)) 19, also located north of the application property, should that property redevelop in the future (Parcel H).

The GDP/CDP/FDP includes frontage improvements to Beulah Road to provide turn lanes into this site and into Bent Creek Drive located across Beulah Road from the application property. The proffers include a commitment to provide offsite improvements to Beulah Road from the application property north to Leesburg Pike (Rt. 7), which are illustrated on Sheet 8. The proposed improvements, including curb and gutter, would widen Beulah Road to two northbound lanes from the entrance to the application property to Leesburg Pike. As Beulah Road nears that intersection, the road section would be widened to provide three lanes including two right turn lanes and a combined left and through lane. On the southbound side, the improvements would provide a single southbound lane that widens to provide a right turn lane at the future entrance to Maymont, with curb and gutter. An eight foot wide trail would be provided on this side of improved Beulah Road. The proffers include a commitment to modify the signal at the intersection of Beulah Road and Leesburg Pike. This proffered commitment will result in the construction of frontage improvements for the future fire station, Wolftrap, to be

constructed at this intersection. Construction of the Wolftrap station is funded and is anticipated to be completed during 2006.

- *Pedestrian Facilities.* In addition to the eight foot wide trail along the proffered improvements to Beulah Road and the sidewalks along the internal roadways, the GDP/CDP/FDP includes trail connections into and along the Wolftrap Run Stream Valley. A trail is also proposed within the stream valley for the tributary of Wolf Trap Run. The plan and proffers show the stream valley trail as an eight foot wide asphalt trail and the connecting trails within the future Park property as six foot wide asphalt trails. The trails that are not in the future parkland are located on flatter topography and will be constructed with stone dust or other permeable surface.
- *Open Space.* The major portion of the open space is associated with the stream valley along Wolftrap Run and along its tributary. As noted above, the Wolf Trap Run Stream Valley (approx. 17.35 acres) is proffered to be dedicated to the FCPA. The proposed stormwater management pond is to be located immediately upstream of the road crossing the tributary. The stormwater management facility will replace the existing farm pond and be redeveloped as an amenity for the community. The applicant intends to seek approval to allow a gazebo covered outlet structure; if this is not approved a standard outlet structure will be provided. The trail from Beulah Street along the tributary to Wolftrap Run will run adjacent to the stormwater pond with additional pathways constructed to provide a continuous trail around the pond. The open space to the north of the pond will be an open play area.

The GDP/CDP/FDP includes a private pocket park at the first road intersection within the property which is identified as Terrace Park (0.77 acres). A detail of Terrace Park is on Sheet 15. The grade of the park descends away from the intersection. Terrace Park includes a fountain at the intersection with a promenade on either side of a water feature that cascades to a lily pond at the bottom of this slope. On either side of the promenade are terraced lawn areas with seating areas and trees envisioned to recall the existing orchards on the site. Additional trees are to be planted along the boundary of Terrace Park with the typical streetscape placed along the road frontages of the park.

There are three additional community park areas located within the circles created by the private loop roads. The one at the terminus of the entrance road from Beulah Street is identified as Promenade Park (0.61 acres) and a detail of this area is also on Sheet 15. This park is 200 feet long along the roadway and approximately 135 feet deep. The other boundaries of Promenade Park are formed by the private loop road providing access to Lots 27 through 33. This park is shown to contain a reflecting pool in the middle of the park with sidewalks radiating from the

pool to the surrounding roads. The plantings within this park are to be flowering ornamentals reflecting the orchards that are now on the property. The outer edge will be consistent with the streetscape within the project as a whole. The other two park areas are small areas located within the loop road serving Lots 22 through 25 in the southwestern portion of the site and lots 50 through 53 along the entrance road and near Beulah Road. Both of these parks will be planted with trees along the periphery of the loop road and with the Maymont's standard streetscape along the outer edge of the loop road.

- Landscaping: In addition to the landscaping in the park areas and the streetscape described above, the GDP/CDP/FDP includes landscaping to buffer off-site properties, as part of an entrance feature, and to screen the pipestem lots from the adjacent lots.

In the northern portion of the site adjacent to Blueberry Hill, a twenty foot (20') "landscape buffer" within HOA open spaces is shown (see Sheet 18). Behind Lots 45 through 48, the buffer will consist of existing trees supplemented with additional plantings. To the west and east of this portion, the buffer will include new plantings within the 35 foot open space strip. On Lot 38, which is located west of Blueberry Hill, the GDP/CDP/FDP includes two four foot tall retaining walls to preserve the existing vegetation on the rear portion of that lot. A low impact development facility is shown in this area.

A similar 20 foot deep buffer is proposed adjacent to Spring Ridge where lots 16 through 20 abut Parcels 36 through 40 within Spring Ridge. This buffer, along the western boundary of Spring Ridge will also consist of existing vegetation with supplemental plantings (see Sheet 17). The tributary to Wolftrap Run abuts the northern boundary of Spring Ridge, so the existing homes in that area will abut HOA open space that is approximately 110 feet deep. The proposed trail in this portion of the site is located on the northern side of the tributary and away from Spring Ridge. The portion of Parcel 42 that is not included in this application is also bounded by the tributary. That lot is currently in agricultural use.

The proposed treatment along Beulah Road consists of a landscape strip located within HOA property. Along the length of Beulah Road, a streetscape consisting of stone columns with an evergreen hedge between the columns with shade trees behind is proposed. This treatment extends along the frontage of the application property from the tributary's crossing of Beulah Road to the driveway where the existing dwelling is being preserved on Lot 54. At the entrance from Beulah Road, an open gatehouse located beyond the sidewalk is proposed as an entrance feature. A detail of this portion of the site is provided on Sheet 19.

Sheet 13 depicts the landscaping proposed for the two proposed pipestem lots. The driveway leading back to each of the pipestem lots is set apart from the adjacent lots by a hedge that is interspersed with ornamental trees. Clusters of evergreen trees and ornamentals are proposed to provide additional screening between the pipestem driveway and the adjacent dwellings. In addition, on the common border with the lots in front of each pipestem lot, each lot is to be planted with a mixture of shade trees, ornamental trees and evergreens in sufficient number to screen the respective dwellings from each other.

- Lot Details: The GDP/CDP/FDP includes several detail illustrations of the proposed lots. Sheet 14 is entitled "Potential Lot Configurations" and illustrates the typical landscaping that would be provided with each of the optional layouts that are proposed for each lot in the PDH-1 District. Sheet 23 illustrates the number of optional layouts that the lots may have.

With regard to landscaping, each lot is shown with brick piers on either side of the driveway and a sidewalk where those features cross the right-of-way line. A hedge is shown between the piers in most of the illustrations; in one instance the hedge extends part of the way from the piers. A planting strip of evergreen and other trees is proposed along the lot lines between the proposed dwellings at all boundaries.

All of the illustrations on Sheets 14 and 23 contain an integral garage and an optional sunroom. Some of the lots are shown with an optional second garage that is detached from the dwelling. In some instances, a porte-cochere or breezeway extends from the dwelling to the either the driveway or the optional detached garage. The integral garages are generally placed so that the garage doors do not face onto the street. One of the optional layouts includes a motor court; a paved area in front of the dwelling linking the front of the dwelling with the garages. There is a vegetated area between the motor court and the hedge along the front property line. The draft proffers limit the front yard coverage in a motor court situation to 25 percent of the front yard for R-1 Lots and 35% for PDH-1 Lots.

Sheet 23 includes several different house prototypes that are to be constructed within Maymont and illustrates likely yard scenarios. The various illustrations and the notes state that the minimum setback to the principal dwelling will be twenty-five feet in the front yard (except an optional side sunroom could be within 20 feet of the lot line on a corner lot), twenty-five feet in the rear yard and ten feet from the option side sunroom. The notes state that there will be a minimum of twenty feet between two principal structures at the side lot lines. The optional detached garages could be within 5 feet of the side lot line and ten feet of a rear lot line. This circumstance would still apply where the garage is connected to the principal structure by a breezeway or porte-cochere,

which could also extend to within five feet of the side lot line if it is not connected to the detached garage. In the instance of lots developed as Motorcourt Lots, the detached garage may be within 15 feet of the front lot line.

Land Use Analysis (Appendix 5)

The majority of the property is planned for residential use at .5-1 dwelling unit per acre (2- to 1- acre lots) and for private open space; smaller sections of the property in the northwestern and southwestern corners of the site are planned for even lower density at .2-.5 dwelling unit per acre (approximately 12 acres).

The proposed densities for both the R-1 and PDH-1 portions of the site as provided on the Tabulations on Sheet 1 of the development plan conform to the recommended densities ranges as provided on the Plan Map. The applicant has submitted a Comprehensive Plan density exhibit (see Appendix 4b), which illustrates how the proposed densities conform to the planned density ranges throughout the site. Three lots are proposed within the approximately 7 acre northernmost portion that is planned at .2-.5 du/ac for density of 0.43 du/ac. The second area in the southwest corner of the site corresponds with the five acre lot where the existing home is to be retained.

The Comprehensive Plan guidance suggests that a variety of lot sizes be provided to reflect the range of planned densities. The Plan states, "Developers should design with varying lot sizes corresponding to the planned land use densities on the map and existing development even if the area to be developed covers more than one residential density."

The major portion of the proposed development, the area between the tributary and the northern property line, has lots that are all just under or above one-half acre in size, between 16,000 sq. ft. and 26,000 sq. ft. in size, with the exception of Lot 53 (35,113 sq. ft.) and Lot 54 (48,066 sq. ft.), where the existing dwelling on Beulah Road that is being retained. In the northwest corner of the site, Lots 34, 35, 36, 37, 38 and 39 are approximately two thirds of an acre in size, respectively 30,062 sq. ft., 37,292 sq. ft., 26,341 sq. ft., 47,052 sq. ft., 47,856 sq. ft. and 27,146 sq. ft. in size. The lots in the southwest corner and adjacent to the proposed five acre lot vary in size between approximately 17,000 sq. ft. and 23,000 sq. ft. The lots that abut the stream valley are generally larger, 20,000 sq. ft. to 30,000 sq. ft. This addresses the intent of the Plan for varied lot sizes; however, the staff recommends that the applicant consider larger lots adjacent to the 5 acre lot in the southwestern corner to provide appropriate and compatible lot size transitions.

As noted in Appendix 5, several retaining walls, including one which is up to 18 feet tall, are proposed. The revised plan includes walls in several locations: on Lot 38, where two four foot high walls, approximately 10 feet apart, are

proposed to retain existing vegetation along the boundary with Blueberry Hill; a seven foot wall behind Lot 34 to preserve the stream valley; four foot retaining walls behind Lots 26 and 28 to preserve the stream valley, a four foot tall retaining wall between the lots in the central block (Lots 55 – 60 that are adjacent to the Terrace Park), an eighteen foot wall on the northern boundary at Lot 36 and a five foot wall in the area of the pond to level out that area to create an open play area. Most of the walls are generally in appropriate positions, in the rear yards and are generally positioned to allow the stream valley to be preserved and are not excessive in height. However, staff has concluded that the eighteen foot tall wall along the northern boundary is too tall and would adversely affect the usability of the rear yard of Lot 35 and would result in the house and lot towering over the adjacent property, which is open space associated with Blueberry Hill. The layout in this area should be revised to reduce the size of that wall and to create a useable rear yard area for all lots in that area. The draft proffers include a commitment to redesign this lot such that the walls are no more than twelve feet in height, even if the grading requires more than one wall.

Residential Development Criteria

Fairfax County expects new residential development to enhance the community by: fitting into the fabric of the neighborhood, respecting the environment, addressing transportation impacts, addressing impacts on other public facilities, being responsive to our historic heritage, contributing to the provision of affordable housing and, being responsive to the unique site specific considerations of the property. To that end, the Board of Supervisors adopted the Residential Development Criteria, which are contained in Appendix 9 of the Land Use Section in the Policy Plan to be used in evaluating zoning requests for new residential development (see Appendix 16 of this report).

Site Design:

Residential Development Criterion Number 1, entitled 'Site Design,' recommends that developments address the consolidation goals in the Comprehensive Plan, and further the integration of the proposed development with adjacent planned and existing development. The criterion further recommends that the proposed site layout provide for a logical design with appropriate relationships within the development with regard to unit orientation and the juxtaposition of yards, and include usable yard areas that can accommodate future decks and sunrooms. Development shall provide convenient access to transit facilities; all existing utilities should be identified, proposed utilities and stormwater outfalls should be shown and utility collocation should be encouraged. Further, it states that open space should be usable, accessible and integrated with the proposed development and that appropriate landscaping and amenities be provided.

Lot Consolidation

There are limited opportunities for additional consolidation for this property. The remainder of Parcel 42, which is zoned R-A and is part of Potomac Vegetable

Farms, and which is not included with this application; however, this land would be most appropriately developed in conjunction with this property. An interparcel connection is proposed so that the one house that can be developed on the portion of the parcel under the existing R-A zoning can have access other than directly onto Beulah Road. This access is shown on proposed Outlot C between proposed Lots 1 and 2 in Maymont. Staff has concluded that the provision of interparcel access addresses this issue.

Unit Orientation and Juxtaposition of Yards

The lots are oriented appropriately with rear yards facing rear yards or open space, and side yards face side yards. The dwellings on corner lots are shown generally facing toward the corner. There are two pipestem lots, Lots 28 and 31, proposed. These lots are located adjacent to open space but face toward the two units between them and the road. To address this awkward situation where the front of the pipestem lot faces toward the rear yard of the two adjacent lots, the GDP/CDP/FDP proposes extensive landscaping to provide a visual boundary along the pipestem and to screen the rear yards (see Sheet 13). It appears that the landscaping will not interfere with the sanitary sewer line shown along the pipestem portion of Lot 28.

Access to Transit

This element will be addressed under transportation.

Utilities and Stormwater Management

Utilities are shown on the GDP/CDP/FDP and are in locations that are appropriate to connect to the trunk lines in the vicinity. The sanitary sewer lines serving this project will connect to the trunk line located along Wolftrap Run; these connections will require that clearing be done in the EQC. Stormwater management and Best Management Practices (BMPs) are to be provided by the construction of Regional Stormwater Management Pond D-17 as a wet pond designed to be a site amenity.

Open Space

As noted above, natural open space is provided along the stream valley for Wolftrap Run and along the tributary to that stream. Approximately 17.35 acres of land will be dedicated to the FCPA to be included in the Wolftrap Run Stream Valley Park. The proposed wet pond will be designed with trails and an open area for unstructured active recreation adjacent to it. A three-quarter acre park, Terrace Park (Parcel C) is proposed near the entrance with a large water feature and landscaping. A second half acre park is proposed in the center of the development, Promenade Park (Parcel D). Two other small pocket parks are proposed within the two other loop roads. This open space totals approximately 26.5 acres or approximately 38 percent of the application property. The open

space areas are well distributed throughout Maymont. Terrace Park and Promenade Park will provide green spaces that will break up the rows of lots and are usable spaces for the community. The open space areas along the tributary, the storm water management pond, and in the area to be dedicated to the FCPA will be accessible via several trails that will provide trail connections throughout this development, which, in combination with the sidewalks, stream valley trail and trail along Beulah Road will provide pedestrian connections to adjacent properties and parkland.

Landscaping

The landscaping described in the Description of the Combined GDP/CDP/FDP portion of this report includes a streetscape along the internal roads, buffering adjacent to Blueberry Hill and Spring Ridge, landscaping in the park areas, landscaping around the pipestem lots, on lot landscaping and an entrance treatment along Beulah Road.

Amenities

The amenities proposed within this project consist of the park treatments, including the area around the stormwater management pond, the trails through the property and the open space along the stream valleys on the site.

Neighborhood Context

Residential Development Criterion Number 2, entitled 'Neighborhood Context,' recommends that all applications for residential development, regardless of the proposed density, be designed to fit into the community within which the development is to be located as evidenced by an evaluation of: transitions to abutting and adjacent uses; lot sizes, particularly along the periphery; bulk and mass of the proposed dwelling units; setbacks; orientation of the proposed dwelling with regard to the adjacent streets and homes; architectural elevations; connections to non-motorized transportation facilities and the existing topography and vegetative cover. It is noted in this criterion that it is not expected that developments will be identical to their neighbors and that the individual circumstances of the property will be considered.

The property is currently the site of Moutoux Orchard and several abutting properties and contains five single family homes. The application property is in an area of the County that is characterized by single family detached homes zoned R-1 or PDH-1 and park land associated with the Wolf Trap Creek to the west and south. Blueberry Hill consists of smaller lots clustered on one portion of a larger application property and zoned PDH-1 is situated immediately north of the site.

The western portion of the property consists of the stream valley associated with the Wolf Trap Run Stream Valley, which is proposed to be dedicated to the Park Authority to be added to the existing stream valley park system. To the north,

open space associated with Blueberry Hill with open space and an internal road for that development are adjacent to the application property. Along this boundary, a twenty foot deep buffer strip is proposed (see Sheet 18). The new dwellings along this boundary will have their rear yards, twenty-five feet deep to the principle structure, adjacent to the buffer strip. The applicant has also proffered to construct public street access for Blueberry Hill and remove the existing road to Leesburg Pike. This will allow the residents of Blueberry Hill to access Leesburg Pike at Beulah Road, a signalized intersection with a median break, rather than a right-in and right-out only intersection. Along the rest of the northern boundary, the property abuts an existing private school. An outlot has been proposed to allow for right-of-way to be made available for interparcel access if the school's property redevelops residentially. However, the proposed 18 foot tall retaining wall along the northern property line at Lot 35 will have an adverse impact on the adjacent property, which is open space associated with Blueberry Hill. While this area is open space, an 18 foot tall wall with a dwelling at that higher elevation it will dominate over that open space. This portion of the site should be redesigned to reduce the height of this wall to less than eight feet. The draft proffers provide that the lot will be redesigned such that no retaining wall is more than twelve feet tall, even if two retaining walls are required on the lots.

Along Beulah Road, the existing house in the northernmost portion of the property is being retained. A twenty foot deep streetscape consisting of hedge with stone piers with shade trees located behind the hedge is proposed along Beulah Road (see Sheet 19), including the lot with the existing house. Rear yards also face toward Beulah Road; staff has concluded that this situation is appropriate given the screening along this road and because the rear yards extend twenty-five feet from the principal structure.

The property to the south along Beulah Road is in agricultural uses and located across the tributary of Wolftrap Run. This stream creates a natural border with this parcel and the lots within Spring Ridge that abut this boundary of the application property. The other parcels in Spring Ridge that abut the application property are proposed to be screened by a twenty foot buffer that includes existing vegetation that will be supplemented. Again, rear yards in Maymont will abut rear yards in Spring Ridge. While an interparcel road connection is not provided to Spring Ridge Lane via an out-parcel between Parcels 38 and 39, a combined emergency vehicle and pedestrian pathway is proposed to connect the two subdivisions and provide access to the expanded stream valley park for the residents of Spring Ridge. See Sheet 17 for the treatment proposed in this portion of the site.

Environment (Appendix 6)

Residential Development Criterion 3 recommends that all rezoning applications for residential development respect the environment. The criterion enumerates several principals that should be addressed: a) natural environmental resources should be preserved, b) existing topographic conditions and soil characteristics

should be considered, c) off-site impacts on water quality should be minimized by commitments to state of the art best managements practices and low impact site design techniques, d) the volume and velocity of stormwater runoff should be managed to avoid impacts on downstream properties, e) future and current residents should be protected from the adverse impacts of transportation generated noise, f) any exterior lighting fixtures should minimize neighborhood glare and impacts to the night sky, and g) use site design techniques to achieve energy savings and be designed to encourage and facilitate walking and bicycling.

Preservation of Natural Environmental Resources & Consideration of Existing Topographic Conditions

The majority of the upland portion of the property was previously developed as part of the orchards or with the existing homes. This area will be cleared and re-graded for the development of the new dwellings. The tributary that borders this area to the south has been degraded and the applicant has proffered to restore this area. The subject property contains large areas of Resource Protection Areas (RPAs) and Environmental Quality Corridors (EQCs) associated with Wolftrap Run and an unnamed tributary to Wolftrap Run which runs through the center of the property, and the applicants have accurately identified both the RPA and EQC limits for the subject property. These areas are shown to be preserved as either homeowners' open space or as future park land. The area to be dedicated as parkland will be disturbed for connections to the existing sanitary sewer trunk line adjacent to Wolftrap Run. A portion of the area will be disturbed for the construction of a regional stormwater management facility that is proffered to be installed by the applicant. The impacts of the proposed regional stormwater management pond will be discussed below.

Stormwater Management/Best Management Practice & Stormwater Outfalls

The applicants are proposing to construct a regional stormwater management pond (D-17), which is part of the County's plan to construct similar facilities across the County. To connect the northern and southern portions of the proposed development, a public road is proposed that crosses through the RPA/EQC, over the unnamed tributary and downstream of the embankment of the proposed regional stormwater management pond (D-17). The pond will also be located within the RPA/EQC associated with the tributary of Wolftrap Run. This pond is supported by staff in the Department of Public Works and Environmental Services (DPWES) as a facility that is essential to the overall water quality within the Difficult Run watershed. Approximately 5.5 acres of disturbance within the RPA/EQC will be required to construct the pond and associated facilities. Much of this area has been already disturbed by previous activities on the site; and, the existing farm pond is in bad condition and is not suitable to be retrofitted as a stormwater management facility.

The regional pond will be designed as a wet pond with a sediment forebay and a vegetated aquatic bench as shown on Sheet 9. The applicants have submitted a Water Quality Impact Assessment (WIQA) (6553-WQ-002-1) and a Resource Protection Area Exception Request (6553-WRPA-001-2) to allow the construction of the pond. These items are being reviewed by the Environment and Site Review Division in DPWES and the staff report and recommendation regarding the resource protection area exception request are included in Appendix 15. Specifics of proposed restoration of the tributary and the plantings around the proposed regional detention pond are not shown on the GDP/CDP/FDP and additional detail has not been provided in the draft proffers. However, the proposed development conditions for the RPA exception include requirements addressing the reforestation of the disturbed area and that the materials planted be native species.

While the County maintains dry stormwater management ponds within residential areas, wet ponds in residential areas are not typically maintained by the County. However, in this instance, because the facility is a wet pond, the County would maintain the facility. The GDP/CDP/FDP includes a proposed gazebo on top of the outlet structure and a bridge connecting from the shore of the pond to the gazebo. If these features are installed by the developer, the County will not accept the pond for maintenance. In any event, even if the pond is maintained by the County, liability for the pond and the dam rests with the owners of the property, or the Homeowner's Association. The requirement to maintain liability insurance for this element should be including in the HOA documents and disclosed as part of the sales of each unit.

The applicants are also proposing to provide a number of Low Impact Development (LID) techniques within the proposed development, which will provide additional water quality treatment beyond that required which is being met within the proposed pond. The techniques may include bioretention swales, water quality swales, bioretention basins or cells, porous pavement, reforestation and tree planters. Additional description of these is included on Sheet 9 under

“Low Impact Development Narrative.” A copy of the narrative is also provided in Appendix 4c. The draft proffers stated that ten percent of the lots would contain LID facilities; however, that has been changed to state that specific LID facilities will be provided within the HOA open space. One of the proffered LID techniques, permeable pavers for the driveways, will still occur on the lots.

As a whole, the water quality and quantity measures proposed by the applicants are appropriate for the proposed development. With the exception of the proposed regional stormwater management pond, which is located in a disturbed area, all other elements of the proposed development are outside of the limits of the RPA and EQC. As a result, there will be a significant amount of tree preservation within those areas which will also contribute to maintaining water quality for the proposed development. Staff within the Department of Public Works and Environmental Services will make any final determination regarding stormwater management and water quality features at the time of subdivision plan review.

Transportation Generated Noise

This is not an issue associated with this application.

Lighting

The subject property is subject to the requirements of Part 9 of Article 14 of the Zoning Ordinance with regard to outdoor lighting.

Energy Conservation

The draft proffers provide the standard commitment to energy conservation to build the dwellings in a manner that meet the Model Energy Code (MEC).

Tree Preservation (Appendix 8)

Residential Development Criterion 4 states that, regardless of the proposed density, all residential development should be designed to take advantage of existing quality tree cover.

The site is the site of an existing orchard which is to be removed from the property. The existing orchard is old and the trees are nearing the end of their production life, further fruit trees could be a nuisance in a residential setting. The GDP/CDP/FDP includes the preservation of the significant vegetation on the site located within the stream valley associated with Wolftrap Run. The draft proffers include the standard commitments with regard to tree preservation including tree protection fencing, the posting of an escrow for tree replacement and an inventory of the trees to be preserved to be submitted as part of the subdivision plan. In addition to tree preservation areas associated with the 17.35 acre area to be dedicated to the Park Authority, the plan includes tree save areas along the tributary and other areas near but not adjacent to the tributary. One of these

areas may be located in an area identified as on the existing vegetation map as grass. The landscaping plan for the individual lots as depicted on Sheets 13 and 14 includes extensive landscaping, which in combination with the tree preservation, the plantings in the three park areas, the internal streetscape and the streetscape along Beulah Road should be sufficient to meet the tree cover requirements. The applicant will be required to demonstrate that tree cover requirements are met at the time of subdivision plan approval.

Transportation (Appendix 9)

Residential Development Criterion 5 states that, regardless of the proposed density, all residential development should implement measures to address planned transportation improvements and offset their impacts to the transportation network. The criterion contains principles that will be used in the evaluation of rezoning applications for residential development, while noting that not all principles will be applicable in all instances. The following is an evaluation of those principles that staff has concluded are applicable in this instance.

Transportation Improvements

Beulah Road: The draft proffers include commitments to improve Beulah Road along the application property's frontage and from the application property to Leesburg Pike. As noted above, these improvements will result in Beulah Road being improved to a two lane section with turn lanes along the property's frontage with a left turn lane into Bent Creek Lane. Towards Leesburg Pike, the applicant has proffered to widen Beulah Road so that there are three approach lanes to the intersection which accommodate two right turn lanes, a combined left and through lane, as well as a south bound lane. This improvement can be accomplished within the existing rights-of-way on the northern side of Beulah Road; however, additional right-of-way will be required from Parcel 20 to the south, which is owned by the County. Parcel 20 is the location of future fire and rescue station, Wolftrap, which is funded for construction.

The proffers also require that the signal at the intersection of Leesburg Pike and Beulah Road be modified to address these changes. The draft proffers also commit to lengthening the left turn lane from Leesburg Pike to Beulah Road, but additional specifics regarding that improvement should be included in the proffer. In addition to addressing existing congestion at this intersection that result in long queues leading to the intersection on Beulah Road, this proffered improvement will also provide frontage improvements along the future fire station site, except the sidewalk.

Blueberry Hill Connection: As described in the description of the GDP/CDP/FDP above, the draft proffers will result in the diversion of the existing trips from Blueberry Hill to Leesburg Pike and to the signalized intersection at Beulah Road. This is accomplished by the construction of a road connection to the existing cul-de-sac on Newcombs Farm Road from Maymont and the removal of that road between the private loop road serving the dwellings in Blueberry Hill and existing farm stand for Potomac Vegetable Farms near Leesburg Pike. This change is anticipated by the proffers associated with the rezoning that established the PDH-1 District for Blueberry Hill, which require that the public street connection from Leesburg Pike be removed when access is available through the application property.

Interconnection of the Street Network

Access to Parcel 19: The applicant has also provided an outlot (Parcel H) for future dedication as right-of-way should the existing school on Parcel 19 to the north redevelop in the future. The draft proffers state that this parcel is not to be dedicated as right-of-way unless Parcel 19 redevelops with residential uses. If this access were to be used by the school it would be contrary to the special exception additional standard (Sect. 9-310) that requires private schools of general education access onto a collector or arterial road, so staff has concluded that the proffered limitation is appropriate.

Connection to Spring Ridge Drive: As part of the development of Spring Ridge, Outlot A1 was created to provide interparcel access for the future development of Tax Map Parcel 8 and to provide access to an existing dwelling that had a driveway connection to Beulah Road. This land is included in the application property. Along with the Lots 16 through 24, this land includes the proposed five acre lot, Lot 21 on which the existing dwelling and other improvements are to be retained. An interparcel vehicular connection is not proposed between Maymont and Spring Ridge; However, a combined emergency vehicle access and pedestrian access between Spring Ridge Drive and Maymont is shown on the GDP/CDP/FDP. The draft proffers specifically limit this access as a emergency vehicle and pedestrian connection only.

The Residential Development Criteria recommend that connections to adjacent local streets be provided, that existing stub streets be connected with new development and that the number and length of single ended roadways should be minimized. Without the connection to Spring Ridge Drive, the access to the proposed dwellings in the southwest portion of Maymont is approximately 2700 feet long. If the connection were to be provided, trips between the two neighborhoods would not be required to travel on Beulah Road, service vehicles including snow plows and school buses would be able to operate more efficiently and alternative access would be available to both neighborhoods should access be blocked through an accident or other event. The concern for cut-through traffic is not applicable in this instance. This vehicle connection would serve only these two subdivisions; it would not connect to other roadways besides Beulah Road. The number of trips through Spring Ridge would be limited because most of the proposed dwellings in Maymont would have a shorter trip to Beulah Road via the streets within Maymont. For these reasons interparcel access to Spring Ridge via a public street would be highly desirable.

Streets

It is recommended that the internal streets within a community be public streets. While the initial application proposed mostly private streets, the GDP/CDP/FDP has been changed to provide public streets except for the private loop roads around the pocket parks and the Promenade Park. The private loop roads provide access to 14 of the proposed lots.

Non-motorized Facilities

As part of the proffered improvements to Beulah Road that extend to its intersection with Leesburg Pike, the recommended eight foot wide asphalt trail is to be constructed. This will provide pedestrian connections from the internal pedestrian network within Maymont to the trail located along Leesburg Pike. There is an existing bus stop on Leesburg Pike just east of Beulah Road that could be reached by the trail; however, a sidewalk along the eastern side of Beulah Road would provide pedestrian access for the developments on that side of Beulah Road. Bus service is not provided along Beulah Road at this time. As described in the description of the GDP/CDP/FDP, the following pedestrian facilities are to be provided: 1) sidewalks along both sides of the internal streets and the interparcel connector to Blueberry Hill; 2) a trail along the tributary of Wolftrap Run; 3) the planned trail along Wolftrap Run; 4) a second trail connection from the dwellings in the northern section to the trail along Wolftrap Run; and, 5) a pedestrian connection between Maymont and Spring Ridge . These all provide pedestrian pathways within the proposed development and connections to the adjacent properties.

Transportation Analysis:

Issue: Development Note 27

The memo in Appendix 9 states that Note 27 conflicts with the proffered timing of the off-site road improvements. The note has been revised to eliminate this conflict.

Resolution:

This issue has been resolved.

Issue: Sidewalk along Beulah Road

The draft proffers include widening of Beulah Road off-site; however, the draft proffers do not include a commitment to provide a sidewalk on the eastern side of the road. The application property is on the western side of the road. Generally, when a road is improved on both sides, such as has been proffered in this instance, pedestrian facilities are also constructed. In this instance, the applicant has proffered to construct an eight-foot wide trail on the western side of the off-site improvements, but has not committed to provide the sidewalk on the opposite side of the road.

Resolution:

This issue has not been addressed by the applicant.

Issue: Interparcel Access to the Remainder of Parcel 42Z

As noted above, the GDP/CDP/FDP has been revised so that the interparcel access is no longer shown on Lot 1 and 2.

Resolution:

This issue has been resolved.

Issue: Private Street Designations

The GDP/CDP/FDP has been revised to clarify which streets are public, i.e. all roadways except the loop roads serving Lots 22 through 25 and Lots 27 through 33.

Resolution:

This issue has been adequately addressed.

Issue: Access to Parcel 19

As noted above, the GDP/CDP/FDP has been modified to include an interparcel connection to Parcel 19, should that property re-develop residentially. Parcel F is identified in the draft proffers as the potential location for ingress egress to Parcel 19. However, the draft proffers should be revised to specify that this land should be dedicated as right-of-way upon demand by the County or VDOT.

Resolution:

This issue is partially resolved.

Issue: Proffer Concerns

The concerns with regard to the draft proffers have been largely addressed by the revised proffers contained in this report with the exception of two items. The draft proffers still include a provision that would appear to delay the construction of road improvements for which condemnation of rights-of-way are required to two years after the completion of land acquisition and the draft proffers still state that access to Spring Ridge Drive is specifically precluded.

Resolution:

These issues have not been adequately addressed.

Public Facilities

Residential Development Criterion 6 states that residential development is expected to offset its public facility impact. To address the public facilities impacts of the project, the draft proffers and the proffered GDP/CDP/FDP commit to the following:

- To offset the impact on schools (an additional 17 students above the 12 students that would be generated by development at the existing zoning), the draft proffers commit to a contribution of \$2,705 per dwelling unit shown on the final subdivision plat for the construction of capital improvements to schools in the vicinity of the application property. A total of 60 dwellings would result in a contribution of \$162,300.
- Dedication of approximately 17.35 acres along the Wolftrap Run Stream Valley; the installation of the stream valley trail shown on the Countywide Trails Plan, connector trails from the development into the stream valley park, and a contribution of \$46,640 for the development of recreation facilities in the vicinity to serve the future residents of Maymont (this contribution would be supplemented by any funds remaining from the required \$955 per dwelling unit required by Sect. 6-110 for recreation facilities in a P-District).
- The proffered off-site improvements to Beulah Street would result in the construction of frontage improvements along the property where the Wolftrap Fire and Rescue Station is funded for construction in the near future.

Park Authority Analysis (Appendix 10)

Impacts on Park Authority Recreation Facilities

The subject property is located in an area with a deficiency of athletic field types as outlined in the FCPA Needs Assessment. This area of the McLean Planning District lacks facilities for youth baseball, youth softball, adult baseball and rectangular fields. The residents of this development will use outdoor recreational facilities. Typical recreational needs include open play areas, tennis and volleyball courts and athletic fields. Based on the Zoning Ordinance Sections 6-110 and 16-404, the applicant must provide \$955 per non-ADU (affordable dwelling unit) residential unit for outdoor recreational facilities to serve the development population. With 60 units proposed, the Ordinance-required contribution is \$57,300. The draft proffers state that if the cost of the on-site recreation facilities does not exceed the \$955 expenditure on recreation facilities required pursuant to Sect. 6-110 of the Zoning Ordinance, the balance will be provided to the Park Authority for the development of recreation facilities in the vicinity.

The \$955 per unit contribution required by Ordinance offsets only a portion of the impact to provide recreational facilities for the new residents generated by this development. In order to offset the additional impact caused by the proposed development, the Park Authority recommends that an additional \$46,640 be

contributed to the Park Authority for recreational facility development at one or more sites located within the service area of this development. The draft proffers address this issue by proffering to provide the recommended additional contribution.

Trails

As discussed above, the stream valley trail is also identified on the Countywide Trails Plan as a major trail, which is defined as 8 or more feet wide and paved with asphalt; the GDP/CDP/FDP shows an eight foot wide asphalt trail as the stream valley trail to satisfy this requirement. The GDP/CDP/FDP includes six foot wide asphalt connecting trails from the roadway to the stream valley trail in Wolftrap Run Stream Valley Park. The Park Authority recommends that all the trails, including the connecting trails, be constructed as eight foot wide asphalt trails; however, this will require additional clearing for the installation of these trails on the steep slopes above the stream. This issue has not been fully addressed.

Parkland Dedication:

The Park Authority requests the dedication of the open space that is located along the Wolftrap Run Stream Valley. The draft proffers commit to the dedication of approximately 17.36 acres to the Park Authority identified as Parcel F, which is located along the stream valley.

Schools Analysis (Appendix 11)

This development is anticipated to generate: 15 elementary students who would attend Westbriar Elementary School which is projected to exceed its capacity of 424 students through the school year 09-10; 4 intermediate students who would attend Kilmer Intermediate School which is projected to exceed its capacity of 850 students through the school year 09-10; and 10 high school students who would attend Marshall High School which is projected to operate within its capacity of 1500 students through the school year 09-10. Twelve (12) students would have been generated by the 23 units allowed under the existing zoning, 6 elementary students, 2 intermediate students and 4 high school students.

Sanitary Sewer Analysis (Appendix 12)

The property is located in the Difficult Run (D3) watershed and would be sewered into the Blue Plains Treatment Plant. The existing 8-inch line located in an easement on the property is adequate for the proposed use at this time. Based upon current and committed flow, excess capacity is available at this time. However, ultimate availability of treatment capacity will depend on the rate of construction and the timing for development of this site.

Fire and Rescue Department Analysis (Appendix 13)

This property is currently serviced by Station 29, Tysons Corner. This service currently meets fire protection guidelines. A new fire station is planned to be constructed at the intersection of Beulah Street and Leesburg Pike; approximately 700 feet north of the application property. This station, currently identified as Wolftrap, is funded for construction, which is currently planned to commence in 2006. PCA 78-D-060 has been filed to amend the proffers for RZ 78-D-060 to allow the fire station.

Water Service Analysis (Appendix 14)

The property is located in the service area of the Fairfax County Water Authority. Adequate domestic water service is available from the existing 12-inch, 8-inch and 3-inch mains located at the property. Depending on the configuration of the onsite water mains, additional water main extensions may be necessary.

Affordable Dwelling Units

Criterion 7 of the Residential Development Criteria states that ensuring an adequate supply of housing for low and moderate income families, those with special accessibility requirements, and those with other special needs is a goal of the County. The applicant can elect to fulfill this criterion by providing affordable units that are not otherwise required by the ADU Ordinance. As an alternative, land, adequate and ready to be developed for an equal number of units may be provided to the Fairfax County Redevelopment and Housing Authority or to such other entity as may be approved by the Board. Satisfaction of this criterion may also be achieved by a contribution to the Housing Trust Fund or, as may be approved by the Board, a monetary and/or in-kind contribution to another entity whose mission is to provide affordable housing in Fairfax County, equal to 0.5% of the value of all of the units approved on the property except those that result in the provision of ADUs. Given that the proposed residential development does not exceed a density of one dwelling unit per acre, Part 8 of Article 2 of the Zoning Ordinance does not require that affordable dwelling units be provided. The draft proffers state that a contribution to the Housing Trust Fund in accordance with the formula established by this criterion will be provided.

Heritage Resources

Criterion 9 of the Residential Development Criteria states that heritage resources are those sites or structures, including their landscape settings that exemplify the cultural, architectural, economic, social, political, or historic heritage of the County or its communities. Such sites or structures have been 1) listed on, or determined eligible for listing on, the National Register of Historic Places or the Virginia Landmarks Register; 2) determined to be a contributing structure within a district so listed or eligible for listing; 3) located within and considered as a contributing structure within a Fairfax County Historic Overlay District; or 4) listed

on, or having a reasonable potential as determined by the County, for meeting the criteria for listing on, the Fairfax County Inventories of Historic or Archaeological Sites.

In reviewing rezoning applications for properties on which known or potential heritage resources are located, some or all of the following shall apply: protect heritage resources from deterioration or destruction until they can be documented, evaluated, and/or preserved; conduct archaeological, architectural, and/or historical research to determine the presence, extent, and significance of heritage resources; submit proposals for archaeological work to the County for review and approval and, unless otherwise agreed, conduct such work in accordance with state standards; preserve and rehabilitate heritage resources for continued or adaptive use where feasible; submit proposals to change the exterior appearance of, relocate, or demolish historic structures to the Fairfax County Architectural Review Board for review and approval; document heritage resources to be demolished or relocated; design new structures and site improvements, including clearing and grading, to enhance rather than harm heritage resources; establish easements that will assure continued preservation of heritage resources with an appropriate entity such as the County's Open Space and Historic Preservation Easement Program; and provide a Fairfax County Historical Marker or Virginia Historical Highway Marker on or near the site of a heritage resource, if recommended and approved by the Fairfax County History Commission.

Apparently, there is an existing heritage resources report that was not furnished by the applicant for review by the Park Authority. The Park Authority requests that the study be furnished for review so as to determine if there are significant resources on the property. The applicant has proffered to complete a Phase I archeological study and allow the Park Authority to conduct additional investigations if significant artifacts are discovered by the Phase I review.

ZONING ORDINANCE PROVISIONS (Appendix 17)

Bulk Standards (R-1 and PDH-1)				
Standard	Required		Provided	
Zoning District	R-1	PDH-1	R-1	PDH-1
Min. Lot Size	36,000 sq. ft.	N/A	35,113 sq. ft.	16,158 sq. ft.
Min. Dist. Size	N/A	2.0 ac.	N/A	57.97 ac.
Lot Width	150 ft.	N/A	160 ft.	N/A
Building Height	35 ft.	N/A	35 ft.	35 ft.
Front Yard	40 ft.	30 ft. ¹	40 ft.	25 ft.
Side Yard	20 ft.	12 ft. ¹	20 ft.	10 ft. ²
Rear Yard	25 ft.	25 ft. ¹	25 ft.	25 ft. ⁴

Bulk Standards (R-1 and PDH-1)				
Standard	Required		Provided	
Zoning District	R-1	PDH-1	R-1	PDH-1
Density ²	1.0 du/ac	1.0 du/ac	0.27 du/ac	0.98 du/ac
Open Space ⁴	N/A	25 percent (14.49 ac.)	72 percent (8.1 ac.)	33 percent (18.4 ac)
Parking Spaces	120 spaces		240 spaces minimum ⁵	

1. The PDH-1 District does not include specific yard requirements. The information provided above includes the yard requirements for R-1 Cluster lots. This information is provided for a comparison purposes only and with regard to Design Standard Number 1 contained in Sect. 16-102 regarding the treatment of yards of the lot proposed along the periphery of a PDH Development.
2. The typical layouts allow an optional detached garage to be within 5 feet of the side lot line, 10 feet of the rear lot line or within 15 feet of a front lot line where a "Motorcourt Lot" is proposed.
3. The overall density within the 69.16 acre application property is 0.87 du/ac.
4. A total of 26.5 acres or 38 percent of the overall site is open space.
5. Two car garages are to be provided on each lot; and, the draft proffers state that the driveways will be a minimum of 18 feet in length. The typical lot details include the option for three car garages and allow for a second garage to be added to a lot which will increase the amount of parking provided on the lots where these options are implemented.

Standards for all Planned Developments (Sect. 16-100)

These standards are applicable to the portion of the property being rezoned to the PDH-1 District only. Sect. 16-101 contains six general standards that must be met by a planned development. Sect. 16-102 contains three design standards to which all Conceptual and Final Development Plans are subject.

Sect. 16-101, General Standards

The first general standard requires that the planned development conform with the Comprehensive Plan (Par. 1). Staff has determined that this standard has been satisfied as discussed in the Land Use Analysis section.

The second General Standard addresses whether or not the planned development is of such a design that it achieves the purpose and intent of a planned development more than would development under a conventional district (Par. 2). The purpose and intent of the Planned Development Housing District is contained in Sect. 16-101. The purpose and intent of the PDH District is to encourage innovative and creative design and facilitate the most advantageous construction techniques in the development of land for residential uses; to insure ample provision and efficient use of open space; to promote high standards in the layout, design and construction of residential development.

Staff has determined that this standard has been satisfied as discussed in the analysis of the Residential Development Criteria addressing Site Layout and Neighborhood Context which illustrates how the proposal preserves open space in the EQC/RPA, provides a regional stormwater management facility while developing lots that fits in the fabric of the existing neighborhood.

The third general standard addresses the efficient use of the available land and protection of scenic assets and natural features such as trees, streams and topographic features (Par. 3). Staff has determined that this standard has been satisfied through the preservation of the Wolftrap Run Stream Valley and tree preservation as part of the buffers to the adjacent subdivisions as discussed under Residential Development Criterion 4, Environment.

The fourth general standard states that the planned development shall be designed to prevent substantial injury to the use and value of existing surrounding development and shall not hinder, deter or impede development of surrounding undeveloped properties (Par. 4). Staff has determined that this standard has been satisfied given the provision of interparcel access to the adjacent property and buffering the adjacent properties as illustrated by the proposed buffers to Blueberry Hill and Spring Ridge and the proposed streetscape along Beulah Road.

The fifth general standard addresses the adequacy of public facilities in the vicinity (Par. 5). As noted in the Public Facilities Analysis, the site is located in an area where public facilities and public utilities are, or will be, adequate for the proposed development. In addition, the proffered off-site road improvements along Beulah Road will facilitate the development of the proposed Wolftrap Fire Station at the intersection of Beulah Road and Leesburg Pike.

The sixth general standard addresses internal linkages between internal facilities and to external facilities at a scale appropriate to the development (Par. 6). The roadway and pedestrian network adequately provides for these linkages as illustrated in the description of the GDP/CDP/FDP and the discussion of the Residential Development Criteria. Staff believes that this standard has been met.

Sect. 16-102, Design Standards

The first design standard specifies that, regarding compatibility with adjacent development, the peripheral yards of CDP/FDP should generally conform with the setbacks for the most similar conventional district. In this instance the most comparable yards are the R-1 Cluster District, wherein the requirement is for a

30 foot front yard, a 12 foot side yard (with a minimum of 40 feet in the two combined yard) and a 25 foot rear yard. Along the periphery of the portion of the site being rezoned to the PDH-1 District, where the property abuts other development (i.e. Blueberry Hill and Spring Ridge) all the yards are rear yards, which will be a minimum of 25 feet as shown on the House Matrix on Sheet 23, with the exception of optional detached garages which could be located within 10 feet of a side lot line and five feet of a rear lot line. Further, where the adjacent neighborhoods abut this project, a twenty foot deep buffer strip is provided in addition to the rear yards as illustrated on Sheets 17 and 18 or open space associated with the tributary that runs along the easternmost portion of the southern boundary of the application property. Along Beulah Road, Lots 52 and 53 have 25 foot deep rear yards facing the road and Lot 1 has a ten foot side yard. In addition, there is a twenty foot deep open space strip that will contain the Beulah Road streetscape illustrated on Sheet 19. The Staff has determined that this standard has been satisfied.

The second design standard states that other applicable provisions of the Ordinance such as off-street parking, landscaping, signs, etc. are applicable to planned developments (Par. 2). As noted in the Bulk Standards Chart above, the proposed development exceeds the parking requirements. The proposed landscaping includes buffering along the periphery of the site, a streetscape along the internal roads, landscaping in several park or open space areas, buffering to screen the two proposed pipestem lots from the adjacent lots and extensive landscaping on each lot as illustrated on Sheets 13 and 14. The GDP/CDP/FDP does not address signage and any signage would have to conform with the provisions of Article 12, Signs. Staff has concluded that this standard has been satisfied.

Design Standard Number 3 specifies that the street systems conform with the applicable requirements and that a network of trails be provided to provide access to recreational amenities open space, public amenities, vehicular access routes and mass transit facilities (Par. 3). Staff has concluded that this standard has been met by the sidewalks along the internal road, the trails provided through the property and to the stream valley, the stream valley trail, the pedestrian connections to the adjacent neighborhoods and the trail along Beulah Street as described in the description of the GDP/CDP/FDP and under the Residential Development Criteria.

P-District Variances

Par. 8 of Sect. 16-401 allows the Board of Supervisors, as part of the approval of a Conceptual Development Plan, to approve a variance to a specific zoning ordinance provision whenever such strict application would inhibit or frustrate the

purpose and intent of establishing the proposed P-District and when such variance would promote and comply with the standards applicable to P-Districts outlined in Part 1 of Article 16, Development Plans.

There are two features of the proposed streetscape along Beulah Road that do not conform with the location requirements for accessory structures. The proposed gatehouse is to be located in a front yard and the seven foot tall pillars along Beulah Road would exceed the maximum height for a fence in a front yard of 4 feet. Staff recommends that the Board of Supervisors approve the requested variances to allow these features because the piers with hedges will provide an attractive streetscape along the road that will screen the rear yards of the proposed lots from traffic and because the guardhouse will provide an appropriate entrance feature for the project.

In addition, with the proposed motor court layout shown on Sheet 23 identified as "Option #2 – 4-Car w/ Motorcourt", the optional garage could be located in a front yard. However, accessory structures are not permitted in a front yard and a P-District variance is required to allow garages in the front yards on the Motorcourt lots. Staff also recommends that the Board approve this requested variance.

Waivers and Modifications

Resource Protection Area Encroachment Request #6553-WRPA-001-2

This application proposes to encroach into the RPA to construct a regional wet stormwater management pond within a 69.17 acre for 60 single family detached dwelling unit lots in R-1 and PDH-1 zoning districts. The site's western boundary is along Wolftrap Run. A perennial stream divides the site and contains a small wet farm pond. This pond has a contributing watershed area of about 68 acres (45 acres are from off-site areas) and outlets directly into Wolftrap Run within the site. The existing pond is failing and has not been maintained very well. The site currently has minor and major floodplain in the Difficult Run headwaters.

As part of the development project, the applicant proposes to reconstruct the wet pond to a regional wet pond, and provide water quality control for the 69 site area as well as the 45 acres of off-site contributing watershed area. Trails, bridges & gazebos (passive recreation) are exempt uses when located within the RPA, as they are defined as 'passive recreation' under the CBPO; therefore, they are not part of this exception request. The location and construction of the trails proposed on this property require approval of a grading plan and minimization of disturbed area to the degree possible. The applicant is responsible for obtaining any required State or federal permits prior to commencement of construction of the trails. Passive recreation is an exempt use within the RPA.

The applicant proposes to combine the embankment structure with the road crossing that provides access to 10 of the proposed lots. Road crossings in the RPA are exempt uses under the CBPO; and, therefore, the road crossing is not part of this exception request. The applicant proposes trees and shrubs around the pond and within the RPA (which is not to be mowed) to mitigate the effects from the encroachment.

The RPA, along Wolftrap Run, was designated as such during 1993 when the CBPO first became effective. The CBPO amendment, effective November 18, 2003, defined the RPA to include the areas adjacent to the tributary perennial stream that divides the site. An RPA delineation study was approved by DPWES in February 2005 to adjust the RPA boundary to match the definition in the CBPO. As a new dam and grading is proposed within a 100-year floodplain, the applicant will be required to conduct, submit and obtain approval of a floodplain study along the tributary stream and Wolftrap Run. The major floodplain, by definition, is a buffer component of the RPA, as well as the area within 100 feet of the perennial stream. Thus, the results of a new floodplain study may alter the fringe areas of the RPA boundary.

The stormwater management pond is proposed to be located at the upper end of the RPA along the tributary stream traversing the southern portion of the site, just upstream of its confluence with Wolftrap Run. The version of the GDP/CDP/FDP in the front of the report states that the dam height is 24.8 feet and the storage capacity is more than 15 ac-ft. Dam heights that exceed 25 feet and have a storage capacity in excess of 15 ac-ft. must comply with the Virginia Dam Safety Regulations. The State requires these facilities to be permitted, have a valid Operation and Maintenance Certificate, have an Emergency Action Plan on file and have a periodic (3 to 5 years) professional engineer inspection report prepared and filed with the State. Because of the additional responsibilities and financial burden on the dam owner, staff recommends that the design of the proposed wet pond be such that the embankment will be kept below that which would require State regulation and certification. While the dam as depicted on the GDP/CDP/FDP does not require State regulation and certification, to ensure that the County will not be unduly burdened if the dam does become subject to Virginia Dam Safety Regulations, the draft proffers should require that the applicant prepare the certification documents and fund inspections.

Proposed Lots 16 and 25 are adjacent to the existing RPA, as shown on the revised GDP/CDP/FDP addressed in this report. As stated in the Public Facilities Manual, all newly proposed buildable subdivision lots located in or adjacent to an RPA must contain sufficient area of land outside the RPA to allow development of the lot without encroachment upon the RPA. Therefore, because of the

proposed subdivision, it is staff's recommendation that the layout of Lots 16 and 25 be restricted to provide sufficient buildable area outside the RPA. Staff recommends that a development restriction be placed on the lots to prohibit expansion of the dwelling units, reconstruction of the dwelling units, or construction of accessory structures, within the RPA, and that full disclosure of these restrictions be required to all future purchasers of Lots 16 and 25 prior to initial purchase and resale of the lots.

Required Findings

Sect. 118-6-6 and Sect. 118-6-9 of the Chesapeake Preservation Ordinance requires that the following findings be made as part of the approval of an exception request. The following is staff's analysis of how the proposed RPA exception addresses the required findings.

(a) The requested exception to the criteria is the minimum necessary to afford relief

The applicant proposes to combine the embankment structure with the public road crossing which provides access to 10 of the lots proposed with the rezoning. Road crossings in the RPA are exempt uses under the CBPO and therefore the road crossing is not part of this application.

The proposed pond location is essentially in the same area of an existing wet pond on the site. For safety reasons, the embankment must be reconstructed. Current County policies allow a wet pond to be located in a residential area if designed to provide the function of a regional stormwater detention pond as well as water quality control for the entire upstream watershed.

To reduce impacts associated with impervious surfaces within the RPA, staff suggests that the applicant combine pond maintenance access ways with the trail system and that he pursue all means possible to allow a reduction of the 6' wide trail widths proposed.

By combining the embankment with the public road, locating the pond in essentially the same area as the existing pond, and combining maintenance access roads with the trail system (as deemed feasible) the applicant will and has significantly reduced disruption of the RPA. Staff concurs that the exception request is the minimum necessary to afford relief.

(b) Granting the exception will not confer upon the applicant any special privileges that are denied by this part to other property owners who are subject to its provisions and who are similarly situated

Stormwater runoff generally flows by gravity to the lower portions of a site. The applicant proposes to alter the low area or receiving stream with minimal grading and disturbance to function as water quality improvement for the watershed.

Since this site has an existing wet pond and a road crossing is necessary to access the site, the minimal disruption needed to integrate water quality control with the required improvements for the watershed can be supported by staff as not being a special privilege to the applicant. The pond provides water quality control beyond that required for the site development and the contributing watershed and is located within a road embankment and an existing wet pond to be reconstructed.

(c) The exception is in harmony with the purpose and intent of this Chapter and is not of substantial detriment to water quality

The applicant states that trees and shrubs will be planted as shown on the plan to reestablish the disturbed areas of the RPA. The plant density of the buffer to be established in the RPA to mitigate the encroachment must be consistent with the *buffer area establishment* requirements of CBPO Section 118-3-3(f). The total disturbed RPA of 5.5 acres, less 3.5 acres of embankment and ponding area, requires that at least 600 overstory and understory trees with 2178 shrubs be established within the disturbed RPA. The areas in and around the pond will include wetland plantings or a wetland seed mix. This plant material will be native to the degree practical as stated in the ordinance. Staff supports the applicant's re-vegetation plan and is satisfied that the required finding that the encroachment request is in harmony with the purpose and intent of the CBPO is met.

(d) The exception request is not based upon conditions or circumstances that are self-created or self-imposed

The proposed wet pond site is in the vicinity of Regional Pond D-17, a component of the Regional Stormwater Management Plan which was adopted by the Board in January, 1989. Staff concurs that the exception request is not based upon conditions or circumstances that are self-created or self-imposed.

(e) Reasonable and appropriate conditions are imposed, as warranted, that will prevent the allowed activity from causing a degradation of water quality

The existing land use at the property is active agriculture, where the RPA is partially cleared and deficient of vegetation, and does not support the best water quality. The applicant proposes to enlarge the pond and supplement the vegetation in the remaining portions of the RPA as noted above. The vegetation plan is consistent with the *buffer area establishment* requirements of the CBPO and the existing pond will be upgraded.

(f) The water quality benefits resulting from the proposed facility or improvement exceed the associated water quality detriments

The current uses on the site within the RPA involve activities related to farming and a fruit tree orchard. The applicant proposes to change the uses by re-vegetation of the ground surface, providing a water quality improvement, best management practices (BMP) pond, construction of a road crossing and constructing asphalt surfaced trails within the RPA buffer. The pond, as shown will substantially improve water quality downstream of the site by providing control for the entire site as well as 45-acres of off-site contributing watershed area. The pond is to provide water quality control for the equivalent of 115 acres of developed land, which is more than the site requirement of control for 69 acres. Staff believes that because the water quality control (the pond) is located within a RPA, it must provide benefits for the entire watershed area, beyond that required for the developing site, to be consistent with the allowed uses of the CBPO. The final uses on the site will reduce erosion and sedimentation of the streams as well as restore the condition of the buffer, to provide wildlife habitat and support aquatic life. The request is consistent with the criteria that the water quality benefits outweigh the detriments associated with RPA disturbance.

(g) Where practicable, a vegetated area that will maximize water quality protection, mitigate the effects of the buffer encroachment, and is equal to the area of encroachment into the buffer area shall be established elsewhere on the lot or parcel

With construction of a regional wet pond and establishment of vegetation as noted above, Staff believes that the application and recommendations noted in this staff report are reasonable and appropriate to prevent the requested activity from causing a degradation of water quality and mitigate the effects of the buffer encroachment.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

This application proposes to subdivide this property to accommodate up to 60 lots. Two of the existing dwellings are currently proposed to be retained and 58 new dwellings are proposed to be constructed. The property is to be rezoned to the R-1 District (11.04 acres) with three dwelling units at a density of 0.27 du/ac and the PDH-1 District (58.13 acres) with 57 dwellings at a density of 0.98 du/ac. Thirty-eight percent or 26.5 acres of the application property will be devoted to open space, of which 17.35 acres will be dedicated to the Park Authority as part of the Wolftrap Run Stream Valley Park. The application and proffers include, among others, commitments to:

- Construct Regional Stormwater Management Pond D-17;
- Improve Beulah Road from the application property to Leesburg Pike to a three-lane section that widens to a four lane section at Leesburg Pike

- (this commitment will complete the frontage improvements along Tax Map Parcel 20), which is owned by the County and is the site of a future fire and rescue station;
- Construct the County-wide trail along Beulah Road from the application property to Leesburg Pike;
 - Lengthen the left-turn lane from Leesburg Pike to Beulah Road (additional details should be provided in the proffers as to the length of the turn lane and the taper);
 - Provide public street access to Blueberry Hill, an existing subdivision that currently accesses directly from Leesburg Pike.
 - Remove the pavement from Newcombs Farm Road, which currently provides access to Blueberry Hill and process the vacation of that right-of-way;
 - Establish an outlot that would allow for future dedication of right-of-way for the redevelopment of Parcel 19;
 - Provide a emergency vehicle and pedestrian access between Maymont and Spring Ridge;
 - Provide trail connections between Beulah Road and the Wolftrap Run Stream Valley Park and within the park;
 - Provide twenty foot deep buffers adjacent to Spring Ridge and Blueberry Hill;
 - Provide contributions to schools, affordable housing and recreation facilities.

While the application does provide the above noted commitments, several issues remain to be fully resolved, as follows:

- An eighteen foot tall retaining wall is proposed as part of the development of Lot 35, this wall should be revised;
- The Park Authority requested that the connector trails within the land to be dedicated as stream valley park be eight feet wide not six feet wide;
- The applicant should consider redesigning the southernmost portion of Maymont so that there are larger lots in the vicinity of the proposed five acre lot, Lot 21;
- The tree cover requirements found in Part 4 of Article 13 will have to be met at the time of subdivision plat approval;
- The desirable to provide a vehicular connection to Spring Ridge Drive.

Staff Recommendations

Staff recommends that the Board of Supervisors approve RZ 2005-DR-006 subject to the execution of the draft proffers contained in Appendix 1 and that the Board of Supervisors approve the Conceptual Development Plan. Staff further recommends that the Planning Commission approve FDP 2005-DR-006 subject to the Board of Supervisor's approval of RZ 2005-DR-006, the associated Conceptual Development Plan and Resource Protection Area Encroachment Request 6553-WRPA-001-2.

Staff further recommends that the Board of Supervisors approve the following P-District variances pursuant to the provisions of Par. 8 of Sect. 16-401:

- A variance to allow the piers shown on Sheet 19 of the GDP/CDP/FDP to be seven feet tall;
- A variance to allow a gatehouse shown on Sheet 19 of the GDP/CDP/FDP to be constructed in a front yard;
- A variance to allow lots developed as shown in the illustrations labeled “Option #2 – 4-Car w/Motorcourt” on Sheet 23 of the GDP/CDP/FDP to have garages in a front yard provided that those garages are a minimum of fifteen feet from the front lot line.

Staff further recommends that the Board of Supervisors approve Resource Protection Area Encroachment Request 6553-WRPA-001-2 subject to the proposed development conditions contained in Appendix 2 dated September 21, 2005.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

APPENDICES

1. Draft Proffer Statement
2. Proposed Development Conditions for RPA Encroachment Request 6553-WRPA-001-2
3. Affidavit
4. Applicant's Statements
 - a. Revised Statement of Justification
 - b. Density Exhibit
 - c. Low Impact Development Narrative
 - d. Community and Open Space Narrative
 - e. June 3, 2005 letter from Lisa Chiblow, McGuireWoods, agent for the applicant
5. Land Use Analysis
6. Environmental Analysis
7. Stormwater Analysis
8. Urban Forestry Comments
9. Transportation Analysis

APPENDICES (Continued)

10. Park Authority Comments
11. Schools Analysis
12. Sanitary Sewer Analysis
13. Fire and Rescue Analysis
14. Water Service Analysis
15. Staff Report on Resource Protection Area Encroachment Request
6553-WRPA-001-2
16. Residential Development Criteria
17. Selected Excerpts from the Zoning Ordinance
18. Glossary of Terms

**PROFFERED CONDITIONS
“Maymont”**

**RZ 2005-DR-006
September 21, 2005**

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, the property owners (the “Owners”) and applicant (the “Applicant”) in this rezoning proffer that the development of the parcels under consideration and shown on the Fairfax County Tax Maps as Tax Map Reference 19-3-((1)) 5, 8, 9Z, 11A, 42Z pt. and Tax Map Reference 19-1-((3))-2Z (hereinafter referred to as the "Property") will be in accordance with the following proffered conditions (the “Proffered Conditions”) if, and only if, said rezoning request for the PDH-1 and R-1 Zoning District is granted. In the event said application request is denied, these Proffered Conditions shall be null and void. The Owners and the Applicant, for themselves, their successors and assigns, agree that these Proffered Conditions shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia, in accordance with applicable County and State statutory procedures. The Proffered Conditions are:

I. GENERAL

1. Substantial Conformance. Subject to the Proffered Conditions and the provisions of Article 16 and Article 18 of the Zoning Ordinance, under which minor modifications to an approved development plan are permitted, the development shall be in substantial conformance with the Generalized/Conceptual/Final Development Plan (the “GDP/CDP/FDP”), containing twenty-three (23) sheets, prepared by christopher consultants, ltd. dated February 17, 2005 and revised through September 15, 2005.

2. Lot Yield. The development shall consist of a maximum of sixty (60) market rate single family detached residential units. There shall be a maximum of two (2) houses in the R District and a maximum of fifty eight (58) houses in the PDH-1 District.

3. PDH –1 - Lot Layout and Orientation. The house footprints shown on sheet 4 and elsewhere in the GDP/CDP/FDP are included only to indicate the orientation of the dwellings. The actual location of each dwelling and the inclusion of optional elements within the PDH-1 portion of the site shall be governed by lot typical plans indicated in the “House Matrix” on sheet 23 of the GDP/CDP/FDP. Any of the house configurations and options indicated on sheet 23 may be selected for any lot, however, the limits of clearing and grading indicated on the GDP/CDP/FDP shall be maintained on all lots. Notwithstanding the above, the minimum setbacks, dwelling unit orientation and landscaping concepts for Lots 28 and 31 shall be in substantial conformance with the specific lot designs shown on sheet 13 of the GDP/CDP/FDP. The other lots shown on sheet 13 shall conform to the minimum yard setbacks detailed in the “House Matrix” (as shown on sheet 23 of the GDP/CDP/FDP).

4. R-1 – Lot Layout and Configuration. The house footprints shown on sheet 4 and elsewhere in the GDP/CDP/FDP are included only to indicate the orientation of the dwellings. The actual location of each dwelling and optional elements for Lots 35, 51 and 54 shall meet the minimum R-1 District Zoning Ordinance requirements. Optional elements may include but are not limited to bay windows, decks, swimming pools, patios and other such items listed in Section 2-412 of the Zoning Ordinance.

5. Rear Yard Coverage. Rear yard coverage shall be restricted per Section 10-103, Paragraph 3 of the Zoning Ordinance. This shall be disclosed in the homeowners association documents and in the initial sales contracts.

6. Motor Court Coverage. Where the motor court option is exercised, the total area of driveway and walkway paving with impervious paving materials shall not exceed 35% of the front yard area (with the front yard area calculated from the most forward façade of the dwelling, not the optional garage) for lots in the PDH-1 District. In the R-1 lots, the motor court coverage shall not exceed 25% of the front yard and shall comply with Par. 8, Section 11-102 of the Zoning Ordinance. This shall be disclosed in the homeowners association documents and in the initial sales contracts.

7. Existing Dwelling Units. There are two existing dwellings on Lots 21 and 25 that are proposed to be retained. These houses may be altered or replaced. If the existing dwelling unit on Lot 21 is altered or replaced in the future, the location of the dwelling and optional elements shall conform to the minimum yard setbacks as detailed in the “House Matrix” on sheet 23 of the GDP/CDP/FDP. If the existing dwelling on Lot 54 is altered or replaced in the future, the location of the dwelling unit and optional elements shall conform to the R-1 District Zoning Ordinance regulations.

8. Establishment of HOA. Prior to Record Plat approval, the Applicant shall demonstrate that the Property will be governed by a homeowners association (the “HOA”) and be subject to a Declaration of Covenants, Conditions and Restrictions consistent with the requirements of Article 2 of the Zoning Ordinance. Lot 21 which has an existing dwelling unit on it will not be a member of the HOA and will not be subject to the Declaration of Covenants, Conditions and Restrictions. However, the HOA documents will include a provision to include the owners of Lot 21 on the mailing list for community notices that may affect the property owner of Lot 21. Notwithstanding the above, the HOA documents shall allow the present or future owners of Lot 21 to join the HOA at in the future if they so desire.

9. Dedication to HOA. In conjunction with the appropriate subdivision review processes, private streets, sidewalks, and common areas and amenities not otherwise conveyed or

dedicated to the County and/or the Park Authority shall be dedicated to the HOA and maintained by the same.

10. Public Access Easement. At the time of subdivision plan approval, a public access easement in a form approved by the County Attorney shall be placed on the private streets, sidewalks, trails and emergency vehicle access point within the approved development. The requirements of these Proffer Conditions, including any applicable HOA maintenance responsibilities for the common areas and facilities, shall be disclosed in the HOA Documents and at the time a contract is entered into for each dwelling unit.

11. Garage Conversion. A minimum of two parking spaces shall be provided within a garage for each dwelling unit. Any conversion of garages to other uses must preserve a minimum of two parking spaces within a garage on each lot. These spaces may be located in either the integral garage or the optional garage identified on the GDP/CDP/FDP. A covenant setting forth this restriction shall be recorded among the land records of Fairfax County in a form approved by the County Attorney prior to the sale of any lots and shall run to the benefit of the HOA and the Board of Supervisors. This restriction shall also be disclosed in the HOA Documents. Prospective purchasers shall be advised of this use restriction, in writing, prior to entering into a contract of sale.

12. Length of Driveways. All driveways on each residential lot shall incorporate a minimum length of eighteen feet (18') and width suitable to park two (2) automobiles. Automobiles shall not be permitted to overhang onto the sidewalk.

II. ARCHITECTURE/DESIGN

13. Architecture. The architectural design of the dwellings shall be in substantial conformance with the bulk, mass and type and quality of materials and elevations shown on sheets 20, 21 and 22 and the garages and optional elements shown on sheet 23 of the GDP/CDP/FDP. The

primary building material exclusive of trim shall be limited to brick, stone or other similar masonry materials. Modifications may be made with the final architectural designs provided such modifications are in substantial conformance with the elevations shown on the GDP/CDP/FDP. The sides and rears of the units shall be compatible with the front of the units and contain a minimum of 65% of the same building materials. If requested by DPWES, documentation, such as architectural renderings, evidence of compliance with this proffer shall be provided. The above shall not apply to the existing dwellings on Lots 21 and 54; however, if those dwellings are replaced in the future, the replacement dwelling shall conform with the architectural design elements referenced in this proffer.

14. Design of Street Lighting. The Applicant reserves the right to design a street and common area lighting plan such that fixtures are located outside the public right-of-way. Any such fixtures shall be maintained by the HOA and such maintenance obligations shall be disclosed in the HOA documents. Such fixtures shall be of a color and material that is similar to and/or complimentary to materials used in the architecture of the approved units or design elements in the common areas. All such lighting shall conform to the requirements of Part 9 of Article 14 of the Zoning Ordinance and shall be subject to the approval of the Director, DPWES in accordance with the provisions of the Public Facilities Manual.

15. Retaining Walls. The retaining walls behind Lot 35 and Lot 36, as shown on the GDP/CDP/FDP, shall be a maximum wall height of twelve (12) feet. Terraced retaining walls may be employed instead of a single wall, however, they must incorporate a minimum planting strip of eight (8) feet and shall not exceed a cumulative height of eighteen (18) feet. Further, if terraced walls are employed, the Applicant shall coordinate with Urban Forest Management to determine the most appropriate landscaping for the open space areas between terraced retaining walls and provide such landscaping. Retaining walls shall be constructed, or faced with, brick, stone, decorative pre-cast material (such as Keystone 'Rockface' or 'Century' material), or textured concrete.

III. TRANSPORTATION

16. Site Access. Access to the majority of the single family lots shall be provided from Beulah Road via a public road.

17. Private Roads - Pavement Section. Private roads will extend from the public road as shown on the GDP/CDP/FDP. All private roads shall be constructed pursuant to the Public Facilities Manual (the “PFM”) pavement section standards as to the thickness appropriate for public subdivision streets based on level of vehicular traffic consistent with the development shown on the GDP/CDP/FDP. This maintenance obligation may be apportioned to those owners having access from specific private streets. All prospective purchasers shall be advised of the existence of private streets, the associated public access easement and all other associated maintenance obligations required by these Proffered Conditions prior to entering into a contract of sale and the maintenance obligations shall be disclosed in the HOA documents. The HOA Documents shall stipulate that a reserve fund to be held by the HOA will be established for the private street maintenance and shall include provisions for monthly/annual assessments for proportionate private street maintenance. The Applicant shall place the sum of \$6,000 in such reserve fund prior to the issuance of the first Residential Use Permit (the “RUP”) for the proposed single family dwelling units.

18. Right-of-Way Dedication. At the time of subdivision plan approval or upon demand, whichever occurs first, right-of-way along the site’s Beulah Road frontage as shown on the GDP/CDP/FDP shall be dedicated and conveyed to the Board of Supervisors in fee simple subject to the provisions of Paragraph 5 of Section 2-308 of the Zoning Ordinance.

19. Phase I Improvements: Route 7 Intersection Improvements – Traffic Light and Right Turn Lanes Along Beulah Road.

- A) **Traffic Light** - The Applicant shall replace the existing signal with a new phased overlap traffic signal at the Beulah Road and Route 7 intersection as may be approved by the VDOT, DOT and DPWES. The design and location of the new signal shall be subject to approval by VDOT, DOT and DPWES. The signal shall generally be designed to facilitate right turn movement onto eastbound Route 7 from Beulah Road. Also, the signal control box shall be equipped with an emergency pre-empt for the benefit of the future Fire Station to be located at this intersection and include a pedestrian head.
- B) **Right Turn Lanes Along Beulah Road** - In addition, the Applicant shall construct two dedicated right turn lanes along the east side of Beulah Road, along the front of Tax Map Parcel 19-3-((1))-20 as generally shown on the sheet 8 of the GDP/CDP/FDP. The configuration of the right turn lanes shall be subject to review and approval by VDOT and DPWES. If approved by VDOT, these lanes will be approximately four hundred feet (400') in length with a one hundred foot (100') taper area.

In order to accommodate the construction of the Fire Station on Tax Map 19-3-((1))-20, these improvements shall be completed and open to traffic by the end of December 2007. However, upon demonstration by the Applicant that, despite diligent efforts, the improvement has been delayed, the Zoning Administrator may agree to a later date for the completion of the improvements or request escrow funds equal to the value of the improvements. Diligent pursuit shall include submitting applications for all necessary approvals from the Virginia Department of Transportation (VDOT), the Fairfax County Department of Transportation (DOT) and the Department of Public Works and Environmental Services (DPWES). The permits for the transportation improvements shall be submitted within six (6) months of the Board of Supervisors approval of this rezoning as part of the diligent pursuit effort. In the event an escrow is to be paid, the funds equal to the value of the

improvements shall be determined by the Fairfax County unit price schedule and approved by DPWES. The escrow shall be used for transportation improvements in the Beulah Road corridor.

20. Phase II Improvements: Site Entrance and Beulah Road Frontage Improvements (as shown on Sheet 8 of the GDP/CDP/FDP).

A) **Site Entrance and Beulah Road Frontage Improvements** - The Applicant shall improve Beulah Road to a three lane section (two through lanes and one bi-directional turn lane) from the intersection of Beulah Road and Bent Creek Drive to Route 7 where the taper lanes taper lanes constructed pursuant to Proffer 19 begin. These improvements are labeled as Phase II on sheet 8 of the GDP/CDP/FDP. The final design and configuration of such improvements shall be subject to approval by VDOT and DPWES.

B) **Extension of Westbound Left Turn Lane Along Route 7.** As generally shown on the GDP/CDP/FDP the Applicant will extend the westbound left turn lane along Route 7 at the intersection with Beulah Road. These improvements are labeled as Phase II on sheet 8 of the GDP/CDP/FDP.

These improvements shall be completed and open for traffic within one year following the issuance of the first Residential Use Permit (RUP). However, upon demonstration by the applicant that, despite diligent efforts, the improvement has been delayed, the Zoning Administrator may agree to a later date for the completion of the improvements or request escrow funds equal to the value of the improvements. Diligent pursuit shall include submitting applications for all necessary approvals from the Virginia Department of Transportation (VDOT), the Fairfax County Department of Transportation (DOT) and the Department of Public Works and Environmental Services (DPWES). In the event an escrow is to be paid, the funds equal to the value of the improvements shall be determined by the Fairfax County unit price schedule and approved by DPWES. The escrow shall be used for transportation improvements in the Beulah Road corridor.

21. Plantings on Tax Map 19-3-((1))-11. Provided the property owner consents and grants access to the property, three (3) trees to replace trees that will be removed within the existing right of way in close proximity to the lot line for the Beulah Road improvements shall be planted on the property referenced as Tax Map 19-3-((1))-11. The trees will be a minimum of 3-3.5 inches in caliper and the location and species selection will be selected in coordination with the property owner. The Applicant shall provide Urban Forest Management documentation from that property owner indicating their preference or that the attempts at communication failed. If granted consent by the property, these trees will be planted at the same time the supplemental landscaping for Lot 54 is planted. Maintenance of the trees will be the responsibility of the owner of Tax Map 19-3-((1))-11.

22. Right-of-Way Acquisition/Condemnation. If, one (1) year subsequent to final subdivision plan approval, the Applicant is unable to bring about the dedication by others and the necessary right-of-way and easements required for any of the proffered improvements to include, the frontage and entrance improvements along Beulah Road, the westbound turn lane extension along Route 7 and the right turn lane improvements along Beulah Road (with the exception of that required from Tax Map 19-3-((1))-20 owned by the Board of Supervisors) as shown on the GDP/CDP/FDP, or to acquire by purchase the right-of-way or easements at fair market value, as determined by an MAI (Member of the Appraisal Institute) appraisal, then the Applicant may request the Board of Supervisors to condemn the necessary land and/or easements.

It is understood that the Applicant's request to the Board of Supervisors for condemnation will not be considered until the Applicant has demonstrated to the satisfaction of the County their failed attempts to acquire the right-of-way and easements and the Applicant has forwarded the request in writing to the Division of Land Acquisition or other appropriate County official, accompanied by (1) plans, plats and profiles showing the necessary right-of-way or grading easements to be acquired,

including all associated easements and details of the proposed transportation improvements to be located on said right-of-way property; (2) an independent appraisal of the value of the right-of-way property to be acquired and of all damages to the residue of the affected property; (3) a sixty (60) year title search certificate of the right-of-way property to be acquired; and (4) an escrow in an amount equal to the appraised value of the property to be acquired and of all damages to the residue which can be drawn upon by the County. It is also understood that in the event the property owner of the property to be acquired is awarded with more than the appraised value of the Property and to the damages to the residue in a condemnation suit, the amount of the award in excess of the escrow amount shall be paid to the County by the Applicant within forty-five (45) days of said award. In addition, the Applicant agrees that all reasonable and documented sums expended by the County in acquiring the right-of-way and necessary easements shall be paid to the County by the Applicant within sixty (60) days of written demand.

In the event the County is successful in acquiring the off-site right-of-way and easements necessary to fully complete any or all of the off-site improvements, the Applicant shall construct, complete and have open to traffic the improvement(s) for which right-of-way is available within two years of such right-of-way acquisition. It is expressly understood that in the event the County has not acquired the aforesaid right-of-way and/or easements by means of its condemnation powers within three (3) years of final subdivision plan approval, the Applicant is relieved of any responsibility under this proffer to construct any off-site portion of the aforesaid road improvement specifically affected by the unavailability of the right-of-way. Should the right-of-way be unavailable, the monetary compensation obligation of Proffer 23 shall still be applicable.

Any off-site improvement that is precluded by the unavailability of right-of-way shall not be a pre-condition of subdivision plan approval and shall be initiated subsequent to acquiring the

necessary right-of-way in the prescribed manner described above. All off-site improvements shall be bonded at the time of subdivision plan approval.

23. Inter-parcel Access to Blueberry Hill and Newcomb's Farm Road. Prior to the issuance of the RUP for Lots 48 and 49, the Applicant shall provide a public road connection from the subject property's public road, Moutoux Grove Road to Newcomb's Farm Road which is within the adjacent "Blueberry Hill" development. However, in the event unforeseen circumstances occur to cause a delay with these improvements, despite diligent efforts as demonstrated by the Applicant, the Zoning Administrator may agree to a later date for the completion of the improvements. Diligent pursuit shall include submitting applications for all necessary approvals to VDOT, DOT and DPWES. A portion (as labeled on sheet 4 of the GDP/CDP/FDP) of the asphalt and stone base of Newcomb's Farm Road and the concrete ditch that runs parallel to Newcomb's Farm Road shall be removed at the Applicant's sole cost and expense. The Applicant shall facilitate the vacation of the existing Newcomb's Farm Road right-of-way as generally contemplated by the proffered conditions accepted by the Board in the approval of RZ/FDP 1998-HM-003 and as labeled on sheet 4 of the GDP/CDP/FDP. The obligations for constructing the public road connection and removing the existing road section road and vacating portions of Newcombs Farm Road shall be subject to the Applicant receiving necessary easements and/or permission from any off-site owners, at the Applicants sole cost and expense and subject to VDOT, DOT and/or DPWES approval. Failed attempts to acquire such permission shall be documented in writing. In no event shall this public road connection from Newcomb's Farm Road to Moutoux Grove Road provide a public through connection to Route 7. The access from Newcomb's Farm Road to Moutoux Grove will not open to vehicular traffic unless the section of pavement associated with Newcomb's Farm Road is removed or access to the road from the approved development is permanently barricaded.

24. Inter-Parcel Connection to Tax Map Parcel 19-1-((1))-19. Upon demand by Tax Map Parcel 19-1-((1))-19, Outlot F shall be dedicated in fee simple to allow access to Tax Map Parcel 19-1-((1))-19 at such time it is redeveloped as residential per the density allowed under the Comprehensive Plan. Outlot F shall be owned and maintained by the HOA until such dedication occurs. The HOA documents shall disclose that Outlot F may be a future road. Prospective home buyers shall be notified of the existence of this inter-parcel connection and the dedication to allow future access, including temporary construction easements prior to entering into a contract of sale and the same shall be reflected in the HOA documents. The presence of this easement shall be shown on the house location plats for the abutting lots. Similarly, concurrent with the construction of the units subject to the rezoning application, a sign shall be placed on the property identifying the general location of the inter-parcel connection, and the sign shall remain in place until all units are sold and all RUP's are issued. This sign shall conform to the limitations of Article 12, Signs.

25. Inter-parcel Access Prohibitions to Spring Hill. Consistent with that shown on the GDP/CDP/FDP, there shall be no streets, roads or driveways providing inter-parcel traffic access between the approved development and the adjacent Spring Ridge community. Notwithstanding the above, the existing residence on Lot 21 shall be permitted to utilize the existing driveway that exits onto Spring Ridge Lane until such time that the internal project road is constructed to State specifications and open to traffic to allow access to Beulah Road. The requirements of this proffered condition shall not prohibit implementation of the "emergency vehicle access point" or any related pedestrian trails in the same area as shown on the GDP/CDP/FDP. The emergency vehicle connection shall be paved with grasscrete or similar material to give the appearance of a landscaped lawn-type area. Under no circumstance shall this emergency vehicle connection be used as a public or private access way for general vehicular traffic after the internal project road is constructed and open to facilitate access to Beulah Road.

There shall be a six foot (6') trail constructed of a porous paving material (i.e. Bluestone or similar stone dust) for pedestrian access within this area. Public access to this area shall be provided in accordance with Proffer 10. The HOA for the subject property shall be responsible for the maintenance of this trail.

26. Inter-parcel Connection to the Carolyn J. Newcomb ("Newcomb") Property – Tax Map Reference 19-3-((1))-42Z pt. As generally shown on the GDP/CDP/FDP, Outlot C which is thirty feet (30') in width has been created for the purpose of providing future inter-parcel access to the portion of Tax Map Reference 19-3-((1))-42Z pt. that is not included in the application at such time the property is redeveloped with single family lots. Prospective home buyers shall be notified of the existence of this inter-parcel connection and the ingress-egress easement to allow future access including temporary construction easements prior to entering into a contract of sale and the same shall be reflected in the HOA documents. The presence of this easement shall be shown on the house location plats for the abutting lots. Similarly, concurrent with the construction of the units subject to the rezoning application, a sign shall be placed on the property identifying the general location of the inter-parcel connection, and the sign shall remain in place until all units are sold and all RUP's are issued. This sign shall conform to the limitations of Article 12, Signs.

Within this thirty foot (30') easement a pedestrian trail shall be constructed and will connect to the east-west trail that is located to the rear of Lots 1 and 2. This six foot (6') trail shall be constructed of pervious materials (i.e., woodchip, stone dust or similar material). The trail will be owned and maintained by the HOA. If a road is constructed within Outlot I, then the trail will be removed.

IV. ENVIRONMENTAL

27. Stormwater Management Facilities and Best Management Practices. The Applicant shall implement stormwater management techniques to control the quantity and quality of stormwater runoff from the Property as determined by DPWES. Stormwater Management Facilities/Best Management Practices (“BMPs”) shall be provided as generally depicted and described on the GDP/CDP/FDP and shall include a regional wet stormwater management pond. The regional stormwater pond (D-17) will be constructed to handle runoff from the proposed development as well as run-off through a bed and banks channel for the entire upstream watershed as determined by DPWES. This detention facility shall be landscaped to the maximum extent possible, as determined by the Urban Forest Management, in accordance with the planting policies of the Board of Supervisors. The fifteen foot (15’) area surrounding the water’s edge of the stormwater management pond shall be vegetated with native grasses and plant materials that will not require regular lawn mowing. Adequate outfall shall be demonstrated to the satisfaction of DPWES. The Applicant will work to improve adequate outfall off site in the drainage areas adjacent to the subject Property if deemed necessary by DPWES. These measures may include but are not limited to stream restoration and rehabilitation measures in accordance with DPWES regulations and procedures.

28. Regional Pond – Maintenance Responsibilities. If the dam height for the regional stormwater pond is State regulated (i.e., greater than 25 feet (25’)), or there a pavilion or bridge constructed within the regional pond, the Applicant shall enter into an agreement and/or escrow agreement to address any maintenance, inspection cost/issues to the satisfaction of the County Attorney’s Office. Such agreement shall bind the HOA as a successor to the Applicant. The terms of this Agreement and the substance of the maintenance responsibilities shall be detailed in the HOA documents.

The installation of the walkway access and associated landscaping in and around the regional stormwater pond shall be subject to approval by the County. The Applicant shall diligently pursue approval of all facilities and improvements in and around the pond area. Such diligent pursuit shall include potential acceptance by the Applicant of all maintenance obligations for the pavilion and the landscaping surrounding the pond; in which case the Applicant shall notify all future homeowners of this responsibility and include this responsibility in the HOA documents. Access to the regional pond for maintenance shall be provided via a grass-crete type or other porous pavement road, as generally shown on the GDP/CDP/FDP.

29. Low Impact Development (LID) Measures and Bioretention: The Applicant shall incorporate the following LID measures subject to approval by DPWES: (1) bio-retention basins and cells (ie. Raingardens); (2) bio-retention swales; (3) afforestation/reforestation; (4) permeable pavers on driveways and elsewhere on the project; (5) open “ditch” section roadways; (6) direct drainage flow over open space or landscaped areas. The maintenance responsibilities of such LID measures shall not and bio-retention facilities shall be incorporated into the HOA documents and shall be disclosed in the initial sales contract for each lot. With the exception of permeable pavers on driveways, the LID measures shall not be required to be on private lots. Bio-retention basins and cells shall be owned the HOA. The Applicant shall enter into a maintenance agreement for the bio-retention basins and cells as required by the PFM at the time of final subdivision plan approval. These responsibilities shall be part of the HOA Documents and disclosed in the sales contract for each dwelling. At a minimum the specifications shall include those detailed in Attachment A.

30. LID Monitoring. The Applicant agrees to design and implement a monitoring program designed to evaluate the effectiveness of each of the installed LID measures not located on private lots. If any of the six (6) LID items listed above and as shown on the GDP/CDP/FDP are determined to be infeasible to the satisfaction of DPWES based on soils conditions, or other

engineering constraints, alternative LID measures may be approved by DPWES. At a minimum, such monitoring program shall provide DPWES with an annual report on the effectiveness of each of the LID measures. The monitoring shall start one year following the commencement of site construction and shall continue for a period of three (3) years following issuance of the final RUP. Monitoring of each type of LID measure shall start within six month of its establishment. The Applicant shall be responsible for all costs associated with the monitoring of this program. To ensure performance of this obligation, the Applicant shall escrow \$15,000 to pay for the monitoring and preparation of the annual reports as determined by DPWES. The escrow may be drawn by the Applicant upon production of receipts evidencing services contracted pursuant to this proffer. As the end of the monitoring period any money remaining in escrow shall be returned to the Applicant. The reports shall be prepared by an environmental specialist consulting firm acceptable to DPWES.

31. Erosion/Sedimentation. The functioning and integrity of all erosion and sedimentation controls (E & S Controls) required by DPWES shall be inspected the next day following each storm event during the period of construction on site. If the E & S Controls have been damaged or breached, the E & S Controls shall be repaired within two business days of the storm event.

32. Limits of Clearing and Grading. The Applicant shall conform to the limits of clearing and grading, as shown on the GDP/CDP/FDP. Such limits shall not preclude the installation of trails and related passive amenities shown on the GDP/CDP/FDP.

33. Landscaping. Landscaping shall be provided in substantial conformance with the landscaping concepts shown on the GDP/CDP/FDP. The minimum size of shade trees to be planted shall be three inch (3") caliper trees. If, during the process of subdivision plan review, any new landscaping shown on the GDP/CDP/FDP cannot be installed in order to locate utility lines, trails, etc., as determined necessary by the Urban Forester, then an area of additional landscaping

consisting of trees and/or plant material of a type and size generally consistent with that displaced, shall be substituted at an alternate location on the Property, subject to approval by the Urban Forester.

34. Landscaped Buffer Areas. The landscape buffer areas are outlots and shall be owned and maintained by the HOA. Removal of existing healthy trees greater than six inches (6”) in diameter shall be prohibited except in the case of falling or diseased trees or with approval of the HOA, if the HOA finds a compelling need to resolve a life safety concern or practical difficulty. If any tree greater than six inches is removed for any reason, at any time, it shall be promptly replaced with a new native species tree not less than three inches (3”) in diameter that will grow to provide a similar canopy. The terms of this proffer shall be disclosed in the HOA documents and shall also be disclosed to in the initial sales contract for those lots which are adjacent to the landscape buffer areas.

35. Supplemental Plantings within Landscape Buffer Areas and Fencing. Landscape buffer areas identified as Parcel B and E shall be planted with supplemental landscaping in substantial conformance with the concepts shown on sheets 17 and 18 of the GDP/CDP/FDP as approved by Urban Forest Management. In addition, the area between the edge of the landscape buffer and the rear lot lines for Lots 16-20 and 38-49 shall be defined by a vegetative barrier such as a hedge and/or low barrier such as a fence to demarcate where the subject property private lots end and the HOA landscape buffer area begins. Fences within the interior of Parcel B and E are prohibited. These restrictions shall be disclosed within the HOA documents. Privacy fences within the rear yards of all subject property lots are permitted.

36. Energy Conservation. All homes on the Property shall meet the energy efficiency guidelines of the International Building Code for energy-efficient homes, or its equivalent as determined by DPWES, for either gas or electric energy systems as may be applicable.

IV. TREE PRESERVATION

37. Tree Preservation Plan. The applicant shall submit a tree preservation plan as part of the first and all subsequent subdivision plan submissions. The preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and shall be subject to the review and approval of the Urban Forest Management. The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees 10 inches in diameter and greater, and 20 feet to either side of the limits of clearing and grading shown on the CDP/FDP for the entire site. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the CDP/FDP and those additional areas in which trees can be preserved as a result of final engineering. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of trees identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

38. Tree Replacement Value and Escrow. The applicant shall retain a professional with experience in plant appraisal, such as a certified arborist or landscape architect, to determine the replacement value of trees to be saved. These trees and their value shall be identified on the tree preservation plan at the time of the first submission of the subdivision plan. The replacement value shall take into consideration the age and size of the trees and shall be determined according to the methods contained in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture, subject to review and approval by Urban Forest Management.

At the time of subdivision plan approval, the Applicant shall post a cash bond or letter of credit payable to the County of Fairfax to ensure preservation and/or replacement of the designated trees that die or are dying due to normal construction activities permitted on the approved plan. Any trees shown to be preserved on the Tree Preservation Plan that die or are dying due to construction activities NOT permitted on the approved plan shall be replaced with trees of equivalent species and size and the bond monies for said trees shall not be refunded. The terms of the letter of credit shall be subject to approval by the County Attorney. The total amount of the cash bond or letter of credit shall be in the amount of the sum of the assigned replacement values of the designated trees.

If, at the time of final bond release, trees are found to be dead or dying despite adherence to approved construction activities by Urban Forest Management, the cash bond or letter of credit shall be used as necessary to plant similar size and species, or species appropriate to the site, in consultation with Urban Forest Management, and the developer's certified arborist. The cash bond or letter of credit shall not be used for the removal of the dead/dying trees normally required by the PFM and the Conservation Agreement.

Any funds remaining in the letter of credit or cash bond will be released two years from the date of release of the project's conservation escrow, or sooner, if approved by Urban Forest Management.

39. Protection of Existing Understory Vegetation and Soil Conditions in Tree Preservation Areas. All tree preservation-related work occurring in or adjacent to tree preservation areas shall be accomplished in a manner that minimizes damage to vegetation to be preserved including any woody, herbaceous or vine plant species that occurs in the lower canopy environment, and to the existing top soil and leaf litter layers that provide nourishment and protection to that vegetation. Any removal of any vegetation or soil disturbance in tree preservation areas excluding the removal of plant species that may be perceived as noxious or invasive, such as poison ivy,

greenbrier, multi-floral rose, etc. shall be subject to the review and approval of Urban Forest Management.

40. Use of Equipment. The use of motorized equipment in tree preservation areas will be limited to hand-operated equipment such as chainsaws, wheel barrows, rake and shovels. Any work that requires the use of motorized equipment, such as tree transplanting spades, skid loaders, tractors, trucks, stump-grinders, etc., or any accessory or attachment connected to this type of equipment shall not occur unless pre-approved by Urban Forest Management.

41. Root Pruning and Mulching. The applicant shall 1) root prune, 2) mulch, and 3) provide tree protection fencing in the form of four foot high, 14 gauge welded wire attached to 6 foot steel posts driven 18 inches into the ground and placed no further than 10 feet apart, or other forms of tree protection fencing approved by Urban Forest Management, DPWES for all tree preservation relevant areas. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets and demolition plan sheets of the subdivision plan submission. The details for these treatments shall be reviewed and approved by Urban Forest Management, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:

- Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
- Root pruning shall take place prior to any clearing and grading, or demolition of structures.
- Root pruning shall be conducted with the supervision of a certified arborist.
- Tree protection fence shall be installed immediately after root pruning, and shall be positioned directly in the root pruning trench and backfilled for stability, or just outside the trench within the disturbed area.
- Immediately after the phase II E&S activities are complete, mulch shall be applied at a depth of 4 inches extending 10 feet inside the undisturbed area without the use of motorized equipment
- An Urban Forest Management, representative shall be informed when all root pruning and tree protection fence installation is complete.

42. Tree Preservation Walk-Through. The applicant shall retain the services of a certified arborist or landscape architect, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the pre-construction meeting. Before or during the pre-construction meeting, the applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with an Urban Forest Management, representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified specifically by UFM in writing as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump grinding machine in a manner causing as little disturbance as possible to the adjacent trees and associated understory vegetation and soil conditions.

43. Tree Protection Fencing. All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing of a type permitted by UFM shall be erected prior to the pre-construction conference and shall be installed prior to any clearing and grading activities, including the demolition of any existing structures at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets, as may be modified during the tree preservation walk through with an Urban Forest Management representative. The installation of all tree protection fence types shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three days prior to the commencement of any clearing, grading, or demolition activities, but subsequent to the installation of the tree protection devices, Urban Forest Management and the District Supervisor shall be notified and given the opportunity to inspect

the site to assure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by Urban Forest Management.

44. Tree Transplanting. The applicant shall provide a transplanting plan as part of the first and all subsequent submissions of the subdivision plan for review and approval by Urban Forest Management, and shall implement the plan as approved. The plan shall be prepared by a professional with experience in the preparation of tree transplanting plans, such as a certified arborist or landscape architect. Depending upon site constraints, the plan shall address one or all of the following items, as determined by Urban Forest Management:

- the species and sizes to be transplanted;
- the existing locations of the trees;
- the proposed final locations of the trees;
- the proposed time of year when the trees will be moved;
- the transplant methods to be used, including tree spade size if applicable;
- details regarding after-transplant care, including mulching and watering, and, if necessary, support measures such as cabling, guying or staking.
- details regarding equipment to be used to transport plant materials.

VI. PARKS AND RECREATION

45. Recreation Contribution. The Applicant shall provide active and passive recreational facilities with a value of \$955.00 per each residential unit in accordance with Section 6-110 of the Zoning Ordinance for each PDH-1 zoned unit on the plan to include but not be limited to gazebos, recreational trails and similar facilities, in open space areas shown on the GDP/CDP/FDP. In the event it is demonstrated that the proposed on-site facilities do not have sufficient value, the Applicant shall contribute the remaining funds to the Fairfax County Park Authority for off-site recreational purposes prior to the issuance of the last RUP.

46. Park Authority Contribution. In addition to Proffer 45 above, the Applicant shall contribute \$46,640 to the Fairfax County Park Authority prior to the issuance of the first RUP for park purposes and/or facilities in the Dranesville area.

47. Dedication of Lands. As generally shown on the GDP/CDP/FDP, the Applicant shall, at the time of subdivision plan approval, dedicate at no cost to the Fairfax County Park Authority in fee simple those areas generally located in the northwest end of the site west of Golden Grove Road and more specifically identified on sheet 4 of the GDP/CDP/FDP as Parcel F. The use of the dedicated park lands shall be limited to trails, paths and similar passive activities. A forty foot (40') landscape maintenance easement may be retained by the Applicant along the eastern periphery of the dedication area adjacent to the subject property roadways.

48. Construction of Trails. All trails within the proposed development shall be field located to minimize impact on trees or stands of vegetation. Trails that continue the major stream valley trail systems associated with Wolf Trap Creek shall be eight feet (8') wide. Other trails in the property shall be six feet (6') wide. All trails located within the Park Authority dedication area shall be constructed of asphalt by the Applicant to Park Authority approved standards and shall be coordinated with the Park Authority Trail Planner prior to subdivision plat approval with regard to trail location. Trails within HOA owned and maintained areas may be of pervious materials (i.e., woodchip, stone dust or similar).

VII. SCHOOL CONTRIBUTION

49. School Contribution. Prior to issuance of each RUP, the Applicant shall contribute the sum of \$2,705 per dwelling unit for each new dwelling unit approved on the final subdivision plan to the Board of Supervisors for capital improvements to schools serving the Property.

VIII. AFFORDABLE DWELLING

50. Housing Trust Fund. At the time of first building permit issuance, the Applicant shall contribute to the Fairfax County Housing Trust Fund the sum equal to one half of one percent (1/2 %) of the projected sales price for each new dwelling unit on the subject Property. The projected sales price shall be determined by the Applicant in consultation with the Fairfax County Department of Housing and Community Development (HCD) and DPWES. The timing and amount of such contribution may be modified based on the adoption of a future amendment to the formula adopted by the Board of Supervisors.

IX. OTHER.

51. Signs. No temporary signs (including “popsicle” paper or cardboard signs) which are prohibited by Article 12 of the Zoning Ordinance, and no signs which are prohibited by Chapter 7 of Title 33.1 or Chapter 8 of Title 46.2 of the Code of Virginia shall be placed on or off-site, by the Applicant or at the Applicant’s direction to assist in the initial sale of homes on the Property. Furthermore, the Applicant shall direct its agents and employees involved in marketing and sale of residential units on the Property to adhere to this proffer.

52. Entrance Sign. The signage used throughout the plan including the entrance sign shall conform to Article 12 of the Zoning Ordinance.

53. Heritage Resources. Prior to any land disturbing activities on the Application Property, Applicant shall conduct a Phase I archaeological study on those areas of the Application Property identified by the Heritage Resources Branch of the Fairfax County Park Authority (“Heritage Resources”) and provide the results of such study to Heritage Resources. The study shall be conducted by a qualified archaeological professional approved by Heritage Resources, and shall

be reviewed and approved by Heritage Resources. The study shall be completed prior to subdivision plat recordation. If the Phase I study concludes that significant artifacts are present on the Application Property, Heritage Resources shall notify Applicant, in writing within thirty (30) days of the submission of the study results to Heritage Resources, of its desire to conduct additional investigations. Applicant shall provide access to the Application Property so that Heritage Resources may conduct additional investigations for a period of two months from the date of notification provided that said investigations shall not interfere with the proposed construction and development schedule of the Application Property or affect the number of lots or lot layout as shown on the GDP/CDP/FDP. Additional time may be permitted to conduct such investigations if mutually agreed to by the Applicant and Heritage Resources.

54. Density Allocation of Lot 21. The plat and deed for Lot 21 shall disclose that the density associated with Lot 21 has been allocated to the Maymont subdivision in accordance with RZ 2005-DR-006.

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These Proffered Conditions may be executed in counterparts and the counterparts shall constitute one and the same proffer statement.

ATTACHMENT A
SPECIFICATIONS FOR MAINTENANCE OF RAIN GARDENS

Description	Method	Frequency	Time of the Year
SOIL			
Inspect and Repair Erosion	Visual	Monthly	Monthly
ORGANIC LAYER			
Remulch any void areas	By hand	Whenever needed	Whenever needed
Remove previous mulch layer before applying new layer (optional)	By hand	Once every two to three years	Spring
Any additional mulch added (optional)	By hand	Once a year	Spring
PLANTS			
Removal and replacement of all dead and diseased vegetation considered beyond treatment	See planting specifications	Twice a year	3/15 to 4/30 and 10/1 to 11/30
Treat all diseased trees and shrubs	Mechanical or by hand	N/A	Varies, depends on insect or disease infestation
Watering of plant material shall take place at the end of each day for fourteen consecutive days after planting has been completed	By hand	Immediately after completion of project	N/A
Replace stakes after one year	By hand	Once a year	Only remove stakes in the Spring
Replace any deficient stakes or wires	By hand	N/A	Whenever needed
Check for accumulated sediments	Visual	Monthly	Monthly

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BASHEER/EDGEMOORE-MOUTOUX, L.L.C.,
a Virginia limited liability company
(Title Owner of Tax Map No. 19-1-((1))-11A)

By: BASHEER-MOUTOUX, L.L.C.,
a Virginia limited liability company, Member

By: _____
Diane Cox Basheer,
Title: Sole Member/Manager
President

By: EDGEMOORE-MOUTOUX, L.L.C., a
Virginia limited liability company, Member

By: Five Pillars, Inc., Managing Member

By: _____
Al-Husain Y. Al-Hussain
Title: President

CHARLES S. MOUTOUX
(Title Owner of Tax Map No. 19-1-((3))-2Z)

Charles S. Moutoux

SUSAN B. MOUTOUX
(Title Owner of Tax Map No. 19-1-((3))-2Z)

By: _____

Charles S. Moutoux,
Agent and Attorney-in-Fact for:
Susan B. Moutoux

RITA LIPPINCOTT STEAD, TRUSTEE FOR
RITA LIPPINCOTT STEAD REVOCABLE
TRUST

a/k/a Rita L. Stead

a/k/a Rita C. Lippincott

(Title Owner of Tax Map No. 19-3-((1))-5)

By: _____
Rita Lippincott Stead, Trustee

ESTATE OF GERTRUDE L. SLOAN
(Title Owner of Tax Map No. 19-3-((1))-5)

GERTRUDE L. SLOAN, JR.,
Beneficiary, Trustee

By: _____

Rita Lippincott Stead
Agent and Attorney-in-Fact for:
Gertrude L. Sloan, Jr.,
Beneficiary, Trustee

ESTATE OF GERTRUDE L. SLOAN
(Title Owner of Tax Map No. 19-3-((1))-5)

ROBERT L. SLOAN,
Beneficiary, Trustee

By: _____

Rita Lippincott Stead
Agent and Attorney-in-Fact for:
Robert L. Sloan, Beneficiary, Trustee

ESTATE OF GERTRUDE L. SLOAN
(Title Owner of Tax Map No. 19-3-((1))-5)

FLORENCE S. LIPPINCOTT, JR.,
Beneficiary

By: _____

Rita Lippincott Stead
Agent and Attorney-in-Fact for:
Florence S. Lippincott, Jr., Beneficiary

RITA C. LIPPINCOTT STEAD,
TRUSTEE FOR RITA LIPPINCOTT
STEAD REVOCABLE TRUST
a/k/a Rita Lippincott Stead
(Title Owner of Tax Map No. 19-3-((1))-8)

By: _____
Rita Lippincott Stead, Trustee

MELANIE S. FEIN,
Beneficiary
(Title Owner of Tax Map No. 19-3-((1))-8)

By: _____

Rita Lippincott Stead
Agent and Attorney-in-Fact for:
Melanie S. Fein, Beneficiary

JENNIFER A. SCHWARTZ,
Beneficiary
(Title Owner of Tax Map No. 19-3-((1))-8)

By: _____

Rita Lippincott Stead
Agent and Attorney-in-Fact for:
Jennifer A. Schwartz, Beneficiary

HOLLY L. VEDOVA,
Beneficiary
(Title Owner of Tax Map No. 19-3-((1))-8)

By: _____

Rita Lippincott Stead
Agent and Attorney-in-Fact for:
Holly L. Vedova, Beneficiary

ROBIN LIPPINCOTT BRIGHAM,
Beneficiary
(Title Owner of Tax Map No. 19-3-((1))-8)

By: _____

Rita Lippincott Stead
Agent and Attorney-in-Fact for:
Robin Lippincott Brigham, Beneficiary

WENDY L. LIPPINCOTT,
Beneficiary
(Title Owner of Tax Map No. 19-3-((1))-8)

By: _____

Rita Lippincott Stead
Agent and Attorney-in-Fact for:
Wendy L. Lippincott, Beneficiary

ESTATE OF KATHERINE JONES MOUTOUX
CHARLES S. MOUTOUX, Beneficiary
(Title Owner of Tax Map No. 19-3-((1))-9Z)

By: _____
Charles S. Moutoux, Beneficiary

ESTATE OF KATHERINE JONES MOUTOUX
THOMAS J. MOUTOUX, Beneficiary
(Title Owner of Tax Map No. 19-3-((1))-9Z)

By: _____

Charles S. Moutoux
Agent and Attorney-in-Fact for:
Thomas J. Moutoux, Beneficiary

ESTATE OF KATHERINE JONES MOUTOUX
JOHN L. MOUTOUX, Beneficiary
(Title Owner of Tax Map No. 19-3-((1))-9Z)

By: _____
John L. Moutoux, Beneficiary

ESTATE OF KATHERINE JONES MOUTOUX
ROBERT S. MOUTOUX, Beneficiary
(Title Owner of Tax Map No. 19-3-((1))-9V)

By: _____

Charles S. Moutoux,
Agent and Attorney-in-Fact for:
Robert S. Moutoux, Beneficiary

ESTATE OF KATHERINE JONES MOUTOUX
RICHARD D. MOUTOUX, Beneficiary
(Title Owner of Tax Map No. 19-3-((1))-9Z)

By: _____

Charles S. Moutoux
Agent and Attorney-in-Fact for:
Richard D. Moutoux, Beneficiary

ESTATE OF KATHERINE JONES MOUTOUX
CHARLES A. MOUTOUX, Beneficiary
(Title Owner of Tax Map No. 19-3-((1))-9Z)

By: _____

Charles S. Moutoux
Agent and Attorney-in-Fact for:
Charles A. Moutoux, Beneficiary

ESTATE OF CAROLYN JONES NEWCOMB
HANA C. NEWCOMB, Beneficiary
(Title Owner of Tax Map No. 19-3-((1))-42Z pt.)

By: _____
Hana C. Newcomb, Beneficiary

ESTATE OF CAROLYN JONES NEWCOMB
SARAH R. NEWCOMB, Beneficiary
(Title Owner of Tax Map No. 19-3-((1))-42Z pt.)

By: _____

Hana C. Newcomb
Agent and Attorney-in-Fact for:
Sarah R. Newcomb, Beneficiary

ESTATE OF CAROLYN JONES NEWCOMB
LANI R. NEWCOMB, Beneficiary
(Title Owner of Tax Map No. 19-3-((1))-42Z pt.)

By: _____

Hana C. Newcomb
Agent and Attorney-in-Fact for:
Lani R. Newcomb, Beneficiary

ESTATE OF CAROLYN JONES NEWCOMB
ANNA NEWCOMB BRADFORD, Beneficiary
(Title Owner of Tax Map No. 19-3-((1))-42Z pt.)

By: _____

Hana C. Newcomb
Agent and Attorney-in-Fact for:
Anna Newcomb Bradford, Beneficiary

ESTATE OF CAROLYN JONES NEWCOMB
CHARLES R. NEWCOMB, Beneficiary
(Title Owner of Tax Map No. 19-3-((1))-42Z pt.)

By: _____

Hana C. Newcomb
Agent and Attorney-in-Fact for:
Charles R. Newcomb, Beneficiary

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