



County of Fairfax, Virginia

APPLICATION FILED: July 7, 2006
PLANNING COMMISSION: March 21, 2007
BOARD OF SUPERVISORS: not scheduled

March 7, 2007

STAFF REPORT

APPLICATION RZ/FDP 2006-HM-020

HUNTER MILL DISTRICT

APPLICANT: Winchester Homes, Inc.

PRESENT ZONING: R-1

REQUESTED ZONING: PDH-2

PARCEL(S): 35-2 ((1)) 23, 24, 25, 26, 27, 28, & 29

ACREAGE: 19.97 acres

OPEN SPACE: 37 percent

PLAN MAP: Residential (1-2 du/ac)

PROPOSAL: To rezone 19.97 acres from R-1 (Residential, 1 du/ac) to PDH-2 (Planned Development, 2 du/ac) to permit the development of 37 single family detached dwelling units at an overall density of 1.85 dwelling units/acre (du/ac).

WAIVERS: Waiver of the 600 foot maximum length for a private street.

STAFF RECOMMENDATIONS:

Staff recommends denial of RZ/FDP 2006-HM-020. If it is the intention of the Board of Supervisors to approve the application, staff recommends such approval be subject to the execution of proffers consistent with those found in Appendix 1 of this report.

O:\wodonn\ZED\Rezoning\RZ-FDP-2006-HM-020 Staff Report Cover.doc

Department of Planning and Zoning

Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703 324-1290
FAX 703 324-3924
www.fairfaxcounty.gov/dpz/

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

Applicant:	Winchester Homes, Inc
Location:	North side of West Ox Road, approximately 200 feet west of the intersection with Timber Wood Way.
Request:	To rezone 19.97 acres from R-1 (Residential, 1 du/ac) to PDH-2 (Planned Development, 2 du/ac) to permit the development of 37 single-family detached dwelling units at an overall density of 1.85 dwelling units/acre (du/ac).
Waivers/Modifications:	Waiver of the 600 foot maximum length for a private street.

A reduced copy of the proposed Conceptual Development Plan and Final Development Plan (CDP/FDP) is included in the front of this report. The proffers, Affidavit and the statement of justification are included as Appendices 1 through 3.

LOCATION AND CHARACTER

Site Description

The subject property consists of a consolidation of seven (7) parcels located on the north side of West Ox Road, approximately 200 feet west of the intersection with Timber Wood Way. This site is currently developed with five single-family detached dwelling units (some of which are vacant) and an abandoned child care center on Tax Map 35-2 ((1)) 29, all of which will be removed. The site is also rectangular shaped with an increase in topography from west to east. Tree cover over the site is made up of sub-climax bottomland forest trees across the northern boundary and sub-climax upland forest over most of the eastern half of the site. Bottomland forest trees include tulip poplar, red maple, and white oak and American holly. Upland forest trees include various oaks species, red maple and hickory. Areas around the existing single-family dwelling units include planted trees and several 18-24 inch diameter oak species that were retained during the construction of these dwelling units. Development of this site will also require significant grading, which will negatively impact the existing trees and limit the amount of available land for tree save areas.

Surrounding Area Description

The subject property is located in the West Ox Community Planning Sector of the Comprehensive Plan and is surrounded by the following uses.

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Single-Family Detached	R-2	1-2 dwelling units per acre (du/ac)
South	Single-Family Detached	PDH-2	0.5 - 1 dwelling units per acre (du/ac)
East	Single-Family Detached	R-2	1-2 dwelling units per acre (du/ac)
West	Transcontinental Pipeline and Single-Family Detached	PDH-2 ¹	1-2 dwelling units per acre (du/ac)

¹ On January 6, 2003, the Board of Supervisors approved RZ/FDP 2002-HM-009 which rezoned 7.70 acres from R-1 to the PDH-2 District to permit the development of seven (7) single-family detached dwelling units at an overall density of 1.69 dwelling units per acre. This application is located adjacent to the transcontinental pipeline on the west side, which also abuts the subject property to the east.

BACKGROUND

No previous rezoning applications or proffers were filed for the subject property.

COMPREHENSIVE PLAN PROVISIONS

Plan Area: Area III
Planning District: Upper Potomac
Planning Sector: UP7 – West Ox Community Planning Sector
Plan Map: Residential 1-2 du/ac
Plan Text: No site specific Plan language

ANALYSIS

Conceptual Development Plan and Final Development Plan (CDP/FDP) (Copy at front of staff report)

Title: The Reserve at Stone Hill

Prepared By: Urban, Ltd.

Original and Revision Dates: June 2, 2006 as revised through February 27, 2007.

The Combined CDP/FDP consists of nine sheets.

Sheet 1 is an overview sheet that includes a vicinity map, a sheet index and other contact information.

Sheet 2 provides notes for the application, a soils map of the subject property, an overall zoning and area tabulation, a parking tabulation, a soils map, typical lot/unit details, parcel tabulation with owner and lot size information, and a cross-section of a typical retaining wall. According to the notes, the applicant proposes to construct the development in multiple phases in accordance with all applicable ordinances, regulations and adopted standards. In addition, the applicant proposes to construct 37 single-family dwelling units on approximately 19.97 acres of land at a density of 1.85 dwelling units per acre (du/ac). These dwelling units will have an average lot size of 10,046 gross square feet, a maximum building height of 35 feet, and a parking average of four (4) parking spaces per dwelling unit. A note under the typical retaining wall cross-section graphic also indicates that the final wall type will be determined at the time of wall permit. The proposed number, size and location of these retaining walls are limited to that which is shown on the combined Conceptual and Final Development Plan (CDP/FDP) on Sheet 4. The applicant has also proffered to limit the size of the proposed retaining walls to a maximum height of 4 feet or unless otherwise specified on the CDP/FDP. Two retaining walls located on the eastern portion of the subject property near the recreational area and Lots 17 and 33 are shown to have a maximum height of 8 feet and 9 feet respectfully.

Sheet 3 shows the existing vegetation map for the site. Approximately 50 percent of the site or approximately 10.3 acres is covered with Bottomland Forest Trees and Upland Forest Trees in good condition. These trees are located on the north and east sides of the site.

Sheet 4 is the combined Conceptual and Final Development Plan (CDP/FDP) layout, which shows the proposed development of 37 single-family dwelling units on approximately 19.97 acres of land at a density of 1.85 dwelling units per acre (du/ac). The applicant proposes a new private street that splits and leads into two separate cul-de-sacs. One access point is provided at the intersection of West Ox Road and Dower House Drive. Sidewalks of approximately five feet in width are provided on both sides of the private streets, except for a 250 foot long section located on the south side of the southern street. Right of way dedication is shown along the southern boundary line for use in the future expansion of West Ox Road by others. A stormwater management pond is located on the west side of the property and adjacent to the transcontinental pipeline with outfall leading to existing offsite stormwater management systems. In addition, a 5 foot wide asphalt trail is provided around the stormwater management pond and links four of five recreational areas shown on the CDP/FDP. An additional 5 foot wide trail is provided along the West Ox Road future right of way to link the proposed development to the existing developments to the east and west. Tree save and

open space areas are located along the perimeter of the site. Four (4) proposed retaining walls are also shown on the CDP/FDP and proffered to be a maximum height of 4 feet or unless otherwise specified on the CDP/FDP. Two proposed retaining walls located on the eastern portion of the subject property near the recreational area and Lots 17 and 33 are shown to have a maximum height of 8 feet and 9 feet respectfully. The other two (2) retaining walls located near Lots 1 and 34 are shown to have a maximum height of 4 feet.

Sheet 5 shows the landscape plan for the site. The proposed tree coverage for the site is approximately 35,000 square feet of landscaped tree cover and 168,750 square feet of tree save cover. Tree save areas are shown along the northern and eastern boundary lines. A cross-section of the proposed landscaping on the eastern portion of the southern property line is provided and shows a landscaped buffer/berm between the proposed single-family dwelling units and the future right of way for West Ox Road. The front sides of these proposed single-family dwelling units are also oriented to face West Ox Road. In addition, a note on the sheet indicates that measures will be taken to preserve the existing large white oak tree (approximately 36 inches in diameter) that is located just east of the proposed access point to the site. The applicant has proffered to implement the necessary tree preservation measures to preserve this white oak tree. The CDP/FDP also shows the proposed tree protection area for the white oak tree.

Sheet 6 includes several amenity area concepts for the site. Two large scale maps of the northwest and northeast portions of the site are provided to show these proposed amenities, which include several bird wildlife habitats linked by a trail system, an open air garden house, a 3-rail estate fence, a stone faced entry feature, an open field, and a tot lot that is located on the northeast corner of the site and equipped with a small play area and fence.

Sheet 7 includes the stormwater management narratives, the best management practices narrative, and the outfall narrative. Stormwater management detention is provided through the use of an on-site dry pond that is located on the northwest side of the property, which is adjacent to the transcontinental pipeline property. Outfall from the stormwater management pond will lead to a neighboring off-site stormwater management system through a proposed channel across the transcontinental pipeline property.

Sheet 8 is the sight distance plan and profile exhibit. This exhibit shows a sight distance of 415 feet in either direction from cars exiting the subject property. A note on the graph indicates that the height of the existing berm located within the line of sight to the west will be reduced to ensure adequate sight distance from the site access/egress point.

Sheet 9 shows the architectural elevations for the fronts of the proposed single-family dwelling units.

Land Use Analysis

The Comprehensive Plan recommends that the site be developed at a density of 1 to 2 dwelling units per acre. The proposal to rezone 19.97 acres from R-1 (Residential, 1 du/ac) to PDH-2 (Planned Development, 2 du/ac) to permit the development of 37 single-family detached dwelling units at an overall density of 1.85 dwelling units/acre (du/ac) is in conformance with the recommended Plan density range. However, the proposed development raises several concerns with respect to design, layout and buffers to adjacent properties, as discussed in the Residential Development Criteria below.

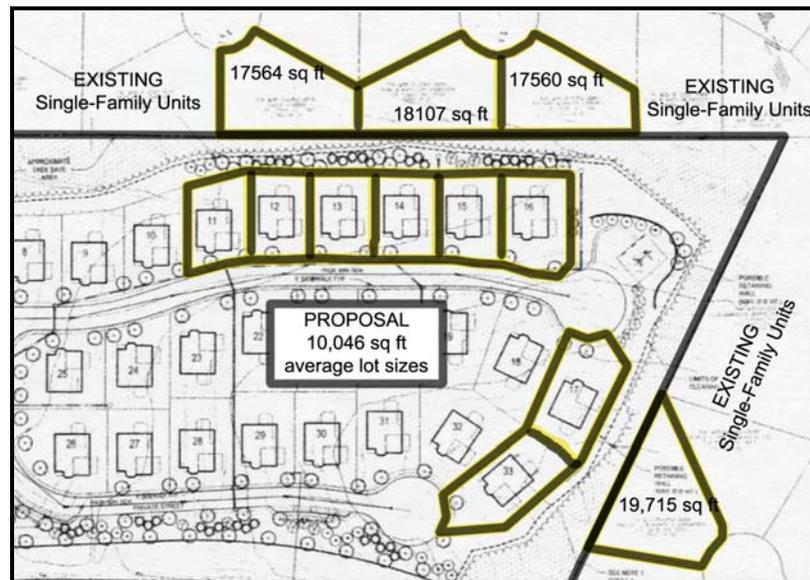
Residential Development Criteria (Appendix 4)

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 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. For the complete Residential Development Criteria text, see Appendix 4.

Site Design (*Development Criterion #1*) and **Neighborhood Context** (*Development Criterion #2*)

The Site Design Development Criterion #1 requires that the development proposal address consolidation goals in the plan, further the integration of adjacent parcels, and not preclude adjacent parcels from developing in accordance with the Plan. In addition, the proposed development should provide useable, accessible and well-integrated open space, appropriate landscaping and other amenities. The Neighborhood Context Development Criterion requires the development proposal to fit into the fabric of the community. In this application, the subject property consists of a consolidation of approximately 19.97 acres of land from seven (7) contiguous parcels located on the north side of West Ox Road. The applicant proposes to develop 37 single-family detached dwelling units on the property along a new private street that has one access point from West Ox Road that splits and leads into two separate cul-de-sacs. Staff is concerned that the proposed lot sizes are not compatible with the adjacent properties and believes that the site design is overcrowded.

The application property abuts single-family detached dwelling units to the north (R-2 District), east (R-2 District) and south (R-1 District). The lot sizes for these units are significantly larger than the average lot size of the proposed dwelling units, which is 10,046 square feet. Graphic 1 shown below is a portion of Sheet 5 of the CDP/FDP that visually highlights the difference in lot sizes between existing and proposed lots on the northeast portion of the site. This visual difference is generally 1 existing unit to 2 proposed dwelling units.

Graphic 1: Lot Size Comparison as shown on Sheet 5 of the CDP/FDP

Data Source: Fairfax County Department of Tax Administration

Staff believes that the difference between proposed and existing lot sizes is inappropriate. Larger buffers along the northern and eastern boundaries of the property could be achieved through retention of existing vegetation and/or additional landscaping. The proposed landscaping, berms, tree save areas and buffers shown on the CDP/FDP are minimal and do not adequately mitigate the issue of incompatible lot sizes.

Development should also provide for a logical design with appropriate relationships within the neighborhood, including appropriately oriented units and useable yards. Access should be provided to transit facilities where available, and utilities should be identified to the extent possible. The average lot size of these proposed units is approximately 10,046 square feet with a typical yard configuration that includes fifteen (15) foot minimum front yards, ten (10) foot minimum side yards and fifteen (15) foot minimum rear yards. The typical lot schematic on Sheet 2 of the CDP/FDP shows a large building footprint. However, staff believes that the proposed lot sizes and building footprints do not provide enough useable open space for the development. Staff also believes that several of the proposed dwelling units lack adequate buffering and screening from the future right of way expansion of West Ox Road and adjacent properties. While the applicant has attempted to address these issues by providing additional landscaping and berms around the perimeter of the site, the lack of larger lots and increased buffers from the future right of way of West Ox Road and adjacent properties remains a major issue with the proposed site design.

In addition, the CDP/FDP shows a proposed private street that is parallel and adjacent to West Ox Road. This design is not consistent with the surrounding neighborhood. However, the applicant has oriented the fronts of the proposed units to face West Ox Road, which reduces noise impacts and the need for fences. Staff agrees with the proposed orientation of the units, but believes more

buffering from West Ox Road is needed to support the proposed parallel street design.

Open space should be useable, accessible, and integrated with the development. Appropriate landscaping should be provided. The applicant has provided approximately 7.41 acres (37 percent) of open space on the site. Some of these areas are programmed with amenities such as bird wildlife habitats linked by a trail system; an open air garden house; an open field; and a tot lot. However, the applicant proposes to clear and grade a significant portion of high quality trees and prime open space situated along the northern and eastern portions of the site. While the applicant has attempted to program proposed open space areas on the site, the lack of substantial tree preservation on the northern and eastern portions of the site and the overall lack of significant usable open space remains a major issue. A majority of land in the open space calculation includes a large stormwater management pond, which helps the drainage for the site but does not contribute to useable open space. Useable open space could be recovered through larger proposed lots and significant tree preservation, but the applicant has limited tree preservation to narrow strips of land located along the northern and eastern portions of the site. This proposal does not adequately address staff's concern about useable open space and significant tree save.

Development should fit into the fabric of the community as evidenced in the architectural elevations and materials. The applicant has indicated on Sheet 2 of the CDP/FDP that the maximum building height for the proposed single-family units is 35 feet. The applicant has also provided the front elevations (but not the rear or side elevations) of the proposed single-family units on Sheet 9 of the CDP/FDP and has proffered to use the same quality, general appearance, style and proportion of materials depicted on the illustrative perspective and elevations on the CDP/FDP (Sheet 9). However, no information about the type, style and proportion of building materials is provided on the CDP/FDP and the applicant has not proffered to the use of specific building materials. Therefore, staff cannot determine whether or not the proposed development will fit into the community and believes that the proposed front elevations coupled with the proposed large building footprints on the CDP/FDP may actually overwhelm the existing neighborhoods to the north and east.

Environment (Development Criterion #3) (Appendix 5)

This Criterion requires that developments respect the natural environment by conserving natural environmental resources, account for soil and topographic conditions and protect current and future residents from the impacts of noise and light. Developments should minimize off-site impacts from stormwater runoff and adverse water quality impacts.

The applicants are proposing the use of a conventional stormwater management pond on CDP/FDP as a means to address water quality. The proposed outfall for this stormwater management pond would cross an existing Transcontinental Gas Pipeline easement on the western boundary of the site where it would eventually outfall into an existing stream. Staff is concerned about how the existing

drainage problems on the site along its northern boundary, which are caused by an older stormwater management pond located to the east of the subject property, will be addressed and whether or not the applicant has the ability to secure an easement across the Transcontinental Gas Pipeline. The applicant has proffered to demonstrate at the time of subdivision plan review that they have the rights and permission to install the off-site storm drainage infrastructure shown on the CDP/FDP. The applicant also proffered to design on-site storm sewer systems to collect existing runoff that may impact off-site properties. However, staff continues to be concerned that the applicant may not be able to obtain the rights and permission to cross the existing Transcontinental Gas Pipeline. No subdivision plan can be approved unless and until the applicant demonstrates to the satisfaction of the County that it has obtained the necessary rights and permission to install the off-site drainage infrastructure. A Proffered Condition Amendment (PCA) may be required if the applicant cannot secure these rights; it is also noted that a PCA may result in the loss of density.

Staff also believes that the proposed density of this development is well suited to provide significant Low Impact Development (LID) measures to reduce the environmental impacts of the development. The applicant has provided tree save areas along the northern and eastern boundaries and has included porous pavement at the entrance crosswalk and the visitor parking areas, but staff continues to believe that additional LID and trees save areas are highly desirable to reduce impacts on water quality. A note on Sheets 4 and 7 of the CDP/FDP indicates that the applicant reserves the right to use supplementary innovative measures to meet water quality requirements. However, the applicant has not committed to any other LID measures on site.

Since the subject property also has frontage on West Ox Road, staff is concerned about noise impacts on the proposed development from existing traffic volumes and increased traffic volumes in the future which may result from the widening of West Ox Road. The applicant has provided a noise study which indicates that the projected Day-Night Average Sound Levels (DNL) for the proposed development will not exceed the Fairfax County noise level standards, which include maximum acceptable noise levels at 65 dB for outdoor recreation areas, 75 db for front yards and 45 dB inside the houses. The projected DNL will be as high as 63.5 dB in the rear yards of the most impacted lots and as high as 63.8 dB at the facades of the most impacted houses. Indoor noise levels will not exceed 45 dB. Staff has reviewed these results and is satisfied that the County noise level standards will not be exceeded. (See Appendix 3 for a copy of the noise study, which is attached with the applicant's Statement of Justification).

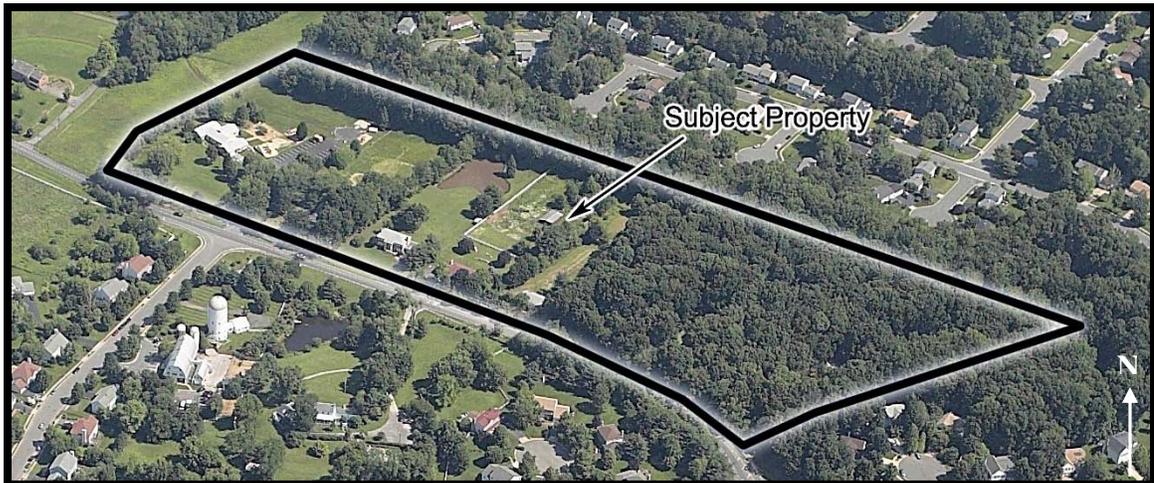
Tree Preservation & Tree Cover Requirements (Development Criterion #4)

This Criterion states that all developments should be designed to take advantage of existing tree cover and developed appropriately to disturb as little existing tree cover as possible, including the extension of utility improvements to the site.

As depicted on the existing vegetation map (Sheet 3) in the CDP/FDP, approximately 50 percent of the site (approximately 10.3 acres) is covered with

Bottomland Forest Trees and Upland Forest Trees in good condition. Bottomland Forest Trees, which include tulip poplars, red maples, white oaks and American hollies that are located across the northern portion of the site. Upland Forest Trees include various oak species, red maples and hickories that are located on the eastern portion of the site. Areas around the existing single-family dwelling units include planted trees and several 18-24 inch diameter oak species (see Appendix 6). The landscape plan (Sheet 5) of the CDP/FDP indicates that the proposed tree coverage for the development is approximately 35,000 square feet of landscaped tree cover and 168,750 square feet of tree save cover. Small tree save areas are shown along the northern and eastern boundary lines. Appropriate proffer commitments have been made to ensure the survivability of these areas during construction, which will remain as undisturbed private open space once construction of the proposed development is complete. However, staff continues to believe that the site layout is overcrowded with the proposed number of dwelling units and the two proposed private streets that terminate with large cul-de-sacs. Graphic 2 is an aerial picture of the subject property, which shows the existing conditions and tree coverage of the site.

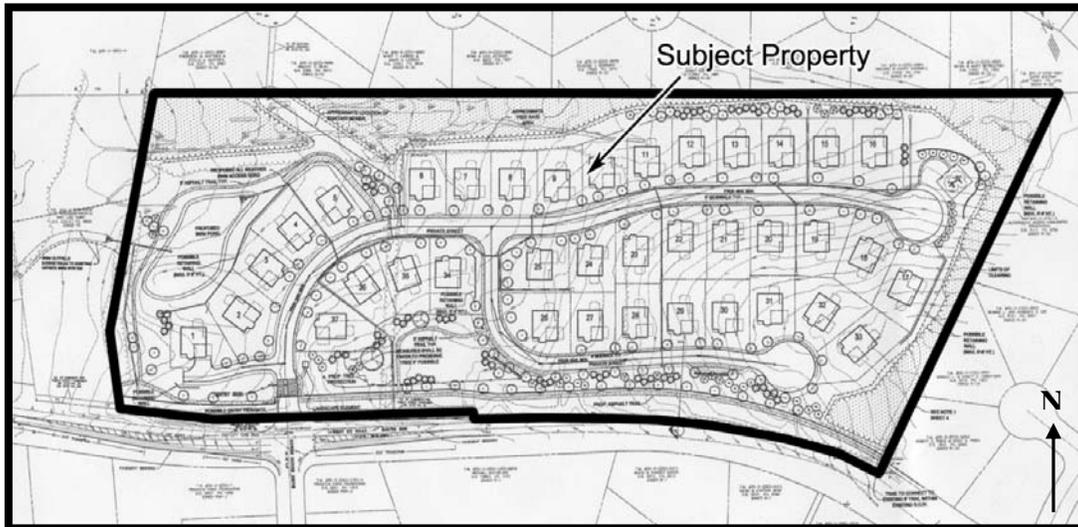
Graphic 2: Existing Conditions and Tree Coverage



*Source: Fairfax County Copyright 2003 Pictometry

Graphic 3 is a reduction of Sheet 5, which shows the proposed development and the resulting tree coverage.

Graphic 3: Landscape Plan (Sheet 5 of the CDP/FDP)



A visual comparison of these two graphics clearly shows how the applicant is proposing to clear and grade a significant portion of the site and preserve only a fraction of the good quality trees on the eastern portion of the site. Staff believes a reduction in the number of proposed units and the elimination of one of the proposed private street extensions would greatly improve the site layout and have a positive effect on the development by increasing the tree save areas and buffers both internal to the site and along the perimeter.

Transportation (Development Criterion #5)

Criterion 5 requires that development provide safe and adequate access to the surrounding road network, and that transit and pedestrian travel and interconnection of streets should be encouraged. In addition, alternative street designs may be appropriate where conditions merit.

The applicant is proposing a new residential development with a private street entering the site from the southwest that splits and leads into two separate cul-de-sacs to the east. One access point is provided at the intersection of West Ox Road and Dower House Drive. Sidewalks approximately five feet in width are provided on both sides of the streets, except for a 250 foot long section located on the south side of the southern street. Right of way dedication is shown along the southern boundary line for use in the future expansion of West Ox Road. A 5 foot wide trail is also provided along the future right of way to link the proposed development to the existing developments to the east and west. Sheet 8 of the CDP/FDP shows a sight distance of 415 feet in either direction from cars exiting the subject property. A note on the graph indicates that the height of the existing berm located within the line of sight to the west will be reduced to ensure adequate sight distance from the site access/egress point.

In addition, the applicant has incorporated the use of private streets into the development. Private streets are narrower than public streets and provide opportunities to increase the peripheral buffers of the site as well as incorporate a number of environmental amenities not possible with public street

requirements. The applicant has proffered to construct the private streets in conformance with the Public Facilities Manual (PFM) and include materials and depth of pavement consistent with the PFM standards for public streets. The applicant also proffered to establish a maintenance account that will be available to a Home Owners Association (HOA) for street maintenance after the applicant turns over control of an HOA to the homeowners. Staff supports the use of private streets but recommends eliminating one of the private streets (the street proposed to be located parallel and adjacent to West Ox Road). This proposed design is not consistent with the surrounding neighborhood and should be eliminated to improve the site layout and to have a positive effect on the development by increasing the tree save areas and buffers on the site.

Staff is also concerned about the proposed frontage improvements along West Ox Road. The applicant has proffered right of way dedication shown on the CDP/FDP and entrance improvements that include a right turn lane from the westbound West Ox Road and a left turn lane from eastbound West Ox Road. The applicant has also proffered to escrow funds in the amount of \$450,000 for the future improvement to West Ox Road along the site frontage. Staff supports the applicant's proposal to escrow funds in lieu of providing frontage improvements to the site because future construction of the West Ox Road expansion would severely impact the applicant's improvements. However, staff is requesting that the applicant have the escrow amount determined at subdivision review, which is standard procedure, instead of determining the amount at this stage. Staff is also requesting that the applicant increase the right of way dedication in the area of the proposed right turn lane to 72 feet from centerline because the future turn lane will be 350 feet in length with a 100 foot taper. In addition, due to grade changes from the future expansion of West Ox Road, staff is requesting that the applicant provide ancillary easements along the entire frontage and ensure adequate sight distance at the site entrance. See Appendix 7 for further information.

Public Facilities (Development Criterion #6)

Criterion 6 states that residential developments should offset their impacts upon public facility systems (i.e. schools, parks, libraries, police, fire and rescue, stormwater management and other publicly owned community facilities). Impacts may be offset by the dedication of land, construction of public facilities, contribution of in-kind goods, services or cash earmarked for those uses, and/or monetary contributions to be used toward funding capital improvement projects. (Specific Public Facilities issues are discussed in detail in Appendices 8 – 13).

Fairfax County Park Authority (Appendix 8)

The proposed development would add approximately 120 residents to the current population of the Hunter Mill District. The CDP/FDP shows minimal recreational amenities within the development and future residents will need outdoor facilities including picnic, playgrounds, tennis, multi-use court and athletic fields. The Zoning Ordinance requirement for recreational facilities for the residents of this development is \$955 per non-ADU (affordable

dwelling unit). The applicant has proffered to provide this dollar amount at the time of subdivision plan review. In addition, since these funds offset only a portion of the impact to provide recreational facilities for the future residents of this development, the Fairfax County Park Authority requested an additional contribution of \$265 per resident for its fair share use of County facilities. The applicant has proffered, prior to the issuance of the first RUP, a fair share contribution of \$31,800 dollars for use at off-site recreational facilities intended to serve future residents. See Appendix 8 for additional information.

Fairfax County Public Schools (Appendix 9)

The proposed development would be served by Crossfield Elementary School, Carson Middle School and Oakton High School. All three schools are projected to be below capacity through the 2010-2011 school years. The total number of students generated by the development proposal is anticipated to be 18 students: nine elementary, three middle and six high school students (based on the revised number of dwelling units (37) shown on the CDP/FDP dated February 5, 2007). Since this an increase of nine (9) students above that generated by the existing zoning district, staff requested that the applicant provide \$104,670 to offset potential impacts on the schools. The applicant has proffered to provide a contribution of \$2,829 per dwelling unit or a total of \$104,673 for contributions for capital improvements to Fairfax County schools.

Fire and Rescue (Appendix 10)

The subject property would be serviced by the Fairfax County Fire and Rescue Department Station #431, Fox Mill. The requested rezoning currently meets fire protection guidelines.

Sanitary Sewer Analysis (Appendix 11)

The subject property is located within the Horsepen Creek (A1) watershed and would be sewered into the Blue Plains Treatment Plant. Existing eight inch lines located in Dower House Drive and Gatepost Lane, approximately 250 and 960 feet respectively from the property are adequate for the proposed use.

Fairfax County Water Authority (Appendix 12)

The subject property is located within the Fairfax County Water Authority service area. Adequate domestic water service is available to the site from existing six inch and fourteen inch water mains located at the property. Additional water main extensions may be necessary to satisfy fire flow requirements and accommodate water quality concerns. Final determination of these facilities will be made by the DPWES during subdivision plan review.

Utilities Planning and Design, DPWES (Appendix 13)

As previously stated, the proposed density of this development is well suited to provide significant Low Impact Development (LID) measures to reduce the environmental impacts of the development. The applicant has provided small tree save areas along the northern and eastern boundaries and has included porous pavement at the entrance crosswalk and the visitor parking areas, but staff continues to believe that additional LID and trees save areas are highly desirable to reduce impacts on water quality. A note on Sheets 4 and 7 of the CDP/FDP indicates that the applicant reserves the right to use supplementary innovative measures to meet water quality requirements. However, the applicant has not committed to any other LID measures on site.

In addition, the applicants are proposing the use of a conventional stormwater management pond on CDP/FDP as a means to address water quality. The proposed outfall for this stormwater management pond would cross an existing Transcontinental Gas Pipeline easement on the western boundary of the site where it would eventually outfall into an existing stream. As previously stated, staff is concerned about how the existing drainage problems on the site will be addressed and whether or not the applicant has the ability to secure an easement across the Transcontinental Gas Pipeline. The applicant has proffered to demonstrate at the time of subdivision plan review that they have the rights and permission to install off-site storm drainage infrastructure shown on the CDP/FDP. The applicant also proffered to design on-site storm sewer systems to collect existing runoff that may impact off-site properties. However, staff continues to be concerned that the applicant may not be able to obtain the rights and permission to cross the existing Transcontinental Gas Pipeline. No subdivision plan can be approved unless and until the applicant demonstrates to the satisfaction of the County that it has obtained the necessary rights and permission to install off-site drainage infrastructure. A Proffered Condition Amendment (PCA) may be required if the applicant cannot secure these rights.

The applicant must also provide a total drainage area that is 100 times greater than the development site and demonstrate non-erosive velocities. Final determination of these requirements will be made by the DPWES during subdivision plan review.

Affordable Housing (Development Criterion #7)

This Criterion 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 Fairfax County. This Criterion may be satisfied by the construction of units, dedication of land, or by a contribution to the Housing Trust Fund.

The applicant has proffered to contribute one half of one percent (0.5%) of the aggregate sales price of all units to the Housing Trust Fund prior to the issuance of the first building permit, which is in accordance with Fairfax County policy. The projected sales price of the units will be determined by the applicant in consultation with the Fairfax County Department of Housing and Community

Development (HCD) and DPWES through an evaluation of the sales prices of comparable units in the area.

Heritage Resources (Development Criterion #8)

This Criterion requires that developments address potential impacts on historical and/or archaeological resources through research, protection, preservation, or recordation.

The Fairfax County Park Authority (FCPA) has indicated that the subject property has a moderate potential for yielding significant historic and prehistoric Native American archaeological resources. The applicant has proffered to conduct a Phase I archaeological study prior to the commencement of any land disturbing activities, and will present the results to the FCPA Cultural Resource Management and Planning Branch. The proffer further states that a Phase II/III study will be conducted if warranted. However, staff is continuing to work with the applicant on these commitments. See Appendix 8 for further information.

In addition to the recommendations of the FCPA, staff is concerned that the proposed development will be within the view-shed of Oak Hill, also known as the Franklin Farm house, located on Tax Map 35-2 ((1)) (25) 4, (3020 West Ox Road). Oak Hill is listed on the Fairfax County Inventory of Historic Sites. The applicant has provided additional landscaping along the southern boundary of the site, but staff believes an increase in buffering and landscaping should be provided to minimize the visual impact to Oak Hill. Staff also requested a view shed analysis of the potential visual impacts of the proposed development on Oak Hill. The applicant has not provided this analysis and it continues to remain an outstanding issue.

Staff also believes that an existing dwelling unit located on the subject property on Tax Map 35-2 ((1)) 28 dates to circa 1897 and should be documented by a consultant listed in the Virginia Department of Historic Resources (VDHR), the Maryland Historical Trust Preservation Consultant Directory or a certified professional architectural historian. The applicant has proffered to provide this documentation prior to demolition.

ZONING ORDINANCE PROVISIONS (See Appendix 14)

Waivers and Modifications

The applicant has requested a waiver of the 600 foot maximum length for a private street. Staff supports the use of private streets on this site, but is concerned that the proposed street layout is not consistent with the surrounding neighborhood. Staff recommends that the applicant eliminate the southern street adjacent to West Ox Road and increase the tree save areas and buffers on the site. These modifications would improve the site layout and maximize the environmental amenities on the site. The use of private streets provides the applicant with opportunities to increase the peripheral buffers of the site as well

as to incorporate a number of environmental opportunities not possible with public street requirements. The applicant has proffered to construct private streets in conformance with the Public Facilities Manual (PFM) and include materials and depth of pavement consistent with the PFM. The applicant also proffered to establish a maintenance account that will be available to a Home Owners Association (HOA) for street maintenance after the applicant turns over control of an HOA to the homeowners. However, staff believes that these proffers do not adequately address the concerns about the proposed private street layout and do not maximize the environmental benefits of private streets instead public streets. The site is not consistent with the surrounding neighborhoods and lacks sufficient buffers to these neighborhoods and the future expansion of West Ox Road. The proposed tree preservation areas are also limited to narrow strips of land located along the northern and eastern portions of the site.

OTHER ZONING ORDINANCE REQUIREMENTS

P-District Standards

The requested rezoning of the 19.97 acre site to the PDH-2 District must comply with, among others, the Zoning Ordinance provisions found in Article 6, Planned Development District Regulations and Article 16, Development Plans, among others.

Article 6

Sect. 6-101 Purpose and Intent

This section states that the PDH District is established to encourage innovative and creative design, to ensure ample provision and efficient use of open space; to promote balanced development of mixed housing types and to encourage the provision of affordable dwelling units.

The development proposes thirty-seven (37) single-family detached dwelling units at an overall density of 1.85 du/ac with approximately 37 percent as open space. This proposed open space in the site design coupled with the use of private streets and the establishment of programmed open space and tree save areas are the applicant's justification of an innovative and creative design. Staff appreciates the applicant's attempt at creating useable open space and tree save areas, but continues to believe that the proposed development does not adequately buffer or complement the existing residential units to the north, south and east, and provides limited useable open space and tree save areas. Furthermore, staff believes that the proposed lot sizes are not compatible with the adjacent properties and believes that the site design is overcrowded. The average lot size of the proposed dwelling units is significantly smaller than the lot sizes of the adjacent single-family dwelling units. Therefore, staff does not believe that the applicant's proposal meets the purpose and intent of the PDH District and that the applicant merely uses the P-District to maximize lot yield.

Sect. 6-107 Lot Size Requirements

This section states that a minimum of two acres is required for approval of a PDH District. The area of this rezoning application is 19.97 acres; therefore this standard has been satisfied.

Sect. 6-109 Maximum Density

This section states that the maximum density for the PDH-2 District is 2 dwelling units per acre (du/ac). The applicant proposes a density of 1.85 du/ac; therefore, this standard has been satisfied.

Sect 6-110 Open Space

Par. 1 of this section requires a minimum of 20% of the gross area as open space in the PDH-2 District. Par. 2 of this section requires that recreational amenities be provided in the amount of \$955/du. The applicant proposes to retain 37% of the site as open space. The applicant has also proffered to provide the required monetary contribution to the FCPA. This standard has been satisfied.

Article 16**Section 16-101 General Standards**

General Standard 1 states that the planned development shall substantially conform to the adopted comprehensive plan with respect to type, character, intensity of use and public facilities. Planned developments shall not exceed the density or intensity permitted by the adopted comprehensive plan, except as expressly permitted under the applicable density or intensity bonus provisions. The applicant proposes to develop the property with 37 single-family detached dwelling units at an overall density of 1.85 du/ac, which meets the Plan recommendation of 1-2 du/ac, but does not comply with the residential development criteria in the Plan.

General Standard 2 states that the planned development shall be of such design that it will result in a development achieving the stated purpose and intent of the planned development district more than would development under a conventional zoning district. As previously stated, Staff does not believe that the applicant's proposal satisfies the stated purpose and intent of the planned development district due to the overcrowded site design and lack of useable open space. Staff believes the proposed lot sizes are not compatible with the adjacent single-family dwelling units and lack sufficient buffers and landscaping from the future expansion of West Ox Road and the adjacent neighborhoods. Therefore, staff does not believe that this standard has been satisfied.

General Standard 3 states that the planned development shall efficiently utilize the available land, and shall protect and preserve to the extent possible all scenic

assets and natural features such as trees, streams and topographic features. As previously discussed, approximately 50 percent of the site is covered with high quality trees on primarily the eastern portion of the site. The applicant proposes to dedicate 37 percent of the site as open space. Of this open space, almost half is dedicated to tree preservation. However, a majority of the land in the open space calculation includes a large stormwater management pond and wetland areas, which help drainage for the site, but do not contribute to useable open space. In addition, the applicant proposes to clear and grade a significant portion of the quality trees and has limited the proposed tree save areas to narrow strips of land located along the northern and eastern portions of the site. Staff believes that this proposal is overcrowded with the dwelling units and the two proposed private streets that terminate with large cul-de-sacs. Staff recommends a reduction in the number of proposed units and the elimination of the southern street extension in the site to improve the site layout and to have a positive effect on the development by increasing the tree save areas and buffers along the perimeter of the site. Staff believes that this standard has not been satisfied.

General Standard 4 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 in accordance with the adopted Comprehensive Plan. The surrounding properties are developed according to the recommendations of the Comprehensive Plan. However, as previously stated, the applicant is proposing to construct two (2) new units for every one (1) existing unit along the northern property line. This increase in density will impact the values of the existing single-family units to the north, which are developed according to the existing Plan. The applicant is also proposing a new private street that is parallel and adjacent to West Ox Road. This new street will impact the views from Oak Hill, which is listed on the Fairfax County Inventory of Historic Sites. Staff recommends reducing the number of units to the north and eliminating the southern street extension to improve the site layout and protect the value of these adjacent properties. Staff believes that the applicant has not provided enough buffering and screening to offset the density impacts on the adjacent properties. Therefore, this standard has not been satisfied.

General Standard 5 states that the planned development shall be located in an area in which transportation, police and fire protection, other public facilities and public utilities, including sewerage, are or will be available and adequate for the uses proposed; provided, however, that the applicant may make provision for such facilities or utilities which are not presently developed. Adequate public facilities are available and the applicant has made appropriate monetary contributions to offset potential impacts to area schools and parks. Therefore, this standard has been satisfied.

General Standard 6 states that the planned development shall provide coordinated linkages among internal facilities and services as well as connections to major external facilities and services at a scale appropriate to the development. The CDP/FDP depicts a new private street that enters the site from the intersection of West Ox Road and Dower House Drive, which eventually

splits and leads into two separate cul-de-sacs. Sidewalks of approximately five feet in width are provided on both sides of the private streets, except for a 250 foot long section located on the south side of the southern street. An entrance feature consisting of porous pavers will be constructed at the access point and include a crosswalk that links an internal walking trail. This trail will also have an extension to the west that eventually will link with a planned trail along the Transcontinental Pipeline.

Section 16-102 Design Standards

Design Standard 1 states that in order to complement development on adjacent properties, at all peripheral boundaries of the planned development district, the bulk regulations and landscaping and screening provisions shall generally conform to the provisions of that conventional zoning district which most closely characterizes the particular type of development under consideration. The most similar conventional zoning district to the applicant's proposal is the R-2 District, which requires minimum yards of 35 feet (front), 15 feet (side) and 25 feet (rear) with an average lot area of 18,000 square feet. The applicant's PDH-2 development proposes minimum yards of 18 feet six inches (front), 10 feet (side) and 15 feet (rear), with an average lot size of 10,046 square feet. Staff is concerned that the proposal is not comparable with the adjacent properties and the minimally sized yards create a development that is overcrowded, which also provides little useable open space within the individual lots. Furthermore, insufficient buffers are provided along the northern, southern and eastern property boundaries separating the proposed newly created lots from the existing lots to the north and east, which are significantly larger, and the future expansion of West Ox Road to the south.

Design Standard 2 states that other than those regulations specifically set forth in Article 6 for a particular P district, the open space, off-street parking, loading, sign and all other similar regulations set forth in this Ordinance shall have general application in all planned developments. The CDP/FDP depicts that 37% of the site will remain as open space, which is comprised of minimal tree save and landscaped buffers along the perimeter of the site, stormwater management facilities, walkways and a small tot lot and small open field that are not useable for recreational purposes. On-street parking will be limited within the development with only nine (9) off-lot visitor parking spaces provided.

Design Standard 3 states that streets and driveways shall be designed to generally conform to the provisions set forth in this Ordinance and all other County ordinances and regulations controlling same, and where applicable, street systems shall be designed to afford convenient access to mass transportation facilities. In addition, a network of trails and sidewalks shall be coordinated to provide access to recreational amenities, open space, public facilities, vehicular access routes, and mass transportation facilities. A 30 foot wide private street will be located within the development on the north side and a 24 foot wide private street will be located on the south side. The applicant has also proffered to construct these private streets in conformance with the Public Facilities Manual (PFM) and include materials and depth of pavement consistent

with the PFM. In addition, sidewalks approximately 5 feet in width are provided on both sides of the private streets, except for a 250 foot long section located on the south side of the southern street. A 5 foot walking trail will also be constructed around the stormwater management pond located on the western portion of the site that will link with another 5 foot wide trail proposed to be located along the future right of way. These trails will link the proposed development to the existing developments to the east and west.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

As proposed, staff believes that the PDH-2 development fails to satisfy the P-District General Standards, and does not meet the intent of the Comprehensive Plan Residential Development Criteria, particularly for Site Design and Neighborhood Context. The CDP/FDP depicts the development of a thirty-seven lot residential neighborhood in a layout that is overcrowded, provides minimally sized yards, and lacks sufficient buffers to the existing residential neighborhoods and the future expansion of West Ox Road. The proposed street layout, which includes a private street located parallel and adjacent to West Ox Road, is not consistent with the surrounding neighborhoods. Furthermore, the proposed lot sizes are not compatible with the lot sizes in the adjacent single-family neighborhoods. The applicant has attempted to provide programmed open space within the development and tree save areas along the northern and eastern boundaries of the site, but more emphasis toward the preservation of existing good quality trees and the provision of sufficient buffers from adjacent neighborhoods is needed to justify the use of a P-District.

Staff believes that rezoning this property to the PDH-2 District does not result in a better subdivision than could be accomplished with a conventional district. Staff also believes that the proposed development is not fully justified as a P-District, which was established to encourage innovative and creative design and to facilitate use of the most advantageous construction techniques in the development of land for residential use. The applicant has not provided ample open space and tree save areas on site and merely uses the P-District to maximize lot yield.

Recommendations

Staff recommends denial of RZ/FDP 2006-HM-020. If it is the intention of the Board of Supervisors to approve the application, staff recommends such approval be subject to the execution of proffers consistent with those found in Appendix 1 of this report.

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 Proffers
2. Affidavit
3. Statement of Justification
4. Comprehensive Plan Residential Development Criteria
5. Environmental Analysis
6. Urban Forest Management Analysis
7. Transportation Analysis
8. Fairfax County Park Authority
9. Fairfax County Public Schools
10. Fire and Rescue
11. Sanitary Sewer Analysis
12. Fairfax County Water Authority
13. Utilities Planning and Design, DPWES
14. Zoning Ordinance Provisions
15. Glossary

**WINCHESTER HOMES INC.
2006-HM-020
PROFFERS**

February 27, 2007

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, the property owners and Applicant in this rezoning proffer that the development of the parcel under consideration and shown on the Fairfax County Tax Maps as Tax Map Reference – 35-2 ((1)) 23, 24, 25, 26, 27, 28 and 29 (hereinafter referred to as the “Property”) will be in accordance with the following conditions if, and only if, said rezoning request for the PDH-2 District is granted by the Board of Supervisors of Fairfax County, Virginia (the "Board"). In the event said application request is denied or the Board’s approval is overturned by a court of competent jurisdiction, these proffers shall be null and void. The Owners and the Applicant (“Applicant”), for themselves, their successors and assigns, agree that these proffers shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board, in accordance with applicable County and State statutory procedures. The proffered conditions are:

I. GENERAL

1. Substantial Conformance. Subject to the proffers and the provisions of Article 16 of the Zoning Ordinance, under which minor modifications to an approved final development plan are permitted, the development shall be in substantial conformance with the Conceptual Development Plan/Final Development Plan (CDP/FDP), containing nine (9) sheets prepared by Urban Ltd. dated June 2, 2006 and revised through February 27, 2007.

2. Minor Modifications. Minor modifications from what is shown on the CDP/FDP and these Proffers, which may become occasioned as a part of final architectural and engineering design, may be permitted as determined by the Zoning Administrator in accordance with the provisions set forth in Section 16-403 of the Zoning Ordinance.

3. Lot Yield. The development shall consist of a maximum of Thirty-Seven (37) single-family detached units.

4. Establishment of HOA. Prior to record plat approval, the Applicant shall establish a Homeowners Association (HOA) in accordance with Sect. 2-700 of the Zoning Ordinance for the purpose of establishing the necessary residential covenants governing the design and operation of the approved development and to provide a mechanism for ensuring the ability to complete certain maintenance obligations and other provisions noted in these proffer conditions.

5. Escalation. All monetary contributions required by these proffers shall be adjusted upward or downward based on changes to the Consumer Price Index (CPI) occurring subsequent to the date of rezoning approval and up to the date of payment.

6. Length of Driveways. All driveways serving the approved residential units shall be a minimum of eighteen feet (18') in length as measured outward from the face of the garage door.

7. Architectural Compliance. The architectural design of all units and open space improvements shall be of the same quality, general appearance, style and proportion of materials as depicted on the illustrative perspective and elevations shown on the CDP/FDP.

8. Garage Conversion. Any conversion of garages that will preclude the parking of vehicles within the garage is prohibited. A covenant setting forth this restriction shall be disclosed in the HOA documents and recorded among the land records of Fairfax County (the "Land Records") in a form approved by the County Attorney prior to the sale of any lots. Prospective purchasers shall be advised of this use restriction, in writing, prior to entering into a contract of sale.

9. Encroachment of Decks and Similar Appurtenances. Decks, bay windows, patios, chimneys, areaways, mechanical equipment and other similar appurtenances may encroach into minimum yards as established on the "lot typical" generally described on the CDP/FDP, as permitted by Section 2-412 and/or Article 10 of the Zoning Ordinance.

10. Retaining Walls. No retaining walls greater than four feet (4') in height shall be permitted on the Property unless shown and specified to a greater height on the CDP/FDP. The Applicant further reserves the right to not construct retaining walls shown on the CDP/FDP if not warranted based on final engineering.

11. Right-of-Way Dedication and Associated Frontage Improvements along West Ox Road. At the time of subdivision plat recordation, or upon demand by VDOT or Fairfax County, whichever occurs first, the Applicant shall dedicate, at no cost to Fairfax County and in fee simple to the Board, the right-of-way along the site frontage to West Ox Road, as generally shown on the CDP/FDP. Prior to issuance of the first RUP for the approved units, the Applicant shall improve the property entrance to West Ox Road as shown on the CDP/FDP. Such improvements shall include a right turn lane from westbound West Ox Road and a left turn lane from eastbound West Ox Road. The final configuration of these improvements shall be determined at subdivision plan review, subject to review and approval by VDOT, FCDOT and DPWES.

12. Escrow for Frontage Improvements. At the time of subdivision plan approval the Applicant shall escrow funds in the amount of \$450,000 for future improvement to West Ox Road along the site frontage.

II. ENVIRONMENTAL

13. 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 on the CDP/FDP. The on-site detention facility shall be landscaped to the maximum extent possible in accordance with the planting policies of the Board of Supervisors, or the County PFM. Adequate outfall shall be demonstrated to the satisfaction of DPWES.

14. Off-Site Easements. No Subdivision plan shall be approved unless and until the Applicant demonstrates to the satisfaction of the County, that it has obtained the necessary rights and permission to install the off-site drainage infrastructure shown on the subdivision plan. If the applicant cannot demonstrate these rights, and any alternative solution is not in substantial conformance with the CDP/FDP, a PCA will be required which may result in loss of density.

15. Conveyance of Certain Off-Site Runoff. At the time of Subdivision Plan review and subject to approval by DPWES, the Applicant shall design the on-site storm sewer system to attempt to collect existing runoff that may impact off-site properties in the adjacent Glenbrooke Woods subdivision and transmit this runoff through the on-site storm sewer system.

16. Landscaping. Landscaping shall be provided in substantial conformance with the landscaping concepts shown on the CDP/FDP. If, during the process of subdivision plan review, any new landscaping shown on the CDP/FDP cannot be installed in order to locate utility lines, trails, etc., 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 Forest Management ("UFM"). If it is necessary to install utilities within the limits of clearing shown on the CDP/FDP, they shall be located in the least disruptive manner necessary, as determined by the UFM. The landscape plan and specifications shall incorporate techniques designed to reduce maintenance requirements; and contribute to a cleaner and healthier environment with improved air quality, stormwater management, and energy conservation capabilities that can be provided by trees and other desirable vegetation. Such techniques may include, but are not limited to:

- Mulched planting beds incorporating groups of trees and other plants to provide a root zone environment more favorable to trees and shrubs
- Trees planted in areas shown on the CDP/FDP to contribute to energy conservation

17. Energy Conservation. All homes on the Property shall meet the thermal guidelines of the CABO Model Energy Program for energy-efficient homes, or its equivalent as determined by DPWES, for either gas or electric energy systems as may be applicable.

III. TREE PRESERVATION

18. Tree Preservation Plan. The Applicant shall submit a Tree Preservation plan in connection with the first submission and all subsequent submissions of the

subdivision plan review process. 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 UFM, DPWES. 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 ten inches (10") in diameter and greater, and twenty-five feet (25') to either side of the limits of clearing and grading around the tree preservation area depicted on the CDP/FDP, provided that such tree survey shall be limited to trees located on the subject Property. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation 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 any tree located on the Property identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

19. Tree Preservation Measures for White Oak Tree Located Near Lot 37. The Applicant shall implement during site development the following preservation measures intended to maximize the survivability of the existing White Oak Tree located near Lot 37 and identified on the CDP/FDP:

- Install tree protection fencing in a closed circuit around the tree's root zone, in the general location shown on the CDP/FDP;
- Root prune along the tree protection fencing with a trencher to a depth of 18 to 24 inches and immediately backfill;

- Mulch the entire protected root zone, with mulch to be approximately 4 inches deep, spread evenly by hand and not touching the base of the tree;
- Prune all dead, dying and diseased limbs larger than 3 inches in diameter;
- Apply Cambistat (growth regulator) via soil injection;
- Install lightning protection system;
- Test soil for nutrient levels and fertilize accordingly.

20. 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. Removal of any vegetation, if any, or soil disturbance in tree preservation areas, including the removal of plant species that may be perceived as noxious or invasive, may be permitted by the Applicant with approval of the Urban Forest Management Division, DPWES.

The use of equipment in tree preservation areas will be limited to hand-operated equipment such as chainsaw, 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 UFM, DPWES.

21. 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 walk-through meeting. During the tree-preservation walk-through meeting, the Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with an UFM, DPWES, representative to determine whether 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. Any such adjustments shall be implemented, provided they do not result in the loss of any residential lot or substantial changes to the engineering/grading of the lot. Trees that are identified specifically by UFM in writing as dead or dying within the tree preservation area located on the Property 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.

22. Limits of Clearing and Grading. The Applicant shall conform substantially to the limits of clearing and grading as shown on the CDP/FDP, subject to allowances specified in Proffer 21 above to save trees identified by the UFM, and for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the CDP/FDP, they shall be located in the least disruptive manner necessary as determined by UFM, DPWES. A replanting plan shall be developed and implemented, subject to approval by UFM, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.

23. Tree Protection Fencing. All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in

the form of four foot (4') high, fourteen (14) gauge welded wire attached to six foot (6') steel posts driven eighteen inches (18") into the ground and placed no further than ten feet (10') apart or, super silt fence, to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees, shall be erected 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 by the Proffer pertaining to "Root Pruning" below. All tree protection fencing around the aforementioned tree preservation area shall be installed after the tree preservation walk-through meeting but prior to any demolition and clearing and grading activities. In connection with demolition activities, only that fencing proximate to the demolition activity shall be required. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist and UFM, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Two (2) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFM, DPWES shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no demolition, grading or construction activities shall occur until the fencing is installed correctly, as determined by UFM, DPWES.

24. Root Pruning. The Applicant shall root prune, as needed to comply with the tree preservation requirements of these proffers. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the subdivision plan submission. The details for these treatments shall be reviewed and

approved by UFM, DPWES, 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 eighteen inches (18").
- Root pruning shall take place prior to any clearing and grading.
- Root pruning shall be conducted with the supervision of a certified arborist.
- An UFM, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.

25. Site Monitoring. During any clearing or tree/vegetation/structure removal on the Property, an agent or representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by UFM. The Applicant shall retain the services of a certified arborist or landscape architect to monitor all tree preservation efforts in order to ensure conformance with all tree preservation proffers, and UFM approvals. The Hunter Mill District Supervisor shall be notified of the name and contact information of the Applicant's representative responsible for site monitoring at the tree preservation walk-through meeting.

26. Tree Value Determination. The Applicant shall retain a professional arborist with experience in plant appraisal, to determine the replacement value of all trees ten inches (10") in diameter or greater located within twenty-five feet (25') of the outer edge of the limits of clearing and grading around the tree preservation area depicted on the CDP/FDP and shall include trees located on adjoining properties. These trees and their value shall be identified on the Tree Preservation Plan. The replacement value shall take into consideration the age, size and condition of these trees and shall be determined

by the so-called “Trunk Formula Method” contained in the latest edition of the *Guide for Plan Appraisal* published by the International Society of Arboriculture, subject to review and approval by UFM, DPWES.

27. Tree Bonds. At the time of subdivision plan approval, the Applicant shall both post a cash bond and a letter of credit payable to the County of Fairfax to ensure preservation and/or replacement of the trees for which a tree value has been determined pursuant to Proffer 26 that die or are dying due to unauthorized construction activities. The letter of credit shall be equal to 50% of the replacement value of the bonded trees. The cash bond shall consist of 33% of the amount of the letter of credit.

At any time prior to final bond release, should any bonded trees die, be removed, or are determined to be dying by UFM due to unauthorized construction activities, the Applicant shall replace such trees at its expense. The replacement trees shall yield an equivalent size, species and/or canopy cover, as approved by UFM. In addition to this replacement obligation, the Applicant shall also make a payment equal to the value of any bonded tree that is dead or dying or improperly removed due to unauthorized activity. This payment shall be determined based on the Trunk Formula Method and paid to a fund established by the County for furtherance of tree preservation objectives. At the time of approval of the final RUP, the Applicant shall be entitled to request a release of any monies remaining in the cash bond and a reduction in the letter of credit to an amount equal to 20% of the total amounts originally committed. Any funds remaining in the letter of credit or cash bond will be released two (2) years from the date of release of the Applicant’s property’s conservation escrow, or sooner, if approved by UFM, DPWES.

IV. RECREATION

28. Parks and Recreation. Pursuant to Section 6-409 of the Zoning Ordinance

regarding developed recreational facilities, the Applicant shall provide the recreational facilities to serve the Application Property. Per Section 6-409, recreational facilities such as tot lots, fitness courses, gazebos or other similar structures, playgrounds, recreational trails, walking paths, excluding any trails required by the Comprehensive Plan, and similar features may be used to fulfill this requirement. At the time of subdivision plan review, the Applicant shall demonstrate that the value of any proposed recreational amenities is equivalent to a minimum of \$955.00 per unit as required by Article 6 of the Zoning Ordinance. In the event it is demonstrated that the proposed facilities do not have sufficient value, the Applicant shall contribute funds in the amount needed to achieve the overall proffered amount of \$955.00 per unit to the Fairfax County Park Authority ("FCPA") for off-site recreational facilities intended to serve the future residents, as determined by FCPA in consultation with the Supervisor for the Hunter Mill District.

29. Park Authority Contributions: In addition to Proffer 28, the Applicant shall contribute \$31,800 to the Fairfax County Park Authority, prior to the issuance of the first RUP on the Property, for use at off-site recreational facilities intended to serve the future residents, as determined by FCPA in consultation with the Supervisor for the Hunter Mill District.

V. HERITAGE RESOURCES

30. Heritage Resource Documentation. For the purpose of recording and documenting relevant historic information prior to demolition, the Applicant shall cause the house at 3015 West Ox Road to be photographed and documented, prior to its demolition, by a consultant listed either in the Virginia Department of Historic Resources (VDHR) or the Maryland Historical Trust Preservation Consultant Directory or by a certified professional architectural historian. Photographic recordation and written

documentation and description of the house, its construction, its occupants and significant events that occurred on the Property shall be accomplished to a standard as required for a VDHR "Intensive Level Survey" using VDHR Preliminary Information Form, and shall be completed prior to demolition of the existing house. Said documentation shall include a sketch plan drawing, as indicated in the Historic American Building Survey (HABS) Documentation Level III. All photographs (including negatives), written documentation and sketches shall be submitted to the Virginia Room of the Fairfax County Public Library and to the Fairfax County Department of Planning and Zoning (DPZ). A minimum of thirty (30) days prior to demolition of the house at 3015 West Ox Road, the Applicant shall provide DPZ with written notice and shall permit representatives of DPZ, the History Commission and the Fairfax County Park Authority access to the house during said 30-day period. Said representatives shall be required to sign waivers of liability for their presence on the Property, as may be requested by the Applicant. Nothing in this proffer shall be construed as requiring preservation of the existing dwelling at 3015 West Ox Road.

VI. OTHER

31. Temporary Signage. No temporary signs (including "popsicle" style 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 marketing and sale of homes on the subject Property. Furthermore, the Applicant shall direct its agents and employees involved in marketing and/or sale of residential units on the subject Property to adhere to this proffer.

32. School Contribution. A contribution of \$2,829.00 per unit shall be made to the Board designated for capital equipment for schools that the residents of the proposed development will attend. The required contribution shall be made at the time of, or prior to, issuance of the first Building Permit for the approved units.

33. Affordable Dwelling Units. Prior to the issuance of the first building permit, the Applicant shall contribute to the Fairfax County Housing Trust Fund the sum equal to one half of one percent (1/2 %) of the value of all the units approved on the property. The one half of one percent (1/2 %) contribution shall be based on the aggregate sales price of all of the units subject to the contribution, as if those units were sold at the time of the issuance of the first building permit. The projected sales price shall be determined by the Applicant through an evaluation of the sales prices of comparable units in the area, in consultation with the Fairfax County Department of Housing and Community Development (HCD) and DPWES.

34. Phase 1 Archaeological. Prior to any land disturbing activities on the Property, Applicant shall conduct a Phase I archaeological study on the Property and provide the results of such study to Heritage Resources. The study shall be conducted by a qualified archaeological professional. If the Phase I study concludes that an additional Phase II study of the Property is warranted, the Applicant shall complete said study and provide the results to Heritage Resources; however, submission of the Phase II study to Heritage Resources shall not be a pre-condition of Subdivision Plan approval. If the Phase II study concludes that additional Phase III evaluation and/or recovery is warranted, the Applicant shall also complete said work in consultation and coordination with Heritage Resources; however, any such Phase III work shall not be a pre-condition of Subdivision Plan approval.

35. West Ox Road Trail in Proposed Right-of-Way. Prior to the issuance of the first RUP, the Applicant shall construct an asphalt trail across the frontage of the Property in the proposed right-of-way, extending from the east side of the site entrance to the easternmost property line and connecting to the existing six-foot (6') wide asphalt trail located east of the Property, as generally shown on the CDP/FDP. During the subdivision plan review process, the Applicant shall request approval of said trail at a width of six feet (6') in order to match the existing trail east of the Property and to minimize the disturbance of existing trees located on the Property and/or in the proposed right-of-way. The exact location of said trail shall be determined at subdivision plan review, subject to review and approval by VDOT and DPWES. The Applicant's obligation to construct said trail shall be contingent on the Applicant receiving any and all rights-of-way, easements and/or written consent necessary for the construction of said trail from any property owner, utility companies, and/or any governmental agencies (collectively, the "Approving Parties"), which approval(s) shall be granted at no cost to the Applicant, except for typical administrative fees and costs associated with preparation, approval and recordation of deeds, plans and plats and any other nominal fees. During subdivision plan review, the Applicant shall diligently pursue and make good faith efforts to secure any such necessary approvals from the Approving Parties. In the event the Applicant is unable to secure necessary approvals from the Approving Parties prior to the time of receiving subdivision plan approval, the Applicant shall provide written documentation of such efforts to DPWES and escrow funds for the future construction of the trail and be relieved of any further obligation pursuant to this Proffer. Such funds may be used for future trail construction by others along West Ox Road or in the vicinity of the Property, as determined by the Hunter Mill District Supervisor.

36. Private Streets. The on-site private street shall be constructed in conformance with the Public Facilities Manual ("PFM") and shall be constructed of materials and depth of pavement consistent with Sect. 7-0502 of the PFM, subject to any design modifications as to pavement and easement width and use of curb, that are approved by the Director of DPWES. All prospective purchasers shall be advised of this maintenance obligation prior to entering into a contract of sale and said obligation will be disclosed in the HOA documents. The Applicant shall further establish a maintenance account that will be available for utilization by the HOA for street maintenance after the Applicant turns over control of the HOA to the homeowners.

37. Successors and Assigns. Each reference to "Applicant" in this Proffer Statement shall include within its meaning, and shall be binding upon, Applicant's successor(s) in interest, assigns, and/or developer(s) of the Property or any portion of the Property.

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

WINCHESTER HOMES INC.

(Contract Purchaser of Tax Map Nos. 29-1-((1))-33, 33A, 34, 34A, 35, 36, 37, 37A, 38, 39, 40B, 41)

By: _____
Name: _____
Title: _____