

DEPARTMENT OF BUILDING AND DEVELOPMENT
COUNTY OF LOUDOUN
MEMORANDUM

DATE: February 17, 2010

TO: Mike Elabarger, Project Manager, Department of Planning

FROM: Todd Taylor, Environmental Engineer

THROUGH: William Marsh, Environmental Review Team Leader

CC: Val Thomas, Zoning Planner
Dana Malone, Urban Forester
Kelly Williams, Community Planning, Department of Planning
Brian Fuller, Planner, Parks and Recreation

SUBJECT: ZCPA-2009-0007 & ZMOD-2009-0004
Belmont Glen Village
(3rd Submission)

The Environmental Review Team (ERT) has reviewed the revised application and offers the following comments. Staff is available and would like to meet with the applicant to discuss the comments.

1. The applicant's responses indicate that the City of Fairfax defines the southern limits of the Goose Creek Reservoir as 200 feet south of the Sycolin Road bridge. As indicated in a telephone conversation and an electronic mail to the applicant's engineer, Rich Brittingham with Dewberry, the limits of all drinking water reservoirs within the County are based on data from the Virginia Department of Environmental Quality. Since the City of Fairfax's limits differ from those of DEQ, staff requests additional information regarding the basis for the City of Fairfax's reservoir limits. To ensure compliance with Facilities Standards Manual (FSM) Section 5.320.D.7.a, staff recommends that this discrepancy be rectified prior to the approval of the subject application.
2. Based on the plan enlargements provided on Sheet 7, potential house locations for lots 19, 20, and 168 are located approximately 3 to 8 feet from very steep slope areas. To comply with Section 5-1508(D)(1)(c) of the Revised 1993 Loudoun County Zoning Ordinance, please demonstrate through plan and profile views that the proposed houses are constructible without impacting very steep slopes.
3. Staff recommends revising the existing proffer to provide a viable reforestation project that will help protect Goose Creek from the proposed development. The

current reforestation proffer provides less environmental benefit than previous Proffer 19 (Goose Creek Reservoir Protection Buffer and Scenic Easement) and Proffer 23 (Riparian Planting Plan) associated with rezoning ZMAP-2004-0006. Livestakes and fascines are not appropriate at the new planting locations as they are best suited in areas of moist soil conditions where water levels fluctuate mildly. More specifically, livestock and fascines are best suited along the bank toe and bank face in areas where scour is not severe, adding structural stability to the streambank to prevent erosion. Also, the southern planting area corresponds with the embankment of the proposed stormwater management pond. Minimum Standard 3.01 of the Virginia Stormwater Management Handbook (Page 3.01-13) states that trees, shrubs, or any woody plants should not be planted on the embankment or adjacent areas extending at least 25 feet beyond the embankment toe. In addition, a meeting with the U.S. Army Corps of Engineers (Corps) and Virginia Department of Environmental Quality (DEQ) did not indicate that the previous proffered channel stabilization/reforestation techniques were problematic. The agencies only indicated that in-stream activities would need to be reflected as part of the wetland permit.

4. The applicant's responses state that they can agree to provide the County with any information submitted to the National Association of Homebuilders (NAHB) for purposes of receiving certification. Staff recommends that Proffer 34 (Building Standards) be updated to reflect that agreement. As previously stated, staff commends the applicant for including the proffer, but has concerns regarding enforceability. While the above agreement keeps the County informed of performance points being pursued, the current proffer does not have a mechanism that ensures fulfillment. Staff recommends that the proffer include a commitment to a surety that the County will release when certification is awarded, or once County staff verifies independently that the green building features have been completed. Said surety would need to be distinct from performance bonds required by the FSM. A similar approach was included as a note in the Conditions of Approval for SPEX-2008-0052 Kincora Village for the recreational facility (baseball stadium), as well as LEED projects in Arlington County being pursued as part of floor area ratio (FAR) incentives.
5. Wetland permit WP4-09-0369 was issued on July 8, 2009 for the previous development layout. The permit authorizes the compensation for permanent wetland impacts through the purchase of 0.51 wetland credits from the Cedar Run Wetlands Bank in Prince William County, Virginia. The applicants responses state that they will use the previous purchased credits to offset any revised wetland mitigation required caused by the new layout, but will purchase any additional required mitigation from an approved wetland bank located within Loudoun County. The previously purchased credits are inconsistent with Policy 23 on Page 5-11 of the Revised General Plan which states that "the County will support the federal goal of no net loss to wetlands in the County."

Please contact me if you need any additional information.