

County of Loudoun

Department of Planning and Zoning

MEMORANDUM

DATE: October 15, 2014

TO: Marchant Schneider, Project Manager
Land Use Review

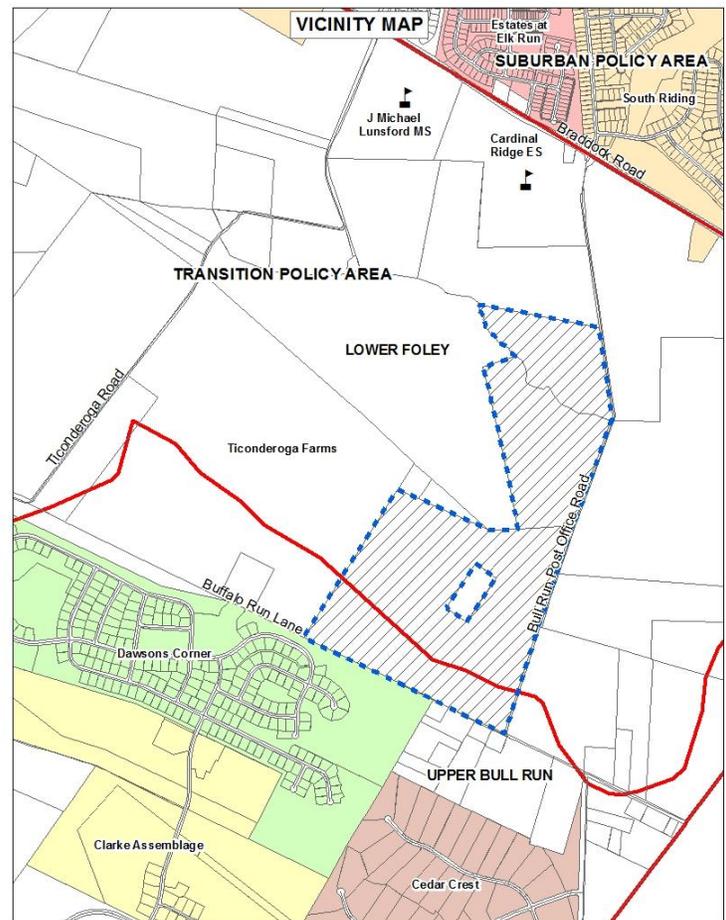
FROM: Marie Genovese, AICP
Planner III, Community Planning

SUBJECT: ZMAP 2006-0026, Lambert Property - Reactivation

EXECUTIVE SUMMARY

The applicant has reactivated their inactive application. On December 6, 2011, the Board of Supervisors voted to accept the applicant's October 26, 2011 request to suspend the County's review of ZMAP 2006-0026, Lambert Property and deem the application inactive. The Ryland Group is requesting a zoning map amendment for 190.06 acres from TR-3LBR and TR-3LF (Transitional Residential – 3; 1 dwelling unit per 3 acres) to TR-1 to increase allowable densities and develop 206 single-family detached residential units.

The subject site is located in the Transition Policy Area south of Braddock Road (Route 620), west of Bull Run Post Office Road (Route 621), and north of Buffalo Run Lane. Residential development associated with Dawson's Corner (ZMAP 2004-0022) and Cedar Crest (SBPL 2001-0008) is located south of the subject site and Ticonderoga Farms is located to the west. Bull Run Quarry is located to the south, within a mile of the subject property (See Vicinity Map).



The subject site is located in the Lower Bull Run and Lower Foley subareas of the Transition Policy Area. The densities in the Transition Policy Area were established to provide a visual and spatial transition between the suburban and rural policy areas and to conserve the extensive Green Infrastructure resources present on the subject site and throughout the Transition Policy Area. This portion of the Transition Policy Area is planned for residential densities of 1 dwelling unit per 3 acres. The County may consider rezonings up to 1 dwelling unit per acre in the northern portion of the Lower Bull Run subarea (approximately 36 acres of the 190 acres subject property). Under the existing zoning for the 190 acre subject site, residential clusters containing no more than 63 dwelling units would be considered appropriate. If the applicant chose to request a rezoning of the Lower Bull Run subarea, residential clusters containing no more than 87 dwelling units would be considered for the subject property. The Applicant is proposing 206 residential units, more than 2 times the density envisioned by the Revised General Plan (Plan).

Staff cannot support the rezoning application as the proposed densities exceed what is envisioned by the Revised General Plan and the proposed development pattern does not conform to the cluster polices of the Plan. The proposed rezoning will also contribute to a fiscal imbalance as the County will be required to provide additional services in a portion of the County where this amount of residential development had not previously been anticipated.

The recent influx of residential rezoning proposals for increased densities in the Transition Policy Area threatens to forego the purpose of the Transition Policy Area to provide a density transition between the Rural and Suburban Policy Areas. Approval of this rezoning would set a precedent for similar proposals at a significant fiscal and environmental cost to the County.

BACKGROUND

The subject site is located in the Transition Policy Area south of Braddock Road (Route 620), west of Bull Run Post Office Road (Route 621), and north of Buffalo Run Lane. Residential development associated with Dawson's Corner (ZMAP 2004-0022) and Cedar Crest (SBPL 2001-0008) is located south of the subject site and Ticonderoga Farms is located to the west. Bull Run Quarry is located to the south, within a mile of the subject property (See Vicinity Map).

The applicant proposes to rezone 190 acres from Transitional Residential – TR-3LBR and TR-3LF (one dwelling unit is permitted for every three acres) to TR-1 for the development of 206 single-family detached dwelling units at a density of 1.1 dwelling units per acre.

A review of the County's GIS records and submission materials indicates river and stream corridor resources, wetlands, and tree cover are located on the subject site.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The property is located in the Upper Bull Run and Lower Foley subareas of the Transition Policy Area and is specifically governed by the Revised General Plan and 2010 Countywide Transportation Plan (CTP). The policies of the Loudoun County Bicycle and Pedestrian Mobility Master Plan (Bike/Ped Plan) also apply.

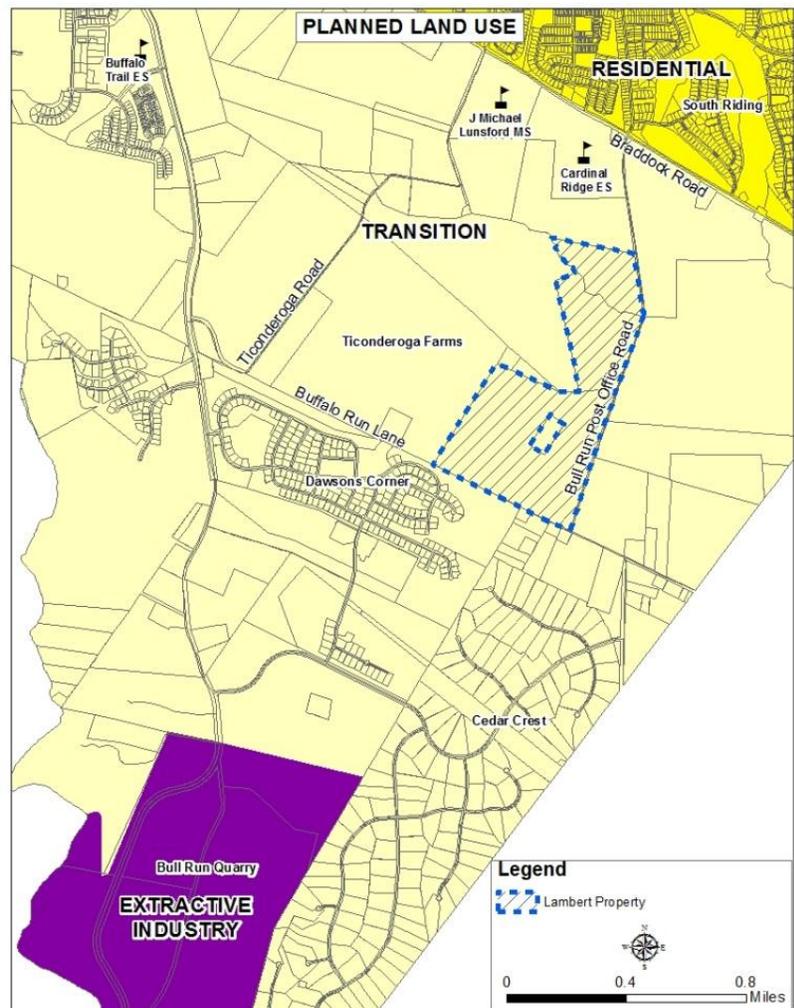
The Transition Policy Area is envisioned as a distinct planning area to serve as a visual and spatial transition between the Suburban Policy Area to the east and the Rural Policy Area to the west (*Revised General Plan, Transition Policy Area, text*). The Upper Bull Run and Lower Foley subareas are envisioned to be developed in clustered patterns at the existing zoning, in this case one dwelling unit per three acres (*Revised General Plan, Chapter 8, Community Design Policies, Policy 3*). Rezoning at up to one dwelling unit per acre will be considered for the northern portion of the Lower Bull Run subarea outside of the Quarry Notification Overlay District as mapped prior to April 2004 (*Revised General Plan, Chapter 8, Community Design Policies, Policy 6*).

The proposal has been reviewed under the Revised General Plan Housing policies of Chapter 2, Proffer policies of Chapter 3, Green Infrastructure policies of Chapter 5, Transition policies of Chapter 8, and the Proffer and Design Guidelines of Chapter 11.

LAND USE ANALYSIS

The Transition Policy Area is envisioned as a unique and innovative blend of rural and suburban development features that fully integrate the elements of the Green Infrastructure, and establish natural open spaces as a predominant visual element and enhancement to the area's river and stream corridors (*Revised General Plan, Chapter 8, Land Use Pattern General Policies, Policy 2*).

The Plan provides that development in the Lower Foley Subarea would be most appropriately developed with Countryside Villages; however, recognizing the large acreage requirements to develop a Countryside Village, development in a clustered pattern at the existing zoning of one dwelling unit per three acres or one unit per acre is reasonable and appropriate (*Revised General Plan, Chapter 8, Community Design, Lower Foley Subarea, text*). The Plan encourages



lower density, clustered development at one dwelling unit per three acres in the Lower Bull Run subarea. Rezoning to Rural Villages at densities of one dwelling unit per three acres will also be permitted within the Lower Bull Run subarea when 70 percent of the site is maintained as open space. In addition, rezonings at up to one dwelling unit per acre will be considered for the northern portion of the Lower Bull Run subarea, lying outside the Quarry Notification Overlay District as mapped prior to April 2004 (Revised General Plan, Chapter 8, Community Design, Lower Bull Run Subarea, text). Residential clusters are defined as clusters of 5 to 25 units with predominantly single-family detached residential units (Revised General Plan, Chapter 8, Community Design Policies, Policy 8).

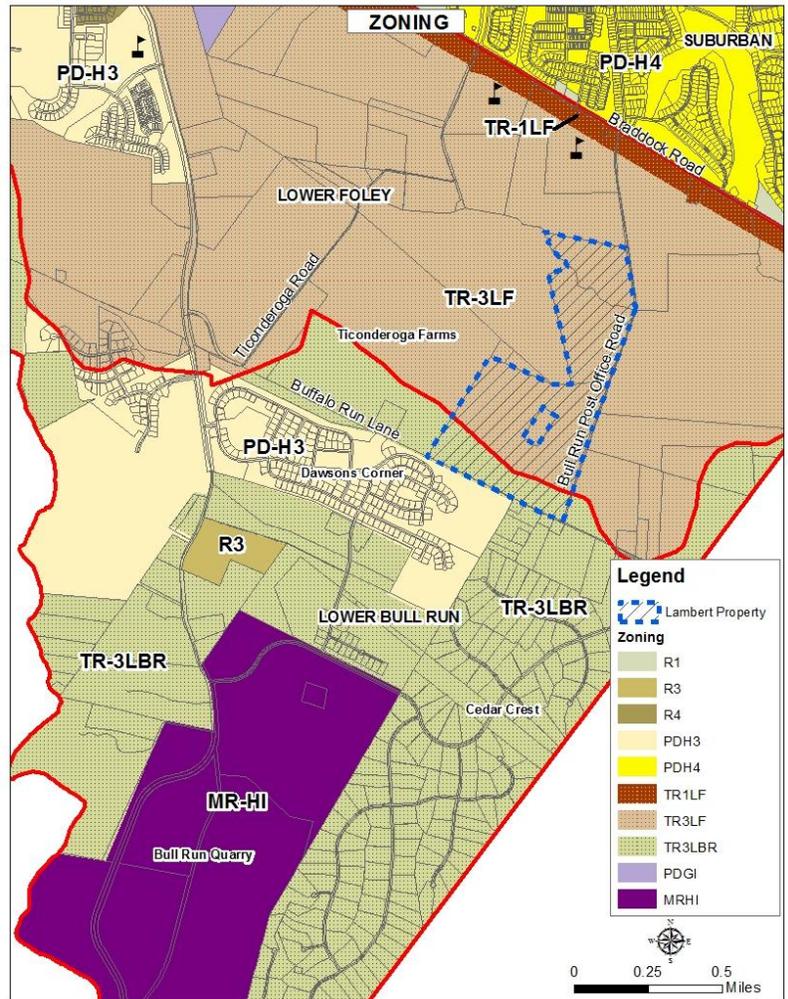
To support the Transition Policy Area vision, the County undertook a comprehensive countywide remapping that included establishment of the Transitional Residential (TR) zoning districts and sub-districts to implement the policies of the 2001 Revised General Plan. This rezoning was approved on January 5, 2003 as part of Zoning Ordinance Amendment (ZOAM) 2002-0003 and Zoning Map Amendment (ZMAP) 2002-0014. Within this portion of the Lower Foley and Lower Bull Run subareas, the County remapped the former Agricultural/Residential (A-3) to TR-3 thereby reaffirming the residential densities desired in this portion of the County while providing for a cluster development option. The Board of Supervisors (Board) approved CPAM 2005-0001, Density Review in the Northern Portion of the Lower Bull Run Subarea on July 5, 2005 permitting the consideration of rezonings in the northern portion of the Lower Bull Run subarea at densities up to one dwelling unit per acre. The existing zoning designations within the Lower Foley and the Lower Bull Run subareas are consistent with the densities prescribed by the zoning designations and are consistent with the land use policies of the Revised General Plan. The portion of the property within the Lower Bull Run subarea (approximately 36 acres) may be considered at densities up to one dwelling unit per acre consistent with Plan policies.

Analysis

The proposed rezoning would increase permitted densities of residential dwelling units beyond what is envisioned by the Revised General Plan for the Lower Foley Subarea of the Transition Policy Area. Densities of one dwelling unit per 3 acres as prescribed by the Revised General Plan and the existing zoning for the Lower Foley Subarea would result in 51 units on 154 acres. The Plan permits rezonings up to one dwelling unit per acre for the northern portion of the Lower Bull Run Subarea resulting in a maximum of 36 units on 36 acres for a total of 87 dwelling units. The proposed rezoning would result in densities of 1.08 dwelling units per acre or 206 units. Plan policies do not support this increase in density as it represents a significant increase in capital costs and residential development where it is not anticipated.

Under the current zoning Transitional Residential – TR-3LF and TR-3LBR, one dwelling unit is permitted for every three acres of land, which would yield 63 dwelling units over the 190 acre property. As stated above, the Plan does allow the consideration of rezonings up to one dwelling unit per acre for properties within the northern portion of the Lower Bull Run Subarea, which would yield a maximum of 87 dwelling units over the 190 acre property (approximately 36 acres of the 190 acre parcel is located within the northern portion of the Lower Bull Run Subarea). The proposal of 206 dwelling units would allow for over 3 times more development than permitted under current zoning and over 2 times more development than permitted by Plan policy.

Large parcels of land zoned for one dwelling unit per three acres (TR-3LF and TR-3LBR) surround the property to the north, west, and east. Land to the south is zoned TR-3LBR and PD-H3. Land zoned PD-H3 is associated with the Dawson's Corner rezoning (ZMAP 2004-0022). While zoned PD-H3, Staff notes the Dawson's Corner development is at a density of approximately one dwelling unit per acre with 224 units developed over approximately 225 acres of land. The proposed rezoning would permit a pocket of TR-1 within the Lower Foley Subarea, planned and zoned for TR-3 densities. Staff is concerned with the precedent set with increasing residential densities within the Transition Policy Area.



Given the overall land use issues with the Revised General Plan, further review of the application is not necessary. However, staff offers discussion of subordinate issues to the overall land use issue as follows:

Open Space

The Transition Policy Area will achieve a balance between the built and natural environments. The Plan calls for a minimum of 50% open space within the Lower Foley subarea and a minimum of 70% open space within the Lower Bull Run subarea for a total of 102.24 acres of open space for the subject property (154.01 acres Lower Foley x 50% = 77 acres open space and 36.05 acres Lower Bull Run x 70% = 25.24 acres

open space) (Revised General Plan, Chapter 8, Community Design Policies, Policies 4 & 6). The CDP, Sheet 3 shows 95.04 acres of open space proposed throughout the development. Four “Green” areas and one “Neighborhood Park” are shown on the CDP, Sheet 3. Proffer VB provides each park will vary in function, type, and size, each with pedestrian access and seating areas. No other commitments are provided, except for a tot lot to be located within the Neighborhood Park. Based on the information provided, Staff is unsure how the four “Green” areas are meeting the intent of the Plan. Furthermore, it appears that many of the areas shown as open space on the CDP are “leftover spaces” and do not serve to protect Green Infrastructure elements or serve as an amenity for the proposed residential development. When evaluating open space within a residential cluster within the Transition Policy Area, the County will consider the contiguity of the open space to other designated open space and unique site features and Green Infrastructure implementation (Revised General Plan, Chapter 8, Community Design Policies, Policy 12).

Analysis

Staff requests additional commitments regarding amenities proposed for the four “Green” areas. As currently proposed, Staff is unsure how these areas will vary in function, size, and type. Staff further recommends the applicant reduce the density of the proposed development to no more than 87 residential dwelling units. The reduction in residential density will allow for the open space requirements to be met, while preserving meaningful open areas for the residents of the proposed community.

The applicant proposes to dedicate Landbay A (approximately 24.58 acres) to the County. Landbay A is labelled as a Public Use Site/Park on the CDP and Proffer IVB provides that it should be used for public education, recreation and/or open space purposes. Staff notes, Landbay A contains several Green Infrastructure elements and may lack sufficient usable land while adequately preserving these features. To better understand the viability of the site, Staff requests the applicant provide the following for Landbay A: (1) acreage of jurisdictional waters and wetlands; (2) acreage of river and stream corridor resource (floodplain and 50-foot management buffer); (3) acreage of cemetery and associated buffer; and (5) acreage of landbay excluding jurisdictional waters, wetlands, floodplain, 50-foot management buffer surrounding the floodplain, and cemetery and associated buffer.

Analysis

Staff requests an analysis of the Green Infrastructure elements located within Landbay A as described above.

EXISTING CONDITIONS

The Revised General Plan defines the County’s Green Infrastructure as a “collection of natural, cultural, heritage, environmental, protected, passive, and active resources that will be integrated in a related system” (Revised General Plan, Chapter 5, Green Infrastructure Policy 1). Examples of green infrastructure components includes stream

and river corridors, wetlands, forested areas, tree stands, steep slopes, greenways, trails, historic and archeological sites and other open spaces. Green infrastructure is the framework and unifying element that determines where and how development will occur within Loudoun County (*Revised General Plan, Chapter 5, text*). A central objective of the Transition Policy Area is to recognize, preserve, and enhance green infrastructure elements. The subject property includes river and stream corridor resources, wetlands, and forest cover.

The property is located within the Bull Run Watershed. The majority of the property drains to Elklick Run, which drains into Cub Run. The receiving segment of Cub Run has been listed by the Virginia Department of Environmental Quality (DEQ) as impaired for aquatic life. The southern portion of the property drains to an unnamed tributary to Bull Run. Impacts to the river and stream corridor resource, wetlands, and forest cover on the property have the potential to adversely affect water quality. Environmental commitments discussed in detail below will help to minimize pollutants being discharged into streams.

River and Stream Corridor Resources

The subject property contains tributaries which drain to Elklick Run and Bull Run. These tributaries and adjoining floodplain, along with the 50-foot management buffer surrounding the floodplain, as called for in the *Revised General Plan* together constitute the river and stream corridor resource (*Revised General Plan, Chapter 5, River and Stream Corridor Resource Policies, Policy 2*). The Plan's intent for the 50-foot management buffer is to serve as protection for the river and stream corridor elements from upland disturbances and adjacent development (*Revised General Plan, Chapter 5, River and Stream Corridor Resources Policies, Policy 4*). However, the 50-foot management buffer can be reduced if it can be shown that a reduction does not adversely impact the stream corridor elements, and that performance standards and criteria are met and maintained (*Revised General Plan, Chapter 5, River and Stream Corridor Resources Policies, Policy 5*). The Illustrative Plan (Sheet 4) depicts lots encroaching into the 50-foot management buffer. Proffer XB5 provides the applicant will reforest open areas within or adjacent to the floodplain in an amount equal to the area of the river and steam corridor resource encroachments. Removal of the 119 lots in excess of what is permitted by the Plan would eliminate the minor encroachments into the river and stream corridor resource. Reforestation of all the open areas in the floodplain (approximately 1.4 acres) would help protect water quality and offset the loss of significant tree cover removed with the proposed development.

Analysis

Staff recommends relocating development outside of the river and stream corridor resource. Staff further recommends Proffer XB5 be revised to commit to reforesting open areas within the floodplain to mitigate the loss of tree cover (see further discussion below). Staff recommends the applicant consider utilizing the specific proffer language pertaining to Planting Plans attached to this referral (Attachment 1).

The Concept Development Plan (Sheet 3) shows a six-foot multi-use trail within the river and stream corridor resource. The Plan calls for trails within the river and stream corridor resource to be of a permeable material only (*Revised General Plan, Chapter 5, River and Stream Corridor Resources Policies, Policy 18g*). Proffer IB6 provides the applicant will utilize raised boardwalk crossings where trails traverse jurisdictional streams and wetlands. While Staff appreciates this proffer, it only applies to stream crossings and would not apply to trails traversing the floodplain and 50-foot management buffer.

Analysis

Staff recommends a commitment to permeable materials for trails located within the river and stream corridor resource. Staff further recommends, where feasible, co-locating the trail with the 20-foot sanitary sewer easement to minimize impacts to the riparian corridor.

Wetlands

The subject site contains drainageways and wetlands as identified in the submitted Waters of the U.S. Delineation Report dated October 26, 2006. Staff notes the stream and wetland boundaries shown on the CDP differ slightly from the delineation map provided with the report. The stream and wetland boundaries should be updated for consistency.

The County supports the federal goal of no net loss to wetlands (*Revised General Plan, Chapter 5, River and Stream Corridor Resources Policies, Policy 23*). Impacts to streams and wetlands are proposed and mitigation will likely be required. Proffer XA provides the applicant will endeavor to prioritize the mitigation of wetland impacts in the following order: 1) on-site; 2) within the Bull Run Watershed of the Transition Policy Area; 3) within the Bull Run Watershed outside of the Transition Policy Area; 4) within Loudoun County; and 5) outside of the County, but within the Potomac River Watershed. Staff is unsure what is meant by “endeavor to prioritize”. As currently proposed, it does not appear wetland mitigation will meet the County’s goal of no net loss of wetlands.

Analysis

Staff requests the applicant consider utilizing the specific proffer language pertaining to Wetlands and Streams attached to this referral (Attachment 2). Staff further requests the applicant update the CDP consistent with the stream and wetland boundaries shown on the delineation map.

Stormwater

Increases in impervious land cover due to development can concentrate and increase the rate and volume of stormwater runoff from development. Developments typically convey stormwater runoff via gutters, sewers, and channels. The conveyed run-off can carry pollutants including litter, salts, oil, grease, and metals, impeding the opportunity

for water infiltration back into the ground. The hydrological impacts of increased runoff can result in detrimental impacts to groundwater replenishment, stream water quality and aquatic habitats.

The County promotes water conservation through low impact development (LID) techniques (*Revised General Plan, Chapter 5, Surface Water Policies, Policy 2*). LID uses natural vegetation and small-scale treatment systems to treat and infiltrate rainfall close to the source. LID's goal is to mimic a site's predevelopment hydrology by using design techniques that infiltrate, filter, store, evaporate, and detain stormwater runoff. LID locates water quality measures at the closest possible proximity to proposed impervious areas.

Three SWM/BMP facilities are identified on the CDP (Sheet 3), two of which are existing wet ponds. Please note the existing volume of the ponds cannot be credited toward pollutant removal requirements. Proffer XF3 provides that any dry pond will be constructed as an enhanced extended detention pond. Proffer XF4 is an LID proffer that does not quantify measures. Staff recommends committing to at least one option from a list of measures. Lastly, Proffer XF5 pertains to peak velocity of stormwater discharge on the property completely surrounded by the proposed development (see map). The proffer provides the peak velocity of stormwater discharge upon the parcel shall not be increased beyond what is currently being discharged at the time of the rezoning approval. The commitment should specify a design storm and be subject to the approval of the County.

Analysis

Staff recommends revising Proffer XF4 to state that the applicant shall provide a minimum of at least one LID Best Management Practice to treat stormwater from the property, such as but not limited to water quality swales, bioretention facilities/rain gardens, sheet flow to vegetated buffers, or any alternative LID practice acceptable to the Department of Building and Development. Staff further recommends revising Proffer XF5 to specify a design storm “subject to approval by” the Director of Building and Development.

Proffer XB4 provides the applicant will double the required storage volume for any sediment trap located within 300 feet of Elklick Run. As the property is located approximately 3,000 feet from Elklick Run, Staff is unsure what is intended by this proffer. If it was intended to apply to the tributary to Elklick Run located on the subject property, the proffer should be updated to reference the tributary or remove the distance threshold. The proffer should also apply to sediment basins.

Analysis

Staff recommends revising Proffer XB4 to either reference the tributary to Elklick Run or remove the 300 foot distance requirement. Staff further recommends revising the proffer to apply to include sediment basins.

Forests, Trees, and Vegetation

The Plan calls for the preservation, protection, and management of forests and natural vegetation for the various economic and environmental benefits that they provide, and for the submittal and approval of a tree conservation or forest management plan prior to any land development that “demonstrates a management strategy that ensures the long-term sustainability of any designated tree save area” (Revised General Plan, Chapter 5, Forests, Trees and Vegetation Policies, Policies 1 & 3).

The applicant provided a Forest Management Plan and Cover Type Map dated August 6, 2004 with the first submission. The information from this Plan has been incorporated into the Vegetative Cover Map (Sheet 5). Two of the cover types identified within the Forest Management Plan, Cover Types 1 and 2 are considered a high priority for forest management and preservation consideration. Large areas of trees are planned to be removed with the proposed development; however, several areas have been identified as Tree Conservation Areas (TCAs) on the CDP (Sheet 3). Portions of Cover Type 1 are proposed to remain in the southern and southwestern portions of the property. Portions of Cover Type 2 are also proposed to remain within the northern portion of the site, within and adjacent to portions of the river and stream corridor resource in the northeastern portion of the property. As stated above, under the existing zoning of the property, 63 residential dwelling units would be permitted or up to 87 dwelling units if the portion of the property within the Lower Bull Run Subarea was rezoned to permit 1 dwelling unit per acre. If 119 residential dwelling units were removed, consistent with Plan policies, larger expanses of tree cover could be preserved.

Analysis

Staff recommends revising the Concept Development Plan to include all of Cover Type 2 within Land Bay A as a TCA, including the tree cover that corresponds with the existing cemetery and the adjacent wetland. Staff further recommends exploring additional opportunities to preserve Cover Type 1, including the southern perimeter buffer. Removal of residential dwelling units beyond what is envisioned by the Plan would allow additional opportunities to preserve Cover Type 1.

Heritage Resources

Loudoun County seeks the preservation of the County’s cultural and scenic character by the conservation of archaeological sites and historic structures and their settings and the establishment of land uses compatible with historic, open space, and scenic view areas (Revised General Plan, Chapter 5, Historic and Archaeological Resources Policy 2). Additionally, all land development applications will be required to submit an archaeological and historic resources survey (Revised General Plan, Chapter 5, Historic and Archaeological Resources Policy 11). Staff has reviewed the Phase 1 Archaeological Survey dated October 18, 2006 (See Attachment 3). One historic cemetery located within Land Bay A (44LD841) has been interpreted as a possible historic slave cemetery and warrants mitigation and preservation. Proffer VI provides the cemetery will be delineated in the field and protected with metal fencing during the

construction phase and permanent metal fencing with signage once construction is complete. It is unclear whether the applicant proposes to delineate the cemetery via fencing or whether the statement indicates a professional archaeological field delineation will be conducted to discern the absolute boundary of the cemetery prior to fencing.

Analysis

Staff recommends the proffer statement reflect that a professional archaeological field delineation has been (or will be) conducted for Site 44LD841 to discern the absolute boundary of the cemetery to include any unmarked grave sites. Staff requests a copy of the delineation report. Staff further recommends the proffer statement include the location of fencing will accommodate a minimum 20-foot buffer from all identified graves. Staff does not recommend interpretive signage until or unless additional research is conducted to accurately interpret the cemetery.

Highway Noise

The Revised General Plan and 2010 CTP contain roadway noise policies, which are intended to protect noise-sensitive uses from roadway noise. The primary means to protect these uses is through proper design. Mitigation measures considered as part of the policies include adequate setbacks, earthen berms, wooden fences, and dense vegetation (Revised General Plan, Chapter 5, *Highway Noise Policies, Policies 1 & 2*, and 2010 CTP, Chapter 7, *Noise Policies, Policies 1 & 4*).

All proposed land uses adjacent to any existing or proposed arterial or major collector will be designed to ensure that no residential or other noise sensitive use will have traffic impacts. Impacts occur when predicted noise levels approach or exceed the noise abatement criteria (2010 CTP, Table 7-1) or when the predicted noise levels substantially exceed existing noise levels (2010 CTP, Chapter 7, *Noise Policies, Policy 1*). Loudoun County Parkway is designated as a major collector. Noise levels along Loudoun County Parkway should be evaluated to address any potential noise impacts on the proposed residential uses. Plan policies call for the utilization of the latest version of the Federal Highway Administration's Highway Traffic Noise Prediction Model (FHWA-RD-77-108, as amended) to assess noise impacts (2010 CTP, Chapter 7, *Noise Policies, Policy 1*). The policies also include the design year noise levels, road configuration, design speed, pavement type, and topography that should go into the study to assess noise impacts (2010 CTP, Chapter 7, *Noise Policies, Policy 1*). Proffer XC provides the applicant shall provide a noise impact study along Existing Bull Run Post Office Road (future Loudoun County Parkway); however, the proffer is missing elements required to ensure consistency with the Plan and CTP policies (i.e. based on traffic volumes 10-20 years from the start of construction, ultimate road configuration, and ultimate design speed; timing should be site plan or construction plan; impacts occur if levels approach the Noise Abatement Criteria).

Analysis

Staff recommends the applicant commit to a noise impact study prepared according to the 2010 CTP policies for Loudoun County Parkway. Staff requests the applicant consider utilizing the specific proffer language pertaining to Highway Noise attached to this referral (Attachment 3).

UNMET HOUSING NEEDS

The Revised General Plan housing policies recognize that unmet housing needs occur across a broad segment of the County's income spectrum and promote housing options for all people who live and/or work in Loudoun County (Revised General Plan Countywide Housing Policies, Chapter 2, Housing text). Unmet housing needs are defined as the lack of housing options for households earning up to 100% of the Washington Metropolitan Area Median Income (AMI) (Revised General Plan, Chapter 2, Housing, Unmet Housing Needs, Guiding Principles Policy 2). The current AMI for 2014 is \$107,000.

The County requires that land development applications proposing more than 50 dwelling units with a density greater than one dwelling unit per acre provide a certain percentage of affordable units (ADUs) (Revised General Plan, Chapter 2, Housing Affordability, Legislation Policies, Policy 1). As stated above, the proposed density is not consistent with the goals and policies of the Revised General Plan. Staff notes Article 7 of the Zoning Ordinance does not require ADUs for land zoned TR-1 (Revised 1993 Zoning Ordinance, 7-102(D)(7)).

The County's ADU program enables eligible first time homebuyers, with moderate incomes ranging from 30 to 70 percent of the AMI the opportunity to purchase newly constructed or resale ADU units. Policies encourage a variety of housing types, sizes, and innovative designs in addition to housing options that are appropriately located to support a balanced development program (Revised General Plan, Chapter 2, Housing Affordability, Guiding Principles Policies, Policy 6 & Policy 7).

It is noted that ADUs as required by the Zoning Ordinance only address housing needs for households with incomes between 30 and 70 percent of the AMI. The Revised General Plan states that County policies and programs will focus on housing options for households earning up to 100 percent of the Washington Metropolitan AMI (Revised General Plan, Housing Affordability, Guiding Principles Policies, Policy 2). Given that the Zoning Ordinance does not require ADUs for incomes below 30 percent AMI, the largest segment of unmet housing needs in the County is for incomes below 30 percent AMI.

Proffer XII provides the applicant will contribute \$1,875 for each market rate dwelling unit for the purpose of assisting qualified individuals or families with a household income between 0% and 100% AMI to purchase or rent homes in Loudoun County. If the application is considered further, the applicant should consider using the formula, Staff in consultation with the Department of Family Services (DFS) has developed to

calculate appropriate cash contributions for unmet housing needs on a per unit basis. In summary, the approach takes 6.25% of proposed market rate units and multiplies that number by a reasonable public subsidy which is considered to be approximately \$30,000 (\$90,000 is the average estimated cost to construct a multi-family affordable rental unit). This yields a total contribution amount. That amount is then divided by the total number of market rate units in the project to identify a per unit cash contribution. As currently proposed with 206 market rate units, the applicant would be anticipated to provide a cash contribution of \$390,000 or \$1893.20 per unit:

$$\begin{aligned} 206 \text{ market rate units} \times 6.25\% &= 12.88 \text{ (13 Rounded up)} \\ 13 \times \$30,000 &= \$390,000 \\ \$390,000 \div 206 &= \$1893.20 \text{ per unit} \end{aligned}$$

Proffered funds would be used at the discretion of the Loudoun County Board of Supervisors to further affordable housing in Loudoun County. Providing the actual units rather than a cash contribution would be preferred given the County's need for affordable housing.

Analysis:

County policies do not support the proposed rezoning. Should the application move forward, staff requests the applicant provide a cash contribution or units consistent with the Revised General Plan Housing Policies.

CAPITAL FACILITIES

Under the Revised General Plan, all residential rezoning requests will be evaluated in accordance with the Capital Facility guidelines and policies of the Plan (Revised General Plan, Chapter 3, Proffer Policies, Policy 3). The Revised General Plan calls for capital facilities contributions valued at 100 percent of capital facility costs per dwelling unit at densities above the specified base density (Revised General Plan, Chapter 11, Capital Facilities Guideline 1). The base density is defined as 1.0 dwelling unit per acre or a base density equivalent to the density requirements contained in the existing zoning district regulations applicable to the property and in effect at the time of application (Revised General Plan, Chapter 11, Implementation, Capital Facilities Guidelines 4).

A central objective of the Revised General Plan is one of balancing business and residential uses to promote an effective fiscal policy (Revised General Plan, Chapter 3, Fiscal Planning and Budgeting Policies, Policy 1 & Policy 2). The proposed project would introduce residential development above and beyond what is envisioned by the Plan and places demands on the County to provide additional services for future residents.

Analysis

County policies do not support the proposed rezoning. Should the application move forward, capital facility impacts should be mitigated.

RECOMMENDATION

Staff does not recommend approval of the rezoning application as it is not consistent with the land use policies of the Revised General Plan. The proposed density exceeds recommendations set forth in County policies. During the development of the Plan, the County established the existing densities as reasonable and appropriate. Approval of this rezoning would set a precedent for similar proposals creating a fiscal imbalance in this portion of the County where this amount of residential development has not been previously anticipated and accounted for in County service plans.

Staff is available to meet with the applicant to discuss these issues.

ATTACHMENTS

- Attachment 1:** Sample Planting Plan Proffer Language
- Attachment 2:** Sample Wetland and Stream Mitigation Proffer Language
- Attachment 3:** Phase 1 Analysis

cc: Julie Pastor, FAICP, Planning and Zoning Director
Cindy Keegan, AICP, Community Planning, Program Manager via e-mail