

MOTION:

**October 8, 2019
Regular Meeting**

SECOND:

Ord. No. 19-

**RE: PROFFER AMENDMENT #REZ2019-00035, OCCOQUAN VIEW COURT -
OCCOQUAN MAGISTERIAL DISTRICT**

ACTION:

WHEREAS, this is a request to amend proffers contained in Rezoning #REZ1999-0013 to allow an increase in allowable residential lots for a family land transfer in the A-1, Agricultural, zoning district. Specifically, the amendment will remove the proffered unit cap and permit a family land subdivision of the property to occur in accordance with Prince William County Subdivision Ordinance, Chapter 25, Section 25-6; and

WHEREAS, the site is located at the end of Occoquan View Court; is identified on County maps as GPIN 8194-73-8593 and 8194-84-5411; and is currently addressed as 4460 and 4470 Occoquan View Court; and

WHEREAS, the site is designated Semi Rural Residential (SRR) and Environmental Resource (ER) in the Comprehensive Plan; and

WHEREAS, staff has reviewed the subject application and recommends approval, as stated in the staff report; and

WHEREAS, the Planning Commission, at its public hearing on September 4, 2019, recommended approval, as stated in Resolution Number (Res. No.) 19-093; and

WHEREAS, a Board of County Supervisors' public hearing, duly advertised in a local newspaper for a period of two weeks, was held on October 8, 2019, and interested citizens were heard; and

WHEREAS, the Prince William Board of County Supervisors finds that public necessity, convenience, general welfare, and good zoning practice are served by the approval of the request;

NOW, THEREFORE, BE IT ORDAINED that the Prince William Board of County Supervisors hereby approves Proffer Amendment #REZ2019-00035, Occoquan View Court, subject to the proffers dated September 10, 2019;

BE IT FURTHER ORDAINED that the Prince William Board of County Supervisors' approval and adoption of any proffered conditions does not relieve the applicant and/or subsequent owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

October 8, 2019
Regular Meeting
Ord. No. 19-
Page Two

ATTACHMENT: Proffer Statement, dated September 10, 2019

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

For Information:

Planning Director

Ryan Foroughi
Bagby, Foroughi and Goodpasture, PLLC
125 Olde Greenwich Drive Suite 115
Frdericksburg, Virginia 22408

ATTEST: _____
Clerk to the Board

PROFFER AMENDMENT STATEMENT

Case Number: Case Number: REZ2019-00035,
Occoquan View Court
Record Owner: Bergstrom Christopher W. & Donna M.
Whittington John D. & Maria E.
Property: GPINs: 8194-73-8593 & 8194-84-5411
21.392 +/- acres
Date: September 10, 2019

I hereby proffer that the use and development of this property shall be in strict accordance with the following conditions and shall supersede all previous approved proffers including REZ #99-0013, for the subject property. In the event the referenced rezoning is not granted as applied for by the Applicant or Applicant withdraws his application, these proffers shall be withdrawn and are null and void. The headings of the proffer set forth herein below have been prepared for convenience or reference only and shall not control or effect the meaning or be taken as an interpretation of any provision of the proffers. Any improvements proffered herein shall be provided at the time of the development of that portion of the site served by the improvement as shown on the Generalized Development Plan (GDP) prepared by Bagby, Foroughi & Goodpasture, PLLC dated September 10, 2019. Minor modifications shall be permitted at the time of each lot grading plan based on final engineering and Zoning Ordinance or Design and Construction Standards Manual requirements.

1. LAND USE:

- A. The property shall be developed in accordance with the A-1 Zoning district in accordance with the standards of the Zoning Ordinance of Prince William County; The aforementioned proffer shall in no way be construed to prohibit the Record Owner(s) a family land transfer as outlined in the Code of Virginia 15.2-2244, not to exceed the number of additional lots shown on the GDP.
- B. The Applicant agrees to the clearing limits as substantially shown on the GDP other than Proffer 1. C. ii.. In addition, minor changes shall be permitted at the time of each lot grading plan based on final engineering and Zoning Ordinance or Design and Construction Standards Manual requirements. Under no circumstances shall clearing associated with a lot grading plan encroach into the Resource Protection Area (RPA) as depicted on the referenced GDP. Compliance shall be demonstrated on each lot grading plan approval.
- C. The Applicant agrees that any improvement proffered herein shall be in substantial conformance with the Generalized Development Plan prepared by Bagby, Foroughi & Goodpasture, PLLC dated September 10, 2019 with the following exceptions:
 - i. The size, footprint and orientation of the proposed dwelling. Under no circumstances shall the size, footprint and orientation of the proposed dwelling encroach into the RPA as depicted on the referenced GDP; and
 - ii. The size, footprint, orientation and location of the proposed septic field and reserve. Under no circumstances shall the size, footprint, orientation and

PROFFER STATEMENT

Case Number: REZ2019-00035, Occoquan View Court

location of the proposed septic and associated reserve encroach into the RPA as depicted on the referenced GDP.

- D. Modifications to the clearing limits as depicted on the GDP may be considered at the time of each lot grading plan to potentially lessen disturbance in the Environmental Resource (ER). However, any potential or suggested modification to the GDP clearing limits to lessen disturbance in the ER by Prince William County must be agreeable to the Record Owner(s) of the respective or related property. The review of the clearing limits by Prince William County at the time of each lot grading plan to potentially lessen disturbance in the ER shall not be construed to prevent or limit the Record Owner(s) from GDP modifications as allowed and outlined above in 1.B., 1. C. i., 1. C. ii..
2. UTILITIES:
- A. All utilities provided in connection with this development shall be placed underground.
 - B. Septic drainfields and wells will be utilized within the development. A one hundred percent (100%) drainfield reserve in excess of the original drainfield shall be provided.
 - C. In the event public sewer and water become available to the subject site prior to each lot grading plan approval, the site shall be served by public water and sanitary sewer. The Applicant shall have no obligation to bring public water and sanitary sewer to the subject site.
3. LIBRARY: The Applicant proffers to contribute Fifty Dollars (\$50.00) per dwelling unit to the Prince William Board of County Supervisors, at the time of issuance of the occupancy permit for each unit, for library service.
4. PARKS AND RECREATION: The Applicant proffers to contribute Five Hundred Dollars (\$500.00) per dwelling unit to the Prince William Board of County Supervisors, at the time of issuance of the occupancy permit for each unit, for parks and recreational purposes.
5. FIRE AND RESCUE: The Applicant proffers to contribute Two Hundred Dollars (\$200.00) per dwelling unit to the Prince William Board of County Supervisors, to be utilized for fire and rescue purposes at the time of the issuance of the occupancy permit for each unit.
6. ESCALATOR: In the event the monetary contributions set forth in the Proffer Statement are paid to the Prince William County Board of County Supervisors within eighteen (18) months of the approval of REZ #99-0013, as applied for by the Applicant, said contributions shall be in the amounts as stated herein. Any monetary contributions set forth in the Proffer Statement which are paid to the Prince William County Board of Supervisors after eighteen (18) months following the approval of REZ #99-0013, shall be adjusted in accordance with the Urban Consumer Price Index ("CPI-U) published by the United States Department of Labor, such that at the time contributions are paid, they shall be adjusted by the percentage change in the CPI-U from that date eighteen (18) months after the approval of REZ #99-0013 to the most recently available CPI-U to the date the contributions are paid, subject to a cap of 7% per year, non-compounded.

PROFFER STATEMENT

Case Number: REZ2019-00035, Occoquan View Court

- 7. **SCHOOLS:** The Applicant proffers to contribute One Thousand Two Hundred Seventy Dollars (\$1,270.00) per dwelling unit to the Prince William County Board of County Supervisors, at the time of issuance of the occupancy permit for each unit, for public school purposes.

The conditions set forth in this Proffer Statement supersede all conditions set forth in previous proffer statements submitted as a part of this application and the previous proffer statements approved in the rezoning of the project in 1990 in REZ #90-33 and in 1997 in REZ #97-40 and 1998 in REZ 1999-0013 for the area of revision.

OCCOQUAN CLUB ESTATES

By: John Whittington

By: _____
John Whittington
Owner

By: Maria E. Whittington

By: _____
Maria E. Whittington
Owner

By: Christopher W. Bergstrom

By: _____
Christopher W. Bergstrom
Owner

By: Donna M. Bergstrom

By: _____
Donna M. Bergstrom
Owner



PRINCE WILLIAM COUNTY

Office of Executive Management
Christopher E. Martino, County Executive

The Board of County Supervisors
Corey A. Stewart, Chairman
Maureen S. Caddigan, Vice Chair
Ruth M. Anderson
Victor S. Angry
Pete Candland
Jeanine M. Lawson
Martin E. Nohe
Frank J. Principi

DATE: September 20, 2019

TO: Board of County Supervisors

FROM: Rebecca Horner, AICP, CZA
Director of Planning

THRU: Christopher E. Martino
County Executive

RE: Proffer Amendment #REZ2019-00035, Occoquan View Court
Occoquan Magisterial District

I. Background is as follows:

- A. Request: This is a rezoning to amend proffers contained in Rezoning #REZ1999-0013, which will effectively allow two (2) by-right units (per A-1 zoning) an additional three (3) units through a family land transfer in accordance with Prince William County Subdivision Ordinance, Chapter 25, Sec. 25-6.

Uses/Features	Existing	Proposed
Proffer Amendment Area	±21.392 Acres	±21.392 Acres
Use(s)	2 Residential lots	2 by-right Residential lots plus 3 Family Land Transfer/Residential lots

- B. Site Location: The site is located at the end of Occoquan View Court. The properties are identified on County maps as GPIN 8194-73-8593 and 8194-84-5411; and are currently addressed as 4460 and 4470 Occoquan View Court.
- C. Comprehensive Plan: The site is designated Semi Rural Residential (SRR) and Environmental Resource (ER) in the Comprehensive Plan.
- D. Zoning/Acreage: The ±21.392-acre site is zoned A-1, Agricultural, with proffers.
- E. Surrounding Land Uses: The project is surrounded by residential-developed properties, as well as Lake Occoquan.
- F. Background and Context: The site has the following approval history:

1. On December 12, 1990, Rezoning #90-33 was approved by the Prince William County Board of Supervisors to rezone 42.4 acres from A-1, Agricultural, to R-1-5, Rural Residential, to create a total of eight (8) lots, subject to proffers dated December 4, 1990.
2. On April 5, 1995, Rezoning #94-35 to rezone ±42.4 acres from RR-5, Rural Residential to A-1, Agricultural, and remove transportation and grading proffers, was denied by the Prince William County Board of Supervisors. The BOCS concerns included access from existing private roads and road improvements.
3. On January 20, 1998, Rezoning Application #97-40 was approved by the Prince William County Board of Supervisors to rezone ±42.4 acres from RR-5, Rural Residential, to A-1, Agricultural, subject to proffers dated November 24, 1997. The rezoning approval result was less density than that suggested in the SRR designation and was preferable due to the environmental sensitivity of the site. The road access and improvements were to be addressed at site plan process.
4. On December 15, 1998, Rezoning #1999-0013 was approved by the Prince William County Board of County Supervisors to amend proffered conditions of Rezoning #97-40 relating to buffers, subject to proffers dated October 26, 1998. The subject amended buffer was proffered prior to the Chesapeake Bay Act RPA's being designated by the County. Portions of the proffered buffer area was beyond the RPA limits. The approved amendment served to replace the proffered buffer with the RPA limits to provide additional flexibility for sitting of houses on the four residential lots.

If the proffer amendment is approved, it will supersede the approved proffers for the ±21.392-acre site.

II. Current Situation is as follows:

- A. Planning Commission Recommendation – On September 4, 2019, the Planning Commission recommended approval of Proffer Amendment #REZ2019-00035, Occoquan View Court, subject to the proffers dated June 26, 2019, and the following items to be addressed prior to a public hearing with the Board of County Supervisors.
 1. To submit the proposed proffers by means of strikethrough and underline of the last approved proffers and the proposed added proffers to be amended.

Applicant Response: The Applicant provided the corrected formats for the proffers, as seen in the revised proffers dated September 10, 2019.

2. That the proffer amendment statement shall be in effect for that portion of the original site as identified with the General Development Plan (GDP) prepared by Bagby, Foroughi and Goodpasture, PLLC, as last revised June 26, 2019.

Applicant Response: The Applicant provided the requested correction to the referenced plan with the submitted revised proffers dated September 10, 2019.

3. To add language indicating the acreage for the prosed proffer amendment.

Applicant Response: The acreage for the proposed amendment has been added to the revised proffers dated September 10, 2019.

4. To proffer substantial conformance with the layout shown on the GDP.

Applicant Response: The Applicant provided revised proffer 1.C. that includes the provision of substantial conformance with the layout as shown on the GDP. However, the provided revised proffer 1.C. includes exceptions, 1.C.i. and 1.C.ii., to the size, footprint and orientation and location of the proposed dwelling and the primary and reserve septic field that were not requested by staff or discussed at the Planning Commission meeting.

5. That proffer 1.B. be a note included on the GDP and that proffer 1.B. be removed from proposed proffers.

Applicant Response: The Applicant removed proffer 1.B. from the proffers dated June 26, 2019 and provided the proffer information on the last revised GDP dated September 10, 2019.

6. To use the recommended language format for proffer 1.C. for proffering the clearing limits and delete the last sentence.

Applicant Response: The Applicant provided revised proffers dated September 10, 2019 that include proffer 1.B., previously proffer 1.C., that addresses the provision of proffering the clearing limits. The applicant provided additional language to the recommended standard format due to their concern for the future placement of the septic fields.

7. To remove proffers 6.A., 6. B. and 9.

Applicant Response: Proffers 6.A., 6.B. and 9. do not pertain to either of the lots associated with this proffer amendment application and have been removed from the revised proffers.

8. To replace the current case number references (3) to the prior approval case, REZONING, REZ #99-0013 in proffer number 7.

Applicant Response: The Applicant replaced the current case number references (3) in proffer 7. to the prior approved case, REZONING, REZ #99-0013.

9. To substantially conform to the limits of clearing shown on the GDP, subject to minor changes due to final engineering at the time of the site/subdivision plan review and approval.

Applicant Response: The Applicant added proffer 1.B that proffers the clearing limits. The applicant provided additional language to the recommended standard format due to their concern for the future placement of the septic fields.

10. To show and identify the Fairfax Water easement on the GDP.

Applicant Response: The revised GDP, last revised date September 10, 2019, includes the Fairfax Water easement.

11. To minimize negative ER impacts as deemed reasonable by all parties.

Applicant Response: The Applicant provided proffer 1.D. which includes addressing the impacts to the ER at the time of site plan.

- B. Planning Office Recommendation: Staff recommends approval of Proffer Amendment #REZ2019-00035, Occoquan View Court, subject to proffers dated September 10, 2019, for the following reasons:

- The subject site is zoned A-1, Agricultural, which includes a code provision for a family land subdivision. The proposed amendment will allow for the family land transfer provision in the Subdivision Ordinance.
- The proposed amendment request continues the commitments to proffered conditions to partially mitigate impacts to Libraries, Parks and Recreation, Fire and Rescue and Schools.
- The proposed smaller lots allowed under a Family Land Transfer would implement the SRR long range land use designation.

- C. Board of County Supervisors Public Hearing: A public hearing before the Board of County Supervisors has been advertised for October 8, 2019.

III. Issues in order of importance are as follows:

- A. Comprehensive Plan:

1. Long-Range Land Use: Is the proposed use consistent with those uses intended by the Semi-Rural Residential (SRR) and Environmental Resource (ER) land-use designations?
2. Level of Service: How does the proposal mitigate impacts to levels of service?
- B. Community Input: Have members of the community raised any issues?
- C. Other Jurisdictional Comments: Have other jurisdictions raised any issues?
- D. Legal Uses of the Property: What uses are allowed on the property? How are legal issues resulting from the Board of County Supervisor's action addressed?
- E. Timing: When must the Board of County Supervisors take action on this application?

IV. Alternatives beginning with the staff recommendation are as follows:

- A. Approve Proffer Amendment #REZ2019-00035, Occoquan View Court, subject to proffers dated September 10, 2019.
 1. Comprehensive Plan Consistency Analysis:
 - a) Long-Range Land Use: This site is located within the development area of the County and is classified SRR, Semi Rural Residential, and ER, Environmental Resource. The property is zoned A-1, Agricultural, where a family land transfers are generally permissible subject to County Code Sec. 25-6. This proposed proffer amendment will allow for the by-right family land transfer, although the proposed density exceeds SRR recommendations of 1 dwelling unit per 2.5 acres. In addition, proposed projects in and adjacent to ER are recommended to be at the low end of the density range or 1 dwelling unit per 5 acres.
 - b) Level of Service (LOS): The level of service impacts mitigated by proffered conditions contained in Rezoning #REZ1999-0013 are carried forward with this proffer amendment.
 2. Community Input: Notice of the proffer amendment application has been transmitted to property owners within 500 feet of the site. The applicant provided a memorandum from the Lake Occoquan Club Homeowners Association, Inc. (LOCHA) that conveys that the LOCHA Board voted, and later under a newly elected LOCHA Board, reaffirmed the vote to allow a family land transfer. Just prior to the September 4, 2019 Planning Commission public hearing, staff received three (3) emails from residents, one in opposition due to the concern of the safety of the subdivisions private roads and two requesting additional information. At the public hearing, there

were five (5) speakers present, with three (3) in opposition and two (2) in favor of the proposal.

3. Other Jurisdictional Comments: The project area is within the required notification area of Fairfax County. Fairfax County Department of Planning and Development staff recommended that the Applicant further evaluate impacts to the regional watershed and the Occoquan Reservoir due to the increased density, locations of the proposed improvements and proposed limits of clearing and grading. The Applicant has revised the GDP and relocated a couple proposed drainfields and one dwelling. The resubmission was sent to Fairfax County for further review. The Fairfax County concerns remain due to the proposed locations of the improvements and the limits of clearing continue to be in the environmental area. Fairfax County Department of Planning and Development staff provide comments on Prince William County's applications solely for the purpose of identifying issues that they believe need to be resolved. A recommendation for either approval or denial should not be inferred. These concerns represent Fairfax County Planning staff analysis and do not reflect the opinion of the Fairfax County Board of Supervisors. The Prince William County Planning Office received a letter on September 4, 2019 from Fairfax Water expressing a couple issues to consider in the amended development conditions. On September 4, 2019, the Planning Commission recommended approval subject to the inclusion of the Fairfax Water development conditions.
4. Legal Uses of the Property: The subject site could be developed by-right under the family land transfer provisions of the A-1 zoning classification, if the proffer amendment is approved, subject to the approved proffered conditions. Legal issues resulting from the Board of County Supervisor's action are appropriately addressed by the County Attorney's Office.
5. Timing: The Board of County Supervisors generally has one year from the date of acceptance to take action on a rezoning request. The one-year time frame will end on April 26, 2020.

B. Deny Proffer Amendment #REZ2019-00035, Occoquan View Court.

1. Comprehensive Plan Consistency Analysis:
 - a) Long-Range Land Use: Denial of the Proffer Amendment would not impact the SRR, Semi Rural Residential, and ER, Environmental Resource, long-range land use designations for this property.
 - b) Level of Service: Denial would not have an adverse impact on the existing level of service.
2. Community Input: Notice of the proffer amendment application has been transmitted to property owners within 500 feet of the site. The applicant

provided a memorandum from the Lake Occoquan Club Homeowners Association, Inc. (LOCHA) that conveys that the LOCHA Board voted, and later under a newly elected LOCHA Board, reaffirmed the vote to allow a family land transfer. Just prior to the September 4, 2019 Planning Commission public hearing, staff received three (3) emails from residents, one in opposition due to the concern of the safety of the subdivisions private roads and two requesting additional information. At the public hearing, there were five (5) speakers present, with three (3) in opposition and two (2) in favor of the proposal.

3. Other Jurisdictional Comments: The project area is within the required notification area of Fairfax County. Fairfax County Department of Planning and Development staff recommended that the Applicant further evaluate impacts to the regional watershed and the Occoquan Reservoir due to the increased density, locations of the proposed improvements and proposed limits of clearing and grading. The Applicant has revised the GDP and relocated a couple proposed drainfields and one dwelling. The resubmission was sent to Fairfax County for further review. The Fairfax County concerns remain due to the proposed locations of the improvements continue to be in the environmental area and the limits of clearing remain unchanged. The Prince William County Planning Office received a letter on September 4, 2019 from Fairfax Water expressing a couple issues to consider in the amended development conditions. If the subject proffer amendment is denied, Fairfax County Department of Planning and Development and Fairfax Water staff will not have any concerns.
4. Legal Uses of the Property: If the proffer amendment were denied, the property could be developed in accordance with the A-1, Agricultural, standards, as proffered. A family land transfer would not be permitted because the maximum number of residential lots is capped. Legal issues resulting from the Board of County Supervisors action are appropriately addressed by the County Attorney's Office.
5. Timing: The Board of County Supervisors generally has one year from the date of acceptance to take action on a rezoning request. The one-year time frame will end on April 26, 2020.

- V. **Recommendation** is that the Board of County Supervisors concurs with Alternative A and approves the attached Ordinance.

Staff: Brenda J. Schulte, 703-792-8050

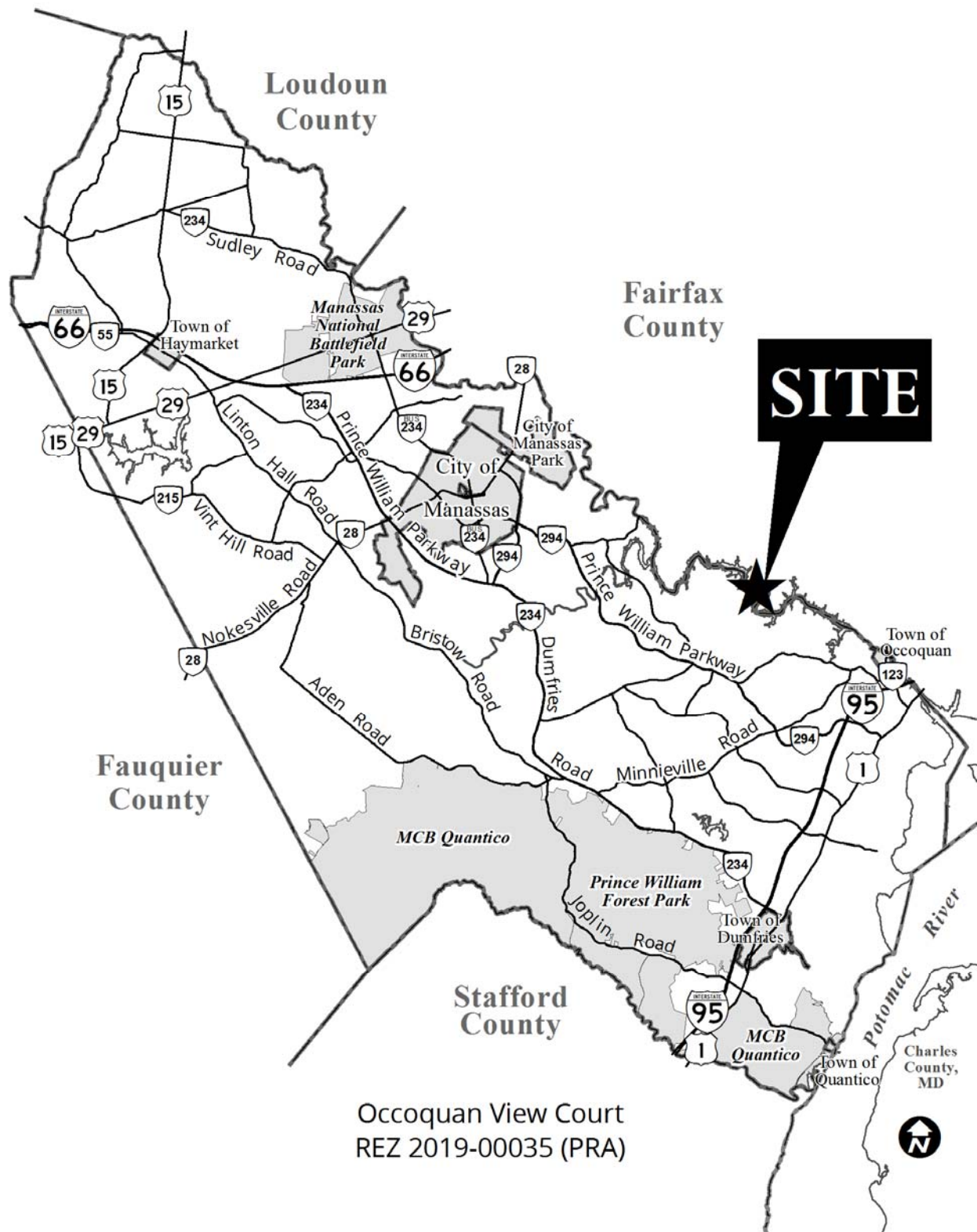
Attachments

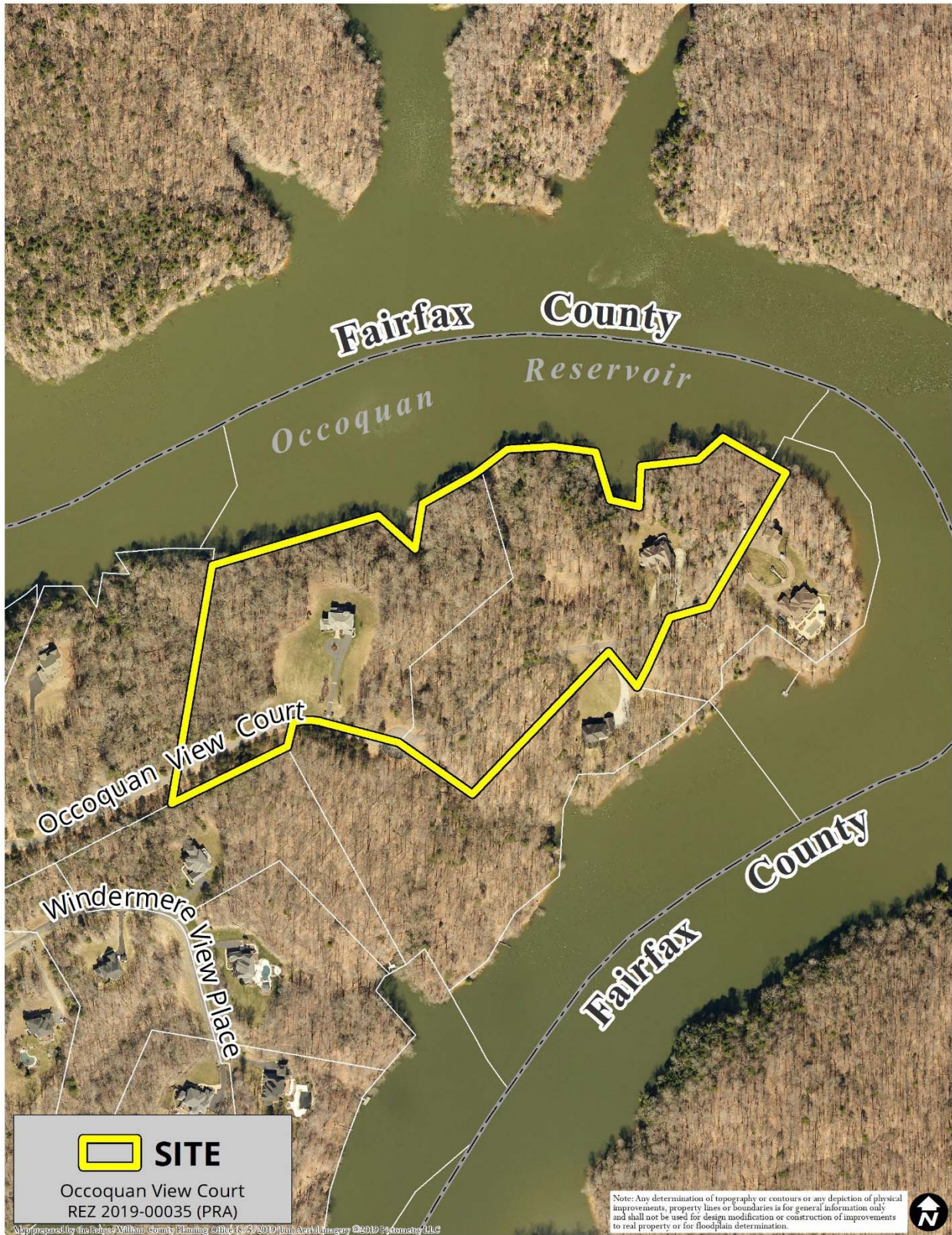
Area Maps

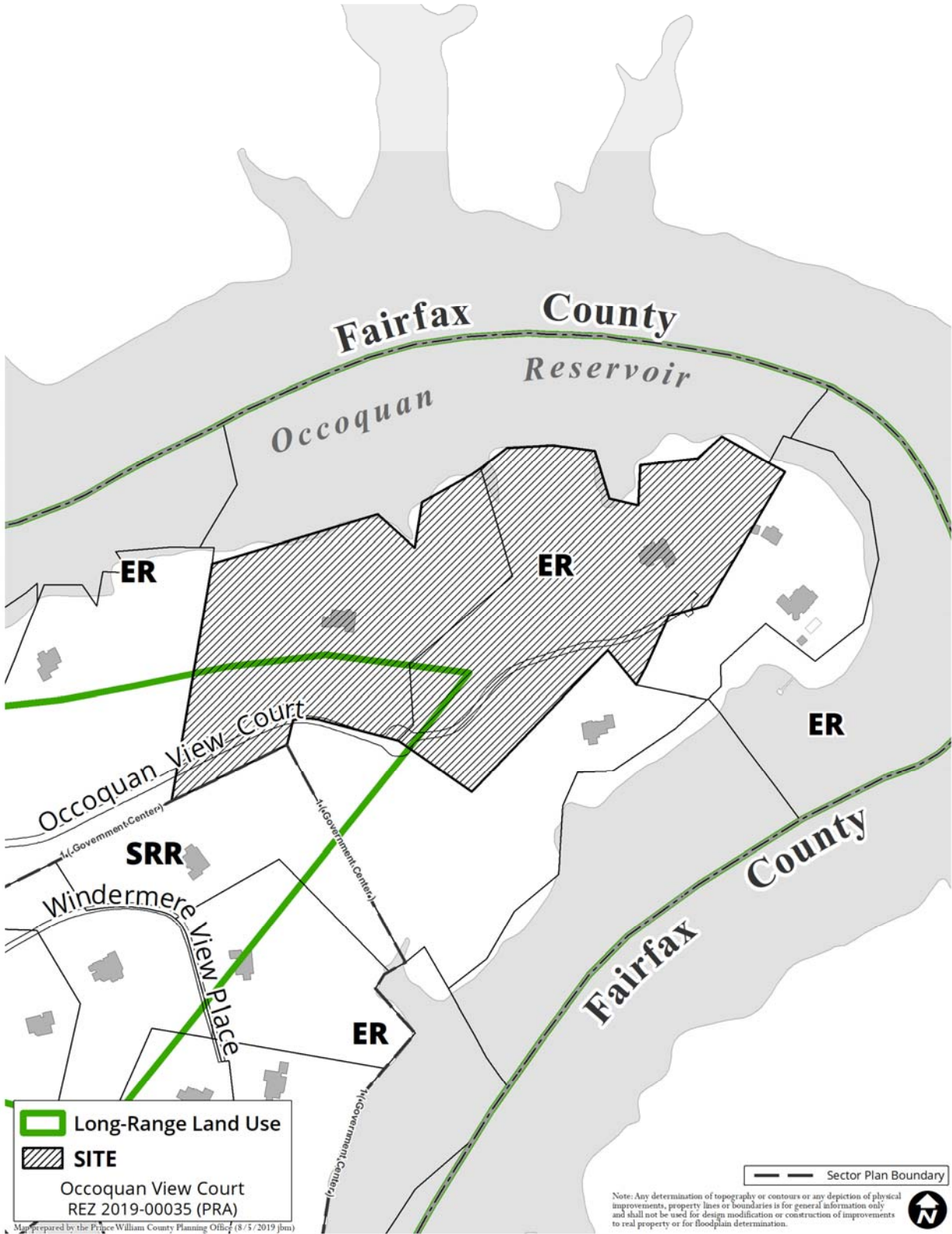
Staff Analysis

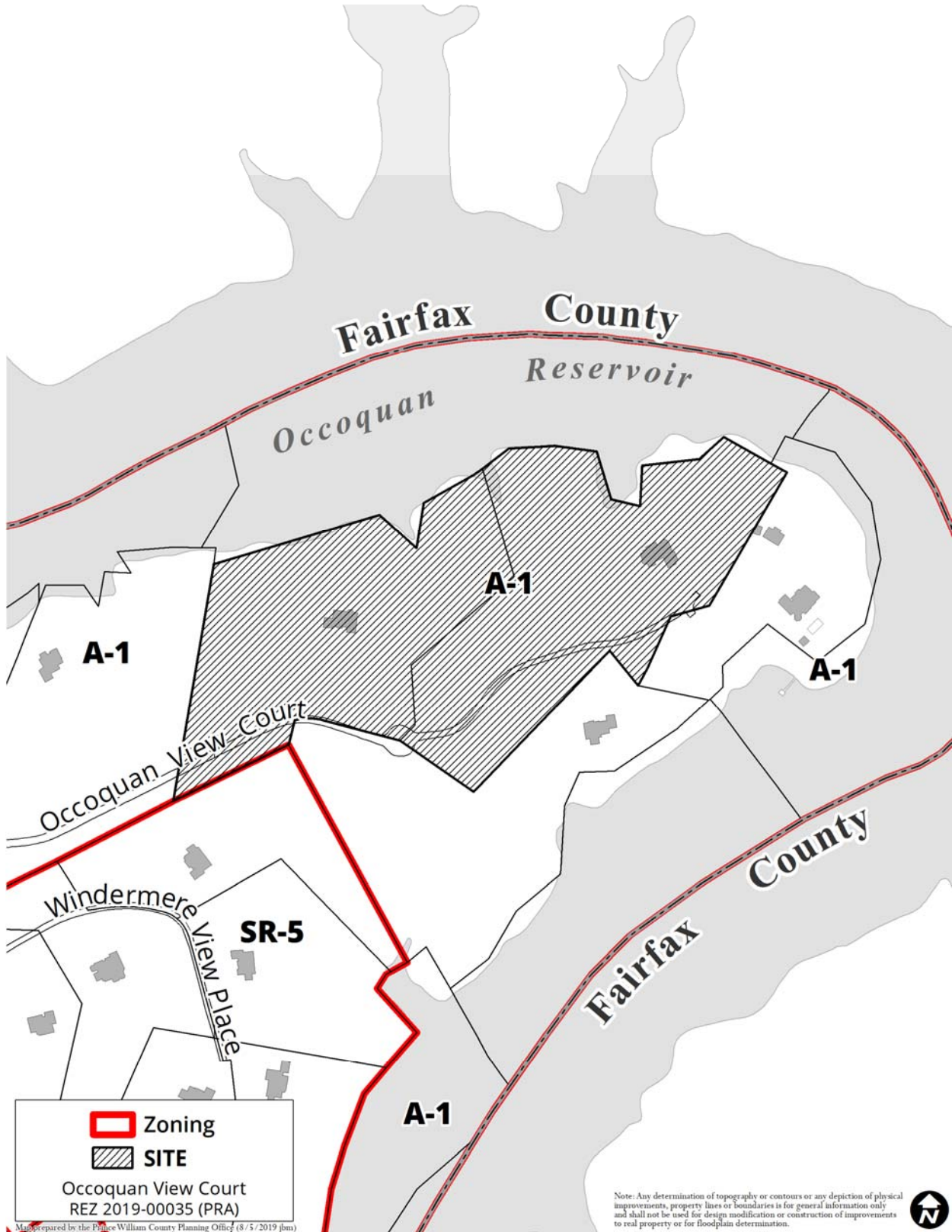
September 10, 2019 Proffers with Strikethrough and Underline

General Development Plan (GDP)
Environmental Constraints Analysis (ECA)
Planning Commission Resolution









Map prepared by the Prince William County Planning Office (8/5/2019 jhm)

Part I. Summary of Comprehensive Plan Consistency

Staff Recommendation: APPROVAL

This summary analysis is based on the relevant Comprehensive Plan action strategies, goals, and policies. A complete analysis is provided in Part II of this report.

Comprehensive Plan Sections	Plan Consistency
Long-Range Land Use	Yes
Community Design	No
Environment	No
Fire & Rescue	Yes
Transportation	Yes

Part II. Comprehensive Plan Consistency Analysis

The following table summarizes the area characteristics:

Direction	Land Use	Long-Range Future Land Use Map Designation	Zoning
North	Lake Occoquan	ER	Fairfax County
East	Residential	ER	A-1
South	Residential	SRR & ER	SRR & A-1
West	Residential	SRR & ER	A-1

Long-Range Land Use Plan Analysis

Through wise land use planning, the County ensures that landowners are provided a reasonable use of their land while the County is able to judiciously use its resources to provide the services for residents’ and employers’ needs. The Long-Range Land Use Plan sets out policies and action strategies that further the County’s goal of concentrating on population, jobs, and infrastructure within vibrant, walkable, mixed-use centers serviced by transit. In addition to delineating land uses on the Long-Range Land Use Map, the Plan includes smart growth principles that promote a countywide pattern of land use that encourages fiscally sound development and achieves a high-quality living environment; promotes distinct centers of commerce and centers of community; complements and respects our cultural and natural resources, and preserves historic landscapes

and site-specific cultural resources; provides adequate recreational, park, open space and trail amenities that contribute to a high quality of life for county residents; and revitalizes, protects, and preserves existing neighborhoods.

The subject site is in the Development Area of the County and is designated Semi Rural Residential (SRR) and Environmental Resource (ER), on the Long-Range Land Use Map. The following table summarizes the uses and densities intended within the SRR and ER designation:

Long-Range Land Use Map Designation	Intended Uses and Densities
Semi Rural Residential (SRR)	<p>The purpose of the Semi-Rural Residential classification is to provide for areas where a wide range of larger-lot residential development can occur, as a transition between the largest-lot residential development in the Rural Area and the more dense residential development found in the Development Area. Residential development in the SRR areas shall occur as single-family dwellings at a density of one dwelling per 1-5 gross acres. Where more than two dwellings are constructed – as part of a residential project in the SRR classification – the average density within that project should be 1 dwelling unit per 2.5 acres on a project-by-project basis. Cluster housing and the use of the planned unit development concept may occur, so long as the resulting residential density is no greater than that possible under conventional development standards and provided that such clustering furthers valuable environmental objectives such as stated in the Environment Plan and is consistent with fire and rescue service objectives. The lower end of the density range for the SRR classification should be proposed with a rezoning application. Higher densities shall be achieved through negotiation at the rezoning stage, not to exceed average densities established in this category.</p>
Environmental Resource (ER)	<p>This classification is explained in detail within the Environment Plan. Therein are located goals, policies, action strategies, and other Plan components designed to protect the sensitive nature of the identified resources. Environmental Resources include all 100-year floodplains as determined by the Federal Emergency Management Agency (FEMA), Flood Hazard Use Maps or natural 100-year floodplains as defined in the <i>DCSM</i>, and Resource Protection Areas (RPAs) as defined by the <i>Chesapeake Bay Preservation Act</i>. In addition, areas shown in an environmental constraints analysis submitted with a rezoning or special use permit application with wetlands; 25 percent or greater slopes; areas with 15 percent or greater slopes in conjunction with soils that have severe limitations; soils with a predominance of marine clays; public water supply sources; and critically erodible shorelines and stream banks are considered part of the Environmental Resource Designation.</p>

Proposal's Strengths

- **Zoning and Subdivision Consistency:** The subject site is zoned A-1, Agricultural, which generally includes the provision of an exemption for the single division of land through a family land subdivision, provided the subdivision demonstrates compliance with applicable Code sections. The proposed proffer amendment will eliminate proffered restrictions and allow the family land transfer provision allowed in the Subdivision Ordinance.
- **SRR Density:** With the subject proffer amendment the Applicant proposes to subdivide two lots, approximately ±21.39 acres, creating a total of five residential lots. The proposed density (1 dwelling unit per 4.28 acres) meets the SRR classification recommended lower end of the density range of one dwelling unit per 1-5 acres for rezoning applications. There is no required density under the family land transfer regulation. However, the proposed amendment would meet the family land transfer subdivision code provision for minimum lot size.

Proposal's Weaknesses

- None identified.

On balance, this application is found to be consistent with the relevant components of the Long-Range Land Use Plan.

Community Design Plan Analysis

An attractive, well-designed County will attract quality development, instill civic pride, improve the visual character of the community and create a strong, positive image of Prince William County. The Community Design Plan sets out policies and action strategies that further the County's goals of providing quality development and a quality living environment for residents, businesses and visitors, and creating livable and attractive communities. The Plan includes recommendations relating to building design, site layout, circulation, signage, access to transit, landscaping and streetscaping, community open spaces, natural and cultural amenities, stormwater management, and the preservation of environmental features.

Proposal's Strengths

- None identified.

Proposal's Weaknesses

- **Neighborhood Character:** The entire neighborhood is characterized by extensive preservation of forest cover over steep slopes such that the overall effect is a predominance of forest preservation and protection of steep slopes with minimal clearing for residences and driveways. Community Design policy 12 encourages new development to fit into the natural landforms and character of the neighborhood. As proposed on the GDP, a building, drainfield and driveways are not sited to avoid the disturbance of steep slopes or aligned

with the contours of the land and minimize clearing and cut-and-fill activities as recommended by the Comprehensive Plan.

- Lot Sizes: While the lot sizes exceed the 1-acre minimum allowed by the Subdivision Ordinance for a family land transfer, the subject proposal creates lots that are as small as 3.2 acres in size. The surrounding lots in the Lake Occoquan Club subdivision are 5 acres and larger.

On balance, this application is found to be inconsistent with the relevant components of the Community Design Plan.

Environment Plan Analysis

Prince William County has a diverse natural environment, extending from sea level to mountain crest. Sound environmental protection strategies will allow the natural environment to co-exist with a vibrant, growing economy. The Environment Plan sets out policies and action strategies that further the County’s goal of preserving, protecting and enhancing significant environmental resources and features. The Plan includes recommendations relating to the incorporation of environmentally sensitive development techniques, improvement of air quality, identification of problematic soil issues, preservation of native vegetation, enhancement of surface and groundwater quality, limitations on impervious surfaces, and the protection of significant viewsheds.

The Applicant provided an Environmental Constraints Analysis (ECA) with the subject application. The site is predominantly wooded with RPA, floodplain and steep slopes over highly erodible soils. The site is located in the Occoquan River subwatersheds #428 & #430.

The entire northern property line of the two parcels to be subdivided with the proposed family land transfer abuts the Occoquan Reservoir. Impacts from the development of this site would affect the regional watershed, which extends far beyond Prince William County border. The two parcels are situated directly adjacent to the Occoquan River, within Ryans Dam Watershed of the Occoquan Reservoir and contains both floodplain and Resource Protection Area (RPA). The Occoquan Reservoir provides drinking water to a large portion of the population in Northern Virginia including Fairfax County, on the opposite side of the Occoquan River from the site. Some of the land use measures that are most effective in maintaining good water quality are low-density development, preserving vegetation and strict limits on clearing and grading. Because of the proposed density increase, preserving vegetation and limiting clearing and grading to prevent erosion and sedimentation become even more critical. Restoration of areas disturbed by construction will further help minimize water quality degradation in the Occoquan.

SOILS:

No.	Soils name	Slope	Soil category	Erodibility
10C	Buckhall loam	7-15%	I	Severe
16A	Delaney fine sandy loam	0-4%	III	Slight
19C	Elioak loam	7-15%	I	Severe
44D	Occoquan sandy loam	7-25%	II	Severe
51E	Stumpton very flaggy loam	25-50%	II	Severe

Proposal's Strengths

- Preservation of Specimen Tree: The Comprehensive Plan recommends the preservation of historic, champion, and specimen trees. At Staff's request, the Applicant agrees to retain one specimen tree as identified on the ECA.

Proposal's Weaknesses

- Landscape Buffers/Reforestation: The applicant shows extensive areas of clearing and grading in the designated Environmental Resource area. No revegetation or other areas have been identified for landscape buffers connected to the development plan as recommended by the Comprehensive Plan.
- Clearing and Grading Impacts: The Community Design Chapter of the Comprehensive Plan encourages the placement of building so as to minimize the need for excessive clearing and grading, and recommends that development plans avoid the disturbance of steep slopes, particularly up slope of important national resource areas, highly erodible soils and slopes over 15 percent. The concept is further refined in the Environment Chapter. The area being divided per a family land transfer, pursuant to this proffer amendment, and as identified on the GDP, includes an extensive area for the limits of clearing and grading for the placement of buildings, drainfields and driveways. The proposed land disturbance on a couple of the lots includes highly erodible soils with slopes greater than 25 percent. At staff's request, the applicant relocated one the proposed buildings and a couple of the drainfields. However, the limits of clearing and grading remain relatively in the same location as originally proposed. The Planning Commission made a motion for the applicant to minimize negative ER impacts as deemed reasonable by all parties. In response, the Applicant added proffer 1.D. which will revisit the concern at site plan process. However, there is no guarantee that concerns will be reached at site plan. Staff continues to recommend reducing the limits of clearing and grading.
- Impacts to Occoquan Reservoir: The Comprehensive Plan Environmental Chapter establishes a policy to ensure the high quality of public drinking water sources and recommends that Impacts from the development be minimized. Reducing the limits of clearing and grading continue to be a recommendation. No additional restoration or mitigation measure has been included.

On balance, this application is found to be inconsistent with the relevant components of the Environment Plan.

Fire and Rescue Plan Analysis

Quality fire and rescue services provide a measure of security and safety that both residents and businesses have come to expect from the County. The Fire and Rescue Plan sets out policies and action strategies that further the County's goal of protecting lives, property, and the environment through timely, professional, humanitarian services essential to the health, safety, and well-being of the community. The Plan includes recommendations relating to siting criteria, appropriate levels of

service, and land use compatibility for fire and rescue facilities. The Plan also includes recommendations to supplement response time and reduce risk of injury or death to County residents, establishment of educational programs, such as cardio-pulmonary resuscitation (CPR) training, automatic external defibrillators (AED), and encourage installation of additional fire protection systems—such as sprinklers, smoke detectors, and other architectural modifications.

The site is served by Bacon Race Fire and Rescue Station #26. This station responded to 1,959 (partial year data due to this being a new station) incidents in FY18, which is within the recommended workload capacity of 2,200 incidents for this station. It is estimated that the travel time for the site would be outside the recommended 4.0-minute travel time for fire suppression and basic life support. The site is located within the recommended 8.0-minute travel time for advanced life support.

Proposal's Strengths

- **Monetary Contribution:** Impacts to Fire and Rescue services will be mitigated through the previously approved monetary contributions.
- **8.0 Minute Travel Time:** The site is within the recommended 8-minute travel time for advanced life support.
- **Station Workload:** The average number of incidents per tactical unit from the closest station is within the recommended standard.

Proposal's Weaknesses

- **4.0 Minute Travel Time:** The site is outside of the recommended 4-minute travel time for fire suppression and basic life support. The approximate travel time from Bacon Race Fire and Rescue Station #26 located at 5000 Davis Ford Road to the subject site is estimated to be 7 minutes.

On balance, this application is found to be consistent with the relevant components of the Fire and Rescue Plan.

Transportation Plan Analysis

By providing a multi-modal approach to traffic circulation Prince William County promotes the safe and efficient movement of goods and people throughout the County and surrounding jurisdictions. The Transportation Plan sets out policies and action strategies that further the County's goal of creating and sustaining an environmentally friendly, multi-modal transportation system that meets the demands for intra- and inter-county trips, is integrated with existing and planned development, and provides a network of safe, efficient, and accessible modes of travel. The Plan includes recommendations addressing safety, minimizing conflicts with environmental and cultural resources, maximizing cost effectiveness, increasing accessibility of all travel modes, minimizing projected trip demand, and providing sufficient network capacity. Projects should include strategies that result in a level of service (LOS) of "D" or better on all roadway corridors and

intersections, reduce traffic demand through transportation demand management strategies, dedicate planned rights-of-way, provide and/or fund transit infrastructure, pedestrian and bicycle pathways, and improved and coordinated access to transit facilities.

The site is located on the eastern end of Occoquan View Court, with is a private road reached by Occoquan Club Drive. A Traffic Impact Analysis was not required to be submitted with the proffer amendment application due to the projected low trip generation from the proposed use.

Proposal's Strengths

- Retention of Road Design: The proffer amendment includes no modification or impact to the existing subdivision private road layout or design.
- Daily Level of Service: The proposed application will not have an adverse impact on current levels of service.

Proposal's Weaknesses

- None identified.

On balance, this application is found to be consistent with the relevant components of the Transportation Plan.

Proffer Analysis

This section of the report is intended to identify issues, or provide comment regarding the proffer statement, as drafted:

- Staff recommended that the Applicant proffer substantial conformance with the layout shown on the GDP with the conformance subject to minor changes due to final engineering at the time of site/subdivision plan review and approval. This request was recommended due to the negotiated site layout identified on the GDP for the preservation and protection of steep slopes and minimize clearing and cut-and-fill activities as recommended by the Comprehensive Plan. The Applicant provided revised proffer 1.C. that includes the provision of substantial conformance with the layout as shown on the GDP. However, the provided revised proffer 1.C. includes exceptions, 1.C.i. and 1.C.ii., to the size, footprint and orientation and location of the proposed dwelling and the primary and reserve septic field. There is no condition identified in the proposed proffer for the relocation of any or all site improvements other than the prohibited encroachment into the RPA, which would not be permitted under current local and state codes.

Minimum Design Criteria

Staff and other agencies that have reviewed the proposal noted the following minimum design criteria. The development proposal will be reviewed for compliance with all minimum standards at

Staff Analysis

the time that the applicant submits detailed site development information prior to the issuance of permits. The listing of these issues is provided to ensure that these concerns are a part of the development record. Such issues are more appropriately addressed during the site plan review.

- Sec. 25-6: The proposed subdivision is subject to all Subdivision Ordinance requirements under the family land transfer.
- Proffers: The Applicant provided proffer 1.D. which includes consideration for minimizing the impacts to the ER through the reduction of the area of disturbance in the ER at the time of site plan process.
- DCSM Standards: The proposed subdivision is subject to all DCSM Design Standards for residential private streets as well as stormwater management and erosion and sediment control requirements.

Agency Comments

The following agencies have reviewed the proposal and their comments have been summarized in relevant comprehensive plan chapters of this report. Individual comments are in the case file in the Planning Office:

- PWC Planning Office – Case Manager, County Archaeologist, GIS, Zoning
- PWC Development Services – Land Development
- PWC Department of Fire & Rescue – Fire Marshal's Office
- PWC Public Works – Watershed Management
- PWC Transportation Department
- Fairfax County – Department of Planning and Development
- Fairfax Water

September 10, 2019 Proffers Strikethrough and Underlined

PROFFER AMENDMENT STATEMENT
~~OCCOQUAN CLUB ESTATES~~
~~RECORD OWNER/APPLICANT: JOHN WHITTINGTON~~
~~PRINCE WILLIAM COUNTY GPIN~~
~~REZONING APPLICATION~~
~~OCTOBER~~

Case Number: Case Number: REZ2019-00035,
Occoquan View Court
Record Owner: Bergstrom Christopher W. & Donna M.
Whittington John D. & Maria E.
Property: GPINs: 8194-73-8593 & 8194-84-5411
21.392 +/- acres
Date: March 29, 2019
Revised June 26, 1998 2019
Revised September 10, 2019

I hereby proffer that the use and development of this property shall be in strict accordance with the following conditions and shall supersede all previous approved proffers, including REZ #99-0013, for the subject property. In the event the referenced rezoning is not granted as applied for by the Applicant or Applicant withdraws his application, these proffers shall be withdrawn and are null and void. The headings of the proffer set forth herein below have been prepared for convenience or reference only and shall not control or effect the meaning or be taken as an interpretation of any provision of the proffers. Any improvements proffered herein shall be provided at the time of the development of that portion of the site served by the improvement as shown on the Generalized Development Plan (GDP) prepared by Bagby, Foroughi & Goodpasture, PLLC dated September 10, 2019. Minor modifications shall be permitted at the time of each lot grading plan based on final engineering and Zoning Ordinance or Design and Construction Standards Manual requirements.

1. LAND USE:

- A. The property shall be developed in accordance with the A-1 Zoning district in accordance with the standards of the Zoning Ordinance of Prince William County; there shall be a maximum of four (4) lots. The aforementioned proffer shall in no way be construed to prohibit the Record Owner(s) a family land transfer as outlined in the Code of Virginia 15.2-2244, not to exceed the number of additional lots shown on the GDP.
- B. The Applicant agrees to the clearing limits as substantially shown on the GDP other than Proffer 1. C. ii.. In addition, minor changes shall be permitted at the time of each lot grading plan based on final engineering and Zoning Ordinance or Design and Construction Standards Manual requirements. Under no circumstances shall clearing associated with a lot grading plan encroach into the Resource Protection Area (RPA) as depicted on the referenced GDP. Compliance shall be demonstrated on each lot grading plan approval.

PROFFER STATEMENT

Case Number: REZ2019-00035, Occoquan View Court

Page 2 of 4

- C. The Applicant agrees that any improvement proffered herein shall be in substantial conformance with the Generalized Development Plan prepared by Bagby, Foroughi & Goodpasture, PLLC dated September 10, 2019 with the following exceptions:
- i. The size, footprint and orientation of the proposed dwelling. Under no circumstances shall the size, footprint and orientation of the proposed dwelling encroach into the RPA as depicted on the referenced GDP; and
 - ii. The size, footprint, orientation and location of the proposed septic field and reserve. Under no circumstances shall the size, footprint, orientation and location of the proposed septic and associated reserve encroach into the RPA as depicted on the referenced GDP.
- D. Modifications to the clearing limits as depicted on the GDP may be considered at the time of each lot grading plan to potentially lessen disturbance in the Environmental Resource (ER). However, any potential or suggested modification to the GDP clearing limits to lessen disturbance in the ER by Prince William County must be agreeable to the Record Owner(s) of the respective or related property. The review of the clearing limits by Prince William County at the time of each lot grading plan to potentially lessen disturbance in the ER shall not be construed to prevent or limit the Record Owner(s) from GDP modifications as allowed and outlined above in 1.B., 1. C. i., 1. C. ii..
2. UTILITIES:
- A. All utilities provided in connection with this development shall be placed underground.
 - B. Septic drainfields and wells will be utilized within the development. A one hundred percent (100%) drainfield reserve in excess of the original drainfield shall be provided.
 - C. In the event public sewer and water become available to the subject site prior to ~~final site~~ each lot grading plan approval, the site shall be served by public water and sanitary sewer. The Applicant shall have no obligation to bring public water and sanitary sewer to the subject site.
3. LIBRARY: The Applicant proffers to contribute Fifty Dollars (\$50.00) per dwelling unit to the Prince William Board of County Supervisors, at the time of issuance of the ~~building~~ occupancy permit for each unit, for library service.
4. PARKS AND RECREATION: The Applicant proffers to contribute Five Hundred Dollars (\$500.00) per dwelling unit to the Prince William Board of County Supervisors, at the time of issuance of the ~~building~~ occupancy permit for each unit, for parks and recreational purposes.
5. FIRE AND RESCUE: The Applicant proffers to contribute Two Hundred Dollars (\$200.00) per dwelling unit to the Prince William Board of County Supervisors, to be utilized for fire and rescue purposes at the time of the issuance of the ~~building~~ occupancy permit for each unit.

Page 2 of 4

PROFFER STATEMENT

Case Number: REZ2019-00035, Occoquan View Court

Page 3 of 4

- 6. ESCALATOR: In the event the monetary contributions set forth in the Proffer Statement are paid to the Prince William County Board of County Supervisors within eighteen (18) months of the approval of REZ #99-0013, as applied for by the Applicant, said contributions shall be in the amounts as stated herein. Any monetary contributions set forth in the Proffer Statement which are paid to the Prince William County Board of Supervisors after eighteen (18) months following the approval of REZ #99-0013, shall be adjusted in accordance with the Urban Consumer Price Index ("CPI-U) published by the United States Department of Labor, such that at the time contributions are paid, they shall be adjusted by the percentage change in the CPI-U from that date eighteen (18) months after the approval of REZ #99-0013 to the most recently available CPI-U to the date the contributions are paid, subject to a cap of 7% per year, non-compounded.
- 7. SCHOOLS: The Applicant proffers to contribute One Thousand Two Hundred Seventy Dollars (\$1,270.00) per dwelling unit to the Prince William County Board of County Supervisors, at the time of issuance of the building occupancy permit for each unit, for public school purposes.

The conditions set forth in this Proffer Statement supersede all conditions set forth in previous proffer statements submitted as a part of this application and the previous proffer statements approved in the rezoning of the project in 1990 in REZ #90-33 and in 1997 in REZ #97-40. and 1998 in REZ 1999-0013 for the area of revision.

OCOCOQUAN CLUB ESTATES

By: John Whittington

**By: _____
John Whittington
Owner**

By: Maria E. Whittington

**By: _____
Maria E. Whittington
Owner**

By: Christopher W. Bergstrom

Page 3 of 4

September 10, 2019 Proffers Strikethrough and Underlined

PROFFER STATEMENT

Case Number: REZ2019-00035, Occoquan View Court

Page 4 of 4

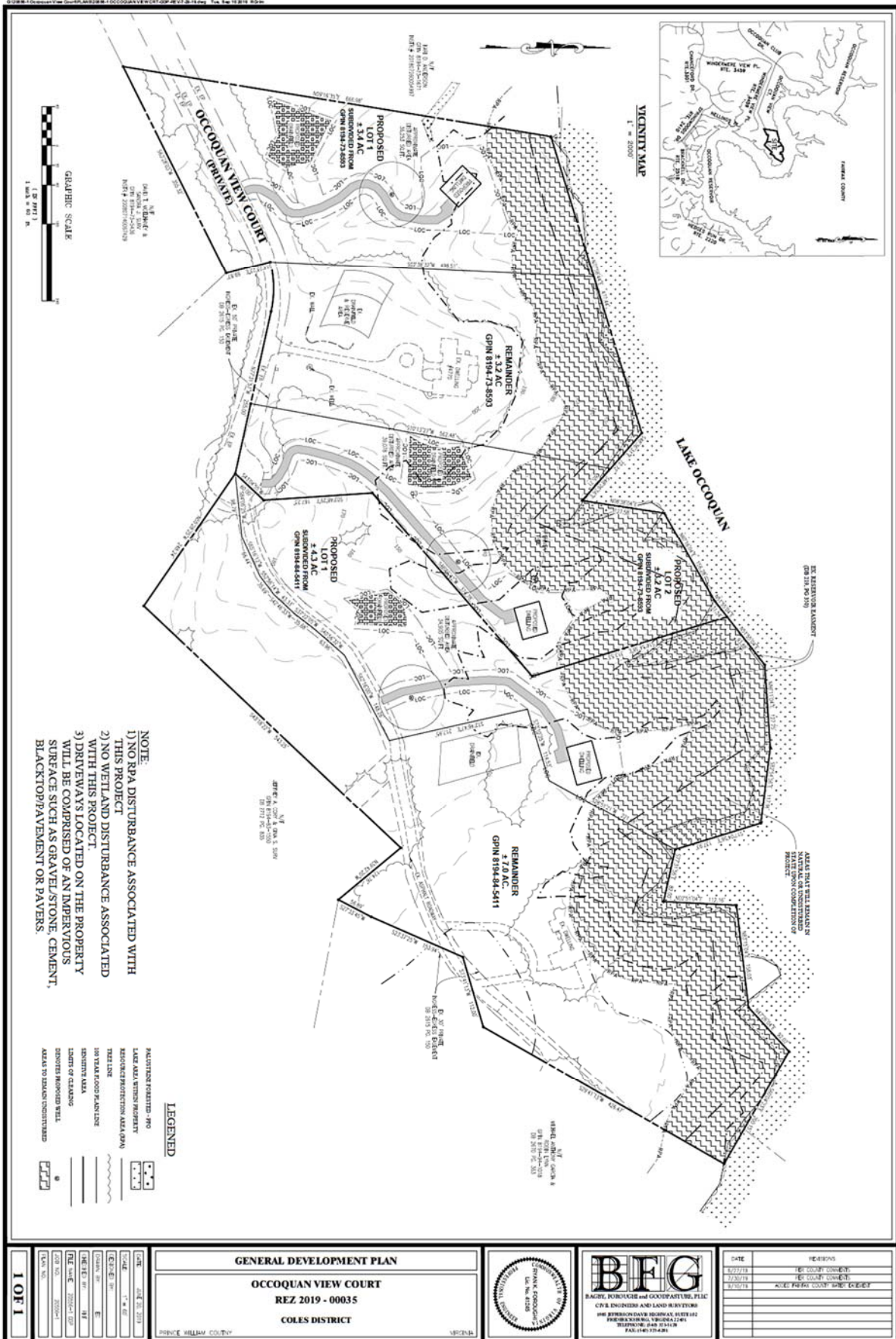
By:
Christopher W. Bergstrom
Owner

By: Donna M. Bergstrom

By:
Donna M. Bergstrom
Owner

Page 4 of 4

Generalized Development Plan (GDP)





PLANNING COMMISSION RESOLUTION

MOTION: TAYLOR

September 4, 2019

SECOND: FRY

Regular Agenda

RES. No. 19-093

RE: PROFFER AMENDMENT #REZ2019-00035, OCCOQUAN VIEW COURT

ACTION: RECOMMEND APPROVAL

WHEREAS, this is a request to amend proffers contained in Rezoning #REZ1999-0013 to allow an increase in allowable residential lots for a family land transfer in the A-1, Agricultural, zoning district. Specifically, the amendment will remove the proffered unit cap and permit a family land subdivision of the property to occur in accordance with Prince William County Subdivision Ordinance, Chapter 25, Sec. 25-6.; and

WHEREAS, the site is located at the end of Occoquan View Court. The properties are identified on County maps as GPIN 8194-73-8593 and 8194-84-5411; and are currently addressed as 4460 and 4470 Occoquan View Court; and

WHEREAS, the site is designated Semi Rural Residential (SRR) and Environmental Resource (ER) in the Comprehensive Plan; and

WHEREAS, the site is zoned A-1, Agricultural; and

WHEREAS, the Prince William County Planning Commission duly ordered, advertised, and held a public hearing on September 4, 2019, at which time public testimony was received and the merits of the above-referenced case were considered; and

WHEREAS, the Prince William County Planning Commission believes that public general welfare as well as good planning practices are served by the approval of this request;

Planning Commission Resolution

September 4, 2019
Regular Meeting
RES. No. 19-093
Page 2

NOW, THEREFORE, BE IT RESOLVED that the Prince William County Planning Commission does hereby recommend approval of Proffer Amendment #REZ2019-00035, Occoquan View Court, subject to the proffers dated June 26, 2019 and the following items to be addressed prior to public hearing with the Board of County Supervisors:

1. To submit the proposed proffers by means of strikethrough and underline of the last approved proffers and the proposed added proffers to be amended.
2. That the proffer amendment statement shall be in effect for that portion of the original site as identified with the General Development Plan (GDP) prepared by Bagby, Foroughi and Goodpasture, PLLC, as last revised June 26, 2019.
3. To add language indicating the acreage for the proposed proffer amendment.
4. To proffer substantial conformance with the layout shown on the GDP.
5. That proffer 1.B. be a note included on the GDP and that proffer 1.B. be removed from proposed proffers.
6. To use the recommended language format for proffer 1.C. for proffering the clearing limits and delete the last sentence.
7. To remove proffers 6.A., 6. B. and 9.
8. To replace the current case number references (3) to the prior approval case, REZONING, REZ #99-0013 in proffer number 7.
9. To substantially conform to the limits of clearing shown on the GDP, subject to minor changes due to final engineering at the time of the site/subdivision plan review and approval.
10. To show and identify the Fairfax Water easement on the GDP.
11. Minimize negative ER impacts as deemed reasonable by all parties.

Planning Commission Resolution

September 4, 2019
Regular Meeting
RES. No. 19-093
Page 3

Votes:

Ayes: Berry, Fry, Holley, McKay, Milne, Moses-Nedd, Taylor

Nays: None

Absent from Vote: Haynes

Absent from Meeting: None

Abstain from Vote: None

MOTION CARRIED

Attest:



Jennifer Dorcsis
Clerk to the Planning Commission

Occoquan View Court #REZ2019-00035

Occoquan Magisterial District

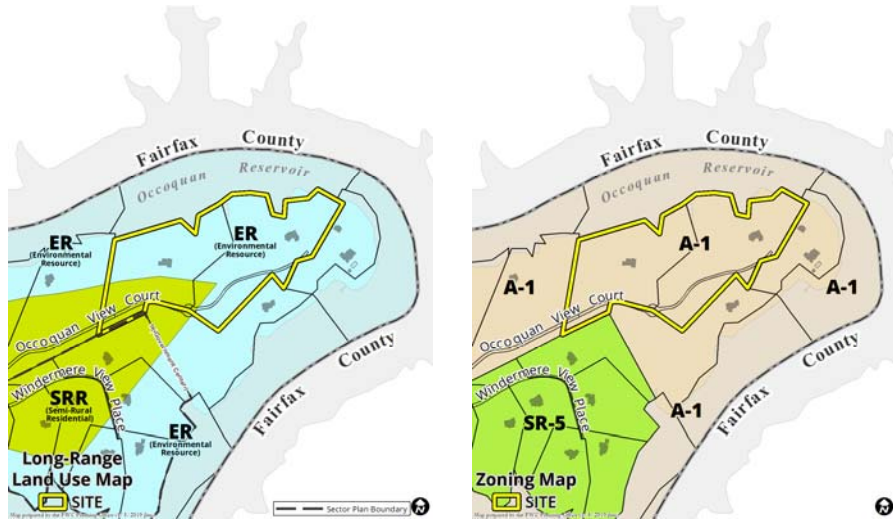
Brenda J. Schulte
Planning Office

Occoquan View Court, #REZ2019-00035

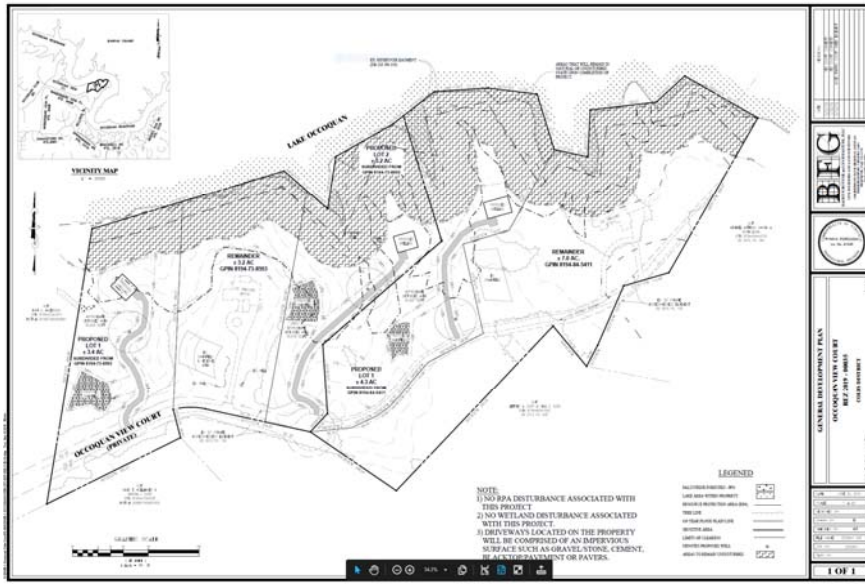
- Proffer Amendment Request -To amend proffer contained in Rezoning #REZ1999-0013 to allow an increase in allowable residential lots for a family land transfer in the A-1, Agricultural, zoning district.
- Location -On the north side of Occoquan View Court approximately 3,800' east of the intersection of Occoquan Club Drive and Occoquan View Court.
- Recommendation -**Approval**



Occoquan View Court, #REZ2019-00035



Occoquan View Court, #REZ2019-00035



- **Planning Commission Recommendation:** Approval of Rezoning #REZ2019-00035, Occoquan View Court, subject to the proffers dated June 26, 2019, with requested revisions.
- **Staff Recommendation:** Approval of Rezoning #REZ2019-00035, Occoquan View Court, subject to the proffers dated September 10, 2019, for the following reasons:
 - ❖ The proposed amendment will allow for the family land transfer provision in the Subdivision Ordinance.
 - ❖ Continues commitments to proffered conditions to partially mitigate impacts to Libraries, Parks and Recreation, Fire and Rescue and Schools.
 - ❖ Family Land Transfer would implement the SRR long range land use designation.