

**BOARD OF SUPERVISORS
FINANCE/GOVERNMENT OPERATIONS AND
ECONOMIC DEVELOPMENT COMMITTEE
ACTION ITEM**

SUBJECT: **FY 2016 Capital Improvement Program Amendment/Cash Proffers for Brambleton District Park West**

ELECTION DISTRICT: Blue Ridge and Dulles

CRITICAL ACTION DATE: May 10, 2016

STAFF CONTACTS: Julie Crim, Transportation and Capital Infrastructure
Joe Kroboth, Transportation and Capital Infrastructure
Melissa Tello, Transportation and Capital Infrastructure

PURPOSE: To amend the FY 2016 Capital Improvements Program (CIP) and budget to appropriate \$650,000 in the Public Facilities Fund and transfer that amount to the Capital Fund for the Brambleton District Park West project (\$650,000).

RECOMMENDATION: Staff recommends that the Finance/Government Operations and Economic Development Committee (FGOEDC) recommend that the Board of Supervisors (Board) amend the FY 2016 CIP and budget to appropriate \$650,000 in the Public Facilities Fund and transfer that amount to the Capital Fund in order to provide supplemental funding to construct the Brambleton District Park West project (\$650,000).

BACKGROUND: The Brambleton District Park consists of an 86 acre portion of the park on the western side of Belmont Ridge Road that is leased by the County from the Northern Virginia Regional Park Authority, which is located in the Blue Ridge District, and a 27.9 acre portion located on the eastern side of Belmont Ridge Road that is owned by the Board, which is located in the Dulles District.

The Brambleton District Park was originally constructed by Brambleton Group LLC (Brambleton) as required by ZMAP 1993-0005/ZCPA 1993-0007 Proffer V.C. (Recreational Facilities Park Site and Elementary School Sites). The original proffer required the construction of athletic fields, parking and associated infrastructure. Brambleton posted two Proffer Performance Agreement bonds on January 26, 2006 because they did not complete construction of the proffered park sites before surpassing the issuance of 1,500 residential zoning permits, which was the trigger for the completion of the proffered recreational facilities. The western side of the park was bonded separately from the eastern side of the park. The Proffer Performance Agreements required the playing fields to have viable turf established to a condition comparable to the fields at Legacy

Elementary School by December 31, 2006. During construction of the park sites, Brambleton encountered delays due to weather and, as a result, a Proffer Performance Agreement Addendum was executed in November 2006. In exchange for the time extension, the Developer agreed to provide additional items in the western park site, which included athletic field irrigation, backstops and a gravel parking lot. Brambleton notified PRCS in May 2007 that it encountered further delays due to weather and the agreement was extended again until December 31, 2007. Brambleton's construction of the western side of the park was completed in 2007 and the County released the bond on January 23, 2008.

The Board originally appropriated \$4,795,000 funded by \$4,445,000 in cash proffers and \$350,000 in local tax funds to design and construct the improvements to the Brambleton District Park. The improvements include restroom and concession facilities, athletic field lighting, upgrading the fields to meet PRCS standards with athletic field fencing and scoreboards, and various site improvements for parking and pedestrian pathways. An Invitation for Bid (IFB) was issued in October 2013 to construct both park sections and the lowest responsive bid exceeded the construction budget by approximately \$1.2 million.

Given the budget constraints and Department of Parks, Recreation and Community Services' (PRCS) need to bring additional rectangular fields on line expeditiously, the project was split into two separate packages for construction. The IFB for the eastern portion of the park was issued in July 2014 and a contract was awarded to Jeffrey Stack, Inc. in October 2014 in the amount of \$1,948,662. The eastern portion of the park was completed in March 2016. The IFB for the western portion of the park was issued in July 2015 and a contract was awarded to FHP Tectonics Corporation in November 2015 in the amount of \$4,425,000. Construction of the western portion is ongoing with planned completion in Fall 2016.

The Brambleton District Park is split between two different planning subareas—the western portion of the project is located in the Dulles Planning Subarea and the eastern portion of the project is located in the Ashburn Planning Subarea. The cash proffers originally appropriated for this project were all from the Ashburn Planning Subarea (\$4,445,000) and could only be used to develop the eastern portion of the Park. The unspent cash proffer balance (\$1,670,101) was moved to the Ashburn Sheriff Station project as approved by the Board (8-0, Broad Run District Supervisor position vacant) on September 16, 2015. The Board has approved a total of \$4,750,000 in cash proffers for the construction of the western portion of the Brambleton District Park project to date as shown in in Table 1

ISSUES: An amendment to the FY 2016 CIP is required in order to appropriate additional funds for the Brambleton District Park West project. Staff is requesting additional cash proffer funding in the amount of \$650,000 to address unforeseen field conditions including the following: rock, unsuitable soils, and the permanent water service for the existing irrigation system. Unit prices and allowances for rock and unsuitable soils were included in the base construction contract. To date, the project has encountered quantities of those materials that exceeded the planned allowances. Staff estimates an additional \$300,000 is required to complete the project given these issues and required coordination for the irrigation system.

Additionally, through the course of construction, it has been determined that the temporary public water service for the park irrigation system that was installed when the park was originally constructed does not meet the requirements for permanent installation. Per the Proffer Performance Agreement Addendum executed in November 2006 associated with ZMAP 1993-0005/ZCPA 1993-0007, Brambleton Group LLC, “agreed to provide and pay for a water source for irrigation from September 4, 2006 through September 4, 2008.” The addendum further stated that if a permanent water source was not provided by that time, the County would then assume the costs for water service. Upon completion of Brambleton’s work and park operations beginning in Spring 2008, PRCS was aware that the water service connection at that time was temporary and was looking into permanent solutions including a well. Following the commencement of construction activity for the County’s improvement project for the western portion of the park, the underground temporary connection was discovered in December 2015.

Upon discovery of the temporary water service connection in the field and review with Loudoun Water’s inspection staff, discussions began with Loudoun Water to establish a permanent service for the park irrigation system. PRCS staff reviewed expected demand requirements for irrigation at Western Brambleton Park based on historical data available from PRCS and Loudoun Water for other park sites. Irrigation system technologies including moisture sensors and rain gauge controls have been considered in the calculations to reduce the overall demand required as the availability fee is calculated based on maximum usage in gallons per day.

DTCI and PRCS staff coordinated with Loudoun Water and an availability fee not to exceed \$350,000 is required with the construction of the western portion of the park in order to provide for the permanent water service. The final availability fee will be assessed following the first season of use in Fall 2017 based on the actual usage; and it will not exceed the \$350,000. Staff, in conjunction with the project’s design consultants, reviewed alternates to the public water service for the irrigation system, specifically, the possibility of drilling wells onsite. The site’s subsurface geology and historical data, as provided by the landowner, do not demonstrate high probability of ground water yield for the required demand of the irrigation system.

On November 24, 2014, Zoning Administration issued a cash proffer determination, ZCOR-2014-0229, regarding the appropriateness of using certain proffer funds for the construction of the Brambleton District Park West project. The cash proffer accounts approved for use on the project are outlined in Table 1.

Table 1. Cash Proffer Funding Provided for Brambleton District Park West

Application Name	Application Number	Sequence Number	Total Request
CORRO PROPERTY	ZMAP-2002-0012	99064926	\$326,770
SEVEN HILLS	ZMAP-2005-0001	99066992	\$4,423,230
Total			\$4,750,000

On March 18, 2015, the Board voted 8-0-1 (Williams absent) to appropriate the \$1,750,000, and on September 16, 2015 the Board voted 8-0-1 (Williams absent) to appropriate \$3,000,000 as

identified in Table 1 above for the Brambleton District Park West project. Therefore, an additional \$650,000 in cash proffers are required to complete the western portion of the park project. A summary of the requested cash proffer account for the Brambleton District Park West project is listed in Table 2.

Table 2. Requested Cash Proffer Account for the Brambleton District Park West project:

ZMAP	Development	SEQ#	AMOUNT
ZMAP-2005-0001	SEVEN HILLS	99066992	\$650,000

FISCAL IMPACT: Appropriate cash proffer contributions have been identified to provide supplemental capital funding to the Brambleton District Park West project. Zoning Administration staff issued cash proffer determination (ZCOR-2014-0229) indicating the cash proffer requested is appropriate for the proposed use. The current balance in the cash proffer account associated with the Seven Hills cash contribution totals \$4,087,601. If approved by the Board, staff will prepare a budget adjustment to appropriate \$650,000 in cash proffers in the Public Facilities Fund, as shown in Table 2, and transfer that amount to the Capital Fund for the Brambleton District Park West capital project.

ALTERNATIVES: The Board may choose to recommend the appropriation and transfer of some, all or none of the recommended \$650,000 in cash proffer funding from the Public Facilities Fund to the Capital Fund, for the Brambleton District Park West project.

DRAFT MOTIONS:

1. I move the Finance/Government Operations and Economic Development Committee recommend that the Board of Supervisors amend the FY 2016 Capital Improvements Program and budget and direct staff to execute a budget adjustment to appropriate \$650,000 in cash proffers, as outlined in Table 2, in the Public Facilities Fund and transfer that amount to the Capital Fund, to provide for the necessary change orders to the Brambleton District Park West project.

OR

2. I move an alternate motion.

ATTACHMENTS:

1. ZCOR-2014-0229, Cash Proffer Determination – Use of Corro Property, East Gate One, East Gate Three, Townes at East Gate, Woodburn and Seven Hills Proffer funds for construction of improvements to the western portion of Brambleton District Park.

CORRESPONDENCE SUMMARY

DATE: November 24, 2014

CORRESPONDENCE NUMBER: ZCOR-2014-0229

SUBJECT: **FY 2015 Cash Proffer Request
Use of Cash Proffer Sequence #99064926,
#99066964, #99066971, #99066580, #99068377 &
#99066992 for improvements to the Brambleton
District Park West**

1993 Ordinance Reference Numbers: N/A

1972 Ordinance Reference Numbers: N/A

Other Applicable Reference Numbers: ZMAP-2002-0012 *
ZMAP-2004-0020 *
ZMAP-2005-0003 *
ZMAP-2002-0022 *
ZMAP-2005-0044 *
ZMAP-2005-0001 *

Applicable Tax Map/PIN Numbers: N/A

Correspondence Summary:

It is appropriate to use the requested proffer funds in LMIS Sequence #99064926 and #99066992 for improvements to the Brambleton District Park West.

PROPERTY OWNER:

M/I HOMES OF DC LLC & COMSTOCK EASTGATE
21355 RIDGETOP CIR STE 220
STERLING VA 20166-8503

M/I HOMES OF DC LLC
21355 RIDGETOP CIR STE 220
STERLING VA 20166-8503

M/I HOMES OF DC LLC & KB HOME VIRGINIA
21355 RIDGETOP CIR STE 220
STERLING VA 20166-8503

EAST GATE ONE HOMEOWNERS ASSOCIATION INC
21355 RIDGETOP CIR STE 220
STERLING VA 20166-8503

EASTGATE SQUARE HOA INC
PO BOX 221225
CHANTILLY VA 20153-1225

BELMONT GLEN HOMEOWNERS ASSOCN INC
c/o GHA COMMUNITY MANAGEMENT
3020 HAMAKER CT STE 300
FAIRFAX VA 22031

EAST GATE HOMEOWNERS ASSOCIATION
10600 ARROWHEAD DR STE 225
FAIRFAX VA 22030-7306

DULLES FARMS COMMUNITY ASSOCIATION INC
CARDINAL MANAGEMENT GROUP, INC.
4330 PRINCE WILLIAM PKWY STE 201
WOODBIDGE VA 22192-8102

PROFFER PAYOR:

PULTE HOME CORP
10600 ARROWHEAD DR STE 325
FAIRFAX VA 22030-7306

RYLAND GROUP INC
14280 PARK MEADOW DR STE 108
CHANTILLY VA 20151-2291

NVR MS CAVALIER LOUDOUN LLC
COASTOAK GROUP
11700 PLAZA AMERICA DR STE 310
RESTON VA 20190-4752

Carr Homes
3877 Fairfax Ridge Rd., #105N
Fairfax, VA 22030

RICHMOND AMERICAN HOMES OF VA INC
12220 SUNRISE VALLEY DR STE 400
RESTON VA 20191-5602

Author: Kelly Griffin

*Indicates where to file

Is this a determination? Check one: Yes No

COUNTY OF LOUDOUN

DEPARTMENT OF PLANNING AND ZONING

MEMORANDUM

DATE: November 24, 2014

TO: Daniel Csizmar, Capital Budget Manager, DTCI

FROM: Kelly Griffin, Proffer Auditor *KAG*

SUBJECT: Use of Corro Property, East Gate One, East Gate Three, Townes at East Gate, Woodburn and Seven Hills Proffer funds for construction of the improvements to the western portion of Brambleton District Park

This correspondence is sent in response to your memorandum, dated October 31, 2014, in which you requested a determination regarding the use of the proffer funds listed in the table below for the construction of improvements to the western portion of the Brambleton District Park. The proposed improvements include paving of parking areas, installing athletic field lighting at six baseball fields, installing required landscaping buffers, constructing trails on the site and constructing one restroom/concession facility and one public restroom.

The following table summarizes the appropriateness of the use of the requested funds; a detailed analysis of each proffer fund is included in this cash proffer determination. Please be advised that I cannot guarantee the listed funds have not been disbursed or obligated to other projects.

APPLICATION #	APPLICATION NAME	SEQ #	BALANCE	APPROPRIATE ?
ZMAP-2002-0012	Corro Property	99064926	\$326,689.09	Y
ZMAP-2004-0020	East Gate One	99066964	\$51,987.85	N
ZMAP-2005-0003	East Gate Three	99066971	\$2,652.84	N
ZMAP-2002-0022	Townes at East Gate	99066580	\$19,453.20	N
ZMAP-2005-0044	Woodburn	99068377	\$13,679.11	N
ZMAP-2005-0001	Seven Hills	99066992	\$8,211,431.13	Y

Request: The Department of Transportation and Capital Infrastructure requests the use of \$326,689 of the Corro Property Proffer V.A. account, LMIS Sequence #99064926 (Oracle Award #Y00108), to fund the improvements at the Brambleton District Park West (see Attachment 1). The Loudoun County Board of Supervisors approved ZMAP-2002-0012 on February 3, 2004 subject to the Proffer Statement dated January 6, 2004, the Letter of Clarification dated January 29, 2004 and based on the findings for approval. As stated in the proffer text below, Proffer V.A. provided for a capital facilities cash contribution in the amount of \$11,822.15 for each residential unit on the property up to \$945,772 which shall be used to pay for facilities in the Dulles Planning Area.

V. CAPITAL FACILITIES CONTRIBUTIONS

A. Capital Facilities Contributions The Owner shall pay the County a capital facility contribution in an amount up to Nine Hundred Forty-five Thousand Seven Hundred Seventy-two and 00/100 Dollars (\$945,772.00). This contribution shall be paid on a per unit basis in the amount of Eleven Thousand Eight Hundred Twenty-two and 15/100 Dollars (\$11,822.15) for each residential unit constructed on the Property (the "Capital Facilities Contribution"). The Capital Facilities Contribution shall be paid prior to issuance of the zoning permit for each residential unit. The Capital Facilities Contribution shall be used by the County to pay for facilities in the Dulles Planning Area. The amount of the Capital Facilities Contributions shall escalate in accordance with the Consumer Price Index from the base year of 2004.

Determination: The use of these funds as proposed is appropriate. Proffer V.A. of ZMAP-2002-0012 states that the Owner shall provide a capital facilities cash contribution in the amount of \$11,822.15 for each residential unit on the property up to \$945,772 which shall be used to pay for facilities in the Dulles Planning Area.

To date, the County has received \$1,113,761.54 pursuant to Proffer V.A. of ZMAP-2002-0013; this proffer is fulfilled. This account has earned \$33,253.55 in interest and \$820,326 has been distributed, resulting in a current balance of \$326,689.09. It is noted that ZCOR-2012-0019, issued 03/06/12, found that it is appropriate to use the current balance of this proffer fund, plus future interest and contributions, for the East Gate Park and Ride Lot and Park in the FY 2013-2018 CIP.

The Loudoun County FY 2015 Adopted Capital Improvement Program (CIP) includes a previously authorized project to provide for the development of a proffered park site in the Brambleton Community, located on 26 acres to the east and 33 acres to the west of Route 659, which will consist of a total of nine athletic fields, fencing, paved parking lots, trails, public restrooms and athletic field lighting. The Department of Transportation and Capital Infrastructure is requesting the funds pursuant to Proffer V.A. of ZMAP-2002-0012 for improvements to the western portion of the Brambleton District Park to include paving of the parking areas, installing athletic field lighting at six baseball fields, installing required landscape buffers, trails and one restroom/concession facility and one public restroom facility.

The limits of ZMAP-2002-0012 are located within the Ashburn Planning Subarea. However, Proffer V.A. specifically states that the cash contributions are to be used within the Dulles Planning Area. The western portion of the Brambleton District Park, located on PIN# 157-16-1062, is located in the Dulles Planning Subarea; therefore it is appropriate to use the current remaining balance, plus all additional interest earned in LMIS Sequence #99064926 (Oracle Award #Y00108), to fund the improvements in the western portion of the Brambleton District Park. Please be advised that I cannot guarantee the listed funds have not been disbursed or obligated to other projects.

Request: The Department of Transportation and Capital Infrastructure requests the use of \$50,812 of the East Gate One Proffer VI.C. account, LMIS Sequence #99066964 (Oracle Award #Y00499), to fund the improvements at the Brambleton District Park West (see Attachment 1). The Loudoun County Board of Supervisors approved ZMAP-2004-0020 on February 21, 2006 including the letter of clarification dated February 16, 2006, the proffer statement dated October 31, 2005, revised through February 13, 2006, the Rezoning Plat dated November 22, 2004, revised through January 27, 2006 and the modification request to reduce yard requirements. ZMAP-2004-0020 was amended by two subsequent zoning concept plan amendment applications, ZCPA-2008-0010 and ZCPA-2011-0008 which were approved on June 2, 2009 and November 9, 2011, respectively. The governing application, ZCPA-2011-0008, was approved subject to the Proffer statement dated October 21, 2011 and the findings for Approval contained in the November 9, 2011 Staff Report. As stated in the proffer text below, Proffer VI.C. provided for a cash contribution of \$137 per residential unit to be used for the purchase of open space easements and/or the purchase and development of County parkland within the boundaries of the Dulles Community Planning Area.

C. OPEN SPACE EASEMENTS

With the issuance of each residential zoning permit, the Owner will make a cash contribution of \$137.00 per unit. Such cash contributions are to be used by Loudoun County for the purchase of open space easements and/or the purchase and development of County parkland within the boundaries of the Dulles Community Planning Area.

Determination: The use of these funds as proposed is not appropriate. Proffer VI.C. of ZCPA-2011-0008 states that the Owner shall provide a cash contribution in the amount of \$137 for each residential unit on the property which is to be used for the purchase of open space easements and/or the purchase and development of County parkland within the boundaries of the Dulles Community Planning Area (see Attachment 2).

The western portion of the Brambleton District Park which contains the proposed improvements is located on PIN#157-16-1062 and is owned by the Northern Virginia Regional Park Authority. Proffer VI.C. specifically states that the cash contributions are to be used for the purchase of open space easements and/or the development of parkland in the Dulles Community Planning Area. PIN #157-16-1062 is located in the Ashburn Community Planning Area; therefore, it is not appropriate to use the requested funds for the improvements in the western portion of the Brambleton District Park.

Request: The Department of Transportation and Capital Infrastructure requests the use of \$2,653 of the East Gate Three Proffer VI.B. account, LMIS Sequence #99066971 (Oracle Award #Y01093), to fund the improvements at the Brambleton District Park West (see Attachment 1). The Loudoun County Board of Supervisors approved ZMAP-2005-0003 on February 21, 2006 including the letter of clarification dated February 16, 2006, the proffer statement dated October 31, 2005, revised through February 13, 2006, the Rezoning Plat dated November 22, 2004, revised through February 13, 2006 and the modification request to reduce yard requirements. ZMAP-2005-0003 was amended by two subsequent zoning concept plan amendment applications, ZCPA-2008-0010 and ZCPA-2011-0009 which were approved on June 2, 2009 and November 9, 2011, respectively. The governing application, ZCPA-2011-0009 was approved subject to the Proffer statement dated October 21, 2011 and the findings for Approval contained in the November 9, 2011 Staff Report. As stated in the proffer text below, Proffer VI.B. provided for a cash contribution of \$122 per residential unit to be used for the purchase of open space easements and/or the purchase and development of County parkland within the boundaries of the Dulles Community Planning Area.

B. OPEN SPACE EASEMENTS

With the issuance of each residential zoning permit, the Owner will make a cash contribution of \$122.00 per unit. Such cash contributions are to be used by Loudoun County for the purchase of open space easements and/or the purchase and development of County parkland within the boundaries of the Dulles Community Planning Area.

Determination: The use of these funds as proposed is not appropriate. Proffer VI.B. of ZCPA-2011-0009 states that the Owner shall provide a cash contribution in the amount of \$122 for each residential unit on the property which is to be used for the purchase of open space easements and/or the purchase and development of County parkland within the boundaries of the Dulles Community Planning Area (see Attachment 2).

The western portion of the Brambleton District Park which contains the proposed improvements is located on PIN#157-16-1062 and is owned by the Northern Virginia Regional Park Authority. Proffer IV.B. specifically states that the cash contributions are to be used for purchase of open space easements and/or the development of parkland in the Dulles Community Planning Area. PIN #157-16-1062 is located in the Ashburn Community Planning Area; therefore, it is not appropriate to use the requested funds for the improvements in the western portion of the Brambleton District Park.

Request: The Department of Transportation and Capital Infrastructure requests the use of \$19,453 of the Townes at East Gate Proffer VII.C. account, LMIS Sequence #99066580 (Oracle Award #Y00496), to fund the improvements at the Brambleton District Park West (see Attachment 1). The Loudoun County Board of Supervisors approved ZMAP-2002-0022 on October 18, 2005 including the concept development plan dated October 2, 2002, revised through October 14, 2005, the proffers dated May 22, 2003, revised through September 28, 2005 and the letter of clarification dated October 17, 2005. As stated in the

proffer text below, Proffer VII.C. provided for a cash contribution of \$63 per residential unit to be used for the purchase of open space easements and/or the purchase and development of County parkland within the boundaries of the Dulles Community Planning Area.

C. Open Space Easements

Prior to the issuance of the 58th zoning permit for a residential unit on the Property, and prior to the issuance of each zoning permit for all subsequent units, the Applicants shall make a cash contribution of \$63/unit. Such cash contributions are to be used by Loudoun County for the purchase of open space easements and/or the purchase and development of County parkland within the boundaries of the Dulles Community Planning Area.

Determination: The use of these funds as proposed is not appropriate. Proffer VII.C. of ZMAP-2002-0022 states that the Applicant shall provide a cash contribution in the amount of \$63 for each residential unit on the property which is to be used for the purchase of open space easements and/or the purchase and development of County parkland within the boundaries of the Dulles Community Planning Area (see Attachment 2).

The western portion of the Brambleton District Park which contains the proposed improvements is located on PIN#157-16-1062 and is owned by the Northern Virginia Regional Park Authority. Proffer VII.C. specifically states that the cash contributions are to be used for the purchase of open space easements and/or the purchase and development of parkland in the Dulles Community Planning Area. PIN #157-16-1062 is located in the Ashburn Community Planning Area; therefore, it is not appropriate to use the requested funds for the improvements in the western portion of the Brambleton District Park.

Request: The Department of Transportation and Capital Infrastructure requests the use of \$13,679 of the Woodburn Proffer VI.C. account, LMIS Sequence #99068377 (Oracle Award # Y00504), to fund the improvements at the Brambleton District Park West (see Attachment 1). The Loudoun County Board of Supervisors approved ZMAP-2005-0044 on May 15, 2007 subject to the Proffer Statement dated April 9, 2007, revised through May 10, 2007. As stated in the proffer text below, Proffer VI.C. provided for a cash contribution of \$100 per residential unit to be used for the purchase of open space easements and/or the purchase and development of County parkland within the boundaries of the Dulles Community Planning Area.

C. OPEN SPACE EASEMENTS

Prior to or concurrent with the issuance of each residential zoning permit, the Applicant will make a cash contribution to the County of \$100.00 per unit. Such cash contributions are to be used by Loudoun County for the purchase of open space easements and/or the purchase and development of County parkland within the boundaries of the Dulles Community Planning Area.

Determination: The use of these funds as proposed is not appropriate. Proffer VI.C. of ZMAP-2005-0044 states that the Applicant shall provide a cash contribution in the amount of \$100 for each residential unit on the property which is to be used for the purchase of open space easements and/or the purchase and development of County parkland within the boundaries of the Dulles Community Planning Area (see Attachment 2).

The western portion of the Brambleton District Park which contains the proposed improvements is located on PIN#157-16-1062 which is owned by the Northern Virginia Regional Park Authority. Proffer VI.C. specifically states that the cash contributions are to be used for the purchase of open space easements and/or the purchase and development of parkland in the Dulles Community Planning Area. PIN #157-16-1062 is located in the Ashburn Community Planning Area; therefore, it is not appropriate to use the requested funds for the improvements in the western portion of the Brambleton District Park.

Request: The Department of Transportation and Capital Infrastructure requests the use of \$1,336,714 of the Seven Hills Proffer V.A. account, LMIS Sequence #99066992 (Oracle Award # Y00045), to fund the improvements at the Brambleton District Park West (see Attachment 1). The Loudoun County Board of Supervisors approved ZMAP-2005-0001 on March 21, 2006 subject to the February 14, 2006 Proffer Statement and Letter of Clarification dated March 21, 2006. As stated in the proffer text below, Proffer V.A. provided for a capital facilities cash contribution of \$18,965.81 for each market rate residential unit for a total contribution of \$18,453,733 to be used to meet capital facility needs generated by residential development on the Property.

V. CAPITAL FACILITIES/RECREATION AND OPEN SPACES/TREE PRESERVATION

A. Cash Contribution for Capital Facilities. The Owners shall make a cash contribution to the County in the amount of Eighteen Thousand Nine Hundred Sixty-Five and 81/100 Dollars (\$18,965.81) for each of the market rate dwelling units developed on the Property, for a total contribution of Eighteen Million Four Hundred Fifty-Three Thousand Seven Hundred Thirty-Three and 00/100 Dollars (\$18,453,733.00). Such contributions shall be made at the time of issuance of the zoning permit for each such market rate residential dwelling unit constructed on the Property. Such contributions shall be utilized by the County to meet capital facility needs generated by residential development on the Property.

In addition to the foregoing capital facilities contributions, the Owners shall make an additional cash contribution to the County in the amount of One Hundred Thousand and 00/100 Dollars (\$100,000.00) to be used, at the discretion of the County, for capital improvements/equipment for (i) the Arcola Pleasant Valley Volunteer Fire Company, (ii) the South Riding Fire and Rescue Center, and/or (iii) the approximately five (5) acre fire and rescue site proposed to be dedicated with the pending Kirkpatrick West rezoning application (ZMAP 2002-0001). The Board of Supervisors, in its discretion, may use these funds for other public safety facilities constructed to serve the Dulles South area, such as a sheriff's substation. Such contribution shall be made to the County prior to issuance of the first zoning permit for residential development of the Property.

The cash contributions proffered in the above paragraphs shall be escalated annually in accordance with changes in the CPI (see Proffer XIV.).

Determination: The use of these funds as proposed is appropriate. Proffer V.A. of ZMAP-2005-0001 states that the Owner shall provide a capital facilities cash contribution in the amount of \$18,965.81 for each market rate residential unit for a total contribution of \$18,453,733 to be used to meet capital facility needs generated by residential development on the Property.

To date, the County has received \$8,952,168.71 pursuant to Proffer V.A. of ZMAP-2005-0001; this proffer is partially fulfilled. This account has earned \$9,262.42 in interest and \$750,000 has been distributed, resulting in a current balance of \$8,211,431.13. It is noted that ZCOR-2013-0041, issued March 11, 2013, found that it is appropriate to use \$600,000 of this proffer fund to install lights at Bryne's Ridge Park.

The Loudoun County FY 2015 Adopted Capital Improvement Program (CIP) includes a previously authorized project to provide for the development of a proffered park site in the Brambleton Community, located on 26 acres to the east and 33 acres to the west of Route 659, which will consist of a total of nine athletic fields, fencing, paved parking lots, trails, public restrooms and athletic field lighting. The Department of Transportation and Capital Infrastructure is requesting the funds pursuant to Proffer V.A. of ZMAP-2005-0001 for improvements to the western portion of the Brambleton District Park to include paving of the parking areas, installing athletic field lighting at six baseball fields, installing required landscape buffers, trails and one restroom/concession facility and one public restroom facility. The western portion of the Brambleton District Park which contains the proposed improvements is located on PIN#157-16-1062 and is owned by the Northern Virginia Regional Park Authority.

Proffered capital facilities contributions are used by the County to fund the development of capital facilities within the same Planning Subarea as the zoning map amendment application. Both PIN #157-16-1062 and the limits of ZMAP-2005-0001 are located within the Dulles Planning Subarea; therefore it is appropriate to use the current remaining balance and future contributions, plus all additional interest earned in LMIS Sequence #99066992 (Oracle Award # Y00045), to fund the improvements in the western portion of the Brambleton District Park. Please be advised that I cannot guarantee the listed funds have not been disbursed or obligated to other projects.

PLEASE NOTE: This opinion is valid only as of this date, and this opinion does not and shall not relieve the owner or any occupant of the property in question from the obligation to comply with all applicable Zoning Ordinance and other County Ordinance requirements. This opinion is based upon the proffers as they exist today, November 24, 2014 and such proffers may be amended by a subsequent Zoning Concept Plan Amendment. This determination applies solely to the referenced property and is not binding upon the County, the Zoning Administrator or any other official with respect to any other property. No person may rely upon this determination with respect to any property other than the referenced property.

Please be advised that any person aggrieved, or any officer, department or agency of Loudoun County affected by an order, requirement, decision or determination made by an administrative officer in the administration or enforcement of the provisions of the proffer conditions attached to a rezoning or amendment to the zoning map, may appeal said decision within thirty days to the Board of Supervisors in strict accordance with Section 15.2-2301 of the *Code of Virginia*. This decision is final and unappealable if not appealed within 30 days. An application package for an appeal to the Board of

Supervisors may be obtained by visiting the Loudoun County Government Center, 1 Harrison St. S.E., Second Floor, Customer Service, Leesburg, VA. Two copies of the completed application must be submitted to the Department of Building and Development Customer Service counter with the fee payment of \$350.00 within 30 days from the date of this letter.

If you have any questions concerning this correspondence, you may contact me via email (kelly.griffin@loudoun.gov) or call me at 703-771-5219.

Attachment: Attachment 1: Vicinity Map
Attachment 2: Loudoun County Community Planning Areas

Cc via email: Scott York, Chairman-At-Large
Robin Bartok, Staff aide to Chairman York
Janet Clarke, Blue Ridge District Supervisor
Matthew F. Letourneau, Dulles District Supervisor
Tim Hemstreet, County Administrator
Charles Yudd, Assistant County Administrator
Julie Pastor, FAICP, Director, Department of Planning & Zoning
Nicole Dozier, Zoning Administrator
Amy Kresge, Proffer Program Manager
Joe Kroboth, III, Director, DTCI
Paul Brown, Deputy Director, DTCI
Erin McLellan, Budget Officer, DTCI

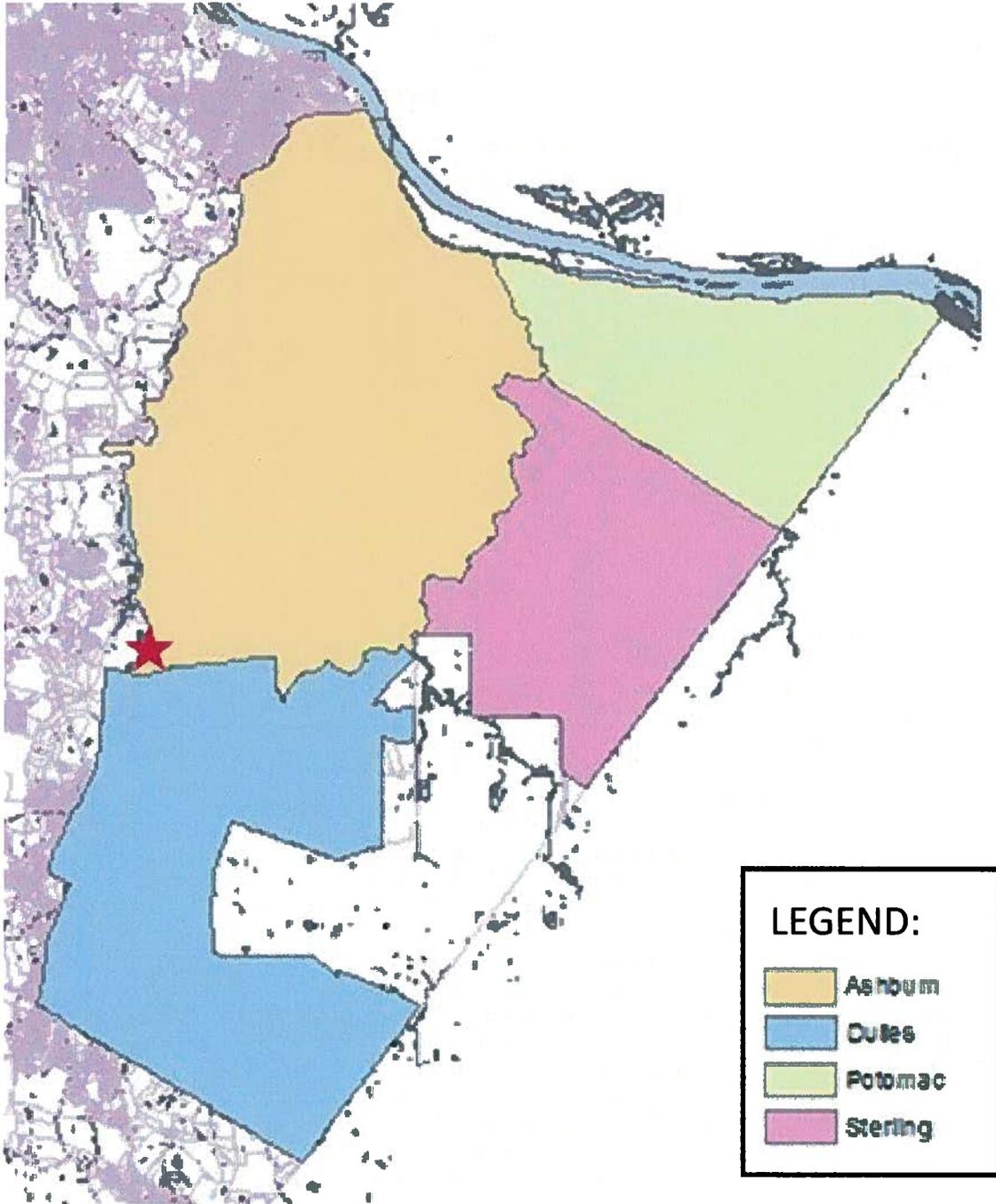
Cc via US Mail: M/I Homes of DC LLC & Comstock Eastgate, Property Owner
M/I Homes of DC LLC & KB Home Virginia, Property Owner
Eastgate Square HOA Inc., Property Owner
East Gate HOA, Property Owner
M/I Homes of DC LLC, Property Owner
East Gate One HOA, Property Owner
Belmont Glen Homeowners Association Inc, Property Owner
Dulles Farms Community Association, Inc., Property Owner
Pulte Home Corp., Proffer Payor
Ryland Group Inc., Proffer Payor
NVR MS Cavalier Loudoun LLC, Proffer Payor
Carr Homes, Proffer Payor
Richmond American Homes of VA Inc., Proffer Payor

Attachment 1
VICINITY MAP
CASH PROFFER FUNDS REQUESTED FOR IMPROVEMENTS TO THE BRAMBLETON
DISTRICT PARK WEST



**★ DENOTES APPROX. LOCATION OF
BRAMBLETON DISTRICT PARK WEST**

Attachment 2
LOUDOUN COUNTY SUBURBAN COMMUNITY PLANNING
AREAS



★ Denotes approx. location of
Brambleton District Park West