

Landscaping Guidelines Of the EcoVillage Community Association (EVCA)

VERSION HISTORY

Version	Approval Date	Changes
1.0	May 20, 2018	New Landscaping Guidelines for EVCA as approved by the Board on May 20, 2018

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ECOVILLAGE LAND STEWARDSHIP

[Declaration, Recitals, Paragraphs 2, 3 and 4]

EcoVillage of Loudoun County strives to live in harmony with the local and global environment and to create beautiful surroundings that uplift the human spirit. Our goal is to act as good stewards of the natural environment on both our privately owned lots and common lands. We recognize that a healthy ecosystem ensures the quality of our air, water and soil and supports native flora and fauna.

In providing land stewardship, we plant native species on both our common lands and privately owned lots and remove invasive species. As resources allow, we strive to actively manage the preservation and recovery of forests, riparian buffers, wetlands, streams and meadows. We seek to provide diverse habitats to sustain pollinators, insects, birds and other wildlife.

To provide nesting habitat, shelter and protection for a variety of animals, EcoVillage supports the presence of snags (dead standing trees), logs, areas of brush and leaf piles, and other dead plant material on both our common lands and privately owned lots.

Because we recognize that preserving night sky visibility benefits us as well as native flora and fauna, we are a dark sky community.

DEFINITIONS

AD&C Committee – This is the Architectural Design and Construction Committee of EVCA.

AD&C Guidelines – This is the Architectural Design and Construction Guidelines.

Auxiliary Structure (AS) – This refers to all structures on a lot that are neither primary nor auxiliary dwelling units.

Builder or Contractor – This is a person (other than the Declarant) or business that builds dwelling units and structures and may also be in the business of constructing improvements.

Common Lands or Common Area – These terms refer to that portion of the property owned by the EcoVillage Community Association (EVCA) together with the improvements and facilities thereon owned by EVCA for the use and enjoyment of community members, and in some cases by non-members, subject to the terms of the Governing Documents. It is identified as Parcel D on the Record Plat. Reference to the common area refers to the common area at the relevant time.

Declaration – This refers to the Declaration of Covenants, Conditions, Easements and Restrictions for EcoVillage of Loudoun County.

Dwelling or Dwelling Unit – This is any building on the lot or property intended for residential use and occupancy.

EcoVillage – This term refers to our community, which is governed by the EcoVillage Community Association (EVCA).

EcoVillage of Loudoun County – This is the subdivision of Ecovillage according to the Declaration Site Plan.

EVCA – This is the EcoVillage Community Association. This is the official name of our community, which is governed by the EcoVillage Community Association Documents.

EV – This is the EcoVillage of Loudoun County.

External Green Building Standard – This term refers to building guidelines created and administered by an organization external to the EcoVillage Community Association (EVCA). The organization addresses the design, construction and evaluation of green buildings, and it provides third-party verification and certification. The current acceptable external green building standards are enumerated in the AD&C Guidelines, and these standards may be updated from time to time by the organization that administers the standard.

Firepit – This is an area dug in the ground, often constructed of stones, brick or block for the purpose of an outdoor fire for cooking or enjoyment. A firepit can also be a manufactured open container for outdoor use, which often has a lid. The common feature is that firepits are designed to contain fire and prevent it from spreading.

Footprint – This is the square footage of ground covered by structures built upon a lot.

Invasive species – These are non-native plants that are intentionally or accidentally introduced by human activity into a region in which they did not evolve, and they cause harm to natural resources, economic activity or humans. They are also referred to as “invasives”. Only certain non-native plants are invasive. The Virginia Department of Environmental Quality (DEQ) and the Virginia Department of Conservation and Recreation (DCR) are the sources used to determine whether a plant is invasive in Virginia.

LS – This is the Land Stewardship Committee of EVCA

Lot(s) – These terms refer to those parcels within the property shown as “Hamlet Lots” on the record plat as separately subdivided and numbered and lettered land parcels, and the improvements thereon, excluding common area.

National List of Allowed and Prohibited Substances – This list is maintained and updated by the USDA National Organic Program (NOP). The following resources are in compliance with the allowed substances on the National List: (1) OMRI labeled products and (2) organic controls identified in the Pest Management Guide (PMG) by Virginia Cooperative Extension.

Native Plants or Species – These are plants that occur in a particular place without human intervention. Species native to North America are generally recognized as those occurring on the continent prior to European settlement.

Non-Native Plants or Species – These are plants that are intentionally or accidentally introduced by human activity into a region in which they did not evolve. Non-native plants are also called by the following names: exotic, alien, introduced, naturalized, nonindigenous and non-natives. They seldom provide the same benefit as native plants to pollinators, beneficial insects, birds and other wildlife.

Piedmont Region of Virginia – This is the major physiographic region of Northern Virginia that has rolling hills and includes Loudoun County. It is bounded on the northwest by the Blue Ridge mountains and on the southeast by the Coastal Plain.

Structure – This is anything constructed or erected with a fixed location on the ground.

LANDSCAPING GUIDELINES

The Landscaping Guidelines must be followed in the EcoVillage Community Association for all common lands (Parcel D on the Record Plat) and for all privately owned lots 1-25 and for Conservation Lot A. [Declaration, Section 9.8.C.]

In addition, all easements on the common area and the riparian buffer zone must be followed.

The Land Stewardship (LS) Committee is responsible for overseeing and monitoring compliance with the Landscaping Guidelines except during any construction period. During a construction period, the Architectural Design and Construction (AD&C) Committee is responsible for ensuring that all landscaping complies with both the Architectural Design and Construction Guidelines and the Landscaping Guidelines.

UPKEEP AND APPEARANCE

[Declaration, Section 9.8.A.]

Residents must maintain a clean, safe and orderly outdoor environment on their respective lots.

EASEMENTS

Below is a list of all Easements for the EcoVillage Community Association.

- Property: Lots 1-25, Conservancy Lots A, B, C and D

Deed of Open Space Easement: Open space easement over the entire property including private lots

Date: 2/26/00

Filing Number: Book 1771, Page 51f.

Brief Description: Presents development; preserves natural value

- Property: Planting Area on Exhibit A

Riparian Buffer Easement: Declaration of restrictive covenants

Date: 8/22/12

Filing Number: 64684

Brief Description: Planting area Exhibit A protection

DAMAGE

[Declaration, Section 5.12.D.]

Any person responsible for damage to the common lands, including infrastructure, will bear the cost of such repair and restoration to its original condition.

STRUCTURES

- a) **Landscape Structures:** All structures added to the landscape are auxiliary structures. They must comply with the AD&C Guidelines and must be approved by the AD&C Committee. Auxiliary structures are those as defined in the Revised 1993 Loudoun County Zoning Ordinance, primarily Sections 5-101 and 5-102. Landscape structures include but are not limited to the following examples: car structures, decks, patios, sheds, sidewalks, fences, retaining walls, signage, hot tubs, play structures, gazebos and chicken coops. For a representative listing, see Section 5-101 referenced above. [Declaration, Section 9.13.E.]
- b) **Fences:**
- Fences are allowed for gardens, animal enclosures and security (e.g. around a water feature) and must be approved by the AD&C Committee.
 - Fences must be of a “see through” design to maintain visual continuity of the Ecovillage landscape and not obstruct views.
 - Chain link fences are prohibited.

TOXIC AND/OR ENVIRONMENTALLY HAZARDOUS MATERIALS

Toxic and/or environmentally hazardous materials required during any construction period or for any other reason are subject to the requirements of the Consolidated List of Lists of the Environmental Protection Agency (EPA). Their use must also adhere to the compliance information below:

- Compliance information for the Emergency Planning and Community Right-to-Know Act (EPCRA) as published in the Code of Federal Regulations (CFR), 40 CFR parts 355, 370, and 372.
- Compliance information for the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) as published in 40 CFR part 302.
- Compliance information for the Clean Air Act (CAA) section 112(r) as published in 40 CFR part 68.

Toxic and environmentally hazardous materials that are allowed by the EPA must only be used on impervious surfaces where any spills must be contained. They must be disposed of appropriately as a hazardous material.

CONSTRUCTION AND LANDSCAPE NOISE

Outdoor construction and landscape work must only be done between the hours of 7 am and sundown.

OUTDOOR EQUIPMENT

All permanently installed outdoor equipment must not be visible or heard from outside of building structures. This includes but is not limited to HVAC equipment and outdoor generators. Septic system pumps are exempt from this requirement.

Any equipment and other items (including playground material, landscaping tools, etc.) on a lot must be secured to the ground in a way so that it does not cause harm to life or property in the event of strong winds, storms or other inclement weather.

VEHICLES

Only licensed motorized vehicles are permitted on EcoVillage roads. Exceptions are agricultural, land maintenance and golf cart type vehicles. [Declaration, Section 9.20.E.]

All-terrain vehicles (ATVs), dirt bikes and other motorized vehicles are prohibited on all common lands. Exceptions are agricultural and land maintenance vehicles. [Declaration, Section 9.20.E.]

All vehicles including trailers and RVs must be parked and fit in the designated parking spot, inside a garage or on another parking structure. [Declaration, Section 9.20.A.]

DARK SKY PRESERVATION

Full light cutoff for outdoor lighting is required. Outdoor lighting must comply with the outdoor lighting guidelines of the International Dark-Sky Association (IDA). An exception exists for temporary decorative lighting for a maximum of the respective holiday season, and these lights are not to be left on all night.

OUTDOOR FIRES

[Declaration, Section 9.1.A. and C.]

- a) **Allowed:** Charcoal, propane gas and wood are permitted for use in outdoor grills and fire pits on privately owned lots and in designated areas of the common lands. Trees, large branches, brush and leaves must be cut to size for outdoor grills and fire pits.
- b) **Prohibited:**
 - Outdoor fireworks
 - Burning of trash and garbage

- Open burning on private lots
- Any fire accelerant such as lighter fluid, kerosene, gasoline and alcohol

ORGANIC MANAGEMENT

[Declaration, Section 9.8.C.(3)]

Common lands must be organically managed at EcoVillage according to the USDA National Organic Program (NOP).

ALLOWED AND PROHIBITED SUBSTANCES

The National List of Allowed and Prohibited Substances of the USDA National Organic Program (NOP) must be followed for the control of weeds, pests and other purposes on both common lands and on privately owned lots. [Declaration, Section 9.8.D.]

For the control of termites, carpenter ants, rodents and other pest infestations of dwellings, pesticides are allowed. Botanical products are to be used if effective.

PERMITTED PLANTINGS

- Common Area:** Only native species of grasses, trees and other plants of the Piedmont Region of Virginia are permitted for planting on EcoVillage common lands. Exceptions are the community garden and designated agricultural area(s). The Virginia Department of Environmental Quality (DEQ) and the Virginia Department of Conservation and Recreation (DCR) are the sources used to determine whether a plant is native to the Piedmont Region of Virginia
- Privately Owned Lots:** All plant species are permitted except invasive plants and genetically modified (GMO) plants.

PROHIBITED PLANTINGS

[Declaration, Section 9.8.C.(4)]

Planting of invasive plant species is prohibited at EcoVillage, including both on common lands and on privately owned lots. Genetically modified (GMO) seeds and plants are also prohibited anywhere at EcoVillage.

All invasive plant species must be eradicated on common lands and on privately owned lots as resources allow. The LS Committee oversees the removal of invasive species on common lands.

The Virginia Department of Environmental Quality (DEQ) and the Virginia Department of Conservation and Recreation (DCR) are the sources used to determine whether a plant is invasive in Virginia.

TREES

- a) **Tree Cutting:** LS Committee approval is required for the cutting, harvesting and substantial pruning of trees or plants that are 4 inches or greater in diameter measured at 4 feet above ground on all EcoVillage common lands and on privately owned lots. Approval is not required for invasive trees, dying trees and trees that are endangering life and/or property. [Declaration, Section 9.8.C.(1)]
- b) **Solar Access:** Trees on other lots must not block the solar access of dwelling units that have solar panels or other solar energy technology. [Declaration, Section 9.8.C.(2) and Section 9.17.]

PATHS AND HIKING TRAILS

Paths and hiking trails are approved and maintained by the LS committee.

WILDLIFE AND FERAL SPECIES MANAGEMENT

- EcoVillage of Loudoun County is a wildlife sanctuary.
- Sport hunting of wildlife is prohibited on all common lands and on privately owned lots.
- When a wildlife species, non-native animals or a feral species endangers the ecosystem, habitat or property, the EVCA Board is allowed to implement wildlife management strategies including culling, but any method used must be humane. Management strategies are also allowed for non-native animals and feral species that endanger people or wildlife. [Declaration, Section 9.2.C.]
- Feeding of birds is permitted. Feeding of all other wildlife, non-native animals and feral species is prohibited.
- The EcoVillage Community Association (EVCA) and its representatives will not assume any liability or responsibility for damage to private property or any other damage caused by wildlife.

DOMESTIC ANIMALS

[Declaration, Section 9.2.A.]

- Outdoor pets are limited to dogs and cats.
- Larger animals such as horses, llamas, pigs and goats of any size are prohibited as outdoor pets.
- A maximum of three (3) outdoor pets are allowed per dwelling unit at any one time. The exception is for puppies and kittens born at EcoVillage, and they are allowed to stay until weaned.

ANIMAL HUSBANDRY

[Declaration, Section 9.2.B.]

- Livestock are prohibited except for chickens and guinea fowl.
- Raising and keeping chickens and/or guinea fowl for the purpose of egg production and soil fertility is permitted according to Loudoun County zoning ordinances and VA state law. Flocks must not exceed 11 adult birds per lot, but shall maintain a minimum of 4 adult birds or 6 baby chicks or pullets.
- Roosters are prohibited. Owners of chickens must maintain responsibility for keeping chickens on their lots.
- Structures for housing chickens and/or guinea fowl must be approved by the AD&C Committee according to the AD&C Guidelines.
- Because of Loudoun County zoning, not all lots are able to have chickens.

CONTROL OF PETS AND ANIMALS

Residents and visitors must control their pets and animals to ensure that they do not cause harm or nuisance to people, other pets and animals, wildlife, and property.

EXCREMENT FROM PETS AND ANIMALS

Residents must remove the waste of their pets and animals from people's yards, roads, mowed sides of roads, parking lots, playground, and paths and trails.

WATER AND WETLANDS

Water quality management at EcoVillage must insure the

- Maintenance of the existing aquatic system, and
- Regeneration of streams and wetlands in a natural way, minimizing human impact.

In particular, the following are required of residents, guests and contractors:

- Two hundred foot riparian buffers are maintained at all streams and wetlands (as delineated in the Loudoun County GIS) wherever possible in accord with terms of the Riparian Buffer Easement of 2012, recorded at the courthouse.
- Should stream bank or pond dam and surroundings require stabilization, it must be carried out under the conditions required by the Riparian Buffer Easement, Section 1.1.c.
- Wetlands must not be dredged, filled, or impacted hydrologically until all other reasonable alternatives have been explored.
- Bridges and boardwalks must be constructed to minimize impacts upon streams and wetlands according to

the AD&C Guidelines.

- Impervious cover must be minimized throughout the property on both common and private lands. The total combined footprint for all structures on a privately owned lot must not exceed 10 percent of the lot area as shown on the approved plat.
- Dispersal of storm water runoff from structures must be maximized.
- French drains and swales may be used where appropriate to control runoff.
- Cisterns are allowed.
- Watering of landscapes and/or gardens must be done in an environmentally responsible manner, using the minimal amounts of water applied at the most appropriate times of day. Use of rainwater barrels and/or cisterns for watering is allowed.

ITEMS NOT REQUIRING APPROVAL

- a) Any exterior repairs using replacement materials that are substantially the same as the original in color, size, composition and character
- b) Outdoor decorative elements, including planters, lawn furniture, small sculptures, birdhouses and the like
- c) Clotheslines, but they must not be placed in the front yard
- d) Antennas and satellite or Internet dishes according to the Telecommunications Act of 1996

COMPLIANCE WITH THE LANDSCAPING GUIDELINES

[Declaration, Section 11.2.C.]

When either the LS Committee or the AD&C Committee identifies an issue of noncompliance and is unable to resolve it, then the issue is forwarded for adjudication to the Covenant Compliance Committee. There is a covenant compliance process to be followed.

AMENDING AND UPDATING THE LANDSCAPING GUIDELINES

The LS Committee recommends any needed changes and updates of the Landscaping Guidelines to the EVCA Board of Directors, and advises the Board of the reasons for the recommended changes. The process to approve changes to the Guidelines follows the requirements of the Declaration and EVCA Bylaws.

Coordination between the Land Stewardship Committee and AD&C Committee is needed if changes or updates are made to sections addressing a topic that is in both sets of Guidelines. Approval by the Board needs to be done with the same language in both sets of Guidelines (AD&C Guidelines and Landscaping Guidelines).