

PROFFERS

RZ 2004-BR-040

April 19, 2005

Pursuant to Section 15.2-2303(a) Code of Virginia, 1950, as amended, Melvin E. Edelin and Hazel F. Edelin (hereinafter referred to as the Applicants), for themselves, successors and assigns in RZ 2004-BR-040, filed for property identified as Tax Map reference 77-3-01-06 (hereinafter referred to as the "Application Property"), hereby proffer the following, provided that the Board of Supervisors approves a rezoning of the Application Property to the R-3 District in conjunction with a Generalized Development Plan ("GDP") for residential development. In the event said application request is denied, these proffers shall be null and void.

1. GENERALIZED DEVELOPMENT PLAN

- a. Subject to the provisions of Section 18-204 of the Fairfax County Zoning Ordinance (hereinafter referred to as the "Zoning Ordinance"), development of the Application Property shall be in substantial conformance with the GDP, entitled "Lot 6, 10958 Clara Barton Drive" consisting of three sheets prepared by GeoEnv Engineers, dated May 21, 2004, and revised through April 2005 (Professional seal dated April 19, 2005).
- b. Pursuant to Paragraph 5 of Section 18-204 of the Zoning Ordinance, minor modifications to the GDP may be permitted as determined by the Zoning Administrator. The Applicants reserve the right to make minor adjustments to the layout provided that the changes are in substantial conformance with the GDP.

2. TREE PROTECTION

- a. The Applicant shall submit a tree preservation plan as part of the first and all subsequent subdivision/site plan submissions. The preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect and reviewed and approved by Urban Forest Management. The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees that are ten (10) inches or greater in diameter, and twenty (20) feet to either side of the limits of disturbance shown on the GDP for the entire site. The tree preservation plan shall provide for the

preservation of those areas shown for tree preservation, those areas outside of the limits of disturbance shown on the GDP, and other areas in which trees can be preserved as a result of final engineering. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of trees to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

b. All trees shown to be preserved on the tree preservation plan shall be protected by a tree protection fence. Tree protection fencing four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart, shall be erected at the limits of clearing and grading as shown on the demolition, phase I & phase II erosion and sedimentation control sheets for the entire site.

Methods to preserve existing trees may include, but not be limited to, the following: use of super silt fence, welded protection fence, root pruning and mulching. All tree protection fencing shall be installed prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing, except super silt fence, shall be performed under the supervision of a certified arborist. Three days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, Urban Forest Management and the District Supervisor shall be notified and given the opportunity to inspect the site to assure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by Urban Forest Management.

c. The Applicant shall submit a detailed landscaping plan as part of the first and all subsequent plan submissions that is consistent with the landscaping shown on the GDP and these proffers. The landscaping plan shall utilize a variety of tree species of various sizes planted throughout the site. The native species may include, but are not limited to, white oak, red maple, red oak, American holly, American beech, willow oak, dogwood and others. Pursuant to the Public Facilities Manual ("PFM"), the Applicant shall receive additional tree cover credit if native and desirable trees comprise a minimum of 90% of all trees listed on site. The Applicant shall also receive additional tree cover credit for utilizing tree species and planting locations that are effective for energy conservation as determined by DPWES.

d. During any clearing or tree/vegetation/structure removal on the Application Property, a representative of the Applicant shall be present to monitor the process and ensure that the tree protection fencing remains in place and the trees protected

by said fencing are preserved. The Applicant shall retain the services of a certified arborist or landscape architect to monitor all construction work and tree preservation efforts in order to ensure conformance with all tree preservation proffers/conditions. The monitoring schedule shall be described and detailed in the tree preservation plan, and reviewed and approved by Urban Forest Management.

e. The Applicant shall retain the services of a certified arborist or landscape architect, and shall have the limits of disturbance marked with a continuous line of flagging prior to the pre-construction meeting. Before or during the pre-construction meeting, the Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with an Urban Forest Management representative to determine where minor adjustments to the clearing limits can be made to increase the survivability of trees at the edge of the limits of clearing and grading, and may result in an expansion of the limits of clearing and grading, and the limits shall be adjusted accordingly. Any tree that is designated for removal at the edge of the limits of clearing and grading or within the tree preservation area shall be removed using a chain saw to avoid damage to surrounding trees. If a stump must be removed, this shall be done using a stump grinding machine in a manner causing as little disturbance as possible to the adjacent trees.

f. The Applicant shall remove any dead, dying, or hazardous, on-site, co-owned and off-site trees adjacent to the limits of clearing and grading, and replace the lost tree canopy, as determined by the UFMB. Off-site mitigation shall only be conducted with permission of the appropriate off-site owner, which permission shall be diligently pursued as determined by DPWES. Prior to subdivision plan approval, a replacement value shall be assigned by Urban Forest Management to all healthy on-site, co-owned or off-site trees measuring ten (10) inches or larger in diameter, which are located within twenty (20) feet of the limits of clearing and grading as shown on the GDP. Trees recommended for removal on the tree preservation plan shall not be assigned a value. At the time of subdivision plan/site plan approval, the Applicant shall post a cash bond or a letter of credit payable to the County of Fairfax to ensure removal and replacement of any such on-site, co-owned or off-site trees that are left dead, dying, or hazardous as a result of damage by normal construction activities. The calculated replacement values shall be reviewed and approved by Urban Forest Management prior to posting the cash bond or letter of credit. The terms of the letter of credit shall be subject to approval by the County Attorney. The replacement value of each designated tree shall be determined by a certified arborist according to the methods contained in the latest edition of the Valuation of Landscape Trees, Shrubs and Other Plants published by the International Society of Arboriculture, subject to review and approval by Urban Forest Management. From time to time, funds, or a portion thereof, may be drawn on the cash bond or letter of credit and expended for the purposes of this proffer. The remaining balance of the cash bond or letter of credit shall be refunded by Fairfax County at the time of final bond

release. The replacement of trees by the County shall be in accordance with the guidelines of the Fairfax County Public Facilities Manual.

3. STORMWATER MANAGEMENT/BEST MANAGEMENT PRACTICES

The Applicants intend to request waivers of stormwater management and water quality requirements at the time of the subdivision plan submission. Should these waivers not be granted, the Applicants shall provide alternative stormwater management and water quality measures generally in those areas shown on the GDP, as approved by the Department of Public Works and Environmental Services (DPWES).

4. AFFORDABLE HOUSING

At the time of building permit approval, the Applicant shall contribute to the Fairfax County Housing Trust Fund a sum equal to 0.5 percent of the projected construction cost of the new single-family dwelling constructed. The amount of said contribution shall be determined in coordination with the Department of Housing and Community Development.

5. DESIGN

- a. The existing house located on the Application Property shall be retained as shown on the GDP, however, the house may be replaced or enlarged in the future as long as all R-3 District provisions are satisfied.
- b. The building elevation for the proposed dwelling unit shall be generally consistent with the conceptual elevation as shown on Sheet 2 of the GDP and as determined by the Department of Public Works and Environmental Services (DPWES).

6. ENERGY EFFICIENCY

The new home constructed on the Property shall meet the thermal standards of the CABO Model Energy Program for energy efficient homes, or its equivalent, as determined by the Department of Public Works and Environmental Services (DPWES) for either electric or gas energy homes, as applicable.

7. GARAGE CONVERSIONS

The Applicant shall place a covenant on the new dwelling unit that prohibits the use of the garage for any purpose that completely precludes motor vehicle storage. The covenant shall be in a form acceptable to the County Attorney and it

shall be recorded among the land records of Fairfax County prior to the sale of the new dwelling unit.

8. MISCELLANEOUS

a. These proffers shall bind and inure to the benefit of the Applicants and their successors and assigns.

b. These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document and all of which taken together shall constitute but one and the same instrument.

TITLE OWNERS:

TAX MAP 77-3-01-06

A handwritten signature in cursive script, appearing to read "Melvin E. Edelin", is written over a horizontal line.

Melvin E. Edelin

A handwritten signature in cursive script, appearing to read "Hazel F. Edelin", is written over a horizontal line.

Hazel F. Edelin