PROFFERS
RZ 95-D-018
EDGEMOORE HOMES, L.L.C.
July 30, 1998

Pursuant to Section 15.2-2303(A) of the 1950 Code of Virginia, as amended, and Section 18-204 of the Fairfax County Zoning Ordinance, the undersigned, as the Applicant in the above-referenced Rezoning Application and the owners of the Property (the "Property") which is the subject matter thereof, for themselves and their successors and assigns, hereby proffer that the development of the Property will be subject to the following terms and conditions should the same be rezoned to PDH-2:

1. CDP / FDP

The Property shall be developed in substantial conformance with the Conceptual Development Plan/Final Development Plan (CDP/FDP) dated July 2,1998 prepared by Christopher Consultants, Ltd. The Applicant does not intend by this proffer to waive the right to make minor engineering modifications permitted and/or rendered necessary by environmental regulations, the subdivision ordinance, the zoning ordinance, or the Public Facilities Manual, as approved by Public Works and Environmental Services (DPW&ES).

2. PHASING

No dwelling unit building permit shall be issued for any lot located west of Courthouse Spring Branch until Jarrett Valley Drive is dedicated and recorded for its entire extent. A barrier preventing use of Edgepark Road shall be in place until a building permit is issued for any of proposed Lots 66, 67, 68,or 69.

3. LIMITS OF CLEARING AND GRADING

The Applicant shall substantially conform to the limits of clearing and grading shown on the CDP / FDP, subject to modification for the installation of necessary or required trails, stormwater managment facilities, fences and utilities, as approved by DPW&ES. Clearing limits around trees shall be marked on the ground with filter fabric, fences or berms, or equivalent visible demarcation prior to clearing and grading and at all times during constuction. Any utility lines outside the limits of clearing and grading shall be located and installed in the least disruptive manner possible, considering cost and engineering, as determined by the Urban Forester. A replanting plan shall be developed and implemented, as approved by the Urban

Forester, for any areas outside the limits of clearing and grading that must be disturbed.

4. **TREE PRESERVATION**

A tree preservation plan illustrating tree preservation shall be submitted as part of the subdivision plan and house location plans and shall be coordinated with and approved by the Urban Forester. This plan shall provide for the preservation of quality trees on individual lots which can be preserved without precluding the development of a typical home on each of the lots as shown on the CDP/FDP. Should the Urban Forester require modifications to the tree preservation plan, said modifications shall not alter the number of dwelling units as shown on the plan, reduce the size of the units, significantly alter their location on the lot or require the installation of retaining walls greater than two feet in height.

5. **OUTLOT**

Lot 96 shall be noted with a restriction on the subdivision plat requiring that the lot shall not be issued a building permit until after January 1, 2025. Prior to this date, the lot shall be available to be acquired by the County / VDOT if required for highway right-of-way.

6. **OPEN SPACE/HOA OBLIGATIONS**

The open space shall be conveyed to a Homeowner's Association to be formed as approved by the County Attorney. The HOA shall be responsible for the maintenance of all private streets, recreation facilities and common area fencing and landscaping, and prospective purchasers of homes shall be advised of this requirement in writing prior to contract execution.

7. **BUFFERS**

For the areas noted as "25 foot buffer" on the CDP / FDP, no removal of healthy shrubs or trees greater than 2 inches in diameter will be permitted, and a perpetual restrictive covenant which shall run to the benefit of the Homeowners Association for the Property and the Wolf Trap Woods Homes Association for this purpose in form approved by the County Attorney will be recorded. This covenant may be enforced by the Wolf Trap Homes Association against the HOA for the Property and/or the owner(s) of the lot involved. This requirement shall not prohibit the installation of necessary utilities for development as approved by DPW&ES or the erection of fences (provided that the erection of fences shall be subject to the terms of the covenant). In

areas where existing vegetation is sparse or non-existent along the property line with Wolf Trap Woods west of the stream valley the Applicant will plant along the property line 10-12 foot high (or larger at the Applicant's option) evergreen trees where shown on the Landscape Plan (the trees shown shall be planted within the "buffer" and shall be subject to the prohibition against removal stated herein). All prospective owners of lots affected by a "buffer" shall be notified in writing of this covenant prior to contract execution. In addition, a 6-7 foot high board on board screening fence shall be provided where shown on the CDP / FDP, between the property and Wolf Trap Woods and Ash Grove.

8. **ENERGY SAVER PROGRAM**

All homes shall meet the thermal guidelines of the Virginia Power Energy Saver Program for energy-efficient homes (or its equivalent), as determined by DPW&ES, for either electric or gas energy systems.

9. **PRIVATE STREETS**

The private streets will be constructed with pavement widths and depth of pavement consistent with Category I public street standards, as determined by DPW&ES pursuant to the PFM.

10. **TRANSPORTATION**

A. Sidewalks shall be provided on both sides of all streets as shown on the CDP / FDP.

B. A third eastbound lane along Route 7 temporarily serving as a right turn lane into Jarrett Valley Drive shall be provided as shown on the CDP / FDP. The cost (as calculated by DPW&ES using August, 1998 as the base adjusted according the Construction Cost Index as published in the Mcgraw-Hill Engineering News-Record) of 100 L.F. of this third lane may be escrowed in lieu of construction, if approved by DPW&ES/VDOT.

C. An extended left turn lane on Route 7 into Jarrett Valley Drive shall be constructed as shown on the CDP / FDP, as approved by VDOT.

D. The Applicant shall redesign and install upgraded signalization at the current Berea Church entrance onto Route 7 to accomodate the Jarrett Valley Drive intersection, as approved by VDOT.

E. The Applicant shall construct an additional lane on the ramp from Dulles Access Road to Route 7, across Route 7 from Jarrett Valley Drive,generally as shown on the CDP / FDP, to a maximum of 12 feet in width.

F. The sole construction entrance for the Property shall be on the property's Route 7 frontage subject to VDOT approval.

G. Dedication of right-of-way in fee simple to the Board of Supervisors and ancillary easements for future improvements to Route 7 and the Dulles Access/Toll Road by others shall be provided as shown on the CDP / FDP, at the time of subdivision plan approval or upon earlier demand by VDOT or Fairfax County, whichever first occurs.

H. The site plan for items B, C and E above shall be approved and bonded prior to approval for recordation of the first section of lots for the Property.

11. <u>TRAILS</u>

A 6' wide privately maintained (by the HOA) trail connecting to the existing trail in Wolf Trap Woods shall be provided generally as shown on the CDP / FDP. The trail may be used by the occupants of homes in the Wolf Trap Woods Homes Association provided the Wolf Trap Woods trail connecting to the Property trail is made available for use by occupants of homes on the Property. A public asphalt trail shall be provided along Route 7 as shown on the CDP / FDP.

12. <u>NOISE ATTENUATION</u>

Applicant shall achieve an interior noise level of 45 DBA Ldn in all units in any area identified as affected by levels above 65 DBA Ldn. All units within this impacted area will have the following acoustical attributes as determined by DPW&ES:

A. Exterior walls shall have a laboratory Sound Transmission Classification (STC) of at least 39.

B. Doors and windows shall have an STC of at least 33 for exterior walls that either face or are perpendicular to the roadways impacting them (DTR / DAR or Route 7).

C. Adequate measures to seal and caulk between surfaces will be provided.

D. Exterior noise levels in rear yard areas shall be reduced to 65 DBA Ldn or less through construction of noise attenuation barriers as follows: along Route 7 a landscaped berm and/or solid wood fencing as approved by DPW&ES; along the Dulles Access/Toll Road a berm and sound absorbtive concrete wall with a barn-board finish facing the road, as approved by VDOT. The wall shall be built to meet all VDOT standards for noise attentuation and shall be approved by VDOT and located generally as shown on the CDP/FDP. The sound barrier shall be attached to the VDOT noise wall at its western end, subject to VDOT and DPW &ES approval.

E. Nothing herein shall be construed to restrict or otherwise limit the use of balconies, patios or decks on residential units.

The Applicant reserves the right to pursue any method of mitigating highway noise impacts if it can be demonstrated, through an independent noise study as reviewed and approved by DPW&ES, that such methods will be effective in reducing interior noise levels to 45 DBA Ldn or less in affected areas.

13. <u>RECREATIONAL FACILITIES</u>

The Applicant shall provide recreation facilities to include at a minimum: two tennis courts, one tot lot, a picnic shelter / gazebo, and nature trail in order to satisfy the $955 per dwelling expenditure requirement for PDH zoning. No lighting shall be permitted. Any unexpended amount will be paid to the HOA for additional recreational facilities.

14. <u>ADUs</u>

In compliance with the Affordable Dwelling Unit Ordinance eight affordable dwelling units shall be provided in the form of four-plex units similar in scale and form to single family detached units, but with fee simple ownership, individual entries and basement level rear garages and parking where shown on CDP / FDP. The units will be designed generally as shown on Exhibit A on the CDP / FDP and shall be constructed with materials substantially similar to the homes to be developed on the Property. Driveway parking spaces located at the rear of the units shall meet the PFM requirement of 18 feet in length. The Applicant agrees to apply for any possible extensions of time as permitted by law in which to commence and complete construction of the ADUs. If prior to commencement of construction of the ADUs, should the ordinance be amended to eliminate the requirement for ADUs (or monetary contributions in lieu thereof) on the Property, such amended ordinance shall apply, *ipso facto*, to the CDP/FDP and subdivision plans. If ADUs are not

constructed because of ordinance changes, the area in which they are shown may be converted to two lots generally as shown on Exhibit B on the CDP / FDP.

15. <u>REGIONAL POND/ARCHEOLOGICAL SITE/WETLANDS</u>

A. Applicant shall design and construct, pursuant to a *pro rata* share reimbursement agreement, a regional "embankment only" stormwater management facility to retrofit a substantial portion of the upstream watershed with Best Management Practices for water quality improvement. Plans shall be submitted to and approved by DPW&ES in consultation with the Utilities Planning and Design section of Public Works. If the regional facility is approved for construction a waiver of on-site detention shall be granted by DEM in exchange for the regional benefits derived from the facility. This regional facility will be maintained by Fairfax County upon its satisfactory completion.

B. The archeologically significant site located within the flood plain will be clearly delineated on all subdivision plan submittals, and will be protected by meandering the trail around the site and filling the site, or other techniques of equivalent cost, as approved by the Park Authority/Heritage Resources Branch and DPW&ES.

C. The Applicant shall propose a plan for creating a naturalized area for wetlands mitigation and/or enhancement where shown on the CDP/FDP in conjunction with obtaining a Nationwide 26 permit (or its equivalent) for the construction of the Regional Pond embankment. If approved by the Corps of Engineers, the plan will be implemented at the time of construction of the trail.

SIGNATURE PAGE FOLLOWS

Applicant:

Edgemoore Homes LLC
By: Five Pillars, Inc., Managing Member
By: _____
Al-Husain Y. Al-Husain, President

Owner (29-1 ((1))-08):

Edgemoore-Jarrett Limited Partnership
By:
Five Pillars, Inc., general partner
By: _____
Al-Husain Y. Al-Husain, President

Owners (28-2 ((1))-25, 26, 26A, 27; 29-1 ((1))-09):

_____
Douglas W. Jarrett

_____
Rebecca Jarrett Poston

_____
John D. Jarrett

_____
Hugh E. Jarrett by John D. Jarrett, his attorney-in-fact

Owner (28-2((1))-28):

_____
Norman Longfellow Smith

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