RZ 1997-SU-057
June 17, 1998

PROFFERS

Pursuant to Section 15.2-2303A of the Code of Virginia (1950 as amended), the applicant hereby proffers to develop the subject property in accordance with the following conditions, provided the Board of Supervisors rezones the subject property to the PDH-8 Zoning District as proffered. For the purpose of these proffers, the term "Developer" refers to the applicant herein, its successors or assigns.

1. **Conceptual/Final Development Plan.** Development of the property shall be in conformance with the plan entitled "Conceptual/Final Development Plan, Deerfield Ridge" (CDP/FDP), prepared by the BC Consultants, revised as of May 22, 1998.

2. **Final Development Plan Amendment.** Notwithstanding, the CDP/FDP is presented on one sheet and said CDP/FDP is the subject of Proffer 1 above, the CDP/FDP shall constitute the entire plan relative to the points of access, the total number of units and general location of residential lots and common open space areas, and buffering adjacent to Little Rocky Run Subdivision. The Developer shall have the option to request Final Development Plan Amendments ("FDPA") from the Planning Commission for portions of the Plan in accordance with the provisions set forth in Section 16-402 of the Zoning Ordinance.

3. All homes on the property shall meet the thermal guidelines of the Virginia Power Energy Saver Program for energy-efficient homes or its equivalent, as determined by DEM for either electric or gas energy systems, as applicable.

4. The Developer shall conform to the limits of clearing and grading shown on the CDP/FDP subject to modifications for the necessary installation of trails, utility lines and stormwater management facilities as approved by DEM. At the time of grading plan review, the Developer shall designate limits of clearing and grading, in addition to those shown on the CDP/FDP, in areas where it is economically feasible to save additional trees without precluding construction of the project in accordance with the CDP/FDP, including but not limited to, the specific density and general development configuration shown thereon. Prior to any clearing and grading on-site, the final limits of clearing shall be confirmed in the field by the Urban Forester. If any trails, utility lines, or stormwater management facilities are required to be located within the area protected by the limits of clearing and grading, they shall be located and installed in the least disruptive manner feasible, considering cost and engineering, as determined by DEM, and subject to County Urban Forester approval. If any trees within the area designated to be preserved are destroyed as a result of the Developer's construction activities, the Developer will provide appropriate replacement trees in terms of species, size and quantity as determined by the Urban Forestry Branch pursuant to Section 12403 of the Public Facilities Manual.

5. If blasting is required, and before any blasting occurs on the subject property, the Developer will insure that blasting is done per Fairfax County Fire Marshal requirements and all safety recommendations of the Fire Marshal, including, without limitation, the use of blasting mats shall be implemented. In addition the Developer shall:

a. retain a professional consultant to perform a preblast survey of each house or building, to the extent that any of these structures, are located within one hundred fifty (150) feet of the blast site.

b. require his consultant to request access to houses, buildings, or swimming pools that are located within said 150 foot range, to determine the pre-blast conditions of these structures. The Developer's consultants will be required to give adequate notice of the scheduling of the pre-blast survey.

c. require his consultant to place seismographic instruments near these structures prior to blasting to monitor the shock waves. The Developer shall provide seismographic monitoring records to County agencies upon their request.

d. Upon receipt of a claim of actual damage resulting from said blasting, the Developer shall cause his consultant to respond expeditiously by meeting at the site of the alleged damage to confer with the property owner. The Developer will require subcontractors to maintain adequate liability insurance to the extent necessary to cover the costs of repairing any damages to structures which are directly attributable to the blasting activity.

6. At the time of site plan approval, the Developer shall contribute One Thousand Seven Hundred Twenty-Six Dollars and No Cents ($1,726.00) per dwelling unit shown on said approved subdivision plan (less and except affordable dwelling units) to the Board of Supervisors. Said funds shall be utilized as determined by the Board of Supervisors for road improvements within the Centreville area that will benefit the residents of the immediate area. Said contribution amounts shall be adjusted by increases to the Construction Cost Index from the Engineering News Record from the date of Board of Supervisors' approval of this rezoning application, to the date of site plan approval.

7. The Developer shall obtain a Phase I Archaeological Survey of the subject property. Said survey shall be provided to the County Archaeologist within thirty (30) days after rezoning of the subject property. After rezoning, the Developer will send written notification to the County Archaeologist granting authorization to enter the subject property to conduct additional archaeological assessments, if necessary, and to remove artifacts of significance, provided no significant vegetation is disturbed and provided said on-site activities do not interfere with the Developer's construction schedule or construction activities. The County

Archaeologist will be granted sixty (60) days from receipt of said written survey to complete said on-site activities.

8. Subject to VDOT and DEM approval, the Developer will utilize the Old Centreville Road frontage for access for construction equipment/vehicles to the site. If this construction access point is approved by VDOT and DEM, the Developer shall direct all construction traffic not to utilize Spring Pond Road or Braddock Creek Road to access the site and further, to this end, the Developer shall place a sign (subject to Fairfax County approval) at the construction access point only directing all construction traffic to utilize this access point. During construction, the Developer shall examine the public roadway(s) adjacent to the site on a daily basis to determine if mud or construction debris from construction vehicles is present. If so, the developer shall remove the debris and/or wash the street as determined to be reasonably necessary to maintain said roadways.

9. The Developer shall provide written notice to each homeowner prior to settlement that residents in the new community will not be eligible for membership in the Little Rocky Run Association nor will they be entitled to utilize the recreational and open space facilities of Little Rocky Run. To this end, sales literature distributed from the model homes shall also contain this written notification to prospective buyers. Prior to commencement of new home sales, the Developer shall provide a copy of its Homeowner Association documents to the Little Rocky Run Association.

10. Construction noise, audible offsite, shall be prohibited between the hours of 9 p.m. and 7 a.m. Monday through Saturday and between 9 p.m. and 9 a.m. on Sundays.

11. The Developer shall provide additional landscaping offsite as depicted on the CDP/FDP subject to receiving permission from the owner of the off-site property. In the event that such permission is refused, the Developer shall provide written evidence of said refusal to DEM. Said off site landscaping shall be installed after site plan approval and before the commencement of on site construction, weather permitting; otherwise, as soon thereafter as weather permits.

12. The on-site stormwater management pond shall be maintained by Fairfax County. Nevertheless, the homeowners association for the proposed development shall maintain the aesthetic appearance of the stormwater management pond area by trimming the grass in this area on a regular basis, subject to receiving permission from the Department of Public Works.

13. With reference to Centreville Road (Route 28), the Developer shall provide the following noise attenuation measures:

a. In order to achieve a maximum interior noise level of 45 dBA Ldn, the Developer proffers that all residential units impacted by highway noise

having levels between 65 and 70 dBA Ldn, (up to 281 feet from centerline)shall have the following acoustical attributes:

(1) Exterior walls will have a laboratory sound transmission class of STC of at least 28. If windows constitute more than twenty percent (20%) of any facade, they shall have the same laboratory STC rating as walls.

(2) Doors and windows will have a laboratory sound transmission class of STC of at least 28. If windows constitute more than twenty percent (20%) of any facade, they shall have the same laboratory STC rating as walls.

(3) Adequate measures to seal and caulk between surfaces will be provided.

b. In order to achieve a maximum interior noise level of 45 dBA Ldn, the Developer proffers that all residential units impacted by highway noise levels between 70 and 75 dBA Ldn, (up to 210 feet from centerline) shall have the following acoustical attributes:

(1) Extension walls will have a laboratory sound transmission class (STC) of at least 45.

(2) Doors and windows will have a laboratory sound transmission class (STC) of at least 37. If windows constitute more than twenty percent (20%) of any facade, they shall have the same laboratory STC rating as walls.

(3) Adequate measures to seal and caulk between surfaces will be provided.

c. In order to achieve a maximum exterior noise level of 65 dBA Ldn, noise attenuation measures such as acoustical (architecturally solid, no gaps) fencing, walls, earthen berms, or combinations thereof, shall be provided for patio areas, unshielded by topography or build structures, as determined by DEM.

d. As an alternative to "a," "b," or "c" above, the Developer may elect to have a refined acoustical analysis performed, subject to approval of DEM, to verify or amend the noise levels and impact areas set forth above and/or to determine which units/buildings may have sufficient shielding to permit a reduction in the mitigation measures prescribed above.

14. Public ingress and egress easements shall be provided for the two access points located on the northern property line to provide interparcel access for future development of the adjacent property.

15. Although geotech studies by applicants' consultants have not revealed the presence of asbestos-containing rock, if DEM subsequently determines that a potential health risk exists due to the presence of asbestos-containing rock on the Subject Property, the Applicant shall:

a. Take appropriate measures as determined by the Health Department to alert all construction personnel as to the potential health risks.

b. Commit to appropriate construction techniques as determined by DEM, in coordination with the Health Department, to minimize this risk. Such techniques may include, but are not limited to, dust suppression measures during all blasting and drilling activities, covered transportation of removed material presenting this risk, and

16. Pursuant to Section 6-110 of the Zoning Ordinance, the Developer shall provide recreational facilities based upon a minimum expenditure of $955 per dwelling unit for the total number of dwelling units on the CDP/FDP, less and except affordable dwelling units. Any surplus in these funds, after allowances for one-site recreational facilities pursuant to Section 6-110, shall be contributed to the Fairfax County Park Authority for use on recreational facilities in the general vicinity.

17. Subject to VDOT approval, the Developer will provide appropriate signage and striping for a pedestrian street crossing adjacent to two offsite recreational facilities located within Little Rocky Run; one located near the terminus of Spring Pond Road and the other located near the terminus of Braddock Creek Road.

18. Prior to any construction activity on site, the Developer shall install temporary <u>black</u> chain link fencing along the perimeters of the site, where those perimeters are adjacent to existing residential areas. If the temporary construction access point is approved as proposed in Proffer number 8, this temporary black chain link fencing shall also be placed at the end of Spring Pond Road and Braddock Creek Road to remain at these two locations until the sales trailer is open for business, at which time it shall be removed at these two locations. The remaining temporary chain link fencing shall be removed upon completion of all construction activities on site.

19. At the time of site plan approval, or upon demand by Fairfax County, whichever occurs first, right-of-way along Old Centreville Road necessary for public street purposes and as shown on the CDP\FDP shall be dedicated and conveyed to the Board of Supervisors in fee simple.

20. Garages will be used only for purposes which will not interfere with intended purposes of the garages, which are the parking of vehicles and the location of certain utilities. A restrictive covenant to that effect, approved by the County Attorney, and running to the homeowners association and Fairfax County, shall be recorded among the land records of Fairfax County in conjunction with or prior to the recordation of the Deed of Dedication and Subdivision.

21. Homeowners Association. The Applicant shall establish a homeowners association for the proposed development to own, manage, and maintain the open space areas including any private streets, the recreational facilities and all other community-owned land and improvements.

22. The Developer shall post speed limit signs within the development establishing a 15 mile per hour speed limit.

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

Applicant:

Centex Homes, a Nevada General Partnership

By: Centex Real Estate Corporation
Managing General Partner

By:_____
Robert K. Davis, Division President

(Signatures Continue on Next Page)

Owners of Tax Map Reference 65-2((1)) Parcel 10

Abbas Bashir Elahi

Irma Bashir Elahi, Trustee

Irma Jean Bashir-Elahi, Trustee

_____, Trustee

Thomas H. Campell, Trustee

_____, Trustee

John A. Moffet, Jr., Trustee

_____

Mrs. Jane Black

(Signatures Continue on Next Page)

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_____

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_____, Trustee

Irma Jean Bashir-Elahi, Trustee

_____, Trustee

Thomas H. Campell, Trustee

_____, Trustee

John A. Moffet, Jr., Trustee

Mrs. Jane Black

Mrs. Jane Black

(Signatures Continue on Next Page)

Owner of Tax Map Reference 65-1((1)) Parcels 9 and 11

Estate of Gertrude Powers

By: _____, Executor
W.R. Powers, Executor

(Signatures Continue on Next Page)

Owners of Tax Map Reference 54-4((1)) Parcel 76

Edward E. Powers

Edward Elden Powers

Carolyn B. Powers

Carolyn B. Powers

William Robert Powers

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