MILLER & SMITH LAND, INC.

RZ 96-H-032

October 30, 1997

Pursuant to Section 15.1-491(a), Code of Virginia, 1950 as amended, Miller & Smith Land, Inc. (hereinafter referred to as the "Applicant"), the Applicant in RZ 96-H-032, filed for property identified on Fairfax County Tax Map as 11-2 ((1)) 46 (hereinafter referred to as the "Application Property"), agrees to the following proffers, provided that the Fairfax County Board of Supervisors (hereinafter referred to as the "Board") approves a rezoning of the Application Property from the R-E Zoning District to the R-5 District, in conjunction with a Generalized Development Plan (hereinafter referred to as the "GDP") for five (5) residential single-family detached dwelling units.

1. **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, prepared by Patton, Harris, Rust & Associates, Ltd., dated September 8, 1996, and revised through September 4, 1997.

   b. Pursuant to Paragraph 4 of Section 18-204 of the Zoning Ordinance, minor deviations in the sizes, dimensions, footprints, and locations of buildings may result from final engineering and architectural design without requiring approval of a Development Plan Amendment if in substantial conformance with the GDP, as determined by the Zoning Administrator. Minor modifications shall not increase the number of units or decrease the amount of open space on the Application Property. Parking shall be provided in accordance with the provisions of Article 11 of the Zoning Ordinance.

2. **RESERVATION OF DENSITY CREDIT.** The Applicant reserves density credit in accordance with the provisions of Section 2-308 of the Zoning Ordinance as it may apply to all street dedications as described herein or as may be reasonably required by Fairfax County or the Virginia Department of Transportation ("VDOT") at subdivision plan approval.

3. **TRANSPORTATION**. Subject to VDOT and Department of Environmental Management ("DEM") approval, the Applicant shall dedicate and convey in fee simple to the Board right-of-way up to a width of twenty-six (26) feet from the existing centerline of Reston Avenue along the Application Property frontage as shown on the GDP. Such dedication shall be made at the time of subdivision plan approval or upon demand from either Fairfax County or VDOT, whichever occurs first. Ancillary easements granted to the Board shall be to a maximum of ten (10) feet parallel to the right-of-way dedicated by the Applicant. Ancillary easements shall be granted by the Applicant at the time of subdivision plan approval or upon demand.

4. **IMPROVEMENTS**. The Applicant shall construct frontage improvements so that there is a pavement width of nineteen (19) feet from the existing centerline of Reston Avenue to face of curb along the Application Property frontage and within the dedicated right-of-way, as approved by VDOT and as shown on the GDP. Applicant shall construct a five (5) foot wide concrete sidewalk within the dedicated right-of-way as shown on the GDP. Improvements shall be constructed concurrently with the development of the Application Property.

5. **ADJUSTMENT TO LOT LINES**. Applicant reserves the right to make minor adjustments to the internal lot lines of the proposed subdivision at the time of subdivision plan submission based on final house locations and building footprints. The Applicant shall maintain required peripheral setback lines as shown on the GDP.

6. **STORM WATER MANAGEMENT**. Unless waived by DEM, the Applicant shall provide storm water management ("SWM") in accordance with the requirements of DEM at the time of subdivision plan approval. The storm water management facility shall be designed to Best Management Practices and shall be located in the open space area. In the event the request for storm water management is waived, the area will remain as open space.

7. **AFFORDABLE HOUSING**. At the time of final subdivision plan approval, the Applicant shall contribute to the Fairfax County Housing Trust Fund the sum equal to one-half of one percent (½%) of the projected sales price of the single-family detached dwelling units to be constructed on each lot in order to assist Fairfax County low and moderate income housing goals. The projected sales price shall be determined by the Applicant in consultation with the staff of the Fairfax County Department of Housing and Community Development ("HCD") and DEM.

8. **LANDSCAPING AND OPEN SPACE**.

   a. The Applicant shall provide landscaping on the Application Property using a combination of existing and proposed vegetation.

   b. The Applicant shall preserve those trees designated on the GDP to the extent reasonably feasible without precluding the proposed development as shown on the GDP. For the purposes of maximizing the preservation of trees and other existing vegetation, the Applicant shall hire a Certified Arborist to prepare and implement a tree preservation plan which shall include location, size, species, condition, and accurate dripline. Such a plan shall be designed to minimize disturbance to the trees identified for preservation and increase their potential for survival. This tree preservation plan, shall be submitted for review to the Hunter Mill Planning Commissioner, and for review and approval to the Urban Forester prior to approval of the site plan, and shall become part of the approved site plan.

In the event it is determined by the Certified Arborist, in consultation with the Urban Forestry Branch, that any of the trees designated to be preserved on the GDP cannot be preserved due to poor health, safety concerns, or as a result of final engineering, the Applicant shall replace each tree designated for preservation which cannot be preserved with two (2) trees with calipers of not less than 3 and 1/2 inches. The location of the replacement trees shall be determined by the Applicant, in concert with the Urban Forester.

9. **RESTON ASSOCIATION**. The Applicant shall make all reasonable efforts to have the Application Property incorporated into the Reston Association and demonstrate such to DEM.

10. **RECREATIONAL FACILITIES**. Prior to issuance of the final Residential Use Permit, the Applicant shall contribute $2,000.00 per residential unit to the Reston Association for the provision of recreational amenities in the Reston Area. In the event the Application Property is not included in the Reston Association, the contribution of $2000.00 per unit for recreational amenities shall be made to the Park Authority.

11. **PIPELINE SETBACK**. The dwelling unit to be constructed on Lot 1 of the GDP shall be located a minimum of fifty (50) feet from the gas pipeline located on Tax Map 11-2 ((3)) 45. Within that portion of the 50 foot setback area located on Lot 1, storage sheds but no other structures, as may be permitted by the Zoning Ordinance and the underlying easement documents shall be permitted. The purchaser of Lot 1 shall be notified of this restriction prior to entering into a purchase agreement.

12. **SUCCESSORS AND ASSIGNS**. These proffers shall bind and inure to the benefit of the Applicant and his/her successors and assigns.

13. **COUNTERPARTS**. 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.

SIGNATURES BEGIN ON THE NEXT PAGE

TITLE OWNER OF TAX MAP 11-2 ((1)) 46

Christopher S. Coogan

SIGNATURES CONTINUE ON NEXT PAGE