



County of Fairfax, Virginia

February 16, 2006

STAFF REPORT ADDENDUM

APPLICATION RZ 2005-HM-024

HUNTER MILL DISTRICT

APPLICANT: David M. Laughlin and Charlotte H. Laughlin

PRESENT ZONING: R-1

REQUESTED ZONING: R-3

PARCEL(S): 28-4((1)) 57 pt.

SITE AREA: 41, 448 square feet

DENSITY: 2.1 du/acre

PLAN MAP: Residential; 2-3 du/acre

PROPOSAL: To rezone from the R-1 District to the R-3 District to permit residential development of two single-family detached lots at a density of 2.10 du/ac.

WAIVERS & MODIFICATIONS: Modification of Comprehensive Plan
Countywide Trail Requirement.
Waiver of frontage improvements along Beulah Road frontage of the site.

STAFF RECOMMENDATIONS:

Staff recommends approval of RZ 2005-HM-024 subject to the proffers consistent with those contained in Attachment 1.

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Department of Planning and Zoning

Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
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Staff recommends modification of The Comprehensive Plan County-wide trail along Beulah Road in favor of that shown on the GDP.

It should be noted that it is not the intent of the staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

BACKGROUND

The applicants, David and Charlotte Laughlin, request approval to rezone a 41,448 square foot portion of a two acre parcel from the R-1 District to the R-3 District to permit the development of two single family detached dwellings on proposed lot #1 and lot #2. The resulting density of the site would be 2.1 du/ac. The remaining 45,672 square foot area of the two acre lot, which is not part of this application, is zoned R-3 and will remain as open space in compliance with the proffers associated with the rezoning approval for the Embassy Court II Subdivision (RZ 83-C-098) adjacent to the subject site to the south and west.

The site is located on the west side of Beulah Road, approximately 200 feet north of its intersection with Delaney Drive. The site is bounded by Beulah Road on the east, and contains one existing two-story single family detached dwelling, stable, shed and gravel driveway.

Originally, in association with this rezoning request, the applicants were seeking a variance to permit the existing dwelling to remain 20.73 feet with eave 26.20 feet and steps 16.83 feet from the front lot line. The applicant submitted a withdrawal request letter on January 16, 2006 (Attachment 2), and the subject variance application was withdrawn on January 18, 2006. As a result, the existing dwelling on the subject site will be demolished.

On December 29, 2006 the staff report for this application was published. Staff recommended denial of the subject application because the application did not adequately address the residential development criteria. On February 9, 2006, the applicant submitted a revised GDP (Copy at front of addendum) and subsequently, a revised proffer statement in response to the outstanding issues identified in the staff report, as well as discussions with Urban Forest Management and the Hunter Mill Land Use Committee.

DISCUSSION

The issues identified in the staff report and the applicant's response to those issues, and changes to the application are discussed below:

RESIDENTIAL DEVELOPMENT CRITERIA (Attachment 4)

Fairfax County expects new residential development to enhance the community by fitting into the fabric of the neighborhood, respecting the environment, addressing transportation impacts, addressing impacts on public facilities, being responsive to our historic heritage, contributing to the provision of affordable housing, and being responsive to the unique site specific considerations of the property. For the complete Residential Development Criteria text, see Appendix 16.

Site Design (Development Criterion #1)

The development proposal should provide a logical and functional design with appropriate relationships within the development, including appropriately oriented dwelling units and usable yard areas within the individual lots. Convenient access to transit facilities should be provided where available, and all aspects pertaining to utilities shall be identified.

The previous GDP/VC Plat showed regular shaped lots; however the housing orientation for the proposed lots was not provided. The GDP showed only the building envelope for the proposed lots and a note on the plan stated that the new house could be located anywhere, even outside the building envelope. Therefore, the information needed in order to make a determination on the appropriateness of the relationships within the development had not been provided.

The applicant has now proposed a proffer stating that the dwellings shall be oriented towards Beulah Road, additionally the previous note on the plan which stated that the new house could be located anywhere, even outside the building envelope has been removed from the revised GDP. A note has now been provided stating building footprints/envelopes shown hereon may be modified with final engineering and architectural design. Any revisions shall be in substantial conformance with the approved GDP. The building envelope shown on the revised GDP allows room for a deck or sunroom on the back of the house. Based on the revised GDP and proffers, this issue has been resolved.

The proposed driveway entrance to the house on lot 1 was shown extending offsite onto the portion of lot 57 which is proffered to remain as undeveloped area with the approval of RZ 83-C-098. Providing the driveway in that location would require the approval of an amendment to those approved proffers. A PCA application had not been filed, therefore, the driveway needed to be relocated to be entirely on the portion of parcel 57 subject to this rezoning application.

The applicant has relocated the proposed driveway to serve the dwelling on lot 1 to be entirely within the portion of parcel 57 subject to this application. The driveway is now shown parallel to the southern property line of lot 1. Therefore, this issue has been resolved.

Environment (Development Criterion #3)

This Criterion requires that developments respect the natural environment by conserving natural environmental resources, account for soil and topographic conditions and protect current and future residents from the impacts of noise and light. Developments should minimize off-site impacts from stormwater runoff and adverse water quality impacts.

Issue: Traffic Noise/Exterior Noise Levels

The environmental review of the application identified several forms of mitigation that could be provided to address the exterior noise levels in the rear yards located within the projected 65-70-dBA L_{dn} impact area. Previously, the applicant did not indicate any methods for mitigating exterior noise levels in the rear yards.

The building envelopes for the proposed dwellings are intended to be setback 90' from the front lot line along Beulah Road. The applicant has proposed a proffer stating the proposed dwellings will be outside of the 130 foot noise contour line from Beulah Road centerline. The increased building setback and the orientation of the proposed structures will assist in the reduction of exterior noise in the rear yards. However, staff feels the applicant should submit a refined acoustical study based upon the final house locations, prior to final subdivision plat approval to ensure that the exterior noise levels in the rear yard areas will be within acceptable levels. This issue can be fully resolved with a proffer to explicitly address the interior and exterior noise mitigation.

Issue:

Waiver of the Stormwater Management (SWM) /Best Management Practices (BMP) requirements.

The stormwater management analysis of this application identified that the limits of clearing and grading needed to be revised to include the proposed infiltration trench serving lot 2 of the proposed subdivision. Additionally, it was recommended that the applicant commit to employ low impact development techniques to meet detention and BMP requirements by incorporating infiltration practices facility/facilities such as an infiltration trench or a rain garden on site, and that the LID on each lot shall be privately owned and maintained by each separate lot owner. The design infiltration rates for these facilities shall be established based on field tests and they should have adequate capacity to detain the increased runoff volume for the 10-year storm event.

The applicant has revised the proposed limits of clearing and grading to include the proposed infiltration practices facility serving lot 2. Additionally, the applicant has revised the proposed proffer addressing SWM/BMP to the satisfaction of DPWES, including providing the statement that the LID techniques on each lot shall be privately owned and maintained. Therefore the SWM/BMP issues have been resolved.

Tree Preservation and Tree Cover Requirements (Development Criterion #4)

This Criterion states that all developments should be designed to take advantage of existing tree cover and developed appropriately to disturb as little existing tree cover as possible, including the extension of utility improvements to the site.

The original staff report discussed that there were existing street trees shown outside of the clearing limits along the western and southern portions of the application property and along the site's street frontage which the applicant proposes to preserve. A note on the GDP/Landscape Plan indicated that, through the preservation of those trees, the tree cover tabulation for the site would be 52%. However, the trees along the Beulah Road frontage of the site are actually offsite and within the VDOT right-of-way, therefore the applicant cannot take credit for the preservation of offsite trees.

The applicant has now revised the GDP to only identify trees that are located within the boundaries of the application property as trees to be preserved. The tree cover tabulation has also been revised to indicate that the tree cover tabulation for the proposed development would be 20%. The required tree cover for the R-3 District is 20%. Therefore, this issue has been resolved.

Transportation (Development Criterion #5)

This Criterion requires that developments provide safe and adequate access to the surrounding road network, that transit and pedestrian travel be encouraged, and that interconnection of streets be encouraged. In addition, alternative street designs may be appropriate where conditions merit.

VDOT and FCDOT recommended that the applicant dedicate 40 feet of right-of-way from the centerline of Beulah Road to the property line and construct curb and gutter matching the existing, adjacent parcel to the north. Therefore, the trees along the frontage of the site within the right-of-way should be removed to provide the recommended improvements to provide for safe and adequate vehicular pedestrian travel.

The applicant has stated that as shown on the GDP 40 feet of right-of-way from the Beulah Road centerline was previously dedicated, therefore that issue has been resolved.

Rather than renew or repair, the applicant has now proffered to reconstruct the existing asphalt sidewalk along the Beulah Road frontage of the site, in the same approximate location as the existing trail in accordance with VDOT standards for the construction of trails along a ditch section road, which requires a width of five feet. Following review of the revised GDP and proffers, VDOT and FCDOT continue recommend that the applicant construct frontage improvements to include a sidewalk with curb and gutter matching the existing, adjacent parcel to the north. Therefore this issue has not been fully resolved.

Since the publication of the original staff report, staff has been informed that frontage improvements are not a Subdivision Plan requirement. Therefore a waiver of frontage improvements is not required with this application. However, VDOT and FCDOT continue to recommend frontage improvements be provided as described above as part of the Transportation Impact Analysis of this application.

Public Facilities (Development Criterion #6)

Criterion 6 states that residential developments should offset their impacts upon public facility systems (i.e. schools, parks, libraries, police, fire and rescue, stormwater management and other publicly owned community facilities). Impacts may be offset by the dedication of land, construction of public facilities, contribution of in-kind goods, services or cash earmarked for those uses, and/or monetary contributions to be used toward funding capital improvement projects.

Fairfax County Park Authority

The property has several large species that are considered to be invasive plants. The proximity of these plants to park land suggests that these trees could disperse to parkland. NRMP recommends that, where possible, these trees be removed and replaced with native tree species. At the time of publication of the staff report, no response had been provided to address the issue.

The application now proposes a proffer stating that invasive tree species and plants shall be removed from the property. Therefore this issue has been addressed.

Utilities Planning and Design, DPWES

The applicant is requesting a waiver of the stormwater management detention and water quality requirements from DPWES for the subject site. Final determination of any proposed stormwater management or BMP measures will be subject to the review and approval by DPWES. In the original staff report, the stormwater management analysis identified that the limits of clearing and grading needed to be revised to include the proposed infiltration trench serving lot 2 of the proposed subdivision. Access to the two infiltration trenches should be shown on the GDP and subject plans for this site, and the SWM/BMP proffer proposed by the applicant, did not adequately address the issue. Without the recommended revisions to the application, DPWES staff indicated that they would not be supportive of the waiver of the stormwater management detention and water quality requirements for this site.

The applicant has revised the proposed limits of clearing and grading to include the proposed infiltration practices facility serving lot 2. Additionally, the applicant has revised the proposed proffer addressing SWM/BMP to the satisfaction of DPWES, including providing the statement that the LID techniques on each lot shall be privately owned and maintained. Therefore the SWM/BMP issues have been resolved.

Affordable Housing (Development Criterion #7)

This Criterion states that ensuring an adequate supply of housing for low and moderate income families, those with special accessibility requirements, and those with other special needs is a goal of Fairfax County. The applicant can

elect to fulfill this criterion by providing affordable units that are not otherwise required by the ADU Ordinance. As an alternative, land, adequate and ready to be developed for an equal number of units may be provided to the Fairfax County Redevelopment and Housing Authority or to such other entity as may be approved by the Board. This Criterion may be satisfied by the construction of units, dedication of land, or by a contribution to the Housing Trust Fund. Ensuring an adequate supply of housing for low and moderate income families, those with special accessibility requirements, and those with other special needs is a goal of the County. Part 8 of Article 2 of the Zoning Ordinance requires the provision of Affordable Dwelling Units (ADUs) in certain circumstances. Criterion #7 is applicable to all rezoning applications and/or portions thereof that are not required to provide any Affordable Dwelling Units, regardless of the planned density range for the site.

The applicant has now proposed a proffer to contribute to the Housing Trust Fund 0.5% of the sales price of the dwelling units constructed. Therefore this issue has been resolved.

In addition to the changes discussed above, the revised GDP shows an adjustment to the proposed limits of clearing and grading, to give the large white oak tree and two other trees designated as trees to be preserved in the eastern portion of the application property, the greatest chance for survival and continued health. The change to the limits of clearing and grading was made in response to comments received from Urban Forest Management (Attachment 3). As a result of the adjustment, the area beneath the front steps and porch of the existing dwelling are now included in the area to remain undisturbed (tree preservation area). After demolition of the existing dwelling, demolition of the existing steps and porch shall be accomplished by positioning a backhoe or other appropriate equipment within the vacated footprint of the old dwelling, reaching into the protected area, and piling debris back out of the tree preservation area.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

While the reconstruction of the existing asphalt sidewalk along the Beulah Road frontage of the site does not satisfy the Comprehensive Plan recommendation for a major paved trail, staff believes the reconstructed sidewalk will provide for safe and adequate pedestrian and vehicular travel along Beulah Road. Staff finds that the outstanding residential development criteria which had not been met at the time of the publication of the original staff report, have now been met by the applicant with the exception of a commitment to fully address exterior noise. Provided this issue is fully addressed staff believes that the proposed application is in harmony with the Comprehensive Plan recommendation for residential development at a density of 2-3 du/ac, the Residential Development Criteria identified in the Comprehensive Plan and all applicable Zoning Ordinance provisions.

Recommendation

Staff recommends approval of RZ 2005-HM-024 subject to the proffers consistent with those contained in Attachment 1.

Staff recommends modification of The Comprehensive Plan County-wide trail along Beulah Road in favor of that shown on the GDP.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

ATTACHMENTS

1. Proposed Proffers
2. Variance Application Withdrawal Letter (VC 2005-HM-007)
3. Urban Forest Management Addendum
4. Residential Development Criteria

PROFFERS

February 13, 2006

**DAVID M. AND CHARLOTTE H. LAUGHLIN
RZ 2005-HM-024**

Pursuant to Section 15.2-2303(A), Code of Virginia, 1950 as amended, the undersigned Applicants and Owners, for themselves and their successors and assigns (hereinafter referred to as the "Applicants"), filed for a rezoning for property identified on Fairfax County Tax Map as 28-4((1))pt.57, (hereinafter referred to as "Application Property"), hereby agree 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 to the R-3 Zoning District, as proffered herein.

I. GENERALIZED DEVELOPMENT PLAN (GDP)

- 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 Generalized Development Plan (GDP), prepared by Christopher Consultants, dated February 8, 2006.
- b. Pursuant to Section 18-204 of the Zoning Ordinance, minor modifications from the approved GDP may be permitted as determined by the Zoning Administrator. The layout shown on the GDP may be modified provided such changes are in substantial conformance with the GDP and proffers, and do not increase the total number of units or reduce the distance to peripheral lot lines.

II. LANDSCAPING/LIMITS OF CLEARING AND GRADING

1. Tree Preservation Plan - Comprehensive

- a. The Applicants shall submit a tree preservation plan as part of the first and all subsequent subdivision 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 shall be subject to the review and approval of the Urban Forest Management, DPWES.
- b. 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 10 inches in diameter and greater, and 20 feet to either side of the limits of clearing and grading shown on the GDP for the entire site and applicable off-site areas. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the GDP, and those additional 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 identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

At the time of subdivision plan approval, the Applicants shall post a cash, bond or letter of credit payable to the County of Fairfax to ensure preservation and/or replacement of the trees that are designated to be saved that die or are dying due to normal construction activities permitted on the approved plan. Any trees shown to be preserved on the Tree Preservation Plan that die or are dying due to construction activities shall be replaced with trees of a species and size acceptable to the Urban Forest Management, DPWES, and reasonably ensured of surviving, and the bond monies for said trees shall not be refunded. The total amount of cash, bond or letter of credit shall be in the amount of the sum of the assigned replacement values of the designated trees. These preservation measures shall not apply to trees otherwise protected by these proffers that die or begin to die as a result of factors not related to the Applicant's construction activities.

If, at the time of final bond release, trees are found to be dead or dying despite adherence to approved construction activities by the Urban Forest Management, DPWES, the cash bond or letter of credit shall be used as necessary to plant replacement trees of a size and species appropriate to the site, in consultation with the Urban Forest Management, DPWES, and the Applicants' certified arborist. The cash, bond, or letter of credit shall not to be used for the removal of the dead/dying trees normally required by the Public Facilities Manual (PFM) and the Conservation Agreement.

Any funds remaining in the cash, bond, or letter of credit will be released two years from the date of release of the Applicants' property's conservation escrow, or sooner, if approved by the Urban Forest Management, DPWES.

2. Protection of Existing Understory Vegetation and Soil Conditions in Tree Preservation Areas.

a. All tree preservation-related work occurring in or adjacent to tree preservation areas shall be accomplished in a manner that minimizes damage to vegetation to be preserved including any woody, herbaceous or vine plant species that occurs in the lower canopy environment, and to the existing top soil and leaf litter layers that provide nourishment and protection to that vegetation. Any removal of any vegetation or soil disturbance in tree preservation areas including the removal of plant species that may be perceived as noxious or invasive, such as poison ivy, greenbrier, multi-floral rose, etc. shall be subject to the review and approval of the Urban Forest Management, DPWES

b. The use of motorized equipment in tree preservation areas will be limited to hand-operated equipment such as chainsaws, wheel barrows, rake, and shovels. Except as stated in No. 4 before, any work that requires the use of motorized equipment, such as tree transplanting spades, skid loaders, tractors, trucks, stump-grinders, etc., or any accessory or attachment connected to this type of equipment shall not occur unless pre-approved by the Urban Forest Management, DPWES.

3. Root Pruning and Mulching.

The Applicants shall 1) root prune, 2) mulch, and 3) provide tree protection fencing in the form of four foot high, 14 gauge welded wire attached to 6 foot steel posts driven 18 inches into the ground and placed no further than 10 feet apart, or other forms of tree protection fencing approved by Urban Forest Management, DPWES, for all tree preservation areas. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets and demolition plan sheets of the subdivision plan submission. The details for these treatments shall be reviewed and approved by Urban Forest Management, DPWES, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:

- Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
- Root pruning shall take place prior to any clearing and grading, or demolition of structures, if the tree is in close proximity to the structure to be demolished.
- Root pruning shall be conducted with the supervision of a certified arborist.
- Tree protection fence shall be installed immediately after root pruning, and shall be positioned directly in the root pruning trench and backfilled for stability, or just outside the trench within the disturbed area.
- Immediately after the phase II E & S activities are complete, mulch shall be applied at a depth of 4 inches extending 10 feet inside the undisturbed area without the use of motorized equipment.
- Mulch shall consist of wood chips.
- An Urban Forest Management, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.

4. Tree Preservation Walk-Through

a. The Applicants shall retain the services of a certified arborist or landscape architect, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the pre-construction meeting. Before or during the pre-construction meeting, the Applicants' certified arborist or landscape architect shall walk the limits of clearing and grading with an Urban Forest Management, DPWES, representative to determine where minor adjustments to the clearing limits can be made to increase survivability of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified specifically by UFM in writing as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. 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 and associated understory vegetation and soil conditions.

5. Tree Protection Fencing

a. All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing using four foot high, 14-gauge welded wire attached to 6-foot steel posts driven 18 inches into the ground and placed no further than 10-feet apart, shall be erected as shown on the GDP.

b. All tree protection fencing shall be installed prior to any clearing and grading activities, including the demolition of any existing structures. The installation of tree protection fence shall be performed under the supervision of a certified arborist and accomplished in a manner that does not harm existing vegetation that is to be preserved. 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, DPWES, 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, DPWES.

6. Demolition of Existing Structures and Preservation of White Oak Tree along the Frontage of the Property.

a. Removal of the existing dwelling shall be accomplished in conjunction with the Urban Forest Management of DPWES so that the removal will not impact the white oak tree which shall be saved as determined by the Urban Forest Management. To give the large white oak tree and the two other trees designated on the GDP which are along the frontage of the property the greatest possible chance for survival and continued health, care will be taken during demolition to minimize impacts to the root system of the trees where the root zone can be preserved during subsequent development of the property. The area beneath the front steps of the dwelling and the porch of the dwelling within that root zone area shall be included.

b. After demolition of the main structure, demolition of the porch and front steps shall be accomplished by positioning a backhoe or other appropriate equipment within the newly vacated footprint of the old dwelling, reaching into the protected area, and pulling debris back out of the tree preservation area. This method shall be used since it will avoid soil compaction and damage to the root zone of the trees designated for preservation. Once demolition of the entire structure is complete, tree protection fence shall be erected adjacent to the former location of the front wall of the dwelling. Demolition shall be performed under the direct supervision of a certified arborist with experience in tree preservation on construction sites. Tree protection fencing shall then be erected at the limits of clearing and grading for any new construction or activity in that area. The entire area within the tree preservation area (the area protected by the fencing) shall be left in its natural state where undisturbed, or mulched where the area was previously bare or in turf. The developer shall be committed and shall be diligent in following through with tree preservation activities and minimizing construction impacts as described above.

c. The demolition of other existing features and structures shall be conducted in a manner that does not impact on individual trees and/or groups of trees that are to be preserved as reviewed and approved by Urban Forest Management, DPWES.

7. Site Monitoring

During any clearing or tree/vegetation/structure removal on the Application Property, a representative of the Applicants shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by UFM. The Applicants 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 and UFM approvals. The monitoring schedule shall be described and detailed in the landscaping and/or tree preservation plan and reviewed and approved by Urban Forest Management, DPWES.

8. Limits of Clearing and Grading and Sight Distance

The Applicants shall conform strictly to the limits of clearing and grading as shown on the GDP subject to the installation of utilities, LID's, and/or trails along the Beulah Road frontage, as determined necessary by the Director of DPWES. Utilities, LID's, and/or trails outside of the limits of clearing and grading, shown on the GDP, shall be located in the least disruptive manner necessary as determined by Urban Forest Management, DPWES. A replanting plan shall be developed and implemented, subject to the approval by Urban Forest Management, DPWES, for any areas outside the limits of clearing and grading that must be disturbed.

Adequate sight distance shall be provided for the entrances to the two proposed lots as determined by DPWES and the Virginia Dept. of Transportation (VDOT).

III. EXISTING DWELLING & OTHER EXISTING STRUCTURES.

The existing dwelling and other structures shall be removed prior to a Residential Use Permit being issued for a new dwelling on the application property.

IV. ENERGY CONSERVATION

All dwellings shall meet the thermal guidelines of the CABO Model Energy Program, or its equivalent, as determined by DPWES for either gas or electric energy systems, as may be applicable.

V. STORM WATER MANAGEMENT AND BEST MANAGEMENT PRACTICES

Low impact development (LID) techniques shall be employed to meet detention and BMP requirements by incorporating an infiltration practices facility/facilities, subject to review and approval of DPWES. The LID on each lot shall be privately owned and maintained by each separate lot owner and this will be disclosed through these proffers to all future owners of the lots. The design infiltration rates for these facilities shall be established based on field tests and they should have adequate capacity to detain the increased runoff volume for the 10 year storm event or such storm event as determined by regulations

which may be adopted by the Board of Supervisors prior to the submission of the subdivision plan to DPWES. A waiver will be requested if such is determined to be necessary in order to provide on-site LID techniques. If the waiver is not approved to permit the on-site LID techniques, and if there is no other avenue of relief available, a Proffer Condition Amendment shall be sought to allow off-site stormwater management.

VI. SIGNS

No temporary signs (including “popsicle” style paper or cardboard signs), which are prohibited by Article 12 of the Zoning Ordinance or Chapter 7 of Title 33.1, of Chapter 8 of Title 46.2 of the Code of Virginia, 1950 as amended, shall be placed on or off site by the Applicants or at the Applicants’ direction, to assist in the initial sale of homes on the Application Property. The Applicants shall direct its agents and employees involved in marketing and/or home sales for the Application Property to adhere to this proffer.

VII. NOISE ATTENUATION

The dwellings on both lots shall be at least 130 foot from the center line of Beulah Road so as to be located outside the 130 foot noise contour line as stated in the Environmental Assessment for the rezoning application dated November 4, 2005. To insure that the house is adequately attenuated

- (1) The exterior front wall of the dwellings shall have a laboratory sound transmission class (STC) rates of at least 45;
- (2) Windows of the fronts of the dwellings shall have a STC of 35; and exterior doors shall have a STC of 34. This does not include garage doors.
- (3) Measures to seal and caulk between surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission.

Prior to the issuance of a building permit an environmental review shall be conducted to ensure that there is an area in back and outside of each dwellings which is sufficient to provide a gathering/recreation amenity, such as a deck or patio for each lot. This review consists of the submission of the building permit plans which shall include the gathering/recreation area for each dwelling to the DPWES and ZAD. It is noted that these areas are not within the 130 foot noise contour area referenced above and in the memo dated November 4, 2005.

VIII. HOUSE DESIGN

The design of the dwellings shall be of a design that is compatible with house designs commonly used in new homes in Fairfax County. The exterior building materials will be materials, such as brick, siding, stucco, concrete with architectural coating, glass, or cementitious panel, fiberboard cement product, or other masonry product. The dwelling shall be oriented toward Beulah Road.

IX. FRONTAGE IMPROVEMENTS/TRAILS

The existing trail shall be reconstructed and shall be an asphalt sidewalk in the same approximate location as the existing trail but shall be widened to be a five (5) foot wide trail. It shall be reconstructed in accordance with Virginia Dept. of Highway &

Transportation (VDOT) standards for the construction of asphalt sidewalks along a ditch section of road, which requires a width of five (5) feet. If the waive of frontage improvements is not approved, the Applicants shall provide frontage improvements as determined by DPWES & VDOT.

X. AFFORDABLE DWELLING UNITS (ADUs)

After the approval of the site plan and prior to the issuance of the first Building Permit, the Applicant shall contribute to the Housing Trust Fund a sum equal to one-half of one percent (0.5 %) of the projected sales value of the dwelling units proposed to be constructed on site, as determined by the Department of Housing and Community Development (HCD), DPWES and the Applicants to assist the County in its goal to provide affordable dwellings elsewhere in the County.

XI. MISCELLANEOUS

- c. Successors and Assigns. These proffers shall bind the Applicants and his/her successors and assigns.
- d. Counterparts. These proffers may be executed on 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.
- e. Invasive tree species and plants shall be removed from the properties.

TITLE OWNERS SIGNATURES TO FOLLOW ON NEXT PAGE:

DAVID M. LAUGHLIN
Title Owner of TM 28-4((1))PT 57

Date

CHARLOTTE H. LAUGHLIN
Title Owner of TM 28-4((1))PT 57

Date