PROFFERS

July 9, 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 June 30, 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

The landscape plan submitted with the subdivision plan shall be in substantial conformance with the General Development Plan and Landscape Plan, Sheet 3 of 4. The trees shall be of a species and located as determined by the Applicants, the Applicants selected horticulturist and with Urban Forest Management of DPWES in order to develop a landscape plan which both satisfies the Zoning Ordinance and incorporates a vegetable and/or flower garden on Lot 2. The Urban Forest Management, DPWES will determine which tree species & plants are invasive and those identified shall be removed from the properties.

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 Urban Forest Management, DPWES.

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 six (6) inches in diameter and greater, and twenty-five (25) 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.

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 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, rakes, and shovels. Except as stated in No. 4 below, 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 Urban Forest Management, DPWES.

3. Root Pruning and Mulching.

The Applicants shall 1) root prune and 2) mulch. as needed to comply with the tree preservation requirements of these proffers. 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:

(1) Prior to root pruning operations and installation of tree protection fence, an UFM representative shall meet with the contractor performing these operations to ensure that root pruning and tree protection fence installation are understood and implemented in conformance with specifications.
(2) Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches;
(3) 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; except where the ultimate limits of clearing and grading will be established at the location of the front wall of the existing house following demolition of this structure (see Proffer 6).
(4) Root pruning shall be conducted with the supervision of a certified arborist;
(5) Immediately following the demolition of the house, mulch shall be applied at a depth of 4 inches extending 10 feet inside the undisturbed area without the use of motorized equipment.
(6) The Mulch shall consist of wood chips

4. Tree Preservation Walk-Through

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 walk-through meeting with the UFM which is to be held prior to any clearing and grading and prior to demolition of the existing dwelling. The Applicants' certified arborist or landscape architect shall walk the limits of clearing and grading with an Urban Forest Management, DPWES, representative to increase the area of tree preservation and/or to determine where minor adjustments to the limits of clearing can be made to increase 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.

The Applicants shall conform strictly to the limits of clearing and grading as shown on the GDP.

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 or super silt fence, as determined by UFM to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees, shall be erected at the limits of clearing and grading adjacent to the tree preservation areas as shown on the erosion and sediment control sheets, as may be modified by these Proffers.

b. All tree protection fencing shall be installed after the tree preservation walk-through meeting and 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 UFM accomplished in a manner that does not harm existing vegetation that is to be preserved. At least ten (10) days prior to the commencement of any clearing, grading, or demolition activities adjacent to the tree preservation areas, but subsequent to the installation of the tree protection devices, UFM, DPWES, and the Hunter Mill District Supervisor shall be notified and given the opportunity to inspect the site to assure that all tree protection devices have been correctly installed and no grading or construction activities shall occur until the fencing is installed correctly, as determined by Urban Forest Management, DPWES. 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, as determined by UFM.

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

Prior to demolition of the existing house, a meeting shall be held with the UFM representative to review the demolition plan and process. Care will be taken during demolition to minimize impacts to the root system of the 37 inch diameter white oak and the two other trees designated for preservation on the GDP along the frontage of the property. To give these trees the greatest possible chance for survival and continued health, the root zones shall be protected during demolition where the root zone can be preserved during subsequent development of the property. The area beneath the front steps and front porch of the existing dwelling shall be considered within the root zone of these trees. Demolition of the existing dwelling shall be performed under the direct supervision of a certified arborist with experience in tree preservation on construction sites. Tree protection fence shall be initially installed to allow demolition of the porch and steps; however, at no time during demolition shall equipment be positioned on or travel over the ground covered by the porch and steps. Following demolition, root

pruning shall be performed along the line previously occupied by the front wall of the house and tree protection fence shall be relocated to the same line to protect the area previously covered by the porch and steps, or any area within the footprint of the house not affect by grading for the new construction. The entire area within the tree preservation area (the area protected by fencing) shall be left in its natural state where undisturbed; or mulched where the area was previously bare, in turf, or disturbed. The developer shall be committed and shall be diligent in following through with tree preservation activities and minimized construction impacts."

7. Site Monitoring

During any clearing or tree/vegetation/structure removal in the tree preservation area 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. The Hunter Mill District Supervisor shall be notified of the name and contact information of the Applicants' representative responsible for site monitoring at the tree preservation walk-through meeting described above.

8. Sight Distance

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).

9. Bonds, Cash, Letter of Credit

The Applicants shall retain a professional arborist with experience in plant appraisal, to determine the replacement value of all trees six (6) inches in diameter or greater located on the Application Property that are shown to be saved on the Tree Preservation Plan. These trees and their value shall be identified on the Tree Preservation Plan at the time of the first submission of the subdivision plan. The replacement value shall take into consideration the age, size, and condition of these trees and shall be determined by the so-called "Trunk Formula Method" contained in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture, subject to review and approval by UFM.

At the time of subdivision plan approval, the Applicants shall post cash bond and 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 unauthorized construction activities not permitted on the approved plan. Any trees shown to be preserved on the Tree Preservation Plan that die or are dying due to unauthorized construction activities shall be replaced with trees of a species and size acceptable to the Urban Forest Management, DPWES, and reasonably ensured of surviving. The value of the trees shall be determined using the Trunk Formula Method referenced above. The letter of credit shall be equal to 50% of the replacement value of the Bonded Trees. The cash bond shall consist of 33% of the amount of the letter of credit. At any time prior to final bond release for the subdivision, should any Bonded Trees die, be removed, or are determined to be dying a meeting shall be conducted between UFM and the Applicants' certified professional arborist in an effort to determine the cause of dying and whether or not it is due to unauthorized construction activities meaning that the Applicants did not follow the Approved Development Plan and Proffers. If the decision of the UFM representative is that the death or dying trees was caused by unauthorized construction activities, the Applicants shall replace such trees at their expense. The replacement trees shall be of a species and canopy cover as approved by UFM. Upon release of the bond for the subdivision, the Tree Bond required by this Proffer shall be returned/released to the Applicants. 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 unauthorized construction activities.

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 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 and recorded in all land records. 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.

In addition, best efforts in accordance with the Public Facilities Manual of Fairfax County will be made to reduce the potential of ground water problems on down stream properties, such as a clay plug around the sanitary sewer and/or grading of the lots in such a way to provide a decrease in the peak flow of the water to Lots 11 and 12 to assist in protecting the cherry tree on Lot 12.

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 living areas of the dwellings on both lots shall be located at least 130 foot from the center line of Beulah Road so as to be located outside the 130 foot noise contour line. In order to insure that the maximum interior noise does not exceed an approximate level of 45 dBA Ldn, the Applicants proffers that the front and side walls of the living areas of the new dwellings shall have the following acoustical attributes:

(1) Exterior walls shall have a laboratory sound transmission class (STC) rating of at least 45;

(2) Windows shall have a STC of 35; exterior doors shall have a STC of 34.

(3) Measures to seal and caulk between surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission.

Garage Conversion To Address Noise Issue

The Applicants shall place a covenant on each residential lot that prohibits the use of the garage for any purpose which would preclude motor vehicle storage. Any conversion of garages that will preclude the parking of vehicles within the garage is prohibited. A covenant setting forth this restriction shall be recorded among the land records of Fairfax County, in a form approved by the County Attorney prior

to the sale of any lots. Prospective purchasers shall be advised of this use restriction in writing prior to entering a contract of sale.

VIII. HOUSE DESIGN

The exterior building materials will be materials, such as brick, stucco, concrete with architectural coating, glass, or cementitous panel, fiberboard cement product, or other masonry product, cement fiber board siding (such as Hardiplank). The dwelling shall be oriented toward Beulah Road. The main outside gathering areas shall be generally as shown on the GDP and shall be behind the dwellings, not on the side or front of the dwellings. This shall not preclude a house designed with a front porch since such is an architectural feature of the house and not specifically for the main outside gathering area.

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 five (5) foot wide asphalt sidewalk. 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 waiver of frontage improvements is not approved, the Applicants shall provide frontage improvements as determined by DPWES & VDOT.

X. AFFORDABLE DWELLING UNITS (ADUs)

Housing Trust Fund Contribution

At the time of first building permit approval, a contribution shall be made to the Fairfax County Housing Trust Fund a sum of one half of one percent (0.5%) of the estimated sales price of each single family dwelling actually constructed. The amount of said contribution shall be determined by the Department of Housing and Community Development and the Applicants for the purpose of assisting the County in its goal to provide affordable dwellings elsewhere in the County.

XI. MISCELLANEOUS

a. Successors and Assigns. These proffers shall bind the Applicants and his/her successors and assigns.

b. 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.

TITLE OWNERS SIGNATURES TO FOLLOW ON NEXT PAGE:

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

7-09-06
Date

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

7-09-06
Date