APPLICATION FILED: August 11, 2006
PLANNING COMMISSION: January 31, 2007
BOARD OF SUPERVISORS: Not Scheduled

County of Fairfax, Virginia

January 18, 2007

STAFF REPORT

APPLICATION RZ 2006-HM-023

HUNTER MILL DISTRICT

APPLICANT:	PSR, Inc.
PRESENT ZONING:	R-1
REQUESTED ZONING:	R-3
PARCEL:	38-2 ((1)) 4
ACREAGE:	1.25 acres
DENSITY:	1.6 du/ac
OPEN SPACE:	12,885 sq. ft.
PLAN MAP:	2-3 du/ac
PROPOSAL:	Allow the Development of Two Single Family Detached Dwelling Units
WAIVERS & MODIFICATIONS:	None

STAFF RECOMMENDATIONS:

Staff recommends approval of RZ 2006-HM-023 subject to the draft proffers contained in Appendix 1.

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.

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Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703 324-1290
FAX 703 324-3924
www.fairfaxcounty.gov/dpz/

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 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).

A GLOSSARY OF TERMS FREQUENTLY USED IN STAFF REPORTS WILL BE FOUND AT THE BACK OF THIS REPORT

DESCRIPTION OF THE APPLICATION

The applicant, PSR, Inc., is requesting to rezone 1.25 acres of land from the R-1 District to the R-3 District to allow the development of 2 single family detached dwelling units at a density of 1.6 du/ac.

A reduced copy of the proposed Generalized Development Plan is included in the front of this report. The applicant's draft proffers are included as Appendix 1. The applicant's affidavit is Appendix 2 and the applicant's statements regarding the application are included as Appendix 3.

LOCATION AND CHARACTER

The application property is located on the western side of Beulah Road approximately 400 feet north of Sideling Court, which coincides with the boundary of the Town of Vienna. The application property is developed with a single family detached dwelling unit, which is proposed to be demolished. The Wolftrap Elementary School is located across Beulah Road.

SURROUNDING AREA DESCRIPTION			
Direction	**Use**	**Zoning**	**Plan Map**
North	Single Family Detached Dwelling[1]	R-1	2-3 du/ca
South	Single Family Detached Dwellings (Beechwood)	R-3	2-3 du/ac
East	Wolftrap Elementary School Single Family Detached Dwelling	R-2 R-3	Public 2-3 du/ac
West	Single Family Detached Dwellings (Concord Green, Sect. 3)	R-3	2-3 du/ac

[1]Located on a 1.17 acre lot; the dwelling was constructed in 1994. See the Background section below.

BACKGROUND

The application property and the adjacent lot to the north were the subject of RZ 89-C-086 filed to request approval of the R-3 District on 2.42 acres. The application proposed six single family detached lots at a density of 2.48 du/ac. The lots were to be located along a cul-de-sac street generally located in the center of that application property. This application was withdrawn on July 12, 1990. The records regarding RZ 89-C-086 are on file with the Zoning Evaluation Division, DPZ.

The initial application proposed to construct an underground stormwater management facility on future homeowner association property, which requires approval of a waiver by the Board of Supervisors. This element is no longer part of the application; the stormwater is being managed through two infiltration trenches which do not require approval of a waiver.

COMPREHENSIVE PLAN PROVISIONS

Plan Area: II
Planning District: Vienna
Planning Sector: Spring Lake Community Planning Sector (V3)

The Comprehensive Plan provides the following guidance on the land use and the intensity/density for the property. On page 62 of the Vienna Planning District of the 2003 edition of the Area II Plan, under the heading, "Recommendations" under the sub-heading "Land Use," the Plan states:

> "The Spring Lake sector is largely developed as stable residential neighborhoods. Infill development in these neighborhoods should be of a compatible use, type and intensity in accordance with the guidance provided by the Policy Plan under Land Use Objectives 8 and 14."

The Comprehensive Plan Map shows this property to be planned for 2-3 du/ac.

ANALYSIS

Generalized Development Plan (Reduction at front of staff report)

Title of Generalized Development Plan: 1916 Beulah Road

Prepared By: Walter L. Phillips, Inc.

Original and Revision Dates: May 11, 2006 as revised through January 9, 2007

Generalized Development Plan (1916 Beulah Road)	
Sheet #	**Description of Sheet**
1 of 5	Cover Sheet including Notes, Soils Map, Vicinity Map and Tabulations
2 of 5	Generalized Development Plan showing the Proposed Layout
3 of 5	Tree Preservation Plan/Conceptual Landscape Plan
4 of 5	Existing Vegetation Map
5 of 5	SWM/BMP Calculations and Outfall Analysis

The following features are depicted on the proposed combined CDP/FDP:

- *Proposed Layout.* The GDP proposes to divide the application property into two lots. The proposed lots are each approximately 27,500 sq. ft. in size and front onto Beulah Road. The two lots will be accessed by a common driveway to Beulah Road. The limits of clearing and grading are set off from the northern and western property lines and in the southwestern corner where a small undisturbed area is proposed.

- *Parking.* The house footprints depicted on the GDP include three car garages; additional parking will be available in front of the garages a twenty-two foot wide driveway apron. The notes on the GDP state that a minimum of two parking spaces will be provided on each lot.

- *Improvements to Beulah Road.* The GDP requests that the requirement to provide frontage improvements be waived; the draft proffers include a commitment to escrow funds for the widening of the road. The GDP indicates that the existing right-of-way extends 40 feet from the centerline of that road. A six foot asphalt trail is shown within the right-of-way of Beulah Road.

- *Landscaping:* The landscaping proposed in the front yards of the future lots consists of large deciduous trees and flowering trees along the road with additional landscaping along the peripheral boundaries of the application property. Flowering trees are also proposed along the common driveway. Screening consisting of a staggered row of medium evergreen trees, interspersed with large evergreen trees and large deciduous trees is shown along the northern boundary. A similar treatment is proposed along the portion of the southern boundary in the rear yard of proposed Lot 2. The western boundary is shown with a twenty five foot deep screening yard with medium evergreen trees, large evergreen trees, flowering trees and large deciduous trees. The number of trees proposed along this boundary is approximately 30. In addition two large deciduous trees are shown along the common boundary of Lots 1 and 2 and behind the proposed dwellings.

- *Stormwater Management/Best Management Practices:* The proposed redevelopment would increase the amount of impervious surface on the site from 0.14 acres to 0.40 acres requiring the detention of approximately 6,500 cubic feet of runoff. Water quality treatment is also required. The GDP proposes to address these requirements by constructing an infiltration facility in the front yard of each lot. These facilities will be 4.5 foot deep and filled with gravel that is topped by a planting medium. The gravel area is protected by filter cloth. These facilities are proposed to retain and infiltrate the 10 year storm, resulting in no off-site release of water, based on the outfall calculations required by the Public Facilities Manual (PFM). Soils testing showed that infiltration rates of 1.5 inches per

hours are present on site. Approval of the proposed facilities would require that the future homeowners maintain each facility.

- *Sanitary Sewer Connection*: The proposed sanitary sewer connection is along the property line of two of the parcels to the west of the application property to connect to the existing line within Saybrook Court. This routing requires that the applicant obtain an off-site easement from the affected property owners. As indicated in the memorandum from Jeni Hornbeck of Walter L. Phillips, Incorporated in Appendix 3, the applicant has initiated the necessary discussions and the draft proffers commit to replace vegetation that may be removed by the construction of the sanitary sewer line. The memo from Jeffrey J. Stuchel, P.E., L.E. also of Walter L. Phillips indicates that the line can be installed in conformance with the requirements of the Public Facilities Manual.

Land Use Analysis

The applicant proposes to develop the subject property at 1.6 du/ac, which is below the planned density range of 2-3 du/ac. The proposed development is compatible in use, type and intensity to the surrounding developments and the existing development along Beulah Road, which are zoned and developed in the R-3 District. The proposed development will not adversely impact Wolftrap Elementary School located across Beulah Street from the application property.

Residential Development Criteria (Appendix 13)

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 other 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. To that end, the Board of Supervisors adopted the Residential Development Criteria, which are contained in Appendix 9 of the Land Use Section in the Policy Plan to be used in evaluating zoning requests for new residential development and are attached to this report as Appendix 13.

Site Design:

Residential Development Criterion Number 1, entitled ‘Site Design,’ recommends that developments address the consolidation goals in the Comprehensive Plan, and further the integration of the proposed development with adjacent planned and existing development. The criterion further recommends that the proposed site layout provide for a logical design with appropriate relationships within the development with regard to unit orientation and the juxtaposition of yards, and include usable yard areas that can accommodate future decks and sunrooms. Development shall provide convenient access to transit facilities; all existing utilities should be identified, proposed utilities and stormwater outfalls should be shown and utility collocation should be encouraged. Further, it states that open

space should be usable, accessible and integrated with the proposed development and that appropriate landscaping and amenities be provided.

Lot Consolidation

Consolidation of this property with the adjacent property to the north would be desirable; however, as noted above, the property to the north contains a dwelling built in 1994.

Unit Orientation and Juxtaposition of Yards

The GDP depicts two proposed building lots that would maintain the orientation of the proposed dwelling units and the associated yards in a manner similar to the existing dwelling unit. This relationship is appropriate because the front yards face toward Beulah Road, the side yards abut rear or side yards along the northern and southern boundaries and rear yards abut rear yards in Concord Green, the existing subdivision to the west. The proposed lots are each approximately 306 feet deep, which will allow for a rear year that will accommodate future additions and/or decks.

Access to Transit

Transit service is not currently available along this portion of Beulah Road. The nearest transit service is along Maple Avenue (Rt. 123) in the Town of Vienna.

Utilities and Stormwater Management

Sanitary Sewer: The GDP depicts a proposed sewer connection to the existing line within Saybrook Court located to the west. To install this connection, the applicant will be required to obtain an off-site easement and cross either one or both of the two adjacent lots (Tax Map Parcels 38-2 ((39)) 6A and 7A) that front onto Saybrook Court. The installation of the line will likely disturb the side yards of both of the lots. As noted in the memorandum from Jeffery J. Stuchel at Walter L. Phillips, Inc., the applicant has coordinated with the county with regard to the design of this line to ensure that it can be installed in compliance with the requirements of the Public Facilities Manual that ensure that the proposed sewer line will not adversely impact the existing dwellings on the affected parcels (see Appendix 3). The applicant should also ensure that the affected property owners fully understand the impacts of the construction on their properties and what restoration will be provided. The draft proffers include commitments to replace landscaping disturbed by the installation of the sanitary sewer line.

Stormwater Management: See the discussion under stormwater management below with regard to that element.

Open Space

There is no open space proposed with this two lot subdivision.

Neighborhood Context

Residential Development Criterion Number 2, entitled 'Neighborhood Context,' recommends that all applications for residential development, regardless of the proposed density, be designed to fit into the community within which the development is to be located as evidenced by an evaluation of: transitions to abutting and adjacent uses; lot sizes, particularly along the periphery; bulk and mass of the proposed dwelling units; setbacks; orientation of the proposed dwelling with regard to the adjacent streets and homes; architectural elevations; connections to non-motorized transportation facilities and the existing topography and vegetative cover. It is noted in this criterion that it is not expected that developments will be identical to their neighbors and that the individual circumstances of the property will be considered.

The proposed dwellings would front towards Beulah Road as does the existing dwelling. The rear yards would face similar yards in the subdivision to the west. The dwelling on the property to the north is oriented to face Beulah Road, so side yards would abut on that edge of the property. To the south, that property was redeveloped such that the lots are accessed via a common drive from Sideling Court and the dwelling within the Beechwood subdivision that is furthest from Beulah Road faces to the south so that its rear yard abuts a side yard. Staff has concluded that the existing and proposed unit orientation and juxtaposition of the yards is appropriate. The proposed lots exceed the size of the abutting lots with the exception of the lot to the north.

Environment (Appendix 4)

Residential Development Criterion 3 recommends that all rezoning applications for residential development respect the environment. The criterion enumerates several principals that should be addressed: a) natural environmental resources should be preserved, b) existing topographic conditions and soil characteristics should be considered, c) off-site impacts on water quality should be minimized by commitments to state of the art best managements practices and low impact site design techniques, d) the volume and velocity of stormwater runoff should be managed to avoid impacts on downstream properties, e) future and current residents should be protected from the adverse impacts of transportation generated noise, f) any exterior lighting fixtures should minimize neighborhood glare and impacts to the night sky, and g) use site design techniques to achieve energy savings and be designed to encourage and facilitate walking and bicycling.

Preservation of Natural Environmental Resources &
Consideration of Existing Topographic Conditions

The primary environmental resource associated with this application is the existing trees on the property, which are discussed under tree preservation below. In addition, the comments of the Park Authority note that the Virginia Department of Conservation and & Recreation Division of Natural Heritage

(DNH) has records of rare state species, 1 invertebrate and a plant community, within the vicinity of this project. It is recommended that the applicant work with DNH to determine whether or not either of these resources is present on the site. A proffer has been included that notes the applicant will work with DNH to determine the existence of any rare species on the site and to relocate such species as needed.

Stormwater Management/Best Management Practice &
Stormwater Outfalls (Appendix 5)

The proposed GDP addresses stormwater management by proposing an underground infiltration facility within an outlot located behind or west of the proposed dwelling units. This facility is proposed in order to capture the existing sheet flows from the property onto the adjacent lots. The proposed solution is not appropriate in this situation because it would require the establishment of a homeowners association for two lots and create an inappropriate maintenance and liability burden for the future homeowners. In addition, the request for the approval of an underground SWM/BMP facility has not been submitted to DPWES and can only be approved in conjunction with a rezoning application. The applicant should investigate alternative LID techniques with staff so that an appropriate set of techniques can be applied in this instance.

Transportation Generated Noise

Based on experience with other development proposals along this portion of Beulah Road, staff is concerned that the front façades of the dwelling units may be impacted by noise levels above 60 dbA and recommends that the applicant proffer to incorporate structural noise attenuation measures into the dwelling units. The draft proffers include such a commitment. The rear yards will be shielded by the proposed dwellings and far enough away from the road so as to meet the noise standards contained in the Comprehensive Plan.

Lighting

Lighting installed at the property will be required to meet the standards contained in Part 9, Outdoor Lighting Standards, of Article 14, Performance Standards.

Energy Conservation

The draft proffers address energy conservation through the reference to an outdated program, this should be revised to utilize current proffer text.

Tree Preservation (Appendix 6)

Residential Development Criterion 4 states that, regardless of the proposed density, all residential development should be designed to take advantage of existing quality tree cover.

The initial comments of Urban Forestry raised several issues which have been addressed by the revised submission. While the southwestern corner is shown to be protected by limits of clearing and grading new planting are proposed in this area. The number of new landscaping trees in the front of the property has been revised to be more in keeping with a residential property and those trees are properly spaced. The landscape plan includes trees in the southwest to western sides of the buildings for energy conservation tree credit. The layout of the property has been revised to include limits of clearing grading that are generally set approximately 10 feet within the property line. Further, the draft proffers include a commitment to prepare a tree preservation plan that includes impacts on trees within 20 feet of either side of the limits of clearing and grading, which should protect off-site trees. Finally, the applicant has proffered to utilize natural landscaping techniques.

There remains one minor issue where the draft proffers could be improved. The submitted GDP includes limits of clearing and grading for the off-site sanitary sewer line and the draft proffers include a commitment to restore those areas. However, the draft proffers should be revised to include Urban Forestry review of the limits of clearing and grading and the restoration plans related to the sanitary sewer line.

Transportation (Appendix 7)

Residential Development Criterion 5 states that, regardless of the proposed density, all residential development should implement measures to address planned transportation improvements and offset their impacts to the transportation network. The criterion contains principles that will be used in the evaluation of rezoning applications for residential development, while noting that not all principles will be applicable in all instances. The following is an evaluation of those principles that staff has concluded are applicable in this instance.

Transportation Improvements

Beulah Road is designated on the Comprehensive Plan as an improved two lane section with an existing right-of-way that extends to forty feet from the centerline. Therefore, the applicant should construct frontage improvements to 26 feet from centerline within the right-of-way. However, it should be noted that Beulah Road has not been widened to this standard on either of the properties that abut the application property. If, as requested, frontage improvements are waived or deferred, dedication to 44 feet from centerline plus ancillary easements should be provided and an escrow of funds for the future construction of frontage improvements. The draft proffers adequately address this issue by providing for the escrow of funds for the frontage improvements, including a new sidewalk; which will be available when the road is widened. To provide for pedestrian movements during the period until Beulah Road is widened, the applicant has proffered to replace the existing asphalt trail from five feet wide to six feet wide.

Interconnection of the Street Network

The proposed lots will access directly to Beulah Road, which is appropriate in this instance. Transportation staff recommends that the driveways be relocated to the center of the property to be more directly opposite the access point to the Wolftrap School because these driveways are slightly offset by approximately 15 feet. While cross traffic would not be anticipated to be a concern, it is recommended that entrances be located opposite each other to avoid conflicting turning movements and so that the number of locations where turning movements occur is minimized.

Streets

This element, recommending public streets within new subdivisions, is not applicable because both lots will access directly onto Beulah Road.

Non-motorized Facilities

As noted above, transit service is not available along Beulah Road at this time. The GDP includes the construction of a six foot wide asphalt trail along the site's frontage. The transportation analysis recommends that a crosswalk be installed to connect to the elementary school. Because this is a mid-block crossing, the installation should be subject to the approval of VDOT. There is an existing crossing at Talisman Lane approximately 300 feet from the property.

Public Facilities

Residential Development Criterion 6 states that residential development is expected to offset its public facility impact.

Park Authority Analysis (Appendix 8)

The comments of Park Authority note that the proposed two dwelling units will generate six residents in the Hunter Mill District. A contribution to provide recreation facilities has not been requested.

Schools Analysis (Appendix 9)

The elementary students from this project will attend Wolftrap Elementary School which is projected to exceed its capacity of 571 students through the school year 2010-2011. The intermediate students will attend Kilmer Intermediate School which is projected to exceed its capacity of 850 students through the school year 2010-2011. The high school students will attend Madison High School which is projected to operate within its capacity of 1875 students through the school year 2010-2011. The proposed rezoning and subdivision of one lot into two lots will have no additional impact on area schools.

Sanitary Sewer Analysis (Appendix 10)

The property is located in the Difficult Run (D3) watershed and would be sewered into the Blue Plains Treatment Plant. The existing 8-inch line located in Saybrook Court approximately 140 feet from the property is adequate for the proposed use at this time. (There is not a sanitary sewer line within Beulah Road; the roadway is at the top of the watersheds on either side of the road.) There appears to be adequate capacity for the proposed development at this time when existing uses and proposed development recommended by the Comprehensive Plan are taken into account. See the comments under Site Design above with regard to the impacts of extending sewer service to the existing line in Saybrook Court.

Fire and Rescue Department Analysis (Appendix 11)

This property is serviced by Station 402, Vienna. This service currently meets fire protection guidelines.

Water Service Analysis (Appendix 12)

The property is located in the service area of the Fairfax County Water Authority. Adequate domestic water service is available. Depending on the configuration of the onsite water mains, additional water main extensions may be necessary.

Affordable Dwelling Units

Criterion 7 of the Residential Development Criteria 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 the 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. Satisfaction of this criterion may also be achieved by a contribution to the Housing Trust Fund or, as may be approved by the Board, a monetary and/or in-kind contribution to another entity whose mission is to provide affordable housing in Fairfax County, equal to 0.5% of the value of all of the units approved on the property except those that result in the provision of ADUs.
Affordable Dwelling Units (Part 8 of Article 2)

Given that the proposed residential development does not exceed fifty (50) dwelling units, Part 8 of Article 2 of the Zoning Ordinance does not require that affordable dwelling units be provided. The draft proffers include a contribution to the Housing Trust Fund in accordance with the formula established by this criterion.

Heritage Resources

Criterion 9 of the Residential Development Criteria states that heritage resources are those sites or structures, including their landscape settings that exemplify the cultural, architectural, economic, social, political, or historic heritage of the County or its communities. Such sites or structures have been 1) listed on, or determined eligible for listing on, the National Register of Historic Places or the Virginia Landmarks Register; 2) determined to be a contributing structure within a district so listed or eligible for listing; 3) located within and considered as a contributing structure within a Fairfax County Historic Overlay District; or 4) listed on, or having a reasonable potential as determined by the County, for meeting the criteria for listing on, the Fairfax County Inventories of Historic or Archaeological Sites.

This site does not contain any identified heritage resources.

ZONING ORDINANCE PROVISIONS

Bulk Standards (R-3)		
Standard	**Required**	**Provided**
Lot Size	10,200 sq. ft.	26,404 sq. ft.
Lot Width	80 feet	85 feet
Building Height	35 feet	35 feet
Front Yard	30 feet	65 feet
Side Yard	12 feet	18 feet
Rear Yard	25 feet	100 feet
Density	3.0 du/ac	1.6 du/ac
Open Space	Not Applicable	Not Applicable.
Parking Spaces	4 spaces	12 spaces

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Staff recommends approval of the application as filed. However, there remain three small issues that do not warrant denial of the application that are unresolved.

- Urban Forestry review of the limits of clearing and grading and restoration plans for the sanitary sewer connection should be included in the proffer.

- The proffers should be revised to provide for the installation of a crosswalk on Beulah Road at the property, which would be in addition to the existing crossing located at Talisman Drive, approximately 300 feet from the property. Because this crossing is a mid-block crossing the commitment to install the crosswalk should be subject to the approval of VDOT.

- The driveway entrance should be slightly re-located so it is more closely aligned with the existing entrance to the school located across Beulah Road.

Recommendation

Staff recommends approval of RZ 2006-HM-023 subject to the execution of the draft proffers contained in Appendix 1.

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.

APPENDICES

1. Draft Proffer Statement
2. Affidavit
3. Applicant's Statements
   a. Statement of Justification
   b. October 18, 2006, Memorandum from Jeni Hornback, Walter L. Phillips, Inc.
   c. January 9, 2007, Letter from Patrick M. Via, Via & Hannah, LLC
   d. January 9, 2007, Letter from Jeffery J. Stuchel, PE, LS, Walter L. Phillips, Inc.
4. Environmental Analysis
5. Stormwater Management/Best Management Practices Analysis
6. Urban Forest Analysis
7. Transportation Analysis
8. Park Authority Comments
9. Schools Analysis
10. Sanitary Sewer Analysis
11. Fire and Rescue Analysis
12. Water Service Analysis
13. Residential Development Criteria
14. Glossary of Terms

APPENDIX 1

PROFFERS
January 8, 2007
PSR, LLC
RZ 2006-HM-023

Pursuant to Section 15.2-2303(A), Code of Virginia, 1950 as amended, the undersigned Applicant/Owner, for itself and its successors and assigns (hereinafter referred to as the "Applicant"), filed for a rezoning for property identified on Fairfax County Tax Map as 038-2-1-0004, (hereinafter referred to as "Application Property"), hereby 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 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 Walter L. Phillips, Incorporated, dated January 9, 2007.

b. Pursuant to Section 18-204 of the Zoning Ordinance, minor modifications from the 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 of the dwellings to peripheral lot lines**.**

II. TREE PRESERVATION/LANDSCAPING/LIMITS OF CLEARING AND GRADING

a. The Applicant shall submit a landscape plan and specifications, in general conformance with that shown on the GDP (page 3 of 5), as part of the first and all subsequent submissions of the subdivision plan for review and approval by the Urban Forest Management Division. The landscape plan and specifications shall incorporate techniques designed to reduce maintenance requirements and create a cleaner and healthier environment maximizing the levels of social, economic and environmental benefits that can be provided by these resources. Such techniques may include, but are not limited to, reduced turf areas to minimize mowing operations and the resulting air pollution, topsoil conditioners or replacement, mulched planting beds incorporating groups of trees and other plants; and a diverse selection of native and non-invasive plants to reduce the need for supplemental watering and the use of chemical fertilizers, herbicides and chemical control of insects and diseases.

b. The Applicant 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.

i. 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.

ii. At the time of subdivision plan approval, the Applicants shall post 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. Provided, however, notwithstanding anything to the contrary in these proffers, the amount of the cash, bond, letter of credit shall not exceed $5,000.00. 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. Subject to the monetary limitation stated prior hereto, 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 Urban Forest Management, DPWES.

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

- 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.

- The use of motorized equipment in tree preservation areas will be limited to hand-operated equipment such as chainsaws, wheel barrows, rake, and shovels. 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.

c. Root Pruning and Mulching

i. The Applicant shall 1) root prune and 2) mulch. 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:

• Prior to root pruning operations and installation of tree protection fence, an Urban Forest Management representative shall met with the contractor performing these operations to ensure that root pruning and tree protection fence installation are understood and implemented in conformance with specification.

• 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.

• 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.

d. Tree Preservation Walk-Through

The Applicant 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.

e. Tree Protection Fencing

i. 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.

ii. 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 fencing 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. 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.

f. Site Monitoring

During any clearing or tree/vegetation/structure removal on the Application Property, a representative of the Applicant 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.

g. Demolition of Existing Structures.

Care will be taken during demolition to minimize impacts to the root system of trees designated for preservation on the GDP, especially those trees located off-site. 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. 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 installed. 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.

III. PRESERVATION OF NATURAL RESOURCES

Prior to issuance of the first building permit the Applicant will work with the Virginia Department of Conservation and Recreation Division to determine whether any rare state species (plant and/or animal) are located on the Application Property and if such species are located on the Application Property, the appropriate means to relocate such species.

III. EXISTING DWELLING & OTHER EXISTING STRUCTURES

The existing dwelling and other structure shall be removed prior to the issuance of a Building Permit being issued for a new dwelling on the Application Property**.**

IV. STORM WATER MANAGEMENT AND BEST MANAGEMENT PRACTICES

Low impact development (LID) techniques shall be employed to meet detention and BMP requirements by incorporating the following low impact development approaches:

a. The Applicant shall construct and install infiltration areas in the northeast sections of the Application Property (the area of the lots facing Beulah Road) in general conformance with that shown on the GDP**,** subject to review and approval of DPWES. A geo-tech study shall be submitted concurrent with the subdivision plat.

If said geo-tech study indicates the on-site soils are inappropriate for the Storm Water Management Facilities shown on the GDP, the Applicant shall submit a proffer condition amendment for an alternative means of SWM.

b. In designing the residential units, the Applicant shall direct roof drains and downspouts to the infiltration areas referenced in proffer IV.a above.

The LID on each lot shall be privately owned and maintained by each separate lot owner and this obligation will be specifically incorporated into the deed(s) conveying the finished lots to the initial purchasers.

V. SANITARY SEWER

Prior to the time of subdivision approval, the Applicant shall obtain an off-site sanitary sewer easement, in a form generally acceptable to the offices of the Fairfax County Attorney, in the location as generally shown on the GDP. Said sanitary sewer line shall be designed and installed in compliance with the requirements of the Fairfax County Public Facilities Manuel ("PFM") and the Applicant shall implement such reasonable measures as will minimize the disturbance to off-site vegetation and trees on the adjacent properties ("Adjacent Properties") upon which the easement is to be located. To the extent vegetation and/or trees on the Adjacent Properties are disturbed as a result of the installation of said sanitary sewer easement, the Applicant, at its own expense, shall restore, as nearly as possible, the Adjacent Properties to their original condition, such restoration to include the backfilling of trenches, the replacement of shrubbery and the seeding or sodding of lawns.

VI. FRONTAGE IMPROVEMENTS/TRAILS

a. Subject to Virginia Department of Transportation (VDOT) and Department of Public Works and Environmental Services (DPWES) approval, the Applicant shall dedicate and convey in fee simple to the Board of Supervisors right-of-way up to a width of forty-four feet from the construction centerline as shown on the GDP. Dedication of right-of-way shall be made at time of recordation of the final subdivision plat.

b. At the time of subdivision plan approval, the Applicant shall post a bond in favor of the County of Fairfax in an amount equal to the cost of constructing the Beulah Road frontage improvements. Such frontage improvements shall consist of curb, gutter, sidewalk and pavement along the frontage of the Application Property, all in conformance with VDOT and DPWES standards. The monetary amount of the bond shall be based on the then current cost of constructing the frontage improvements as reasonably estimated by the Applicant and as reviewed, confirmed and agreed by VDOT and DPWES.

c. The existing five (5) foot asphalt trail along Beulah Road shall be reconstructed and shall be an asphalt sidewalk in the same approximate location as the existing trail but shall be widened to be six (6) foot wide asphalt sidewalk. It shall be reconstructed in accordance with County standards for the construction of

asphalt sidewalks along a ditch section of road, which requires a width of Six (6) feet.

VII. ENERGY CONSERVATION

The homes constructed on the Application Property shall meet the thermal standards of the Virginia Power Energy Saver Program for energy efficient homes or its equivalent, as determined by DPWES, for either electric or gas energy homes.

VIII. INTERIOR NOISE

In order to reduce interior noise to a level of approximately DNL 45 dBA Ldn the homes shall be constructed with the following acoustical treatment measures:

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

b. Glazed areas, including doors and windows, shall have a laboratory STC rating of at least 35 and exterior doors shall have an STC of 34.

c. All surfaces shall be sealed and caulked in accordance with methods approved by the American Society for Testing and Materials ("ASTM") to minimize sound transmission.

IX. COMMON DRIVEWAY

At the time of subdivision approval, the Applicant shall grant ingress/egress easements for the benefit of the two proposed lots over the common driveway as shown on the GDP. Said easements shall be the subject of a private maintenance agreement to be recorded at time of subdivision plat approval for the Application Property. Purchasers shall execute a disclosure memorandum at time of contract acknowledging the ingress/egress easement and that the homeowners will be responsible for the maintenance of the driveways.

X. AFFORDABLE DWELLING UNITS (ADUs)

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

Successors and Assigns. These proffers shall bind and inure to the benefit of the Applicant and his/her successors and assigns.

SIGNATURE PAGE FOLLOWS

PSR, LLC
Owner and Applicant

By:_____ _____
Robert R. Rucks, Managing Member Date