PROFFERS
February 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 substantial 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

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

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 tree preservation plan and 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.

m

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.

VII. 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.

VIII. ENERGY CONSERVATION

All homes constructed on the Application Property shall meet the thermal standards of the CABO Model Energy Program for energy efficient homes, or its equivalent, as determined by DPWES, for either electric or gas energy systems.

IX. HOUSE DESIGN

Applicant shall design the residential dwellings on the Application Property in either a traditional brick front colonial or arts and crafts style. Front façade materials shall include brick, and/or cementitious or wood siding (not vinyl or aluminum) and/or stone. Additionally, window trim on the side and rear elevations of said lots shall be the same as the wood trim on the front elevation, and the roof overhang on the side and rear elevations of said lots shall be at least the same as on the front elevation. Final designs shall be selected by the Applicant upon the submission of architectural drawings for building permits.

X. 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:

m

PSR, LLC
Owner and Applicant

By: _____ 2/5/07
Robert R. Rucks, Managing Member Date