

RZ 2008-DR-006
VisionOnLine, Inc.
PROFFER

September 19, 2008

Pursuant to §15.2-2303(A) of the Code of Virginia (1950 as amended) and §18-203 of the Zoning Ordinance of Fairfax County (1978 as amended) the property owner and Applicant, VisionOnLine, Inc., for itself and its successors assigns, (hereinafter referred to as the "Applicant") proffers that the development of the parcel under consideration identified on the Fairfax County Tax Maps as Tax Map Reference 6-4((12))8 (hereinafter referred to as the "Property"), will be in accordance with the following conditions, if and only if, the application, known as RZ 2008-DR-006 is granted rezoning the Property from the R-1 and C-8 Districts to the R-1 District. The Proffered Development Conditions are as follows:

DEVELOPMENT PLAN

1. The Property shall be developed in substantial conformance with the GDP dated December 10, 2007 revised through September 19, 2008 prepared by Tri-TEK Engineering consisting of four sheets.

2. Pursuant to Paragraph 4 of Section 18-204 of the Zoning Ordinance, minor modifications from the GDP may be permitted as determined by the Zoning Administrator. The Applicant shall have the flexibility to modify the layout shown on the GDP without required approval of PCA provided such changes are in substantial conformance with the GDP as determined by the Zoning Administrator, agents or assigns. Any such modifications shall not impact the limits of clearing and grading, cemetery or cemetery access easements shown on the GDP.

3. The ownership of Outlot B1 and Outlot A will be conveyed with Lot 8B and the ownership of Outlot B2 will be conveyed with Lot 8A.

TRANSPORTATION

4. A. Prior to the issuance of the residential use permit (RUP) for Lot 8B, the Applicant shall construct trail improvements along the Seneca Road frontage, as shown on the GDP.

B. The driveway on Lot 2 shall be designed such that there is sufficient area for vehicles to turn around in the driveway, eliminating the need to back out onto Seneca Road, generally as shown on the GDP.

ENVIRONMENT

5. A. All stormwater management facilities constructed on the Property and/or associated with the development shall be designed in accordance with the Public Facilities Manual as Best Management Practices (BMP) facilities, as determined by DPWES.

B. The Applicant shall coordinate with DPWES to determine appropriate types and locations for LID techniques/BMP facilities (infiltration trenches as shown on the GDP or rain gardens). The size and location may be adjusted as deemed appropriate by DPWES, as long as they do not impact tree save, or the limits of clearings and gradings.

6. The Applicant shall conform strictly to the limits of clearing and grading as shown on the GDP, subject to allowances specified in these proffered conditions and for the installation of fences, utilities and/or trails as determined necessary by the Director of DPWES. If it is determined necessary to install fences, utilities and/or trails in areas protected by the limits of clearing and grading as shown on the GDP, they shall be located in the least disruptive manner necessary as determined by UFM. A replanting plan shall be developed and implemented, subject to approval by UFM and for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities. Applicant shall preserve trees in those areas designated on the GDP as buffers and those areas shown to be protected by the limits of clearing and grading.

7. A. Tree Preservation Plan - 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.

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. 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.

8. A. 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.

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. 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.

9. 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 applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with an Urban Forest Management, DPWES, representative to determine where adjustments to the clearing limits can be made to increase the area 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.

10. A. Tree Protection Fencing. All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing (four feet high, orange plastic fence attached to 6 foot steel posts driven 18 inches into the ground and placed no further than 6 feet apart (see attached detail)) shall be erected at the limits of clearing and grading as shown on the GDP, as may be modified by proffer 5 above.

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 all tree protection fence types 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.

11. Site Monitoring. During any clearing or tree/vegetation/structure removal or transplantation of vegetation 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 Applicant 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/conditions, and UFM approvals. The monitoring schedule shall be described and detailed in the tree preservation plan, and reviewed and approved by Urban Forest Management, DPWES.

HOMEOWNERS ASSOCIATION

12. Prior to Subdivision Plan Approval, the Applicant shall request that the Seneca Place Homeowner's Association annex the two lots into the Association and subject the lots to

their recorded covenants and restrictions. In the event the Seneca Place HOA votes not to annex the 2 lots, the Applicant shall form a new homeowners association for the 2 lots and subject the lots to the covenants of maintenance as outlined herein.

CEMETERY AND OTHER DESIGN DETAILS

13. A. The cemetery located within proposed Lot 8B shall remain as a cemetery in perpetuity.

B. The cemetery shall be maintained in perpetuity by the Homeowner's Association (HOA) which governs the lot. In the event there is no HOA established, the owner of Lot 8B will have the responsibility to maintain the cemetery and shall be advised in writing of this responsibility prior to purchase of the lot.

C. The cemetery access easement recorded in Deed Book 9685 at Page 769 shall not be vacated.

D. The Applicant shall construct a four foot tall black aluminum decorative fence around the boundaries of the cemetery as depicted on the GDP.

E. At the time of building permit plan approval for Lot 8B the Applicant shall contribute sufficient funds, not to exceed \$1740 to erect a historic marker in a location with the cemetery as determined by the Fairfax County History Commission. A copy of the cemetery report shall be sent to the History Commission with the contribution notifying the Commission of satisfaction of this proffer.

F. All prospective purchasers of both lots and the Homeowners Association shall be notified in writing of the cemetery responsibilities outlined in paragraphs 12.A. through D. and the Lot 8B garage and driveway design commitments, and the conveyance of the outlots. Such notification shall be recorded among the land records of Fairfax County to notify future purchasers of such responsibilities.

G. The garage on lot 8B shall not face Seneca Road and shall be oriented as shown on the GDP.

HOUSING TRUST FUND

14. At the time of the building permit approval for the house on Lot 8B, the Applicant shall contribute to the Fairfax County Housing Trust Fund a sum equal to one half of one percent

(0.5%) of the projected sales price of that home, as determined by the Department of Housing and Community Development and DPWES in consultation with the Applicant, to assist the County in its goal to provide affordable dwelling units.

PARK AUTHORITY

15. At time of subdivision plan approval, the Applicant shall make a contribution of \$2,679 to the Fairfax County Park Authority for park purposes in the Dranesville District.

[Signatures begin on the following page]

APPLICANT/TITLE OWNER:

VisionOnLine, Inc.

A handwritten signature in black ink, appearing to read "Nadeem P. Malik", written over a horizontal line.

By: Nadeem P. Malik

Title: President