

**PROFFERS - PCA 87-P-020-02**

R-2 Zoning District

April 1, 2008

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, the property owners and Applicant in the proffer condition amendment application proffer that the development of the parcels shown on Fairfax County Tax Maps as 48-1((40)) 15 and 16 (hereinafter referred to as the "Property") will be in accordance with the proffered conditions accepted by the Board of Supervisors in the approval of PCA 87-P-020, dated October 12, 1989, and as amended for the portion of that property subject to this PCA as stated in the proffers below. The reference "these proffers" shall refer to the proffers within this document as well as those accepted with the approval of RZ 87-P-020 and PCA 87-P-020. In the event this Proffer Condition Amendment request is denied, the proffers which follow shall be null and void. The Owners and the Applicant, for themselves, their successors and assigns, agree that these proffers shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia, in accordance with applicable County and State statutory practices. The aforementioned revisions are as follows:

1. Proffer No. 3 as currently written is deleted, and the following is substituted therefor:

*"3. The owners of Lots 15 and 16 may retain the existing dwellings in their current form, make substantial building additions to the existing dwellings or raze and erect new dwellings on the respective lots, provided that:*

*a. any substantial building additions or new dwellings erected are architecturally compatible with other residential structures in the neighborhood as determined by DPWES;*

*b. grading and construction activities shall not encroach upon the limits of clearing and grading approved with PCA 87-P-020. 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 inspect the trees on the GDP to be saved if possible with an Urban Forest Management (UFM) representative. Trees identified to be preserved shall be protected by tree protection fencing in the form of 4 foot high, 14 gauge welded wire attached to 6 foot steel posts driven 18 inches into the ground and placed no further than 10 feet apart, or other forms of tree protection fencing approved by UFM. Tree protection fencing shall be erected at the limits of clearing and grading as shown on the GDP. Trenching for the fence shall not sever or wound compression roots which can lead to structural*

*failure and/or uprooting of trees. Tree protection fencing shall be installed prior to any clearing and grading activities.*

*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 commencement of any clearing, grading, or demolition activities, but subsequent to the installation of the tree protection devices, UFM shall be notified and given the opportunity to inspect the site to ensure 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 UFM.*

*c. Prior to issuance of a building permit, the Applicants shall post cash, bond, or letter of credit in an amount not to exceed \$3,000 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 on the site. Any trees shown to be preserved on the approved 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, deemed reasonably assured of surviving. These tree replacement measures shall not apply to trees that die or begin to die as a result of factors not related to the Applicant's construction activities."*

*d. In addition to trees preserved as noted in c, above, the Applicant shall provide additional landscaping for aesthetic purposes as shown on the Lot 16 over lot grading plan, using as a guide, the Chesapeake Bay Preservation Act vegetative buffer planting guidelines;*

*e. Applicant shall contribute the total amount of \$300.00 to the Board of Supervisors to assist funding of library collections at the Oakton community library.*

*f. Applicant shall contribute the total amount of \$300.00 to the Board of Supervisors for the Providence District Tree Fund, the same to be used for projects in the Providence District."*

2. Proffer No. 4 is hereby amended to add an additional sentence following the proffer as currently written to read:

*"4. ...Lots 15 and 16 shall no longer have legal ingress and egress rights to Chain Bridge Road via the private ingress and egress easement, and the same shall be vacated as to Lots 15 and 16 as approved by the Director of Public Works and Environmental Services (DPWES).*

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3. Except as modified by the foregoing changes, the Proffer Statement for PCA 87-P-020 dated October 12, 1989 shall remain in full force and effect.

**OAKTON GROVE LLC, Owner Lot 16**

By: Terry M. Belt  
Terry M. Belt, Member/Manager

By: Dominion Associates, Inc., Member/Manager

by: Steven M. Porter  
Steven M. Porter, Vice President

Debra A. Knisley  
DEBRA A. OSBORN, aka DEBRA A. KNISLEY  
Co-owner Lot 15

Scott F. Knisley  
SCOTT F. KNISLEY  
Co-owner Lot 15

