

PROFFERS

DULLES GREENES

PCA 89-D-060-2

December 7, 1999

Pursuant to Section 15.2-2303A of the Code of Virginia, 1950 edition, as amended, the undersigned hereby proffers the following conditions provided this Proffered Condition Amendment for the Subject Property is approved by the Board of Supervisors as proffered herein. For the purpose of these proffers, the term "Applicant" or "Developer" refers to the undersigned or their successors or assigns.

1a. Except as modified herein, the subject property is governed by the Proffers in RZ 89-D-060, dated April 12, 1993, and the CDP/FDP revised as of April 1, 1993, and the proffers in PCA 89-D-060 dated November 17, 1998, and the CDP/FDP revised as of October 15, 1998, and said proffers/plans are hereby reaffirmed and incorporated herein by reference. Several of these proffered conditions have already been fulfilled.

2a. Development of Land Bays 1, 2 and 3 shall be in conformance, as defined by Section 16-403 of the Zoning Ordinance with CDPA/FDPA 89-D-060-2, as prepared by christopher consultants, ltd., dated October 1, 1999.

5a. The CDP/FDP for the Dulles Greens Development consists of 805 residential units. The Applicant reserves the right to shift the number of multifamily units represented between Land Bays 1, 2 and 3 as a result of final engineering and design provided any such shift shall be in substantial conformance with the building footprints depicted on the Plan.

6a. Applicant shall design and construct residential buildings and the garages with exterior building design materials which shall be compatible throughout the Dulles Greens Development as determined by the Applicant within its sole discretion. Exterior building materials for the residential buildings may include, but shall not be limited to, masonry, concrete, siding and synthetic stucco.

Applicant shall utilize a uniform system of signs and exterior lighting fixtures as determined by Applicant within its sole discretion for the Dulles Greens Development. All site lighting fixtures shall be shielded so as not to produce any glare, as defined by the current Fairfax County Zoning Ordinance, from projecting into the Reflection Homes community. Applicant reserves the right to place on-site lighting for safety and security purposes. All signs and lighting shall be in accordance with the Zoning Ordinance.

8a. The provisions of proffer no. 8 are hereby deleted.

RECREATION FACILITIES

17a. The Applicant shall construct active on-site recreation facilities as shown on the CDPA/FDPA as revised by PCA 89-D-060-2. The Applicant shall spend a minimum of \$400.00 per dwelling unit for such facilities.

The Applicant reserves the right to provide lighting for any of the swimming pools and courts shown on the CDPA/FDPA but will not light any of the other exterior active recreation facilities shown on the CDPA/FDPA. All lighting of active recreation facilities shall be shielded and directed on site so as to keep glare from projecting off-site or into on-site residential areas.

All waste water resulting from the cleaning and draining of the pool located on the site shall contain a minimum dissolved oxygen concentration of 4.0 milligrams per liter prior to discharge. The Applicant shall neutralize pool waters to a pH from 6.0 to 9.0 prior to discharge. Sufficient amounts of lime or soda ash shall be added to achieve a pH approximately equal to that of the receiving stream.

If the water being discharged from the pool is discolored or contains a high level of suspended solids that could affect the clarity of the receiving stream, it shall be allowed to stand so that most of the solids settle out prior to being discharged.

This proffer #17a shall not apply to the proposed temporary athletic facility located in Land Bay 5.

22a. Within the Dulles Greens Development, Applicant shall maintain a fifty foot buffer and a minimum 65 foot building setback line along the entire boundary with the Reflection Lake community in accordance with the CDP/FDP. Applicant shall maintain the limits of clearing and grading depicted on the CDP/FDP within the Dulles Greens Development. A 75 foot buffer shall be provided where practicable. The buffer designated as the limits of clearing and grading shall remain as an undisturbed area with no removal of trees except as described below. The buffer shall be adjacent to the residential communities as shown on the CDP/FDP and subject to the following conditions:

A. Access and Perimeter Fences

To restrict access to the eastern 25 feet of the buffer, Applicant shall construct a fence in accordance with Sect. 13-303 of the Fairfax County Zoning Ordinance as noted on the CDPA/FDPA, which will run continuously parallel to the eastern boundary, except at the points adjacent to public right-of-way. The fence shall be built generally 25 feet west of subject property's eastern property line except at points adjacent to public rights-of-way. The exact location of the fence shall be coordinated with the County's Urban Forester so as to provide minimal disruption to the existing vegetation.

B. Maintenance

Pursuant to Section 13-106 of the Zoning Ordinance, the Applicant shall be responsible for the maintenance of the buffer area, and for repair or replacement of damaged or missing sections of the perimeter fence, referenced in paragraph A above. The Applicant shall also be responsible for the removal of existing dead trees from the buffer which pose a safety hazard to nearby homes or yards, and for the removal of any trees which die later which are part of the supplemental vegetation planted by the Applicant and which are described hereinbelow in Subsection 22.D. Such dead supplemental trees shall be replaced by the Applicant, utilizing the same or similar species, with all replacement trees being at least six (6) feet in height.

C. Restoration

Vegetative restoration areas shall be provided in the areas depicted as open space in Land Bays 2 through 4. The restoration plan for Land Bays 2 and 3 shall be submitted to the Urban Forestry Branch for review and approval as part of the site plan submission for each Land Bay. Plantings shall be implemented, as deemed appropriate by the Urban Forester, for each building adjacent to the Reflection Homes Community prior to the issuance of any residential use permit for that same building. The restoration plan for Land Bay 4 shall be submitted to the Urban Forestry Branch for review and approval as part of the site plan submission for Land Bay 4. The restoration shall consist of native species to replicate the vegetative community types typically found in this area. Prior to the release of the Bond, a maintenance plan, developed in coordination with the Urban Forestry Branch, shall be undertaken by the property owner of the Dulles Greens Development in order to ensure the long term survival of newly planted material and success of the restoration area.

D. Tree Preservation and Screening Plantings

A tree preservation plan shall be submitted for review and approval by the Urban Forester at the time of site plan review which maximizes the incorporation of the natural vegetation and trees on the site into the building envelopes for the residential units. The preservation plan shall require that if utility lines, or trails must be placed within the tree save area, they shall be placed with minimal disturbance and that replacement trees shall be provided where damage and disturbance is unavoidable. Barrier fences shall be provided around designated limits of clearing/tree save areas to avoid root compaction and subsequent damage to trees. The Applicant shall provide supplemental vegetation to provide additional screening in areas within the fifty (50) foot buffer along the eastern property line, as determined necessary by the Urban Forester, or another agent designated by the Board of Supervisors, in order to provide continuous, effective year-round screening for the adjacent properties. In these selected areas, the Applicant shall plant a mixture of Austrian Pine, Norway Spruce and White Pine, or alternate evergreen tree species as determined appropriate in concurrence

with the Urban Forester, planted in a staggered pattern on both sides of the fence, fifteen (15) feet on center, each tree with a minimum height of six (6) feet. The buffer strip area shall be maintained pursuant to Section 13-106 so that it will continue its function as a buffer.

E. All trees planted by the Applicant pursuant to this Proffer shall be sized in accordance with PFM standards.

AFFORDABLE HOUSING:

26a. The provisions of proffer no. 26 are hereby deleted.

[Signatures on the following page]

DULLES GREENE, L.P., a Virginia limited partnership

By: Toll Brothers Realty LLC,
General Partner

By: 

Cory DeSpain
Vice President

DULLES GREENE PARTNERS, L.P.

By: Toll Brothers Realty Parallel LLC,
General Partner

By: 

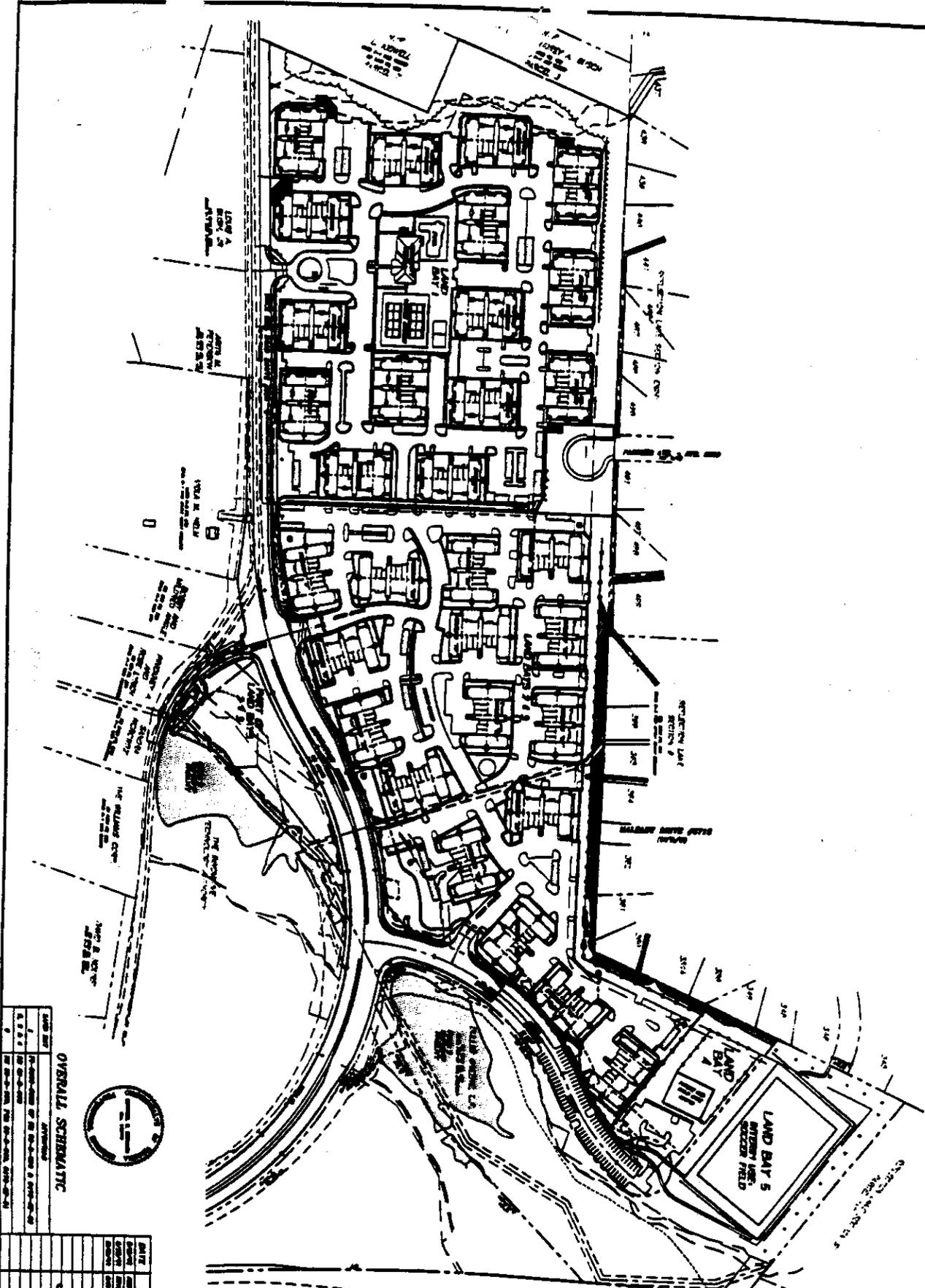
Cory DeSpain
Vice President

THE GREENS, L.P.

By: The Greens, Inc.,
General Partner

By: 

Cory DeSpain
Vice President



OVERALL SCHEMATIC

DATE	DESCRIPTION
11/11/03	PRELIMINARY
11/11/03	REVISIONS TO THE PRELIMINARY
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WASHINGTON DULLES ACCESS AND TOLL ROAD

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