

PROFFERS**RZ 1999-BR-008**

July 16, 1999

Pursuant to Section 15.2-2303 (A), Code of Virginia, 1950 as amended, Transamerican Construction, their successors and assigns, and owners for themselves, their successors and assigns (hereinafter referred to as the "Applicant"), the Applicant in RZ 1999-BR-008, filed for property identified on the Fairfax County tax map as 58-4 ((1)) 38A (hereinafter referred to as the "Application Property"), agrees to the following proffers, provided that the Fairfax County Board of Supervisors (hereinafter referred to as the "Board") approves the rezoning of the Application Property from the R-1 Zoning District to the R-2 Zoning District in conjunction with a Generalized Development Plan (GDP) for four single-family detached lots.

1. GENERALIZED DEVELOPMENT PLAN

- 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 GDP prepared by VIKA, Inc. dated June 8, 1999.
- b. Minor modifications from the GDP may be permitted when necessitated by sound engineering practices or other modifications which may be necessary as part of final engineering design in accordance with the Zoning Ordinance.
- c. All of the houses shall be located a minimum of 50 feet from the rear lot line.

2. TRANSPORTATION

- a. Prior to the issuance of the 4th Residential Use Permit (RUP), the Applicant shall construct curb and gutter within the right-of-way along the Application Property's Weirich Road frontage.

3. TREE SAVE AND PRESERVATION

- a. At the time of Subdivision Plan review, the Applicant shall designate on the Subdivision Plan the limits of clearing and grading consistent with the GDP to be observed during construction and, in addition, will designate any individual trees to be preserved on the lots. Such designation shall be subject to approval by the Urban Forestry Branch and shall not reduce the number of dwelling units. The limits of clearing and grading shall not extend closer than twenty (20) feet to the western property line of the Application Property to preserve the existing trees along that property line, subject to modification by the Urban Forestry Branch to permit the removal of diseased and undesirable trees, as determined by the Urban Forestry Branch, to enhance tree preservation on the site.

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- b. In addition prior to Subdivision Plan approval, a replacement value shall be assigned by the Urban Forester or an independent arborist approved by the Urban Forestry Branch to all healthy trees measuring ten (10) inches or larger in diameter which are designated to be preserved on the lots under the tree preservation plan approved by the Urban Forestry Branch. The limits of clearing and grading as shown on the GDP may be modified by the Urban Forestry Branch to permit the removal of diseased and undesirable trees, as determined by the Urban Forestry Branch, to enhance tree preservation on the site. At the time of Subdivision Plat approval, Applicant, or its successors and assigns, shall post in increments, as defined below, a cash bond or a letter of credit payable to the County of Fairfax in such an amount assigned as replacement value by the Urban Forestry Branch to ensure replacement of the designated trees. The calculated replacement value shall be reviewed and approved by the Urban Forester prior to posting the cash bond or letter of credit. The terms of the letter of credit shall be subject to approval by the County Attorney. The replacement value of each designated tree shall be determined according to the methods contained in the latest edition of the Valuation of Landscape Trees, Shrubs and Other Plants, published by the International Society of Arboriculture, and the amount of an incrementally posted cash bond or letter of credit will not exceed the sum of such assigned values or Ten Thousand Dollars (\$10,000.00). In the event the bond or letter of credit is called by Fairfax County for tree replacement, another bond or letter of credit of equal value will be posted within thirty (30) days of request by Fairfax County. The total dollar value of the bonds or the letters of credit shall not exceed the total established replacement value of the designated trees under the tree preservation plan approved by the Urban Forestry Branch as part of the Subdivision Plan approval.
- c. During construction, the Urban Forester and project arborist shall periodically inspect the project and determine if any of the designated individual trees are dead or dying due to acts of negligence of the Applicant or are due directly to the development of the project. The Applicant may then draw funds from the cash bond or letter of credit in order to remove and replace such dead or dying trees according to the assigned value as defined in the Valuation of Landscape Trees, Shrubs and Other Plants of such dead or dying trees.
- d. Any funds received by Fairfax County pursuant to this Proffer shall be utilized solely to replace designated trees to be saved on the Application Property.
- e. The letter of credit or cash bond will be released simultaneously when the Conservation Deposit for the subdivision is released.
- f. Landscaping as shown on the GDP shall be planted within the rear yards prior to the issuance of the corresponding RUP for the lot containing the plant material.

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4. STORMWATER MANAGEMENT

- a. The Applicant shall apply for a waiver of on-site stormwater management in order to preserve trees in the southwestern corner. Unless waived by DPWES, the Applicant may utilize bio-retention measures which are designed to maximize tree save and minimize land disturbance within the Application Property in lieu of a stormwater management pond as shown on the GDP to satisfy Public Facilities Manual standards, as approved by the Department of Public Works.

5. PARK AUTHORITY CONTRIBUTION

- a. Prior to the issuance of the 1st RUP, the Applicant shall contribute the sum of \$2,400.00 to the Starlit Ponds HOA for improvements to the existing tot lot area in the Starlit Ponds development.

6. HOUSING TRUST FUND

- a. At time of Subdivision Plan approval, the Applicant shall contribute 1% of the aggregate sales price of the units to Fairfax County for the County's housing trust fund for the provision of affordable housing.

7. CONSTRUCTION VEHICLES

All construction vehicles shall access the Application Property via Olley Lane and not via Pickett Road.

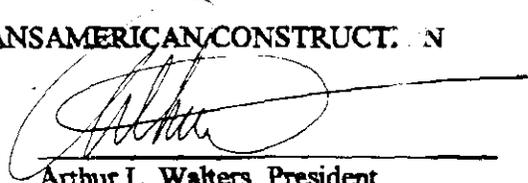
[SIGNATURES BEGIN ON FOLLOWING PAGE]

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CONTRACT PURCHASER/APPLICANT:

TRANSAMERICAN CONSTRUCTION

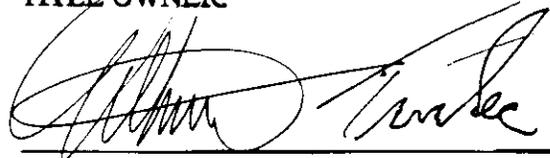
By:

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Arthur L. Walters, President

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TITLE OWNER:

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ARTHUR L. WALTERS, TRUSTEE