

PROFFERS

WASHINGTON HOMES, INC.

RZ 2000-MV-019

May 18, 2001

Pursuant to Section 15.2-2303(a) Code of Virginia, 1950, as amended, the owners and Washington Homes, Inc. (hereinafter referred to as the "Applicant"), for themselves, their successors, and assigns in RZ 2000-MV-019, filed for property identified as Tax Map 107-1 ((1)) 2, 107-2 ((1)) 30, 31, 32, 34, 35, 36, 37, 38, and 39, and 107-4 ((1)) 6 (hereinafter referred to as the "Application Property"), hereby proffers the following, provided that the Board of Supervisors approves a rezoning of the Application Property to the PDH-12 District in conjunction with a Conceptual/Final Development Plan (CDP/FDP) for residential development.

1. CONCEPTUAL/FINAL DEVELOPMENT PLAN -
 - a. Development of the Application Property shall be in substantial conformance with the CDP/FDP, consisting of eight sheets prepared by Patton, Harris, Rust & Associates, P.C. dated April 10, 2000 and revised through March 19, 2001.
 - b. Pursuant to Paragraph 4 of Section 16-403 of the Fairfax County Zoning Ordinance (the "Zoning Ordinance"), minor modifications from the CDP/FDP may be permitted as determined by the Zoning Administrator. The Applicant reserves the right to make minor adjustments up to 5% to the mix of unit types relative to the proposed single family attached and single family detached units, and to make minor adjustments to the layout, building orientation, internal lot lines, off-lot parking, and lot sizes of the proposed subdivision at time of subdivision plat or site plan submission based on final house locations, grading, building footprints, utility locations, and final engineering design, provided that such adjustments do not increase the total number of units nor decrease the amount and location of open space, tree save, parking, or distances to peripheral lot lines.
 - c. Notwithstanding that the CDP/FDP is presented on eight sheets and said CDP/FDP is the subject of Proffer 1a. above, it shall be understood that the CDP shall be the entire plan shown on Sheet 2 relative to the points of access, open space and the total number and general location of units and type of units. The Applicant has the option to request Final Development Plan Amendments ("FDPA") for elements other than CDP elements from the Planning Commission for all of or a portion of the CDP/FDP in accordance with the provisions set forth in Section 16-402 of the Zoning Ordinance, if the amendment is in conformance with the approved CDP and proffers.

- d. Applicant shall provide access to the adjacent parcel identified as 107-2 ((1)) 33 ("Parcel 33") as shown on the CDP/FDP as the "Alternative Plan for Plaskett Lane" subject to receipt of all necessary easements, temporary and permanent, and the execution of a private agreement addressing issues of landscaping and architectural treatment on the side of the Parcel 33 lots which are adjacent to the private street and reasonable signage easements, which private agreement shall be pursued in good faith at time of subdivision plat or site plan submission. Documentation of efforts to reach an agreement shall be submitted to DPWES upon request. Said access shall connect to a private street 36' wide within a 50' wide right of way and subject to mutual access agreements. Minor modifications to the location of the roadway and actual point of access may be permitted at time of final engineering. In the alternative, if necessary easements are not granted, applicant shall provide Parcel 33 access to the private street network shown on the CDP/FDP in a location within Applicant's discretion subject to Public Facilities Manual Standards and DPWES approval.
- e. Notwithstanding that shown on the CDP/FDP, a stormwater management pond shall be constructed by others on that property identified as 107-1 ((1)) 2 ("Parcel 2") for the benefit of the property subject to RZ 1999-MV-053 by its applicant as per a private agreement between the Applicant and the developer of Parcel 2. Such agreement shall be pursued in good faith at time of subdivision plat or site plan submission for the Application Property. Documentation of efforts to reach an agreement shall be submitted to DPWES upon request. As an alternative, Applicant may construct units as shown on the CDP/FDP if 1) RZ 1999-MV-053 is not approved, 2) an alternative site for RZ 1999-MV-053 SWM/BMP Pond is approved by DPWES, 3) a waiver of SWM/BMP requirements for RZ 1999-MV-053 is granted by DPWES, or 4) applicant of RZ 1999-MV-053 fails to enter into a private agreement to allow for the construction of the SWM Pond on Parcel 2 with the Applicant.

2. TRANSPORTATION -

- 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 approximately forty-five (45) feet from the design centerline along the Application Property's Silverbrook Road frontage as shown on the CDP/FDP. Dedication shall be made at time of recordation of the first subdivision plat or site plan, or upon demand from either Fairfax County or VDOT, whichever shall first occur.

- b. Subject to VDOT and DPWES approval, the Applicant shall construct frontage improvements to Silverbrook Road measuring approximately thirty-five (35) feet from design centerline within the dedicated right-of-way as shown on the CDP/FDP.

- c. Access Road
 - i. Subject to VDOT and DPWES approval, Applicant shall dedicate to the Board of Supervisors in fee simple sufficient property to allow for the construction of a fifty-two (52) foot roadway within a seventy (70) foot public right-of-way as shown on the CDP/FDP. (the "Access Road")

 - ii. Said Access Road shall serve as a joint access to the Application Property and the community to the north (subject to RZ 1999-MV-053, known as the Wheeler Property, and identified among the Fairfax County tax map records as 107-1((1))1). Right of way dedication shall be made at time of recordation of the first subdivision plat or site plan for the Application Property or the Wheeler Property, or upon demand from either Fairfax County or VDOT, whichever shall occur first.

 - iii. Should RZ 1999-MV-053 not be approved by the Board of Supervisors, Applicant shall make all reasonable efforts to acquire the property necessary for the construction of the Access Road as shown on the CDP/FDP. In the event the Applicant is not able to acquire the right-of-way and associated utility and construction easements necessary for the Access Road, Applicant shall submit a written request to Fairfax County to acquire the right-of-way and associated utility and construction easements by means of its condemnation powers. In conjunction with such request, the Applicant shall forward to the appropriate County agency: (1) plat, plans and profiles showing the necessary right-of-way and/or easements to be acquired; (2) an appraisal, prepared by an independent appraiser approved by the County, of the value of the property to be acquired and of all damages, if any, to the residue; (3) a sixty (60) year title search certificate of the property to be acquired; and (4) cash in an amount equal to appraised value of the property and of all damages to the residue. In the event the owner of the property is awarded more than the appraised value of the property and of the damages to the residue in a condemnation suit, the amount of the award in excess of cash amount shall be paid to the County by the Applicant within fifteen (15) calendar days of said award. It is understood that

all other costs incurred by the County in acquiring the property shall be paid to the County by the Applicant upon demand. Prior to and during the contemplated condemnation proceedings described above, the Applicant, its successors and assigns, shall be permitted to submit, process and receive approval of subdivision plat(s) or site plan(s) and development permits for other portions of the Application Property as described herein.

- iv. The Access Road described herein may be the subject of a public improvement plan processed separately. Said public improvement plan may be processed concurrently with subdivision plat(s) or site plan(s) for other portions of the Application Property.
 - v. Building permits shall not be requested for residential development until such time as the Access Road is bonded. This limitation shall not preclude the Applicant from clearing, grading and the installation of utilities on the Application Property in accordance with approved plans subject to a temporary access to Silverbrook Road. The Access Road shall be constructed to base pavement and open to traffic prior to the issuance of any Residential Use Permits for the Application Property. This shall not be construed as a requirement that the Access Road has been final paved or accepted for State maintenance. Access Road shall be completed and accepted for State maintenance prior to bond release.
 - vi. The Access Road described herein shall tie into existing Silverbrook Road at a planned median break as shown on the CDP/FDP.
- d. The private streets shown on the CDP/FDP shall be constructed of materials and depth of pavement consistent with the Public Facilities Manual Standards for public streets. Purchasers shall be advised of the requirement to maintain private streets and estimated costs prior to entering into a contract of sale. This requirement to maintain the street as constructed and the estimated maintenance costs shall be included in the homeowners association documents prepared for the Application Property.
- e. Applicant shall provide written notice to initial prospective contract purchasers of the temporary nature of the cul-de-sac at the terminus of the Access Road and its future extension with sidewalks to the property identified as tax map 106-4 ((1)) 54. The homeowners' association documents shall also include said notification. A sign shall

be installed at the terminus stating that the access road will be extended in the future. Applicant shall grade the area for the future extension as reasonably as possible to the property line without installation of a retaining wall. Applicant shall escrow with DPWES an amount, as determined by DPWES in accordance with current Fairfax County bonding prices, equivalent to the cost of a future extension as may be located on the Application Property. During the final engineering, the proposed road elevations shall consider the off-site topography to the north in order to ensure the ability to extend the road, and designed grade line shall be established at the future road centerline for approximately 300 feet past the property line.

- f. Applicant shall install a bus shelter concurrent with construction of the proposed single-family detached units within the dedicated right-of-way of realigned Silverbrook Road in a location to be determined by the Department of Transportation in coordination with the Applicant at time of subdivision plat approval for the proposed single-family detached units. This proffer shall not require individual bus turn-outs or special lanes.
- g. At time of subdivision plat approval for the proposed single-family detached units, Applicant shall contact the Fairfax County School Board to coordinate the relocation of the existing Fairfax County public school bus stop in the vicinity of the Application Property to ensure child safety at Applicant's cost. Said coordination shall consist of the submission of a written request to the Fairfax County School Board requesting evaluation of the existing public school bus stop and an offer to relocate said stop at the expense of the Applicant. Said written request shall include a specific period of time during which a response is required. If requested to do so, Applicant shall relocate the bus stop within sixty (60) days of receipt of request. This proffer shall not require individual bus turn-outs or special lanes or acquisition of property. Should a request from the Fairfax County School Board to relocate the public school bus stop not be received at time of final bond release for the single family detached units, there shall be no further obligations under this proffer.
- h. Subject to VDOT and DPWES approval, Applicant shall construct a left turn lane from Silverbrook Road to Plaskett Lane as shown on the CDP/FDP.
- i. On or before final bond release for the proposed development, and as a condition thereto, Applicant shall deposit into an escrow account, owned and controlled by the homeowners' association established for the proposed development, the amount of

fifteen thousand dollars (\$15,000.00). This escrow shall be utilized by the homeowners association for future maintenance of the private streets within the community. Using the Board of Supervisors approval date of the rezoning application as the base date, the payment amount shall be adjusted in accordance with the Construction Cost Index at time of payment.

- j. The Applicant shall construct an eight (8) foot wide asphalt trail within the dedicated right-of-way of Silverbrook Road as shown on the CDP/FDP. Said trail shall be constructed concurrent with the improvements to Silverbrook Road.
- k. The Applicant shall construct trails and concrete sidewalks within the Applicant's residential development as shown on the CDP/FDP. In addition, a pedestrian connection shall be provided from Fleenor Lane to the parcel to be dedicated to the Fairfax County Park Authority as described herein. Said connection may utilize those areas identified as access roads to maintain proposed SWM ponds. A pedestrian public access easement shall be granted over said trails and sidewalks.
- l. Applicant reserves density credit as may be permitted by the provisions of Paragraph 4 of Section 2-308 of the Zoning Ordinance for all dedications described herein or as may be reasonably required by Fairfax County or VDOT whether such dedications occur prior to or at time of subdivision plat and/or site plan approval.
- m. Initial purchasers shall execute a disclosure memorandum at time of contract acknowledging that the homeowners association, and the owner of the multi-family residential dwelling units, shall be responsible for their pro-rata share of the maintenance of all of the private streets in the development. The homeowners association documents shall specify that the homeowners association is responsible for the maintenance of the private streets.
- n. Applicant shall provide a bike storage facility that holds a minimum of twelve (12) bikes in proximity to the multi-family portion of the Application Property.
- o. Applicant shall contribute to the Board of Supervisors the sum of Five Hundred Dollars (\$500.00) per market rate for sale approved single family detached and single family attached residential dwelling unit at time of subdivision plat or site plan approval for road improvements in the Lorton area. The contribution shall be made to the Lorton Area Road Fund. Using the Board of Supervisor's approval date of the rezoning

application as a base date, the payment amount shall be adjusted in accordance with the Construction Cost Index at time of payment.

- p. The Applicant shall stripe a crosswalk at the intersection of Plaskett Lane and Silverbrook Road to facilitate pedestrian access. Applicant shall provide signs, in coordination with, and as approved by, VDOT, to facilitate pedestrian access at this intersection.
- q. To minimize the number of vehicles accessing Plaskett Lane, prior to the issuance of any Residential Use Permits for the single family attached or multifamily units on the Application Property, Applicant shall install a concrete "pork chop" island to create a right turn movement at the intersection of the streets where the single-family attached units transition to detached units, which is south of the recreation amenity area shown on the CDP/FDP. Subsequent to the issuance of the last building permit within the Application Property, at the option of the Applicant or successor, the pork chop island may be removed upon approval by VDOT and Fairfax County DOT of a traffic study or studies prepared by the Applicant or successors. The pork chop may be removed if it is determined by said traffic study that the pork chop is ineffective at minimizing the number of vehicles accessing Plaskett Lane, or that alternatives presented in the study are equally as, or more effective than, the pork chop, or an unsafe condition is created at the Access Road due to increased traffic. A copy of the study and all correspondence related thereto prepared by the Applicant or successor shall be provided to the Gunston Corner Homeowners Association when that material is transmitted to VDOT and Fairfax County.
- r. All major construction traffic (i.e. heavy duty machinery and/or dump trucks) will be limited to access on Silverbrook Road only. No construction vehicles shall be parked on Plaskett Lane.

3. LANDSCAPING AND OPEN SPACE –

- a. Applicant shall provide landscaping on the Application Property as generally shown on the CDP/FDP. Final selection of tree species shall be made at time of subdivision plat or site plan approval based on availability of plant material. Applicant shall endeavor to utilize tree species native to the area. Applicant shall incorporate magnolia trees in the landscaping installed at the entrances to the Application Property.

- b. At the time of subdivision plat or site plan review, the Applicant shall designate the limits of clearing and grading, as generally shown on the CDP/FDP, to be observed during construction on the subdivision plat or site plan. The Applicant shall retain a certified arborist to prepare a tree preservation plan to be reviewed by the Urban Forestry Division as part of the first subdivision plat or site plan submission. The tree preservation plan shall consist of a tree survey which includes the location, species, size, crown spread and condition rating percentage of all trees twelve (12) inches or greater in diameter ten (10) feet to either side of the proposed limits of clearing and grading for the tree save area shown on the CDP/FDP. The condition analysis shall be prepared using methods outlined in the latest edition of *The Guide for Plant Appraisal*. Specific tree preservation activities designed to maximize the survivability of trees designated for preservation shall be provided. Activities may include, but are not limited to, crown pruning, root pruning, mulching, and fertilization. Such measures shall not reduce the number or alter the size of proposed dwelling units.
- c. All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence, silt fence or diversion dikes. Tree protection fencing shall be erected at the limits of clearing and grading for all tree save areas. The tree protection fencing shall be made clearly visible to all construction personnel. The fencing shall be installed prior to any clearing and grading activities on the Application Property, including the demolition of any existing structures. The installation of tree protection fence shall be performed under the supervision of a certified arborist. Prior to the commencement of any clearing, grading, or demolition activities, the project's certified arborist shall verify in writing that the tree protection fence has been properly installed.
- d. Applicant shall provide plantings equivalent to transitional screening 1 to supplement existing vegetation adjacent to property identified as tax map 107-4((1))3, subject to the approval of the Urban Forestry Division.
- e. As necessary and subject to the approval of DPWES, Applicant may record a conservation easement at time of first subdivision or site plan approval, subject to minor necessary encroachments for grading, and the installation of trails and utilities. Applicant shall dedicate an area in the northeast corner of the Application Property, and identified as "preservation area" on the CDP/FDP, in fee simple containing approximately 6.2 acres to the Fairfax County Park Authority concurrent with recordation of the conservation easement.

- f. Subject to the approval of VDOT, Applicant shall relocate the proposed sanitary sewer easement shown on the CDP/FDP that is in proximity to the preservation area described above to a location within the VDOT right of way. At time of the first subdivision plat or site plan approval, Applicant shall provide evidence to DPWES of the request submitted to VDOT and its response, which shall include the reasons for the proposed relocation.
- g. Applicant shall minimize runoff from the proposed development at the limits of disturbance of the proposed development above the preservation area to avoid erosion of existing slopes as shown on the CDP/FDP. Means for runoff control during the construction phase of the project shall include diversion dikes, or other means approved by DPWES, and drainage swales, or other methods approved by DPWES, for the ultimate condition.
- h. Applicant shall provide landscaping on individual lots consistent with the typical landscape details shown on the CDP/FDP.
- i. Applicant shall use all reasonable efforts up to an expenditure of Ten Thousand Dollars (\$10,000.00) in construction and preservation activities (exclusive of engineering and designs costs) to preserve existing trees shown within a tree save area in proximity to the westernmost stormwater management pond on the CDP/FDP. The Applicant shall determine, in coordination with the Urban Forester, whether it is possible to save these trees at time of final engineering. Should the Applicant not be able to preserve existing trees, trees shall be planted in this area at time of construction, which shall include the transplantation of trees from other areas of the Application Property, at an expense not to exceed Ten Thousand Dollars (\$10,000.00). Transplanted trees shall be a minimum of two and one-half inches in caliper.
- j. Subject to the receipt of the necessary easements, Applicant shall plant a minimum of six evergreen trees, a minimum of six (6) feet in height at time of planting along Plaskett Lane, with at least two of the evergreens on property located immediately across from Application Property's access to Plaskett Lane to provide additional screening. Evergreen trees shall be planted along Plaskett Lane subject to existing conditions including privacy fences, right-of-way and utilities, and may be located on Application Property. This proffer shall not be construed as an obligation to relocate right-of-way or utility lines, or to maintain trees in the future that are not located on the Application Property. Trees shall be planted concurrent with the installation of

landscaping on the Application Property. Documentation of efforts to obtain easements shall be submitted to DPWES upon request.

4. PARKS AND RECREATION -

Pursuant to Paragraph 2 of Section 6-110 and Section 16-404 of the Zoning Ordinance regarding developed recreational facilities, the Applicant shall expend the sum of Nine Hundred Fifty-Five Dollars (\$955.00) per approved dwelling unit for on-site recreation facilities which will include, but not be limited to: a bath house, pool(s), a multi-purpose court, a tennis court, trails (exclusive of the trail along Silverbrook Road), and a tot lot as shown on the CDP/FDP. Additional recreation facilities may be provided for the multi-family portion of the Application Property in proximity to the multi-family units. The balance of any funds not expended on-site shall be contributed to the Fairfax County Park Authority for the maintenance and/or acquisition of recreation facilities located in the vicinity of the Application Property.

5. STORMWATER MANAGEMENT -

- a. The Applicant shall provide stormwater management (SWM) and Best Management Practices (BMP) as determined by DPWES in the locations as generally shown on the CDP/FDP and in accordance with the requirements of the Public Facilities Manual and Chesapeake Bay Preservation Ordinance, unless waived or modified by DPWES. In the event that on-site stormwater management is waived or modified by DPWES, removal or modification of the SWM ponds shown on the CDP/FDP shall not require the approval of a proffered condition amendment or an amendment to the CDP/FDP. Should one or more of the proposed SWM ponds be waived or modified by DPWES, that area not utilized as a SWM pond shall remain as open space owned by the homeowners association established for the community, subject to the installation of utilities in the least disruptive manner.
- b. In no event shall the SWM pond and outfall located in the northeast corner of the Application Property be constructed within the preservation area identified on the CDP/FDP.
- c. In order to restore a natural appearance to the proposed SWM ponds, a landscape plan shall be submitted at time of subdivision plat or site plan submission showing

landscaping, in addition to that shown on the CDP/FDP, around the ponds to the greatest extent possible in keeping with the planting policies of DPWES.

- d. In order to minimize siltation and erosion impacts downstream of the Application Property, Applicant shall install super-silt fencing in specific location(s) as approved by DPWES prior to and for the duration of any land disturbing activity.

6. NOISE ATTENUATION -

- a. Prior to final subdivision plat or site plan approval, the Applicant shall provide a revised noise analysis based on final site grades and future traffic volumes to DPWES for review and approval in accordance with the established guidelines for noise analysis at time of rezoning approval. The noise analysis shall utilize standard measures to evaluate noise, and shall demonstrate that exterior noise levels for both ground and upper story levels of any unit does not exceed DNL 75 dBA and that exterior noise within the privacy yards and outdoor recreational areas are reduced to below DNL 65 dBA.
- b. For privacy yards and outdoor recreational areas exposed to noise levels above DNL 65 dBA but below DNL 70dBA, solid wood privacy fences shall be considered as a sound attenuation measure. These fences shall conform with Zoning Ordinance regulations. The applicant must demonstrate to DPWES and DPZ satisfaction that the fences are of sufficient design and height to adequately shield the impacted areas from the source of the noise.
- c. In order to reduce interior noise to a level of approximately DNL 45 dBA, units within a highway noise impact zone of DNL 65-70 dBA shall employ the following acoustical treatment measures:
 - i. Exterior walls shall have a laboratory sound transmission class (STC) rating of at least 39.
 - ii. Doors and windows shall have a laboratory STC rating of at least 28 unless windows constitute more than 20% of any façade exposed to noise levels of DNL 65 dBA or above. If glazing constitutes more than 20% of an exposed facade, then the windows should have a STC rating of at least 39.
 - iii. All surfaces shall be sealed and caulked in accordance with methods approved by

the American Society for Testing and Materials (ASTM) to minimize sound transmission.

- d. In order to reduce interior noise to a level of approximately DNL 45 dBA, units within a highway noise impact zone of DNL 70-75 dBA shall employ the following acoustical treatment measures:
 - i. Exterior walls shall have a laboratory sound transmission class (STC) rating of at least 45.
 - ii. Doors and windows shall have a laboratory STC rating of at least 37 unless windows constitute more than 20% of any façade exposed to noise levels of DNL 65 dBA or above. If glazing constitutes more than 20% of an exposed façade, then the windows should have an STC rating of at least 45.
 - iii. All surfaces shall be sealed and caulked in accordance with methods approved by the American Society for Testing and Materials (ASTM) to minimize sound transmission.
- e. Applicant shall not construct residential units within any areas that exceed DNL 75 dBA as shown in the noise analysis unless appropriate noise mitigation measures are provided as approved by DPWES, to bring noise levels to DNL 75 or less. Exterior noise mitigation measures may include a sound attenuation wall and/or berm-wall combination, subject to DPWES and DPZ approval. The wall or berm-wall shall be built of materials acceptable to VDOT and shall be located near the edge of the right-of-way for I-95 or in an alternative location as approved by DPWES. The structure must be architecturally solid from the ground up with no gaps or openings and of sufficient height to adequately shield the impacted areas from the source of the noise. The wall shall conform to the height requirements of the Zoning Ordinance or Applicant shall apply for and receive approval of a variance from the Board of Zoning Appeals.
- f. Nothing herein shall be construed to restrict or otherwise limit the use of balconies, patios or decks on residential units. All balconies of multifamily units facing Interstate 95, and not screened by the parking structure, shall be enclosed.

- g. No residential units shall be constructed with 200 feet of the Interstate 95 (South) right-of-way as shown on the CDP/FDP. This restriction shall not apply to garages or other non-residential structures.

7. AFFORDABLE HOUSING -

Applicant shall comply with the Affordable Dwelling Unit (ADU) program as set forth in Part 8 of Article 2 of the Zoning Ordinance. The number of ADUs to be provided may be reduced based on the adoption of a future amendment to the provisions of the ADU Ordinance. Affordable dwelling units shall be provided within the multi-family portion of the development.

8. HERITAGE RESOURCES -

- a. Prior to any land disturbing activities on the Application Property, Applicant shall conduct a Phase II archaeological study on that area identified on the Application Property as Site 107-2#P21. The studies shall be performed by a qualified archaeological professional approved by the Fairfax County Heritage Resources Branch ("Heritage Resources"). The results shall be reviewed and approved by Heritage Resources. In the event that a Phase III archaeological study is warranted on this site, Applicant shall conduct said study at a cost not to exceed Ten Thousand Dollars (\$10,000.00).
- b. Prior to any land disturbing activities on the Application Property, Applicant shall provide access to the Application Property to Heritage Resources to conduct archaeological studies on the Application Property, provided that said studies shall not interfere with the proposed construction schedule of the Application Property or affect the number of lots or lot layout as shown on the CDP/FDP. Access shall be allowed for Heritage Resources to conduct such studies for a period up to six months from the final date of this rezoning approval unless otherwise mutually agreed to by the Applicant and Heritage Resources. The Applicant shall provide notification to Heritage Resources of the final date of this rezoning approval within one week of its approval. The Applicant shall also make the Application Property available to Heritage Resources for monitoring during construction for the purpose of recovering any artifacts that may be exposed. Said studies shall not interfere with the construction schedule of the Application Property.

- c. The Applicant shall retain ownership of all artifacts found on the Application Property. Applicant shall offer any artifacts found on the Applicant Property to Heritage Resources prior to discarding.

9. MISCELLANEOUS -

- a. Each reference to Applicant in this proffer statement shall include within its meaning, and shall be binding upon, Applicant's successor(s) in interest, assigns and/or developer(s) of the Application Property or any portion of the Application Property.
- b. These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document and all of which taken together shall constitute but one and the same instrument.
- c. The Access Road shall be constructed as described herein. All other improvements shall be phased to be constructed with each phase of the development of the Application Property.
- d. The Applicant shall establish a homeowners' association for the proposed development to own, manage and maintain the open space including the common tree save areas, and all other community owned land and improvements. Restrictions placed on the use of the open space/buffer areas, and maintenance responsibilities of the homeowners association, including maintenance of sidewalks and private streets, shall be disclosed to all prospective homeowners in a disclosure memorandum at time of contract execution and included in the homeowners association documents.
- e. A covenant shall be recorded which provides that garages shall only be used for a purpose that will not interfere with the intended purpose of garages (e.g., parking of vehicles). This covenant shall be recorded among the land records of Fairfax County in a form approved by the County Attorney prior to the sale of any lots and shall run to the benefit of the homeowners association, which shall be established, and the Fairfax County Board of Supervisors. Purchasers shall be advised of the use restriction prior to entering into contract of sale. This restriction shall also be included in the homeowners association documents.
- f. If requested by DPWES during site plan review, the Applicant shall have a geotechnical study of the Application Property prepared by a geotechnical engineer,

shall submit the report to DPWES for review and approval and shall implement the recommendations outlined in the approved study.

- g. Homes constructed on the Application Property shall meet thermal guidelines of the Virginia Power Energy Saver Program for energy-efficient homes or its equivalent, as determined by DPWES, for either electrical or gas energy systems.
- h. That portion of the Application Property currently identified as tax map 107-1 ((1)) 2 may be the subject of a separate subdivision plat submitted by others to be reviewed and approved by DPWES.
- i. Applicant shall contribute the sum of One Thousand Two Hundred Dollars (\$1,200.00) per approved market rate for sale single family detached unit and Seven Hundred Fifty (\$750.00) per approved single family attached unit to Fairfax County for the construction of the proposed South County Secondary School as stated in the 2001 Capital Improvement Program. Said contribution shall be made payable to the Fairfax County Board of Supervisors at time of site plan and/or subdivision plat approval for each section of residential development.
- j. No temporary signs (including "popsicle" style paper or cardboard signs) which are prohibited by Article 12 of the Zoning Ordinance, and no signs which are prohibited by Chapter 7 of Title 33.1 or Chapter 8 of Title 46.2 of the Code of Virginia shall be placed on- or off-site by the Applicant or at the Applicant's direction to assist in the initial marketing and sale of homes on the Application Property. Furthermore, the Applicant shall direct its agents and employees involved in marketing and/or home sales for the Application Property to adhere to this proffer.
- k. The façade of the dwelling unit located on proposed Lot 252 facing Plaskett Lane shall be similar to the front façade, and shall be designed to include no less than three architectural features such as windows, doors and/or brick, stucco or stone facing reaching at least the height of the first floor level.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

Proffers
RZ 2000-MV-019

APPLICANT/CONTRACT PURCHASER:

WASHINGTON HOMES, INC.

By: 

Name: TOM FELLERITO

Title: PRESIDENT HOMEBUILDING + C.O.O.

Proffers
RZ 2000-MV-019

OWNERS: Tax Map 107-4 ((1)) 6
LEATHERS FLEENOR COMPANY

By: *Benjamin D. Leigh* *Agent & Attorney in fact for*
Benjamin D. Leigh, Agent and Attorney-in-fact for *Leathers*
LEATHERS FLEENOR COMPANY *Fleenor*
Company

Proffers
RZ 2000-MV-019

OWNERS: Tax Map 107-2 ((1)) 39

BRYAN R. SCHULTZ

By: *B.D. Leigh* Agent & Attorney-in-Fact for
Benjamin D. Leigh, Agent and Attorney-in-fact for *Bryan*
BRYAN R. SCHULTZ *R.*
Schultz

MARTHA B. SCHULTZ

By: *B.D. Leigh* Agent & Attorney-in-Fact for
Benjamin D. Leigh, Agent and Attorney-in-fact for *Martha*
MARTHA B. SCHULTZ *B.*
Schultz

Proffers
RZ 2000-MV-019

OWNERS: Tax Map 107-2 ((1)) 37 and 38

Glenn W. Hall

GLENN W. HALL 20 MAY 2001

Margaret H. Mahon

MARGARET H. MAHON 20 May 2001

Proffers
RZ 2000-MV-019

OWNERS: Tax Map 107-2 ((1)) 36

David Wease 5-20-01
DAVID A. WEASE

Jennifer L. Wease 5-20-01
JENNIFER L. WEASE

Proffers
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OWNER: Tax Map 107-2 ((1)) 35

A handwritten signature in cursive script, appearing to read "Charles A. Harrover", written in black ink.

CHARLES A. HARROVER

Proffers
RZ 2000-MV-019

OWNER: Tax Map 107-2 ((1)) 34

John E. Cowles, Trustee
JOHN E. COWLES, Trustee

OWNERS: Tax Map 107-2 ((1)) 32

KENNETH BLUNT, JR.

By: *B.D. Leigh* Agent & Attorney in Fact for Kenneth Blunt, Jr.
Benjamin D. Leigh, Agent and Attorney-in-fact for
KENNETH BLUNT, JR.

LUCILLE BLUNT

By: *B.D. Leigh* Agent & Atty in Fact for Lucille Blunt
Benjamin D. Leigh, Agent and Attorney-in-fact for
LUCILLE BLUNT

JOHN D. BLUNT

By: *B.D. Leigh* Agent & Attorney in Fact for John D. Blunt
Benjamin D. Leigh, Agent and Attorney-in-fact for
JOHN D. BLUNT

JANET M. BLUNT

By: *B.D. Leigh* Agent & Attorney in Fact for Janet M.
Benjamin D. Leigh, Agent and Attorney-in-fact for *Blunt*
JANET M. BLUNT

LETHA M. PATERMATER

By: *B.D. Leigh* Agent & Attorney in Fact for Letha
Benjamin D. Leigh, Agent and Attorney-in-fact for *M.*
LETHA M. PATERMATER *Patermater*

JOSEPH L. ROGERS

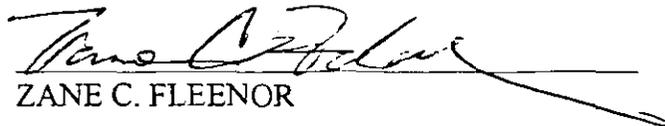
By: *B.D. Leigh* Agent & Atty in Fact for Joseph L.
Benjamin D. Leigh, Agent and Attorney-in-fact for *Rogers*
JOSEPH L. ROGERS

AUDREY D. ROGERS

By: *B.D. Leigh* Agent & Atty in Fact for *Audrey*
Benjamin D. Leigh, Agent and Attorney-in-fact for *D. Rogers*
AUDREY D. ROGERS *D. Rogers*

Proffers
RZ 2000-MV-019

OWNERS: Tax Map 107-2 ((1)) 31


ZANE C. FLEENOR


CINDY M. FLEENOR

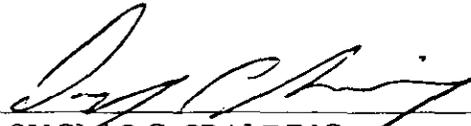
Proffers
RZ 2000-MV-019

OWNER: Tax Map 107-2 ((1)) 30
CENTURION DEVELOPMENT CORPORATION

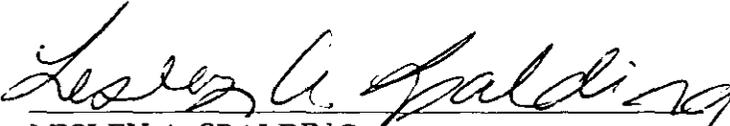
By: *Ben D. Leigh, Agent & Attorney in Fact for*
Benjamin D. Leigh, Agent and Attorney-in-fact for *Centurion*
CENTURION DEVELOPMENT CORPORATION *Development*
Corporation

Proffers
RZ 2000-MV-019

OWNERS: Tax Map 107-1 ((1)) 2

 5/20/01

DOUGLAS C. SPALDING

 5/20/01

LESLEY A. SPALDING