

PROFFERS

RZ 2000-LE-028 CATON FAMILY LIMITED PARTNERSHIP

January 22, 2001

Pursuant to Section 15-2.2303A of the 1950 Code of Virginia, as amended, the undersigned applicant and owners, for themselves and their successors or assigns, (hereinafter referred to as "Applicant") hereby proffer the following conditions provided the Subject Property is rezoned as proffered herein.

1. **Generalized Development Plan.** Subject to the provisions of Section 18-204 of the Fairfax County Zoning Ordinance, development of the property shall be in conformance with the plan entitled "Caton/Springfield, Generalized Development Plan" ("GDP"), prepared by Dewberry & Davis, revised as of December 13, 2000.
2. **Energy Saving.** All homes on the property shall meet the thermal guidelines of the Virginia Power Energy Saver Program for energy-efficient homes or its equivalent, as determined by the Department of Public Works and Environmental Services ("DPWES") for either electric or gas energy systems, as applicable.
3. **Tree Preservation.** The Applicant shall conform to the limits of clearing and grading shown on the GDP, subject to modifications for the necessary installation of trails, utility lines and stormwater management facilities as approved by DPWES. If any trails, utility lines, or stormwater management facilities are required to be located within the area protected by the limits of clearing and grading, they shall be located and installed in the least disruptive manner feasible, considering cost and engineering, as determined by DPWES, and subject to County Urban Forester approval. The Applicant shall retain the services of an arborist certified by the International Society of Arboriculture, who shall prepare a tree preservation plan that will be submitted with the construction plans for the subdivision. The Applicant 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 shall walk the limits of clearing and grading with an Urban Forestry

Division representative and the Applicant's certified arborist to determine where minor adjustments to the clearing limits can be made to increase the survivability of trees at the edge of the limits of clearing and grading. All trees shown to be preserved on the tree preservation plan shall be protected by a tree protection fence. A tree protection fence in the form of four (4) foot high, 14 gauge welded wire attached to six (6) foot steel posts driven eighteen inches (18") into the ground and placed no further than ten feet (10') apart shall be erected at the limits of clearing and grading for all proposed tree preservation areas. The clearing limits adjacent to any tree preservation area shall be trenched with a vibratory plow or trencher to a minimum depth of twenty-four inches (24"). To reduce the impacts of clearing and grading on the health of the trees shown to be preserved, shredded hardwood bark or equivalent mulch material shall be applied at a depth of three (3) to four (4) inches, ten feet (10') inside of all established tree preservation areas. Trees that are not likely to survive construction due to their species and/or their proximity to disturbance will also be identified at this time and the Applicant shall be given the option of removing them as part of the clearing operation. Any tree that is designated for removal, at the edge of the limits of clearing and grading or within a tree preservation area, shall be removed using a chain saw to avoid damage to surrounding trees. If a stump must be removed, and the stump's proximity to existing trees that are designated for preservation would endanger said trees if heavy equipment was used to remove the stump, then, in that event, the removal of the stump shall be accomplished by using a stump grinding machine in a manner causing as little disturbance as possible to said existing trees. If any trees within the area designated to be preserved are destroyed as a result of the Applicant's construction activities, the Applicant will provide appropriate replacement trees in terms of species, size and quantity as determined by the Urban Forestry Division pursuant to Section 12-403 of the Public Facilities Manual.

4. **Tree Relocation Plan.** In order to preserve additional trees on-site, the Applicant's certified arborist shall prepare a tree relocation plan to transfer sapling-sized holly trees and Mountain Laurel on-site to preserve them. This plan shall be submitted with the construction plans for the subdivision. Specifically, existing holly trees and Mountain Laurel, worthy of transplantation, as identified by the Urban Forester and the Applicant's certified arborist on a tree relocation plan,

shall be relocated from the areas proposed to be disturbed to the conservation easement area on the western, northern and eastern borders of the site.

5. **Stormwater Management Pond Landscaping.** In order to restore a natural appearance to the proposed stormwater management ponds, the landscape plan submitted as part of the first submission of the subdivision plan, shall show the maximum feasible amount of landscaping that will be allowed in the planting areas of the pond, in keeping with the planting policies of DPWES and the Applicant shall install said landscaping in accordance with said plan. In the alternative, the Applicant shall provide a rain garden design within the stormwater management area in lieu of a typical stormwater management pond, if approved by DPWES.
6. **Conservation Easement.** At the time of recordation of the record plat for the subdivision, the Applicant shall create and record a conservation easement in the areas shown on the GDP to preserve existing vegetation and to supplement said vegetation as provided in paragraph 4 hereinabove. Said easement shall run to the benefit of the Northern Virginia Conservation Trust or the Board of Supervisors of Fairfax County. If neither entity accepts this easement, the easement shall run to the benefit of the homeowners' association established for the common area. The form of the easement shall be subject to the review and approval of the County Attorney.
7. **Road Dedication/Trail Construction.** At the time of subdivision plan approval, or upon demand by Fairfax County, whichever occurs first, the Applicant shall dedicate an area of additional right-of-way twenty feet (20') in width along the Franconia-Springfield Parkway. This additional right-of-way, as shown on the GDP, shall be dedicated and conveyed to the Board of Supervisors in fee simple. The Applicant shall also construct a trail along the Franconia-Springfield Parkway as shown on the GDP.
8. **Homeowners' Association.** The Applicant shall establish a homeowners' association for the proposed development to own, manage and maintain the open space areas and all other community-owned land and improvements.

9. **Noise Attenuation.** With reference to the Franconia-Springfield Parkway, the Applicant shall provide the following noise attenuation measures:

(a) In order to achieve a maximum interior noise level of approximately 45 dBA Ldn, the Applicant proffers that all residential units within 380 feet from centerline of the Franconia-Springfield Parkway impacted by highway noise having levels between 65 and 70 dBA Ldn, shall have the following acoustical attributes:

1. Exterior walls will have a laboratory Sound Transmission Class ("STC") of at least 39.
2. Doors and glazing will have a laboratory STC of at least 28. If glazing constitutes more than twenty percent (20%) of any façade, they shall have the same laboratory STC rating as walls.
3. Adequate measures to seal and caulk between surfaces will be provided.

(b) In order to achieve a maximum interior noise level of approximately 45 dBA Ldn, the Applicant proffers that all residential units within 175 feet from centerline of the Franconia-Springfield Parkway impacted by highway noise having levels between 70 and 75 dBA Ldn, shall have the following acoustical attributes:

1. Exterior walls will have a laboratory Sound Transmission Class ("STC") of at least 45.
2. Doors and glazing will have a laboratory STC of at least 37. If glazing constitutes more than twenty percent (20%) of any façade, they shall have the same laboratory STC rating as walls.
3. Adequate measures to seal and caulk between surfaces will be provided.

- (c) In order to achieve a maximum exterior noise level of 65 dBA Ldn for patio areas, unshielded by topography or built structures on the Subject Property, as determined by DPWES, the Applicant shall construct an acoustical noise wall along the Franconia-Springfield Parkway frontage of the site. A seven foot (7') high (architecturally solid, no gaps) wooden acoustical fence located on top of a three foot (3') high berm with a 2 to 1 slope shall be constructed. This berm/fence shall be located on the Applicant's property. This fence and berm shall also be extended by the Applicant off-site along the Franconia-Springfield Parkway frontage westward to the eastern side of Ridgeway Drive and eastward up to a point approximately 400 feet east of the Subject Property provided the necessary easements are provided by others at no cost to the Applicant. The Applicant shall diligently pursue approval of these off-site easements. The Applicant shall seek permission from VDOT to erect the berm/fence within the existing right-of-way of the Parkway. If VDOT permission is not granted, the Applicant shall seek easements to place the berm/fence on the privately owned parcels that are contiguous to the Parkway within the specified locations. If unsuccessful, the Applicant shall provide documentation of said efforts to DPWES.
- (d) As an alternative to "a" or "b" above, the Applicant may elect to have a refined acoustical analysis performed, subject to approval of DPWES, to verify or amend the noise levels and impact areas set forth above and/or to determine which units/buildings may have sufficient shielding to permit a reduction in the mitigation measures prescribed above.

10. **Signs.** The Applicant shall not post illegal signs.

11. **Housing Trust Fund.** At the time of subdivision plan approval, the Applicant shall contribute \$500 per dwelling unit to the Fairfax County Housing and Redevelopment Authority for a contribution to the Housing Trust Fund to meet the County's low and moderate income housing needs.

**APPLICANT/OWNER OF TAX MAP 90-1
((4)) PARCELS 1 AND 2:**

CATON FAMILY LIMITED PARTNERSHIP

By: *Douglas E. Caton General Partner*
Douglas E. Caton, General Partner