

PROFFERS

PULTE HOME CORPORATION LAUREL HILL - SOUTH

RZ 2001-MV-025

October 19, 2001

Pursuant to Section 15.2-2303(a) Code of Virginia, 1950, as amended, Pulte Home Corporation, Inc. (hereinafter referred to as the "Applicant"), for themselves, their successors, and assigns in RZ 2001-MV-025, filed for property identified as Tax Map 106-4 ((1)) 54 pt. (hereinafter referred to as the "Application Property"), hereby proffers the following, provided that the Board of Supervisors ("BOS") approves a rezoning of the Application Property to the PDH#4 District in conjunction with a Conceptual Development Plan ("CDP") for residential and public school development on approximately 260.96 acres.

1. CONCEPTUAL/FINAL DEVELOPMENT PLAN ("CDP/FDP")

- a) Development of the Application Property shall be in substantial conformance with the CDP/FDP, consisting of fifteen (15) sheets prepared by Dewberry & Davis LLC, dated April 9, 2001 and revised through September 17, 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 to the layout, building orientation, internal lot lines, off-lot parking, and lot sizes of the proposed subdivision at time of site plan/subdivision plat 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, that the general orientation of the dwelling units that are shown on the CDP/FDP is maintained, and are in substantial conformance with the CDP/FDP and proffers.
- c) Notwithstanding that the CDP/FDP is presented on fifteen (15) sheets and said CDP/FDP is the subject of Proffer 1(a) above, it shall be understood that the CDP shall be the entire plan shown on Sheets 3 - 11 and 13 relative to the land bays, points of access, open space, wetlands, tree save areas and the total number and general location of units and type of units. The Applicant has the option to request Final Development Plan Amendments ("FDPAs") for elements other than CDP elements from the Planning Commission for all of or a portion of the FDP in accordance with the provisions set forth in Section 16-402 of the Zoning Ordinance, if the amendment is in substantial conformance with the approved CDP and proffers.
- d) If Concept A (Primary Plan) is approved by the BOS, without the requirement to obtain an Out-of-Turn Plan Amendment ("OTPA"), the Applicant shall submit site plans/subdivision plats for Concept A. If the BOS authorizes an OTPA for Concept A,

and amends the Comprehensive Plan to permit Concept A within twelve (12) months of CDP/FDP approval, then the Applicant shall also proceed with Concept A with no necessity for further public hearings for approval. If neither event set forth above is met, and if Concept B (Alternate Plan) is approved by the BOS, then the Applicant shall proceed with Concept B. However, the Applicant shall be permitted to submit site plans/subdivision plats for Concepts A and B, and to have either Concept reviewed, but not necessarily approved, by DPWES, subsequent to BOS approval of the Application.

- e) The Applicant reserves the right to request Partial Proffered Condition Amendments (“PCAs”) in accordance with Paragraph 6 of Section 18-204 of the Zoning Ordinance.

2. VEHICULAR 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 BOS right-of-way (“ROW”) 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. If additional ROW is necessary to accommodate turn lanes, the appropriate amount of ROW, as determined by DPWES and VDOT shall be provided. Dedication shall be made at the time of site plan/subdivision plat approval, or upon demand from either Fairfax County or VDOT, whichever shall first occur.
- b) The Applicant shall construct frontage improvements measuring approximately thirty-five (35) feet from design centerline along the Application Property’s Silverbrook Road frontage within the dedicated ROW as shown on the CDP/FDP from the northern edge of the Application Property’s southernmost Silverbrook Road entrance to the Application Property’s northern boundary. Further, the Applicant shall construct a four (4)-lane divided section from the Application Property’s southern boundary to the northern edge of the Application Property’s southernmost entrance. The frontage improvements shall taper northward from the Application Property’s southernmost Silverbrook Road entrance. All improvements are subject to the receipt of any off-site easements as necessary.
- c) Right and left turn lanes shall be constructed along the Application Property’s Silverbrook Road frontage where traffic volumes warrant their construction, as determined by VDOT and DOT.
- d) The Applicant shall construct off-site frontage improvements measuring approximately thirty-five (35) feet from the design centerline of Silverbrook Road along the County’s property, which is located northwest of Land Bay A and south of Monacan Road.
- e) Further, the Applicant shall construct full, four (4) lane divided frontage improvements, consisting of improvements required to place this area in the State system on those portions of Silverbrook Road that extend southeast from the Application Property, and which were not proffered to be constructed by others pursuant to RZ 1999-MV-053, subject to the receipt of any off-site easements as necessary. If the Applicant is unable to

obtain off-site easements, and copies of the correspondence regarding the attempts to obtain the easements are provided to DPWES, then the Applicant shall escrow an amount equivalent to the cost of the improvements with DPWES at time of subdivision plat/site plan approval.

- f) A signal warrant study shall be provided for each of the Application Property's intersections with Silverbrook Road, which includes projections for the elementary school, to DPWES and VDOT for review and approval prior to site plan/subdivision plat approval, and a coordination study shall be performed. Traffic signals shall be installed by the Applicant, when and if warranted. The commitment to install any warranted signals shall remain in effect until final bond release for this development.
- g) The private streets shown on the CDP/FDP shall be constructed of materials and depth of pavement consistent with the Public Facilities Manual ("PFM") standards for public streets. Initial purchasers shall be advised of the requirement to maintain private streets/pipestems and estimated costs prior to entering into a contract of sale. This requirement to maintain the private streets/pipestems as constructed and the estimated maintenance costs shall be included in the homeowners' association ("HOA") documents prepared for the Application Property.
- h) On or before final bond release for the proposed development, and as a condition thereto, the Applicant shall deposit into an escrow account, owned and controlled by the HOA established for the proposed development, the amount of five thousand dollars (\$5,000.00), and adjusted as follows. These escrowed funds shall be utilized by the HOA for future maintenance of the private streets and pipestems within the community. Using the BOS approval date of the rezoning application as the base date, the payment amount shall be adjusted in accordance with the *Construction Cost Index* at the time of payment.
- i) No vehicular access for the elementary school site or individual lots shall be provided directly via Silverbrook Road.
- j) The 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 site plan/subdivision plat approval.

3. TRAILS/SIDEWALKS

- a) All off-site trail locations shall be coordinated with the Fairfax County Park Authority ("FCPA") and the methods of construction with respect to any such trails shall be designed and constructed in such a manner as to minimize the impact on environmentally sensitive areas such as wetlands, steep slopes, Environmental Quality Corridors, streams, and stream beds. The final design of such trails and methods of construction shall be subject to the review and approval of DPWES and the Fairfax County Park Authority, at their sole discretion.

- b) The Applicant shall provide written notice to initial prospective contract purchasers of lots adjacent to internal trails that connect to the Laurel Hill Greenway, the Stream Valley Trail, the trail in Rocky Run, or the Connector Trail, of the likelihood that any trail that does not connect to county-wide trail system trails in the vicinity will most likely connect to the larger trail system in the future. The HOA documents shall also include said notification. Signs shall be installed at the terminus of any such trails (which shall be built to the edge of the Subject Property) stating, generally, that the trails will be extended in the future.
- c) The Applicant shall construct a twelve (12) foot wide, Type 1 trail within the Laurel Hill Greenway prior to the issuance of the 500th RUP, from Silverbrook Road to its I-95 ROW terminus, provided that the County grants a construction easement for the trail on property not owned by the Applicant. If such easement is not granted, the Applicant shall escrow an amount equivalent to the cost of the trail with DPWES at the time of subdivision plat/site plan approval. That portion of the Laurel Hill Greenway constructed by the Applicant on the Application property shall be dedicated to the FCPA, within an area of land one-hundred (100) feet in width, as generally shown on the CDP/FDP.
- d) The Applicant shall construct an eight (8) foot wide, Type 1 trail within the dedicated ROW of Silverbrook Road as shown on the CDP/FDP. Said trail shall be constructed concurrent with the improvements to Silverbrook Road.
- e) The Applicant shall construct an eight (8) foot wide Type 1 trail between the Laurel Hill Greenway and Pohick Road, as generally shown on Sheet 12 of the CDP/FDP, as coordinated with the FCPA, as determined feasible by DPWES at the time of site plan/subdivision plat approval, and provided that the County grants a construction easement for the trail on property not owned by the Applicant. If such easements are granted, this trail shall be completed prior to release of bonds for the project. If such easement is not granted, the Applicant shall escrow an amount equivalent to the cost of the trail with DPWES at the time of final bond release.
- f) The Applicant shall construct an eight (8) foot wide Type 1 Greenway Connection trail from the Laurel Hill Greenway to the park land that was proffered to be dedicated to the FCPA pursuant to the approval of RZ 2000-MV-019, as determined feasible by DPWES, prior to the issuance of the final RUP for Land Bay F.
- g) If needed, the Applicant shall attempt to obtain an easement at no cost from the Newington Heights Homeowners Association, Inc. to construct an off-site trail along Tax Map Parcel's 98-3 ((5)) K Silverbrook Road frontage, and shall construct an eight (8) foot wide, Type 1 trail in that location if such an easement is granted, as qualified below, at the same time as the Silverbrook Road trail is constructed along the Application Property's frontage. Such attempts to obtain an easement shall include requesting such easement of the controlling entity via Certified Mail no more than two (2) times. If such easement is not granted in writing without condition or demand of payment, or if no positive response is received within sixty (60) days of mailing the second letter, then there shall be no further obligation on the part of the Applicant to construct such a trail connection. However, if the trail is not constructed due to the circumstances stated above,

the Applicant shall escrow sufficient funds to construct the trail, as determined by DPWES. Documentation of all attempts to obtain such easement, or escrowed funds sufficient to construct the trail shall be provided to DPWES prior to site plan/subdivision plat approval.

- h) The Applicant shall provide painted crosswalks and signage at all locations where trails cross a public ROW, including Silverbrook Road and internal public streets, subject to approval of VDOT and DPWES at the time of site plan/subdivision plat approval.
- i) The Applicant shall provide four (4) foot wide sidewalks on both sides of public and private streets, as shown on the CDP/FDP, except on Silverbrook Road where a trail is to be constructed.
- j) The Applicant may be permitted to co-locate trails/trail connections within sanitary sewer and/or storm drainage line temporary construction easements, if the location of these temporary construction easements are acceptable locations for such trail/trail connections as determined by DPWES at the time of site plan/subdivision plat review. The purpose of such co-locations of trails/trail connections would be to minimize clearing and grading of areas within the EQC. Final location of the easement(s) shall be reviewed by the FCPA at the time of site plan/subdivision plat approval.
- k) All other internal trails that connect to the larger, county-wide trail system shall be a minimum of eight (8) feet in width. All other internal trails within the Land Bays that do not connect to the larger system shall be a minimum of four (4) feet in width, and shall be constructed of asphalt or concrete, at the option of the Applicant.

4. DESIGN FEATURES

- a) Facades of homes shall be constructed as generally represented in the typical house elevations located on Sheet 14 of the CDP/FDP.
- b) The Applicant shall provide brick or stone on a minimum of eighty percent (80%) of the fronts of all single-family detached residential units. The Applicant shall provide brick or stone on a minimum of eighty percent (80%) on all fronts, and on the sides of all single family attached units that face on any public street. The said eighty percent (80%) shall be exclusive of windows, doors, shutters, and trim. Further, the Applicant shall provide decorative shutters on windows of dwelling units that face on Silverbrook Road.
- c) All single family detached residential units shall maintain a minimum front and rear yard setback of twenty (20) feet, with the exception of decks and patios that may extend into this setback area as allowed by the Zoning Ordinance, and a side yard setback of five (5) feet, which provides for a minimum distance between single family detached homes of ten (10) feet.
- d) All single family attached units shall maintain a minimum rear yard setback of twenty (20) feet, with the exception of decks and patios that may extend into this setback area, as allowed by the Zoning Ordinance.

- e) Landscaping on individual lots shall be, generally, as depicted on the "Typical Lot Layout" on Sheet 14 of the CDP/FDP.
- f) Other features, such as lighting, benches, picnic tables and trash receptacles shall be provided of a quality and type as generally shown on Sheet 15 of the CDP/FDP.
- g) All driveways shall be a minimum of eighteen (18) feet in length.

5. SCHOOLS

- a) Upon demand of the County, which demand shall not occur sooner than twenty-four (24) months from the date of the rezoning, the Applicant shall dedicate in fee-simple approximately 18.5 acres of land designated for an elementary school site as shown on the CDP/FDP to the BOS. This land area shall be exclusive of any areas to be dedicated to Fairfax County or the Park Authority for public street or other purposes.
 - 1) The Applicant shall not place any easements or encumbrances of record on the elementary school site that would affect the use of the property as a school, as determined by the Fairfax County Public Schools Board ("FCPS") and the County.
 - 2) Stormwater Management and Best Management Practices for the school site shall be provided within the residential portion of Laurel Hill, as described in Proffer 8, as determined by DPWES.
 - 3) The Applicant shall demolish the existing structures on the elementary school site, and shall remove all footers and materials associated with the demolition from the site, at no cost to the County, prior to dedication of the school site. Further, the site shall be environmentally clean and the grading shall be performed as described in the paragraph below prior to dedication of the school site, at no cost to the County.
 - 4) The Applicant shall rough grade the elementary school site, the soils shall be compacted under structural bearing pads, and the site shall be seeded, to generally conform to the conceptual school layout, which is attached as "Exhibit 1"; or generally as may be modified by FDP approval for the elementary school site. The Applicant shall not be obligated to perform any final engineering for Site Plan purposes. Further, there shall be no obligation by the Applicant to supply soil other than that which is already on the elementary school site or is considered excess by the Applicant from the Application Property in order to rough grade the site.
 - 5) Sewer connection shall be provided to the school site as described in Proffer 9.
- b) In addition to commitments that benefit the elementary school site, the following shall be provided, at no cost to the County:
 - 1) The Applicant shall extend sanitary sewer and water lines under Silverbrook Road, terminating at the edge of ROW of Silverbrook Road that is across from

Land Bay A, and that are sufficiently sized to accommodate the proposed Middle and High Schools, as well as the golf clubhouse, prior to a date which is two (2) years from the date of the rezoning.

- 2) The Applicant shall grade the entire South County Secondary School (High School) site, including athletic fields, parking areas and school location, but not including any roads extending to the site from Silverbrook Road, assuming that the County and/or the FCPS shall secure all required grading approvals within three (3) years from the date of approval of the first site plan/subdivision plan approved for the Application Property pursuant to RZ 2001-MV-025. In the event that the aforesaid grading approvals and requisite construction permits are not secured by the date that is three (3) years from the date of the first site plan/subdivision plan approval, the Applicant shall have no further obligation to grade the South County Secondary School site.
- c) The Applicant shall notify the FCPS and the County Executive, in writing, within fifteen (15) days of the initial site plan/subdivision plan approval for the Application Property.
- d) The Applicant shall contribute six hundred thousand dollars (\$600,000.00) in cash to the Fairfax County BOS upon first site plan/subdivision plat approval, for the construction of the proposed South County Secondary School, as stated in the 2001 Capital Improvement Program. In-kind contributions to the County shall also include the demolition of the existing Transportation Facility and grading of the elementary school site, sizing of the SWM/BMP facilities for the elementary school site, and sizing the sanitary sewer and water lines in order to accommodate that area of the three (3) proposed school sites that are to be located within the same sewer drainage shed as the Application Property, at no cost to the County.
- e) In the event that the Applicant files a FDPA for Land Bay E that is consistent with Concept A on the CDP/FDP, the Applicant shall include in the FDPA the land area for the elementary school site's FDP in a design layout approved by the FCPS, if the FCPS presents the following information to the Applicant no later than November 15, 2001: (1) the location and arrangement of all proposed uses, including the school building, all accessory structures, and dumpsters; (2) the maximum height in feet of all structures and the number of floors both above and below or partially below finished grade; (3) the location and width of all driveways, entrances to parking areas and parking structures, walkways, bicycle paths and trails; (4) the location of off-street parking and accessible spaces, loading areas and structures; (5) the location of open space areas, the proposed treatment or improvement of all open space areas, and delineation of those areas proposed for specific types of developed recreational facilities; (6) a landscape plan, indicating type and height of screening, if any; (7) the proposed development schedule; (8) the total floor area; (8) the total number of off-street parking and loading spaces provided; (9) architectural sketches, if available, of typical proposed structures, including lighting fixtures and signs; and (10) complete affidavit information. A sales trailer may be placed on the elementary school site in a location and of a size mutually agreed upon by the FCPS and the Applicant, for a period of time not less than twenty-four (24)

months from the date of rezoning approval, unless this date is extended by mutual agreement of the Applicant and the FCPS.

6. LANDSCAPING AND OPEN SPACE

- a) The Applicant shall provide landscaping on the Application Property as generally shown on the CDP/FDP, including landscaping shown along the streets within and abutting Land Bay B (the elementary school site) on the CDP. Final selection of tree species shall be made at the time of site plan/subdivision plat approval, subject to Urban Forester approval, based on availability of plant material. The Applicant shall endeavor to utilize tree species native to the area.
- b) The Applicant shall maintain landscaping within open space areas until such time as the open space is conveyed to the HOA at which time the HOA shall have the maintenance responsibility.
- c) The Applicant shall establish a master HOA for the proposed development to, among other things, own, manage and maintain the open space, noise barriers, signage outlots, private streets, pipestems, and recreational facilities. Restrictions placed on the uses of the open space and maintenance responsibilities of the HOA, including maintenance of open space, signage outlots, private streets, pipestems, noise barriers and recreational facilities, shall be disclosed to all prospective homeowners in a disclosure memorandum at the time of initial contract execution and included in the HOA documents. Sub-associations of the master HOA may be established to regulate issues specific to each Land Bay.
- d) The limits of clearing and grading on the site plan/subdivision plan shall be as shown on the CDP/FDP. Said limits of clearing and grading shall be observed during construction. The Applicant shall retain a certified arborist to prepare a tree preservation plan to be reviewed by the Urban Forestry Division as part of site plan/subdivision plat 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 areas and EQCs 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.
- e) 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 fencing shall be performed under the supervision of a certified arborist.

- f) Limits of Clearing and Grading shall be strictly adhered to within the open space areas adjacent to the loop road, south of the Laurel Hill Greenway, and north of the single-family detached homes within Land Bays E and F, during construction of that portion of the loop road. The limits of any clearing and grading into the areas designated for temporary grading easements shall be limited to a distance of twenty (20) feet from the edge of ROW.
- g) The 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 and wetlands 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) The width of the landscape strip shown on the CDP/FDP along Silverbrook Road shall not be diminished by the construction of turn lanes along Silverbrook Road.
- i) All engineering plans, including, but not limited to public improvement plans, site plans, or subdivision plats, that propose any construction activity, including but not limited to clearing and grading, within lands that will ultimately become county parks shall be reviewed by the FCPA staff as part of the review of the plans by the County.
- j) All requests for easements for lands that will ultimately become county parks shall be reviewed by the FCPA staff prior to approval.

7. PARKS AND RECREATION

- a) Pursuant to Paragraph 2 of Section 6-110 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 that shall include, but shall not be limited to: a community center, a bath house, a pool, two (2) multi-purpose or other type of play courts, trails (exclusive of the trail along Silverbrook Road), and five (5) play areas (which shall include at least two (2) playgrounds for older children and no more than three (3) tot-lots for younger children), as generally shown on the CDP/FDP. Additional play or recreational facilities may be provided within any open space area, except for those areas designated as wetlands or tree save area on the CDP/FDP, without the requirement of a CDPA/FDPA or a proffered condition amendment. The balance of any funds not expended on-site, if any, or on the construction of off-site trails, shall be contributed to the FCPA at time of site plan/subdivision plat approval for the maintenance and/or acquisition of recreation facilities located in the vicinity of the Application Property.
- b) A one-hundred (100) foot wide strip along the Subject Property's Interstate 95 frontage, which is measured from the right-of-way of Interstate 95, shall be dedicated in fee simple

to the FCPA within six (6) months of construction of the trail that the Applicant shall construct between the Laurel Hill Greenway and the parkland that abuts the southern portion of the Subject Property, east of Land Bay E, as described in Proffer 3; however, this dedication shall occur no later than final bond release.

- c) All other areas designated on the CDP/FDP to be dedicated to the FCPA shall be dedicated in fee simple at the time of site plan/subdivision plan approval, if no trail is located within that dedicated area, or within six (6) months of completion of trails within the area to be dedicated, as appropriate, as described in Proffer 3; however, this dedication shall occur no later than final bond release.

8. STORMWATER MANAGEMENT

- a) The Applicant shall provide stormwater management ("SWM") and Best Management Practices ("BMPs") as determined by DPWES in the locations as generally shown on the CDP/FDP and in accordance with the requirements of the PFM 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, if in substantial conformance with the CDP/FDP, shall not require the approval of a proffered condition amendment or an amendment to the CDP/FDP, provided that the modification does not affect the limits of clearing and grading or tree preservation areas. 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 undisturbed open space owned by the HOA established for the community, subject to the installation of utilities in the least disruptive manner.
- b) In order to restore a natural appearance to the proposed SWM ponds, a landscape plan shall be submitted at time of site plan/subdivision plat 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 Fairfax County, subject to the review and approval of the Urban Forester, DPWES. In order to minimize siltation and erosion impacts downstream of the Application Property, the 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.
- c) To address concerns for stream channel degradation caused by the increased volume, frequency and velocity of water flows from the site after development, all SWM/BMP facilities shall be designed with the alternative design criteria provided in the Virginia Department of Conservation and Recreation (DCR) Technical Bulletin No. 1 – Stream Channel Erosion Control (provided with DCR's Virginia Stormwater Management Handbook, First Edition, 1999). This alternative design criteria is allowed pursuant to Virginia Stormwater Management Regulation §4 VAC 3-20-81.C. and provides for 24-hour extended detention of the runoff generated by the 1 year, 24-hour duration storm in lieu of reduction of the 2-year post-developed peak rate of runoff. The Stormwater Planning Division of DPWES shall review any such alternative design. Further, the

Applicant shall reduce the two (2) year post-development peak rate of runoff so that it is at least one-third (1/3) less than the pre-development rate.

- d) All outfall locations shown on the CDP/FDP are conceptual. At the time of site plan/subdivision plat review and approval, the outfall devices shall be designed to minimize the potential for stream channel erosion, as determined by DPWES and the FCPA in coordination with the Northern Virginia Soil and Water Conservation District (NVSWCD), through the use of measures to include, but not be limited to, concentrating off-site flows from the property line to a defined bed and bank condition within closed storm sewer systems, lengthening the outfall pipe or strategically orienting its angle of entry. The Applicant shall put in place appropriate measures (as determined by DPWES and NVSWCD) at the pipe or channel outlet and/or in the stream to protect the streambed and banks from erosion. All off-site methods of construction with respect to any such storm sewer system shall be designed and constructed in such a manner as to minimize the impact on environmentally sensitive areas such as wetlands, steep slopes, Environmental Quality Corridors, streams, and stream beds. The final design of such storm sewer systems and methods of construction shall be subject to the review and approval of DPWES and the FCPA, at their sole discretion.
- e) Each site/subdivision plan or submission plan that contains a stormwater outfall shall incorporate the following:
- 1) Five (5) field surveyed cross-sections of the receiving stream channel in locations determined by the project's submitting civil engineer, subject to DPWES and NVSWCD approval, to be most susceptible to erosion problems due to soil type or geometric shape. One (1) of the field surveyed cross sections shall be located immediately upstream of the buffer. These sections shall be provided with permanent monuments on each end of the section, with monument coordinates (horizontal and vertical) provided on plans.
 - 2) Sieve analysis to determine soil classification data of stream bank and bed materials from representative channel materials, including the material with the lowest allowable velocity in the receiving stream reach.
 - 3) A calculation of the allowable average channel velocity at each cross-section using methods in accordance with Chapter 5 of the Virginia Erosion and Sediment Control Handbook, Third Edition, 1992.
- f) Most, if not all, of the outfalls are anticipated to be within EQC areas and may be partially or wholly on the property to be owned by the BOS or the FCPA. If such outfall is permitted by the BOS or the FCPA, clearing and grading will be minimized to the maximum extent possible, as determined by DPWES or the FCPA, to provide for piped outfalls and armored outfalls required to achieve adequate outfall. Off-site, temporary and permanent easements, as required by the PFM, will be requested from the County, as may be permitted pursuant to contractual agreement the Applicant and the County of Fairfax.

- g) Monitoring of Receiving Stream Channels – Pre-construction: Prior to the approval of a site/subdivision plan or subdivision section that contains a stormwater outfall, the Applicant shall submit a stream monitoring report to DPWES and the NVSWCD for review and approval, that contains the following data for each survey section utilized for the adequate outfall analysis:
- 1) Location of sections and outfall;
 - 2) Cross-section survey data, consisting of a graphical section drawing, coordinates of surveyed points, and the area of the channel below the plane formed by the section monuments;
 - 3) Photograph of each section; and a
 - 4) Narrative statement describing the status of the stream channel.
- h) Monitoring of Receiving Stream Channels – Post-construction: The Applicant shall prepare a stream monitoring report in the same manner as the pre-construction monitoring report in Paragraph (g) above. This report shall be submitted to DPWES and the NVSWCD annually after submission of each pre-construction report, until two (2) years after the development is completed in the drainage area of each outfall (herein after referred to as the “control period”), as evidenced by final bond release. All survey data shall be compared graphically and numerically to the original pre-construction submission.
- i) Criteria for Repair of Outfall Channels: If the stream cross-section (measured vertically from a plane formed by the survey monuments) has not changed by more than an average of 5% and the stream's thalweg (the deepest part of the channel) has not moved in amount greater than three (3) feet or 25% of the stream width (original top-of-bank to top-of-bank), whichever distance is greater, from the pre-construction survey during the monitoring period, then no repairs shall be required.
- j) Responsibility of Outfall Channel Repair: If the repair criteria described above are exceeded, the Applicant accepts responsibility for corrective restoration and/or stabilization measures, as determined by DPWES. The Applicant shall correct the cause of the problem as well as repair any erosion damage.
- k) Outfall Channel Design: To the extent possible, as determined by DPWES, in coordination with NVSWCD, restoration and stabilization measure shall incorporate bio-stabilization or bio-engineering processes to include, but not limited to, stabilization, regarding, or revegetation with native species. In the event restoration and/or stabilization is required within the control period, the control period shall be extended so as to require two (2) years of additional monitoring of all cross sections within and near the stabilized and/or restored areas, as determined by DPWES and NVSWCD, after installation of the required corrective stabilization measures installed consistent with the methodology described herein.
- l) Hydrology in wetlands shall be maintained at pre-construction levels.

9. SANITARY SEWER AND WATER

- a) Sanitary sewer and water lines shall be stubbed to the elementary school site, and shall also be extended under Silverbrook Road, at no cost to the County, terminating at the edge of ROW of Silverbrook Road that is across from Land Bay A, and that are sufficiently sized to accommodate the proposed Middle and High Schools, as well as the golf clubhouse, prior to a date which is two (2) years from the date of the rezoning.
- b) The Applicant shall provide water and sanitary sewer lines, at no cost to the County, to the site of the Maximum Security and Central Facility Redevelopment Area, at capacities which provide for the maximum level of development as set forth in Sub-Unit 3B of the County's Comprehensive Plan for adaptive and redevelopment uses. Sewer and water lines shall be extended under Silverbrook Road terminating at the edge of ROW for Silverbrook Road that abuts the redevelopment/adaptive use area in the general vicinity of where the Laurel Hill Greenway crosses Silverbrook Road, unless such other locations are mutually agreed to by the County and the Applicant. These sanitary sewer and water lines shall be completed prior to a date that is two (2) years from the date of the rezoning.
- c) Subject to DPWES approval, the Applicant shall seek to acquire a public sanitary sewer easement across Tax Map Parcels 107-2 ((1)) 27, 27A, 40, and 44 and shall provide sanitary sewer capacity for the Application Property and other projects in the vicinity of Laurel Hill, to include the three (3) proposed school sites and golf clubhouse. The provision of sanitary sewer for the three (3) proposed school sites and the golf clubhouse shall be at no cost to the County.
- d) The Applicant shall make all reasonable efforts to acquire the easements necessary for the construction of a sanitary sewer line as shown on the CDP/FDP. In the event the Applicant is not able to acquire the easement necessary to establish the sanitary sewer line, the Applicant shall submit a written request to Fairfax County to acquire the utility 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 easements to be acquired; (2) an appraisal, prepared by an independent appraiser approved by the County, of the value of the easement to be acquired and of all damages, if any, to the residue of each parcel; (3) a sixty (60) year title search certificate of the property on which the easement is to be acquired; and (4) cash in an amount equal to appraised value of the easement and of all damages to the residue of each parcel. 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 Applicant shall pay the amount of the award in excess of cash amount to the County within fifteen (15) calendar days of said award. It is understood that the Applicant upon demand shall pay all other costs incurred by the County in acquiring the easement to the County. It is also understood that The Applicant cannot obligate the County to condemn or provide sewer to the Subject Property or to the three (3) proposed schools within the same sewer drainage shed as the Subject Property. Prior to and during the contemplated condemnation proceedings described above, the Applicant, its successors and assigns, shall be permitted to submit, process but not receive approval of site plan(s)/subdivision

plat(s) and development permits for other portions of the Application Property as described herein.

- e) If the necessary off-site sanitary sewer easements are obtained by the Applicant, the methods of construction with respect to any such sanitary sewer facilities shall be designed and constructed in such a manner as to minimize the impact on environmentally sensitive areas such as wetlands, steep slopes, Environmental Quality Corridors, streams, and stream beds. The final design of such sanitary sewer facilities and methods of construction shall be subject to the review and approval of DPWES and the FCPA, at their sole discretion.

10. NOISE ATTENUATION

- a) Prior to final site plan/subdivision plat approval, the Applicant shall provide a revised noise analysis based on final site grades and future traffic volumes on I-95 and Silverbrook Road, projected to the year 2020, to DPWES and DPZ for review and approval in accordance with DPZ's established guidelines for such noise analysis. 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, back yards and outdoor recreation areas exposed to noise levels above DNL 65 dBA, solid wood privacy fences, or other solid wall/fence configurations that are solid from the ground up, with no gaps or openings, as determined necessary, shall be utilized as a sound attenuation measure. These fences shall conform to Zoning Ordinance regulations. Based on the study in Paragraph (a) above, 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, as ultimately determined by the study in Paragraph (a) above, shall be constructed with the following acoustical treatment measures:
 - 1) Exterior walls shall have a laboratory sound transmission class (STC) rating of at least 39.
 - 2) 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 façade, then the windows should have a STC rating of at least 39. However, the Applicant may elect to have a refined acoustical analysis performed to determine minimum STC ratings for exterior walls, windows, and doors; and the STC rating specifications may be reduced based on this analysis, as determined appropriate by DPWES.

- 3) 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) For privacy yards, back yards and outdoor recreation areas exposed to noise levels above DNL 70 dBA, but below DNL 75 dBA, solid wood privacy fences, or other solid wall/fence configurations that are solid from the ground up, with no gaps or openings, as determined necessary, shall be provided as a sound attenuation measure. These fences shall conform to Zoning Ordinance regulations. Based on the study in Paragraph (a) above, 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.
- e) 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, as determined by the study in Paragraph (a) above, shall be constructed with the following acoustical treatment measures:
 - 1) Exterior walls shall have a laboratory sound transmission class (STC) rating of at least 45.
 - 2) 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 a STC rating of at least 45. However, the Applicant may elect to have a refined acoustical analysis performed to determine minimum STC ratings for exterior walls, windows, and doors; and the STC rating specifications may be reduced based on this analysis, as determined appropriate by DPWES.
 - 3) 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.
- f) The 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.
- g) Nothing herein shall be construed to restrict or otherwise limit the use of upper-level balconies or decks on residential units.
- h) No residential units shall be constructed within 200 feet of the I-95 ROW as shown on the CDP/FDP.

11. AFFORDABLE HOUSING

The 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 may be provided within the single-family attached or detached portion of the development, at the discretion of the Applicant, and shall be dispersed to the extent deemed practical by the Applicant at the time of site plan/subdivision plat approval. However, no more than four (4) ADUs shall be included in any one (1) townhouse building to ensure distribution of ADUs.

12. HERITAGE RESOURCES

- a) The Applicant has conducted Phase I and Phase II archaeological studies on the Application Property. Prior to any land disturbing activities on the Application Property, the Applicant shall conduct a Phase III archaeological study on that area identified on the Application Property as Site 44FX2485. The study 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. Further, any Phase III treatment of archaeological resources shall be in accordance with the Memorandum of Agreement between the General Services Administration, the Bureau of Land Management, the County of Fairfax, the Fairfax County Parks Authority, the Fairfax County Public Schools, the Federation of Lorton Communities, the Lorton Heritage Society, the Northern Virginia Regional Park Authority, the Virginia Department of Historic Resources, and the Advisory Council of Historic Preservation.
- b) Prior to any land disturbing activities on the Application Property, the 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 of six (6) months from the final date of this rezoning approval unless otherwise mutually agreed to by the Applicant and Heritage Resources. 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. The Applicant may offer any artifacts found on the Application Property to Heritage Resources prior to discarding.

13. MISCELLANEOUS

- a) 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.
- b) Improvements shall be phased to be constructed with each phase of the development of the Application Property.
- c) If determined necessary by the Fairfax County Water Authority, the Applicant shall construct a twenty-four (24) inch water main to serve the development, the three (3) proposed schools, the golf clubhouse and other development as set forth in Sub Unit 3B of the County's Comprehensive Plan. This water main shall be located within the ROW of Silverbrook and, perhaps, within the Application Property. It will generally be necessary to extend the water main from its terminus on Silverbrook Road, northwest within the ROW of Silverbrook Road to approximately Monacan Road. It may also be necessary to extend the water main from its terminus on Silverbrook Road, northwest within the ROW of Silverbrook Road, around the "connector", "loop" or "spine" road, and again northwest along the Silverbrook Road ROW to approximately Monacan Road. In accordance with the Code of Virginia §15.2-2232 (A), as of the date hereof, the general location, character, and extent of the public utility structure has been described above. Further, if this proffer is accepted pursuant to §15.2-2303, the 24-inch water main shall be excepted from the requirement for submittal to and approval by the Planning Commission or the Board of Supervisors.
- d) A covenant shall be recorded that 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 HOA and the Fairfax County BOS. Purchasers shall be advised of the use restriction prior to entering into a contract of sale. This restriction shall also be included in the HOA documents.
- e) If requested by DPWES during site plan/subdivision plat 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.
- f) 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.
- g) Notwithstanding the locations for signs and the typical entry sign included in the CDP/FDP, all signs shall comply with Article 12, unless a comprehensive sign plan is approved in accordance with the provisions of Sect. 12-205.
- h) No temporary signs (including "popsicle" style paper or cardboard signs) that are prohibited by Article 12 of the Zoning Ordinance, and no signs that 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 sales 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.

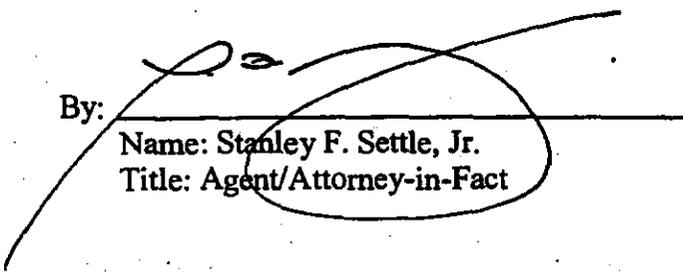
- i) All utilities within the Application Property shall be placed underground. There shall be no new utility poles located along Silverbrook Road, with the exception of any light poles required by DPWES or VDOT pursuant to site plan/subdivision plat review.
- j) In accordance with the United States of America's agreement with the District of Columbia regarding use of the Transportation Facility, the Transportation Facility may continue to be used as such until the license issued to the District of Columbia expires on March 31, 2002.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

Signature Page for RZ 2001-MV-025
Pulte Home Corporation's Laurel Hill - South

Applicant/ Title Owner of the Application Property/ Former
Potential Contract Purchaser of the Application Property/
Agent for the Former Title Owner of the Application
Property/ Former Contract Purchaser of Meadowood Farm/
Former Title Owner of Meadowood Farm

Pulte Home Corporation

By: 

Name: Stanley F. Settle, Jr.
Title: Agent/Attorney-in-Fact

