

OCT 29 1990

PROFFERS
RZ 89-A-044
EAGLE DEVELOPMENT LIMITED PARTNERSHIP
OCTOBER 25, 1990

ZONING EVALUATION DIVISION

The following will be proffers binding on the subject property pursuant to Section 15.1-491(a) Code of Virginia, as amended, should the same be rezoned to R-3:

1. Development shall conform to that shown on the GDP dated October 20, 1989, revised September 11, 1990, prepared by Huntley, Nyce & Associates, P. C.

2. Dwellings will be constructed with energy packages which include insulation which exceeds the requirements of the BOCA Code, to the standards of the Virginia Power Energy Saver Home Program (1989), or the equivalent. If gas heat is utilized, energy packages recommended by the gas supplier will be used.

3. Sites will be engineered to insure dry basements to the satisfaction of DEM.

4. The applicant will dedicate and convey right-of-way in fee simple to the Board of Supervisors at the time of record plat recordation or upon sooner demand 45 feet and 55 feet from the centerline of Zion Drive (Route 654) as shown on the GDP and will construct improvements to VDOT standards, including curb, gutter and sidewalk along the Zion Drive frontage of the property.

5. At the time of subdivision plat approval or upon earlier demand by Fairfax County and/or VDOT, the applicant will contribute an amount equal to \$1,000 (to be adjusted by the Engineering News Record published inflation factor) per dwelling unit toward improvements to Roberts Road.

6. (a) At the time of over lot grading plan review, the Applicant will designate the limits of clearing and grading consistent with the GDP revised September 11, 1990 to be observed during construction and, in addition, Applicant will designate the individual "trees" on the over lot/grading plan to be preserved on the lots to include all trees shown on the GDP. Such designation shall be subject to approval by the County Arborist.

(b) Applicant will post with the County at time of subdivision plat approval a letter of credit payable to the County to ensure the saving or replacing of such "individual trees" and all other trees which are outside or beyond the limits of clearing and grading as established at the time of grading plan approval. The letter of credit will be in a form acceptable to the County Attorney and in an amount determined by the County Arborist; however, in no event shall such amount held by the County at any given time exceed Fifteen Thousand Dollars and No/100 (\$15,000.00). Applicant will post with the County, within 14 working days of receipt of a request by the Director of DEM, an amount equal to the replacement value of

any tree destroyed as established by the Valuation of Landscape Trees, Shrubs and Other Plants. It is the intent of this proffer that at all times, the letter of credit held by the County will total Fifteen Thousand Dollars and No/100 (\$15,000.00). In determining the amount of the letter of credit, the County Arborist will assign a replacement value to each existing individual tree shown to be saved on the approved grading plans in accordance with the methods contained in the Valuation of Landscape Trees, Shrubs and Other Plants published by the International Society of Arboriculture. Should this letter of credit, or any replacement letter or credit be called by the County and the funds expended to restore or replace trees pursuant to Part 4, Section 12-0400, et seq. of the Fairfax County Public Facilities Manual ("PFM"), Applicant will post with the County, within 14 working days of receipt of a request by the Director of DEM, a replacement letter of credit payable to the County, in a form acceptable to the County Attorney and in the same amount as the original letter of credit required by this proffer.

(c) During construction, the County Arborist shall periodically inspect the project and determine if any of the designated "individual trees" or any trees located outside or beyond the limits of clearing and grading as shown on the approved grading plans are dead or dying due to acts of negligence by the Applicant or are due directly to the development of the project. The Applicant may then elect to remove and replace such dead or dying trees according to the directions of the County Arborist pursuant to Part 4, Section 12-0400 of the PFM or pay to the County the assigned value as defined in the Valuation of Landscape Trees, Shrubs and Other Plants of such dead or dying tree from the letter of credit.

(d) Any funds received by Fairfax County pursuant to this proffer shall be utilized solely to preserve, restore to health or replace trees on the subject property which are shown on the approved over lot/grading plans to be saved.

Open space will be conveyed to a homeowners' association to be created and a covenant running to the lot owners, in a form approved by the county attorney shall be recorded prohibiting any disturbance of trees located in the open space (excluding maintenance of same as approved by the County Arborist).

7. The applicant will convey Parcel A (which includes the 15' screening area) to the homeowners' association established for the project, which areas shall remain as undisturbed natural open space except for those areas shown on the GDP for storm drainage pond and outfall and sanitary sewer line. All disturbed areas shall be restored as required by the Fairfax County Public Facilities Manual standards.

At the time of recordation of the subdivision plat, the subdivision documents shall recite that Parcel A shall remain as undisturbed natural open space except for those areas shown on the GDP for storm drainage pond and outfall and sanitary sewer line. In

addition, the applicant will recite in all sales brochures and deeds of bargain and sale that said areas shall remain as undisturbed natural open space as stated herein.

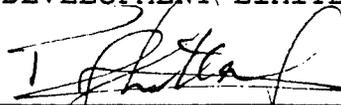
8. At the time of subdivision plat review, the applicant will provide a geotechnical engineering study in accordance with Chapter 107 of the Fairfax County Code for approval by DEM and will abide by the recommendations of DEM in construction of houses.

9. Any on-site detention facility will be provided in strict accordance with Public Facility Manual standards so as to assure proper drainage and no adverse impacts on adjoining properties and will conform to the facility shown on the GDP. If off-site detention is used the area shown on the GDP for the detention pond will be incorporated into proposed Lots 7 and 8 to increase their sizes to 10041 square feet and 10075 square feet respectively (subject to the permitted deviation described in Proffer 10 below) with the remainder to remain open space.

10. The lot sizes shown on the GDP shall be adhered to as a minimum subject to a permitted deviation of not more than 250 square feet per lot as determined necessary by final engineering. Dwellings constructed on the lots shall contain not less than 2,200 gross square feet nor more than 3,000 gross square feet exclusive of garages and basements.

EAGLE DEVELOPMENT LIMITED PARTNERSHIP

By: _____


Pierre Ghattas, Partner
Applicant/Owner

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(cluster)