

PROFFERS

Sekas Homes, Ltd. **Spring Lake, Section 3**

RZ 2013-HM-012

December 23, 2013

Pursuant to Section 15.2-2303(A) of the 1950 Code of Virginia, as amended, the Applicant, for himself and his successors or assigns (herein collectively referred to as the "Applicant") in this rezoning application filed on property identified on the Fairfax County Tax Map 28-4 ((8)) Parcels 3-7 and 28-4 ((9)) Parcel A hereinafter referred to as the "Application Property", agrees to the following proffers, provided that the Fairfax County Board of Supervisors (hereinafter referred to as the "Board") approves the rezoning of the Application Property from the R-1 zoning district to the PDH-2 district.

1. Development Plan

- a) Subject to the provisions of Section 16-403 of the Fairfax County Zoning Ordinance ("the Ordinance"), development of the portion of the Application Property identified on the Fairfax County Tax Map 28-4 ((8)) Parcels 3-7 and 28-4 ((9)) Parcel A shall be in substantial conformance with the Conceptual/Final Development Plan ("C/FDP") entitled "Spring Lake Section 3" containing nine sheets and prepared by Land Design Consultants, Inc., dated March, 2013 and revised through December 23, 2013.
- b) Pursuant to Paragraph 4a of Section 16-403 of the Zoning Ordinance, minor modifications from the C/FDP may be permitted as determined by the Zoning Administrator. These modifications may include the locations of utilities and landscaping, minor adjustment of property lines, and the general location, type and size of dwellings on the proposed lots, provided that the minimum building setbacks outlined on the C/FDP are honored, and the limits of clearing and grading are adhered to.

2. Homeowners Association

The Applicant shall establish a homeowners association for the proposed development for the purpose of, among other things, establishing the necessary residential covenants governing the design and operation of the approved development as well as for the ownership and maintenance of Parcels A, B and C. Prior to entering into a contract of sale, prospective purchasers shall be notified in writing by the Applicant of the HOA and residential covenants. The initial deeds of conveyance shall expressly contain these disclosures.

3. Transportation

- a) Density credit shall be reserved as may be permitted by the provisions of Paragraph 4 of Section 2-308 of the Ordinance for all eligible dedications described herein.
- b) Garages and Driveways. Any conversion of garages or use of garages that precludes the parking of vehicles within the garage is prohibited. This covenant shall be recorded among the land records of Fairfax County prior to the sale of lots and shall run to the benefit of the HOA and to the Board of Supervisors. Prior to recordation, the covenant shall be approved by the Fairfax County Attorney's office. The HOA documents shall expressly state this use restriction. The driveway provided for each unit shall be a minimum of eighteen (18) feet in width and length to permit the parking of two (2) vehicles without overhanging onto the sidewalk, if provided. Garages shall be designed to accommodate two (2) vehicles.

- c) The Applicant shall provide an escrow to the Board of Supervisors for the future construction of a 5' sidewalk along the subject property's Besley Road frontage by others. These funds can also be used for transportation improvements in the vicinity of the site. This escrow amount will be determined at time of Subdivision Plan approval and will be based on the Unit Prices listed in the County's Comprehensive Unit Price Schedule at time of Subdivision Plan approval. This escrow shall be posted prior to subdivision plan approval.
- d) The on-site private street shall be constructed in conformance with the Public Facilities Manual ("PFM") and shall be constructed of materials and depth of pavement consistent with Sect. 7-0502 of the PFM, subject to any design modifications as to pavement and easement width and use of curb, that are approved by the Director of DPWES. The Homeowners' Association shall be responsible for the maintenance of the on-site private street. All prospective purchasers shall be advised of this maintenance obligation prior to entering into a contract of sale and said obligation will be disclosed in the HOA documents. The Applicant shall deposit the sum of \$2,000 into a maintenance account that will be available for utilization by the HOA for street maintenance after the Applicant turns over control of the HOA to the homeowners.

4. Landscaping

- a) The first submission of the subdivision plan and all subsequent plan submissions shall include a landscape plan and specifications, for review and approval by the Forest Conservation Branch. The landscape plan and specifications shall incorporate the following:
 - Reduce turf areas to minimize mowing operations and the resulting air pollution. Turf shall cover no more than 75% of the pervious area of each lot. Mulched planting beds incorporating groups of trees and other plants shall be used to provide a root zone environment more favorable to trees and shrubs. Areas proposed for turf and mulch beds shall be delineated on the landscape plan submitted with the subdivision plan.
 - Plant trees in areas to contribute to energy conservation for the dwelling on each lot where possible, as depicted in Plate 4-12 of the Public Facilities Manual (PFM), and as determined in consultation with Forest Conservation Branch.
 - Provide a diverse selection of native and non-invasive plants to reduce the need for supplemental watering, and the use of chemical fertilizers, herbicides, and chemical control of insects and diseases.
 - Landscaping implemented with the subdivision plan may be made up of groups of trees including larger, overstory type trees (Category III and IV, as listed in PFM Table 12.19) together with smaller understory type trees (Category II). The plan may show overlap of understory trees by overstory trees as might occur in a natural environment.
 - Inspection of mulch beds for conformance with the approved subdivision plan shall be conducted at the time that the Residential Use Permit is issued for each dwelling. After mulch areas have been accepted, they shall become the responsibility of the homeowner who shall not be precluded from managing or planting these areas according to their preference.
 - The Applicant shall reserve the right to modify the location and species of trees at time of final subdivision plan subject to final engineering and approval by FCB.

5. Tree Preservation

Existing Vegetation Map/Tree Preservation: The Applicant shall submit an Existing Vegetation Map/Tree Preservation Plan as part of the first and all subsequent subdivision plan submissions to identify the trees onsite and address the preservation of the trees, as shown on the Conceptual/Final Development Plan. The Existing Vegetation Map/Tree Preservation Plan shall

be prepared by a professional with experience in the preparation of these plans, such as a certified arborist, Registered Consulting Arborist or landscape architect, and shall be subject to the review and approval of Forest Conservation Branch (FCB), SDID.

The Existing Vegetation Map/Tree Preservation Plan shall consist of tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees 12 inches in diameter and greater, and 25 feet to either side of the limits of clearing and grading shown on the C/FDP for the entire site. The tree preservation plan shall provide those areas outside of the limits of clearing and grading shown on the C/FDP and those additional areas in which trees can be preserved as a result of final engineering and as determined by FCB. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

Tree Preservation Walk-through: The Applicant shall retain the services of a certified arborist, Registered Consulting Arborist or landscape architect and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. During the tree preservation walk-through meeting, the Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with an FCB, SDID representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump grinding machine in a manner causing as little disturbance as possible to the adjacent trees and associated understory vegetation and soil conditions.

Tree Preservation Fencing: All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence, to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees, shall be erected at the limits of clearing and grading as shown on the demolition, and phase I and II erosion and sediment control sheets, as may be modified by the Root Pruning proffer below.

All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities. The installation of all tree protection fencing shall be performed under the direct supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the FCB, SDID, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by FCB, SDID.

Root Pruning: The Applicant shall root prune as needed to comply with the tree preservation requirements of these proffers. All treatment shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the subdivision plan submission. The details for these treatments shall be reviewed and approved by FCB, SDID, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not limited to the following:

- a) Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches,
- b) Root pruning shall take place prior to any clearing and grading,
- c) Root pruning shall be conducted with the on-site supervision of a certified arborist;
- d) FCB, SDID shall be informed in writing when all root pruning and tree protection fence installation is complete.

Site Protection: This proffer shall preclude the removal, disturbance, cutting, destroying, or otherwise harming of any trees, shrubs, or other vegetation on the subject property, except as necessary for (a) the control of invasive species of vines and other vegetation; (b) removal of dead or dying vegetation; (c) the routine maintenance of existing conditions, such as a minor tree limbing or trimming, provided that such activity is consistent with the Tree Preservation Plan; or (d) the removal of trees in order to prevent the endangerment of life or property, meet insurance requirements or damaged due to natural disasters beyond the control of the Applicant.

Site Monitoring: During any clearing or tree/vegetation/structure removal within twenty (20') feet of the clearing limit on the Application Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by FCB.

The Applicant shall retain the services of a certified arborist, Registered Consulting Arborist or landscape architect to monitor all construction and demolition work in order to ensure conformance with all tree preservation proffers, and FCB approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by FCB, SDID.

Tree Value Determination: The Applicant shall contract a Certified Arborist to determine the monetary value of each tree within twelve (12) feet of the clearing limits (herein, the "Tree Value") and 15 inches in diameter and larger shown to be preserved in the tree inventory. Tree Value shall be determined using the Trunk Formula Method contained in the 9th Edition of the Guide for Plant Appraisal, published by the International Society of Arboriculture, and shall be subject to approval by the Forest Conservation Branch Division, DPWES (FCBD) with review and approval of the subdivision plan. The Location Factor of the Trunk Formula Method shall be based on projected post-development Contribution and Placement ratings. The Site rating component shall be equal to at least 80%.

The combined total of monetary values identified in the approved Tree Conservation Plan for trees designated to be preserved shall serve as a baseline sum in determining the amount of the Tree Bond, as discussed below.

Tree Bond: At the time of subdivision plan approval, the Applicant shall both post a cash bond and a letter of credit (herein, the "Tree Bond") payable to the County of Fairfax to ensure preservation and/or replacement of the trees within twelve (12') of the clearing limits for which a Tree Value has been determined as described above (herein, the "bonded trees"). The Tree Bond shall be held by the County as a cash reserve that can be used by the County to ensure the preservation, replacement, removal and/or treatment of the trees identified in the Tree Conservation Plan and as approved on the subdivision plan, and for work relating to the protection and management of undisturbed areas identified on the approved C/FDP. The letter of credit shall be equal to 50% of the replacement value of the bonded trees. The cash deposit shall consist of 33% of the amount of the letter of credit.

At any time prior to final bond release, should any bonded trees die, be removed, or severely decline as determined by FCB due to unauthorized construction activities, the Applicant shall replace such trees at its expense. The replacement trees shall be of equal size, species and/or canopy cover as approved by FCB. In addition to this replacement obligation, the Applicant shall also make a payment equal to the value of any bonded tree that is dead or dying or improperly removed due to unauthorized construction activity. This payment shall be equal to the Tree Value

determined during reviewed and approved of the subdivision and paid to a fund established by the County for the furtherance of tree conservation objectives. At the time of approval of the final RUP, the Applicant shall be entitled to request a release of any monies remaining in the cash bond and a reduction in the letter of credit to an amount up to 20% of the total amounts originally committed.

Any cash or funds remaining in the Tree Bond shall be released two years from the date of the project's final bond release, or sooner, if approved in writing by FCB.

Areas to be Left Undisturbed and Adherence to Limits of Clearing and Grading: The limits of clearing and grading shown on the C/FDP shall be strictly adhered to. The subdivision plan shall clearly identify these areas as shown on the C/FDP.

As part of the subdivision plan, the Applicant shall provide management practices for the protection of understory plant materials, leaf litter and soil conditions found in areas to be left undisturbed, subject to the approval of the FCB. The Applicant shall actively monitor the site to ensure that inappropriate activities such as the storage of construction materials, dumping of construction debris, and traffic by construction equipment and personnel do not occur within these areas. The Applicant shall restore understory plant materials, leaf litter and soil conditions to the satisfaction of FCB if these are found to be damaged, removed or altered in a manner not allowed in writing by the FCB.

If it becomes necessary to install utilities determined necessary by DPWES within areas to be left undisturbed, they shall be located and installed in the least disruptive manner possible as determined by FCB in coordination with the Site Development and Inspections Division, DPWES. In addition, the Applicant shall develop and implement a replanting plan for the portions of protected areas disturbed for utility installation taking into account planting restrictions imposed by utility easement agreements.

Any work occurring in or adjacent to the areas to be left undisturbed, such as root pruning, installation of tree protection fencing and silt control devices, removal of trash, or plant debris, or extraction of trees designated to be removed shall be performed in a manner that minimizes damage to any tree, shrub, herbaceous, or vine plant species that grows in the lower canopy environment; and minimizes impacts to the existing top soil and leaf litter layers that provide nourishment and protection to that vegetation, all as approved by FCB. The use of power equipment in these areas shall be limited to small hand-operated equipment such as chainsaws. Any work that requires the use of larger motorized equipment such as, but not limited to, tree transplanting spades, skid loaders, tractors, trucks, stump-grinders, or any accessory or attachment connected to such equipment shall not occur unless reviewed and approved in writing by FCB.

Homeowner's Association: As a permittee that will convey ownership of forested areas in Parcels "A and C" to the Homeowner's Association, the Applicant shall, at the time the HOA takes over management of Parcels A and C, convey to the HOA any long-term tree and forested management information that was prepared to satisfy tree conservation plan requirements of the subdivision plan. Information shall include data collected for the Tree Inventory, updated to note completion of tree preservation activities required by the Tree Preservation Plan approved with the subdivision plan and any additional work performed for preservation and/or maintenance of trees located in Parcels A and C. Transfer of tree and forested area management information shall be verified with an acknowledgement of receipt signed by the buyer prior to issuance of the RUP.

Property Boundary Delineation: Where private lots share boundaries with common open space and where trees have been preserved, the Applicant shall mark all private lot corners with a 36" tall Aluminum Survey Pipe rising 12 inches above grade so that the property lines of private lots adjacent to forested common open space can be clearly and accurately delineated on the site. Pipes shall bear the initials HOA to clearly identify the boundary of the private lot and the

common open space on top of the pipes. The location of the pipes shall be shown on the Subdivision Plan and Grading Plan.

6. Storm Water Management

- a) If approved by SDID, Stormwater Management and Best Management Practices (BMP's) shall be accomplished through the provision of a Conservation Area, Gravel Aggregate Infiltration Trench, Stormtech chambers and/or a bioretention facility as generally shown on Sheets 2 and 7 of the C/FDP and in accordance with the requirements of the Fairfax County Public Facilities Manual (PFM) or any approved modifications. Maintenance access will be provided as shown on the C/FDP. The size and location of the facilities may be subject to final modifications based on final engineering provided it is in substantial conformance with the C/FDP. The stormwater facility shall be designed to meet the adequate outfall requirements as outlined in the PFM.
- b) The Homeowner's Association shall be responsible for the ownership of Parcels A, B and C. The Homeowner's Association shall also be responsible for routine maintenance of Parcels A, B and C, outside of any storm drainage easements, to include, but not limited to, (a) lawn maintenance, (b) the removal of vegetation to control the invasive species of vines and other vegetation; (c) removal of dead or dying vegetation; (d) the routine maintenance of existing conditions, such a minor tree limbing or trimming, provided that such activity is consistent with the Tree Preservation Plan; or (e) the removal of trees in order to prevent the endangerment of life or property, meet insurance requirements or damaged due to natural disasters beyond the control of the Applicant. The homeowners of the lots within Spring Lake, Section 3 shall also be responsible for implementing the maintenance contract and funding mechanism to provide maintenance for the proposed stormwater facilities. The maintenance responsibilities and funding mechanisms for the lots within Spring Lake, Section 3 will be outlined in the Homeowner's Association documents as well as in a disclosure memorandum for any contract for sale
- c) Prior to bond release, the Applicant shall contribute \$5,000 to the Homeowner's Association for the subject property for use in maintaining the proposed stormwater facilities. This contribution is above and beyond that required per Letter to Industry 01-11.
- d) After establishing the HOA pursuant to these proffers, the Applicant shall provide the HOA with written materials describing proper maintenance of the stormwater facilities in accordance with the PFM and County guidelines.
- e) Should the U.S. Environmental Protection Agency, the Commonwealth of Virginia, Fairfax County, or their designee, issue new or additional stormwater management requirements or regulations affecting the Property, the Applicant shall have the right to accommodate necessary changes to its stormwater management designs without the requirement to amend the CDP/FDP or these proffers. Such changes to the stormwater management design shall not materially impact the limits of clearing and grading, building locations, or road layouts.

7. Contributions

- a) Prior to subdivision plan approval, the Applicant shall contribute \$13,350 to the Fairfax County Park Authority for its use in establishing and maintaining parks and recreational facilities in the Hunter Mill District of Fairfax County.

- b) Prior to subdivision plan approval, Applicant shall contribute \$31,464 to the Board of Supervisors for capital improvements to the public schools in the Marshall High School pyramid and/or to Cluster II schools that encompass this area at the time of Building Permit approval. Said contribution shall be deposited with SDID for transfer to Fairfax County Public Schools. Following approval of this Application and prior to the Applicant's payment of the amounts set forth in this Proffer, if Fairfax County should increase the ratio of students per high rise multifamily unit or the amount of the contribution per student, the Applicant shall increase the amount of the contribution for that phase of development to reflect the then current ratio and/or contribution. If the County should decrease the ratio or contribution amount, the Applicant shall provide the greater of the two amounts. Prior to beginning construction of the proposed development, the Applicant shall notify the Fairfax County Public Schools of the intended construction and anticipated completion date.
- c) Prior to the subdivision plan approval, the Applicant shall contribute to the Fairfax County Housing Trust Fund a sum equal to one-half of one percent (0.5%) of the value of all of the units approved on the property. The percentage shall be based on the aggregate sales price of all of the units subject to the contribution, as if all of those units were sold at the time of the issuance of the first building permit, and is estimated through comparable sales of similar type units. The projected sales price shall be as determined by the Department of Housing and Community Development (HCD) in consultation with the Applicant to assist the County in its goal to provide affordable dwellings.
- d) Pursuant to Paragraph 2 of Section 6-409 of the Zoning Ordinance and prior to subdivision plan approval, the Applicant shall contribute one thousand seven hundred dollars (\$1,700) per approved unit to the Fairfax County Park Authority (FCPA) for its use in providing recreational facilities in Fairfax County.

8. Escalation in Contribution Amounts

For all proffers specifying contribution amounts or budgets for operational expenses, the contribution and/or budget amount shall escalate on a yearly basis from the base year of 2014 and change effective each January 1 thereafter, based on changes in the Consumer Price Index for all urban consumers (not seasonally adjusted) ("CPI-U"), both as permitted by Virginia State Code Section 15.2-2303.3.

Following approval of this Application and prior to the Applicant's payment of the amount(s) set forth in Proffer 7b, if Fairfax County should increase the ratio of students per unit or the amount of contribution per student, the Applicant shall increase the amount of the contribution for that phase of development to reflect the then-current ratio and/or contribution. If the County should decrease the ratio or contribution amount, the Applicant shall provide the greater of the two amounts.

9. Architecture

- a. The design and architecture of the approved units shall be in substantial conformance with the illustrative elevations contained in the C/FDP, or of comparable quality. The Applicant reserves the right to use an alternative product than what is shown on the illustrative elevations provided it is consistent with the illustrative elevations. The exterior facades of the new homes constructed on the site shall be covered with masonry (cultured stone, stone or brick) from finished grade to first floor on all four sides. Masonry and/or cementitious siding (e.g., HardiPlank by James Hardie Building Products), or a combination thereof shall be applied from the first floor to the roof line. All units shall be limited to a maximum of thirty-five (35) feet in height as measured in the Fairfax County Zoning Ordinance.

- b. The side façade treatments on Lots 1 and 7, which face the adjacent public street, shall contain a similar façade treatment to that shown on the front of Lots 1 and 7. Additional landscaping, to include three large deciduous trees, shall be provided behind Lot 7

10. Green Building

Qualification in accordance with ENERGY STAR® for Homes as determined by the submission of documentation to the Environment and Development Review Branch of DPZ from a home energy rater certified through the Residential Energy Services Network (RESNET) program that demonstrates that the dwelling unit has attained the ENERGY STAR® for Homes qualification prior to issuance of the Residential Use Permit.

11. Lighting and Signs

- a) All exterior lighting shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance.
- b) 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 Property. Furthermore, the Applicant shall direct its agents and employees involved in marketing and/or home sales for the Property to adhere to this Proffer.

12. Telecommuting

All dwellings shall be pre-wired with broadband, high capacity data/network connections in multiple rooms, in addition to standard phone lines.

13. Universal Design

At the time of initial purchase, the following Universal Design options shall be offered to each purchaser at no additional cost: step-less entry from the garage to house or into the front door, main doors on 1st floor level 36" wide, lever door handles instead of knobs, light switches 44"-48" high, thermostats a maximum of 48" high, and/or electrical outlets a minimum of 18" high.

At the time of initial purchase, additional Universal Design options shall be offered to each purchaser at the purchaser's sole cost. These additional options may include, but not be limited to, first floor bedroom and 1st floor bathroom, clear space under the kitchen counters, curb less shower (or shower with a curb of less than 4.5" high), five foot turning radius near 1st floor bathroom commode, grab bars in 1st floor bathroom that are ADA compliant, 1st floor bathroom console sink in lieu of cabinet style vanity.

14. Other

- a) During development of the subject site, the telephone number of the site superintendent that shall be present on-site during construction shall be provided to the Hunter Mill District Supervisor's Office.
- b) Outdoor construction activity shall be limited to between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday and 8:00 a.m. and 5:00 p.m. on Saturdays. No outdoor construction

activities shall be permitted on Sundays or on federal holidays. The site superintendent shall notify all employees and subcontractors of these hours of operation and shall ensure that the hours of operation are respected by all employees and subcontractors. Construction hours shall be posted on-site in both English and Spanish. This proffer applies to the original construction only and not to future additions and renovations by homeowners.

- c) Any extension into the minimum required side and rear yards for covered and uncovered decks shall be permitted in accordance with Section 2-412 of the Fairfax County Zoning Ordinance. Restrictions placed on the location of covered and uncovered decks per Section 2-412 of the Zoning Ordinance shall be disclosed to all prospective homeowners as a disclosure memorandum prior to entering into a contract of sale, included in the Homeowner's Association documents, and included as a covenant in the deed of subdivision. In accordance with the Zoning Ordinance, any sunrooms or enclosed porches may not encroach into the minimum required setbacks as shown on Sheet 2 of the C/FDP. This shall be disclosed to all prospective homeowners as a disclosure memorandum prior to entering into a contract of sale, included in the Homeowner's Association documents, and included as a covenant in the deed of subdivision.
- d.) The Applicant shall include the Approved Landscaping Plan from the Subdivision Plan, including a detail for each lot that clearly identifies the Environmental Quality Corridor, Conservation Areas, trees to be preserved, any Maintenance Responsibilities for the proposed vegetation (to be prepared by a Certified Arborist) and information regarding the County's Tree Conservation Ordinance to all prospective homeowners. This shall be provided to all prospective homeowners in a disclosure memorandum prior to entering into a contract of sale, included in the Homeowner's Association documents, and included as a covenant in the deed of subdivision.
- e.) The Applicant shall show the limits of the Environmental Quality Corridor and Conservation Area on any future Subdivision or Grading Plans and have the limits marked with a continuous line of flagging prior to the walk-through meeting with FCB, SDID representative. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump grinding machine in a manner causing as little disturbance as possible to the adjacent trees and associated understory vegetation and soil conditions.

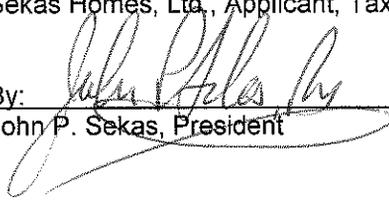
The limits of the Environmental Quality Corridor and Conservation Area shown to be preserved shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence, to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees, shall be erected at the limits of the Environmental Quality Corridor and Conservation Area.

All tree protection fencing shall be installed after the walk-through meeting but prior to any clearing and grading activities. The installation of all tree protection fencing shall be performed under the direct supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the FCB, SDID, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by FCB, SDID.

Signatures:

Sekas Homes, Ltd., Applicant, Tax Map 28-4 ((8)) Parcels 3-7 and 28-4 ((9)) Parcel A

By:



John P. Sekas, President

Oakcrest Farms, L.C., Title Owner of Tax Map 28-4 ((8)) Parcels 3-7 and 28-4 ((9)) Parcel A

By:



John P. Sekas, Manager