

PROFFER STATEMENT

November 13, 2014

RZ 2014-BR-001

Blagoj Skandev/SD Homes, LLC

Pursuant to Section 15.2-2303(A), Code of Virginia, 1950 as amended, the undersigned Owner/Applicant, in this rezoning proffers that the development of the parcel under consideration and shown on the Fairfax County Tax Map as Tax Map Reference 69-3 ((1)) 31 (hereinafter referred to as the "Property") will be in accordance with the following conditions (the "Proffered Conditions"), if and only if, said rezoning request for the R-3 Zoning District is granted. In the event that said rezoning request is denied, these Proffered Conditions shall be null and void. The Owner/Applicant, for themselves, their successors and assigns hereby agree that these Proffered Conditions shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia, in accordance with applicable County and State statutory procedures. The Proffered Conditions are:

1. Substantial Conformance. Development of the Property shall be in substantial conformance with the Generalized Development Plan (GDP) titled "Twinbrook Road Subdivision" prepared by GeoEnv Engineers & Consultants, LLC, dated October 23, 2014, consisting of 16 sheets. A maximum of two single family detached dwelling units shall be constructed on the Property.
2. Minor Modifications. Pursuant to Paragraph 5 of Section 18-204 of the Zoning Ordinance, minor modifications from the GDP may be permitted when it is determined by the Zoning Administrator that such modifications are in substantial conformance with the GDP.
3. Architectural Design. The architectural design of the proposed dwellings shall generally conform to the character and quality of the illustrative elevation, but the Applicant reserves the right to modify these elevations and revise architectural ornamentation based on final architectural design. The building materials shall be any combination of brick, stone, cementations siding and stucco supplemented with trim and detail features. Dwellings shall incorporate a brick, stone or stucco water table on all facades visible from public streets.
4. Universal Design. At the time of initial purchase, the Applicant shall offer each purchaser the following universal design options at no additional cost:
 - A. Front entrance doors that are a minimum of 36 inches wide;
 - B. Clear knee space under the sink in the kitchen;
 - C. Level door handles instead of knobs;
 - D. Light switches 44-48 inches high;
 - E. Thermostats a maximum of 48 inches high; and
 - F. Electrical outlets a minimum of 18 inches high.

At the time of initial purchase, the Applicant shall offer each purchaser additional universal design options at the purchaser's sole cost. These additional options may include, but not be limited to:

- G. Step-less entry from the garage to the house and/or into the front door;
 - H. A curb-less shower, or a shower with a curb of less than 4.5" high;
 - I. A turning radius of five feet near the first floor bathroom commode;
 - J. Grab bars in the bathrooms that are ADA compliant; and
 - K. A first-floor bathroom console sink in lieu of a cabinet-style vanity.
5. Right-of-Way Dedication. As a part of subdivision the Applicant shall dedicate and convey, to the Board of Supervisors, right-of-way along Twinbrook Road (Rt. 652), such that the half-section, as measured from the centerline, shall equal 44 feet.
 6. Twinbrook Road Improvements. The Applicant shall provide roadway improvements generally as shown on the GDP, including a one-foot wide asphalt shoulder, a gravel shoulder a minimum of eight feet to eleven feet wide, a ditch for the conveyance of stormwater, and a five-foot wide concrete sidewalk.
 7. Sight Distance. The driveway locations shall provide adequate sight distances as shown on the GDP for entering the public street. Vegetation across the site frontage shall be trimmed or removed to eliminate sight line obstructions.
 8. Sidewalk. A concrete sidewalk a minimum of five feet wide shall be constructed by the applicant within the area to be dedicated as right-of-way along Twinbrook Road. The eastern edge of the sidewalk shall generally be located approximately one (1) foot from and parallel to the proposed eastern limit of the right-of-way, in accordance with Virginia Department of Transportation ("VDOT") roadway design standards, with the final location of the sidewalk to be determined during site plan review, as approved by the Department of Public Works and Environmental Services ("DPWES") and VDOT. The Applicant shall extend the concrete sidewalk to the south to connect with the existing concrete apron along the Twinbrook Road frontage of Tax Map 69-3 ((10)) 38; and the applicant shall cooperate and coordinate with the adjoining property owner of Tax Map 69-3 ((1)) 29A regarding the sidewalk location at the common property line to the north and the clearing and grading necessary to construct the facility. The applicant shall minimize the clearing and grading needed to provide a sidewalk and shall effectuate a grading transition between the properties.
 9. Construction Hours. Construction shall occur only between the hours of 7:00 a.m. until 7:00p.m., Monday through Friday, and 9:00a.m. until 6:00 p.m., Saturday and Sunday. Construction activities shall not occur on the holidays of New Year's Day, Easter, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas. The allowable hours of construction as specified in this proffer shall be listed within any contract with future sub-contractors associated with initial construction on the site.

10. Stormwater Management.

- A. Best Management Practice ("BMP") measures for the Property shall be provided as shown on the GDP. The SWM and BMP measures shall be developed in accordance with the PFM, unless waived or modified by DPWES. The stormwater management system shall be reviewed for adequacy by DPWES at the time of subdivision plan review; if any inadequacies are identified, appropriate corrective measures in substantial conformance with the GDP shall be employed to the satisfaction of DPWES, prior to final subdivision plan approval.
- B. Maintenance of the SWM facilities shall be the responsibility of the Applicant and the successor owners.
- C. Prior to entering into a contract of sale, prospective purchasers shall be notified in writing by the Applicant of the maintenance responsibility for the storm water management facilities and shall acknowledge receipt of this information in writing.
- D. The Applicant shall provide the owners with written materials describing proper maintenance of the approved BMP facilities.
- E. Should future County policy permit all or part of the SWM facilities on the Property to be eligible for County maintenance, then the Applicant or the successor owners may request County maintenance of eligible facilities.

11. Energy Conservation.

Dwelling units on the Property shall be constructed to achieve one of the following programs, the selection of which shall be determined by the Applicant:

- A. Certification in accordance with the 2012 National Green Building Standard (NGBS) using the ENERGY STAR® (version 3.0) Qualified Homes path for energy performance, as demonstrated through a preliminary report submitted to the Environment and Development Review Branch of the Department of Planning and Zoning (DPZ) prior to the issuance of the Residential Use Permit (RUP) for each dwelling from a home energy rater certified through the Home Innovation Research Labs that demonstrates that each dwelling unit has attained the certification and a final report submitted to DPZ within thirty (30) days after the issuance of the RUP of each dwelling; or
- B. Certification in accordance with the Earth Craft House Program, as demonstrated through documentation provided to DPWES and DPZ prior to the issuance of the RUP for each dwelling.

12. Landscape Plan. As part of the subdivision plan submission, the Applicant shall submit to Urban Forest Management Division ("UFMD"), DPWES for review and approval a detailed landscape and tree cover plan which shall, at a minimum, be generally consistent with the quality and quantity of plantings and materials shown on the GDP. The landscape plan shall be designed to ensure adequate planting space for all trees based on the requirements in the Public Facilities Manual ("PFM"). Plantings

shall include only non-invasive species and, to the extent practical, plant species native to Fairfax County. Adjustments to the type and location of vegetation and the design of landscaped areas and streetscape improvements/plantings shall be permitted as approved by UFMD.

13. Tree Preservation: The applicant shall submit a Tree Preservation Plan and Narrative as part of the first and all subsequent site plan submissions. The preservation plan and narrative shall be prepared by a Certified Arborist or a Registered Consulting Arborist, and shall be subject to the review and approval of UFMD. The tree preservation plan shall include a tree inventory that identifies the location, species, critical root zone, size, crown spread and condition analysis percentage rating for all individual trees to be preserved, as well as all on and off-site trees, living or dead with trunks 12 inches in diameter and greater (measured at 4½-feet from the base of the trunk or as otherwise allowed in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture) located within 25 feet to either side of the limits of clearing and grading. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the GDP and those additional areas in which trees can be preserved as a result of final engineering.
14. Tree Preservation Walk-Through. The Applicant shall retain the services of a certified arborist or Registered Consulting Arborist, 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 UFMD 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 adjacent trees and associated understory vegetation and soil conditions.
15. Limits of Clearing and Grading. The Applicant shall conform strictly to the limits of clearing and grading as shown on the GDP, subject to allowances specified in these proffered conditions and for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and in areas protected by the limits of clearing and grading as shown on the GDP, they shall be located in the least disruptive manner necessary as determined by UFMD. A replanting plan shall be developed and implemented, subject to approval by UFMD for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.

16. Tree Preservation Fencing. All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fencing. Tree protection fencing to 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, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved.

17. Root Pruning. The Applicant shall root prune, as needed to comply with the tree preservation requirements of these proffers. All treatments 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 UFMD, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to, the following:

- Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches;
- Root pruning shall take place prior to any clearing and grading, or demolition of structures;
- Root pruning shall be conducted with the supervision of a certified arborist; and
- An UFMD representative shall be informed when all root pruning and tree protection fence installation is complete.

18. Site Monitoring. During any clearing or tree/vegetation/structure removal on the Applicant 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 UFMD. The Applicant shall retain the services of a certified arborist or Registered Consulting Arborist to monitor the tree preservation efforts in order to ensure conformance with all tree preservation development.

19. Mulching. The Applicant shall mulch to a depth of three to four (3-4) inches within the areas to be left undisturbed within 25 feet of the limits of clearing and grading where soil conditions are poor, lacking leaf litter, or prone to soil erosion. Areas to be mulched shall be clearly identified on the Tree Preservation Plan.

All areas to be mulched shall be accessed in a manner that protects adjacent trees and vegetation that are required to be preserved. Access and the application of mulch shall conform to the following Specifications:

- Mulch may be placed within tree protection areas at points designated by the Project Arborist to minimize impacts to existing vegetation;
- Motorized equipment may be used to reach over tree protection fencing to place mulch at

designated points;

- Mulch shall be spread by hand within tree preservation areas; and
- Mulch shall consist of wood chips or pine bark mulch. Hay or straw mulch shall not be used within tree preservation areas.

20. Vegetation Management Plan. An invasive and undesirable vegetation management plan shall be developed that provides for the management and treatment of invasive and undesirable plants, growing in all areas shown to be preserved, that are likely to endanger the long-term ecological functionality, health, and regenerative capacity of the early successional forest communities, for review and approval by UFMD. The management plan shall incorporate the following information:

- Targeted invasive plant species to be suppressed and managed;
- Targeted areas of invasive plant management, which shall be clearly identified on the landscape or tree preservation plan;
- Recommended government and industry method(s) of management, i.e. hand removal, mechanical equipment, chemical control, and/or other; potential impacts of recommended method(s) on surrounding trees and vegetation not targeted for suppression/management and methods to protect these trees and vegetation. For example, if mechanical equipment is proposed in a save area, information shall be provided regarding potential impacts to trees identified for preservation and methods to reduce these impacts. If chemical control is recommended, treatments shall be performed by or under direct supervision of a Virginia Certified Pesticide Applicator or Registered Technician and under the general supervision of Project Arborist);
- Disposal methods for the targeted species;
- Information regarding the timing of treatments (including hand removal, removal by mechanical equipment, or chemical treatments), to include the beginning and end of treatments during a season, and the proposed frequency of treatments per season;
- Potential areas of reforestation, if applicable, and recommendations; and
- Monthly monitoring reports, which shall be provided to UFMD and SDID staff.

The invasive management program shall be continued until Bond release or release of the Conservation Deposit, or prior to release if targeted plant(s) appear to be eliminated based on documentation provided by the Project Arborist and an inspection by UFMD staff.

21. Recreation Contribution. The Applicant shall contribute \$2,679 to the Park Authority prior to subdivision plan approval to offset this development's impacts on County Park and Recreation facilities by development of off-site recreational facilities intended to serve the future residents.

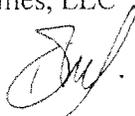
22. Public School Contribution. Prior to the issuance of the first building permit, a contribution of \$10,825 shall be made to the Fairfax County School Board to be utilized for capital improvements or capacity enhancements to schools that students generated by the Property will attend. Such contribution shall be made at the time of the first building permit approval for the Property. Following approval of this Application and prior to the Applicant's payment of the contribution, 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.

23. Proffer Notification. The Applicant shall notify the Office of Facilities Planning Services of Fairfax County Public Schools within 30 days of filing a subdivision plan with the County to allow the school system adequate time to plan for anticipated student growth and to ensure classroom availability.
24. Housing Trust Fund. Prior to the issuance of the first RUP, the Applicant shall contribute to the Fairfax County Housing Trust Fund ("HTF") the sum equal to one half percent (1/2%) of the value of one of the units approved at the time of site plan on the Property. The percentage shall be based on the assessed value of the unit subject to the contribution, the sales price of the unit, or an estimate derived from comparable sales of similar type units. The value shall be proposed by the Applicant in consultation with the Fairfax County Department of Housing and Community Development ("HCD") and shall be approved by HCD.
25. Adjustments in Contribution Amounts. For all proffers specifying contribution amounts, with the exception of Proffer 23 related to the public school contribution, the contribution shall adjust on a yearly basis from the base year of 2015 and change effective each January 1 thereafter, based on changes in the Consumer Price Index for all urban consumers ("CPI-U"), (not seasonally adjusted), as reported by the United States Department of Labor, Bureau of Labor Statistics occurring subsequent to the date of final site plan approval and up to the date of payment. In no event shall an adjustment increase exceed the annual rate of inflation as calculated by the CPI-U.
26. Successors and Assigns. These proffers shall bind and inure to the benefit of the Applicant and his/her successors and assigns.

APPLICANT/OWNER OF TAX MAP 069-3 ((1)) 31

SD Homes, LLC



By: Blagoj Skandev
Member/Manager