

D R A F T
**For Discussion Purposes
Only**

VOLUNTARY PROFFER STATEMENT

Applicant: USGGB, LLC
108 Carroll Circle, Fredericksburg, VA 22405

Owner: Edwin Jacobsen

**** (Applicant & Owner are hereafter known collectively as the “Applicant”) ****

Representative: Charles W. Payne, Jr., Hirschler Law;
725 Jackson Street, Ste. 200, Fredericksburg, VA, 22401;
Phone: (540) 604-2108; Fax (540) 604-2101;
Email: cpayne@hirschlerlaw.com

Project Name: “Noah’s Landing”

Property: Spotsylvania County Tax Parcel 24-A-64, with no address assigned,
consisting of approximately 18.584 acres (the “Property”)

Date: March 11, 2019

GDP: Generalized Development Plan for Rezoning, entitled “Noah’s Landing”,
prepared by Fairbanks & Franklin, dated February 19, 2019, attached
hereto as Exhibit A (“GDP”)

Rezoning Request: From R-1 to PDH-8

Rezoning File No.: R19-00__

I. General Information

The Applicant, its successors and assigns, hereby agrees that the development of the Property, subsequent to approval of the rezoning application to which these proffers are attached, will be in conformance with the GDP and the following proffered conditions (“Proffers”) pursuant to Sections 15.2-2303 and 15.2-2303.4, et al. of the Code of Virginia (1950, as amended), and Section 23-4.6.3, et al. of the Zoning Ordinance of Spotsylvania County (1995, as amended). The Proffers are the only conditions offered in this rezoning application, and any

prior proffers affecting the Property, whether by prior proffer offers or through the impact statement accompanying this application, are hereby superseded by these Proffers. All previous proffers associated with the Property, whether of record or not, are hereby void and of no further force and effect. The Proffers will be effective only upon Spotsylvania County's ("County") full and final approval of rezoning application R19-00__ submitted by the Applicant to reclassify the Property from R-1 to PDH-8 to allow development of no more than forty-nine (49) single family detached units and fifty-three (53) single family attached units.

II. Land Use

- A. **General Development.** The Property will be developed in conformance with the GDP. Notwithstanding the foregoing, all parcel lines, parcel sizes, building envelopes, building sizes, public road locations, private driveway and travelway locations, utility locations, storm water management facilities, and dimensions of undeveloped areas shown on the GDP may be reasonably adjusted for purposes of the final site or subdivision plans to allow the Applicant to address final development, engineering, and final design requirements, and/or to fulfill compliance with state and federal agency regulations including, but not limited to, DHR, VDOT, DEQ, DCR, Army Corps., etc., and compliance with the requirements of the County's development regulations and design standards manual. Notwithstanding the foregoing, any said adjustments to the GDP shall be subject to the approval of the County's Zoning Administrator, and in no event shall approved adjustments to the GDP relieve the Applicant from providing any of the below Proffers.
- B. **Use.** The Property shall be developed solely for a total of one hundred and two (102) units to include no more than forty-nine (49) single family detached ("SFD") units and fifty-three (53) single family attached ("SFA") units (each individually, a "Unit", and collectively, the "Units") as shown on the GDP, and the Property shall not be developed for any other secondary uses allowed in the PDH-8 district, except for home occupation authorized under said district.

III. Open Space

As shown on the GDP, approximately 8.85 acres (47.62%) of the Property will be retained as open space for stormwater management facilities, active and passive recreation and natural areas. The open space area shown on the GDP will be owned and maintained by the HOA. In addition, the Applicant shall provide the recreational amenities shown on the GDP.

IV. Cash Proffers

- A. The Applicant will provide the following cash Proffers to mitigate the project's impacts. For the purpose of calculating these cash Proffers, the number of Units has been reduced from 102 to 90 to reflect the 12 by-right Units that could be developed under the existing R-1 zoning. Cash Proffers are applicable to all Units

and will be paid on a per Unit basis of \$166.81 (\$8,173.51 divided by 49 SFD Units = \$166.81 per SFD Unit) and \$132.48 (\$7,021.54 divided by 53 SFA Units = \$132.48 per SFA Unit) (“Cash Contributions”) after the final inspection and before the County’s approval of any certificate of occupancy for each Unit.

CASH AND IN-KIND PROFFERS					
	SF Detached	SF Attached	Multi-Family	Age-Restricted	TOTAL
Per Unit Cash Proffer	\$220.91 x 37	\$132.48 x 53	\$0 x 0	\$0 x 0	
TOTAL	\$8,173.51	\$7,021.54	\$0	\$0	\$15,195.05
LUMP SUM AND IN-KIND CONTRIBUTIONS					
PUBLIC FACILITY CATEGORY					TOTAL VALUE
Schools	\$0.00 cash per Unit to Schools				\$0.00
Public Safety	\$111.70 cash per SFD Unit to Public Safety \$66.99 cash per SFA Unit to Public Safety				\$7,683.08
Transportation	\$0.00 cash per Unit to Transportation				\$0.00
Parks & Rec.	\$109.21 cash per SFD Unit to Parks & Rec. \$65.50 cash per SFA Unit to Parks & Rec.				\$7,511.97
TOTAL CASH & IN KIND PROFFER VALUE					\$15,195.05

PROFFERED PHASING AND TIMING	
Phase or Contribution/Dedication	Timing
<i>Cash Contributions to Public Safety</i>	After the final inspection and before the County’s approval of any certificate of occupancy for each Unit
<i>Cash Contributions to Parks & Rec.</i>	After the final inspection and before the County’s approval of any certificate of occupancy for each Unit

B. Escalation/De-Escalation Clause. Commencing five (5) years after the approval of this rezoning application, the cash Proffers for each single family residential Unit

shall be adjusted annually on January 1 to reflect any increase or decrease for the preceding year in the Consumer Price Index, U.S. City Average, All Urban Consumers (CPI-U) All Items (1982-84=100) (the "CPI") prepared and reported monthly by the U.S. Bureau of Labor Statistics of the United States Department of Labor. The adjustment shall be made by multiplying the Cash Contributions for the preceding year by the CPI as of December 1st in the preceding year. If the CPI is discontinued by the United States Department of Labor, the Marshall and Swift Building Cost Index formula shall be used as defined by Section 15.2.2303.3b of the Code of Virginia.

[AUTHORIZED SIGNATURES TO FOLLOW]

The Applicant makes these Proffers voluntarily, in support of their rezoning application.

WITNESS the following signatures:

APPLICANT:

USGGB, LLC, a
Virginia limited liability company

By: _____
Douglas G. Janney, Jr., Manager

Date: _____

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF _____

The foregoing was subscribed, sworn to and acknowledged before me this ___ day of _____, 2019, by Douglas G. Janney, Jr., Manager of USGGB, LLC, a Virginia limited liability company, on behalf of said company.

Notary Public

Print Name: _____

My Commission Expires: _____

Registration No. _____

[SEAL]

OWNER:

Edwin Jacobsen

Date: _____

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF _____

The foregoing was subscribed, sworn to and acknowledged before me this ___ day of _____, 2019, by Edwin Jacobsen.

Notary Public

Print Name: _____
My Commission Expires: _____
Registration No. _____
[SEAL]

EXHIBIT A

Generalized Development Plan

10847931.3 031290.00011