

## PROFFERS

### HUNTING RIDGE

RZ 96-P-009

March 9, 1998

Pursuant to Section 15.2-2303(a), Code of Virginia, 1950 as amended, Hunting Ridge Associates, L.L.C., the Applicant in RZ 96-P-009, filed for property identified as Tax Map 30-3 ((2)) 181 - 195, 210 - 220, 230 -233, 235 - 247, 251 - 260, and 272 - 274, and to-be-vacated rights-of-way associated with portions of LaSalle Avenue and Colonial Lane (hereinafter referred to as the "Application Property"), proffers the following, provided that the Board of Supervisors (hereinafter referred to as the "Board") approves a rezoning of the Application Property to the PDH-12 District.

1. **Development Plan.** Development of the Application Property shall be in substantial conformance with the Conceptual Development Plan/Final Development Plan ("CDP/FDP") prepared by The Lessard Architectural Group consisting of eight (8) sheets dated March 3, 1998.
2. **Final Development Plan Amendment.** Notwithstanding that the CDP/FDP is presented on eight (8) sheets and said CDP/FDP is the subject of Proffer No. 1 above, it shall be understood that the CDP shall be the entire plan shown on Sheet 2 relative to the points of access, the total number and types of units and general location of units, amount of open space, the general location of the recreational facilities, location of common open space areas and buffers, and limits of clearing and grading. The Applicant has the option to request a Final Development Plan Amendment ("FDPA") for elements other than CDP elements from the Planning Commission for all of or a portion of the CDP/FDP in accordance with the provisions set forth in Section 16-402 of the Zoning Ordinance, if in conformance with the approved CDP and proffers.
3. **Minor Deviations.** Pursuant to Paragraph 4 of Section 16-403 of the Zoning Ordinance, minor modifications from the FDP may be permitted as determined by the Zoning Administrator. The Applicant shall have the flexibility to modify the layout shown on the CDP/FDP without requiring approval of an amended FDP provided such changes are in substantial conformance with the FDP as determined by the Zoning Administrator, agents or assigns and neither increase the total number of units nor decrease the following: amount of open space; the amount of parking; the amount of tree preservation; the location of common open space areas; or distances to peripheral lot lines. Such changes may include, but not be limited to, revising the width of the units (provided the width is not reduced as to preclude two car garages on the market rate units) and shifting the number of single-family attached units from one group of units to another.

4. **Chain Bridge Road.** The Applicant shall construct frontage improvements to Chain Bridge Road in front of Lots 230-233 measuring nineteen (19) feet from the existing centerline to face of curb with an appropriate transition to the existing pavement section west of the Application Property. Such improvements and the associated sidewalk and streetscape elements described in Proffer 21 shall be complete prior to the issuance of the 50th Residential Use Permit (RUP) for the market-rate units on the Application Property.

If approved by the Virginia Department of Transportation ("VDOT") and the Department of Environmental Management ("DEM"), the Applicant shall restripe the existing roadway of Chain Bridge Road to delineate a westbound left turn lane at the intersection with Seneca Avenue.

If approved by VDOT, the Applicant shall delineate a pedestrian crosswalk across Chain Bridge Road at its intersection with Seneca Avenue.

5. **Seneca Avenue.** The Applicant shall dedicate and convey in fee simple to the Board right-of-way along the Application Property's Seneca Avenue frontage as shown on the CDP/FDP and shall truncate right-of-way at intersections where required by VDOT. Dedication shall be made at time of site plan approval or upon demand from Fairfax County or VDOT whichever shall occur first.

Applicant shall construct frontage improvements to Seneca Avenue measuring thirty-eight (38) feet from face of curb to face of curb with appropriate transitions to the existing pavement section south of the Application Property. Subject to approval by VDOT and DEM, the Applicant may elect to construct Seneca Avenue improvements measuring thirty (30) feet from face of curb to face of curb. In the event a thirty (30) foot section is approved by VDOT, the Applicant shall construct a right-turn lane from northbound Seneca Avenue onto Chain Bridge Road, as approved by VDOT. Construction of said improvements shall occur coincident with each phase of development.

6. **LaSalle Avenue.** The Applicant shall dedicate and convey in fee simple to the Board right-of-way along the Application Property's LaSalle Avenue frontage as shown on the CDP/FDP and shall truncate right-of-way at intersections where required by VDOT. Dedication shall be made at time of site plan approval or upon demand from Fairfax County or VDOT whichever shall occur first. The Applicant shall construct a cul-de-sac as shown on the CDP/FDP.

7. **Colonial Lane.** The Applicant shall dedicate and convey in fee simple to the Board right-of-way along the Application Property's Colonial Lane frontage as shown on the CDP/FDP. The Applicant shall construct a cul-de-sac as shown on the CDP/FDP. In the event, a reduction in the radius of cul-de-sac is not obtained, any enlargement to the cul-de-sac shall be designed so that the bulb of the cul-de-sac begins south of the southern property line of Lot 271. The Applicant shall prepare a construction management plan for the construction

of the turn around that will minimize the length of construction and will minimize the disruption of access and utilities serving residents of Colonial Lane.

8. **Buena Vista Road.** The Applicant shall provide ancillary easements, as determined by VDOT/DEM, along its frontage with Buena Vista Road, so long as said easements are located on common open space and do not impact individual lots.

Purchasers shall be advised prior to entering into a contract of sale that the Buena Vista Road right-of-way exists adjacent to the site and that the possibility exists that a road in this right-of-way connecting Seneca Avenue and LaSalle Avenue may be constructed in the future.

9. **Density Credit.** Advanced density credit shall be reserved as may be permitted by the provisions of Paragraph 5 of Section 2-308 of the Fairfax County Zoning Ordinance for all eligible dedications described herein or as may be required by Fairfax County or VDOT at time of subdivision plan approval.

10. **Temporary Alternate Access.** During construction of the townhouses on the Application Property, temporary alternate access shall be provided for properties identified as Tax Maps 30-3 ((2)) 221 - 229A and 247 - 249, if desired by a majority of these property owners. The Applicant shall construct a 18-foot wide temporary common private driveway in the Buena Vista Road right-of-way between Seneca Avenue and LaSalle Avenue, subject to approval by VDOT. The driveway shall be constructed to meet the minimum County pavement section to meet dustless surface requirements. Such alternate access shall be in place prior to the initial clearing and grading of the townhouse portion of the Application Property. The Applicant shall also install a barricade on Seneca Avenue near the northern boundary of Tax Map 30-3 ((2)) 247 to prohibit through movements from the northern section of Seneca Avenue across Buena Vista Road to LaSalle Avenue. Such barricade shall be designed to "break away" to accommodate fire and rescue vehicles.

At the end of construction on the Application Property or at such time that a majority of property owners of Tax Maps 30-3 ((2)) 221 - 229A and 247 - 249 collectively request, whichever shall occur first, the Applicant shall, subject to VDOT approval, remove the temporary driveway in the Buena Vista Road right-of-way. The Applicant shall restore the right-of-way and shall include a pedestrian asphalt path and grass ground covering.

11. **Private Streets.** The private streets on the Application Property, excluding the common drive ways serving single family detached units, shall be constructed in conformance with Public Facilities Manual standard TS-5A with a minimum 30-foot easement and a minimum 24-foot pavement width. Said private streets shall be constructed of materials and depth of pavement consistent with Section 7-502 of the Public Facilities Manual ("PFM"). The rear loaded alleys located off the private streets which provide access to the garage of the townhouse mews units shall be constructed of materials and in a width and depth of pavement consistent with Section 7-502 of the Zoning Ordinance, but shall not be required to meet

easement width or curb and gutter standards as on the other private streets on the Application Property. The common driveways shall be constructed in conformance with PFM standard PS-3.

Purchasers shall be advised in writing prior to entering into a contract of sale that the homeowners association shall be responsible for the maintenance of all the private streets in the development. The homeowners association documents shall specify that the homeowners association is responsible for the maintenance of the private streets.

12. **Recreational Facilities.** Pursuant to Paragraph 2 of Section 6-110 of the Zoning Ordinance regarding developed recreational facilities, the Applicant shall provide the recreational facilities as shown on the CDP/FDP. These facilities include a tot lot, passive seating areas and an indoor recreational facility (which may include, but not be limited to, fitness equipment, pool table, and ping pong table) as shown on the CDP/FDP.

The Applicant proffers that the minimum expenditure for the above-referenced recreational facilities shall be \$500.00 per residential unit excluding ADUs.

13. **Noise.**

- a. In order to achieve a maximum interior noise level of 45 dBA Ldn within that area impacted by highway noise from the Dulles Airport Access Road ("DAAR") between 65 and 70 dBA Ldn noise contours, the Applicant shall construct the proposed dwelling units with the following acoustical measures to mitigate the impact of highway noise:

Construction materials and techniques known to have physical properties or characteristics suitable to achieve an STC of at least 39 for exterior walls:

Doors and windows shall have a laboratory STC rating of at least 28. If windows constitute more than twenty percent (20%) of any facade, they shall have the same laboratory STC as walls.

Measures to seal and caulk between surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission.

- b. In order to achieve a maximum exterior noise level of 65 dBA Ldn in rear yards located within the 65 to 70 dBA Ldn noise contours, the Applicant shall construct a noise barrier and/or berm as generally shown on the CDP/FDP. The barrier/berm shall be designed and constructed to meet VDOT standards. The barrier/berm shall be located on the Application Property and shall be maintained by the Homeowners Association, unless the Applicant elects, and gains approval, to locate the barrier/berm within the DAAR right-of-way.

- c. As an alternative, the Applicant may, at its sole discretion, have a refined acoustical analysis performed in coordination with the County planning staff to determine which units/buildings may have sufficient shielding to permit a reduction in the mitigation measures prescribed above, subject to approval by the Department of Environmental Management.
14. **Architecture.** The building elevations for the proposed single-family detached units, single family attached units and ADUs shall be generally in character with the conceptual elevations for each type of unit as shown on Sheets 4 and 8 of the CDP/FDP, or of a comparable quality as approved by DEM.
- a. The front and side facades of the twenty-four (24) foot wide and twenty (20) foot wide townhouses will be constructed primarily of brick with the exception of trim, gables, and minor architectural elements. End units of those twenty-four (24) foot wide townhomes that have side entries as shown on the CDP/FDP shall be as generally shown on the building elevations. End units on the twenty (20) foot wide townhomes shall either include side entries or shall incorporate windows and architectural detailing on the end walls to avoid any flat, blank wall appearance.
  - b. The front facade of the single family detached homes shall be constructed of a mixture of brick, stone, stucco, or siding. The sides of the detached homes which face onto a public street shall be constructed of a mixture of brick, stone, stucco, or siding and shall incorporate windows and architectural details to avoid a blank wall appearance.
  - c. The front facades of the Affordable Dwelling Units (“ADUs”) shall be constructed primarily of brick with the exception of trim gables and minor architectural elements as generally shown on the building elevations. The side facades of the ADUs shall be constructed of a mixture of brick and siding and shall incorporate windows and architectural details to avoid a blank wall appearance.
  - d. New single family detached homes constructed on the Application Property shall have a minimum of 2,400 square feet of finished living space and two car garages. Market rate rear-loaded townhomes shall have a minimum of 1,800 square feet of finished living space and a two car garage. Market rate front-loaded townhomes shall have a minimum of 2,300 square feet of finished living space and a two car garage.
15. **Affordable Dwelling Units.** 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 market rate units and ADUs to be provided may be altered based on the adoption of a future amendment to the provisions of the ADU Ordinance provided the total units on the Application Property does not exceed that shown on the CDP/FDP.

16. **Construction Traffic Management.** The Applicant shall require all construction related traffic, including construction worker and construction vehicle traffic, to utilize Seneca Avenue and shall prohibit such construction traffic on Colonial Lane, Buena Vista Road, and LaSalle Avenue. The only exception to this prohibition would be for construction vehicles needed to construct the hammerhead turn-around on Colonial Lane and the cul-de-sac on LaSalle Avenue and any necessary drainage or utility work within these rights-of-way.

The Applicant shall provide on-site parking for construction workers and vehicles associated with the construction and shall prohibit construction related parking on Colonial Lane, LaSalle Avenue, and Buena Vista Road.

17. **Homeowners Association.** The Applicant shall establish a homeowners association for the proposed development to own, manage and maintain the open space including the private streets, the recreational facilities and all other community owned land and improvements.
18. **Use of Garages.** A covenant shall be recorded which provides that townhouse 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 homeowners association, which shall be established, and the Fairfax County Board of Supervisors. Purchasers shall be advised in writing of the use restriction prior to entering into contract of sale.
19. **Parking Covenant.** A covenant shall be recorded which prohibits the parking of commercial vehicles, motor homes, boats, and other recreational vehicles on the Application Property. 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 homeowners association and the Fairfax County Board of Supervisors.
20. **Energy Conservation.** Homes on the property shall meet thermal guidelines of the Virginia Power Energy Saver Program for energy-efficient homes or its equivalent, as determined by DEM, for either electrical or gas energy systems.
21. **Design Detail.** The design details shown on Sheets 5 through 8 submitted with the CDP/FDP are provided to illustrate the design intent and overall community organization of the proposed development. Landscaping and on-site amenities shall be generally consistent in terms of character and quantity with the illustrations and details presented on these streets. Specific features such as exact locations of plantings, pedestrian lighting, driveways, sidewalks to individual units, etc. are subject to modification with final engineering and architectural design. Landscaping and on-site amenities shall include:
  - a. Landscaped entry feature to be provided on-site include entrance monumentation and/or signage, ornamental trees, and shrubs.

- b. **Streetscaping along Chain Bridge Road, Seneca Avenue and LaSalle Avenue shall be provided as generally shown on the CDP/FDP and Sheet 5. The sidewalks along Seneca Avenue and LaSalle Avenue and the sidewalk along Chain Bridge Road in front of Lots 230-233 shall be a minimum of five (5) feet in width. Wherever, the sidewalk is located out side of the public right-of-way, the maintenance of said sidewalk shall be the responsibility of the Homeowners Association. Where the sidewalk along Seneca Avenue conflicts with proposed tree preservation plans, the sidewalk may be relocated to accommodate preservation efforts. The Applicant shall work with VDOT to provide street trees in the planting strip between the curb and sidewalk; however, in the event VDOT does not approve shade trees in this area, the trees will be provided outside of the right-of-way between the sidewalk and the proposed residential structures. Shade trees along the public roads shall be a minimum of 3 inch caliper in size at the time of planting.**
- c. **A pocket park shall be provided on the east side of Seneca Avenue as shown on the CDP/FDP and Sheet 6. This passive recreational are shall be designed to maximize the preservation of existing trees, and shall provide supplemental landscaping, pedestrian pathways, seating areas, and pedestrian lighting. Notwithstanding what is shown on Sheets 2 and 6 of the CDP/FDP, the concrete sidewalk shown from Lots 60 to 71, shall not be installed, or may be installed using alternate paving materials, so as to minimize adverse impacts on the trees to be preserved in this area, as approved by the Urban Forester.**
- d. **A second pocket park shall be provided along the Application Property's western boundary south of the Colonial Lane terminus as shown on the CDP/FDP and Sheet 6. This area shall include a tree preservation tot lot, seating areas, pedestrian paths, specialized landscaping and pedestrian lighting.**
- e. **Subject to VDOT approval, the Applicant shall extend the five (5) foot sidewalk proposed for the west side of LaSalle Avenue across a portion of the Buena Vista Road right-of-way to connect with the existing pedestrian path within the right-of-way.**
- f. **A pedestrian connection from the internal sidewalk system to the western property line shall be provided to accommodate a potential, future connection to Tax Map 30-3((1))8.**
- g. **The street tree planting design for Buena Vista Road shall utilize the existing trees designated to be preserved on the CDP/FDP, but shall also include additional tree plantings where feasible, in keeping with the Tysons Corner Streetscape guidelines and the detail shown on Sheet 8.**

22. **Landscape Plan.** A landscape plan shall be submitted as part of the site plan(s) and shall be coordinated with and approved by the Urban Forester. This plan shall be in general conformance with the landscape concepts shown on Sheets 3, 7, and 8 and shall also include the following elements:

- a. **Tree Preservation Plan** - For the purposes of maximizing the preservation of trees, a plan shall be prepared to provide for the preservation of specific quality trees identified on the CDP/FDP to be saved and additional specific quality trees from those shown on the CDP/FDP which can be preserved to the extent reasonably feasible without precluding the proposed development in substantial conformance with that shown on the CDP/FDP. All reasonable efforts shall be made to preserve existing quality trees along the Application Property's perimeter boundaries. Individual trees to be preserved outside the Arborist Conservation Areas designated on the CDP/FDP, include but are not limited to the Willow Oak, two Dogwoods and Poplar tree adjacent to the Colonial Lane cul-de-sac, a 16 inch American Holly located behind Lot 1, an 11 inch Dogwood behind Lot 9 and a Red Cedar behind Lot 24.

The tree preservation plan (sheet S-3 of the FDP) shall be included as part of the site plan submission. As part of the tree preservation plan, a report from an arborist certified by the International Society of Arboriculture shall be provided. This report shall include recommendations for pre-construction treatment of trees shown to be preserved.

The limits of clearing and grading should be determined using the tree preservation plan as a guide. The placement of all utilities shall be considered prior to the submission of the tree preservation plan.

The location of trees identified as candidates for transplantation shall be noted on the tree preservation plan. Trees identified for transplantation shall be moved prior to the commencement of any clearing or demolition work on any given phase. If necessary for the placement of transplanted trees, the transplantation may occur after the initial stages of clearing, but must commence as soon as possible after the start of site work. Re-location sites will be field located in consultation with the Urban Forestry Branch. Transplanted trees and shrubs may be substituted for trees and shrubs shown on the development plan to be planted.

All trees shown to be preserved on the tree preservation plan shall be protected by fencing a minimum of four feet in height, placed at the dripline of the trees to be preserved, as may be modified by the Urban Forester, the tree protection fencing shall be made clearly visible to all construction personnel. The fencing shall be installed prior to any work being conducted on the site, including the demolition of any existing structures or fences. The certified arborist shall monitor the installation of the tree protection fencing and verify in writing that it has been installed prior to the

demolition of existing structures. In addition, the certified arborist shall monitor the construction work and tree preservation efforts in order to ensure that the commitments made on the tree preservation plan are fulfilled.

The demolition of existing structures shall be conducted in such a manner as to minimize the impact on individual trees and groups of trees to be preserved.

- b. **Transplanting Plan** - Prior to any site disturbance activities on the Application Property, the Applicant shall identify existing, quality vegetation suitable for transplanting elsewhere on the Application Property. The Applicant shall retain a certified arborist to develop a reasonable plan for transplanting the identified vegetation elsewhere on the Application Property, and to develop and implement a plan for maintaining the transplanted materials to promote survivability, subject to approval by the Urban Forester, and shall use reasonable efforts to transplant and maintain the identified vegetation elsewhere on the Application Property. A key tree designated for transplantation is the Japanese Red Maple located in front of Lots 75 and 76.
- c. **Adjacent to Tax Map 30-3((2))271**, the Applicant shall provide a minimum 25-foot tree preservation/landscaped area. Utilizing the services of a certified arborist and in consultation with the owner of Lot 271, the Applicant shall identify quality trees worthy of preservation as part of the above referenced tree preservation plan. Within this area, dead, dying and diseased vegetation, as well as undesirable vegetation shall be removed with hand tools. The Applicant shall supplement the existing vegetation with either transplanted material found elsewhere on the Application Property or new evergreen and deciduous trees in order to provide an effective year round landscape buffer, as determined by the Urban Forester.
- d. **Additional Perimeter Planting** - In the area adjacent to the western property line where existing vegetation may have to be removed to accommodate the stormwater outfall and elsewhere along the western property line, where it is determined by the Urban Forester that additional screening is desirable, the Applicant shall develop and implement a planting plan designed to provide an effective landscape screen, as approved by the Urban Forster.
- e. **Private Street Landscaping** - The Applicant may in conjunction with the Urban Forester, select small and medium sized trees for the streetscape plantings along the private roads compatible with the planting areas available. Furthermore, the Applicant shall attempt to locate townhouse utility connections from the private streets or alleys to minimize potential disruption to tree conservation or transplant areas.

DEM may require modifications to the landscape plan to the extent said modifications do not alter the number of dwelling units as shown on the plan, reduce the size of the units, or require the installation of retaining walls greater than four (4) feet in height.

23. **Road Contribution.** At the time of site plan approval, the Applicant shall contribute \$669.00 per residential unit, excluding ADU's, to the Tysons Corner Area Road Fund. Using 1990 as the base date, this cash contribution shall be adjusted accordingly to the construction cost index as published in the *Engineering News Record* by McGraw-Hill.
24. **Bus Shelter.** The Applicant shall construct a minimum of one, and a maximum of two bus shelters on Chain Bridge Road in the vicinity of the Seneca Avenue intersection. The bus shelter shall be the open typical type, and construction shall be limited to the concrete pad and shelter itself. No bus turn outs or special lanes shall be provided by the Applicant. The location of the bus shelters shall be determined in concert with VDOT and OT with the understanding that the shelter on the south side of Chain Bridge Road shall not be located on proposed Lots SF 5-8. The Applicant shall complete construction of one bus shelter prior to occupancy of the 60th unit on the Application Property. In the event that VDOT and OT have not approved the location and design of the first bus shelter by the issuance of the 60th Residential Use Permit ("RUP"), then the Applicant shall post a bond for the construction of one bus shelter and shall not be precluded from continuing construction or occupancy. In the event VDOT and OT have not approved the design and location of the second bus shelter prior to the issuance of the 100th RUP, then the Applicant's commitment to provide a second bus shelter shall be void.
25. **Stormwater Management.** The Applicant shall provide on-site stormwater management designed with Best Management Practices in the three dry pond facilities shown on the CDP/FDP, unless waived or modified by DEM.

To ensure adequate outfall for the pond behind Lots SF3 and SF4, and in an effort to address existing drainage problems along Colonial Lane, the Applicant shall replace or repair the inadequate/damaged storm drain pipe beneath Chain Bridge Road in the vicinity of Colonial Lane.

26. **Barrier/Fencing.**
  - a. Prior to the commencement of construction, a minimum five (5) foot high, rigid, opaque construction fence shall be installed along the Application Property's common boundary line with Tax Map 30-3((2)) 250, and along the unfenced portion of the common boundary line with Tax Map 30-3((2)) 271 and along the Application Property's LaSalle Avenue frontage. Such fence shall be removed upon completion of construction activity in these portions of the Application Property.

- b. The Applicant shall provide a six (6) foot high board-on-board fence along the Application Property's common property line with Tax Map 30-3 ((2)) 250 ("Parcel 250"), where permitted by the Zoning Ordinance. Where a six (6) foot high fence is not permitted by the Zoning Ordinance, a four (4) foot high board-on-board fence shall be provided. The fence shall be located on the Application Property but close to the property line. Should it be determined that the row of Leland Cypress trees planted by the owners of Parcel 250 are located on the Application Property instead of Parcel 250, the Applicant shall relocate these trees onto Parcel 250, if requested by the owner.
  - c. The Applicant shall provide a six (6) foot high screen fence along the Application Property's LaSalle Avenue frontage as shown on the CDP/FDP. This fence shall be constructed with brick piers and opaque wooden panels.
27. **Construction Notification.** The Applicant shall notify the adjacent property owners in Hunting Ridge one (1) month prior to construction that construction on the portion of the Application Property or rights-of-way adjacent to their property is to commence.
28. **Well Inspection.** Subject to and conditioned upon the written consent of the property owners, the Applicant's engineer and a qualified inspector approved by DEM shall check the flow rate and water quality of wells located on Tax Map 30-3 ((2)) 268 - 271 before commencement of construction on the Application Property. An additional inspection shall take place after the issuance of the last RUP or at any time the property owners experience a problem with their well or water quality. The property owners of said lots shall provide written consent of the inspection to the Applicant within fourteen (14) days of the Applicant's request for their consent. If allowed by County or state regulations and subject to and conditioned upon the consent of the owners of said lots, the Applicant will repair any damage to the inspected wells which is detected within sixty (60) days after the issuance of the last RUP and, as determined by the inspector, to have resulted from construction on the Application Property. If repair to a well is not allowed by County or state regulations or if the quality of the water does not meet County or State standards, the Applicant will either replace the wells or pay for the hook-up of public water to serve any house whose well has been damaged or whose water quality has been degraded by construction on the Application Property.
29. **House Retention.** It is the intention of the Applicant to retain the existing single family dwellings on Tax Map 30-3((2)) 195 and 247 and 272 and 273, as shown on the CDP/FDP. However, the Applicant reserves the right to make improvements and additions to these dwellings in keeping with the PDH-12 Zoning District regulations.
30. **House Removal.** The Applicant shall remove the ten (10) foot wide house under construction on Tax Map 30-3 ((2)) 236.

31. **Redevelopment Coordination.** In the event that remaining portions of the Hunting Ridge subdivision (Tax Map 30-3 ((2))) consolidate and redevelop, the Applicant agrees to coordinate its development to facilitate such redevelopment. The coordination efforts shall include but not be limited to the following:
- a) Provision of connections for water, sewer, utilities, and roads subject to County approval;
  - b) The ability for future applicants at their own expense to expand/reconfigure the stormwater ponds on the Application Property to serve adjacent Hunting Ridge properties subject to County approval; and
  - 3) Should future abandonments/vacations of public streets be approved adjacent to the Application Property as a part of adjacent redevelopment proposals, the portion of right-of-way typically conveyed to the Application Property shall instead be conveyed to the landowners on the opposite side of the right-of-way.
32. **Successors and Assigns.** These proffers will bind and inure to the benefit of the Applicant and his/her successors and assigns.
33. **Counterparts.** These proffers may be executed in one or more counterparts, each of one when so executed and delivered shall be deemed an original document and all of which taken together shall constitute but one in same instrument.
34. **Severability.** Any of the sections may be subject to a Proffered Condition Amendment without joinder and/or consent of the other sections, if such PCA does not affect any other sections. Previously approved proffered conditions applicable to the section(s) which is not the subject of such a PCA shall otherwise remain in full force and effect.

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APPLICANT/CONTRACT PURCHASER

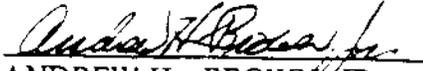
HUNTING RIDGE ASSOCIATES, L.L.C.

By:



JEFFREY B. PRICE, PRESIDENT  
OF B/P DEVELOPMENT, INC.,  
MEMBER-MANAGER OF HUNTING  
RIDGE ASSOCIATES, L.L.C.

TITLE OWNER OF TAX MAP 30-3 ((2)) 181 - 185  
AND 210

By:   
ANDREW H. BROWN, JR.

(SIGNATURES CONTINUE ON NEXT PAGE)

TITLE OWNERS OF TAX MAP 30-3 (12) 186 -  
191

By: *Andrew H. Brown, Jr.*  
ANDREW H. BROWN, JR. *Attorney-in-Fact*  
ATTORNEY-IN-FACT FOR PHILLIP  
B. WOOD, MARLENE WOOD, AND  
SANDRA G. CASSIE

(SIGNATURES CONTINUE ON NEXT PAGE)

TITLE OWNERS OF TAX MAP 30-3 ((2)) 192  
AND 193

By: Andrew H. Brown, Jr.  
ANDREW H. BROWN, JR. *Attorney-in-fact*  
ATTORNEY-IN-FACT FOR GEORGE  
W. HENSLEY AND ALICE E. HENSLEY

(SIGNATURES CONTINUE ON NEXT PAGE)

TITLE OWNERS OF TAX MAP 30-3 ((2)) 194  
AND 195

By: Andrew H. Brown, Jr.  
ANDREW H. BROWN, JR. *Attorney-in-fact*  
ATTORNEY-IN-FACT FOR  
JOSEPH PATRICK HAYES AND  
MARGARET E. HAYES

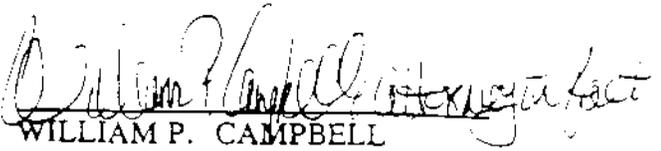
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TITLE OWNERS OF TAX MAP 30-3 ((2)) 211 -  
214

By: Andrew H. Brown, Jr.  
ANDREW H. BROWN, JR. *Attorney-in-Fact*  
ATTORNEY-IN-FACT FOR ARTHUR C.  
HERBERT AND ROBERTA L. HERBERT

(SIGNATURES CONTINUE ON NEXT PAGE)

TITLE OWNERS OF TAX MAP 30-3 (2) pt.  
218, 219 AND 220

By:  WILLIAM P. CAMPBELL

ATTORNEY-IN-FACT FOR LAURIE A.  
CAMPBELL, WILLIAM P. CAMPBELL,  
LINDA K. CAMPBELL, CHRIS L.  
CAMPBELL, JENNIFER L. CAMPBELL,  
BONNIE L. CAMPBELL, AND  
JEANETTE CAMPBELL BALLARD

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TITLE OWNERS OF TAX MAP 30-3 ((2)) 241 -  
243

By: *Frederick Daniels*  
FREDERICK DANIELS

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TITLE OWNERS OF TAX MAP 30-3 ((2)) 251 -  
260 AND 272 - 274

By: *Carolee Taylor*  
CAROLEE TAYLOR, EXECUTRIX OF  
THE ESTATE OF VERA CARTER

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TITLE OWNER OF  
TAX MAP 30-3(2) 247



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Kathleen M. Johnson

(SIGNATURES CONTINUE ON NEXT PAGE)

TITLE OWNER OF TAX MAP 30-3 (12) 237-240

By: *Florence G Baer, Executor*  
FLORENCE G. BAER, EXECUTOR  
OF THE ESTATE OF JOHN C. BAER

(SIGNATURES CONTINUE ON NEXT PAGE)