

PROFFER OF DEVELOPMENT CONDITIONS

Pursuant to Section 15.1-491(a) of the Code of Virginia, 1950, as amended, the undersigned proffer the following conditions subject to the approval by the Board of Supervisors of Fairfax County, Virginia, of RZ 96-B-018 to the R-3 Zoning category.

1) GENERALIZED DEVELOPMENT PLAN.

Subject to the provisions of Section 18-204 of the Fairfax County Zoning Ordinance (hereinafter "Zoning Ordinance"), development shall be in substantial conformance with the Generalized Development Plan ("GDP"), prepared by Paciulli, Simmons and Associates, Ltd., dated October 1, 1996, and labeled "COUNTRY LANE, Braddock District, Fairfax County, Virginia", sheet 1 of 2 subject to Storm Water Management ("SWM") waiver. Alternatively, development shall be in substantial conformance with sheet 2 of 2, including a Storm Water Management facility incorporating Best Management Practices if the SWM waiver is not granted. Minor modifications from the GDP may be permitted as determined by the Department of Environmental Management ("DEM") when necessitated by sound engineering practices or other modifications which may be necessary as a part of final engineering design in accordance with the Zoning Ordinance.

2) TREE SAVE AND PRESERVATION.

- a. At the time of Subdivision Plat review, the applicant shall designate on the Subdivision Plan the limits of clearing and grading consistent with the GDP to be observed during construction and, in addition, will designate any individual trees to be preserved on the lots. Such designation shall be subject to approval by the Urban Forestry Branch and shall not reduce the number of dwelling units.
- b. In addition, prior to Subdivision Plat approval, a replacement value shall be assigned by the Urban Forester or an independent arborist approved by the Urban Forestry Branch to all healthy trees measuring ten (10) inches or larger in diameter which are either individually designated on the lots as required under this Proffer or are located within the limits of clearing and grading ("Limits of Grading") as shown on the GDP. At the time of Subdivision Plat approval, applicant will post in increments, as defined below, a cash bond or

a letter of credit payable to the County of Fairfax in such an amount assigned as replacement value by the Urban Forestry Branch to ensure replacement of the designated trees. The calculated replacement value shall be reviewed and approved by the Urban Forester prior to posting the cash bond or letter of credit. The terms of the letter of credit shall be subject to approval by the County Attorney. The replacement value of each designated tree shall be determined according to the methods contained in the latest edition of the Valuation of Landscape Trees, Shrubs and Other Plants, published by the International Society of Arboriculture, and the amount of any incrementally posted cash bond or letter of credit will not exceed the sum of such assigned values or Ten Thousand Dollars (\$10,000.00), whichever is less. From time to time, funds may be drawn on the cash bond or letter of credit and expended for the purposes of this Proffer for the replacement of trees. If the total assigned value exceeds Ten Thousand Dollars (\$10,000.00) and the bond or letter of credit is called by Fairfax County for tree replacement, then another bond or letter of credit of equal value will be posted within thirty (30) days of request by Fairfax County. The total dollar value of the bonds or the letters of credit shall not exceed the total established replacement value of the designated trees.

- c. During construction, the Urban Forester or independent arborist shall periodically inspect the project and determine if any of the designated individual trees are dead or dying due to acts of negligence by the applicant or are due directly to the development of the project. The applicant may then draw funds from the cash bond or letter of credit in order to remove and replace such dead or dying trees according to the assigned value as defined in the Valuation of Landscape Trees, Shrubs and Other Plants of such dead or dying trees.
- d. Any funds received by Fairfax County pursuant to this Proffer shall be utilized solely to replace designated trees to be saved on the application property.
- e. The letter of credit or cash bond will be released simultaneously when the Conservation Deposit for the subdivision is released.

3) ENVIRONMENTAL QUALITY CORRIDOR.

The area shown on the GDP as the Limits of Floodplain, RPA and EQC shall be disturbed only as necessary to install drainage features, as required by DEM.

4) TRANSPORTATION.

Applicant shall dedicate and convey in fee simple to the Board of Supervisors, right-of-way measuring twenty-five (25) feet from the center line of existing Country Lane

along the application property frontage at Lot 8, as shown on the GDP. Dedication shall be made at the time of Subdivision Plan approval or upon demand from Fairfax County, whichever first shall occur. All ancillary easements shall be granted by the applicant at the time of dedication. Frontage improvements as shown on the GDP shall be provided in conformance with VDOT and DEM standards.

5) SIDEWALK.

The sidewalk shown within the cul de sac on the GDP shall be extended along the northern side of the street to its intersection at Country Lane.

6) CONSTRUCTION ACTIVITY.

- a. Subject to VDOT and/or DEM approval, as applicable, the construction entrance and all construction traffic shall be off of Wakefield Chapel Road except that activity directly related to improvements on Country Lane or activity which necessarily must enter Country Lane, if any.
- b. During construction of the subdivision, no construction vehicles or construction employees' vehicles shall be parked on Country Lane. To the extent feasible, construction vehicles shall enter and leave the site only at times and in a manner not to conflict with school bus route and pick-up schedules. Prior to construction activity, the applicant shall obtain bus schedules from the Fairfax County School Administration and shall coordinate periodically with School Administration officials to insure that conflicts are minimized.

7) ENERGY-EFFICIENCY.

All new homes on the property shall meet the thermal guidelines of the Virginia Power Energy Saver Program for energy-efficient homes or its equivalent, as determined by DEM, for either electric or gas energy systems, as applicable.

8) LOT ACCESS.

Driveway/vehicular access to all new lots shall be from within the cul de sac'd public street shown on the GDP. No individual driveways shall access Wakefield Chapel Road or Country Lane.

9) ADDITIONAL LANDSCAPING.

- a. The applicant shall develop in consultation with the adjacent property owners, and shall install, a landscaping treatment for visual screening purposes consisting of evergreen and/or deciduous trees at the northern property line of Lot 1, generally as shown on the GDP, subject to review and approval by the Urban Forester. Any trees shown as being planted off-site are subject to approval by the adjacent property owners. Off-site landscaping shall be installed prior to construction activity on-site.
- b. The applicant shall install during final lot landscaping not fewer than two (2) red maples or equivalent evergreens or other deciduous trees of at least two (2) inches in caliper, generally along the Country Lane frontage of Lot 7 to supplement the existing tree save.

10) MISCELLANEOUS.

Subject to VDOT, DPW and DEM review and approval, as applicable; and obtaining a grading/drainage easement from Lot 26, 4654 Country Vale Court, if needed; a storm water inlet structure shall be installed near the southern terminus of Country Lane in order to mitigate storm water runoff from Country Lane onto 4656 Country Vale Court (Lot 25).

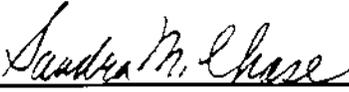
APPLICANT/CONTRACT PURCHASER

Bo-Bud Construction Company, Inc.

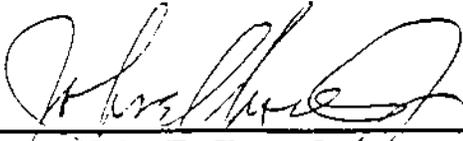
By: 
Robert F. Goldberg, President

TITLE OWNER

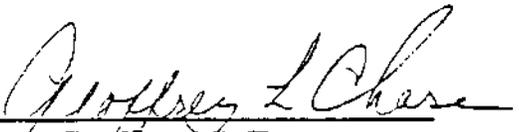
Heirs of John E. and Julia D. Chase



Sandra M. Chase



John E. Chase, Jr



Geoffrey M. Chase
2.