

PROPOSED FINAL DEVELOPMENT PLAN CONDITIONS

The staff recommends that the Board condition the approval of FDP 78-P-130-3 by requiring conformance with the following development conditions:

1. Development of the property will be performed in conformance with the adopted Conceptual Development Plan Conditions.
2. That portion of the western half of the site located north of the limits of the floodplain as shown on the Final Development Plan will be conveyed to the Fairfax County Board of Supervisors.
3. All trails proposed will conform with the guidelines set forth by the Fairfax County Park Authority in their memo dated November 10, 1982.
4. All construction of proposed improvements to Jaguar Trail shall be designed to the satisfaction of the DEM and the VDH&T.
5. The applicant/owner or his assigns shall submit, for approval by the County Attorney's Office, the Department of Environmental Management, the Department of Public Works, the Virginia Department of Highways and Transportation, and the Fairfax County School Board, a maintenance agreement and/or restrictive covenant on the property for the proposed lake and its dam. This maintenance agreement or restrictive covenant shall provide for the following:
 - o Should the Director of the Department of Environmental Management determine that the proposed lake and/or dam requires maintenance or reconstruction such maintenance and/or reconstruction will be accomplished by parties other than a governmental agency of Fairfax County.

- o The maintenance or reconstruction of the proposed lake and/or dam will be accomplished to the satisfaction of the Director of the Department of Environmental Management and the Director of the Department of Public Works.
- o The indemnification of all public agencies for any liability regarding the maintenance and use of the dam for its normal water retention purposes.

The maintenance agreement or restrictive covenant shall make the applicant/owner or his assigns liable for performance of the above maintenance duties with regard to the dam so long as the dam is not damaged by a storm which exceeds DEM and HUD criteria for a 100-year frequency storm.

6. Should the design of the dam prove unacceptable to the VDH&T, or the Director of the Department of Environmental Management, or the Department of Public Works, any alternative design shall have the approval of the Fairfax County Planning Commission prior to final site plan approval of any portion of the development.
7. The applicant shall take reasonable steps to insure that all heavy construction vehicles do not access through the Broyhill Park subdivision when coming to or departing from the site. The steps to be implemented shall include but not be limited to : the instruction of all contractors and subcontractors to use only Jaguar Trail and Marc Drive west of the site, and the posting of appropriate signs indicating this restriction.
8. *The applicant shall construct a paved trail along the west side of Jaguar Trail. The trail shall extend from Marc Drive to the southern edge of the stream.*

MFR. Condition #8 was added by the Board with the agreement of the applicant at the Public Hearing.