

Proffers

Keystone/Ewell

RZ 2000 Y 037

February 13, 2001

Pursuant to the provisions of Va. Code Section 15.2-2302 (a) et. seq., the Owner and Applicant, for themselves and their successors and assigns hereby make the following proffers subject to the approval of this application by the Board of Supervisors of Fairfax County, Virginia:

1. The subject property (Tax Map Number 65-1 ((1)) Parcel 24A) shall be developed in substantial conformance with the Generalized Development Plan (GDP) prepared by Charles P. Johnson and Associates, Inc. dated June 23, 2000, (and revised January 15, 2001) depicting twelve single-family detached residential units in the R-3 zoning district at a density of 2.32 dwelling units per acre.

Open Space and Cemetery Preservation

2. The pre-existing cemetery on the property, designated as parcel "B" on the GDP shall be conveyed to the homeowners association at the time of subdivision of the property. The Applicant shall construct a wrought iron fence on four sides of the cemetery as shown on the GDP and shall provide a public access easement onto parcel B. Members of the families of those interred in the cemetery shall be permitted to erect appropriate memorials at the gravesites. The homeowners association established for the property shall be responsible for maintaining parcel B.

3. Parcel "A" shown on the G.D.P. shall be conveyed to the homeowners association established for the property at the time of recordation of the subdivision plat. The homeowners association established for the property shall be responsible for maintaining Parcel A.

Transportation

4. The Applicant shall remove the temporary cul-de-sac located on Folkers Landing at the eastern boundary of the subject property when extending Folkers Landing into the application property and shall grade and sod the area as required by VDOT and/or Fairfax County.

5. The Applicant shall not use the off-site segment of the pre-existing private driveway shown on the GDP for construction ingress and egress. Ingress and egress for construction purposes shall be via Folkers Landing.

6. At the time of subdivision plat approval, the Applicant shall contribute the amount of \$1,725 per approved residential dwelling lot to Fairfax County for the Centreville road improvements fund for spot improvements to Mount Olive Road in the area of the subject property. The contributed amount shall be adjusted by increases to the Construction Cost Index from the *Engineering News Record* from the date of approval of this re-zoning to the date of subdivision plat approval.

Equestrian Trail

7. The GDP depicts an equestrian trail. At the time of subdivision plan approval, Applicant shall escrow funds for future construction of the equestrian trail depicted on the GDP, or if Fairfax County determines that a pedestrian trail should be substituted in the location shown on the GDP, the funds placed in escrow may be used instead for construction of a pedestrian trail.

Housing Contribution

8. At the time of subdivision plan approval, Applicant shall contribute a sum equaling 0.5% of the aggregate sales price of the units to Fairfax County Housing and Redevelopment Authority for a contribution to the Housing Trust Fund to meet the County's low and moderate income housing needs.

Park Authority Contribution

9. At the time of subdivision plat approval, Applicant shall contribute the sum of \$8,405 to the Fairfax County Park Authority for its general use in providing recreational facilities in the area of the subject property.

Disclosures in Homeowners Documents and Marketing

10. The Applicant shall disclose in its homeowners association documents and its sales literature made available to the public the presence of the Izaak Walton League property in the community and shall specifically disclose the existence of the Izaak Walton League shooting range, that the same is an approved use and the noise levels generated by the shooting range are exempt by State statute from Zoning Ordinance regulation and that the shooting range operates on a daily basis with scheduled hours or operation.

11. The Applicant shall disclose in its homeowners association documents and its sales literature made available to the public that structures, including patios and decks, shall not be located any closer to the gas easement than shown on the GDP.

12. No temporary signs (including "popsicle" style paper or cardboard signs) which are prohibited by Article 12 of the Zoning Ordinance, and no signs which are prohibited by Chapter 7 of Title 33.1 or Chapter 8 of Title 46.2 of the Code of Virginia shall be placed on or off site during marketing of the homes on the Application. The Applicant shall not post or cause others to post temporary ("popsicle") signs to market the homes on the property.

Blasting

13. If blasting is required, and before any blasting occurs on the Application Property, the Applicant

or its successors will insure that blasting is done per Fairfax County Fire Marshal requirements and all safety recommendations of the Fire Marshal, including, without limitation, the use of blasting mats, shall be implemented. In addition, the Applicant or its successors shall:

- i. Retain a professional consultant to perform a pre-blast inspection of each house or residential building, to the extent that any of these structures are located within two hundred fifty (250) feet of the blast site.
- ii. Require his consultant to request access to house, buildings, or swimming pools that are located within said 250 foot range if permitted by owner, to determine the pre-blast conditions of these structures. The Applicant*s consultants will be required to give adequate notice of the scheduling of the pre-blast survey. The Applicant shall provide the residents entitled to pre-blast inspections, of the name, address and phone number of the blasting contractor*s insurance carrier.
- iii. Require his consultant to place seismographic instruments prior to blasting to monitor the shock waves. The Applicant shall provide seismographic monitoring records to County agencies upon their request.
- iv. Notify residences within 250 feet of the blast site, ten (10) days prior to blasting.
- v. Upon receipt of a claim of actual damage resulting from said blasting, the Applicant shall cause his consultant to respond within five (5) days of meeting at the site of the alleged damage to confer with the property owner.
- vi. The Applicant will require blasting subcontractors to maintain necessary liability insurance to cover the costs of repairing any damages to structures which are directly attributable to the blasting activity and shall take necessary action to resolve any valid claims in an expeditious manner.

Storm Water Management

14. At the time of subdivision plan review, the Applicant shall provide storm water runoff controls in the site design to meet Best Management Practices or other equivalent quality control measures as may be approved by DPWES. The Applicant may utilize any combination of dry ponds, rain gardens, sand filters, or other such facilities as may be approved by DPWES. The Applicant may request SWM or BMP modifications with the final engineering plans. As shown on the GDP, access shall be provided to the storm water management facility by a public access easement.

Tree Preservation

15. For the purposes of maximizing the preservation of trees on individual lots, the Applicant shall retain a certified arborist to consult on the preparation of a tree preservation plan. The tree preservation plan shall be submitted prior to any individual house grading plans and as part of the final subdivision plan which shall be reviewed and approved by the Urban Forestry Division. This plan shall provide for the preservation of specific quality trees or stands of trees located on individual lots or within open space areas which can be preserved without precluding the development of a typical home on each of the lots as shown on the GDP. The Urban Forestry Director or Director of

DPWES may require modifications to the subdivision plan to the extent said modifications do not alter the number of dwelling units as shown on the GDP, reduce the size of the units or require the installation of retaining walls greater than two feet in height.

Subject to the approval of the Urban Forestry Division and/or DPWES, the Applicant shall perform the following measures relating to tree preservation on the property:

- * Perform a pre-construction evaluation of the existing vegetation to determine the condition of the trees designated to be saved. The Applicant shall have the limits of clearing flagged prior to construction. Prior to construction the Applicant shall walk the limits of clearing with a certified arborist and an Urban Forestry Division representative to determine where minor adjustments to the line may be made to ensure the preservation of trees in the tree save area.
- * Any trees designated to be saved shall be marked on the ground with 36" high orange fencing or equivalent demarcation prior to clearing and grading and at all times during construction. Signage affirming restricted access shall be provided on the temporary fence highly visible to construction personnel. The certified arborist contracted by the Applicant shall monitor the construction of the proposed development to ensure consistency with the tree preservation plan.
- * The Applicant shall conform to the limits of clearing and grading as shown on the GDP subject to the installation of necessary utilities. If it is necessary to locate the utility lines within the limits of clearing and grading, those lines shall be located and installed in the least disruptive manner possible, considering cost and engineering. A replanting plan shall be developed and implemented for any areas within the easements that must be disturbed.
- * In addition, where it is determined feasible, by the Applicant, adjustments to the proposed grading and location of the proposed units on the application property may be modified at the time of final engineering to enhance specific tree preservation.
- * As a result of final engineering in the event the areas not shown as cleared on the GDP are modified or cannot be preserved, the areas will be re-landscaped as determined by Urban Forestry Branch and/or DPWES.

Lillian Ewell 2-19-2001

Lillian Ewell

KEYSTONE, L.L.C. by:

Angie Cowan 2.20.01

MANAGER
Title