

PROFFERS
RZ- 2000-P-052

OPTION A

October 23, 2001

Pursuant to Section 15.2-2303A of the Code of Virginia, 1950 edition as amended, and subject to the approval of the Fairfax County, Virginia Board of Supervisors to the rezoning of the property identified as Fairfax County Tax Map Parcel 39-1-(1)-0037 to the R-3 zoning district classification, John Lynch, ("Owner"), the owner and applicant of the property, proffer for himself and his successors and assigns that the development of the properties shall be in accordance with the following conditions:

1. Parcel 37 shall be subdivided in conformity with the Generalized Development Plan entitled, "Lynch Property", prepared by Tri-Tek Engineering, revised through October 4, 2001 ("GDP") and shall be developed in substantial conformance with the GDP and Section 18-204 of the Zoning Ordinance.
2. Upon demand by Fairfax County, or at the time of subdivision plat approval, whichever occurs first, the applicant or assigns shall dedicate and convey in fee simple to the Board of Supervisors, additional right of way for public street purposes to a width of forty five (45) feet from the existing center line of Woodford Road along the full frontage of the property for public street purposes.
3. Upon demand by Fairfax County, or at the time of subdivision plan review, the applicant will provide a contribution to be determined by the Department of Transportation at time of Subdivision Plan Review in accordance with Section 8-0100 of the Public Facilities Manual to be held in escrow by the County of Fairfax for the construction of a five (5) foot sidewalk across the frontage of the property as shown on the general development plan. If said sum is not used for said construction after five years from the date of the final bond release, said sum shall be contributed to the Providence District Trails Fund.
4. (A) The applicant shall create an outlot for the SWM/BMP. Access for maintenance to the SWM/BMP from the State maintained right of way to the outlot shall be provided by an easement. The applicant shall be required to create a Home Owners Association to own the outlot. The applicant shall install a dry pond as shown on sheet 2 of the GDP unless the applicant is unable to obtain a storm water outfall easement for the stormwater. The applicant shall be responsible for obtaining any and all necessary off site easements.

In the event the applicant cannot obtain the said easement then the

applicant shall install an infiltration trench as shown on sheet 3 of the GDP as may be approved by DPWES. If the applicant can obtain an adequate outfall easement and the appropriate waiver and approval from DPWES, then the applicant shall install a storm water inlet on the property. With the storm water inlet the applicant shall install the landscaping shown on sheet 3 of the GDP.

(B) If the applicant installs a dry pond, maintenance of the pond shall be performed by the County of Fairfax. If the applicant installs an infiltration trench, maintenance shall be provided by the Home Owners Association for the new lots in accordance with a properly executed Private Maintenance Agreement. If the Westwood Estates Home Owners Association annexes the two lots into their subdivision, then the maintenance shall be performed by the Westwood Estates Home Owners Association. In either event the applicant agrees to create an escrow account for the Home Owner Association to use to maintain the SWM/BMP facility and agrees to fund the account in the amount of \$5000 at the time of subdivision plan approval. The applicant agrees to record covenants in the land records of Fairfax County in a form approved by the Fairfax County Attorney on the property obligating the lot owners to maintain the infiltration trench and giving adjacent lots which are members of the Westwood Estates HOA and the Westwood Estates Home Owners Association the power to enforce said covenants in a form approved by the County Attorney.

(C) The developer shall plant additional trees adjacent to the stormwater management pond. These trees will be planted to the maximum extent permitted in accordance with Board of Supervisors guidelines for trees planted in close proximity to stormwater management ponds. Said trees shall meet the size requirements and plants specifications of the PFM. All trees shall be planted prior to the issuance of the first Residential Use Permit.

(D) Should an infiltration trench be approved, the County shall have the ability to inspect the SWM/BMP facility.

5. The applicant hereby agrees to provide a contribution of \$1,230.00 to the Fairfax County Park Authority at the time of Subdivision Plan Approval to acquire, develop, and maintain recreational facilities in a nearby park to serve the residents of this community.
6. Successors and assigns. These proffers shall bind and insure to the benefit of the applicant and his/her successors and assigns
7. (A) Landscaping shall be provided in substantial conformance with the landscaping concepts shown on the GDP including the natural planting

area depicted on sheet 3 in the event the storm water inlet is installed. The specific type, number and placement of plantings and landscaping shall be determined at the time of subdivision plan approval, subject to review and approval of a landscape plan by the Director of OSDS.

(B) A certified arborist shall be retained by the Applicant to prepare a tree preservation plan to be reviewed and approved by the Urban Forestry Branch as part of the first subdivision plan submission. The tree preservation plan shall consist of a tree survey which includes the location, species, size, crown spread and condition rating percentage of all trees located within the area designated on the GDP as tree save. The condition analysis shall be prepared using methods outlined in the latest edition of The Guide for Plant Appraisal. Specific tree preservation activities designed to maximize the survivability of trees designated for preservation shall be provided. Activities may include, but are not limited to, crown pruning, root pruning, mulching, and fertilization. All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fencing. Tree protection fencing consisting of a four (4) foot high, fourteen (14) gauge welded wire fence, attached to six (6) foot steel posts, which are driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart shall be provided surrounding the tree save area depicted on the GDP. Prior to any land disturbing activity, to include demolition, all fencing described herein shall be installed. If any trees within the tree save area are damaged, they shall be replaced.

8. The applicant agrees to record these proffers in the land records of Fairfax County and to disclose to any potential buyer these proffers and obligation for maintenance of the SWM/BMP facility, before the said purchaser signs a sales contract.
9. The applicant agrees to give notice of these proffers by certified mail to the owners of parcels adjacent to this development within the Westwood Estates Subdivision as shown in the real estate tax records of Fairfax County, specifically tax map parcels 39-1-((22))-26, 27, 28A, 29A, 30, 31, 32 and 33.


John Lynch, Owner and Applicant