

Proffers

Keystone LLC/Crocker

RZ 2001-HM-052

Date: December 5, 2002

Pursuant to the provisions of Virginia Code Section 15.2-2303(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 47-2((1)) 47A) shall be developed in substantial conformance with the Generalized Development Plan (GDP) prepared by Charles P. Johnson and Associates, Inc. Dated July 2001, (and revised April 19, 2002 and November 18, 2002) depicting 3 single-family detached residential units in the R-3 zoning district at a density of 1.38 dwelling units per acre. The existing dwelling may be maintained on the property until the commencement of clearing and grading pursuant to a subdivision approved pursuant to this GDP at which time the dwelling will be removed.

Housing Contribution

2. At the time of subdivision plat 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.

Storm Water Management

3. Unless waived or modified by the Department of Public Works and Environmental Services ("DPW&ES"), Storm Water Management ("SWM") and Best Management Practices ("BMP's") for the Application Property shall be provided in accordance with the requirements of the Public Facilities Manual and the Chesapeake Bay Preservation Ordinance, as approved by DPW&ES. At this time, the Applicant intends to apply for waivers of on-site SWM and/or BMP's with DPW&ES in order to utilize the off-site regional SWM/BMP Ponds2. If such waivers are not granted, SWM and/or BMP's shall be provided on-site in a centralized facility or on each lot (BMP's rain gardens only) in a manner acceptable to DPW&ES. The applicant is attempting to secure the necessary easements to permit connection into the stormwater facility located on the abutting property to the south, identified as Tax Map Number 11-2 ((6)) (4) 4. If the applicant is unsuccessful in its efforts to acquire that easement, it shall provide DPW&ES with documentation of those efforts prior to subdivision approval. The GDP depicts three alternative layouts for addressing Storm Water Management:

- a. If the applicant is able to connect to the stormwater management facility on the property identified as Tax Map Number 11-2 ((6)) (4) 4 and the onsite SWM waiver is granted by DPWES, the project shall be developed in substantial conformance with sheet 4 of 5 of the GDP;
- b. If the applicant is able to connect to the stormwater management facility on the property identified as Tax Map Number 11-2 ((6)) (4) 4 and the onsite SWM waiver is not granted, the project shall be developed in substantial conformance with sheet 3 of 5 of the GDP, provided, however, the sanitary sewer shall be located as shown on Sheet 4 of 5; or
- c. If the applicant is unable to connect to the stormwater management facility on the property identified as Tax Map Number 11-2 ((6)) (4), the project shall be developed in substantial conformance with sheet 2 of 5 of the GDP

4. In the event that the SWM waiver is granted and a BMP waiver is not granted, rain gardens shall be constructed on each lot as shown on the GDP, prior to the issuance of the Residential Use Permit (RUP) for each lot, subject to a maintenance agreement acceptable to DPWES. A written disclosure will be placed in the initial purchase contract and in the deed and recorded among the land records of Fairfax County in a form acceptable to the County Attorney, which:

- A. Notifies the landowner of the existence and maintenance responsibility for the rain garden,
- B. Sets forth the maintenance standards for the rain garden generally, as outlined on the attached Exhibit "A", and the maintenance agreement referenced in this Paragraph 4 above.

Landscape Plan

5. A landscape plan will be submitted as part of the subdivision plan and shall be reviewed and approved by the Urban Forestry Division. The plan shall provide for landscaping substantially in conformance in quality and quantity with that shown on the GDP.
6. The limits of clearing and grading will be clearly marked on each alternative on the GCP and protected in accordance with the Public Facilities Manual and will clearly delineate the limits of clearing and grading with such markings and protection throughout the construction period. Physical clearing and grading will also conform to the Public Facilities Manual.
7. The Applicant will minimize the disturbance of trees located on the adjoining properties by utilizing the following methods: a) root pruning with a trencher or vibratory

plow to a depth of 18 inches, b) cutting trees at the stump, c) stump grinding, or d) any other method as approve the Urban Forester.

Recreation Facilities:

8. At the time of subdivision plat approval, the Applicant shall contribute a sum equaling \$1,910 to the Fairfax County Park Authority.

Right of Way Dedication and Access:

9. Subject to the Virginia Department of Transportation (VDOT) and DPWES approval, the Applicant shall dedicate forty-five (45) foot of right-of-way along the subject property's Reston Avenue frontage to the Board of Supervisors in fee simple. Dedication shall occur at the time of subdivision plan approval or upon demand by VDOT, whichever occurs first. The Applicant shall also provide necessary ancillary easements along the proposed right-of-way. The subdivision plan shall show one access, excluding the possible SWM Facility Access, off Reston Avenue to serve the three parcels as indicated on the GDP.

Density Credit:

10. 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 as described herein or as may be reasonably required by Fairfax County or VDOT at time of subdivision plan approval.

Carol A Crocker

Carol Ann Crocker
(Property Owner)

12-7-02

Date

Pt Tamburello

Keystone LLC, (Applicant and Contract Owner)
by: Peter Tamburello, Co-Manager (Agent)

Date: 12/7/02

EXHIBIT A

**Specifications for Maintenance
of Rain Gardens**

Description	Method	Frequency	Time of the year
SOIL			
Inspect and Repair Erosion	Visual	Monthly	Monthly
ORGANIC LAYER			
Remulch any void areas	By hand	Whenever needed	Whenever needed
Remove previous mulch layer before applying new layer (optional)	By hand	Once every two to three years	Spring
Any additional mulch added (optional)	By hand	Once a year	Spring
PLANTS			
Removal and replacement of all dead and diseased vegetation considered beyond treatment	See planting specifications	Twice a year	3/15 to 4/30 and 10/1 to 11/30
Treat all diseased trees and shrubs	Mechanical or by hand	N/A	Varies, depends on insect or disease infestation
Watering of plant material shall take place at the end of each day for fourteen consecutive days after planting has been completed	By hand	Immediately after completion of project	N/A
Replace stakes after one year.	By hand	Once a year	Only remove stakes in the spring
Replace any deficient stakes or wires	By hand	N/A	Whenever needed
Check for accumulated sediments	Visual	Monthly	Monthly