

PROPOSED DEVELOPMENT CONDITIONS

SE 2013-MV-011

April 28, 2014

If it is the intent of the Board of Supervisors to approve SE 2013-MV-011, located at 11727 River Drive, Tax Map 122-2 ((2)) 7, for uses in a floodplain pursuant to Sect. 2-904 and 9-606 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Exception Plat approved with the application, as qualified by these development conditions. Notwithstanding the structures and uses indicated on the Special Exception Plat, the applicants may disturb land, demolish existing structures, and/or construct improvements outside of the 100-year floodplain and Resource Protection Area (RPA) without submitting a Special Exception (SE) application as long as the applicants comply with all applicable local, state and federal ordinances. However, the applicants may not allow any new structures or impervious areas to extend into the RPA without submitting and obtaining the approval of a Special Exception Amendment and an RPA Exception.
3. This Special Exception is subject to the provisions of Article 17, Site Plans as may be determined by the Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this Special Exception shall be in substantial conformance with the approved Special Exception Plat entitled "Special Exception Plan Hallowing Point River Estates Lot 7 – Section One" prepared by Harold A. Logan Associates P.C., which is dated December 31, 2012, as revised through February 28, 2014, and these conditions. Minor modifications to the approved Special Exception Amendment may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. Prior to the approval of a grading plan, site plan, or minor site plan, a Hold Harmless agreement shall be executed with Fairfax County for any adverse effects resulting from the location of the site within a floodplain area.
5. Notwithstanding the landscaping shown on the Special Exception Plat, the location and species of the proposed plantings shall be subject to the review and approval of the Urban Forest Management Division (UFMD). Landscaping in the RPA shall be installed within 90 days of the SE approval unless the UFMD determines a later planting date is necessary to ensure the health of the landscaping.

6. The applicants shall incorporate appropriate engineering practices to address slope stabilization issues as recommended by the Geotechnical Review Board (GRB) and DPWES. The applicants shall achieve a factor of safety of not less than 1.25 for the entire area of the slope, as determined by DPWES in consultation with the GRB.
7. Within 60 days of approval of the SE, the applicants shall submit a grading plan to DPWES. The applicants shall obtain grading plan approval within 180 days of approval of the SE.
8. Within 60 days of approval of the SE, the applicants shall obtain all required permits for the existing dock.
9. Prior to grading plan, site plan, or minor site plan approval, the applicants shall demonstrate to UFMD that all landscaping shall be planted within a sufficiently stable slope. The applicants shall incorporate stabilization measures to support the long-term maturity of any new landscaping, subject to the review and approval of UFMD.
10. The applicants must demonstrate to DPWES that all necessary federal, state, and county approvals have been obtained prior to any additional land disturbing activity.
11. Prior to grading plan approval, the applicants shall delineate the limits of the 100-year floodplain and record a floodplain easement, subject to review and approval by DPWES.
12. Concurrent with the first submission of any grading plan, site plan, or minor site plan, the applicants shall submit an additional copy of the plan to the Fairfax County FEMA Floodplain Administrator (Stormwater Planning Division) to determine whether the base flood elevation or limits of the floodplain in any Special Flood Hazard Area (SFHA) depicted on the County's Flood Insurance Rate Map (FIRM) would be altered as a result of any new construction, substantial improvements, or other development shown on the plan, including fill. If the County FEMA Floodplain Administrator determines that the base flood elevation or limits of the floodplain would be altered, the applicants shall submit technical or scientific data to FEMA for a Letter of Map Revision. If the projected increase in the base flood elevation is greater than one foot, the applicants shall also obtain approval of a Conditional Letter of Map Revision from the Federal Insurance Administrator prior to the approval of any construction. If the applicants are required to submit either a Letter of Map Revision and/or Conditional Letter of Map Revision as outlined above, the applicants shall submit a copy of the approval letter from FEMA to the Department of Planning and Zoning (DPZ).
13. The final location of the detached garage shall be subject to review and approval by the Fairfax County Health Department at the time of grading plan review.

14. Within 60 days of approval of the Special Exception the applicants shall provide all necessary information to DPWES in order to determine if the disturbance to the adjacent Hallowing Point Association property (HOA property) requires the approval of a WRPA, WQIA, SE, grading plan or other plans or permits. If it is determined that additional permits are needed for the grading on the HOA property, then the applicants shall work with the HOA to submit the proper applications within 90 days of such determination.
15. The limits of clearing and grading shown on the Plat shall be strictly observed and enforced and all existing vegetation shown as to be preserved on the SE Plat shall be preserved. Any encroachment into, and/or disturbance of, the RPA not shown on the approved Plat will be considered a violation of the Chesapeake Bay Preservation Ordinance (CBPO) and is subject to the penalties of the CBPO Article 9.
16. Within 30 days of the Special Exception's approval, the applicant shall submit an agreement or suitable documents to the County Attorney's office for review and approval. The agreement or suitable documents shall be recorded prior to grading plan approval. The agreement shall notify future owners of Tax Map 122-2 ((2)) 7 that the land is subject to an approved Special Exception (SE 2013-MV-011).
17. Any replanting or maintenance of landscaping shown on the approved grading plan shall be in accordance with the Chesapeake Bay Preservation Ordinance (Chapter 118 of the Fairfax County Code).

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

This approval, contingent on the above noted conditions, shall not relieve the applicants from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicants shall be themselves responsible for obtaining the required Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, twelve (12) months after the date of approval unless, at a minimum, the use has been established or construction has commenced and been diligently prosecuted as evidenced by the issuance of an approval for a grading plan, site plan, or minor site plan. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.