

#4135-WRPA-003-1 and #4135-WQ-001-1

September 22, 2021

If it is the intent of the Exception Review Committee (ERC) to approve 4135-WRPA-001-1 and 4135-WQ-001-1 to allow encroachment in the Resource Protection Area (RPA) located at 1932 Great Falls Street (Tax Map 040-2-01-0003B) pursuant to Section 118-6-8a of the Fairfax County Chesapeake Bay Preservation Ordinance (CBPO), staff recommends that the ERC condition the approval on the following:

PROPOSED WATER QUALITY IMPACT ASSESSMENT CONDITIONS

1. The buffer plantings shall be planted in a focused area downslope of the proposed use to capture the runoff from the subject shed.
2. Table 3, of the WQIA makes specific commitments to buffer species and specimen sizes. Any other planting for the 636 square foot buffer area may be used; if alternate planting is used it must be in accordance with size and density requirements in the Public Facilities Manual (PFM) Table 12.13B. Plantings must be selected from the Recommended Tree and Shrub Species for Reforestation of Resource Protection Areas, June 4, 2008.

PROPOSED EXCEPTION CONDITIONS

3. This RPA Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
4. This RPA Exception is granted only for the purposes, structures and/or uses indicated on the plat approved with this application, as qualified by these development conditions.
5. Any plan submitted pursuant to this RPA Exception must be in substantial conformance with the plat submitted with the subject application, which shows the proposed improvements.
6. For this RPA Exception to meet the purpose and intent of the CBPO, to not create a substantial detriment to water quality, and to meet the performance criteria for RPAs, vegetated buffer area(s) must be established and preserved as required by the final water quality computations. Vegetation size, species, density and locations must be consistent with the planting requirements of CBPO Section 118-3-3(f) and Public Facilities Manual (PFM) Section 12-0316.4 or a vegetation plan that is equally effective in retarding runoff, preventing erosion, and filtering non-point source pollution from runoff, as determined by LDS. The Director of LDS may approve the use of a seed mixture as a supplement to or in lieu of individual plants for shrubs and groundcovers. Plants must be native to the degree practical and adaptable to site

conditions. The vegetation should be randomly placed to achieve a relatively even spacing throughout the buffer. Notwithstanding any statements on the plat, the WQIA, or the final water quality computations, the size, species, density, and location of the trees, shrubs, and groundcover will be subject to approval of the Director of LDS.

7. Understory vegetation in the existing forest/vegetated area must be established/re-established with a seed mixture as determined by LDS and Urban Forestry Management Division (UFMD). The Landowner must maintain the riparian buffer area plantings and any proposed BMP facilities as shown on the WQIA in good condition, acceptable to the county, and in accordance with the specific maintenance requirements noted on the WQIA Addendum.

8. The Landowner hereby grants permission to the county, or its authorized agents and employees, to enter upon the Property at reasonable times and in a reasonable manner to inspect any stormwater management facilities or riparian buffer plantings whenever the county deems necessary. Whenever reasonably possible, the county will attempt to notify the Landowner before the inspection.

9. Indigenous vegetation should be preserved to the maximum extent possible. Any further encroachment into, and/or disturbance of, the RPA not shown on the plat submitted with this request, will be considered a violation of the CBPO and is subject to the penalties of CBPO Article 9.

10. To prevent degradation of water quality during the remediation work, adequate erosion and sediment control measures and tree protection, such as a silt fence/tree protection, must be used during construction work within the RPA, and must remain in place, and be properly maintained, for the duration of the remediation work until such time that the work is deemed complete by LDS.

11. This RPA exception will automatically expire, without notice, October 6th, 2022, unless the project is completed and is approved by LDS, the vegetated buffers have been established, any required BMPs installed, and any required final water quality computations submitted to LDS.

This approval, contingent on the above noted conditions, does not relieve the applicant from compliance with the provisions of any applicable Federal, State, or County ordinances, regulations, or adopted standards. The applicant is responsible for obtaining the approval of any required plans and permits through established procedures. This RPA exception is not valid until required plans and permits are approved.