

Attachment A – Proposed Conditions

7996-WRPA-002-1 and 7996-WQ-001-2

April 28, 2023

If it is the intent of the Exception Review Committee (ERC) to approve 7996-WRPA-002-1 and 7996-WQ-001-2 to allow the 23.6 by 30 square foot portion of the sport court on the applicant's property to remain in the Resource Protection Area (RPA) located at 1008 Springvale Road (Tax Map 012-1-08B-0004 A2) pursuant to Section 118-6-9 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 (WQIA) CONDITIONS

1. A site related plan is submitted and approved by Land Development Services (LDS) to address the following:
 - i. Demonstrate a water quality benefit with the Virginia Runoff Reduction Method (VRRM) spreadsheet or simple equations for the subject property. Staff estimated an area of 1,800 square feet of turf grass be converted to RPA buffer/forest open space on the subject property in accordance with the county's Public Facilities Manual (PFM) Table 12.13B in addition to what is shown on the current exhibit.
 - ii. Update planting plans for the subject property.
 - a. Clearly delineates the boundary of the entire buffer planting area required to meet the water quality requirements for the subject property.
 - b. To address the Notice of Violation and mitigate the trees cut from the RPA in addition to the buffer established for water quality benefits.
 - c. Vegetation size, species, density and locations must be consistent with the planting requirements of CBPO Section 118-3-3(f) and PFM Section 12-0316.4 or a vegetation plan that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff, as determined by LDS. 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.
2. The Home Owners Association (HOA) property is not part of the subject exception, and the disturbed area on the HOA property must be restored to:
 - i. Remove the sport court by hand without further land disturbance, and the area fully restored.
 - ii. Restore the RPA buffer in accordance with the Forest Conservation Branch (FCON) memo – Attachment C5-4.

PROPOSED EXCEPTION CONDITIONS

1. This RPA Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This RPA Exception including the revised exhibit and planting plan, is binding upon the parties, their successors, and assigns and must be recorded among the Land Records of Fairfax County, Virginia, within **180-days of final approval**. The conditions stated herein will not be deemed to be personal but will run with the land.
3. This RPA Exception is granted only for the purposes, structures and/or uses indicated on the plat dated August 15th, 2022, approved with the application and the approved site related plan per WQIA Condition #1, as qualified by these development conditions.
4. Any plan submitted pursuant to this RPA Exception must be in substantial conformance with the exhibit titled "Water Quality Impact Assessment, Page 2" prepared by TNT Environmental and the approved site related plan per WQIA Condition #1, which shows the proposed improvements, and as amended with the subject exception conditions. The exception condition text shall govern the exhibit.
5. 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.
6. The Landowner must maintain the riparian buffer area plantings as shown in the WQIA and site related plan (see Condition #1), in good condition, acceptable to the county.
7. 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 the riparian buffer plantings whenever the county deems necessary. Whenever reasonably possible, the county will attempt to notify the Landowner before the inspection.
8. 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.
9. This RPA Exception will automatically expire, without notice, June 7, 2024, unless the project is completed in accordance with these conditions, is inspected and approved by LDS, the vegetated buffer has been established, any required BMPs installed, and any required final water quality computations provided to and approved by 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 all required plans and permits are approved.