

## PROPOSED EXCEPTION CONDITIONS

### #1996-WRPA-016 and #1996-WQ-005

August 19, 2022

If it is the intent of the Exception Review Committee to approve 1996-WRPA-016 and 1996-WQ-005 to allow encroachment in the Resource Protection Area (RPA) located at 917 Whann Avenue (Tax Map 021-4-06-0013A) pursuant to Section 118-6-8 of the Fairfax County Chesapeake Bay Preservation Ordinance (CBPO), staff recommends that the Exception Review Committee condition the approval by requiring conformance with the following development 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 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 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 approved with the application, as qualified by these development conditions.
4. Any plan submitted pursuant to this RPA Exception shall be in substantial conformance with the Plat titled "917 Whann Avenue, Grading Plan" prepared by Tri-Tek Engineering, included with the subject WRPA application, which shows the proposed improvements.
5. 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, the vegetated buffer area(s) on the opposite side of the stream shall be restored to the maximum extent possible. Notwithstanding any statements on the Plat and in the Water Quality Impact Assessment (WQIA), vegetation size, species, density and locations shall be consistent with the planting requirements of CBPO Section 118-3-3(f) and Public Facilities Manual 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 Land Development Services (LDS). The Director may approve the use of a seed mixture as a supplement to or in lieu of individual plants for shrubs and groundcovers. Plants shall be native to the degree practical and adaptable to site conditions. The vegetation shall be randomly placed to achieve a relatively even spacing throughout the buffer.

6. The applicant must submit an Infill Lot Grading Plan to provide on-site best management practices from the Department of Environmental Quality (DEQ) Clearinghouse website (such as planter boxes) such that the water quality benefits exceed the detriments.

7. The applicant shall show all existing features in the grading plan. All unauthorized encroachments not shown on the approved grading plan dated December 28<sup>th</sup>, 1994 (including but not limited to the footbridges, bench, paving, electrical lighting) into the RPA shall be removed. The applicant shall provide an impervious area analysis and demonstrate that the maximum increase in impervious area permitted in accordance with 118-6-8 of 1,000 square feet is not exceeded.

8. Indigenous vegetation shall be preserved to the maximum extent possible. Any further encroachment into, and/or disturbance of, the RPA not shown on an approved grading plan will be considered a violation of the CBPO and is subject to the penalties of CBPO Article 9.

To prevent degradation of water quality during construction, adequate erosion and sediment control measures, including but not limited to double super-silt fence, shall be used during construction within the RPA, and shall remain in place, and be properly maintained, for the duration of the land disturbing activity within the RPA until such time that the disturbed area is completely stabilized. Additional measures such as erosion matting and sediment traps may be required to address concentrated flow at each end of the construction.

9. Construction sequence shall be clearly depicted as part of the erosion and sediment control narrative. At a minimum it shall address, the phasing of the construction, the duration of each phase, and measures to ensure that the site does not remain denuded during construction.

10. The operation and maintenance of the pool shall observe DEQ's Swimming Pool Guidelines. See Attachment C4 2.

11. This RPA Exception shall automatically expire, without notice, September 7<sup>th</sup>, 2023, unless the subject grading plan has been approved and the vegetated buffers have been established.

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 any required plans and permits are approved.