

## #3276-WRPA-003-1 and #3276-WQ-004-4

July 21, 2021

If it is the intent of the Exception Review Committee (ERC) to approve 3276-WRPA-003-1 and 3276-WQ-004-4 to allow encroachment in the Resource Protection Area (RPA) located at 8747 Brook Road (Tax Map 020-3-03-0016A) 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 CONDITIONS**

1. Notwithstanding any statements on the Plat and in the Water Quality Impact Assessment (WQIA), the existing conditions are the conditions before the exception approved in 2012 and the proposed conditions are the conditions proposed with the subject exception. Once adopted, the conditions on the exception approved in 2012 will be superseded with the subject proposed conditions and will be the conditions for the exception on the property.
2. The impervious area under the deck may not exceed 475 square feet.
3. The water quality computations in the WQIA must be superseded and replaced by final water quality computations prepared and sealed by a qualified professional. These water quality computations must be submitted as an addendum to the WQIA Report and approved before any land disturbance. These final water quality computations must include a written narrative explaining how the proposed project demonstrates a water quality benefit based on impervious area and vegetation (incorporating existing vegetation) before the approved 2012 exception and these approved conditions.
4. Engineering designs and maintenance specifications for any best management practices (BMP) (e.g., planter boxes) should be included in the addendum to the WQIA report submitted to and approved by Land Development Services (LDS) before construction.
5. A second addendum to the WQIA is submitted with a survey/plat demonstrating the post-construction impervious areas are verified, the BMP third party checklists are verified, and it is demonstrated that the constructed project complies with the requirements of the exception before final approval of the second addendum to the WQIA.

### **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 is granted only for the purposes, structures and/or uses indicated on the plat approved with this application, as qualified by these development conditions.

3. Any plan submitted pursuant to this RPA Exception must be in substantial conformance with the plat titled "8747 Brook Road, Water Quality Impact Assessment"; prepared by TNT Environmental, Inc. (TNT), sealed by Bruce Price, January 22, 2021, which shows the proposed improvements.
4. 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.
5. To ensure a water quality benefit for the parcel, based on the conditions before the exception for the new house in 2012, vegetated buffer areas supplemented with on-site BMPs such as planter boxes, meeting the Department of Environmental Quality (DEQ) clearinghouse and PFM requirements must be provided. A water quality benefit based on the conditions before the construction of the new house must be demonstrated with the Virginia Runoff Reduction Spreadsheet. Sealed engineering calculations and designs must be submitted to and approved by LDS before any work on the property.
6. An addendum to the WQIA is approved by LDS which clarifies and supersedes deficiencies in the WQIA revised January 21st, 2021.
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 approved as-built plan 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, August 4<sup>th</sup>, 2022, unless the as-built plan is approved by LDS, the vegetated buffers have been established, BMPs installed, and the 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.