

#5255-WRPA-003-1 and #5255-WQ-001-3

September 15, 2021

If it is the intent of the Exception Review Committee (ERC) to approve 5255-WRPA-003-1 and 5255-WQ-001-3 to allow encroachment in the Resource Protection Area (RPA) located at 9407 Wooded Glen Avenue (Tax Map 088-1-20-0004) pursuant to Section 118-6-8(a) 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

- The vegetated buffer area to be planted as mitigation for the proposed RPA encroachment, as well as the associated planting schedule (5 overstory trees, 11 understory trees, and 59 shrubs within the RPA boundary), are depicted on the Water Quality Impact Assessment (WQIA) Exhibit. Plant materials and planting techniques shall be as specified in Public Facilities Manual (PFM) Section 12-0705, and in the “Reforestation of RPA’s” Letter-to-Industry (dated September 24, 2007). All planting work shall be done by hand or with the aid of hand-held tools. No heavy equipment shall be used to support this operation within the RPA.

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. 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 Land Development Services (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.

4. 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 riparian buffer plantings whenever the county deems necessary. Whenever reasonably possible, the county will attempt to notify the Landowner before the inspection.
5. 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.
6. 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.
7. This RPA exception will automatically expire, without notice, October 6th, 2022, unless the as-built plan is approved by LDS, the vegetated buffers have been established, and the final water quality computations submitted to LDS.
8. The applicant must make application to and obtain approval of a Special Permit from the Board of Zoning Appeals within 12 months of this exception approval in order to allow the current rear yard coverage and comply with the provision of the Fairfax County Zoning Ordinance.
9. The applicant must remove the use of keeping livestock from the RPA, or apply for a separate CBPO Exception for this accessory use and Special Permit from the Board of Zoning Appeals within 12 months of this exception.

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.