

COUNTY OF FAIRFAX
EXCEPTION RESOLUTION OF THE EXCEPTION REVIEW COMMITTEE

Lawrence and Patricia Pascal, CBE #026800, under Section 118-6-7 of the Chesapeake Bay Preservation Ordinance (CBPO), at 5825 River Drive, Hallowing Point River Estates, Section 1, Lot 23, to permit encroachment into approximately 1500 square feet of the (RPA), for the construction of a soil absorption field associated with an individual sewage disposal facility, Mount Vernon District, Tax Map #122-2-02-0023. At a regular meeting of the Exception Review Committee (Committee) on November 3, 2004, Ms. Kanter moved that the Exception Review Committee adopt the following resolution:

WHEREAS, the application has been properly filed and notice given in accordance with the requirements of all applicable State and County codes; and

WHEREAS, the Committee has made the findings that:

- a) The requested exception, as conditioned, is the minimum necessary to afford relief;
- b) Granting the exception will not confer upon the applicant any special privileges that are denied to owners of other property who are similarly situated;
- c) The exception, as conditioned, is in harmony with the purpose and intent of the CBPO and is not of substantial detriment to water quality;
- d) The exception request is not based upon conditions or circumstances that are self-created or self-imposed;
- e) Reasonable and appropriate conditions will be imposed that will prevent the allowed activity from causing a degradation of water quality; and
- f) The water quality benefits resulting from the proposed improvements, as conditioned, exceed the associated water quality detriments.

Now, therefore be it resolved that the Committee **APPROVE** Exception Request #026800 under Section 118-6-7 of the CBPO to permit the encroachments into the RPA depicted on the Grading Plan dated July 23, 2004, subject to 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 granted only for the purposes, structures and/or uses indicated on the Plat approved with the application, as qualified by these development conditions.
3. Any plan submitted pursuant to this RPA Exception shall be in substantial conformance with the approved plat entitled "**Hallowing Point River Estates, Section 1, Lot 23**" prepared by **Harold A. Logan and Associates, P.C.**, dated **July 23, 2004** (Plat) and these conditions.

4. In order that the project is in harmony with the purpose and intent of the CBPO, does not have a substantial detriment to water quality, and meets the additional performance criteria for RPAs, vegetated buffer area(s) shall be established in the disturbed areas within the RPA on the lot and shall be of a combined area of at least 1,500 square feet. The size, species, density and locations shall be consistent with the planting requirements of CBPO Section 118-3-3(f), or a vegetation plan that is equally effective in retarding runoff, preventing erosion, and filtering non-point source pollution from runoff, as determined by the Department of Public Works and Environmental Services (DPWES). The vegetation shall be randomly placed to achieve a relatively even spacing throughout the buffer. Notwithstanding the statements on the Plat and in the Water Quality Impact Assessment, the size, species, density and locations of the trees, shrubs and groundcover will be subject to approval of the Director of the DPWES.
5. In order that the disturbed area within the RPA is the minimum necessary to afford relief for the proposed construction, indigenous vegetation shall be preserved to the maximum extent possible, and the limits of clearing and grading must be clearly shown on the grading plan and include adequate access and areas for stockpiles, and will be subject to approval by the DPWES. The limits of clearing and grading shown on the Plat must be strictly observed and enforced. Any encroachment into, and/or disturbance of, the RPA not shown on the approved Plat will be considered a violation of the CBPO and is subject to the penalties of the CBPO Article 9.
6. In order that the proposed construction activity does not degrade water quality, adequate erosion and sediment control measures, including, but not limited to, super-silt fence, shall be employed 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 as determined by the Environmental and Facilities Inspections Division site inspector.
7. The grading plan shall be distributed to the Health Department for review and approval in accordance with CBPO Section 118-3-2(h) prior to approval by DPWES.
8. This RPA Exception shall automatically expire, without notice, 24 months after the date of approval, unless the necessary plans and permits have been approved and construction of the improvements as depicted on the Plat have commenced and are diligently pursued.

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 shall be responsible for

obtaining the approval of any required plans and permits through established procedures, and this RPA Exception shall not be valid until this has been accomplished.

Mr. Glasgow seconded the motion which carried by a vote of 6-0.

A Copy Teste:



Shahab Baig
Clerk to the Exception Review Committee