

PROPOSED DEVELOPMENT CONDITIONS

CBE #026338

June 29, 2004

If it is the intent of the Board of Supervisors (Board) to approve CBE #026338, for properties located at 972 and 980 Young Avenue (Tax Map 010-4-01-0001, 0002-A, and 0002-B), to allow encroachment in the Resource Protection Area (RPA) pursuant to Section 118-6-9 of the Chesapeake Bay Preservation Ordinance (CBPO), staff recommends that the Board 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 granted only for the purposes, structures 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 **Conceptual/Final Development Plan, Young Property, prepared by Charles P. Johnson & Associates, dated October 7, 2003 and revised June 29, 2004** (Plat) and these conditions.
4. The applicant shall conduct, submit and obtain approval of a floodplain study that incorporates the proposed pond and embankment. The embankment shall be located outside the 100-year floodplain limits of Folly Lick Branch.
5. In order to maintain buildable area outside the RPA when subdividing land and to comply with the provisions of the CBPO, which restrict enlargement or expansion of encroachment into the RPA, the dwelling on proposed Lot 4 shall not be expanded into the RPA, nor shall any accessory structures be permitted within the RPA. Any reconstruction of the dwelling on Lot 4 shall not encroach into the RPA. Full disclosure of this restriction shall be required in writing to all future purchasers of Lot 4 prior to resale.
6. The applicant shall combine accessways (pond maintenance) within the RPA with the trails, to the degree possible. The applicant will pursue all means possible to reduce the trail widths in sections where the proposed trail exceeds 4 feet in width.
7. The stormwater management pond will provide water quality control for approximately 180 acres of the contributing watershed area.
8. In order that construction of the pond and embankment do not cause degradation of water quality, adequate erosion and sediment control measures, including, but

not limited to, appropriate stream diversion techniques, shall be employed during construction within the stream and along the limits of any clearing and/or grading 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.

9. The applicant shall incorporate an enhanced extended dry detention pond design into the site to provide stormwater management controls, subject to the Department of Public Works and Environmental Services approval.
10. In order that the land disturbed within the RPA can be considered to be in harmony with the purpose and intent of the CBPO and that the request is not considered to be based upon conditions or circumstances that are self-created or self-imposed, vegetation within the RPA, excluding the embankment and ponding area, will be supplemented so as to contain plant densities consistent with the *buffer area establishment* requirements of CBPO Section 118-3-3(f).