



APPLICATION FILED: August 26, 2005
APPLICATION AMENDED: November 28, 2005
PLANNING COMMISSION: February 16, 2006
BOARD OF SUPERVISORS: February 27, 2006

County of Fairfax, Virginia

February 2, 2006

STAFF REPORT

SPECIAL EXCEPTION APPLICATION SE 2005-MV-024

MOUNT VERNON DISTRICT

APPLICANT: Prospect Development Co., Inc.

ZONING: R-3

PARCEL(S): 83-4 ((2)) (43) 27

SITE AREA: 12,542 square feet

PLAN MAP: Residential; 2-3 du/ac

SE CATEGORY: Category 6; Uses in the floodplain

PROPOSAL: Construction of a single-family detached dwelling requiring fill in the 100-year floodplain.

STAFF RECOMMENDATIONS:

Staff recommends approval of SE 2005-MV-024 subject to the proposed development conditions in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

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Department of Planning and Zoning

Zoning Evaluation Division
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Fairfax, Virginia 22035-5509
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For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.



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**A GLOSSARY OF TERMS FREQUENTLY
USED IN STAFF REPORTS WILL BE
FOUND AT THE BACK OF THIS REPORT**

DESCRIPTION OF THE APPLICATIONS

The applicant seeks approval of a special exception for Tax Map 83-4 ((2)) (43) 27, 6414 Boulevard View, to construct a two-story single family detached dwelling within the 100-year floodplain.

LOCATION AND CHARACTER

The subject property is zoned R-3, vacant, and is located at the intersection of Boulevard View & H Street in the Belle Haven Community Planning Sector of the Mount Vernon Planning District. The site is located entirely within the 100-year floodplain, Resource Protection Area (RPA) as defined by the County's Chesapeake Bay Preservation Ordinance (CBPO) and within the Environmental Quality Corridor (EQC) as designated by the Comprehensive Plan. All properties abutting the subject property are zoned R-3 and developed with single-family detached dwellings. To the east of the site is parkland.

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Residential; Single-family detached	R-3	Residential; 2-3 du/ac
South	Residential; Single-family detached	R-3	Residential; 16-20 du/ac
East	Public Park	R-3	Public Parks
West	Residential; Single-family detached	R-3	Residential; 2-3 du/ac

BACKGROUND

There is no relevant zoning history associated with this site.

COMPREHENSIVE PLAN PROVISIONS

Plan Area: Mount Vernon Planning District
Planning Sector: MV3- Belle Haven Community

Plan Map: Residential; 2-3 du/ac

Plan Text:

On page 117 of the Area IV Volume, 2003 Edition of the Comprehensive Plan (as amended through April 25, 2005), under the heading, MV3-Belle Haven Community Planning Sector, the Plan states:

The Belle Haven sector is largely developed as stable residential neighborhoods. Infill development in this sector should be of a compatible use, type and intensity in accordance with the guidance provided by the Policy Plan under Land Use Objectives 8 and 14.

ANALYSIS

Special Exception Plats (Copy at front of staff report)

Title of SE Plat: Lot 27, 28, & 29 Block 43 River View (6412 Boulevard View)

Prepared By: RC Fields, Jr. & Associated

Original and Revision Dates: August 23, 2005, as revised through January 18, 2006.

The SE Plat consists of one sheet, containing the following features:

Site Layout: The SE Plat depicts a 12,542 square foot lot consisting of one two-story single-family detached dwelling with a garage. A 1,128 square foot buffer area is shown on the southwest portion of the site and a 300 square foot buffer area is shown on the northeast portion of the site. The buffer areas are provided to meet the anticipated conditions of a waiver of the water quality control requirements. A two-car garage and associated driveway are shown at the western portion of the house.

Access: The SE Plat indicates that ingress/egress to the subject site will be provided via a proposed driveway which provides access from H Street.,

Parking: Two off-street parking spaces are provided in the proposed garage of the single-family detached dwelling. There is area for additional off-street parking in the proposed driveway.

Floodplain, RPA and EQC: The Potomac River traverses in a north-south direction approximately 820 feet east of this property. The subject site is located entirely within the 100-year floodplain, the Resource Protection Area (RPA) as defined by the County's Chesapeake Bay Preservation Ordinance (CBPO) as well as within the Environmental Quality Corridor (EQC) as designated by the Comprehensive Plan. A loss of buildable area exception, to allow encroachment into the RPA has been submitted to DPWES for review and approval. A Water Quality Impact Assessment (WQIA) has also been submitted to demonstrate

compliance with water quality control requirements. Final action on these documents cannot occur until after the Board of Supervisors completes action on this SE application. DPWES has provided a preliminary review of the submittals, and based on the request as submitted, they may be favorably considered, subject to certain conditions, including the establishment of a minimum 1430 square foot vegetated buffer which meets the criteria of CBPO 118-3-3(f), as shown on the Plat.

Best Management Practices: As discussed above, buffer areas are provided on the site to meet the anticipated conditions of a waiver of the water quality control requirements.

Utilities: The proposed dwelling will be served by public sewer and water. Proposed utilities will be placed underground.

Land Use Analysis

The Belle Haven community planning sector is largely developed as stable residential neighborhoods. The site is not subject to any site specific Comprehensive Plan text; however the Comprehensive Plan Map shows the site designated for residential development at a density of 2-3 dwelling units per acre. Properties the north, west, and south of the site are zoned R-3 and developed with single-family detached dwellings. The property to the east is public parkland. The proposed use is in harmony with the surrounding neighborhood. There are no land use issues associated with this application.

Environmental Analysis (Appendix 4)

Issue: Environmental Quality Corridor (EQC)/Resource Protection Area (RPA)

The 12,542 square foot subject property is in "New Alexandria" within the Belle Haven Watershed. The Potomac River traverses in a north-south direction approximately 820 feet east of this property. As stated previously, this property is also located entirely within the Resource Protection Area (RPA) as defined by the County's Chesapeake Bay Preservation Ordinance (CBPO), as well as within the Environmental Quality Corridor (EQC), as designated by the Comprehensive Plan. As defined in the Comprehensive Plan, floodplains are a feature of the EQC and ideally, for ecological reasons, EQCs should be protected and development should not be located in the EQC. The Comprehensive Plan also recommends against the location of new homes in the floodplain in order to avoid impacts of flooding on new development.

Staff recognizes that this lot was established in an area predating a number of regulatory and Policy Plan recommendations including guidance on the EQC and floodplain. Given these circumstances, the development of a single family detached dwelling on the subject site may be deemed appropriate. To be consistent with the Comprehensive Plan's objectives to protect water quality through compliance with the CBPO and to reduce potential flood hazard impacts, the applicant is encouraged to minimize the amount of impervious surface on site

and/or provide buffers and/or other water quality measure to the satisfaction of the Department of Public Works and Environmental Services (DPWES).

Resolution:

The application proposes additional plantings on-site and to provide a 300 sq. ft. buffer area in the northeast portion of the site and a 1,128 sq. ft. buffer area in the southwest portion of the site for water quality purposes. With these provisions, staff believes the issue has been resolved.

Transportation Analysis (Appendix 5)

The proposed application would not create any significant additional impacts on the surrounding public street system.

DPWES Analysis (Appendix 6)

Issue: Chesapeake Bay Preservation Ordinance (CBPO)

The proposed dwelling is within a Resource Protection Area as defined by the CBPO; therefore a Loss of Buildable Area Exception is required for encroachment into the RPA. The applicant also must demonstrate compliance with the performance criteria of the CBPO, including submitting a Water Quality Impact Assessment (WQIA) and meeting water quality control requirements.

Resolution:

The applicant has submitted a Loss of Buildable Area Exception request and WQIA to DPWES for review. Final action on these documents cannot occur until after the Board of Supervisors completes action on this SE application. DPWES has provided a preliminary review of the submittals, and based on the request as submitted, they may be favorably considered, subject to certain conditions, including the establishment of a minimum 1430 square foot vegetated buffer which meets the criteria of CBPO 118-3-3(f), as shown on the Plat. Staff believes, this issue had been addressed.

Issue: Floodplain Regulations

There is a major floodplain associated with the Potomac River on the application property.

1. The lowest elevation of the lowest floor (i.e. bottom of joists), must be at least 18 inches above the flood elevation of 10.0 feet. Mechanical, electrical, and utility equipment must be at or above the 100-year flood level. The elevation of the crawl space floor must be at or above the lowest surrounding grade of the ground adjacent to the dwelling.

Resolution:

The applicant has specified a first floor elevation of 12.9 feet. Additionally, the applicant has revised the SE Plat, adding a note stating that the crawl space elevation shall, at a minimum, match the exterior grade and shall not be converted to a finished basement. Staff has proposed a development condition to ensure that all mechanical, electrical and utility equipment must be at or above the 100-year flood level. With these provisions, this issue has been addressed.

2. Prior to approval of the framing inspection, as-built floor elevations for the dwelling are required and shall be submitted on a FEMA Certificate and filed with the Residential Inspections Division, in accordance with minimum federal requirements and the Virginia Uniform Statewide Building Code in effect at the time the building permit is issued.
3. The grading plan must indicate that any new construction, substantial improvement, or other development, including fill, when combined with all other existing, anticipated and planned development, shall not increase the water surface elevation above the 100-year flood level upstream and downstream of the property.
4. Note #16 on the SE Plat states the applicant must provide a hold –harmless agreement prior to approval of the grading plan. DPWES recommends a proposed development condition that reiterates that note.
5. Per section 2-905(5) of the Zoning Ordinance, the grading plan should state that, to the extent possible, stable vegetation shall be protected and maintained in the floodplain.

Resolution:

Staff has proposed a development conditions to address the issues raised above. With the adoption of those development conditions, the issues will be resolved.

6. The applicant must provide a statement on the SE Plat certifying that any and all floodproofing is in compliance with all County, State, and federal requirements. The certification must be signed, sealed, and indicate the address of the certifying professional and must cover all structural, electrical, mechanical, plumbing, water and sanitary facilities connected with the use. Note 33 must be revised accordingly.

Resolution:

The applicant has revised Note # 33 as suggested above. This issue has been resolved.

ZONING ORDINANCE PROVISIONS (see Appendix 7)

Bulk Standards (R-3)		
Standard	Required	Provided
Lot Size	10,500 sq. ft.	12,542 sq. ft.
Lot Width	Interior 80 ft. Corner 105 ft.	75 ft.*
Building Height	35 ft.	35 ft.
Front Yard	30 ft.	Boulevard View - 30.9 ft. H Street - 30 ft.
Side Yard	12 ft.	West - 31.1 ft. North - 12 ft.
Rear Yard	25 ft.	N/A
Parking Spaces	2 spaces	2 spaces in garage
Transitional Screening		
North (R-3)	No requirement	None provided
South (R-3)	No requirement	None provided
East (R-3)	No requirement	None provided
West (R-3)	No requirement	None provided

* Pursuant to the provisions of Sect. 2-405 of the Zoning Ordinance, lots that were subdivided prior to the adoption of this Zoning Ordinance may be developed without meeting the requirements for lot width. (See below)

2-405 General Standards

Paragraph 1 states; If a lot was recorded prior to March 1, 1941, or if a lot was recorded prior to the effective date of this Ordinance, and said lot met the requirements of the Zoning Ordinance in effect at the time of recordation, then such lot, either as a single lot or in combination with other such lots pursuant to a Building Permit, may be used for any use permitted in the zoning district in which located under this Ordinance even though the lot(s) does not meet the minimum district size, lot area and/or lot width requirements of the district, provided all other regulations of this Ordinance can be satisfied.

The applicant has provided staff with a plat of record titled "Riverview, consisting of blocks 43, 44 and part of 45 and 46, New Alexandria," date May 1933, which establishes that the lot was recorded prior to March, 1 1941. Therefore this standard has been met.

Other Zoning Ordinance Requirements

Special Exception Requirements (Appendix 7)

9-006 General Standards

The following special exception standards apply to this application:

General Standard 1 states that the proposed use at the specified location shall be in harmony with the adopted comprehensive plan. As previously discussed, the subject lot was established in an area predating a number of regulatory and Policy Plan recommendations including guidance on the EQC and floodplain. Given these circumstances, the development of a single family detached dwelling on the subject site may be deemed appropriate. To be consistent with the Comprehensive Plan's objectives to protect water quality, the application proposes additional plantings on-site and to provide a 300 sq. ft. buffer area in the northeast portion of the site and a 1,128 sq. ft. buffer area in the southwest portion of the site for water quality purposes. With these provisions, staff believes this standard has been met.

General Standard 2 states that the proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations. Staff believes that the application meets the SE standards for the proposed.

General Standard 3 states that the proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. General Standard 3 states that the location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof. As stated previously, all abutting properties are zoned R-3 and developed with single-family detached dwellings. The proposed development will not adversely effect the use or development of neighboring properties. Therefore, this standard has been satisfied.

General Standard 4 states that the proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood. The proposed application would not create any significant additional impacts on the surrounding public street system. Staff finds that this standard has been satisfied.

General Standard 5 states that in addition to the standards which may be set forth in this Article for a particular category or use, the Board may require landscaping and screening in accordance with the provisions of Article 13. There are no screening requirements associated with the application, as all abutting properties are zoned R-3 and developed with single-family detached dwellings. A development condition has been proposed, ensuring that the grading plan shall state that, to the extent possible,

stable vegetation on the site shall be protected and maintained in the floodplain. Therefore, this standard has been met.

General Standard 6 states that open space should be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located. This standard is not applicable, as there is no requirement for open space in the R-3 District for a single-family detached dwelling that is not part of a proposed subdivision.

General Standard 7 states that adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. The site is currently vacant. There is no proposed stormwater management facility associated with this application, as there are no water quantity control requirements associated with construction of a single-family dwelling not associated with a subdivision. As a requirement to allow encroachment into the RPA, a loss of buildable area exception has been submitted to DPWES for review and approval. The proposed dwelling will be served by public sewer and water. Proposed utilities will be placed underground. Two off-street parking spaces are provided in the proposed garage of the single-family detached dwelling. There is area for additional off-street parking in the proposed driveway.

General Standard 8 states that signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance. This standard is not applicable as there are no signs proposed with this application.

9-606 Provisions for Uses in a Floodplain

The following special exception standards apply to this application, which seeks to construct a single-family detached dwelling within the 100-year floodplain:

2-905 Use Limitations

All permitted uses and all special exception uses in a floodplain shall be subject to the following provisions:

1. *Except as may be permitted by Par. 6 and 7 of Sect. 903 above, any new construction, substantial improvements, or other development, including fill, when combined with all other existing, anticipated and planned development, shall not increase the water surface elevation above the 100-year flood level upstream and downstream, calculated in accordance with the provisions of the Public Facilities Manual.*

Staff has proposed a development condition to ensure that the applicant shall demonstrate to DPWES that the proposed disturbance, when combined with all other existing, anticipated, and planned development, shall not increase the water surface elevation above the 100-year flood level upstream and downstream, prior to approval of the grading plan. With implementation of this development condition, this standard will be met.

2. *Except as may be permitted by Par. 8 of Sect. 903 above, the lowest elevation of the lowest floor of any proposed dwelling shall be eighteen (18) inches or greater above the water-surface elevation of the 100-year flood level calculated in accordance with the provisions of the Public Facilities Manual.*

Staff has proposed a development condition to ensure that the elevation of the lowest part of the lowest floor of dwelling proposed on the property shall be not less than 18 inches above the base flood elevation. With implementation of this development condition, this standard will be met.

3. *All uses shall be subject to the provisions of Par. 1 of Sect. 602 above.*

Par. 1 of Sect. 2-602 states that there shall be no filling, change of contours, or establishment of any use in the floodplain except as may be permitted by the provisions of Par. 1 of Sect. 2-601 or by Part 9 of Article 2. The General Notes on the SE Plat indicate that development of the site will require a geotechnical engineering study in accordance with the Fairfax County Code and the Geotechnical guidelines of the Public Facilities Manual (PFM). Staff has proposed a development condition to reiterate that note and to ensure that the geotechnical study will be submitted prior to Site Plan approval. Additionally a grading plan will be required at Site Plan review. With these provisions, this standard will be met.

4. *No structure or substantial improvement to any existing structure shall be allowed unless adequate floodproofing as defined in the Public Facilities Manual is provided.*

Note #18 on the SE Plat states that the site will comply with all state and federal waterproofing requirements. With this commitment by the applicant, this standard has been met.

5. *To the extent possible, stable vegetation shall be protected and maintained in the floodplain.*

The tree cover on the site is in generally good condition and associated with physical features near the site, such as roadways and adjacent buildings. The tree cover is scattered throughout the site and most of the trees on-site will be removed during development. However, the applicant proposes to provide a 300 sq. ft. buffer area in the northeast portion of the site and a 1,128 sq. ft. buffer area in the southwest portion of the site for water quality purposes. With these provisions, staff believes that this standard has been met.

6. *There shall be no storage of herbicides, pesticides, or toxic or hazardous substances as set forth in Title 40, Code of Federal Regulations, Parts 116.4 and 261.30 et seq., in a floodplain.*

Staff has proposed a development condition stating that there shall be no storage of herbicides, pesticides, or toxic or hazardous substances as set forth in Title 40, Code of Federal Regulations, Parts 116.4 and 261.30 et seq., within the floodplain. With implementation of this development condition, this standard will be met.

7. *For uses other than those enumerated in Par. 2 and 3 of Sect. 903 above, the applicant shall demonstrate to the satisfaction of the approving authority the extent to which:*

- A. *There are no other feasible options available to achieve the proposed use; and*

As, stated previously, this lot was established in an area predating a number of regulatory and Policy Plan recommendations including guidance on the EQC and floodplain. Given these circumstances, the development of a single family detached dwelling on the subject site may be deemed appropriate.

- B. *The proposal is the least disruptive option to the floodplain; and*

As noted above, staff believes that the applicant's proposal which includes the establishment of buffer areas is the least disruptive option to the floodplain.

- C. *The proposal meets the environmental goals and objectives of the adopted comprehensive plan for the subject property.*

To be consistent with the Comprehensive Plan's objectives to protect water quality through compliance with the CBPO and to reduce potential flood hazard impacts, the applicant proposes additional plantings on-site and to provide a 300 sq. ft. buffer area in the northeast portion of the site and a 1,128 sq. ft. buffer area in the southwest portion of the site for water quality purposes. With these provisions, staff believes this standard has been met.

8. *Nothing herein shall be deemed to prohibit the refurbishing, refinishing, repair, reconstruction or other such improvements of the structure for an existing use provided such improvements are done in conformance with the Virginia Uniform Statewide Building Code and Article 15 of this Ordinance.*

A development condition is proposed which requires conformance with the Virginia Uniform Statewide Building Code and all required codes and regulations; therefore, this standard would be satisfied.

9. *Nothing herein shall be deemed to preclude public uses and public improvements performed by or at the direction of the County.*

This does not apply to the proposed application.

10. *Notwithstanding the minimum yard requirements specified by Sect. 415 above, dwellings and additions thereto proposed for location in a floodplain may be permitted subject to the provisions of this Part and Chapter 118 of The Code.*

This is not applicable as the subject site is located entirely within the 100-year floodplain.

11. *All uses and activities shall be subject to the provisions of Chapter 118 of The Code.*

The subject site is located entirely within the Resource Protection Area (RPA) as defined by the County's Chesapeake Bay Preservation Ordinance (CBPO) and within the Environmental Quality Corridor (EQC) as designated by the Comprehensive Plan. As discussed previously in this report, the applicant has submitted a Loss of Buildable Area Exception, which is required for encroachment into the RPA. The applicant has also submitted a Water Quality Impact Assessment (WQIA) to demonstrate compliance with the performance criteria of the CBPO. Final action on these documents cannot occur until after the Board of Supervisors completes action on this SE application. DPWES has provided a preliminary review of the submittals, and based on the request as submitted, they may be favorably considered, subject to certain conditions, including the establishment of a minimum 1430 square foot vegetated buffer which meets the criteria of CBPO 118-3-3(f), as shown on the Plat. Therefore staff believes that at the time of approval of the Loss of Buildable Area Exception and WQIA, this standard will be met.

12. *When as-built floor elevations are required by federal regulations or the Virginia Uniform Statewide Building Code for any structure, such elevations shall be submitted to the County on a standard Federal Emergency Management Agency (FEMA) Elevation Certificate prior to approval of the final inspection. If a non-residential building is being floodproofed, then a FEMA Floodproofing Certificate shall be completed in addition to the Elevation Certificate. In the case of special exception uses, the Elevation Certificate shall show compliance with the approved special exception elevations.*

Staff has proposed development conditions, requiring elevations to be submitted on a FEMA Elevation Certificate prior to framing inspection, and conformance with the Virginia Uniform Statewide Building Code and all required codes, regulations, and floodproofing requirements. With the implementation of these conditions, this standard will be met.

Summary of Zoning Ordinance Provisions

As noted above, staff believes that the applicable standards have been satisfied.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

The proposed single-family detached dwelling is in harmony with the adopted Comprehensive Plan for this portion of New Alexandria. In addition, with the implementation of staff's proposed development conditions, the application will meet the applicable special exception standards for uses in the floodplain.

Recommendation

Staff recommends approval of SE 2005-MV-024 subject to the development conditions contained in Appendix 1 of this report.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

APPENDICES

1. Development Conditions
2. Affidavit
3. Statement of Justification
4. Environmental Analysis
5. Transportation Analysis
6. DPWES Analysis
7. Applicable Zoning Ordinance Provisions
8. Glossary

PROPOSED DEVELOPMENT CONDITIONS

SE 2005-MV-024

February 2, 2006

If it is the intent of the Board of Supervisors to approve SE 2005-MV-024 located at 6412 Boulevard View, Tax Map 83-4 ((2)) (43) 27 to allow uses in a floodplain to permit construction of a single-family detached dwelling requiring fill in the floodplain, pursuant to Sect. 2-904 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
3. Any plan submitted pursuant to this Special Exception shall be in substantial conformance with the approved SE plat entitled **Special Exception Plat, Lot 27, 28, & 29 Block 43, River View (6412 Boulevard View), prepared by R C Fields, Jr. & Associates, which is dated August 23, 2005, and revised through January 18, 2006** and these conditions.
4. A Hold Harmless agreement shall be executed with the County for all adverse effects which may arise as a result of the location of the site within a floodplain area, prior to approval of a grading plan.
5. To the extent possible, stable vegetation on the site shall be protected and maintained in the floodplain, as determined by UFM, DPWES.
6. No more land shall be disturbed than is necessary to construct the single-family detached dwelling and provide the buffer areas as shown on the SE Plat to meet the anticipated conditions of a waiver of water quality requirements. The buffer areas shall remain undisturbed and there shall be no fences, structures, or land disturbance activities permitted except for the removal of dead or diseased trees. If a waiver of Best Management Practices is not granted by DPWES, water quality control requirements shall be provided as determined by DPWES.

7. A geotechnical report and a grading plan shall be submitted to DPWES prior to site plan approval. Plans shall be implemented as required by DPWES.
8. The US Army Corps of Engineers shall be consulted in writing prior to the submission of a grading plan to determine whether or not any action is required to ensure compliance with § 404 of the Clean Water Act. Any required actions shall be completed prior to grading the site. If any necessary permissions are not granted or the required actions are not completed, this Special Exception shall be null and void.
9. Prior to approval of a grading plan, it shall be demonstrated to DPWES that the proposed disturbance, when combined with all other existing, anticipated, and planned development, shall not increase the water surface elevation above the 100-year flood level upstream and downstream.
10. Prior to approval of the framing inspection, the applicant shall submit as-built floor elevations on a FEMA Certificate to be filed with the Residential Inspections Division, in accordance with minimum federal requirements and the Virginia Uniform Statewide Building Code in effect at the time the building permit is issued.
11. Disclosure of potential flood hazards due to the location of a portion of the site within the 100-year floodplain shall be made in writing to any potential home buyers prior to establishment of a sales contract.
12. There shall be no storage of herbicides, pesticides, or toxic or hazardous substances as set forth in Title 40, Code of Federal Regulations, Parts 116.4 and 261.30 et seq., within the floodplain.
13. In accordance with Par. 2 of Sect. 2-905 of the Zoning Ordinance, the elevation of the lowest part of the lowest floor of the dwelling proposed on the property shall be not less than 18 inches above the base flood elevation.
14. All mechanical, electrical, and utility equipment must be at or above the flood level.
15. Erosion and sediment control measures shall be installed at all stages of construction. A "super silt fence" shall be installed along the lower clearing and grading limits for the site. If deemed necessary by DPWES, controls shall be designed to achieve greater erosion and sediment control than that achieved by the minimum design standards set forth in the Public Facilities Manual and the Virginia Erosion and Sediment Control Handbook.

16. Stormwater drainage shall be directed to ditches through the use of pipes, swales, or other devices, as determined by DPWES. All fill areas shall be stabilized, graded, or have drains installed such that normal rainfall will not flow over the filled area onto adjacent properties, as determined by DPWES.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be responsible for obtaining the required Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Sect. 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.