

## REVISED PROPOSED DEVELOPMENT CONDITIONS

### SEA 2002-MV-028

April 20, 2007

If it is the intent of the Board of Supervisors to approve SEA 2002-MV-028 located at 8019 East Boulevard (Tax Map 102-2 ((1)) 35A) to allow uses in a 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. These development conditions incorporate and supersede all previous development conditions. Those conditions carried forward from the previous special permit and special exception are marked with an asterisk (\*). Minor edits have been made to conform to current standards.

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 Special Exception plat titled Special Exception Plat, and prepared by Dominion Surveys, Inc., which is dated August 19, 2005 and revised to March 9, 2007, 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 house and appurtenant structures within a floodplain area. \*
5. The limits of clearing and grading, as shown on the SEA shall be strictly observed and enforced. Any encroachment into or disturbance of the RPA not shown on the Plat is considered a violation of the CBPO and is subject to penalties of Article 9 of the CBPO.\*
6. The dwelling shall be constructed on pilings, as shown on the SEA Plat and shall be set at an elevation of sixteen (16) feet from the top of the first floor (NGVD 1929). The amount of fill permitted shall not exceed a maximum of 241.5 cubic yards. Trees and indigenous vegetation within the limits of clearing and grading shall be preserved on the site during the

construction process to the maximum extent feasible as determined by the UFM, DPWES.

7. If deemed necessary by DPWES, a geotechnical report shall be submitted to DPWES for foundation design and earthwork engineering. Plans shall be implemented as required by DPWES.\*
8. The applicant shall notify the US Army Corps of Engineers prior to the approval of a grading plan to ensure compliance with § 404 of the Clean Water Act. Any required wetlands permit shall be obtained prior to commencement of land disturbing activity. \*
9. As-built floor elevations for the residence shall be submitted in accordance with Section 3107.12.1 of the Virginia Uniform Statewide Building Code (VUSBC 1977) on a standard FEMA Elevation Certificate prior to approval of the framing inspection. \*
10. All construction shall be in conformance with Section 3107.0 Flood-Resistant Construction of the Virginia Uniform Statewide Building Code (VUSBC 1977). A statement certifying all floodproofing proposed, and indicating its compliance with all County, State, and Federal requirements shall be provided with the Building Permit application. This certification shall be signed, sealed, and indicate the address of the certifying professional and it shall cover all structural, electrical, mechanical, plumbing, water and sanitary facilities connected with the use. \*
11. Erosion and sediment control measures shall be installed at all stages of construction. Super-silt fence shall be required 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 Inspection Division site inspector. No more land shall be disturbed than is necessary for the proposed construction within the RPA.\*
12. Stormwater drainage shall be directed to ditches through the use of pipes, swales, or other devices, as determined by DPWES. Any fill area shall be stabilized, graded, or have drains installed such that normal rainfall will not flow over unprotected fill area onto adjacent properties. \*
13. Disclosure of potential flood hazards due to the location of the site within the 100-year floodplain shall be made in writing to any potential home buyers prior to entering into a contract of sale. \*
14. All building supplies and construction equipment shall be located and stored only within the area designated as disturbed area on the SEA Plat.\*

15. The existing gravel turnaround located south of the existing driveway shall be removed and restored to a vegetated state, as depicted on the SEA Plat and as determined by DPWES. \*
16. The dwelling shall be limited to a maximum height of 35.0 feet. \*
17. An area equal in size to the disturbed area within the RPA shall be restored between the dwelling and the Potomac River, as defined by DPWES, and such area shall be planted with native plant species as determined by the Urban Forest Management Branch. The applicant shall provide plantings under and around the dwelling, as shown on the SEA Plat. No clearing, other than for dead or dying plants, shall be permitted between the dwelling and the Potomac River.\*
18. The existing carport shown to remain on the SEA Plat shall not be enlarged or used for another purpose without the approval of a Special Exception Amendment.
19. The area shown on the SEA Plat as an "existing Lawn Beach Area" shall remain undisturbed. Indigenous vegetation shall be preserved to the maximum extent possible. Additional plantings as indicated on the Landscape Plan shall be installed prior to issuance of a residential use permit.
20. To the extent possible, stable vegetation in the floodplain shall be protected and maintained as determined by DPWES.
21. 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.
22. All mechanical, electrical, and utility equipment shall be at or above the flood level.
23. When replaced, all of the driveway that is in the RPA shall be constructed of pervious materials such as pervious asphalt or brick pavers.
24. The construction material stockpile areas shall be located in the areas of the existing dwelling to be removed and within the existing driveway turnaround area. These stockpile areas shall be restored with vegetation upon completion of construction on the lot.
25. Vegetated buffer areas shall be located in the areas shown on the Plat and shall be of a combined area of at least 10,520 square feet. The size, species and density shall be consistent with the planting requirements of

CBPO 118-3-3(f). A minimum of 23 overstory trees, 45 understory trees and 250 shrubs with groundcovers shall be planted within the 10,520 square feet of buffer areas. Notwithstanding the statements in the application or the associated Water Quality Impact Assessment, the proposed vegetation may only be revised with written approval of the Director of the Department of Public Works and Environmental Services (DPWES).

26. A revised lot grading plan shall be submitted and approved by the Director of DPWES prior to issuance of a residential use permit. The lot grading plan shall address the revisions to the Special Exception Plat and the conditions contained herein.
27. Four (4) copies of a slope stability analysis, including plans depicting the current slope of the northern portion of the site shall be submitted to DPWES for review by the Geotechnical Review Board prior to the issuance of a residential use permit. The analysis shall be prepared in accordance with Article 4-0202 of the Public Facilities Manual (PFM) as determined by DPWES and certified by a licensed geotechnical engineer.

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 himself 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, twenty-four (24) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted as evidenced by the issuance of a residential use permit. 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.