PROPOSED DEVELOPMENT CONDITIONS

SE 2008-HM-023

January 8, 2009

If it is the intent of the Board of Supervisors to approve SE 2008-HM-023 located at 1203 Bishopsgate Way, Tax Map 12-3 ((7)) 4A, 24A to permit a waiver of the minimum lot width requirement, pursuant to Sect. 9-610 of the Fairfax County Zoning Ordinance, then 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. Replacement of the existing structure, accessory structures, extensions, and/or additions that conform with the applicable Zoning Ordinance provisions and these development conditions, as determined by the Zoning Administrator, may be permitted without an amendment to this Special Exception.

3. Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception (SE) Plat entitled "*Anderson Property Special Exception Plat*", prepared by VIKA, Inc., dated April 16, 2008, as revised through October 10, 2008. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.

4. Hazardous Soils: The Applicant shall comply with DPWES should it determine that a potential health risk exists due to the presence of asbestos containing rock on the application property. The Applicant shall:
   a) Take appropriate measures as determined by the Health Department to alert all construction personnel as to the potential health risks, and

   b) Commit to appropriate construction techniques as determined by DPWES in coordination with the Health Department to minimize this risk. Such techniques may include, but are not limited to, dust suppression measures during all blasting and drilling activities and covered transportation of removed materials presenting this risk, and appropriate disposal.

5. Sight Distance: Prior to subdivision plat approval, adequate sight distance shall be provided from the entrance along Bishopsgate Way onto the application property as determined by VDOT.

6. Ingress/Egress Access Easement: A 24-foot wide ingress/egress access easement in a form approved by the County Attorney shall be placed and recorded in the land records by the applicant over the existing driveway

that is to be shared by Lot 1 and Lot 2. The existing driveway shall be improved to a minimum width of twelve feet.

7. Pervious Surface Driveway: The improved shared driveway shall consist of pavement that extends from the entrance along Bishopsgate Way to the new proposed driveway extension. The remaining portion of the existing driveway that extends to the existing residence, as well as the proposed driveway extension to Lot 2, shall be constructed of porous materials such as pervious pavement and/or porous pavers as approved by DPWES.

8. Tree Preservation: The applicant shall submit a Tree Preservation plan as part of the first and all subsequent subdivision plan submissions. The preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and shall be subject to the review and approval of the Urban Forest Management Division, DPWES. The tree preservation plan shall consist of tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees 8 inches in diameter and greater, and 25 feet to either side of the limits of clearing and grading as shown on the Special Exception Plat for the entire site. Irrespective of that shown on the SE Plat, the tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the Special Exception Plat and those additional areas in which trees can be preserved as a result of final engineering. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan. The applicant shall also submit concurrently a monetary value for each tree surveyed that is to be preserved. The monetary values shall be determined using the Trunk Formula Method contained in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture, and shall be subject to review and approval by UFMD. The Location Factor of the Trunk Formula Method shall be based on projected post-development Contribution and Placements ratings. The Site rating component shall be equal to at least 80%. The combined total of monetary values identified in the approved Tree Preservation Plan for trees designated to be preserved shall serve as a baseline sum in determining the amount of the Tree Bond.

9. Tree Bond: A letter of credit, or a cash contribution equal to one half (50%) of the total monetary value of trees to be designated to be preserved as identified above shall be placed with the County. The Tree Bond letter of credit shall be prepared in a manner acceptable to the County Attorney naming the County as beneficiary to ensure the preservation, conservation, replacement, removal and/or treatment of the trees identified in the Tree Preservation Plan, and to ensure the

undisturbed areas identified on the approved SE. The cash or Tree Bond shall be held by the County as a cash reserve that can be used by the County to ensure the preservation, conservation, replacement, removal and/or treatment of the trees identified in the Tree Preservation Plan and as approved on the subdivision plan, and for work relating to the protection and management of undisturbed areas identified on the approved SE. If the applicant fails to complete any work identified in the approved subdivision plan, then the County may use cash or money from the Tree Bond to accomplish the required work. If the County must use all or part of the cash or Tree Bond to accomplish the outstanding work, then the applicant will replenish the cash or Tree Bond to its full amount. If the applicant fails to replenish the cash or Tree Bond to its full amount, then the cash or Tree Bond may be used by the County to replenish the Tree Preservation Deposit to its full amount. The cash/Tree Bond may be used by the County as described in the Tree Preservation condition, above. Any cash or funds remaining in the Tree Bond shall be released along with the project's final bond-release, or sooner, if approved in writing by UFMD, DPWES.

10. Tree Preservation Walk-Through. The Applicant shall retain the services of a certified arborist or landscape architect, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. During the tree-preservation walk-through meeting, the Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with an UFMD, DPWES, representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chainsaw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.

11. Limits of Clearing and Grading. The Applicant shall conform strictly to the limits of clearing and grading as shown on the Special Exception Plat, subject to allowances specified on the SE Plat, in these conditions and for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the Special Exception Plat, they shall be located in the least disruptive manner necessary as determined by UFMD, DPWES. A replanting plan shall be developed and implemented, subject to approval by UFMD, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.

12. Tree Preservation Fencing: All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets, as may be modified by the "Root Pruning" proffer below. All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD, DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by UFMD, DPWES.

13. Root Pruning and Mulching: The Applicant shall root prune and mulch, as needed to comply with the tree preservation requirements of these conditions. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the subdivision plan submission. The details for these treatments shall be reviewed and approved by UFMD, DPWES, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:

- Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
- Root pruning shall take place prior to any clearing and grading, or demolition of structures.
- Root pruning shall be conducted with the supervision of a certified arborist.
- Immediately after the phase II E&S activities are complete, mulch shall be applied at a depth of 3 inches within designated areas without the use of motorized equipment.
- Mulch shall consist of wood chips, shredded hardwood and/or pine bark mulch. Hay or straw mulch shall not be used within tree preservation areas.
- An UFMD, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.

14. Site Monitoring: During any clearing or tree/vegetation/structure removal on the Applicant Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted in conformance with these conditions and as approved by UFMD. The Applicant shall retain the services of a certified arborist or landscape architect to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation proffers, and UFMD approvals. The monitoring schedule shall include once weekly inspections during phase I activities and once monthly inspections during phase II activities. This schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by UFMD, DPWES.

15. Stormwater Management (SWM) and Best Management Practices (BMP): SWM and BMP measures may be provided via bioretention facilities and percolation trenches as shown on the SE Plat as determined by DPWES, which shall be privately maintained. If a modification of the PFM to permit the proposed stormwater management/best management practices as shown on the SE Plat is not granted by DPWES and SWM/BMP facilities in substantial conformance with the SE Plat cannot be provided, then a Special Exception Amendment (SEA) shall be filed to provide water quantity and quality control measures in accordance with the PFM as determined by DPWES. Prior to record plat approval, residential covenants shall be recorded in the County Land Records which disclose to the existing and all subsequent property owners the maintenance obligations of the bioretention facilities and infiltration trenches.

16. Adequate Outfall: Adequate outfall shall be demonstrated in accordance with the PFM, as determined by DPWES, at the time of Subdivision plan review.

17. Water Quality Impact Assessment (WQIA): The applicant shall submit for review and approval by DPWES, a WQIA prior to any land disturbance in the RPA.

18. RPA Protection: The RPA shall be delineated on the SE Plat and, except as qualified in Development Conditions 15, 16 and herein, shall remain undisturbed open space. In the event that DPWES does not approve the field verified RPA delineation as depicted on Sheet 2 of the SE Plat, then the Alternative SE Plat (Sheet 10) shall be utilized. In the RPA areas, except as otherwise provided above, there shall be no clearing of vegetation, except for invasive, dead or dying trees or shrubs per the recommendations of UFM. Any work occurring in or adjacent to the RPA, such as removal of stables; installation of tree protection fencing and silt control devices; removal of trash, or plant debris; or extraction of trees designated to be removed shall be performed in a manner that minimizes disturbance of the RPA. The use of power equipment in the RPA area shall be limited to small hand-operated equipment such as chainsaws. Any work that requires the use of larger motorized equipment such as, but

not limited to, tree transplanting spades, skid loaders, tractors, trucks, stump-grinders, or any accessory or attachment connected to such equipment shall not occur unless reviewed and approved in writing by UFM.

19. Replacement Fence: Irrespective of that shown on the SE Plat, the applicant shall remove the existing wood fence along the EQC/County Mapped 100-year Floodplain, and install one (1) fence which shall be located a minimum of 10 feet outside of the approved RPA boundary as approved by UFM.

20. RPA Reforestation: A reforestation plan for the RPA located in the northern portion of the application property shall be submitted concurrently with the first and all subsequent plan submissions for review and approval by Urban Forest Management, DPWES, and shall be implemented as approved. The plan shall propose an appropriate selection of species based on existing and proposed site conditions to restore the area to a native forest cover type. The reforestation plan shall include, but not be limited to the following:

- plant list detailing species, sizes and stock type of trees and other vegetation to be planted
- soil treatments and amendments if necessary
- mulching specifications
- methods of installation
- maintenance
- mortality threshold
- monitoring
- replacement schedule

21. LID Techniques: A vegetated swale shall be provided adjacent to a portion of the proposed driveways serving Lot 1 and Lot 2 as shown on the SE Plat for the purpose of reducing the volume of runoff leaving the site.

22. Archaeology: Prior to any land disturbing activities, the applicant shall conduct a Phase I archaeological study of the application property, using a scope of work provided by the Park Authority, and provide the results of such studies to the Cultural Resource Management and Protection (CRMP) section of the Fairfax County Park Authority. If deemed necessary by CRMP, the applicant shall perform a Phase II and/or Phase III archaeological study on only those areas of the application property identified for further study by CRMP. The studies shall be conducted by a qualified archaeological professional approved by CRMP, and shall be submitted within 30 days of the completion of the study or survey for CRMP review and approval. At the completion of any cultural resource studies, field notes, photographs and artifacts shall also be submitted to

CRMP within 30 days. The studies shall be completed prior to site plan approval.

23. Garages shall be designed to accommodate a minimum of two (2) vehicles and shall remain within the "Build-To Line" as designated on the SE Plat. A covenant shall be recorded in the land records of Fairfax County which provides that garages shall only be used for a purpose that will not interfere with the intended purpose of garages (i.e. the parking of vehicles). This covenant shall be recorded among the land records of Fairfax County in a form approved by the County Attorney prior to the sale of either lot and shall inure to the benefit of Fairfax County. Initial purchasers shall be advised of the use restriction prior to entering into a contract of sale.

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.