

## DEVELOPMENT CONDITIONS

SE 2002-HM-046

December 5, 2005

If it is the intent of the Board of Supervisors to approve a special exception for uses in the floodplain requested by L. Farnum Johnson, Jr. & Jeffrey J. Fairfield, Managing Co-Trustees of the Ruth C. Lauenders Marital Trust located at Tax Maps 16-3 ((1)) 4B, 4C, 5, 5A and 39A to permit use of a wet stormwater management pond, trails boardwalk, roadway and related clearing, grading and fill in the floodplain in accordance with Sect. 9-606 of the Fairfax County Zoning Ordinance, the 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. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Plat entitled "Arrowbrook Centre" consisting of five sheets prepared by Patton Harris Rust & Associates dated November 22, 2002 as revised through June 3, 2005. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. No additional encroachment into the floodplain shall be permitted other than that shown on the special exception plat.
5. Clearing within the 100-year floodplain shall be minimized to the maximum extent feasible, as determined by the Department of Public Works and Environmental Services (DPWES).
6. Hold harmless and indemnification agreements 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.
7. A 2x2 foot sign shall be placed near the travelway located in the floodplain that states: "Warning: High Water and Flooding during Heavy Rains."

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

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 Non-Residential Use or Residential Use Permits through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, sixty (60) 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.