DEVELOPMENT CONDITIONS

SE 2010-DR-002

January 11, 2011

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 "Potomac Interceptor Long Term Odor Abatement Program Site 31 Special Exception Plat," consisting of eight sheets, prepared by A. Morton Thomas, and dated January, 2010 as revised through August 25, 2010, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.

4. On-site testing of noise generating equipment outside of the odor abatement building shall not be permitted.

5. If a stormwater management detention waiver is not granted by DPWES, the applicant shall provide stormwater management to the satisfaction of DPWES. If stormwater management facilities are not in substantial conformance with the SE Plat, the applicant may be required to submit a Special Exception Amendment.

6. A. Tree Preservation. The applicant shall submit a Tree Preservation plan as part of the first and all subsequent site 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 registered consulting arborist, and shall be subject to the review and approval of the Urban Forest Management Division (UFMD), DPWES.

   The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees 10 inches in diameter and greater, and 25 feet to either side of the limits of clearing and grading shown on the SE plat for the area shown as special exception site. 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 SE 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.

   B. Tree Preservation Walk-Through. The Applicant shall retain the services of a certified arborist or registered consulting arborist, 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 registered consulting arborist 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 chain saw 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.

C. Limits of Clearing and Grading. The Applicant shall not exceed the limits of clearing and grading as shown on the SE plat, subject to allowances specified in these development 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 SE plat, they shall be located in the least disruptive manner necessary as determined by the UFMD, DPWES.

D. 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 phase I & II erosion and sediment control sheets, as may be modified by the "Root Pruning" development condition 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 direct supervision of a certified arborist, and be 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 the UFMD, DPWES, and the Northern Virginia Regional Park Authority.

E. Root Pruning. The Applicant shall root prune, as needed to comply with the tree preservation requirements of these development conditions. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the site plan submission. The details for these treatments shall be reviewed and approved by the 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 under the direct supervision of a certified arborist.
-A UFMD, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.

F. Site Monitoring. During any clearing or tree/vegetation/structure removal on the Application Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as per the development conditions and as approved by the UFMD. The Applicant shall retain the services of a certified arborist or registered consulting arborist to monitor all construction and tree preservation efforts in order to ensure conformance with all tree preservation development conditions, and UFMD approvals. The monitoring schedule shall be described and detailed in the Tree Preservation Plan, and reviewed and approved by the UFMD, DPWES.

G. Tree Replacement. The applicant shall coordinate with UFMD to look for opportunities to replace native tree species lost as a result of this project.

7. Prior to site plan approval, an archeological investigation, consisting of shovel test pits, along the alignment of the odorous air pipes and sanitary connections to the odor control building from the Potomac Interceptor in the area between the original trench limit to the base of the hillside shall be completed. Should the test pits reveal any archeological/culturally significant artifacts then a Phase II archeological survey shall be completed within this area only (and not for the entire Special Exception Area). This scope of work shall be in consultation with the Fairfax County Park Authority's Cultural Resource Management and Protection section (CRMPS). One copy of the draft and final archeological reports shall be provided to the Park Authority's Resource Management Division within 30 days of completion of the study or survey. The building architecture shall be in substantial conformance with that shown on the SE Plat and subject to review and approval by the Northern Virginia Regional Park Authority.

8. 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 the floodplain.

9. The applicant shall submit a FEMA Floodproofing Certificate prior to the issuance of a Non-RUP (Non-Residential Use Permit).

10. Prior to site plan approval, the applicant shall coordinate directly with the Virginia Department of Conservation and Recreation, Division of Natural Heritage, and the Virginia Department of Game and Inland Fisheries to determine what impacts the odor abatement facility project construction may have on threatened plant and/or wildlife species within the limits of disturbance as shown on the SE Plat and what measures should be taken to avoid, minimize and mitigate those impacts and shall fully implement these measures to the satisfaction of UFMD and the appropriate state agencies.

11. 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.

12. The days of construction shall be limited to Monday through Friday. No work shall be performed on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

13. Construction hours shall be limited to 7:30 am-4:30 pm.

14. The applicant shall provide a certified flag person at the intersection of Deepwoods Drive and Beach Mill Road on an as-needed basis for equipment and material deliveries.

15. Prior to the commencement of construction, the applicant shall designate a Community Relations Supervisor to act as the primary point of contact between the applicant and the Deepwoods/Yarnick/River Park Lane homeowners. The name and telephone number of this Supervisor shall be provided to the homeowners and their designated representative. The Community Relations Supervisor shall maintain communications with the homeowners throughout the life of the project and shall respond in a timely fashion to all correspondence and communications. The Community Relations Supervisor and the project engineer may be the same individual, as determined by DCWASA. Among the responsibilities of this Supervisor shall be:

    -to ensure all traffic safety concerns are promptly reviewed and resolved;

    -to provide a construction activity calendar on a two week basis to the homeowners and their designated representative;

    -to be available to meet with the homeowners and/or the Great Falls Citizens Association from time to time to conduct outreach, review and discuss construction issues, resolve problems and answer questions concerning future activities.

16. No workers, with the exception of supervisors and tradesmen who need their vehicles to perform work, shall park on the site or on the private streets surrounding the application property. Prior to the commencement of construction, the Community Relations Supervisor shall report to the homeowners on where workers will park and how they will be transported from parking to the site and back to the parking area at the end of the working day. Project supervisors shall ensure that all workers vacate the construction site at the end of each day and return to the designated worker parking areas.

17. The applicant shall install temporary speed bumps and post 15 mile per hour speed limit signs in locations accessing the construction site. The Community Relations Supervisor shall determine the locations of speed bumps and signs, in consultation with the homeowners or their designated representative, prior to site plan approval.

18. The size of the construction vehicles shall be limited to 26' long beds, except when heavy equipment is required to be transported.

19. At least one certified flag person shall be assigned to the Yarnick Road/River Park Lane intersection to control truck traffic and to assure access control on an as needed basis.

20. In consultation with UFMD and the applicant's arborist, the applicant shall flag all trees 10" or greater in diameter located within the easement or abutting the access roads and easements which will be utilized for construction. The applicant shall take extra measures to preserve these trees and minimize damage caused by construction vehicles, including proper limb pruning, root pruning, reducing soil compaction, and tree protection fencing. The applicant shall notify the property owners three weeks prior to any scheduled tree pruning or removal.

21. At the request of each property owner, the applicant shall review each request and install temporary bollards along the roadway edges where construction vehicles are anticipated to incur significant changes in direction within the DCWASA easement as deemed appropriate by DCWASA to discourage construction vehicles from driving on private property. DCWASA shall provide written notice to the affected property owners at the time of site plan submittal for the odor abatement facility and shall not commence construction until such notice is sent. The homeowner(s) shall be required to provide their response in writing to DCWASA,

including authorization to install the temporary bollards on their property. If this response is not provided prior to site plan approval, the applicant shall have no further obligation under this condition. The temporary bollards shall be removed and the area restored immediately following completion of construction.

22. DCWASA shall minimize the removal of any existing fencing in their easement to the extent possible. Should any fencing be required to be removed, it shall be replaced with similar fencing outside of the easement.

23. DCWASA shall be responsible for ensuring that all private roads used for construction are well maintained throughout the construction process and repaired as needed to fill potholes and road hazards on at least a monthly basis. Private roads used, with the exception of the currently unimproved lane between Yarnick and River Park Lane, will be repaved within 6 months following completion of construction.

24. Should realignment of the road curve at the junction of Deepwoods Drive and Yarnick Road be required, the applicant shall minimize tree removal to the extent possible. The applicant shall restore the road to as close to the original alignment as possible that will also provide for the turning movement requirements of DCWASA maintenance and delivery vehicles needed for the operation of their facilities, immediately following completion of construction activities within the application property.

25. No storage or staging of construction materials shall be allowed on private roads.

26. The applicant shall limit access to the dirt road connecting Yarnick Road and River Park Lane at all times and shall prohibit use of this road by vehicles other than those operated by DCWASA and its contractors. If necessary to achieve this access restriction, the gate blocking the dirt road shall be monitored by the Community Relations Supervisor when authorized delivery and construction vehicles are entering or departing the site. The gate shall be locked at all other times. DC WASA or its contractor shall provide a certified flag person at this location on an as needed basis.

27. At such time as the contract has been awarded and prior to the start of construction, the Applicant shall arrange and attend a community meeting between the Great Falls Citizens Association, the Deepwoods Drive /Yarnick Road/ River Park Lane neighbors, and the general contractor that is awarded the contract to discuss and review their health and safety plans for the project.

28. A non-RUP for the odor abatement facility shall be issued at such time as all construction activities are completed within the application property and the access route restored per these development conditions.

29. Prior to the beginning of any site preparation work or construction at the site, the applicant shall perform baseline well water testing for total coliform levels on wells located on six parcels that abut the project site: 4-3 ((8)) 10, 11 and 23, 4-3 ((7))16A, 17A, and 18A. The test results shall be provided in writing to the homeowners. In the event of a sewage spill or leak during work on the project, the applicant shall perform additional well water testing for total coliform.

30. DC Water shall require its contractors and/or subcontractors, their successors and assigns carry sufficient insurance to indemnify and save harmless the residents from all claims, demands, suits, costs, charges, damages, counsel fees, judgments, and decrees to which

the residents may be subjected at any time because of any injuries to persons or damages to property arising out of any activities undertaken, and to carry sufficient insurance to cover obligations that arise out of this indemnification and hold harmless provision.

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 Permit 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, 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.