DEVELOPMENT CONDITIONS

SE 2009-MA-026

June 14, 2011

If it is the intent of the Board of Supervisors to approve SE 2009-MA-026 located at 3404 Hockett Street [Tax Map 60-1 ((1)) 58A] 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.

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, 3404 Hockett Street, Lot 58A Mason Road with Sheets 1 through 6 prepared by SDE, Inc. and sealed March 23, 2011 and Sheets 7 through 7.2 prepared by O'Kelly Russell, RLA and sealed March 16, 2011, and Sheet 7.3 prepared by O'Kelly Russell, RLA and sealed April 28, 2011 and these conditions.

4. Prior to issuance of the building permit, a hold-harmless agreement shall be executed with the County for any adverse effects that 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 SE Plat as modified by Exhibit B shall be strictly observed and enforced except as may be modified in these conditions. Any encroachment into or disturbance of the RPA not shown on the Plat shall be considered a violation of the CBPO and is subject to penalties of Article 9 of the CBPO, as determined by Department of Public Works and Environmental Services (DPWES). The improvements and grading plan shown on the SE Plat, as modified per this condition, shall not be expanded or deleted without approval of an SEA application.

6. The lowest part of the lowest floor (i.e., the bottom of the floor joists) of any single-family dwelling must be at least 18 inches above the flood elevation. The Federal Emergency Management Agency (FEMA) has published the flood elevation for this reach of Holmes Run as 255 feet above sea level; the bottom of the floor joists must be at an elevation of at least 256.5 feet (NGVD'29). The elevation of the top of the concrete slab of the attached garage must be at least 256.5 feet (NGVD'29). No basement shall be permitted. The floor elevation of any crawl space must be no lower than the lowest adjacent exterior grade.

7. The amount of fill permitted shall not exceed a maximum of 110 cubic yards.

8. 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 Urban Forest Management Division (UFMD), DPWES.

9. The proposed grading shall not increase the Base Flood Elevation of the Special Flood Hazard Area on any property, in accordance with Paragraph 1 of Section 2-905 of the Zoning Ordinance.

10. Prior to issuance of the Building Permit, 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.

11. The U.S. Army Corps of Engineers shall be notified by the applicant 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 by the applicant prior to commencement of land disturbing activity.

12. As-built elevations for the dwelling and surrounding ground, including, but not limited to, the bottom of the floor joists, the crawlspace floor, garage floor, and lowest adjacent grade, shall be submitted in accordance with Paragraph 12 of Section 2-905 of the Zoning Ordinance and the Virginia Uniform Statewide Building Code, on a standard Federal Emergency Management Agency Elevation Certificate upon placement of the lowest floor and prior to further construction, showing the structure has been raised in compliance with the elevations required with these conditions.

13. All construction shall be in conformance with the requirements for Flood-Resistant Construction of the most recent edition of the Virginia Uniform Statewide Building Code. 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.

14. Erosion and sediment control measures shall be shown on the grading plan and 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 within the RPA than is necessary for the proposed construction.

15. 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.

16. 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.

17. All building supplies and construction equipment shall be located and stored only within the area designated as disturbed area on the SE Plat.

18. The dwelling shall be limited to a maximum height of 35 feet as defined by the Zoning Ordinance.

19. To the extent possible, stable vegetation outside of the limits of clearing and grading shall be protected and maintained as determined by DPWES.

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

21. All mechanical, electrical, and utility equipment shall be at or above the flood level.

22. No infill grading plan or any other plans or permits shall be approved unless a General Encroachment Exception per CBPO §118-6-9 to encroach into the RPA, and a Water Quality Impact Assessment (WQIA) are approved in conjunction with this SE.

23. Architecture shall be in substantial conformance with that shown on the SE Plat.

24. A tree conservation plan meeting the requirements of Tree Conservation Ordinance shall be submitted as part of the infill grading plan for review and approval by the UFMD, DPWES. The tree conservation plan shall also include areas of clearing and grading not shown on the SE Plat resulting from engineering requirements, such as off-site clearing and grading for utilities and stormwater outfall.

25. Prior to approval of the grading plan, Landscaping and Invasive Vegetation Removal Plans shall be provided in substantial conformance with those depicted on the SE Plat and including the additional areas depicted on Exhibit B of these conditions, and shall be submitted for review and approval by UFMD, DPWES; however, wherever feasible, as determined by UFMD, DPWES, new plantings shall consist of native and other desirable species. Species and number of plantings shall be subject to the approval of the UFMD.

26. Activity on the property shall be in conformance with the Development Conditions associated with the RPA Encroachment Exception # 25172-WRPA-001-2 and the Water Quality Impact Assessment #25172-WQ-001-4, as outlined in Exhibits A and B of these conditions.

27. Prior to the issuance of a RUP, debris shall be removed from the Park Authority property by an authorized contractor, utilizing equipment and in a manner approved by the Park Authority to minimize further disturbance, as follows:

A) North property line: Park Authority Property, Tax Map 60-1-((1))-58

- Remove and dispose of 28" white pine that has been previously cut down (two long pieces covered with dead ivy),

- Remove and dispose small limbs and branches with pine needles that are lying on the ground in the same vicinity. (These appear to have been cut down recently as the pine needles are still green.)

- Seed the small area (as identified by the Park Authority) with the following Park Authority approved mix:

  Indian grass - Sorghastrum nutans – 10% of mix
  Virginia wild rye – Elymus virginicus – 25%
  Bottlebrush grass – Elymus hystrix – 10%
  Deer tongue – Dichanthelium clandestinum – 20%
  Sweet Woodreed – Cinna arundinacea – 10%
  Purple top – Tridens flavus – 10%

  The native seed mix for this project must be obtained from Ernst Conservations Seeds of Meadville, PA or a Park Authority approved alternate vendor. Bag tags must be provided to the Park Authority.

  The seeding rate shall be .5 (one half) pound per 1,000 square feet.

  The seed specification provided below shall be mixed with weed-free compost (Soilmate or equivalent) or clean moist sand for broadcasting over bare soil. Seed may also be drilled or shot by an operator (approved by the Park Authority) who knows how to apply native seed and has the proper equipment.

  Following application of the native seed mix, the contractor shall immediately hydroseed over the drilled seed area with fibermulch and Annual Rye (Lolium multiflorum) at a rate of 1.5 pounds per 1,000 square feet in order to get coverage and stabilization prior to germination and establishment of native warm season grasses. Winter wheat may be substituted for annual rye if seeding occurs after October 1st. Clean wheat straw may be used in place of fiber mulch, and straw mats may be used in steep slope areas. If organic compost is used instead of drilling, then seed can be sown directly onto the compost and no additional mulching is required.

  The contractor shall provide a minimum of a one year warranty during which time they will return to the site under the guidance of the Park Authority to monitor for establishment and success; control exotic invasive

plant species; and reseed with the native seed mix above by drilling as necessary to get a vigorous stand established (reseeding could be done at 15 lbs. per acre). A walk- through at the end of the warranty period shall be required. If the area disturbed by the contractor contains any highly aggressive non-native invasive species at that time and/or the area does not have at least 80% coverage by native plant species, the contractor shall be required to take immediate corrective action and the warranty shall be extended for another year.

B) South property line: Park Authority property, Tax Map 60-1-((1))-60A:

- Remove and dispose of 6 large trunk pieces from a 30" pine tree that has been cut down; the pieces are lying on the ground behind the silt fence.

28. Prior to the issuance of a Building Permit, a structural engineering plan must be approved by DPWES and the building design determined structurally safe. No additional construction shall occur until the footing and foundation plans are approved by DPWES.

29. Nothwithstanding that shown on the SE Plat, tree protection fencing shall be provided at the limits of clearing and grading as reviewed and approved by UFMD.

30. Prior to, concurrently with, or as part of the grading plan, a revised invasive plant removal/management plan shall be submitted for the review and approval of the UFMD. Specifically, this plan shall include a more detailed plan for the removal of the existing bamboo, which shall include the following:

A) Within two weeks of the date of approval of this special exception by the Board of Supervisors, the applicant shall coordinate with the Park Authority staff and UFMD to design a program for the permanent removal of the bamboo stand located on the westernmost portion of the application property and that portion of the neighboring Park Authority property (from the application property lines west to the creek bed), as generally depicted on Exhibit C of these conditions. The program shall include specific provisions for:

- in coordination with, and as approved by UFMD, the identification of specific measures designed to protect the health of the existing trees located within the immediate area during the removal of bamboo and replanting process;

- the initial cutting by hand, hauling and legal off-site dumping of the bamboo canes;

- a specific schedule for the treatment of the bamboo rhizomes to consist of at least two consecutive applications, at least two months apart and subsequent applications of regrowth for a period of up to three years, to

adequately ensure that the control has been effective. All herbicides shall be applied in a manner approved by the Park Authority by a Virginia Certified Pesticide Applicator who is a Park Authority approved vendor.

- provisions for monitoring of the treated area for a period of up to three years and repeated treatment(s) during this period as determined necessary by the Park Authority and UFMD staff to ensure that the treatment(s) have been satisfactorily implemented;

- a replanting plan to be implemented upon the determination by the Park Authority and UFMD that the rhizomes of the bamboo have been satisfactorily depleted. This replanting program shall provide for leaving the depleted rhizomes in place and hand augering planting holes to permit the planting of seedlings and placement of tree protectors in accordance with the provisions of Sect. 118-3-3(f) of the CBPO and the PFM, as determined by DPWES.

B) The applicant shall include, as part of the grading plan, a letter from FCPA allowing the necessary invasive plant removal on the Park Authority property and shall obtain the necessary easements and permits, including a hold harmless agreement, from the Park Authority prior to approval of the grading plan. The Conservation Agreement and escrow deposit associated with the grading plan shall be increased, as necessary, to include an amount equal to the estimated costs of the associated restoration, as determined by DPWES. The escrow shall be held until the site is stabilized and the vegetated buffer is established and planted material is viable, as determined by UFMD.

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.

EXHIBIT A

PROPOSED EXCEPTION CONDITIONS

#25172-WRPA-001-2 and #25172-WQ-001-4

June 14, 2011

If it is the intent of the Board of Supervisors to approve RPA Encroachment Exception #25172-WRPA-001-2 and WQIA #25172-WQ-001-4, for the property located at 3404 Hockett Street, Lot 58A, Mason District, Tax Map #60-1-01-0058A, to allow encroachment in the Resource Protection Area (RPA) in accordance with Section 118-6-9 of the Chesapeake Bay Preservation Ordinance (CBPO), in conjunction with SE 2009-MA-026, staff recommends the Board condition the approval by requiring conformance with the following conditions:

1. This RPA Exception is granted for, runs with the land indicated in this application, and is not transferable to other land.

2. This RPA Exception is granted only for the purposes, structures, or uses indicated on the Special Exception Plat approved with this application, as qualified by these exception conditions.

3. Any plan submitted pursuant to this RPA Exception shall be in substantial conformance with the Special Exception Plat titled *3404 Hockett Street, Lot 58A, Mason Rd* with Sheets 1-6 prepared by SDE, Inc., dated March 23, 2011; Sheets 7-7.2 prepared by O'Kelly Russell, RLA, dated March 16, 2011; Sheet 7.3 prepared by O'Kelly Russell, RLA, dated April 28, 2011, and these conditions.

4. Notwithstanding that shown on the SE Plat, the applicant shall include on any grading plan submitted for review and approval, a landscape plan that proposes a vegetated buffer, that will maximize water quality protection, mitigate the effects of the buffer encroachment, and is equal to the area of encroachment into the RPA buffer to the maximum extent practicable, as determined by Department of Public Works and Environmental Services (DPWES). The vegetated buffer shall be a minimum of 11,725 square feet (0.27 acres). In accordance with CBPO 118-3-3(f), the buffer area shall be supplemented with plantings, as necessary, to achieve a density of 100 overstory trees per acre, 200 understory trees per acre, 1,089 shrubs per acre, and groundcover. At least 10 new overstory trees shall be at least 2-inch caliper; the remainder of the trees can be planted as seedlings at double density. The understory trees shall be at least 1-inch caliper or 6- to 8-feet in height or at double density if planted as seedlings. The shrubs shall be at least 18- to 24-inch in height. Groundcovers shall be provided throughout

the buffer. The vegetation shall be randomly placed throughout the entire vegetated buffer to achieve a relatively even spacing. Six (6) existing on-site overstory trees within the buffer area may be used toward the density requirements if the trees survive the construction activities, and the bamboo removal procedures described in the concurrent SE 2009-MA-026 Condition #30, as determined by Urban Forest Management Division (UFMD). If any existing trees do not survive, the trees will be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering non-point source pollution from runoff in accordance with CBPO 118-3-3(d)(3), as determined by DPWES, prior to release of the associated conservation escrow.

5. In addition to the planting in Condition #4 above, and in order to establish a vegetated buffer area that is equal to the area of encroachment to the maximum extent practicable in accordance with CBPO 118-6-9, and subject to approval and permission of Fairfax County Park Authority, the applicant shall also restore the cleared RPA areas on the adjacent parcels, per concurrent SE 2009-MA-026 Condition #27, and the areas of the invasive plant removal/management plan per concurrent SE 2009-MA-026 Condition #30, to achieve a plant density consistent with CBPO 118-3-3(f), and except as limited by the PFM including, but not limited to, Sections 12-0514.6B and C, as determined by DPWES.

6. The removal of invasive species on the property and the adjacent parcel, as per concurrent SE 2009-MA-026 Condition #30, shall be completed in accordance with the provisions of CBPO 118-3-3(d)(3) as determined by the UFMD, DPWES.

7. The applicant shall submit a grading plan, for review by DPWES, with acceptable and appropriate erosion and sediment controls including, but not limited to, a super-silt fence placed at the limits of clearing and grading, within 30 days of the approval of the RPA Encroachment Exception by the Board. The applicant shall resubmit a corrected grading plan within 30 days of receipt of any comments by DPWES and/or FCPA, The grading plan must be approved by DPWES prior to resumption of the land disturbance activity, in accordance with CBPO Section 118-3-2(e). The super-silt fence shall remain in place and be properly maintained for the duration of the land disturbing activity until such time that the disturbed areas are revegetated and completely stabilized as determined by the Environmental and Facilities Inspection Division, Department of Public Works and Environmental Services.

8. Prior to commencement of any land disturbing activity, all necessary permits shall be received from those governmental agencies from which approval is required by Federal and/or State law.

9. No infill grading plan or any other plans or permits shall be approved unless a Special Exception pursuant to Section 2-904 of the Zoning Ordinance, for uses in the floodplain, is approved in conjunction with this RPA Exception and WQIA.

10. This RPA Exception shall automatically expire without notice twenty-four (24) months after the date of approval by the Board of Supervisors unless the necessary plans and permits have been approved and construction of the improvements as depicted on the Plat have commenced and are being diligently pursued, as determined by the Director of the Department of Public Works and Environmental Services.

This approval, contingent on the above noted conditions, does not relieve the applicant from compliance with the provisions of any other applicable federal, state, or county ordinances, regulations, or adopted standards. The applicant shall be responsible for obtaining the approval of any required plans and permits through established procedures.

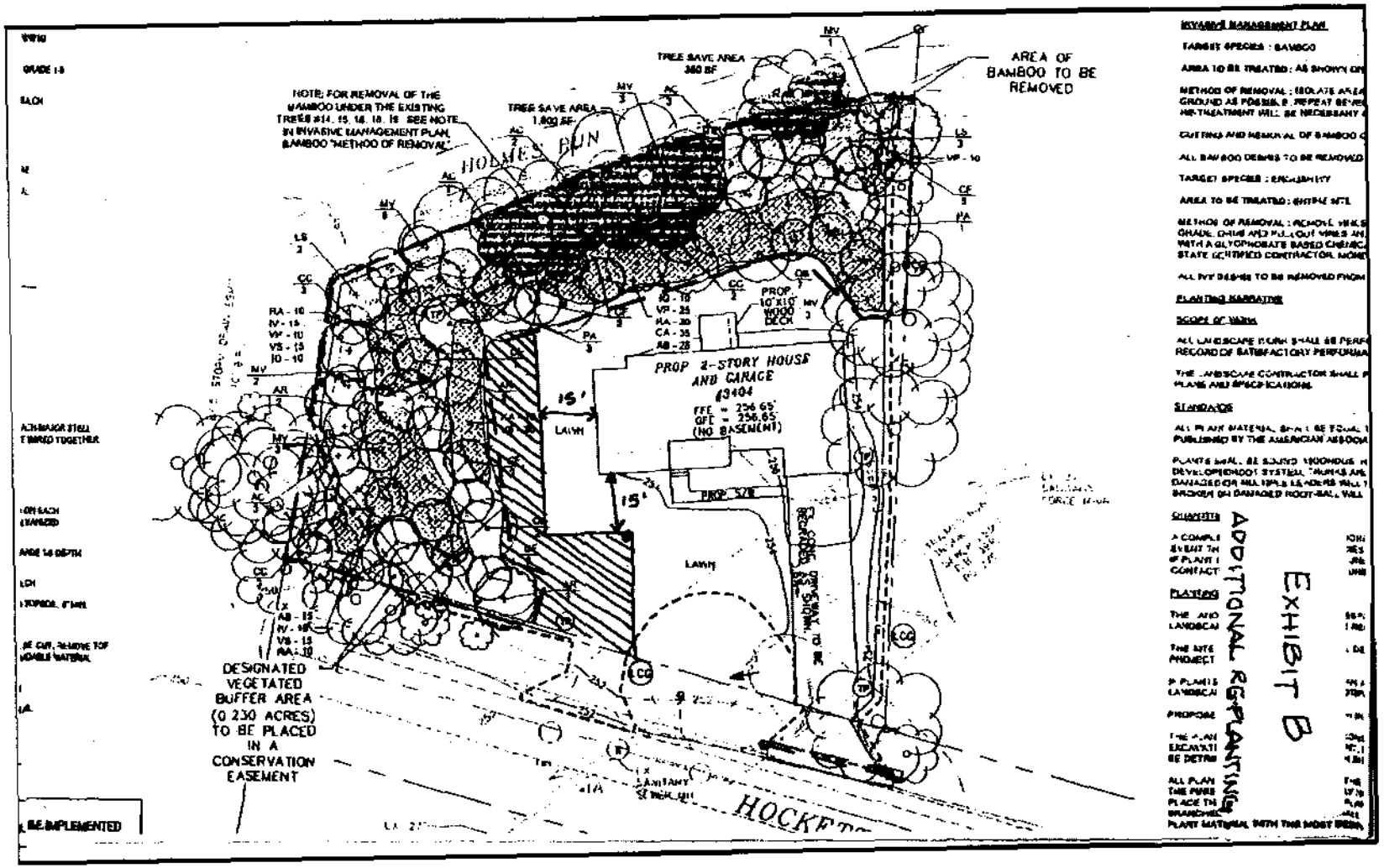
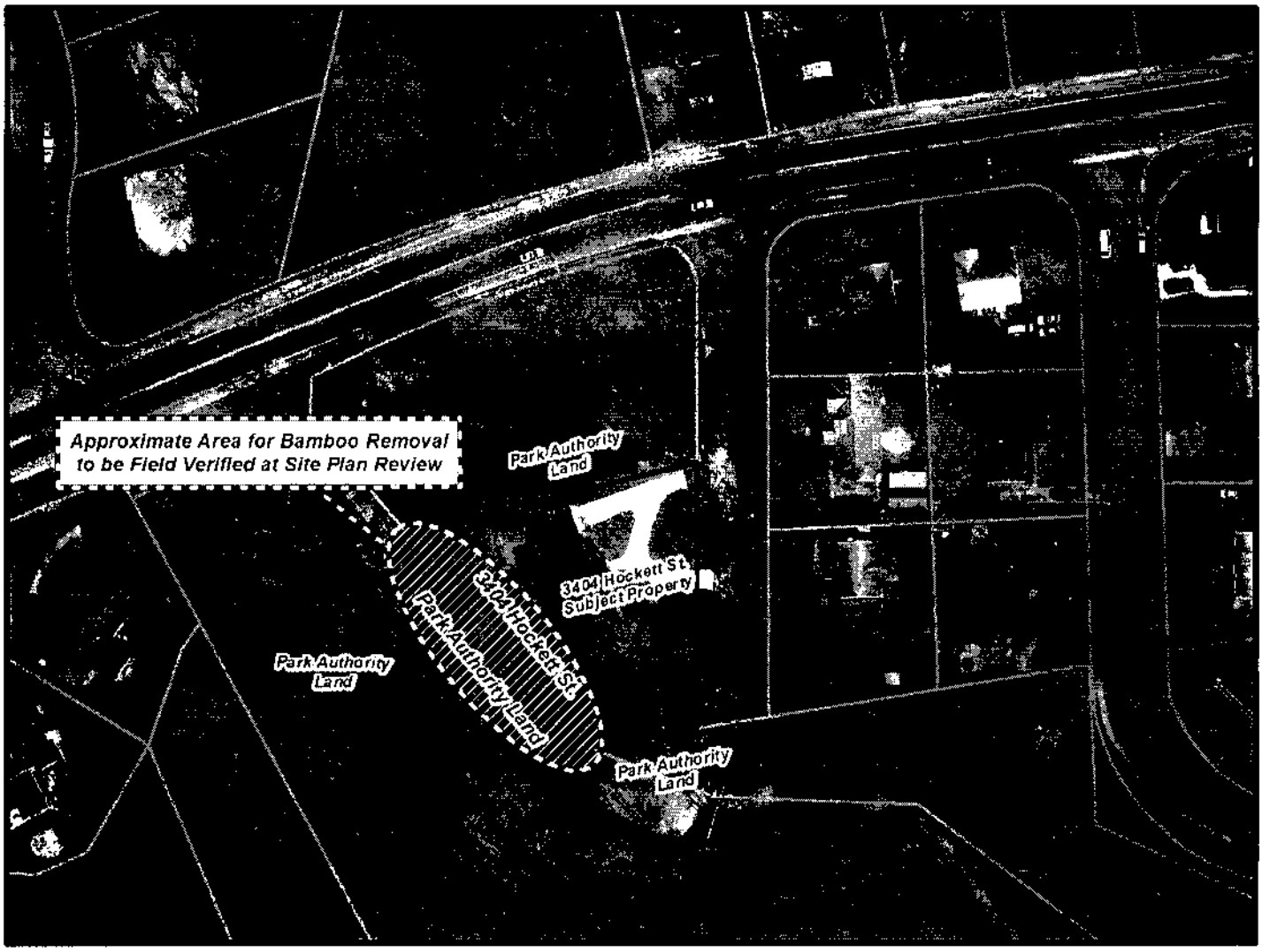

AREA OF BAMBOO TO BE REMOVED
TREE SAVE AREA 360 SF
TREE SAVE AREA 1,800 SF
NOTE: FOR REMOVAL OF THE BAMBOO UNDER THE EXISTING TREES #14, 15, 16, 18 SEE NOTE IN INVASIVE MANAGEMENT PLAN, BAMBOO "METHOD OF REMOVAL"
HOLMES RUN
PROP. 10'X10' WOOD DECK
PROP 2-STORY HOUSE AND GARAGE
#3404
FFE = 256.65'
GFE = 256.65'
(NO BASEMENT)
15'
15'
LAWN
LAWN
PROP. S/W
DESIGNATED VEGETATED BUFFER AREA (0.230 ACRES) TO BE PLACED IN A CONSERVATION EASEMENT
HOCKETT
INVASIVE MANAGEMENT PLAN
TARGET SPECIES : BAMBOO
PLANTING NARRATIVE
SCOPE OF WORK
STANDARDS
QUANTITIES
PLANTING
ADDITIONAL RE-PLANTING
EXHIBIT B

EXHIBIT B

EXIHIBIT C


Approximate Area for Bamboo Removal
to be Field Verified at Site Plan Review
Park Authority
Land
3404 Hockett St.
Subject Property
3404 Hockett St.
Park Authority Land
Park Authority
Land
Park Authority
Land