

APPROVED DEVELOPMENT CONDITIONS

SE 2012-MV-019

July 9, 2013

If it is the intent of the Board of Supervisors to approve SE 2012-MV-019, located at 835 Herbert Springs Road, Tax Map 102-4 ((1)) 77B, for uses in a floodplain pursuant to Sect. 2-904 and 9-606 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. Notwithstanding the structures and uses indicated on the Special Exception Plat, the applicant may disturb land, demolish existing structures, and/or construct improvements outside of the 100-year floodplain and Resource Protection Area (RPA) without submitting a Special Exception Amendment application as long as the applicant complies with all applicable local, state and federal ordinances. However, the applicant may not allow any new structures to extend into the RPA without submitting and obtaining the approval of a Special Exception Amendment.
3. Notwithstanding the provisions listed in Condition 2 and 4, the applicant may demolish the existing single family home on the site, which extends into the RPA, without submitting or obtaining the approval of a Special Exception Amendment. Such demolition shall be subject to the approval of a Water Quality Impact Assessment (WQIA) per Chapter 118 of the Fairfax County Code along with all required permits from the Department of Public Works and Environmental Services (DPWES).
4. This Special Exception is subject to the provisions of Article 17, Site Plans as may be determined by DPWES. Any plan submitted pursuant to this Special Exception shall be in substantial conformance with the approved Special Exception Plat entitled "Special Exception | Parcel 77-B | On The Property of Seyed M. Falsafi" prepared by R.C. Fields & Associates, Inc., which is dated May 24, 2012 and revised through April 15, 2013, and these conditions. Minor modifications to the approved Special Exception Amendment may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
5. Prior to the approval of a grading plan, site plan, or minor site plan, a Hold Harmless agreement shall be executed with the County for any adverse effects resulting from the location of the site within a floodplain area.

6. Within 30 days of this Special Exception's approval, the applicant shall submit a Water Quality Impact Assessment to DPWES. The applicant shall obtain WQIA approval prior to grading plan, site plan, or minor site plan approval. Notwithstanding the landscaping shown on the Special Exception Plat, the location and species of the proposed plantings shall be subject to the review and approval of the Urban Forest Management Division (UFMD). Landscaping in the RPA shall be installed within 90 days of the WQIA approval unless the UFMD determines a later planting date is necessary to ensure the health of the landscaping.
7. Prior to grading plan, site plan, or minor site plan approval, the applicant shall demonstrate to UFMD that all landscaping shall be planted within a sufficiently stable slope. The applicant shall incorporate stabilization measures to support the long-term maturity of any new landscaping, subject to the review and approval of UFMD.
8. Concurrent with the first submission of any grading plan, site plan, or minor site plan, the applicant shall submit an additional copy of the plan to the Fairfax County FEMA Floodplain Administrator (Stormwater Planning Division) to determine whether the base flood elevation in any Special Flood Hazard Area (SFHA) depicted on the County's Flood Insurance Rate Map (FIRM) would be altered as a result of any new construction, substantial improvements, or other development shown on the plan, including fill. If the County FEMA Floodplain Administrator determines that the base flood elevation would be altered, the applicant shall submit technical or scientific data to FEMA for a Letter of Map Revision. If the projected increase in the base flood elevation is greater than one foot, the applicant shall also obtain approval of a Conditional Letter of Map Revision from the Federal Insurance Administrator prior to the approval of any construction. If the applicant is required to submit either a Letter of Map Revision and/or Conditional Letter of Map Revision as outlined above, the applicant shall submit a copy of the approval letter from FEMA to DPZ.

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 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, at a minimum, the use has been established or construction has commenced and been diligently prosecuted as evidenced by the issuance of an approval for a grading plan, site plan, or minor site plan concurrent with a water quality impact assessment. 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.