



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods, and diverse communities of Fairfax County

DATE: June 22, 2009

TO: All Design Professionals, Builders, and Developers Working in Fairfax County

SUBJECT: **Letter #09-10** - Development within Mapped Dam Break Inundation Zones of State-Regulated Dams

Requirements: Proposed developments within mapped dam break inundation zones of state-regulated impoundments must be identified on all Preliminary Plan, Subdivision Plan, Site Plan, and Minor Site Plan submissions. The plan cover sheet has been modified to include a check box for submitting engineers to identify proposed developments in dam break inundation zones. Two additional copies of the plan are required for such developments. Maps depicting the impoundments and their associated inundation zones are available online. If the proposed development will change the spillway design flood standards of the impounding structure, the development can not be approved unless it is modified so that it does not change the spillway design flood standards or the developer contributes a payment for the necessary upgrades to the impounding structure. In addition, when any part of the land proposed for subdivision lies in a mapped dam break inundation zone, such fact shall be set forth on the Final Subdivision Plat of the proposed development. Following completion of construction, the developer must provide the dam owner and the County with all information necessary for the dam owner to update the dam break inundation zone map to reflect any new development within the dam break inundation zone.

Effective Date: July 1, 2009.

- Preliminary Plats, Subdivision Plans, Site Plans, and Minor Site Plans submitted prior to July 1, 2009, and any subsequent resubmissions and/or revisions to such plans are grandfathered.
- Subdivision Plans submitted on or after July 1, 2009, submitted pursuant to an approved Preliminary Plat submitted prior to July 1, 2009, are grandfathered.
- Final Subdivision Plats that have not received final approval as of July 1, 2009, must include the note indicating that part of the proposed subdivision lies in a mapped dam break inundation zone, where applicable.

Background: In 2008, the Virginia General Assembly adopted legislation (HB 837) to address development in dam break inundation zones of state-regulated dams. The bill directs developers to assist dam owners with required upgrades and requires additional disclosure and notification procedures for dam owners. The requirements apply only to proposed development downstream of a dam for which a dam break inundation zone map is on file with the County as of the time of the official submission of a plan to the county.

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When a proposed development is identified as being located in a dam break inundation zone, the county will notify the dam owner and within 10 days of submission forward a copy of the plan to the Virginia Department of Conservation and Recreation (DCR) for review. DCR will notify the dam owner and the County of its determination within 45 days of receipt of the plan. If the County has not received a determination from DCR within 45 days, DCR is deemed to have no comments. If DCR determines that the proposed development will change the spillway design flood standards of the impounding structure, the development can not be approved unless it is modified so that it does not change the spillway design flood standards or the developer contributes payment for the necessary upgrades to the impounding structure. If the latter option is selected, the developer must submit an engineering study and a contract-ready cost estimate to DCR for necessary upgrades to the impounding structure. The developer must pay 50% of the contract ready costs for the necessary upgrades to an impounding structure attributable to the development or subdivision, together with administrative fees not to exceed 1% of the total amount of the payment required or \$1,000, whichever is less, to the Dam Safety, Flood Prevention and Protection Assistance Fund managed by DCR prior to final approval of the Subdivision or Site Plan. When the need for upgrades to an impounding structure is identified during review of the Preliminary Plan, the Preliminary Plan will be approved subject to submission of the required engineering study, cost estimate, and payment for upgrades with the Subdivision Plan.

It is recommended that submitting design professionals review all of their pending final subdivision plats that have not been approved to determine if the proposed subdivision is located in a mapped dam break inundation area and have that information added to the plat.

A countywide map showing the locations of state-regulated dams and more detailed individual maps of dam break inundation zones are available on the County's Web site at: <http://www.fairfaxcounty.gov/dpwes/dams/state.htm>. All dam break inundation zone maps on file with the County are posted on this site. Please note that where dams are located in proximity to one another, their inundation zones may overlap and be plotted on a single map. The maps will be updated to reflect new information and additional maps will be posted when available.

The above requirements, which by state law are effective July 1, 2009, will be incorporated into the Subdivision Ordinance and the site plan provisions of the Zoning Ordinance at a later date.

If you have any questions, please contact a stormwater engineer in the Stormwater and Geotechnical Section of the Environmental and Site Review Division at **703-324-1720, TTY 711**.

Sincerely,

James W. Patteson, P.E.
Director