

**ADOPTION OF AN AMENDMENT TO  
THE PUBLIC FACILITIES MANUAL  
OF THE COUNTY OF FAIRFAX, VIRGINIA**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, June 2, 2015, the Board after having first given notice of its intention so to do, in the manner prescribed by law, adopted an amendment to the Public Facilities Manual of the County of Fairfax, Virginia, said amendment so adopted being in the words and figures following, to-wit:

**BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF FAIRFAX  
COUNTY, VIRGINIA:**

Amend the Public Facilities Manual, as follows:

**Amend the Public Facilities Manual Section 6-0303 (Location and Maintenance of Stormwater Management and BMP Facilities) by revising paragraph 6-0303.6 to read as follows:**

6-0303.6 (83-04-PFM, 24-88-PFM) Underground Detention Facilities

~~6-0303.6 (83-04-PFM, 24-88-PFM) Underground detention facilities may not be used in residential developments, including rental townhouses, condominiums and apartments, unless specifically waived by the Board of Supervisors (Board) in conjunction with the approval of a rezoning, proffered condition amendment, special exception, or special exception amendment. In addition, after receiving input from the Director regarding a request by the property owner(s) to use underground detention in a residential development, the Board may grant a waiver if an application for rezoning, proffered condition amendment, special exception, and special exception amendment was approved prior to, June 8, 2004, and if an underground detention facility was a feature shown on an approved proffered development plan or on an approved special exception plat. Any decision by the Board to grant a waiver shall take into consideration possible impacts on public safety, the environment, and the burden placed on prospective owners for maintenance of the facilities. Any property owner(s) seeking a waiver shall provide for adequate funding for maintenance of the facilities where deemed appropriate by the Board. Underground detention facilities approved for use in residential developments by the Board shall be privately maintained, shall be disclosed as part of the chain of title to all future homeowners (e.g., individual members of a homeowners' or condominium association) responsible for maintenance of the facilities, shall not be located in a County storm drainage easement, and a private maintenance agreement in a form acceptable to the Director must be executed before the construction plan is approved. Underground detention facilities may be used in commercial and industrial developments where private maintenance agreements are executed and the facilities are not located in a County storm drainage easement.~~

Underground detention facilities may be used in residential or mixed use developments, commercial developments, and industrial developments subject to the conditions specified below.

6-0303.6A All underground detention facilities shall be privately maintained, shall not be located in a County stormwater-related easement, and shall have a private maintenance agreement in a form acceptable to the Director executed before the construction plan is approved. Prior to final plan approval, any such private maintenance agreement shall be recorded in the chain of title of the property to give notice to all future owners of such maintenance requirements.

6-0303.6B Underground detention facilities may consist of reinforced concrete box-shaped vaults or large diameter reinforced concrete, metal, or plastic pipe meeting the requirements of PFM. Other underground storage systems may be considered on a case-by-case basis by modification subject to conditions as deemed appropriate by the Director (hereinafter a "Modification"). The Director may approve any such Modification provided that the underground storage facility nonetheless functions in the manner intended by the PFM. The modification request shall include full details and supporting data including, but not limited to justification, design computations, material specifications, technical details, structural calculations, procedures for installation,

inspection and acceptance testing, procedures for operation and maintenance, safety considerations, and estimated 20-year maintenance cost and 40% of the facility's replacement cost.

6-0303.6C An escrow equal to a 20-year maintenance cycle plus 40 percent of the facility replacement cost shall be required when:

- (1) A Modification is granted pursuant to § 6-0303.6(B) for a facility that will be maintained by future residential owners; or
- (2) An underground detention facility is located in a residential or mixed use development with less than 50 residential units.

The developer shall place any such escrow with the applicable homeowner or condominium association prior to bond release.

No escrow shall be required for any underground detention facility in an industrial or commercial development; nor shall any escrow be required for residential developments greater than or equal to 50 units, unless a Modification has been approved as set forth herein.

6-0303.6D The owner shall provide for inspection during construction of the underground detention facility by a professional engineer(s) with structural and geotechnical engineering specialization. The licensed professional shall certify that the facility was constructed and installed in accordance with the approved plans and manufacturer's recommendations. The developer or licensed engineer shall also submit product assurance documentation including, but not limited to, any material delivery tickets and certifications from material suppliers, and results of tests and inspections. For projects requiring as-built plans, the required certification and supporting documentation set forth herein shall be submitted with or incorporated in the as-built plans. For projects that do not require as-built plans, the required certification and supporting documents shall be submitted prior to the issuance of the Residential Use Permit or Non-Residential Use Permit. In either event, all such documents, certifications, and test and inspection results shall be submitted before bond release.

**This amendment shall become effective on June 3, 2015, at 12:01 a.m.**

**GIVEN under my hand this 2<sup>nd</sup> day of June, 2015.**



**CATHERINE A. CHIANESE  
Clerk to the Board of Supervisors**