

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
April 9, 2019**

AGENDA

- 8:30 Reception for Child Abuse Prevention Month and Sexual Assault Awareness Month, J. Lambert Conference Center Reception Area
- 9:30 Presentations
- 10:00 Items Presented by the County Executive

**ADMINISTRATIVE
ITEMS**

- 1 Designation of Plans Examiner Status under the Expedited Land Development Review Program
- 2 Authorization to Advertise Public Hearings on Proposed Amendment to the Code of the County of Fairfax, Chapter 122 (Tree Conservation Ordinance) Regarding Adding Civil Penalties
- 3 Authorization to Advertise a Public Hearing to Lease County-Owned Property at 1613 Great Falls Street to Westgate Child Center and Lewinsville Montessori School (Dranesville District)
- 4 Authorization for the Fairfax County Police Department to Apply for and Accept Grant Funding from the Virginia Department of Criminal Justice Services, Victims of Crime Act Grant Program, to Support Underserved Victim Populations in Fairfax County
- 5 Authorization for the Department of Family Services to Apply for and Accept Grant Funding from the U.S. Department of Justice, Office of Violence Against Women, to Address Children and Youth Experiencing Domestic Violence and Sexual Assault
- 6 Authorization for the Department of Family Services to Apply for and Accept Grant Funding from the Virginia Department of Criminal Justice Services, Victims of Crime Act Grant Program, to Expand and Enhance Services to Victims of Crime in Fairfax County
- 7 Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance Amendment Re: Editorial and Minor Revisions to Articles 2, 7, 10, 16, 17, 18 and 19

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
April 9, 2019**

ACTION ITEMS

1 Adoption of a Resolution Approving the Issuance of Bonds by the Economic Development Authority on Behalf of Flint Hill School for Construction of a New Middle School and Related Construction and Personal Property Together with Other School Capital Projects

**CONSIDERATION
ITEMS**

1 Appeal of K2NC, LLC, from a Decision by the Exception Review Committee Pursuant to the Chesapeake Bay Preservation Ordinance for 4104 Woodlark Drive; Fairfax Hills, Section 1, Lot 42; Tax Map No. 059-4-10-0042 (Braddock District)

**INFORMATION
ITEMS**

1 Consolidated Plan Certification for the Fairfax County Redevelopment and Housing Authority Moving to Work Plan for Fiscal Year 2020

10:10 Matters Presented by Board Members

11:00 Closed Session

**PUBLIC
HEARINGS**

2:00 Public Hearing on SE 2018-MV-022 (Maria Del Pilar Chavez Casalino/Pili's Daycare) (Mount Vernon District)

2:00 Public Hearing on Proposed Plan Amendment 2019-CW-1CP, Mobile and Land-Based Telecommunications Policy Plan

2:00 Public Hearing on SEA 91-S-031-02 (Virginia Electric and Power Company D/B/A Dominion Energy) (Springfield District)

2:00 Public Hearing to Consider an Ordinance to Amend and Readopt Fairfax County Code Section 7-2-13 and Relocate the Polling Location for the Belleview Precinct in the Mount Vernon District

2:00 **To be Deferred to
5/21/19 at 3:30 p.m.** Public Hearing on PCA 84-C-048 (Prince Towne, LLC) (Hunter Mill District)

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
April 9, 2019**

**PUBLIC
HEARINGS
(Continued)**

- 2:00 Public Hearing on PCA 2013-MV-001/CDPA 2013-MV-001
(Wesley Huntington Landlord, LLC) (Mount Vernon District)
- 2:30 Public Hearing on a Proposed Zoning Ordinance Amendment
Re: Zoning for Wireless Telecommunications Infrastructure
- 2:30 Public Hearing on the Acquisition of Certain Land Rights
Necessary for the Construction of Little River Turnpike Walkway
from Columbia Rd. to Mayhunt Ct. (Mason District)
- 2:30 Public Hearing to Consider Proposed Amendments to Appendix I
of the Code of the County of Fairfax, Fairfax County Special
Service District for the Control of Infestations of Insects that May
Carry a Disease that is Dangerous to Humans, Gypsy Moths,
Cankerworms and Certain Identified Pests
- 2:30 Public Hearing on a Proposal to Abandon and Convey Part of
Carolina Place (Mason District)
- 2:30 Public Hearing on RZ 2015-PR-014 (1690 Old Meadow
Holdings, LLC) (Providence District)
- 2:30 Public Hearing on SE 2015-PR-029 (1690 Old Meadow
Holdings, LLC) (Providence District)
- 3:00 Public Hearing on the FY 2019 Effective Tax Rate Increase
- 3:00 Public Hearing on Proposed Amendments to Section 67.1-10-2
of the Fairfax County Code Relating to Sewer Service Charges,
Base Charges, Availability Charges, Fixture Unit Charges,
Introduction of Charges for Hauled Wastewater and to
Amendments to Section 68.1-9-1. C.2 Relating to License Fees
for Sewage Handlers
- 3:00 Public Hearing to Consider Parking Restrictions on Huntsman
Court (Springfield District)
- 3:30 Public Hearing on SE 2018-LE-019 (NPC Quality Burgers, Inc.)
(Lee District)

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
April 9, 2019**

**PUBLIC
HEARINGS
(Continued)**

4:00

Public Hearing on the County Executive's Proposed FY 2020 Advertised Budget Plan, the Advertised Capital Improvement Program for Fiscal Years 2020-2024 (CIP) (With Future Fiscal Years to 2029) and the Current Appropriation in the FY 2019 Revised Budget Plan



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Tuesday
April 9, 2019

9:30 a.m.

DESIGNATIONS

- PROCLAMATION — To designate April 2019 as Child Abuse Awareness Month in Fairfax County. Requested by Supervisor Cook.
- PROCLAMATION — To designate Thursday, May 2, 2019, as Holocaust Remembrance Day in Fairfax County. Requested by Chairman Bulova.
- PROCLAMATION — To designate April 8-12, 2019, as Public Safety Telecommunications Week in Fairfax County. Requested by Chairman Bulova.
- PROCLAMATION — To designate April 2019 as Sexual Assault Awareness Month in Fairfax County. Requested by Chairman Bulova.
- PROCLAMATION — To designate May 2019 as Together in Teal Ovarian Cancer Month in Fairfax County. Requested by Chairman Bulova.
- PROCLAMATION — To designate May 2019 as Asian/Pacific American Heritage Month in Fairfax County. Requested by Chairman Bulova.

STAFF:

Tony Castrilli, Director, Office of Public Affairs

Bill Miller, Office of Public Affairs

Austin Hendrick, Office of Public Affairs

Board Agenda Item
April 9, 2019

10:00 a.m.

Items Presented by the County Executive

ADMINISTRATIVE - 1

Designation of Plans Examiner Status under the Expedited Land Development Review Program

ISSUE:

Board of Supervisors' action to designate one individual as a Plans Examiner to participate in the Expedited Land Development Review Program and to place eight individuals who have elected not to pursue their continuing education requirements into inactive status, pursuant to the adopted criteria and recommendation of the Advisory Plans Examiner Board (APEB).

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors (the Board) take the following actions:

- Designate the following individual, identified with his registration number, as a Plans Examiner:

Kevin Marley	333
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- Designate the following eight individuals, identified with their registration numbers, as inactive Plans Examiners:

David Dwornik	#328 (Retired)
John W. Ewing	#109 (Retired)
Ben Flood	#319
Beth Forbes	#292
Gilbert Osei-Kwadwo	#157 (Retired)
Stephen Platt	#217
Richard Smith	#308
William Yauss	#152 (Retired)

TIMING:

Routine.

Board Agenda Item
April 9, 2019

BACKGROUND:

On August 7, 1989, the Board adopted Chapter 117 (Expedited Land Development Review) of *The Code of the County of Fairfax, Virginia*, (The Code) establishing a Plans Examiner Program under the auspices of an APEB. The purpose of the Plans Examiner Program is to expedite the review of site and subdivision plans submitted by certain specially qualified applicants, i.e., Plans Examiners, to the Department of Land Development Services.

The Code requires that the Board designate an individual's status under the Expedited Land Development Review Program.

Plans Examiner Status: Candidates for status as Plans Examiners must meet the education and experience requirements contained in Chapter 117. After the review of his application and credentials, the APEB has found that the one candidate listed above satisfies these requirements. This finding was documented in a letter dated February 11, 2019, from the Chairman of the APEB, James H. Scanlon, P.E., L.S., to Chairman Sharon Bulova.

Inactive Status: Chapter 117 requires Plans Examiners to participate in the Board adopted Continuing Education Program. Consonant with the requirements of Section 117-1-3(a), and subject to Board approval, the APEB will recommend designation of inactive status for individuals electing not to pursue the continuing education program. This status designation continues until and if they wish to reactivate their Designated Plans Examiner (DPE) status by completing the continuing education requirements. An inactive status makes these individuals ineligible to participate in the expedited plan process procedure. At the time, they are placed in inactive status, individuals are provided with information concerning requirements for reinstatement as an active DPE.

In a letter also dated February 11, 2019, from the Chairman of the APEB, eight individuals were identified that have elected not to pursue the continuing education requirements. The APEB recommends that their status become inactive until and if they wish to reactivate their status as a DPE by completing their continuing education requirements.

Staff concurs with these recommendations as being in accordance with Chapter 117 and the Board-adopted criteria.

FISCAL IMPACT:

None.

Board Agenda Item
April 9, 2019

ENCLOSED DOCUMENTS:

Attachment I – Two letters dated February 11, 2019, from the Chairman of the APEB to the Chairman of the Board of Supervisors.

STAFF:

Rachel Flynn, Deputy County Executive

William D. Hicks, P.E., Director, Department of Land Development Services



Engineers & Surveyors Institute

"a public/private partnership"

4795 Meadow Wood Lane
Suite 115 East
Chantilly, VA 20151
703-263-2232

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Dewberry

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Current Past Chairman
R. J. Keller, L.S.
RC Fields & Associates, P.C.

EXECUTIVE DIRECTOR
Jeffrey L. Blackford, P.E.

February 11, 2019

Hon. Sharon Bulova, Chairman
Fairfax County Board of Supervisors
12000 Government Center Parkway
Fairfax, VA 22035

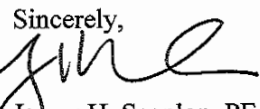
Dear Chairman, Bulova:

The Board of Supervisors approved the following individuals as Designated Plans Examiners:

<u>Name</u>	<u>Reg. Number</u>
David Dwornik	#328 (Retired)
John W. Ewing	#109 (Retired)
Ben Flood	#319
Beth Forbes	#292
Gilbert Osei-Kwadwo	#157 (Retired)
Stephen Platt	#217
Richard Smith	#308
William Yauss	#152 (Retired)

However, they have elected not to pursue the continuing education requirements at this time. It is recommended that their status become inactive until and if they wish to reactivate their status by completing their continuing education requirements. As such, they would no longer be eligible to participate in the expedited plan process procedure.

Following the Board of Supervisors' approval of this recommendation, each will be notified of his/her status change, as well as the procedure to be followed for reinstatement.

Sincerely,

James H. Scanlon, PE, LS
Chairman
Fairfax County Advisory Plans Examiner Board

Received

FEB 22 2019

IQ # 310494
Land Development Services
Directors Office



Engineers & Surveyors Institute

"a public/private partnership"

4795 Meadow Wood Lane
Suite 115 East
Chantilly, VA 20151
703-263-2232

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EXECUTIVE DIRECTOR
Jeffrey L. Blackford, P.E.

February 11, 2019

Hon. Sharon Bulova, Chairman
Fairfax County Board of Supervisors
12000 Government Center Parkway
Fairfax, VA 22035

Dear Chairman, Bulova:

The following named individual was approved by the Advisory Plans Examiner Board for recommendation as Designated Plans Examiner:

Name	Reg. No
Kevin Marley	333

He has been found to meet the qualifications outlined in Chapter 117-1-2 of the Code of Fairfax County and is in accordance with the criteria adopted by the Fairfax County Board of Supervisors on February 11, 1991.

Sincerely,

James H. Scanlon, PE, LS
Chairman
Fairfax County Advisory Plans Examiner Board

Received

FEB 22 2019

IQ# 310494
Land Development Services
Directors Office

Board Agenda Item
April 9, 2019

ADMINISTRATIVE - 2

Authorization to Advertise Public Hearings on Proposed Amendment to the Code of the County of Fairfax, Chapter 122 (Tree Conservation Ordinance) Regarding Adding Civil Penalties

ISSUE:

Board of Supervisors (Board) authorization to advertise public hearings on a proposed amendment to Chapter 122 (Tree Conservation Ordinance) of *The Code of the County of Fairfax, Virginia* (County Code), regarding adding civil penalties for infractions of the Tree Conservation Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of the proposed amendment as set forth in the Staff Report dated April 9, 2019.

The proposed amendment has been prepared by Land Development Services (LDS) and coordinated with the Urban Forest Management Division of the Department of Public Works and Environmental Services, and the Office of the County Attorney.

TIMING:

Board action is requested on April 9, 2019, to advertise public hearings before the Planning Commission on May 8, 2019, and before the Board on June 25, 2019 at 4:00 p.m.

BACKGROUND:

Under the Tree Conservation Ordinance, violations of the Ordinance are deemed criminal misdemeanors, punishable by fines only after criminal conviction. However, criminal prosecution discourages enforcement because of the long-term impact of a criminal conviction on a person's record and the need, in some cases, to rely on the Commonwealth's Attorney to prosecute violations. The Ordinance's enabling legislation, Virginia Code § 15.2-961.1, authorizes the County to impose civil penalties for violations in the same way civil penalties are imposed for violations of zoning ordinances. The proposed amendment would provide the Director with an option to seek civil penalties, rather than criminal convictions.

Board Agenda Item
April 9, 2019

PROPOSED AMENDMENT:

The proposed amendment to the Tree Conservation Ordinance will add Section 122-5-4, Infractions and Civil Penalties. This provision mirrors the equivalent provisions contained in the Zoning Ordinance Section 18-903, which is derived from Virginia Code § 15.2-2209. The amendment also revises the Definition Section to specify that “Director” means the Director of Land Development Services.

The proposed amendment to the Tree Conservation Ordinance is included as Attachment A to the Staff Report.

REGULATORY IMPACT:

The proposed amendment will create a deterrent against potential illegal land-disturbing activities and add an enforcement mechanism for Fairfax County to address potential violations.

The proposed provision applies to any land-disturbing activity or removal of vegetation contrary to the provisions of the Tree Conservation Ordinance.

FISCAL IMPACT:

Implementation of the proposed amendment will have minimal impact on the County budget. The proposed amendment will create civil penalties that could be imposed on persons committing or permitting the violation(s).

ENCLOSED DOCUMENTS:

Attachment 1 – Staff Report

STAFF:

Rachel Flynn, Deputy County Executive
William D. Hicks, P.E., Director, Land Development Services

ASSIGNED COUNSEL:

Marc E. Gori, Assistant County Attorney, Office of the County Attorney

LAND DEVELOPMENT SERVICES
April 9, 2019

STAFF REPORT

PREPARED BY CODE DEVELOPMENT AND COMPLIANCE

- PROPOSED COUNTY CODE AMENDMENT
- PROPOSED PFM AMENDMENT
- PROPOSED ZONING ORDINANCE AMENDMENT
- APPEAL OF DECISION
- WAIVER REQUEST

Proposed Amendment to Chapter 122 (Tree Conservation Ordinance) of *The Code of the County of Fairfax* (County Code), Regarding Adding Civil Penalties.

PUBLIC HEARING DATES

Authorization to Advertise:	April 9, 2019
Planning Commission Hearing:	May 8, 2019 at 7:30 p.m.
Board of Supervisors Hearing:	June 25, 2019 at 4:00 p.m.

Prepared By:	Jerry Stonefield, Engineer IV (703) 324-1780 Site Code Research & Development Branch, Land Development Services (LDS)
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Staff Report

STAFF RECOMMENDATION

Staff recommends that the Board of Supervisors (Board) adopt the proposed amendment to Chapter 122 (Tree Conservation Ordinance) of the County Code.

DISCUSSION

Coordination

The proposed amendments have been prepared by LDS and coordinated with the Urban Forest Management Division of the Department of Public Works and Environmental Services and the Office of the County Attorney.

Background

Under the Tree Conservation Ordinance, violations of the Ordinance are deemed misdemeanors, punishable by a fine only after conviction. However, criminal prosecution discourages enforcement because of the long-term impact of a criminal conviction on a person's record and the need, in some cases, to rely on the Commonwealth's Attorney to prosecute violations. The Ordinance's enabling legislation, Virginia Code § 15.2-961.1, authorizes the County to impose civil penalties for violations in the same way civil penalties are imposed for violations of zoning ordinances. The proposed amendment would add civil penalties as an option for enforcing against infractions to the Tree Conservation Ordinance, like those contained in the Zoning Ordinance.

Summary of Proposed Amendment

The proposed amendment to the Tree Conservation Ordinance will provide an option to seek civil penalties at the discretion of the Director. This provision mirrors the equivalent provisions contained in Zoning Ordinance Section 18-903, which is derived from Virginia Code § 15.2-2209. The amendment also revises the Definition Section to specify that "Director" means the Director of Land Development Services. The proposed amendment to the Tree Conservation Ordinance is included as Attachment A.

Regulatory Impact

The proposed provision applies to any land-disturbing activity or removal of vegetation contrary to the provisions of the Tree Conservation Ordinance. The proposed amendments will create a deterrent against potential illegal land-disturbing activities and add an enforcement mechanism for Fairfax County to address potential violations.

ATTACHED DOCUMENT

Attachment A – Amendment to Chapter 122 (Tree Conservation Ordinance)

**PROPOSED AMENDMENTS
TO
CHAPTER 122 (TREE CONSERVATION ORDINANCE)
OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA**

Amend Article 5, Violations and Penalties, Section 122-5-1, Constitution and Processing of Violations, to read as follows:

Section 122-5-1. - Constitution and Processing of Violations.

- (a) Any land disturbing activity and any removal of vegetation contrary to any of the provisions of this Chapter shall constitute a violation.
- (b) Any person, whether owner, lessee, principal, agent, employee or otherwise, who violates any of the provisions of this Chapter, or permits any such violation, or fails to comply with any of the requirements hereof; or any professional, as defined in 18 VAC 10-20-10, or Certified Arborist or Registered Consulting Arborist, as defined in PFM Section 12-0307.2G, who directs or causes another person to violate any provision of this Chapter, shall be subject to the enforcement provisions of this Article.
- (c) Upon becoming aware of any violation of any provisions of this Chapter, the Director shall serve a notice of violation on the property owner, professional, or any other ~~the~~ person committing or permitting the ~~same violation~~, either in person or by registered or certified mail ~~to the property or the owner's address~~. Such notice shall specify the provisions of the Chapter which have been violated, the measures needed to remedy the violation, and a reasonable time in which to remedy the violations. Failure to take steps to comply with such notice within the time provided for therein shall constitute a separate violation of this Chapter.
- (d) The Director, on behalf of the Board of Supervisors, may apply to the Fairfax County Circuit Court for injunctive relief to enjoin a violation or a threatened violation of any provision of this Chapter.

Amend Article 5, Violations and Penalties, Section 122-5-3, Penalties, to read as follows:

Section 122-5-3. Criminal Violations and Penalties

- (a) Any violation of the provisions of this Ordinance shall be deemed a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not less than \$10 and not more than \$1000. Failure to remove or abate a violation within the time period established by the Court shall constitute a separate misdemeanor offense punishable by a fine of not less than \$10 nor more than \$1000, and any such failure during any succeeding ten (10) day period shall constitute a separate misdemeanor offense for each ten day period punishable by a fine of not less than \$100 nor more than \$1500.
- (b) The remedy provided for in this Section shall be in addition to any other remedies provided by law including but not limited to violations of Chapters 101 (Subdivision Ordinance), 104 (Erosion and Sedimentation Control Ordinance),

49 112 (Zoning Ordinance), and 118 (Chesapeake Bay Preservation Ordinance) of
 50 the Code, however, the designation of a particular violation of this Ordinance for a civil
 51 penalty precludes criminal prosecution or sanction, except for any infraction that results
 52 in civil penalties that total \$5000 or more. (64-08-122.)

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 55 **Amend Article 5, Violations and Penalties, to add Section 122-5-4, Infractions**
 56 **and Civil Penalties, to read as follows:**

57
 58 Section 122-5-4. Infractions and Civil Penalties

- 59 (a) A violation of any provision of this Ordinance shall be deemed an infraction and
 60 shall be punishable by a civil penalty of \$200 for the first violation; and
 61 subsequent violations arising from the same set of operative facts shall be
 62 punishable by a civil penalty of \$500 for each separate offense.
- 63 (b) Each day during which any violation is found to have existed shall constitute a
 64 separate offense. However, in no event shall any such violation arising from the
 65 same set of operative facts be charged more frequently than once in any ten (10)
 66 day period, nor shall a series of such violations arising from the same set of
 67 operative facts result in civil penalties which exceed a total of \$5000.
- 68 (c) The designation of a particular violation as an infraction pursuant to Par. (a) above
 69 shall be in lieu of criminal sanctions, and such designation shall preclude the
 70 prosecution of a violation as a criminal misdemeanor unless such violation results
 71 in injury to any person or persons or the civil penalties under Par. (a) above total
 72 \$5000 or more for such violation. If the civil penalties for a violation under Par.
 73 (a) above total \$5000 or more, the violation may be prosecuted as a criminal
 74 misdemeanor.
- 75 (d) After a notice of violation has been served on any person who violates this
 76 Ordinance, if the violation has not ceased within the reasonable time specified in
 77 the notice, then, upon the approval of the County Attorney, the Director shall
 78 serve a summons upon such person.
- 79 (e) Such summons shall contain the following information:
- 80 1. The name and address of the person charged.
 - 81 2. The nature of the infraction and the Ordinance provision(s) being violated.
 - 82 3. The location, date and time that the infraction occurred or was observed.
 - 83 4. The amount of the civil penalty assessed for the infraction.
 - 84 5. The manner, location and time in which the civil penalty may be paid to the
 85 County.
 - 86 6. The right of the recipient of the summons to elect to stand trial for the
 87 infraction and the date for such trial.
- 88 (f) The summons shall provide that any person summoned for a violation may elect to
 89 pay the civil penalty by making an appearance in person or in writing by mail to
 90 the Department of Finance at least seventy-two (72) hours before the time and
 91 date fixed for trial and, by such appearance, may enter a waiver of trial, admit
 92 liability, and pay the civil penalty established for the offense charged. Such
 93 summons shall provide that a signature to an admission of liability shall have the
 94 same force and effect as a judgment of court; however, an admission shall not be
 95 deemed a criminal conviction for any purpose.

- 96 (g) If a person charged with a violation does not elect to waive trial and admit
97 liability, the violation shall be tried in the General District Court in the same
98 manner and with the same right of appeal as provided by law. A finding of
99 liability shall not be deemed a criminal conviction for any purpose.
100 (h) The remedies provided for in this Section are cumulative and not exclusive and
101 shall be in addition to any other remedies provided by law.

102

Amend Article 8, Definitions, to revise Section 122-8-1, Definitions, paragraph

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(b) to read as follows:

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- (b) *Director* means the Director of the Department of ~~Public Works and~~
~~Environmental Services~~ Land Development Services.

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**PROPOSED AMENDMENTS
TO
CHAPTER 122 (TREE CONSERVATION ORDINANCE)
OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA**

Amend Article 5, Violations and Penalties, Section 122-5-1, Constitution and Processing of Violations, to read as follows:

Section 122-5-1. - Constitution and Processing of Violations.

- (a) Any land disturbing activity and any removal of vegetation contrary to any of the provisions of this Chapter shall constitute a violation.
- (b) Any person, whether owner, lessee, principal, agent, employee or otherwise, who violates any of the provisions of this Chapter, or permits any such violation, or fails to comply with any of the requirements hereof; or any professional, as defined in 18 VAC 10-20-10, or Certified Arborist or Registered Consulting Arborist, as defined in PFM Section 12-0307.2G, who directs or causes another person to violate any provision of this Chapter, shall be subject to the enforcement provisions of this Article.
- (c) Upon becoming aware of any violation of any provisions of this Chapter, the Director shall serve a notice of violation on the property owner, professional, or any other ~~the~~ person committing or permitting the ~~same violation,~~ either in person or by registered or certified mail ~~to the property or the owner's address.~~ Such notice shall specify the provisions of the Chapter which have been violated, the measures needed to remedy the violation, and a reasonable time in which to remedy the violations. Failure to take steps to comply with such notice within the time provided for therein shall constitute a separate violation of this Chapter.
- (d) The Director, on behalf of the Board of Supervisors, may apply to the Fairfax County Circuit Court for injunctive relief to enjoin a violation or a threatened violation of any provision of this Chapter.

Amend Article 5, Violations and Penalties, Section 122-5-3, Penalties, to read as follows:

Section 122-5-3. Criminal Violations and Penalties

- (a) Any violation of the provisions of this Ordinance shall be deemed a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not less than \$10 and not more than \$1000. Failure to remove or abate a violation within the time period established by the Court shall constitute a separate misdemeanor offense punishable by a fine of not less than \$10 nor more than \$1000, and any such failure during any succeeding ten (10) day period shall constitute a separate misdemeanor offense for each ten day period punishable by a fine of not less than \$100 nor more than \$1500.
- (b) The remedy provided for in this Section shall be in addition to any other remedies provided by law including but not limited to violations of Chapters 101 (Subdivision Ordinance), 104 (Erosion and Sedimentation Control Ordinance),

49 112 (Zoning Ordinance), and 118 (Chesapeake Bay Preservation Ordinance) of
50 the Code, however, the designation of a particular violation of this Ordinance for a civil
51 penalty precludes criminal prosecution or sanction, except for any infraction that results
52 in civil penalties that total \$5000 or more. (64-08-122.)
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54
55 **Amend Article 5, Violations and Penalties, to add Section 122-5-4, Infractions**
56 **and Civil Penalties, to read as follows:**

57
58 Section 122-5-4. Infractions and Civil Penalties

- 59 (a) A violation of any provision of this Ordinance shall be deemed an infraction and
60 shall be punishable by a civil penalty of \$200 for the first violation; and
61 subsequent violations arising from the same set of operative facts shall be
62 punishable by a civil penalty of \$500 for each separate offense.
63 (b) Each day during which any violation is found to have existed shall constitute a
64 separate offense. However, in no event shall any such violation arising from the
65 same set of operative facts be charged more frequently than once in any ten (10)
66 day period, nor shall a series of such violations arising from the same set of
67 operative facts result in civil penalties which exceed a total of \$5000.
68 (c) The designation of a particular violation as an infraction pursuant to Par. (a) above
69 shall be in lieu of criminal sanctions, and such designation shall preclude the
70 prosecution of a violation as a criminal misdemeanor unless such violation results
71 in injury to any person or persons or the civil penalties under Par. (a) above total
72 \$5000 or more for such violation. If the civil penalties for a violation under Par.
73 (a) above total \$5000 or more, the violation may be prosecuted as a criminal
74 misdemeanor.
75 (d) After a notice of violation has been served on any person who violates this
76 Ordinance, if the violation has not ceased within the reasonable time specified in
77 the notice, then, upon the approval of the County Attorney, the Director shall
78 serve a summons upon such person.
79 (e) Such summons shall contain the following information:
80 1. The name and address of the person charged.
81 2. The nature of the infraction and the Ordinance provision(s) being violated.
82 3. The location, date and time that the infraction occurred or was observed.
83 4. The amount of the civil penalty assessed for the infraction.
84 5. The manner, location and time in which the civil penalty may be paid to the
85 County.
86 6. The right of the recipient of the summons to elect to stand trial for the
87 infraction and the date for such trial.
88 (f) The summons shall provide that any person summoned for a violation may elect to
89 pay the civil penalty by making an appearance in person or in writing by mail to
90 the Department of Finance at least seventy-two (72) hours before the time and
91 date fixed for trial and, by such appearance, may enter a waiver of trial, admit
92 liability, and pay the civil penalty established for the offense charged. Such
93 summons shall provide that a signature to an admission of liability shall have the
94 same force and effect as a judgment of court; however, an admission shall not be
95 deemed a criminal conviction for any purpose.

- 96 (g) If a person charged with a violation does not elect to waive trial and admit
97 liability, the violation shall be tried in the General District Court in the same
98 manner and with the same right of appeal as provided by law. A finding of
99 liability shall not be deemed a criminal conviction for any purpose.
100 (h) The remedies provided for in this Section are cumulative and not exclusive and
101 shall be in addition to any other remedies provided by law.

102 **Amend Article 8, Definitions, to revise Section 122-8-1, Definitions, paragraph**
103 **(b) to read as follows:**

- 104
105
106 (b) *Director* means the Director of the Department of ~~Public Works and~~
107 ~~Environmental Services~~ *Land Development Services*.

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ADMINISTRATIVE - 3

Authorization to Advertise a Public Hearing to Lease County-Owned Property at 1613 Great Falls Street to Westgate Child Center and Lewinsville Montessori School (Dranesville District)

ISSUE:

Authorization to advertise a public hearing to lease County-owned property at 1613 Great Falls Street to Westgate Child Center and Lewinsville Montessori School.

RECOMMENDATION:

The County Executive recommends that the Board authorize staff to publish the advertisement of a public hearing to be held on May 7, 2019 at 4:00 p.m.

TIMING:

Board action is requested on April 9, 2019 to provide sufficient time to advertise the proposed public hearing on May 7, 2019 at 4:00 p.m.

BACKGROUND:

The Department of Public Works and Environmental Services is completing construction of the Lewinsville Center, a 32,000-square foot facility with an address of 1613 Great Falls Street in McLean and located on a County-owned parcel identified as Tax Map Number 30-3 ((1)) Parcel 42A. This new facility will replace the former elementary school that had been repurposed to serve as the home to the Lewinsville Senior Center, Lewinsville Adult Day Health Care Center and two child care centers. Since the old building was demolished, the Senior Center and Adult Day Health Care have been conducting their programs from leased space in privately-owned buildings, and the child care operations have relocated into temporary trailers at the Lewinsville site on land leased from the County.

With the opening of the new Lewinsville Center imminent, the Facilities Management Department has agreed, subject to the approval of the Board, to terms with the two child care operators for the lease of 12,275 square feet in the new building. The non-profit Westgate Child Center (Westgate), which provides before- and after-school care for children aged two-and-a-half to twelve years old, will occupy 6,000 square feet of the building. The for-profit Lewinsville Montessori School (Montessori), which is one of the few child care facilities in the County to provide infant care, will reside in a 6,275 square foot suite. Altogether, the children of almost 200 families will be able to take advantage of a variety of play-based and education-centered programs offered at the multigenerational Lewinsville Center campus.

The term of both leases will be ten (10) years, with two (2) options to extend the lease for an additional five (5) years each. The County offered to lease space to the for-profit

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Montessori at the annual rental rate of \$28.00 per square foot or \$175,700 per year, while Westgate's non-profit status allowed the County to offer the lower rate of \$22.00 per square foot or \$132,000 per year. The annual escalation of rent under both leases will be three percent (3%) rather than the two percent (2%) rate that prevailed in the leases for the old Lewinsville Center spaces. In addition, Westgate and Montessori will now have to pay for the cost of the electric utility service to their facilities since each suite has been separately submetered. The only concession asked for by the businesses was a gradual six-month phase-in of the rent increase; the rent abatement will be used by Westgate and Montessori to defray the costs of moving and furniture and IT installation.

Virginia Code Ann. § 15.2-1800 requires a locality to hold a public hearing before it may lease its real property. Staff recommends that the Board authorize staff to advertise a public hearing to lease County-owned property at Lewinsville Center to Westgate Child Center and Lewinsville Montessori School.

FISCAL IMPACT:

The proposed leases will generate approximately \$293,000 in revenue during the first year (factoring in the rent abatement) and \$317,000 during the second year. The rent will increase by 3.0 percent per year thereafter. All revenue will be deposited in the general fund.

ENCLOSED DOCUMENTS:

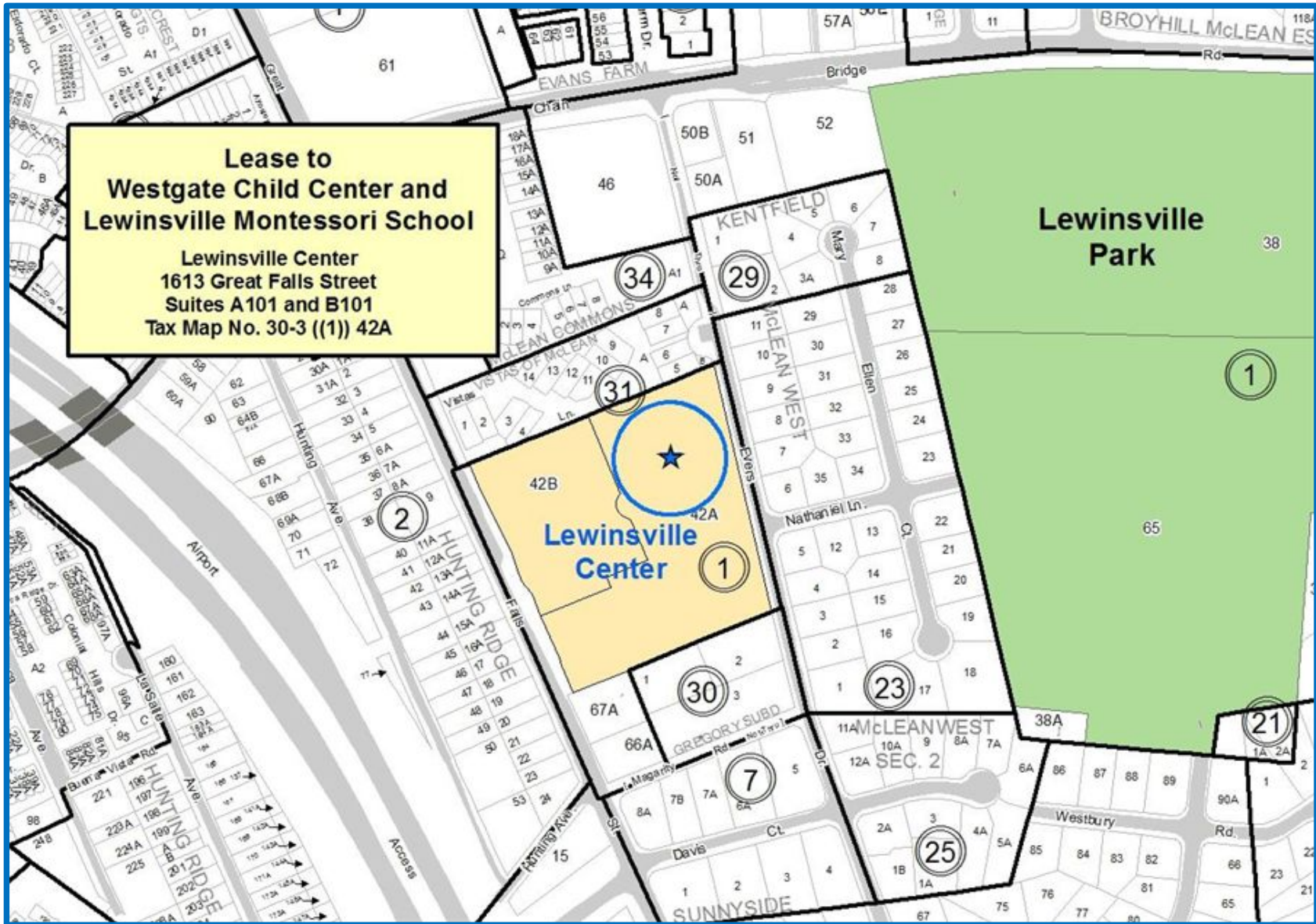
Attachment 1 – Location Map 30-3 ((1)) Parcel 42A

STAFF:

Joseph M Mondoro, Chief Financial Officer
José A. Comayagua, Jr., Director, Facilities Management Department

ASSIGNED COUNSEL:

Ryan A. Wolf, Assistant County Attorney



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ADMINISTRATIVE – 4

Authorization for the Fairfax County Police Department to Apply for and Accept Grant Funding from the Virginia Department of Criminal Justice Services, Victims of Crime Act Grant Program, to Support Underserved Victim Populations in Fairfax County

ISSUE:

Board of Supervisors authorization is requested for the Fairfax County Police Department to apply for and accept grant funding, if received, from the Virginia Department of Criminal Justice Services (DCJS), Victims of Crime Act (VOCA) Grant Program, in the amount of \$748,752, including \$149,751 in Local Cash Match. Funding will support 3/3.0 FTE grant positions in the Victim Services Division to specialize in underserved victims and witnesses in the Hispanic community, as well as funding for required equipment, supplies and training. The grant period is July 1, 2019 to June 30, 2021.

Since 2017 the Police Department has received funding through this grant opportunity to increase access to culturally appropriate direct victim services for underserved victims of crime. The current grant supports 1/1.0 FTE grant position which responds exclusively to the needs of Hispanic victims of crime. For program year 2020, DCJS has increased the maximum award amount available and thus the Police Department is applying for an additional 2/2.0 FTE grant positions. These positions will also respond exclusively to the needs of Hispanic victims of crime. If successful, this grant will now support 3/3.0 FTE grant positions. This grant is included in the FY 2020 Advertised Budget Plan; however, due to the significant increase in funding and the additional grant positions, a Board item is required to apply for and accept grant funding.

If the actual award received is significantly different from the application amount, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, staff will process the award administratively as per Board policy. Board authorization is also requested for the Chairman of the Board of Supervisors, the County Executive and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County.

RECOMMENDATION:

The County Executive recommends that the Board authorize the Police Department to apply for and accept grant funding, if received, from the Virginia Department of Criminal Justice Services, Victims of Crime Act Grant Program, in the amount of \$748,752,

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including \$149,751 in Local Cash Match. Funding will continue to support 1/1.0 FTE existing grant position as well as 2/2.0 FTE new grant positions for a total of 3/3.0 FTE grant positions, in the Victim Services Division to specialize in underserved victims and witnesses in the Hispanic community, as well as required equipment, supplies and training. The County Executive also recommends the Board authorize the Chairman of the Board of Supervisors, the County Executive and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County.

TIMING:

Board action is requested on April 9, 2019. Due to an application deadline of March 4, 2019, the application was submitted pending Board approval. This Board item is being presented at the earliest subsequent Board meeting. If the Board does not approve this request, the application will be immediately withdrawn.

BACKGROUND:

The Virginia Department of Criminal Justice Services is providing grant awards for the primary purpose to increase access to culturally appropriate direct victim services for unserved/underserved victims of crime. Fairfax County has a significant Hispanic population who are often victims of crime and at times are afraid to report crimes. The grant funded positions will support victims and witnesses of underserved Hispanic clientele through advocacy as well as direct services. The Probation Counselor positions will be available on an on-call basis, 24 hours a day and provide specialized services designed to meet the unique needs of these clients, such as on-scene crisis stabilization counseling, community and emergency personnel briefings, critical incident response, judicial advocacy, court accompaniment, case management, follow-up services, and information and referral. The bi-lingual specialists will be working full-time with underserved Hispanic clients that need an understanding, comforting and professional presence for victims and witnesses. These Victim Services Division positions will help bridge the cultural gap between the justice system and the Hispanic community.

The Police Department has received annual funding through this grant opportunity for the past two years. The funding currently supports 1/1.0 FTE Probation Counselor III grant position in the Victim Services Division. The current grant is set to expire on June 30, 2019. For the new application cycle, DCJS has increased the maximum total award amount and has extended the grant period from one to two years. Due to the success and positive results achieved with the existing position, the Police Department is applying to expand the program and number of positions. This application amount will continue to fund the existing Probation Counselor III grant position as well as 2/2.0 FTE

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new Probation Counselor II grant positions, for a total of 3/3.0 FTE grant positions to respond specifically to the needs of Hispanic victims and witnesses of crime. One Probation Counselor II will exclusively be assigned to Hispanic children who are victims of child abuse.

FISCAL IMPACT:

Grant funding in the amount of \$748,752, including \$149,751 in Local Cash Match is being requested to support 3/3.0 FTE grant positions in the Victim Services Division to specialize in underserved victims and witnesses in the Hispanic community, as well as required equipment, supplies and training. This action does not increase the expenditure level of the Federal-State Grant Fund, as funds are held in reserve for unanticipated grant awards. The required Local Cash Match is available in the Federal-State Grant Fund due to the closeout of grants as part of the *FY 2018 Carryover Review*. This grant does allow recovery of indirect costs; however, because the funding opportunity is highly competitive, the Police Department has elected to omit the inclusion of indirect costs to maximize the proposal's competitive position.

CREATION OF NEW POSITIONS:

Funding will support a total of 3/3.0 FTE grant positions including 1/1.0 FTE existing grant position and 2/2.0 FTE new grant positions. The County is under no obligation to continue funding these positions when the grant funding expires.

ENCLOSED DOCUMENTS:

Attachment 1 – Summary of Grant Proposal

STAFF:

David M. Rohrer, Deputy County Executive for Public Safety
Colonel Edwin C. Roessler Jr, Chief of Police

GRANT TO ASSIST UNDERSERVED VICTIMS OF CRIME IN THE HISPANIC COMMUNITY IN FAIRFAX COUNTY

SUMMARY OF GRANT PROPOSAL

Please note, the actual grant application is completed online; therefore, this summary has been provided detailing the specifics of the application.

Grant Title:	2019-2021 VOCA Victims of Crime Act Grant
Funding Agency:	Virginia Department of Criminal Justice Services
Applicant:	Fairfax County Police Department
Purpose of Grant:	To improve the quality of public criminal justice services offered to residents who have long suffered in silence from the effects of crime in the Hispanic community. This grant will concentrate on assisting underserved victims and witnesses of sexual and domestic violence, child sexual abuse, robbery, survivors of homicide and other violent crimes to ensure they understand the legal process and get the help they need. The dedicated positions along with outreach efforts will help bridge the language and cultural gaps that exist between the County's Hispanic population and the community at large.
Funding Amount:	Total funding of \$748,752, including \$149,751 in Local Cash Match.
Proposed Use of Funds:	Funding will support 1/1.0 FTE existing Probation Counselor III grant position and 2/2.0 FTE new Probation Counselor II grant positions in the Victims Services Division of the Police Department, as well as required equipment, supplies and training.
Target Population:	Members of the underserved Hispanic Community in Fairfax County who have been victims and witnesses of crime.
Performance Measures:	The number of Hispanic victims assisted during a single year. The goal is to assist at least 750 victims during the two-year grant period.
Grant Period:	July 1, 2019 to June 30, 2021. The state has committed to a minimum of two years of funding with the possibility of additional renewals.

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ADMINISTRATIVE – 5

Authorization for the Department of Family Services to Apply for and Accept Grant Funding from the U.S. Department of Justice, Office of Violence Against Women, to Address Children and Youth Experiencing Domestic Violence and Sexual Assault

ISSUE:

Board of Supervisors authorization is requested for the Department of Family Services (DFS) to apply for and accept grant funding, if received, from the U.S. Department of Justice, Office of Violence Against Women, in the amount of \$500,000. Funding will support crisis counseling, mental health services, and childcare and transportation assistance to families with children from birth to age 10 who have been exposed to domestic violence. The goals will be to identify and respond to children in the target age group, enhance community-based specialized mental health counseling, and reduce barriers for families to accessing services. DFS anticipates that awards will be issued in October 2019 with a total grant period of 36 months. If the actual award received is significantly different from the application amount, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, staff will process the award administratively as per Board policy. There are no positions associated with this application and no Local Cash Match is required to accept funding. Board authorization is also requested for the Chairman of the Board of Supervisors, the County Executive and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County.

RECOMMENDATION:

The County Executive recommends that the Board authorize the Department of Family Services to apply for and accept grant funding, if received, from the U.S. Department of Justice, Office of Violence Against Women, in the amount of \$500,000. Funding will support crisis counseling, mental health services, and childcare and transportation assistance to families with children from birth to age 10 who have been exposed to domestic violence. No Local Cash Match is required. The County Executive also recommends the Board authorize the Chairman of the Board of Supervisors, the County Executive and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County.

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TIMING:

Board action is requested on April 9, 2019. Due to an application deadline of March 6, 2019, the application was submitted pending Board approval. This Board item is being presented at the earliest subsequent Board meeting. If the Board does not approve this request, the application will be immediately withdrawn.

BACKGROUND:

The Federal Department of Justice, Office of Violence Against Women (DOJ-OVW) issued a solicitation announcing the availability of funds for their Consolidated Grant Program to Address Children and Youth Experiencing Domestic and Sexual Violence and Engage Men and Boys as Allies. This grant offers four distinct purpose areas: 1) Children Exposed to Violence and Abuse (ages birth to 10); 2) Prevention, Intervention, Treatment and Response to Youth (ages 11 to 24); 3) School-based Prevention, Intervention, and Response (ages 5 to 19); and 4) Engaging Men as Leaders and Role Models in Prevention. Applicants may only apply under one purpose area. The Department of Family Services' Division of Domestic and Sexual Violence Services (DSVS) has applied under purpose area 1: Children Exposed to Violence and Abuse (ages birth to 10), because it represents the greatest gap in services in the community. This grant highly values coordination of services and meaningful partnerships, and grant selection criteria strongly encourages commitment from key partners. DSVS has already facilitated the creation of the Step Up 4 Kids coalition to strengthen the County's response to children that witness domestic violence. To that end, DSVS will coordinate a multi-agency/stakeholder collaboration between DSVS, several non-profit agencies, Fairfax County Public Schools, and the Department of Neighborhood and Community Services to fulfill the goals of the grant.

Activities will include partnering with non-profit mental health agencies to provide culturally and linguistically specific therapeutic interventions for children and supportive services for parents in various locations in the County. Funding will also be used to implement a "train-the-trainer" approach to equip youth-serving organizations to develop strategies to prevent domestic and sexual violence. DSVS will serve as the lead agency on the grant and will be responsible for oversight of grant activities; however, DSVS plans to partner with Northern Virginia Family Services (NVFS) to provide therapeutic services, and with the Jewish Coalition Against Domestic Abuse (JCADA) to provide prevention activities. Grant funds will also be used to provide crisis intervention and referrals as indicated.

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FISCAL IMPACT:

Grant funding in the amount of \$500,000 is being requested to support crisis counseling, mental health services, and childcare and transportation assistance to families with children from birth to age 10 who have been exposed to domestic violence. This action does not increase the expenditure level of the Federal-State Grant Fund, as funds are held in reserve for unanticipated grant awards. There is no Local Cash Match required to accept this award. This grant does allow recovery of indirect costs; however, because the funding opportunity is highly competitive, the Department of Family Services has elected to omit the inclusion of indirect costs to maximize the proposal's competitive position.

CREATION OF NEW POSITIONS:

No new grant positions are being requested with this funding.

ENCLOSED DOCUMENTS:

Attachment 1 – Summary of Grant Proposal

STAFF:

Tisha Deeghan, Deputy County Executive

Nannette M. Bowler, Director Department of Family Services

Toni Zollicoffer, Division Director, Domestic and Sexual Violence Services

Grant to Address Children and Youth Experiencing Domestic Violence and Sexual Assault

SUMMARY OF GRANT PROPOSAL

- Grant Title:** Consolidated Grant Program to Address Children and Youth Experiencing Domestic Violence and Sexual Assault and Engaging Men and Boys as Allies
- Funding Agency:** U.S. Department of Justice, Office of Violence Against Women
- Applicant:** Fairfax County Department of Family Services, Division of Domestic and Sexual Violence Services (DSVS)
- Partners:** Department of Neighborhood and Community Services
Northern Virginia Family Services
Jewish Coalition Against Domestic Abuse
Fairfax-Falls Church Community Services Board)
- Purpose of Grant:** The Federal Department of Justice, Office on Violence Against Women issued a solicitation announcing the availability of funds for their Consolidated Grant Program to Address Children and Youth Experiencing Domestic and Sexual Violence and Engaging Men and Boys as Allies. This grant offers four distinct purpose areas: 1) Children Exposed to Violence and Abuse (ages birth to 10); 2) Prevention, Intervention, Treatment and Response to Youth (ages 11 to 24); 3) School-based Prevention, Intervention, and Response (ages 5 to 19); and 4) Engaging Men as Leaders and Role Models in Prevention. Applicants may only apply under one purpose area.
- Funding Amount:** Federal funding totals \$500,000. There is no local cash match requirement.
- Proposed Use of Funds:** Funding will provide crisis counseling and mental health services to children ages birth to 10 and childcare and transportation assistance to families as needed. The goal will be to identify and respond to children in the target age group who have been exposed to domestic violence, increase access to specialized mental health counseling by providing childcare and reduce the impact of domestic violence on children through early intervention and prevention.
- Target Population:** Children ages birth to 10 exposed to domestic violence and their caregivers.
- Performance Measures:** The success of this project will be based on four outcome areas:
- Identify and respond to children ages birth to 10 exposed to domestic violence;
 - Provide direct services (e.g. crisis counseling, therapeutic

interventions, childcare and transportation assistance);

- Provide support to caregivers; and
- Educate childcare providers, law enforcement and other legal professionals, and elementary school personnel on: 1) recognizing signs of exposure to violence in children; 2) identifying available community resources; and 3) helping parents access resources and services.

Grant Period:

DSVS anticipates that the award will be issued in October, 2019, for a total grant period of 36 months.

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ADMINISTRATIVE – 6

Authorization for the Department of Family Services to Apply for and Accept Grant Funding from the Virginia Department of Criminal Justice Services, Victims of Crime Act Grant Program, to Expand and Enhance Services to Victims of Crime in Fairfax County

ISSUE:

Board of Supervisors authorization is requested for the Department of Family Services (DFS) to apply for and accept grant funding, if received, from the Virginia Department of Criminal Justice Services (DCJS), Victims of Crime Act (VOCA) Grant Program, in the amount of \$2,480,700. The state has made this funding available through a combination of federal pass-through funding and state General Fund dollars. Funding will support expansion and enhancement of direct services to victims of domestic and sexual violence, stalking, and human trafficking. The grant period is July 1, 2019 to June 30, 2021.

Funding is available in three distinct categories: 1) Services for Victims of Crime; 2) One-time Initiatives, and 3) Sexual and Intimate Partner Violence Core Services. In previous years, DFS has received funding through this grant opportunity under category 3 to provide services in the combined Sexual Assault and Domestic Violence Grant Program. This grant has supported 5/5.0 FTE grant positions. For program year 2020, DCJS has allowed applicants to apply under all three funding categories and has increased the grant period from one to two years. Under these revised program guidelines, DFS's application includes requests for funding in each of the three categories, resulting in a significant increase in funding from prior years. This grant is included in the FY 2020 Advertised Budget Plan; however, due to the significant increase in funding, a Board item is required to apply for and accept grant funding. The grant has a 20 percent non-federal match requirement, which will be met through a combination of state matching funds and local in-kind contributions, for total funding for the program of \$2,935,875. No General Fund Local Cash Match is required.

If the actual award received is significantly different from the application amount, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, staff will process the award administratively as per Board policy. Board authorization is also requested for the Chairman of the Board of Supervisors, the County Executive and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County.

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RECOMMENDATION:

The County Executive recommends that the Board authorize the Department of Family Services to apply for and accept grant funding, if received, from the Virginia Department of Criminal Justice Services, Victims of Crime Act Grant Program, in the amount of \$2,480,700. Funding will continue to support 5/5.0 FTE existing grant positions as well as the expansion and enhancement of direct services to victims of domestic and sexual violence, stalking, and human trafficking. The 20 percent non-federal match requirement will be met through a combination of state matching funds and local in-kind contributions for total funding for the program of \$2,935,875. No General Fund Local Cash Match is required. The County Executive also recommends the Board authorize the Chairman of the Board of Supervisors, the County Executive and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County.

TIMING:

Board action is requested on April 9, 2019. Due to an application deadline of March 4, 2019, the application was submitted pending Board approval. This Board item is being presented at the earliest subsequent Board meeting. If the Board does not approve this request, the application will be immediately withdrawn.

BACKGROUND:

DCJS issued a solicitation announcing the availability of funds for their VOCA Victim Services Grant Program (VSGP). The primary purpose of VSGP is to enhance direct services to victims of crimes. The grant provides for three distinct funding categories: Services for Victims of Crime, One-time Initiatives, and Sexual and Intimate Partner Violence Core Services. Through these three categories of funding, applicants may request funds to support continuation of current VOCA-supported projects, expand victim services projects, and/or develop and implement new projects. VOCA will fund the following activities:

- Funding Category 1: **Services for Victims of Crime**, is to support the delivery of direct services and may include providing victims with: 1) information and referral services; 2) personal advocacy and accompaniment services; 3) emotional support and safety services; 4) shelter and safe housing options; and 5) criminal and civil justice system assistance.
- Funding Category 2: **One-time Initiatives**, is to support one-time or time-limited purchases/expenses and/or to start a demonstration or pilot project.
- Funding Category 3: **Sexual and Intimate Partner Violence Core Services**, is continuation funding to support the delivery of direct services to victims of sexual

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assault and/or intimate partner violence. Like Category 1, funding can be used to provide victims of sexual assault and/or intimate partner violence with: 1) information and referrals; 2) personal advocacy and accompaniment services; 3) emotional support and safety services; 4) shelter and safe housing options; and 5) criminal and civil justice assistance.

The Department of Family Services, Division of Domestic and Sexual Violence Services (DSVS) has completed an application that includes funding under categories 1 and 2 for new projects and under category 3 to continue services currently provided through the Sexual Assault and Domestic Violence Grant Program. The projects planned under each category are summarized below.

Category 1

- Partner with Northern Virginia Family Services (NVFS) to provide clinical interventions and support to address longer-term behavioral needs for children ages 11 and older exposed to domestic and/or sexual violence, stalking, teen dating violence, and human trafficking; provide culturally relevant and linguistically-specific clinical services; and provide services to traditionally underserved populations such as seniors, individuals with disabilities, and individuals who identify as LGBTQ;
- Use one benefits-eligible, Bilingual (Spanish-English) Sexual Violence Outreach Specialist position to work with INOVA Ewing Forensic Assessment and Consultation Team (FACT) to serve as an advocate for victims of interpersonal violence, provide education and outreach about sexual violence and assist with the administration of the hospital accompaniment program;
- Train and credential DSVS advocates to strengthen core activities, skills, principles and knowledge and ultimately, enhance community-based victim advocacy services;
- Facilitate a train-the-trainer model of the ACE Interface to help Fairfax County service providers better identify those at the highest risk of being negatively impacted by adverse childhood experiences; and
- Build out the 24-hour domestic and sexual violence hotline to allow for text and chat capability, reach a broader audience and better serve the community.

Category 2

- DSVS plans to work with CSB to build-out the existing electronic health records using CSB's existing Live Credible domain, which will help in the provision of quality client services and in reporting outcomes to funders and community stakeholders.
- DSVS will work with Credible to establish firewalls to comply with the Violence Against Women Act (VAWA) and privacy standards. Funds will also be used to support infrastructure of DSVS' Credible system from build-out to implementation, pending DSVS integration into the Health Care Services Information System (HCSIS), which is the planned combined health record management system for the Health and Human Services System.

Category 3

- DSVS will use funding under this category to continue current services and activities in the combined Sexual Assault and Domestic Violence Grant Program.
- Funding will continue to support 5/5.0 FTE existing grant positions including 3/3.0 FTE Domestic and Sexual Violence Counselors; 1/1.0 FTE Sexual Violence Outreach Specialist; and 1/1.0 FTE Domestic Violence Advocacy Specialist.

FISCAL IMPACT:

Grant funding in the amount of \$2,480,700 is being requested to support 5/5.0 FTE existing grant positions as well as the expansion and enhancement of direct services to victims of domestic and sexual violence, stalking, and human trafficking. This action does not increase the expenditure level of the Federal-State Grant Fund, as funds are held in reserve for unanticipated grant awards. The 20 percent non-federal match requirement will be met through a combination of state matching funds and local in-kind contributions for total funding for the program of \$2,935,875. No General Fund Local Cash Match is required. This grant does allow recovery of indirect costs; however, because the funding opportunity is highly competitive, the Department of Family Services has elected to omit the inclusion of indirect costs to maximize the proposal's competitive position.

CREATION OF NEW POSITIONS:

Funding will continue to support a total of 5/5.0 FTE existing grant positions. No new grant positions are being requested with this funding. The County is under no obligation to continue funding these positions when the grant funding expires.

ENCLOSED DOCUMENTS:

Attachment 1 – Summary of Grant Proposal

STAFF:

Tisha Deeghan, Deputy County Executive
Nannette M. Bowler, Director, Department of Family Services
Toni Zollicoffer, Division Director, Domestic and Sexual Violence Services

Grant to Provide Services to Victims of Domestic and Sexual Violence, Stalking, and Human Trafficking

SUMMARY OF GRANT PROPOSAL

Grant Title:	Victims of Crime Act Victims Services Grant Program
Funding Agency:	Virginia Department of Criminal Justice Services, using funding from the U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime
Applicant:	Fairfax County Department of Family Services, Division of Domestic and Sexual Violence Services
Partners:	Fairfax-Falls Church Community Services Board Legal Services of Northern Virginia INOVA Ewing Forensic Assessment and Consultation Team ACES Interface Jewish Coalition Against Domestic Abuse
Purpose of Grant:	The Federal Department of Justice (Office of Justice Programs, Office for Victims of Crime), administered by the Virginia Department of Criminal Justice Services issued a solicitation announcing the availability of Victims of Crime Act funds to support the delivery of direct services to victims of crime. This grant offers three categories of funding: 1) Services for Victims of Crime to support the delivery of direct services; 2) One-time Initiatives to support one-time or time-limited purchases/expenses and/or to start a demonstration or pilot project.; and 3) Sexual and Intimate Partner Violence Core Services , as continuation funding to support the delivery of direct services to victims of sexual assault and/or intimate partner violence. Applicants may apply for funding in all three categories.
Funding Amount:	Funding in the amount of \$2,480,700. There is 20 percent non-federal match requirement, which will be met through a combination of state matching funds and local in-kind contributions for total funding for the program of \$2,935,875. No General Fund Local Cash Match is required.
Proposed Use of Funds:	Under Category 1, funding will provide clinical interventions and support to address longer-term behavioral needs for children ages 11 and older, provide culturally relevant and linguistically-specific clinical services, and provide services to traditionally underserved populations. In addition, funding will be used to: 1) Hire one benefits-eligible, Bilingual (Spanish-English) Sexual Violence Outreach Specialist position to work with INOVA Ewing Forensic Assessment and Consultation Team (FACT); 2) Train and credential DSVS advocates; 3) Facilitate a train-the-trainer model of the ACE Interface, and 4) Build out the capability of the 24-hour domestic and sexual violence hotline. Under Category 2, funds will be used to buildout an electronic health record

using CSB's existing Live Credible domain to help in the provision of client services and in reporting outcomes to funders and community stakeholders. Under Category 3, DSVS will apply for funding at the current level, which has been previously approved by the Board.

Target Populations: Children ages 11 and older exposed to domestic and sexual violence, stalking and human trafficking, adult victims that need culturally relevant and linguistically specific services, and adult victims who are currently unserved or underserved.

Performance Measures: The success of this project will be based on six outcome areas:

- Identify and respond to children ages 11 and older exposed to domestic and/or sexual violence, stalking, and/or human trafficking;
- Provide direct services to adult victims that need culturally relevant and linguistically specific services, and adult victims who are currently unserved or underserved;
- Train and credential staff as advocates;
- Train community service providers in the use of the ACE Interface to better identify those at the highest risk of being negatively impacted by adverse childhood experiences;
- Buildout the capacity of the 24-hr domestic and sexual violence hotline to reach a more diverse audience of callers; and
- Buildout an electronic health record system to provide better documentation and reduce paperwork redundancies

Grant Period: DSVS anticipates that the award will be issued in October, 2019, for a total grant period of 24 months.

Board Agenda Item
April 9, 2019

ADMINISTRATION - 7

Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance
Amendment Re: Editorial and Minor Revisions to Articles 2, 7, 10, 16, 17, 18 and 19

ISSUE:

The proposed amendment addresses several unrelated provisions of the Zoning Ordinance, including one item currently identified on the 2018 Zoning Ordinance Amendment Work Program related to garage and yard sales as an accessory use, as well as several new items that were identified after the adoption of the 2018 Work Program. These new items include changing references related to the Department of Planning and Zoning name change throughout the Zoning Ordinance, clarifying that solar collection systems are a permitted accessory use, revising the provisions related to the ability of the Board of Zoning Appeals (BZA) to reconsider its decisions, and adding clarifying language related to searches, inspections, and permit revocations.

RECOMMENDATION:

The County Executive recommends authorization of the proposed amendments by adopting the Resolution set forth in Attachment 1.

TIMING:

Board action is requested on April 9, 2019, to provide sufficient time to advertise the proposed Planning Commission public hearing on May 16, 2019, at 7:30 p.m., and the proposed Board public hearing on June 25, 2019, at 4:00 p.m.

BACKGROUND:

The proposed amendment addresses several unrelated provisions of the Zoning Ordinance, as follows:

- 1) Effective July 1, 2019, the Department of Planning and Zoning will be renamed to the Department of Planning and Development. Because the department name is referenced in several places throughout the Zoning Ordinance, changes are needed to Articles 2, 7, 16, 17 and 18.
- 2) To support the Board of Supervisors' solar power initiative, staff proposes an amendment permitting a solar collection system as an accessory use to any residential or non-residential structure.

Board Agenda Item
April 9, 2019

- 3) Included in the 2018 Zoning Ordinance Amendment Work Program is a clarification item to further describe the types of items that can be sold at a garage/yard sale. The intent is to offer used household and personal items, rather than items that have been specifically purchased, produced, refurbished or fabricated for resale. The changes also clarify that garage/yard sales are allowed in the residential portion of a P-District.
- 4) Par. 6 of Sect. 18-109 establishes the procedure for reconsideration of an action by the Board of Supervisors, Planning Commission, and BZA. Based on recent case law, this amendment will specifically set forth that the BZA may not entertain a motion for reconsideration. In addition, Sect. 19-211, of Article 19 Boards, Commissions and Committees, will be revised to clarify that certain decisions and findings of the BZA are final decisions and subject only to judicial review as provided for in Title 15.2 of the Code of Virginia.
- 4) The amendment clarifies provisions in paragraphs 3 and 4 of Sect. 18-901 related to the revocation by the Zoning Administrator of a zoning use permit associated with a notice of violation. It codifies longstanding County policy that nothing in the Zoning Ordinance authorizes an inspection or search of a property without a warrant; a court order; consent or another exception to the warrant requirement.

REGULATORY IMPACT:

The proposed amendment effects the name change to the Department of Planning and Development and enhances existing regulations by providing clarification of the Zoning Ordinance.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution
Attachment 2 – Staff Report

STAFF:

Rachel Flynn, Deputy County Executive
Fred Selden, Director, Department of Planning and Zoning (DPZ)
Leslie B. Johnson, Zoning Administrator, DPZ
Donna Pesto, Deputy Zoning Administrator, DPZ
Sara Morgan, Senior Planner, DPZ

ASSIGNED COUNSEL:

Sarah Hensley, Assistant County Attorney

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, held in the Board Auditorium of the Government Center Building, Fairfax, Virginia, on April 9, 2019, at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, the Department of Planning and Zoning will incur a name change to the Department of Planning and Development effective on July 1, 2019 and there are several references to the department name in the Zoning Ordinance that need to be updated; and

WHEREAS, clarification is needed to limit garage/yard sales to typical household and personal items; and

WHEREAS, in order to further the Board of Supervisors' goal to become a SolSmart-designated community, the Zoning Ordinance must expressly state that a solar collection system is a permitted accessory use; and

WHEREAS, in accordance with recent court decisions and to simplify the appeal process for future applicants before the Board of Zoning Appeals, the Zoning Ordinance provisions regarding motions for reconsideration required revision; and

WHEREAS, it is desirable to clarify the intent of certain Zoning Ordinance provisions related to searches, inspections, permit revocations and appeals; and

WHEREAS, the public necessity, convenience, general welfare, and good zoning practice require consideration of the proposed revisions to Chapter 112 (Zoning Ordinance) of the County Code.

NOW THEREFORE BE IT RESOLVED, for the foregoing reasons and as further set forth in the Staff Report, the Board of Supervisors authorizes the advertisement of the public hearing during which the Planning Commission and the Board will consider the proposed Zoning Ordinance and County Code amendments as recommended by staff.

A Copy Teste:

Catherine A. Chianese
Clerk to the Board of Supervisors



**FAIRFAX
COUNTY**

STAFF REPORT

V I R G I N I A

PROPOSED ZONING ORDINANCE AMENDMENT

Editorial and Minor Revisions to Articles 2, 7, 10, 16, 17, 18 and 19

PUBLIC HEARING DATES

Planning Commission

May 16, 2019 at 7:30 p.m.

Board of Supervisors

June 25, 2019 at 4:00 p.m.

**PREPARED BY
ZONING ADMINISTRATION DIVISION
DEPARTMENT OF PLANNING AND ZONING
703-324-1314**

SM



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call 703-324-1334 or TTY 711 (Virginia Relay Center).

STAFF COMMENT

Background

The proposed amendment addresses several unrelated provisions of the Zoning Ordinance, including one item from the 2018 Priority 1 Zoning Ordinance Amendment Work Program, related to garage and yard sales as an accessory use, as well as several new items that were identified after the adoption of the 2018 Work Program. These new items include changing references related to the Department of Planning and Zoning name change throughout the Zoning Ordinance, clarifying that solar collection systems are a permitted accessory use, revising the provisions related to the ability of the Board of Zoning Appeals (BZA) to reconsider its decisions, and adding clarifying language related to searches, inspections, and permit revocations.

Current Provisions and Proposed Changes

The provisions impacted by this proposed amendment do not relate to one another in any way, but are packaged together simply because they are minor or editorial in nature. As such, a description of each element of the proposed amendment is set forth by topic area, as follows, and is presented in the order in which they first appear in the Zoning Ordinance:

Department of Planning and Zoning Name Change

Effective July 1, 2019, the Department of Planning and Zoning will be renamed to the Department of Planning and Development. Because the department name is referenced in several places throughout the Zoning Ordinance, changes are needed to Articles 2, 7, 16, 17 and 18.

Solar Collection Systems as an Accessory Use

Pursuant to the Board of Supervisors' solar power initiative, this amendment will expressly set forth that a solar collection system is a permitted accessory use to any residential or non-residential structure. This change to Par. 2 of Sect. 10-102 will further the opportunity to become a SolSmart-designated community by promoting and encouraging energy efficiency and conservation efforts throughout the County. Currently, the Zoning Ordinance does not expressly set forth that solar panels are a permitted use, but they have been allowed as an accessory use by the longstanding determination of the Zoning Administrator.

Garage and Yard Sales as an Accessory Use

Included in the 2018 Priority 1 Zoning Ordinance Amendment Work Program is a clarification item to further describe the types of items that can be sold at a garage/yard sale. As set forth in Par. 9 of Sect. 10-102, the intent of a garage or yard sale is to offer used household and personal items for sale up to twice a year on a residentially used lot. Typically, sales involving customers coming to a residential property are not permitted, but garage/yard sales are allowed as a limited exception. The amendment will clarify that garage/yard sales are also permitted in the residential portion of a P-District and will further clarify that the types of products for sale are limited to typical household and personal items—not the sale of items that have been specifically purchased, produced, refurbished or fabricated for resale. This change will address a limited number of circumstances where yard sales have been used to resell refurbished appliances, yard

equipment, and crafts.

Finality of Decisions of the BZA and Reconsideration of Actions

Par. 6 of Sect. 18-109 establishes the procedure for reconsideration of an action by the Board of Supervisors, Planning Commission and BZA. The provisions currently allow the BZA to entertain a motion to reconsider “prior to the filing of the original decision in the office of the BZA.” The proposed changes to Par. 6 of Sect. 18-109 will specifically set forth that the BZA may not entertain a motion to reconsider an action, and amended Sect. 19-211 will specifically state that the decisions and findings of the BZA that resolve the merits of an appeal or application or dismiss such a filing with prejudice on a procedural basis are final decisions and are subject only to subsequent judicial review. These changes are in accordance with the Virginia Supreme Court’s decision in *West Lewinsville Heights Citizens Ass’n v. Bd. of Supervisors*, 618 S.E.2d 311, 315 (Va. 2005), as well as a recent Circuit Court decision in *Bd. of Supervisors v. Bd. of Zoning Appeals*, CL2018-15190. Staff further believes these changes are necessary to clarify any ambiguity regarding when a BZA decision becomes final, which will simplify the process for future appeals.

Violations, Infractions, and Penalties: Searches, Inspections, and Permit Revocations

The current provisions of the Zoning Ordinance state that the Zoning Administrator may revoke a Residential or Non-Residential Use Permit to terminate a violation. However, there are other types of use permits issued by the Zoning Administrator that also may be revoked, including a Home Occupation Permit, Food Truck Permit, and Short-Term Lodging Permit. The placement of this provision in Par. 3 of Sect. 18-901 has created confusion about the revocation process. Staff proposes this minor edit to clarify that a notice of violation may also include a warning that any applicable use permit will be revoked upon expiration of the appeal period associated with the notice of violation. This makes clear that revocations—like all notices of violation—will be subject to review of the BZA and potentially the Circuit Court in the event the landowner (or other responsible party) appeals.

Further clarifications are proposed to Par. 4 of Sect. 18-901 to expressly state that nothing in the Zoning Ordinance authorizes an unconstitutional inspection or search of a property. In accordance with the Virginia and United States Constitutions, all searches and inspections require a warrant unless the property owner, tenant or other authorized party has consented to the search or inspection; another exception to the warrant requirement applies; or the search or inspection is conducted in accordance with a court order.

Both of these changes codify the pre-existing policies of the Zoning Administrator and Department of Code Compliance and do not reflect an actual change in practice.

Conclusion

The proposed amendment updates and clarifies certain provisions and provides for a few minor revisions to the Zoning Ordinance. Staff recommends approval of the proposed amendment with an effective date of 12:01 a.m. on the day following adoption, with the exception of the changes related to the Department name, for which staff recommends an effective date of 12:01 a.m. on July 1, 2019.

PROPOSED AMENDMENT

This proposed Zoning Ordinance amendment is based on the Zoning Ordinance in effect as of April 9, 2019, and there may be other proposed amendments which may affect some of the numbering, order or text arrangement of the paragraphs or sections set forth in this amendment, which other amendments may be adopted prior to action on this amendment. In such event, any necessary renumbering or editorial revisions caused by the adoption of any Zoning Ordinance amendments by the Board of Supervisors prior to the date of adoption of this amendment will be administratively incorporated by the Clerk in the printed version of this amendment following Board adoption.

1 **Amend Article 2, General Regulations, by amending Part 8, Affordable Dwelling**
 2 **Unit Program, to revise Par. 1C4 of Sect. 2-814, Affordable Dwelling Unit**
 3 **Advisory Board, to read as follows:**

4
 5 1. The Affordable Dwelling Unit (ADU) Advisory Board shall consist of nine (9)
 6 members appointed by the Board of Supervisors. Members shall be qualified as
 7 follows:

8
 9 C. Four members shall consist of:

10
 11 4. A representative from either the Fairfax County Land Development
 12 Services or the Department of Planning and ~~Zoning~~ Zoning Development.

13
 14
 15 **Amend Article 7, Overlay Districts, to amend Part 2, Historic Overlay Districts,**
 16 **as follows:**

17
 18 - **Amend the lead in and closing paragraphs of Par. 3 of Sect. 7-203,**
 19 **Establishment of Districts, to read as follows:**

20
 21 3. The Department of Planning and ~~Zoning~~ Zoning Development, in cooperation with
 22 the ARB and the Fairfax County History Commission, shall prepare and
 23 submit a report to the Planning Commission and Board of Supervisors
 24 evaluating the proposal to establish or amend a Historic Overlay District. Such
 25 report shall identify the Historic Overlay District boundaries as well as the
 26 historic, architectural, archaeological, or cultural significance of buildings,
 27 structures, or sites to be protected, and describe present trends, conditions and
 28 desirable public objectives for preservation. In addition, such report shall
 29 include the following specific information:

30
 31 *(Retain Subparagraphs A through F)*

32
 33 The report for a request to revise an existing Historic Overlay District may
 34 contain all or part of the information set forth above as deemed appropriate by

1 the Department of Planning and Zoning Development in conjunction with the
2 ARB and the Fairfax County History Commission.

3
4 - **Amend Par. 3D of Sect. 7-204, Administration of Historic Overlay District
5 Regulations, to read as follows:**

- 6
7 3. ARB approval shall be required prior to the issuance of Building Permits by
8 the Director and approval of sign or small cell facility permits by the Zoning
9 Administrator for the following:

- 10
11 D. Small Cell Facility Permits for the installation of any small cell
12 facility, as defined in Sect. 2-519, on an existing structure located on,
13 adjacent to, or visible from a major thoroughfare, historic byway, road
14 listed or determined to be eligible for listing in the National Register,
15 or a contributing or historic property in a Historic Overlay District.
16 The ARB will recommend approval or denial of any such small cell
17 facility permit application no later than forty-five (45) days after it is
18 filed with the Department of Planning and Zoning Development. If
19 such recommendation is not rendered within forty-five (45) days, the
20 Zoning Administrator will make the decision without a
21 recommendation from the ARB.

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24 **Amend Article 10, Accessory Uses, Accessory Service Uses and Home
25 Occupations, by amending Part 1, Accessory Uses and Structures, by amending
26 Paragraphs 2 and 9 of Sect. 10-102, Permitted Accessory Uses, to read as
27 follows:**

28
29 Accessory uses and structures may include, but are not limited to, the following uses
30 and structures; any such use or structure must be in accordance with the definition of
31 Accessory Use contained in Article 20.

- 32
33 2. Antenna structures and solar collection systems.
34
35 9. Garage and yard sales, in R districts and in the residential portion of a P
36 district, shall be are permitted not more than twice in any one calendar year
37 and shall be are limited to the sale of typical household and personal items that
38 have not been specifically purchased, produced, refurbished, or fabricated for
39 resale.

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42 **Amend Article 16, Development Plans, as follows:**

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44 - **Amend Part 2, Procedures for Review and Approval of a PRC District, by
45 revising Paragraphs 4, 5 and 6 of Sect. 16-201, Comprehensive Plan
46 Approval, to read as follows:**

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4. Ten (10) copies of the proposed comprehensive plan and development schedule shall be submitted to the Director of the Department of Planning and ~~Zoning (DPZ)~~ Development (DPD) along with a written request for the consideration of an amendment to the adopted comprehensive plan.
 5. Upon receipt, the Director of ~~DPZ~~ DPD, in accordance with adopted procedures for consideration of comprehensive plan amendments, shall cause a thorough review of the proposed amendment by all appropriate agencies. Upon a finding that additional information may be needed to complete the review, the Director of ~~DPZ~~ DPD shall request same of the applicant.
 6. As part of the review, the Director of ~~DPZ~~ DPD shall cause a complete analysis of the proposed development schedule and the impact of the development on all public facilities and utilities.

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- Amend Part 3, Submission Requirements for a PRC District, by revising the introductory paragraph and Par. 10 of Sect. 16-201, Comprehensive Plan Approval, to read as follows:

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The submission of a proposed amendment to the adopted comprehensive plan of the County to permit a planned residential community as required by Sect. 201 above shall be filed with the Director of the Department of Planning and ~~Zoning (DPZ)~~ Development (DPD) in ten (10) copies and shall include the information set forth below. All submission requirements shall become the property of the County. Once established, the submission requirements for any amendment to the adopted planned residential community comprehensive plan initiated by an applicant, other than the Planning Commission or Board, shall be those requirements deemed necessary for a review of such amendment, as determined by the Director of ~~DPZ~~ DPD.

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10. Any additional information as deemed necessary by the Director of ~~DPZ~~ DPD.

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Amend Article 17, Site Plans, to amend Part 2, Required Improvements, by revising Par. 2 of Sect. 17-201, Improvements to Be Provided, to read as follows:

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2. Construction of trails or walkways in accordance with the general location shown on the adopted comprehensive plan together with such other connecting trails or walkways within the limits of the site plan. When such trails or walkways are to be constructed, fee title or easements shall be conveyed to the Board, Fairfax County Park Authority or Northern Virginia Regional Park Authority. The final location and design of trails or walkways are to be determined by the Director after review by the Fairfax County Department of Planning and ~~Zoning~~ Development and/or the Fairfax County

1 Park Authority and/or the Northern Virginia Regional Park Authority.
 2 **Amend Article 18, Administration, Amendments, Violations and Penalties, as**
 3 **follows:**

4
 5 - **Amend Part 1, Administration, as follows:**

6
 7 - **Amend Sect. 18-106, Application and Zoning Compliance Letter Fees, to**
 8 **read as follows:**

9
 10 All appeals and applications as provided for in this Ordinance and requests for
 11 zoning compliance letters shall be accompanied by a filing fee in the amount
 12 to be determined by the following paragraphs unless otherwise waived by the
 13 Board for good cause shown; except that no fee shall be required where the
 14 applicant is the County of Fairfax or any agency, authority, commission or
 15 other body specifically created by the County, State or Federal Government.
 16 All fees shall be made payable to the County of Fairfax. Receipts therefore
 17 shall be issued in duplicate, one (1) copy of which receipt shall be maintained
 18 on file with the Department of Planning and ~~Zoning~~ Development.

19
 20 - **Amend Par. 6 of Sect. 18-109, Conduct of Public Hearings, to read as**
 21 **follows:**

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 23 6. An action may be reconsidered only upon motion of a member voting with
 24 the prevailing side on the original vote. A motion to reconsider must be
 25 made at the same or immediately subsequent regular meeting, and may be
 26 seconded by any member; ~~provided, however, that an action by the BZA~~
 27 ~~may only be reconsidered prior to the filing of the original decision in the~~
 28 ~~office of the BZA, except that the BZA may not entertain a motion for~~
 29 reconsideration.

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 32 - **Amend Part 9, Violations, Infractions, and Penalties, by revising Paragraphs**
 33 **3 and 4 of Sect. 18-901, General Provisions, to read as follows:**

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 35 3. Upon becoming aware of any violation of any provisions of this Ordinance,
 36 the Zoning Administrator ~~may shall~~ serve a notice of such violation on the
 37 person committing or permitting the same, which notice will shall require
 38 such violation to cease within such reasonable time as is specified in such
 39 notice. The notice of violation may also include a warning that any previously
 40 issued use permit will be revoked upon expiration of the appeal period, unless
 41 an appeal has been filed or the violation has ceased. After such notice is sent
 42 and such violation is not ceased within such reasonable time as is specified in
 43 the notice, then the Zoning Administrator may proceed to remedy the
 44 violation as provided in Sections 902, 903 or 904 below, unless an appeal has
 45 been timely filed. Except as provided in Section 18-307, if a permit revocation
 46 is timely appealed, it does not take effect until the appeal has been withdrawn

1 ~~by the appellant or decided by BZA. The Zoning Administrator may also~~
 2 ~~revoke a Residential or Non-Residential Use Permit to terminate the violation.~~

3 Any written notice of a zoning violation or a written order of the Zoning
 4 Administrator dated on or after July 1, 1993 shall include a statement
 5 informing the recipient that a right to appeal the notice of a zoning violation or
 6 a written order within thirty (30) days may exist in accordance with Sect.
 7 15.2-2311 of the Code of Virginia and Part 3 of Article 18 of the Ordinance,
 8 except that a written notice of violation or a written order of the Zoning
 9 Administrator involving the violations set forth in Par. 2 of Sect. 18-303
 10 above shall include a statement informing the recipient that a right to appeal
 11 the notice of violation or written order within ten (10) days may exist. The
 12 decision and permit revocation, if applicable, will shall be final and
 13 unappealable if not appealed within the specified time frames set forth in the
 14 notice or written order. The appeal period shall not commence until such
 15 statement is given.

- 16
 17 4. In addition to the remedies provided in Par. 3 above, the Zoning
 18 Administrator or her agent may seek the issuance of an inspection warrant,
 19 initiate injunction, mandamus, or any other appropriate action to prevent,
 20 enjoin, abate or remove such erection or use in violation of any provision of
 21 this Ordinance. Such action may also be instituted by any citizen who may be
 22 aggrieved or particularly damaged by any violation of any provisions of this
 23 Ordinance. Nothing in this Ordinance may be construed to authorize an
 24 unconstitutional inspection or search. All searches or inspections authorized
 25 by this Ordinance require a warrant, court order, consent, or another exception
 26 to the warrant requirement.

27
 28
 29 **Amend Article 19, Boards, Commissions, Committees, by amending Part 2,**
 30 **Board of Zoning Appeals, to revise Sect. 19-211, Decisions Subject to Judicial**
 31 **Review, to read as follows:**

32
 33 All decisions and findings of the BZA that resolve the merits of an appeal or
 34 application before the BZA, or dismiss such a filing with prejudice on a procedural
 35 basis, shall be are final decisions, and shall are, in all instances, ~~be~~ subject only to
 36 judicial review in the manner provided by Article 7, Chapter 22, Title 15.2 of the
 37 Code of Virginia.

Board Agenda Item
April 9, 2019

ACTION – 1

Adoption of a Resolution Approving the Issuance of Bonds by the Economic Development Authority on Behalf of Flint Hill School for Construction of a New Middle School and Related Construction and Personal Property Together with Other School Capital Projects

ISSUE:

Requesting that the Fairfax County Economic Development Authority issue up to \$26,000,000 of its revenue bonds assisting the Borrower with construction of a new middle school and related construction and personal property together with other school capital projects.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached resolution.

TIMING:

Board action is requested on April 9, 2019.

BACKGROUND:

The Fairfax County Economic Development Authority has received a request from Flint Hill School for a new middle school on the upper school campus, related construction and the related personal property together with other school capital projects. Flint Hill School is a Section 501(c)(3) not-for-profit school K-12 and is seeking financing to construct the new middle school. They have existing Tax-Exempt Bonds outstanding with FCEDA currently held by United Bank and proposed financing will become subordinated to the existing debt. The existing debt will be completely retired in August 2025.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1 - Resolution of the Board of Supervisors
Attachment 2 - Certificate of Public Hearing with Supporting Documents
Attachment 3 - Fiscal Impact Statement

STAFF:

Cathy Riley, Interim President, Fairfax County Economic Development Authority
Thomas O. Lawson, Counsel to Fairfax County Economic Development Authority

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF FAIRFAX, VIRGINIA**

WHEREAS, the Fairfax County Economic Development Authority (“Authority”), has approved the application of Flint Hill School (“Applicant”), a Virginia non stock, not for profit corporation, requesting that the Authority issue its revenue bonds to assist the Borrower for the construction of an academic building to be located at its existing campus, personal property, parking and other items in the Plan of Finance to be located at 3320 Jermantown Road, Oakton, Virginia 22124 in Fairfax County, and costs and expenses related thereto, including the cost of issuance of the bonds;

WHEREAS, Section 147(f) of the Internal Revenue Code, as amended (the “Code”), provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds;

WHEREAS, the Authority issues its bonds on behalf of the County of Fairfax, Virginia (“County”); the New Money Project is located in the County and the Board of Supervisors of Fairfax County, Virginia (the “Board”), constitutes the highest elected governmental unit of the County;

WHEREAS, the Authority has recommended that the Board approve the Plan of Finance and the issuance of the Bonds; and

WHEREAS, a copy of the Authority’s Resolution of March 11, 2019 approving the issuance of the Bonds, subject to the terms to be agreed upon, a certificate of the public hearing, and a Fiscal Impact Statement have been filed with the Board.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS
OF THE COUNTY OF FAIRFAX, VIRGINIA:**

- The Board approves the Plan of Financing and the issuance of the Bonds by the Authority for the benefit of Oakcrest School, as required by Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended (“Virginia Code”).
- The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Plan of Finance or the Company.
- This resolution shall take effect immediately upon its adoption.

Adopted by the Board of Supervisors of the County of Fairfax, Virginia this 9th day of April, 2019.

A Copy – Teste:

Affidavit of Publication

AD # 00024374

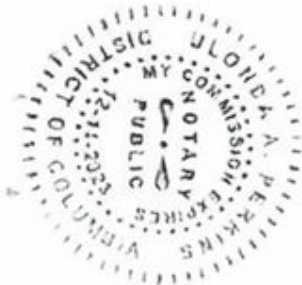
STATE OF Virginia
COUNTY OF Fairfax

To Wit:

I hereby certify that on the 4th day of March 2019, before me, the subscriber, Ulonda Perkins, a notary public, that the matters of facts set forth are true. Shalique Jones, who being duly sworn according to law, and oath says that she is an authorized agent of The Washington Times, L.L.C., publisher of

The Washington Times

Circulated daily, in the State of Virginia, County of Fairfax, and that the advertisement, of which the annexed is a true copy, was published in said newspaper 2 time(s) on the following
February 25, 2019
March 04, 2019



Total Cost: \$588.80

[Signature]

As witness, my hand and notarial seal.

[Signature]

ULONDA A. PERKINS
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires December 14, 2023

NOTICE OF PUBLIC HEARING ON PROPOSED REVENUE BOND PLAN OF FINANCING BY FAIRFAX COUNTY ECONOMIC DEVELOPMENT AUTHORITY

Notice is hereby given that the Fairfax County Economic Development Authority ("Authority") will hold a public hearing on the application of Flint Hill School ("Borrower"), a Section 501(c)(3) nonstock nonprofit organized in the Commonwealth of Virginia authorized to do business in the Commonwealth of Virginia, whose current address is 3320 Jermantown Road, Oakton, Virginia 22124. The Borrower requests the Authority to issue up to \$26,000,000 of its revenue bonds at one time or from time to time to assist the Borrower in financing all or part of the following plan of financing (collectively, "Plan of Financing") for the benefit of the Borrower: (i) new construction of a Middle School Building, personal property related to the Middle School Building or for students in Grades 7-8 who would occupy the building, parking for the building and other capital projects related to the school including the miscellaneous hard and soft costs related to the Plan of Financing, to fulfill its mission at 3320 Jermantown Road and 10409 Academic Drive, Oakton, Virginia 22124 located in Fairfax County; and (ii) certain other costs associated with the foregoing Plan of Financing, which may include, but may not be limited to, costs of issuance and other eligible expenditures.

The issuance of revenue bonds as requested by the Borrower will not constitute a debt or pledge of the faith and credit of the Commonwealth of Virginia, nor the County of Fairfax, Virginia, and neither the full faith and credit nor the taxing power of the Commonwealth of Virginia or any political subdivision thereof will be pledged to the payment of such bonds.

The public hearing, which may be continued or adjourned, will be held at 6:00 o'clock p.m. on March 11, 2019, before the Authority at its offices at 8300 Boone Boulevard, Suite 450, Vienna, Virginia 22182-2633. Any person interested in the issuance of the bonds or the location or nature of the proposed projects may appear at the hearing and present his or her views. A copy of the Borrower's application is on file and is open for inspection at the office of the Authority's counsel, Thomas O. Lawson, Esquire at 10805 Main Street, Suite 200, Fairfax, Virginia 22090 during normal business hours.

Fairfax County Economic Development Authority

Run Dates: February 25th, 2019
March 4th, 2019

AD#24374

RESOLUTION OF THE FAIRFAX COUNTY ECONOMIC DEVELOPMENT AUTHORITY
AUTHORIZING THE ISSUANCE OF UP TO \$26,000,000
REVENUE BONDS FOR THE BENEFIT OF
FLINT HILL SCHOOL
March 11, 2019

WHEREAS, the Fairfax Economic Development Authority, a political subdivision of the Commonwealth of Virginia ("Authority"), is empowered by the Acts of Assembly, 1964, Ch. 643, p. 975, as amended ("Act"), to issue its revenue bonds for, among other purposes, the financing of facilities for nonprofit institutions to provide K through 12 education facilities, the financing of facilities for use by organizations that are described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended ("Code"), and are exempt from federal income taxation pursuant to Section 501(a) of such Code, and to promote the health and welfare of the inhabitants of Virginia.

WHEREAS, the Authority has received a request from Flint Hill School ("Flint Hill"), an organization which is not organized for religious purposes and is described in Section 501(c)(3) of the Code requesting that the Authority issue its revenue bonds for up to \$26,000,000 of tax exempt bonds for the new construction of Middle School Building, personal property related to the Middle School Building or for students in Grades 7-8 who would occupy the building, parking for the building and other capital projects related to the school including the miscellaneous hard and soft costs (collectively, "Plan of Financing"), to fulfill its mission at 3320 Jermantown Road and 10409 Academic Drive, Oakton, Virginia 22124 located in Fairfax County; and (ii) certain other costs associated with the foregoing Plan of Financing, which may include, but may not be limited to, costs of issuance and other eligible expenditures (collectively, the "Project").

WHEREAS, such assistance will benefit the inhabitants of the County of Fairfax, Virginia and the Commonwealth of Virginia by protecting and promoting their health and welfare.

WHEREAS, the Project has been described to the Authority and a public hearing has been held as required by Section 147(f) of Code and Section 15.2-4906 of the Act; and

WHEREAS, Flint Hill has represented that the estimated cost of the Project and all expenses of issue will require an issue of revenue bonds in the aggregate principal amount not to exceed \$26,000,000 which will be tax exempt bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE FAIRFAX COUNTY
ECONOMIC DEVELOPMENT AUTHORITY:

1. It is hereby found and determined that the financing of the Project will be in the public interest and will protect and promote the health and welfare of the Commonwealth of Virginia, the County of Fairfax, Virginia and their citizens.

2. The Authority hereby agrees to assist Flint Hill by undertaking the issuance of its revenue bonds in an amount not to exceed \$26,000,000 which will be tax exempt bonds upon terms and conditions mutually agreeable to the Authority and Flint Hill. The bonds will be issued pursuant to documents satisfactory to the Authority. The bonds may be issued in one or more series at one time or from time to time.

3. It having been represented to the Authority that it is necessary to proceed immediately with the Project, the Authority agrees that Flint Hill may proceed with plans for the Project and its Plan of Financing, enter into contracts for acquisition, construction, and materials for the Project, and take such other steps as it may deem appropriate in connection therewith; provided, however, that nothing in this resolution shall be deemed to authorize Flint Hill to obligate the Authority without its consent in each instance to the payment of any moneys or the performance of any acts in connection therewith. The Authority agrees that Flint Hill may be reimbursed from the proceeds of the bonds for all expenditures and costs so incurred by it, provided such expenditures and costs are properly reimbursable under the Act and applicable federal laws.

4. At the request of Flint Hill, the Authority approves Reed Smith LLP, Falls Church, Virginia, as Bond Counsel in connection with the issuance of the bonds.

5. All costs and expenses in connection with the financing of the Project, including the fees and expenses of Bond Counsel and Authority Counsel, may be paid by Flint Hill, or, to the extent permitted by applicable law, from the proceeds of the bonds. If for any reason such bonds are not issued, it is understood that all such expenses shall be paid by Flint Hill and that the Authority shall have no responsibility therefor.

6. In adopting this resolution the Authority intends to take "official action" toward the issuance of the bonds and to evidence its "official intent" to reimburse from the proceeds of the bonds any expenditures paid by Flint Hill to finance the Project, all within the meaning of regulations issued by the Internal Revenue Service pursuant to Section 103 and 141 through 150 and related sections of the Code.

7. The Authority recommends that the Board of Supervisors of the County of Fairfax, Virginia, approve the issuance of the bonds.

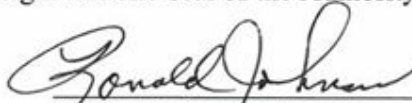
8. No bonds may be issued pursuant to this resolution until such time as the issuance of the bonds has been approved by the Board of Supervisors of the County of Fairfax, Virginia.

9. The resolution shall take effect immediately upon its adoption.

CERTIFICATE

The undersigned Secretary of the Fairfax County Economic Development Authority ("Authority") certifies that the foregoing is a true, correct and complete copy of a resolution adopted by a majority of the Commissioners of the Authority present and voting at a meeting duly called and held on March 11, 2019, in accordance with the law, and that such resolution has not been repealed, revoked, rescinded, or amended but is in full force and effect on this date.

WITNESS the following signature and seal of the Authority, the 11th day of March, 2019.



Secretary, Fairfax County
Economic Development Authority

FAIRFAX COUNTY

ECONOMIC DEVELOPMENT AUTHORITY

Industrial Revenue Bonds

Fiscal Impact Statement

Applicant: Flint Hill School
Facility: Construction of Middle School
Date: _____

- 1. Maximum amount of financing sought: \$ 26,000,000
- 2. Estimated taxable value of the facility's real property to be constructed in the municipality: \$ 36,600,000
- 3. Estimated real property tax per year using present tax rates: \$ 0
- 4. Estimated personal property tax per year using present tax rates: \$ 0
- 5. Estimated merchants' capital tax per year using present tax rates: \$ _____
- 6. Estimated dollar value per year of:
 - a. goods and services that will be purchased locally within the locality \$ 4,955,716
 - b. goods that will be purchased from non-Virginia companies within the locality \$ 2,477,858
 - c. services that will be purchased from Virginia companies within the locality \$ 3,816,786.85
 - d. services that will be purchased from non-Virginia companies within the locality \$ 486,132
- 7. Estimated number of regular employees on year-round basis: 36
- 8. Average annual salary per employee: \$ 72,600
- 9. There is no potential liability applicable to Fairfax County or the Fairfax County Economic Development Authority

Authority Chairman *Catherine A. Lange*
Name of Authority *Catherine A. Lange*

8300 Boone Boulevard | Suite 450 | Vienna, Virginia 22182-2633 USA
t: 703.790.0600 | f: 703.893.1269 | e: info@fceda.org
www.FairfaxCountyEDA.org
Offices worldwide: San Francisco | Bangalore | Frankfurt | London | Seoul | Tel Aviv

Board Agenda Item
April 9, 2019

CONSIDERATION – 1

Appeal of K2NC, LLC, from a Decision by the Exception Review Committee Pursuant to the Chesapeake Bay Preservation Ordinance for 4104 Woodlark Drive; Fairfax Hills, Section 1, Lot 42; Tax Map No. 059-4-10-0042 (Braddock District)

ISSUE:

Board of Supervisors (Board) consideration of an appeal of the Exception Review Committee's (ERC) decision denying an exception request under § 118-6-7, Loss of Buildable Area, of the Chesapeake Bay Preservation Ordinance (CBPO), and disapproving the associated Water Quality Impact Assessment (WQIA).

TIMING:

Board consideration is requested on April 9, 2019.

BACKGROUND:

K2NC, LLC (Appellant), appeals to the Board to reverse the ERC's denial of an exception request under the CBPO. The Appellant owns the vacant lot located at 4104 Woodlark Drive in the Braddock District, which contains an unnamed tributary to Accotink Creek and an associated Resource Protection Area (RPA). The Appellant submitted exception request #2582-WRPA-007-1 (Application) seeking approval from the ERC to construct a new residence in the RPA, including a deck and patio. Construction of the residence also requires the placement of fill into the seaward 50 feet of the RPA, though the principle structure is at least 50 feet from the stream bank.

The ERC resolution denying the Application which is being appealed is included as Attachment 1. A site layout summarizing the RPA encroachment is included as Attachment 2. The Appellant's complete appeal is included as Attachment 3.

The Application was submitted on July 3, 2018, and is included as Attachment 4. The ERC held a public hearing to consider the Application on October 3, 2018, and moved to defer decision until December 12, 2018. Minutes of the October 3, 2018, ERC meeting are included as Attachment 5. After the October public hearing, the Appellant amended the Application (Amended Application) to address concerns raised by the ERC. The Amended Application shifted the house farther from the stream, reduced the size of the proposed deck, added Dry Swales that comply with Virginia Department of Environmental Quality standards, and studied the floodplain elevation. The ERC discussed the amended application as a "decision-only" item on December 12, 2018.

Board Agenda Item
April 9, 2019

The Appellant's materials amending the Application, dated November 9, 2018, are included as Attachment 6.

The Department of Land Development Services (LDS) prepared a staff report for the ERC dated August 21, 2018, recommending approval of the Application. That report is included as Attachment 7. Staff recommended approval of the Application subject to adoption of the conditions in Attachment A to the August 2018 staff report. Then, to account for the Amended Application, LDS drafted an addendum to its first staff report. Staff recommended approval, determining that the Amended Application met the exception criteria in CBPO § 118-6-6, provided that the ERC adopted the conditions in the August staff report. Staff's addendum, dated November 28, 2018, is included as Attachment 8.

Under CBPO § 118-6-6, the ERC can grant an exception only if it finds, among other things, that a request is the minimum necessary to afford relief; a request is not of substantial detriment to water quality; and the exception request is not based on conditions or circumstances that are self-created or self-imposed.

On December 12, 2018, after considering the Amended Application, the ERC denied the Appellant's request for an exception to the CBPO. The ERC resolution denied the request, citing that the total encroachment into the RPA is 8,915 square feet, 2,680 square feet of which is in the seaward 50 feet of the RPA. The ERC made the following findings in support of its denial resolution:

- (1) The requested encroachment "is not the minimum necessary to afford relief";
- (2) "It is not possible to conclude that the exception would not be of substantial detriment to water quality"; and
- (3) "The exception is based on conditions that are self-created and self-imposed" because the property is not suited for the intended use.

The resolution also states that the feasibility and effectiveness of the proposed stormwater management dry swales were not demonstrated in the application

The Appellant alleges that the ERC's decision improperly considered the proposed fill in the floodplain. The floodplain was addressed in the application materials, and was raised as an issue at the ERC hearings and during the discussion on the decision. The purpose of the Amended Application and this appeal is to determine whether an exception under the CBPO should be granted to encroachment into the RPA for the purpose of building a residence. As part of the Amended Application, the Appellant seeks an exception to add fill in the seaward 50 feet of the RPA in order to move the

Board Agenda Item
April 9, 2019

floodplain boundary towards the stream. This is necessary for the proposed house location to meet the setback requirements of the floodplain provisions in the Zoning Ordinance. Without the fill, the Appellant could not construct the proposed home in compliance with the Zoning Ordinance.

The Applicant conducted a preliminary floodplain analysis, included as Attachment 9, which establishes the existing floodplain boundary and was used to determine the extent that the addition of fill will encroach into the RPA. The ERC has the authority to approve the encroachment into the RPA. It cannot consider the effects of the additional fill in its exception review process, except to the extent that it would cause a substantial detriment to water quality. LDS is charged with reviewing and approving the addition of fill in the floodplain through a floodplain use determination, which the Applicant would have to submit in order to proceed to site development. This review ensures that the addition of fill will have no effect on water surface elevations on adjacent or neighboring properties.

FISCAL IMPACT:
None.

ATTACHMENTS:

Attachment 1. - ERC Resolution denying 2582-WRPA-007-1
Attachment 2. - Summary Layout: "Exhibit 6: Proposed Conditions" "Sheet 2 of 4" dated November, 2018
Attachment 3. - Appeal dated January 9, 2019 by GJB Engineering, Inc.
Attachment 4. - Application Package for 2582-WRPA-007-1 and 2582-WQ-007-1
Attachment 5. - Minutes of the October 3, 2018 ERC meeting
Attachment 6. - Supplemental material to the application, dated November 9, 2018
Attachment 7. - Staff report dated August 21, 2018
Attachment 8. - Staff report addendum, dated November 28, 2018
Attachment 9. - Floodplain analysis, dated November, 2018, by Wetland Studies and Solutions, Inc.

STAFF:

Rachel Flynn, Deputy County Executive
William D. Hicks, P.E., Director, Land Development Services

ASSIGNED COUNSEL:

Marc Gori, Assistant County Attorney



County of Fairfax, Virginia

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

JAN 23 2019

Sheila Konecke
K2NC, LLC
15881 Crabbs Branch Way
Rockville, MD 20855

Subject: 4104 Woodlark Drive; Fairfax Hills Section 1, Lot 42, Tax Map # 059-4-10-0042;
Braddock District

Reference: Resource Protection Area Encroachment Exception #2582-WRPA-007-1 and
Water Quality Impact Assessment #2582-WQ-004-1

Dear Ms. Konecke:

Enclosed you will find a revised copy of the Resolution adopted by the Exception Review Committee (ERC) at its meeting held on December 12, 2018, denying Resource Protection Area (RPA) Encroachment Exception #2582-WRPA-007-1, under Section 118-6-7 of the Chesapeake Bay Preservation Ordinance (CBPO), to permit encroachment into the RPA at the subject property. The resolution revision reflects a correction to the recorded ERC vote from 5-1 to 6-0.

The committee determined that the request did not meet the required findings.

Please be advised that the decision of the ERC may be appealed to the Board of Supervisors in accordance with Article 8 of the CBPO within 30 days from the date of the Resolution.

If further assistance is desired, please contact Danielle Badra, Management Analyst I, at 703-324-1720.

Sincerely,

Danielle Badra
Clerk to the Exception Review Committee
Land Development Services (LDS)

Department of Land Development Services
12055 Government Center Parkway, Suite 659
Fairfax, Virginia 22035-5503
Phone 703-324-1780 • TTY 711 • FAX 703-653-6678
www.fairfaxcounty.gov



K2NC, LLC Sheila Konecke
2582-WRPA-007-1 – 4104 Woodlark Drive
Page 2 of 2

Enclosure

cc: Supervisor Cook, Braddock District Supervisor
Catherine Chianese, Clerk to the Board of Supervisors
Chris Koerner, Chairman, Exception Review Committee
Leslie B. Johnson, Zoning Administrator, Department of Planning and Zoning
Bruce McGranahan, Director, SDID, LDS
Prutha Rueangvivatanakij, Senior Engineer III, SDID, LDS
Matthew Hansen, Engineer IV, SDID, LDS
Danielle Badra, Management Analyst I, Code Development & Compliance Division
(CDCD), LDS
Brandy Mueller, Environmental Compliance Coordinator, CDCD, LDS
Waiver File



County of Fairfax, Virginia

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

Encroachment Exception Application #2582-WRPA-007-1

Pursuant to Section 118-6-9 of the Chesapeake Bay Preservation Ordinance (CBPO), K2NC LLC, applied for a Resource Protection Area (RPA) Encroachment Exception (No. #2582-WRPA-007-1), at 4104 Woodlark Drive, to permit encroachment into the RPA to construct a dwelling within RPA seaward 50 feet, on the lot legally created prior to November 18, 2003, Braddock District, Tax Map #059-4-10-0042.

RESOLUTION

Dr. David Schnare moved the Committee to make the following findings and, on those bases, DENY application #2582-WRPA-007-1.

Whereas, at the suggestion of the ERC, the Applicant has made substantial changes to the proposed development at 4104 Woodlark Drive, including:

- The plan has been revised to pull the house back out of the seaward 50 feet of the RPA;
- A Best Management Practice facility (dry swales) is proposed;
- Draft floodplain calculations have been completed;

However,

1. Revisions to the plan (including an unknown amount of fill in the floodplain) have increased the impact: encroachment into the RPA increased from 7,568 square feet to 8,915 square feet, and disturbance within the seaward 50 feet is increased from 2,462 square feet to 2,680 square feet.
2. The feasibility of the proposed dry swales has not been provided, and no calculations have been provided to demonstrate their effectiveness in mitigating the impact of sediment or nutrient runoff.

Therefore, I move that the exception is not the minimum necessary to afford relief. It is not possible to conclude that the exception would not be of substantial detriment to water quality; and because the property is not suited for the intended use, the exception is based upon conditions or circumstances that are self-created or self imposed.

Be it resolved, I move that we deny the request for an exception.

Department of Land Development Services
12055 Government Center Parkway, Suite 659
Fairfax, Virginia 22035-5503
Phone 703-324-1780 • TTY 711 • FAX 703-653-6678
www.fairfaxcounty.gov



K2NC, LLC
2582-WRPA-007-1 – 4104 Woodlark Drive
Page 2 of 2

ACTION OF THE COMMITTEE

The motion was seconded. The motion carried by a vote of 6-0. Ms. Amy Gould abstained.

Chairman Koerner further moved to amend the motion to include the additional finding.

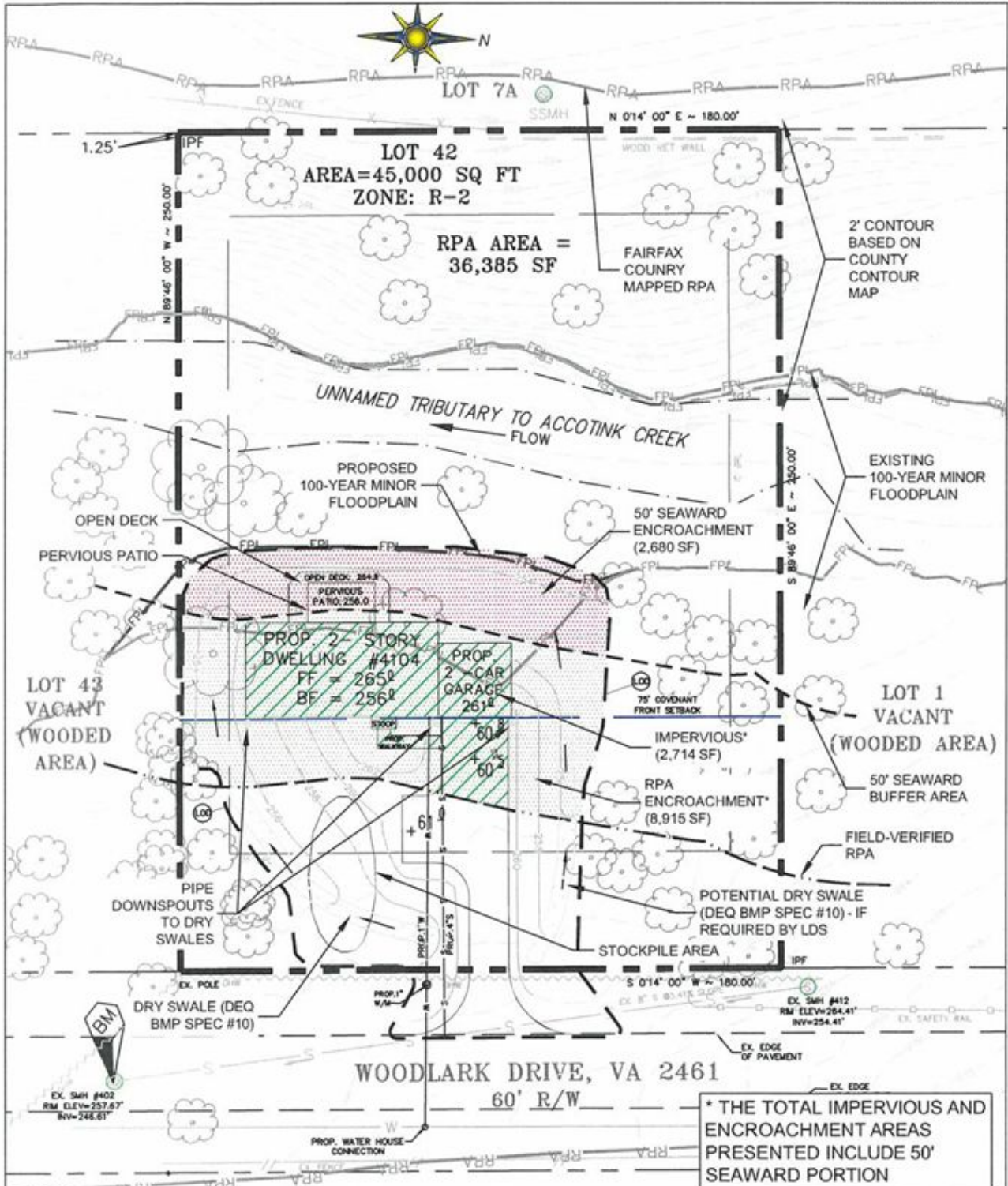
3. The proposal indicates the need to import 1,900 cubic yards of fill into the RPA.

The revision to include the additional finding was seconded. The motion carried by a vote of 6-0. Ms. Gould abstained.

A Copy Teste:



Danielle Badra
Clerk to the Exception Review Committee



<p>Applicant: K2NC LLC 15881 Crabbs Branch Way, Suite B Rockville, MD 20855</p>	<p>FAIRFAX HILLS, SECTION 1, LOT 42</p> <p>RPA EXCEPTION REQUEST FOR LOSS OF BUILDABLE AREA</p> <p>Fairfax County, Virginia</p>	<p>Sheet Title: EXHIBIT 6: PROPOSED CONDITIONS</p>	
<p>Agent: Wetland Studies and Solutions, Inc. 5300 Wellington Branch Drive, Suite 100 Gainesville, Virginia 20155 Phone 703.679.5600 Fax 703.679.5601</p>		<p>Scale: 1"=40' , C.I. = 2'</p>	<p>Date: NOV 2018 Sheet: 2 of 4</p>

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GJB Engineering, Inc.

providing quality engineering with personal service

P.O.Box 1214, Newington, VA 22122
www.gjbengineering.com 703-541-2000

Received

JAN 10 2019

**Land Development Services
Director's Office**

January 9, 2019

The Board of Supervisors of the County of Fairfax
12000 Government Center Parkway
Fairfax County, Virginia 22035

Re: Appeal to the Board of Supervisors of the denial by the Chesapeake Bay Preservation Ordinance Exception Review Committee (ERC) of 2582-WRPA-007-1 and 2582-WQ-004-1

Property: 4104 Woodlark Drive / Fairfax Hills, Section 1, Lot 42
Tax Map 0594 ((10)) 0042; Braddock District

Dear Board Members:

K2NC LLC, applicant of the above referenced applications, is appealing the December 12th, 2018 ERC denial of their WQ and WRPA applications to construct a single family dwelling on the above referenced lot in the Fairfax Hills subdivision.

As provided for in Chapter 118, Article 8, "an applicant or any other party aggrieved by any decision of the Exception Review Committee in the administration of this Chapter may, within 30 days of such decision, appeal the decision to the Board of Supervisors". The appellant is aggrieved because they, being the applicant, are being denied by the ERC the right to construct the proposed dwelling within the only area of the property permissible for such construction given the limitations of and conditions applicable to the subject property, even though it has been demonstrated, and with LDS staff concurrence, that the subject applications meet all minimum applicable standards of the PFM, Zoning Ordinance, Chesapeake Bay Preservation Ordinance, and other applicable codes and regulations.

It is the position of the appellant that the basis of the ERC denial (Attachment A) was not related to criteria within Chapter 118 of the County Code and that the ERC misinterpreted DEQ guidance to CBPA special committees regarding the criteria to be used in rendering a decision on the subject Water Quality Impact Assessment (WQIA) and RPA Exception applications. Further, it is the position of the appellant that the ERC acted arbitrarily by intentionally (due to bias against the application and applicant) and unintentionally (due to the lack of training of certain ERC members for their role on the ERC) creating and applying additional criteria not within Chapter 118 of the Code, nor used by the ERC on prior similar applications, during consideration of the subject applications.

In summary, the ERC cited as their basis of denial the following:

- unspecified concerns related to filling within the regulatory minor floodplain;
- the lack of a final design being completed for a proposed BMP facility and geotechnical issues related to same;
- the increase in the area of disturbance within the RPA created by application revisions performed by the applicant at the request of the ERC during the application review process.

Using the above criteria, the ERC denial resolution stated that the application was “therefore not the minimum to afford relief, that the property was not suited for the intended use, and that the conditions and circumstances were self-created or self-imposed.”

This appeal will examine the Chapter 118 for such decisions as it relates to these applications as well as the claims made by the ERC in the denial resolution. We believe you will find that, after considering our approach to design and reviewing the application for yourselves, you will agree with LDS staff and the applicant: that the applications meet – and in a number of design areas exceed – County and State standards for water quality and stormwater management on a single non-bonded infill lot, that the size and location of the dwelling and site elements have been optimized and minimized, and, as such, the applications qualified for the approvals that should have been granted by the ERC.

Salient background is provided for the reference of the Board, followed by a review of the Chapter 118 criteria for these type of exceptions and a justification of the appellant’s position.

Background / History

To assist the Board in the consideration of this appeal and to augment the statement of facts which LDS will prepare for the Board consideration item, we have prepared the following chronology of salient events which have led to the filing of this appeal to address the sizable amount of misinformation which has been present during the applications’ review. The chronology will clearly demonstrate and further underscore that that applicant:

- has worked diligently and proactively with County staff over 18 months in a cooperative manner to earn the three consecutive recommendations for approval given by LDS;
- has promptly responded when issues were raised by the ERC (even if they were not related to Chapter 118 or the minimum standards criteria) and revised the application where possible to suit ERC preferences;
- has a genuine need for relief from a hardship that was not self-imposed or self-created.

GJB Engineering, Inc.
P.O. Box 1214, Newington, VA 22122
www.gjbengineering.com
703-541-2000

Chronology salient to this matter is summarized below:

- **1974** – Landowner (Perry) received title to lot (DTA records do not show prior sales and per LDS no record exists prior to this date other than the 1941 subdivision plat).
- **2004** – County DPW&ES approved a “Lot Validation” (LV) request submitted by Perry. Perry then appealed the DTA assessment and land classification on the basis of the County-approved LV to have status of lot changed to “Buildable”.
- **2005** – Department of Taxation changed lot’s classification in tax records to “Buildable-Average” on basis of the owner’s appeal and the County-approved Lot Validation. Tax assessment valuation was set by County at \$300,000 effective 1/1/06.
- **2015** – Perry decided to sell the property and as a part of sales strategy, sought out entities that advertise the purchase of properties. Perry identified the applicant/appellant (K2NC, LLC) through internet advertising by K2NC and offered to sell the lot to them, representing it as buildable and without disclosing the existence of the 75’ setback requirement or the LV approval. K2NC, after a brief due diligence and negotiation period, purchased the property for \$330,000, then found out shortly after purchase (from community association representative Richard Rio) that the lot was subject to a private 75’ setback covenant from the 1941 deed which created the lots. Examination of the settlement title report confirmed the existence of said 75’ setback (not noted at the time of settlement), but subsequent investigation over the balance of 2015 into the covenants by applicant’s then-legal counsel questions validity of the 1941 subdivision covenants in general, as well as the 75’ setback requirement.
- **2016** – Being of the opinion (after consultation with their legal counsel) that the 75’ setback was unenforceable by the homeowner and being told that Fairfax County does not enforce private covenants as part of permit review (County website page, Attachment B), K2NC chose to proceed with engineering (by Inova Consulting Engineers) for the more preferable location of a house sited at the R-2 zone minimum setback of 35’ from the front property line in order to avoid, to the extent possible, the RPA and floodplain on the property (Attachment C1). Over the course of several months, Inova received County approvals for a Water Quality Impact Assessment, RPA Exception, Infill Grading Plan, and Conservation Agreement, as well as an Entrance Permit from VDOT.
- **2017 (Spring)** – K2NC developed architectural plans and applied for a Building Permit and Site Permit, which were approved and issued by Fairfax County (Attachments C2 and C3). Subsequently, just prior to home construction, homeowner Richard Rio asked Circuit Court to enjoin K2NC from construction of a design which failed to honor the 75’ setback and for unspecified concerns related to the RPA. The Court agreed, in part, with the plaintiff Rio and granted a temporary injunction against the construction of the home itself, stating in summary that there was no evidence the 75’ setback was unenforceable, however the Court did not

agree to enjoin other aspects of the projects related to RPA or land disturbance, leaving those matters to the County permitting process. Rio did not pursue the Circuit Court for a full trial on his claims, leaving the lawsuit open with the Court. While the applicant had their legal counsel review the effect of the Court's finding on the project, construction continued as planned by clearing the lot to the County-issued Site Permits limits with sediment control fencing and a construction entrance installed.

- **2017 (Summer)** – After legal review of the Circuit Court action was completed, K2NC determined their original assumption of the covenant being unenforceable was incorrect and decided to re-engineer the site to comply with 75' setback as demanded by the Rio lawsuit and chose not to further debate the validity of the covenant. GJB Engineering, Inc. and Wetlands Studies & Solutions were hired to re-engineer the site and prepare revised WQIA and WRPA Exception applications to request approval of the required additional land disturbance in the RPA by the honoring of the 75' front setback.
- **2017 (Fall)** – K2NC submitted applications 2582-WRPA-006 and 2582-WQ-003 to the ERC, worked with LDS staff to make staff recommended revisions to application, and received LDS staff recommendation for approval. The required public hearing was held in December and the ERC deferred their decision in order to confer with legal counsel on applicability of the Rio lawsuit to the ERC's decision.
- **2018 (Winter)** – At their January meeting, the ERC held an executive session meeting with legal counsel, then deferred their decision to their February meeting. The ERC then denied the applications at the February meeting on the basis that the Rio lawsuit has not been "finalized", believing (incorrectly) that K2NC was still actively challenging the setback validity and also believing (also incorrectly) that the validity of the setback was still in question. At this point, no direction had been given by either staff or the ERC to materially change the technical design of the application. K2NC then appealed the ERC's denial to the Board of Supervisors in March on the basis that the ERC was acting outside its mandate by calling the covenant's validity into question when 1) neither Rio nor K2NC were doing so after the Circuit Court's affirmation of the covenant, and; 2) K2NC was not pursuing any litigation against Rio or the covenants (a factual misrepresentation made by LDS staff in the preparation of the June 2018 BOS Consideration Item).
- **2018 (Spring)** - Negotiation ensued between applicant's then-legal counsel and Asst. County Attorney Gori prior to the BOS consideration of the appeal, resulting in a strong recommendation from the County Attorney that the K2NC withdraw the appeal and work with the lawsuit plaintiff Rio to encourage Rio to finalize the suspended litigation to remove what the ERC believed to be a cloud over the application, then refile the applications to the ERC with that chief concern resolved. The implication understood by the applicant being that the ERC would then be placated and amenable to an approval.

An informal understanding was reached between the applicant and the County Attorney in June where the County BOS would informally ask the ERC to waive the 12-month bar on resubmission to the ERC and reconsider the initial application, and the BOS would direct LDS to waive the County review fee for such resubmission to the ERC. K2NC acquiesced to the County's recommendation and withdrew the appeal prior to the BOS June 19th meeting and resubmitted the applications to the ERC in July without further fee charged (and unchanged as to technical design), with applications now identified as 2582-WRPA-007 and 2582-WQ-004.

- **2018 (Summer)** – Applicant worked closely with LDS staff to respond to further technical staff comments to upgrade content of the applications to above minimum requirements and make further staff-recommended revisions to application and again received LDS staff recommendation for approval.
- **2018 (Fall)** – The required ERC public hearing was held in September, but failed legal standing and was invalidated because County LDS failed to post the required meeting notice on the County website (ERC public hearing was stopped mid-hearing by County Attorney Gori). The public hearing was then held again at the ERC October meeting at which the ERC then made a number of new technical comments and recommendations, then (at the urging of the applicant during the ERC meeting) deferred their decision to the December meeting to allow the applicant to address those comments and recommendations, instead of denying the application again as they stated was the direction they were headed in that particular meeting. The Applicant then revised the design to address ERC recommendations and comments, included an additional BMP elements above minimum County requirements as an approval incentive, upgraded the outdated County floodplain modeling (use of such typically allowed with INF applications and which had been provided by the County DPW&ES at the beginning of project design) by performing an updated HEC-RAS floodplain analysis (HEC-RAS is the method required by the PFM), and again received LDS staff recommendation for approval in November for the revised design. The ERC, while acknowledging the changes were generally consistent with their October recommendations and comments, still denied the application on the basis of a further new set of concerns related to fill in the floodplain, geotechnical concerns related to the chosen BMP, and the difference in the amount of disturbed land and impervious area between the original submission and the revisions, along with other unspecified general concerns (refer to attached Resolution).

Required Findings under the Chesapeake Bay Preservation Ordinance

Exception requests for disturbance within the seaward 50' of the RPA buffer may be granted only upon the findings listed in the CBPO 118-6-6. This section examines each of these requirements and as you will see below, and as confirmed by LDS staff on each of our submissions and subsequent revisions, the applicant/appellant has met or exceeded these requirements.

(a) The requested exception to the criteria is the minimum necessary to afford relief

LDS staff position: **Met**

ERC position: Not met (no detailed or specific reason stated in ERC Denial Resolution)

Applicant/appellant position: The fact that this condition has been met can be easily demonstrated by summarizing salient statistics for the major elements of the proposed dwelling location, grading and site construction:

- *Front setback:* The dwelling cannot be sited any further forward than 75' from the front property line. This setback has been confirmed by the Circuit Court final order (see Court Order, Attachment D). The application sited the dwelling 75' from the front setback – no more, no less – and thus optimized this aspect of design in accordance with the CBPO.
- *Side setbacks:* The dwelling has been located side-to-side on the lot to minimize disturbance of existing vegetation and mature trees in coordination with the County Urban Forestry Management Division (UFMD) review and to comply with the Floodplain Ordinance, which requires a 15' setback from 100-year floodplain limits. Both UFMD and LDS have recommended our design for approval and the ERC provided no negative commentary during the meetings related to the side-to-side positioning of the dwelling. It was noted during the hearing that shifting the house further toward the north side lot line further will result in loss of additional mature trees and that shifting the house further toward the south side lot line will result in failure to comply with the Floodplain Ordinance. Thus, the house location is optimized relative to side property line setback.
- *Rear setback:* The governing Zoning Ordinance setback to the rear of the proposed dwelling is, in this lot's case, the 15' setback required from a 100-year floodplain, rather than the 25' rear yard setback to the rear property line. The current design meets this requirement by proposing a minimum topographic improvement (the term used by ZO 2-903, i.e. minor grading of less than 12" in depth) to ensure proper setback from the floodplain for the dwelling. The topographic improvement is limited to the minimum necessary to create the required minimum setback from the 100-year floodplain.
- *Size of dwelling:* The proposed dwelling is at or below the average size home for this subdivision. Refer to the analysis within the staff report for both the 2017 and 2018 applications which was performed both by the applicant and by LDS staff. Thus, the dwelling is well within a reasonable size and thus, for that characteristic, properly suited for the lot. Please note that the general shape (that of a wider, shallower home) was recommended to the applicant by the ERC at their October 2018 meeting.

- *Limits of Disturbance:* Every point on the limits of disturbance of the current design has been set at the minimum necessary to establish some element of design required by either staff, the ERC, or the various applicable County Codes such as the CBPO and ZO. The grading of the front yard area on either side of the driveway was carefully thought out and shaped, both horizontally and vertically, to allow for the inclusion of two BMP Dry Swales which treat the majority of impervious areas (in response to staff requests for water quality treatment in excess of the minimum prescribed for this lot by Chapter 124, the Stormwater Ordinance). The limits along the rear of the house are set based on the minimum necessary for compliance with the Floodplain Ordinance, the limits along the front for the siting of the BMP's and the grading to provide positive drainage toward same, as well as cover for roof downspout leaders being directed to said BMP's. Please note that a significant amount of design consideration was given to the fact that the majority of the area proposed to be disturbed with the current application was already cleared in 2017 under the currently issued County site permit. Very little additional vegetation is actually impacted by the revisions to the application when compared to the areas already cleared onsite.
- *Size of deck/patio:* The revised deck and patio are at or below the average size of decks and patios for homes within this subdivision. Further, the patio is proposed to be constructed of permeable pavers on a bed of selected soil to promote infiltration to the extent possible within the alluvial soils of the floodplain.
- *Impervious areas minimized:* Only a driveway, at minimum width for a two car garage near the home and at minimum width for single car travel beyond the minimal turnaround area (required for safety), and a minimal length, minimum width leadwalk to the front door is proposed beyond the impervious area of the dwelling itself. No sheds or accessory structures are proposed. Please note that no major overhangs, covered porches, or covered stoops are proposed outside the footprint shown on the latest application. Thus, impervious areas are minimized to the extent reasonably possible.

Thus, in summary, the applicant has proposed a reasonable sized house consistent with the average of the community and minimized impervious and disturbed areas throughout the property to those minimally necessary to establish a use well suited to the lot constraints. Had the lot not contained such constraints, the dwelling and impervious areas would have been allowed by-right to be much larger and with no BMP facility required for the site.

(b) Granting the exception will not confer upon the applicant any special privileges that are denied by this part to other property owners who are subject to its provisions and who are similarly situated.

LDS staff position: **Met**

ERC position: Not stated (we assume that the ERC concurred with staff as there is no mention of concerns with this finding).

Applicant/appellant position: This finding, in the opinion of the applicant, is easily met – and based on the absence of concerns voiced by the ERC relative to paragraph (b), we assume the ERC agrees that this finding is “met”. The applicant is not asking for special treatment by the ERC or a unique, unprecedented approval. The applicant, under their current proposal, would be required to perform to the same 75’ setback covenant as other homes in the subdivision who are subject to the covenant. The applicant will also be subject to the same 15’ floodplain setback and the same zoning setbacks as all other lots in the county. The applicant is not asking for an unusually large dwelling footprint, is well below the 18% impervious standard set by the CBPO, and has reduced proposed lawn area well below the community average. The granting of the exception would, in fact, treat the applicant’s proposed development the same as others in the community who are impacted with floodplain and RPA - both those lot already improved with homes and those vacant lots yet to be developed.

(c) The exception is in harmony with the purpose and intent of this Chapter and is not of substantial detriment to water quality.

LDS staff position: **Met**

ERC position: Not stated

Applicant/appellant position: The current design meets all standards established for the construction of homes within RPA areas and exceeds the requirements in a number of areas. Examples follow:

- BMP’s have been proposed beyond those required by the Stormwater Ordinance;
- Lawn areas have been minimized to the maximum extent possible;
- Additional disturbed area to meet the 75’ private covenant setback was minimized by orienting the home as far from the RPA core component as legally possible;
- Super silt fence has been proposed as a superior sediment control device for the entire perimeter of the site;
- Alternative groundcover is being used instead of lawn between proposed dwelling and RPA core component stream;

- The RPA is being revegetated at all locations possible (as confirmed by UFMD review);
- Driveway impervious area has been minimized to the maximum extent possible and the majority of such impervious areas being directed to the proposed BMP facilities where feasibly possible;
- Roof downspouts from the front of the home are being directed to a BMP

Please note that the majority of the impervious area proposed on the lot is being directed to a BMP for filtration even though the lot development is not required under Chapter 124 to have a structural BMP due to the low density nature of the development. In summary, after 18 months of working on this application with staff, every element of the plan has been thoroughly vetted through the lens of ensuring that the development is in harmony with the CBPO, as that was a key aspect of staff review by LDS of all application design and revisions.

(d) The exception is not based upon conditions or circumstances that are self-created or self-imposed

LDS staff position: **Met**

ERC position: Not Met (no explanation was given by the ERC as to what condition or circumstance was self-created or self-imposed)

Applicant/appellant position: It is very clear that the conditions/circumstances were not self-imposed or self-created. The facts applicable to a finding under this paragraph are as follows:

- the lot was legally created in 1941 (a fact validated by the County in 2004);
- a private 75' setback was created at that time by the subdivider in 1941 as well;
- the applicant bought the property in 2015, well after these conditions were in place, with reasonable expectations of and representations by the seller of the lot being buildable;
- the homeowners of the community (not the applicant) actively enforced the covenant setback after said purchase and the applicant did not coerce or encourage homeowners to mount such defense of the covenant;
- the homeowner (Rio) petitioned the Circuit Court to enjoin construction at a location further from the stream and sought to enforce the 75' setback and place the house in the location we are proposing it now, which the applicant had no culpable role in requesting.

The failure of the applicant, as buyer of the property, to fail to recognize and identify the private setback during their due diligence study or at settlement and the effects the setback would have on the design of the site does not change the fact that the application arises strictly and solely from conditions and circumstances that were imposed and created by others.

Further underscoring this fact is the reality that if the applicant was allowed their preference, they would construct the dwelling per the issued Building Permit and 2016-approved RPA Exception as demonstrated by their actions in 2016 and early 2017. It is the subdivider, as well as the homeowners of the subdivision who sought to enforce an outdated and inappropriate private covenant, who created the condition of requiring the additional disturbance within the RPA and the circumstances surrounding same.

(e) Reasonable and appropriate conditions are imposed, as warranted, that will prevent the allowed activity from causing degradation of water quality

LDS staff position: **Met**
ERC position: Not stated

Applicant/appellant position: As previously stated, the applicant has proposed to plant numerous trees, establish alternative ground covers in sensitive areas (rather than proposed lawn areas), directed the majority of impervious areas to BMP facilities which are proposed in excess of those required by the County Stormwater Ordinance, agreed to minimize impervious areas, modified the architectural design of the house to maximize buffer area between the dwelling and the core component stream, and grade the lot to ensure the dwelling is properly setback from the 100-year floodplain.

As previously stated, every element of the plan has been thoroughly vetted through the lens of ensuring that the development will not degrade water quality, as that was a key aspect of staff review by LDS of all application design and revisions. We have stated to LDS staff during the application review, to the ERC during the public hearings and meetings, and now to you, the BOS, that we remain open to the concept of the assignation of appropriate and reasonable approval conditions as warranted. To that end and for the applicant's part, our firm reviewed the conditions written by staff and recommended to the ERC in September and November of 2018 and made recommendations to both staff and the ERC not only for constructive changes to those conditions, but also additional conditions to assuage the ERC's concerns.

In our opinion, the ERC did not take advantage of utilizing this provision of the CBPO to impose reasonable conditions in order to address whatever their continuing concerns were with the application that resulted in the denial thereof. In fact, it is worth noting that it is the applicant's observation and opinion that the ERC, their application review process (LDS excepted), and the manner in which the meetings were chaired and conducted were not very conducive to productive problem solving or open constructive discussion about how to improve either of the applications.

(f) Other findings, as appropriate and required herein, are met

LDS staff position: Not stated
ERC position: Not stated

Applicant/appellant position: No other findings were discussed in the application staff reports.

We would like to take this opportunity to note the poor communication between the ERC and their staff and between the ERC and their applicants. Where the applicant found the LDS staff regularly open to constructive discussion, communication with the ERC was, at best, difficult and routinely either not allowed or discouraged. Our firm's outreach to the Committee through the Braddock District representative at the time (Ms. Sherry Fisher) at the outset of the first 2017 application was met with a unconditional statement declining to meet or discuss the application after filing. Outreach through the ERC Clerk (Ms. Camylyn Lewis) was likely unproductive in generating any type of "working session" or meeting with any of the ERC, despite strong negative opinions about the application voiced by ERC members in the initial stages of review.

Unlike a Rezoning, Variance, Special Exception or Special Permit application where 1) there is an open channel for productive and useful discussion with staff, including considerable back-and-forth between the applicant and staff acting on behalf of the deciding body, and 2) the County staff is familiar with and can communicate with the deciding body, it appears to the applicant that little communication exists between the LDS staff and the ERC. Thus, the LDS staff and the applicant shared a similar experience of being regularly criticized and questioned in a non-constructive manner by the ERC during public hearings and meetings, then both left generally 'in the dark' regarding what the ERC would find acceptable to address stated concerns. As a result, over the course of six ERC meetings we attended, our firm received precious little constructive commentary from the ERC themselves that was within the context of a the findings they are charged with reviewing on a water quality / environmental application, while the ERC appeared to largely ignore the LDS staff findings and recommendations and the answers given to the ERC by the applicant's engineers and LDS staff.

Where and when the applicant received any input from the ERC, it was always followed up by our firm with by some form of response, whether that was a revised design or a letter of explanation – or both. Unfortunately, trying to divine from the ERC what they would find acceptable was, quite frankly, appeared to be as hard for LDS staff to determine as it was for the applicant.

The December 12th ERC Denial Resolution

The Resolution approved by ERC stated the following as the bases for their denial:

"1. However, Revisions to the plan (including an unknown amount of fill in the floodplain) have increased the impact: encroachment into the RPA increased from 7,568 square feet to 8,915 square feet, and disturbance within the seaward 50 feet is increased from 2,462 square feet to 2,680 square feet.

2. The feasibility of the proposed dry swales has not been provided, and no calculations have been provided to demonstrate their effectiveness in mitigating the impact of sediment or nutrient runoff.

Therefore, I move that the exception is not the minimum necessary to afford relief. It is not possible to conclude that the exception would not be of substantial detriment to water quality; and because the property is not suited for the intended use, the exception is based upon conditions or circumstances that are self-created or self-imposed."

Examining these points in the italicized text above, relative to what we will call Basis #1, the motion identifies a change in the quantity of disturbance in the revised application and thus concludes that the change is a negative one by the mere fact that the revised application design contains higher values than the original design (even though the revised values still meet the standards of prior applications on similarly situated properties that are as largely within the RPA). Thus, an underlying assumption being inherently made by the ERC is that the lower values quoted are somehow a baseline or standard to be met or compared to, when in fact they are nothing more than values from an application that the motion-maker (Dr. Schnare) had, in fact, already critiqued in his October meeting discussion as being not being an acceptable design. Yet, the ERC utilizes these original values as a top-tier benchmark to compare the ERC-requested revisions against in their findings. Not only is this an inappropriate and incomplete way to view the overall application, but more importantly, is a statement without basis in code, standards or policies governing the review of these type of applications, and thus arbitrary.

The limit of disturbance in the RPA for this type of application is 10,000 square feet, which the applicant is clearly well below and it should be noted that the ERC requested the change in architecture to a shallower, wider architectural design, which, along with the updated floodplain information, necessitated the change in total disturbed area.

- 4104 Woodlark Drive / Fairfax Hills, Section 1, Lot 42
Appeal to the Board of Supervisors of the denial by the ERC of 2582-WRPA-007-1 and 2582-WQ-004-1
January 9, 2019
Page 13 of 15

In summary, the ERC's first stated basis for denial is founded upon their assumption that the values for total RPA disturbance in our original design should be treated as a maximum value not to be exceeded, yet the ERC themselves stated that they did not agree with original design as being compliant with the CBPO, but not for disturbed area reasons. This is thus an inherently arbitrary condition which has not been applied to past applicants or resides anywhere in the CBPO, guidance from DEQ, the Stormwater Ordinance or the PFM. We have demonstrated in our presentations and through Q&A with staff and the ERC that there is a minimum requirement for every point of disturbance on the revised plan, received staff's concurrence on same, and stand available to discuss same at any time.

Relative to Basis #2, the ERC motion states that the lack of a completely designed BMP facility (the "Dry Swales") as a grounds for denial of the application. The applicant/appellant asserts:

- that a BMP facilities is not required by the minimum requirements of Chapter 124 of the County Code, but was offered to encourage approval as a part of the design "in the spirit of the Ordinance". As such, it cannot be considered a minimum requirement of the application;
- that the standard for water quality calculation is the Virginia Runoff Reduction Method (VRRM Method) and Chapter 124 of the Code. The applicant provided this computation to staff during application review (Attachment E) which demonstrated that the applicant had met the County requirements for water quality management (the "0.41" standard) and the "less than 18% impervious" standard without a BMP facility, and thus was not required to provide a BMP on the site;
- the BMP facility designed is a "constructed BMP facility" that exists above ground and does not depend on the insitu soils below it to function properly (Attachment F). Put simply, it is a standard design (Spec #10) in the Virginia DCR Stormwater design manual and, as such, is a feasible and approved method of water quality management which the ERC cannot question without questioning the DCR and State Manual which allows it. Further, that the County has an established process for the design and construction of such a BMP which does not require soils testing. Note that staff concurred with this BMP without final design and that it is typical that the final design of such facilities be completed during INF Grading Plan (after the WQ and WRPA approvals are granted). This was explained to the ERC by both LDS staff and applicant's engineers at the December meeting, but apparently ignored by the ERC in forming their denial;

Regarding this latter bullet point, it is worth noting that the bulk of the discussion amongst the ERC in December's meeting relative to the dry swale was ERC concern over whether the existing soils on the property could absorb stormwater, yet that is not how a dry swale has to operate to be successful. The following excerpts are from the Virginia design manuals and salient websites:

GJB Engineering, Inc.
P.O. Box 1214, Newington, VA 22122
www.gjbengineering.com
703-541-2000

"Dry swales are essentially bioretention cells that are shallower, configured as linear channels, and covered with turf or other surface material (other than mulch and ornamental plants). The dry swale is a soil filter system that temporarily stores and then filters the desired Treatment Volume (Tv). Dry swales rely on a pre-mixed soil media filter (underscore emphasis added) below the channel that is similar to that used for bioretention. If soils are extremely permeable, runoff infiltrates into underlying soils. In most cases, however, the runoff treated by the soil media flows into an underdrain (underscore emphasis added), which conveys treated runoff back to the conveyance system further downstream. The underdrain system consists of a perforated pipe within a gravel layer on the bottom of the swale, beneath the filter media. Dry swales may appear as simple grass channels with the same shape and turf cover, while others may have more elaborate landscaping. Swales can be planted with turf grass, tall meadow grasses, decorative herbaceous cover, or trees."

"A Dry Conveyance Swale is a linear adaptation of the bioretention basin that is aligned along a contributing impervious cover such as a roadway or parking lot. The length of the swale is generally equivalent to that of the contributing impervious area. The runoff enters the dry conveyance swale as lateral sheet flow and the total contributing drainage area cumulatively increases along the length of the swale. The treatment component of the swale can extend to a greater length for additional or storage."

Soil conditions do not constrain the use of dry swales (underscore/emphasis added), although they normally determine whether an underdrain is needed. Low-permeability soils with an infiltration rate of less than 1/2 inch per hour, such as those classified in Hydrologic Soil Groups (HSG) C and D, will require an underdrain. Designers must verify site-specific soil permeability at the proposed location using the methods for on-site soil investigation presented in Appendix 8-A of Stormwater Design Specification No. 8 (Infiltration), in order to eliminate the requirements for an underdrain."

In summary, to base a denial on concerns of insitu soil permeability and the lack of a final design and geotechnical report for a routine standard BMP facility which is not reliant on insitu soil for operation and is not required by Chapter 124 to begin with, is arbitrary and not consistent with past decision making by the ERC, or even the County at large, for these type of applications where such design is included in a subsequent final construction plan.

Worth noting is that the discussion between ERC members at their meetings evidenced the members distaste and disagreement with the concept of building a dwelling on this property, which much discussion devoted to issues and concerns outside the areas which the ERC is charged to review, however since those concerns do not appear in the denial resolution, we have not addressed them herein. However the appellant would like the BOS to know that they feel that negative subtext by many of the ERC members inappropriately influenced this decision and is one of the reasons the appellant feels they cannot return to the ERC for further reconsideration.

In summary, the appellant has provided an application that is worthy of approval, that has met the purpose and intent of Chapter 118 of the County Code, and is in harmony with its goals and objectives of not degrading water quality of the Chesapeake Bay watershed. The application was revised at the request of staff, additional studies were conducted as requested by the staff and ERC, and the applicant performed above the average applicant that is similarly situated. The support of the LDS staff and their finding that the application meets the findings required in Chapter 118-6-6 underscores the merit of this application and that it should have been approved.

It has been shown in this appeal that the basis of the ERC denial was not related to criteria within Chapter 118 of the County Code and that the ERC misinterpreted DEQ guidance to CBPA special committees regarding the criteria to be used in rendering a decision on the subject Water Quality Impact Assessment (WQIA) and RPA Exception applications. Further, it has been shown that ERC acted arbitrarily by applying additional criteria not within Chapter 118 of the Code, nor used by the ERC on prior similar applications, in the denial of the subject applications.

Therefore, it is the appellant's position that they met the outlined criteria for approval of an exception under Section 118-6-6 of the Chesapeake Bay Preservation Ordinance and should have been granted approval by the ERC had the ERC maintained its findings within the jurisdiction of that which the ERC is authorized to review by State law and the Code of Fairfax County using the application contents and supplemental information presented with the application and the information contained within the staff report and provided by LDS staff, and if they better understood the 2009 guidance the DEQ provided to special committees such as the ERC.

Being that it is the appellant's belief that the ERC's actions were outside the authority they are granted, were arbitrary in nature, and that the denial was not consistent with previously approved requests of those applicants who were similarly situated, the appellant asks that the Board of Supervisors reverse the decision of the ERC and approve County Applications 2582-WRPA-007-1 and 2582-WQ-004-1 and assign appropriate and typical conditions consistent with prior RPA exception approvals.

Your consideration in this matter is greatly appreciated.

Sincerely,



Greg Budnik, P.E.
Engineer for the Applicant

GJB Engineering, Inc.
P.O. Box 1214, Newington, VA 22122
www.gjbengineering.com
703-541-2000



County of Fairfax, Virginia

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

ATTACHMENT A - 4 PAGES

JAN 07 2019

Sheila Konecke
K2NC, LLC
15881 Crabbs Branch Way
Rockville, MD 20855

Subject: 4104 Woodlark Drive; Fairfax Hills Section 1, Lot 42, Tax Map # 059-4-10-0042;
Braddock District

Reference: Resource Protection Area Encroachment Exception #2582-WRPA-007-1 and
Water Quality Impact Assessment #2582-WQ-004-1

Dear Ms. Konecke:

Enclosed you will find a copy of a Resolution adopted by the Exception Review Committee (ERC) at its meeting held on December 12, 2018, denying Resource Protection Area (RPA) Encroachment Exception #2582-WRPA-007-1, under Section 118-6-7 of the Chesapeake Bay Preservation Ordinance (CBPO), to permit encroachment into the RPA at the subject property.

The committee determined that the request did not meet the required findings.

Please be advised that the decision of the ERC may be appealed to the Board of Supervisors in accordance with Article 8 of the CBPO within 30 days from the date of the Resolution.

If further assistance is desired, please contact Danielle Badra, Management Analyst I, at 703-324-1720.

Sincerely,

Camylyn Lewis
Clerk to the Exception Review Committee
Site Development and Inspections Division (SDID)
Land Development Services (LDS)

Enclosure

Department of Land Development Services
12055 Government Center Parkway, Suite 659
Fairfax, Virginia 22035-5503
Phone 703-324-1780 • TTY 711 • FAX 703-653-6678
www.fairfaxcounty.gov



K2NC, LLC Sheila Konecke
2582-WRPA-007-1 – 4104 Woodlark Drive
Page 2 of 2

cc: Supervisor Cook, Braddock District Supervisor
Catherine Chianese, Clerk to the Board of Supervisors
Chris Koerner, Chairman, Exception Review Committee
Leslie B. Johnson, Zoning Administrator, Department of Planning and Zoning
Bruce McGranahan, Director, SDID, LDS
Prutha Rueangvivanakij, Senior Engineer III, SDID, LDS
Matthew Hansen, Engineer IV, SDID, LDS
Danielle Badra, Management Analyst I, Code Development & Compliance Division
(CDCD), LDS
Brandy Mueller, Environmental Compliance Coordinator, CDCD, LDS
Waiver File



County of Fairfax, Virginia

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

Encroachment Exception Application #2582-WRPA-007-1

Pursuant to Section 118-6-9 of the Chesapeake Bay Preservation Ordinance (CBPO), K2NC LLC, applied for a Resource Protection Area (RPA) Encroachment Exception (No. #2582-WRPA-007-1), at 4104 Woodlark Drive, to permit encroachment into the RPA to construct a dwelling within RPA seaward 50 feet, on the lot legally created prior to November 18, 2003, Braddock District, Tax Map #059-4-10-0042.

RESOLUTION

Dr. David Schnare moved the Committee to make the following findings and, on those bases, DENY application #2582-WRPA-007-1.

Whereas, at the suggestion of the ERC, the Application has made substantial changes to the proposed development at 4104 Woodlark Drive, including:

- The plan has been revised to pull the house back out of the seaward 50 feet of the RPA;
- A Best Management Practice facility (dry swales) are proposed;
- Draft floodplain calculations have been completed;

However,

1. Revisions to the plan (including an unknown amount of fill in the floodplain) have increased the impact: encroachment into the RPA increased from 7,568 square feet to 8,915 square feet, and disturbance within the seaward 50 feet is increased from 2,462 square feet to 2,680 square feet.
2. The feasibility of the proposed dry swales has not been provided, and no calculations have been provided to demonstrate their effectiveness in mitigating the impact of sediment or nutrient runoff.

Therefore, I move that the exception is not the minimum necessary to afford relief. It is not possible to conclude that the exception would not be of substantial detriment to water quality; and because the property is not suited for the intended use, the exception is based upon conditions or circumstances that are self-created or self imposed.

Be it resolved, I move that we deny the request for an exception.

Department of Land Development Services
12055 Government Center Parkway, Suite 659
Fairfax, Virginia 22035-5503
Phone 703-324-1780 • TTY 711 • FAX 703-653-6678
www.fairfaxcounty.gov



K2NC, LLC
2582-WRPA-007-1 – 4104 Woodlark Drive
Page 2 of 2

ACTION OF THE COMMITTEE

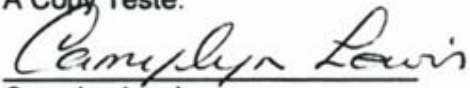
The motion was seconded. The motion carried by a vote of 5-1. Ms. Amy Gould abstained.

Chairman Koerner further moved to amend the motion to include the additional finding.

3. The proposal indicates the need to impart 1900 cubic yards of fill into the RPA.

The revision to include the additional finding was seconded. The motion carried by a vote of 5-1. Ms. Gould abstained.

A Copy Teste:



Camylyn Lewis
Clerk to the Exception Review Committee

Home ▶ Planning Zoning ▶ Zoning in Fairfax County (/planning-zoning/zoning) ▶ Zoning Requirements - What Can I Do With My Property?

Department of Planning and Zoning

CONTACT INFORMATION: Our office is open 8:00 a.m. - 4:30 p.m., Monday - Friday

 703-324-1380 (tel:703-324-1380)  DPZMail@fairfaxcounty.gov (mailto:DPZMail@fairfaxcounty.gov)
TTY 711



12055 Government Center Parkway
Fairfax, VA 22035 (<http://maps.google.com/maps?q=12055%20Government%20Center%20Parkway%20Fairfax%2C%20VA%2022035>)

 Fred Selden,
Director

DEPARTMENT RESOURCES

Noise Ordinance(/planning-zoning/zoning/noise-ordinance)

Zoning Home(/planning-zoning/zoning)

Zoning Appeals(/planning-zoning/board-zoning-appeals/appeals-process)

Zoning Applications + (/planning-zoning/zoning/application-review)

Zoning Complaints(<https://www.fairfaxcounty.gov/code/>)

Zoning Glossary(/planning-zoning/zoning/glossary)

Zoning Ordinance + (/planning-zoning/zoning-ordinance)

RELATED RESOURCES

About DPZ(/planning-zoning/about-us)

Board of Zoning Appeals(/planning-zoning/board-zoning-appeals)

Comprehensive Plan(/planning-zoning/fairfax-county-comprehensive-plan)

DPZ Home(/planning-zoning/)

FAQs(/planning-zoning/faqs)

Historic and Heritage Resources(/planning-zoning/historic)

Land Use and Development Information Portal (/planning-zoning/fairfax-county-land-use-and-development-information-portal)

Maps(/planning-zoning/maps-and-geographic-applications)


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Planning Commission(<https://www.fairfaxcounty.gov/planningcommission/>)

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Additional Resources

[Fairfax County Public Schools \(https://www.fcps.edu/\)](https://www.fcps.edu/)

[Economic Development Authority \(https://www.fairfaxcountyeda.org/\)](https://www.fairfaxcountyeda.org/)

[Visit Fairfax \(http://www.fxva.com/\)](http://www.fxva.com/)

[Council of Governments \(https://www.mwcog.org/\)](https://www.mwcog.org/)

[Commonwealth of Virginia \(https://www.virginia.gov/\)](https://www.virginia.gov/)

[USA.gov \(https://www.usa.gov/\)](https://www.usa.gov/)

Main Address

12000 Government Center Pkwy
Fairfax, VA 22035

Phone

703-FAIRFAX (tel:703-FAIRFAX)

TTY 711

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[Zoning and Land Development Process Overview \(/planning-zoning/zoning/land-development-process/\)](/planning-zoning/zoning/land-development-process/)

[Zoning and Land Use Applications Information\(/planning-zoning/staff-reports/\)](/planning-zoning/staff-reports/)

[Zoning\(/planning-zoning/zoning/\)](/planning-zoning/zoning/)

Zoning Requirements - What Can I Do With My Property?

I want to build an addition to my house and also add a deck. How close to the lot line can these structures be built?

Where can I get a building permit?

What are the restrictions on the placement of sheds in residential yards?

Are there any regulations regarding the location and height of fences and walls?

Can I operate a business from my home?

I want to care for children in my home. How many can I care for and do I need a permit?

What are the restrictions on keeping animals?

Are there any restrictions on parking vehicles on residential property?

Are there any limitations on how many dwelling units can be built on a lot or on how many people may occupy a dwelling unit?

Is the displaying of signs regulated by the county?

How do I report a possible violation of zoning regulations?

I understand that my lot may be located in a "floodplain" or a "flood zone." Can this affect my plans to build on that lot?

Is it possible to obtain a copy of a plat of my property from the county?

Does the county enforce any of the covenants or deed restrictions that may be applicable to my subdivision?

Many of the subdivisions in the county are subject to covenants and deed restrictions which regulate the use of property beyond the limitations contained in the county's ordinances. These deeds and covenants are private agreements between property owners and are not enforced by the county. Therefore, before you add a shed or fence to your property or initiate any other significant changes, you should also check with your homeowners' association to determine if any restrictions apply.

Could areaways and window wells extend into the minimum required yards?

Could an areaway or window well be surrounded by an above grade handrail or wall and what could be the maximum height of such a handrail or wall?

CBPO NOTES

THIS PLAN COMPLIES FULLY WITH AMENDMENT CHAPTER 118 (CHESAPEAKE BAY PRESERVATION ORDINANCE) OF THE CODE OF THE COUNTY OF FAIRFAX, EFFECTIVE NOV. 18, 2013 THROUGH MAY OF 2015.

PAVEMENT: ACTIVE CREEK (75-90)
TOTAL DISTURBED AREA: 8,854 SQ FT
TOTAL IMPERVIOUS AREA: 2,130 SQ FT

WATER QUALITY NARRATIVE:

THE PROPOSED DISTURBANCE IN RPA AREA SHALL BE COMPENSATED BY PLANTING GREEN VEGETATION WITHIN THE AREA IN ACCORDANCE WITH CHAPTER 118-3-301 (1) OVERSTORY, (2) UNDERSTORY TREES AND JOE SHRUBS SHALL BE PLANTED WITHIN THE RPA AREA AS SHOWN ON THIS PLAN. GRASSING COVER WITHIN BUFFER AREA IS PROVIDED AS NEEDED. NO WORK IS FORWARDED WITHIN THE TREE SAKE AREA. NOTES REGARDING MEASURES IN THIS SHEET:
 100 YR FLOOD PLAIN ELEVATION = 253.00 (COUNTY STORMWATER MANAGEMENT DIVISION, ENGINEER RADHWIN CONE) SEE SHEET 2
 BASEMENT FLOOR ELEVATION = 254.00
 DIFFERENCE = 255.00 - 253.00 = 2.0' > 1.5', OKAY

ATTACHMENT C1 - 1 PAGE

Note that this is part of a 10 sheet Grading Plan - only Sheet 3 is applicable as referenced for this approval. But if whole plan is required, it is available from LDB as an approved plan.

COMPLIANCE TO SECTION 118-3-4 WAYERS FOR LOSS OF BUILDABLE AREA IN A RESOURCE PROTECTION AREA.

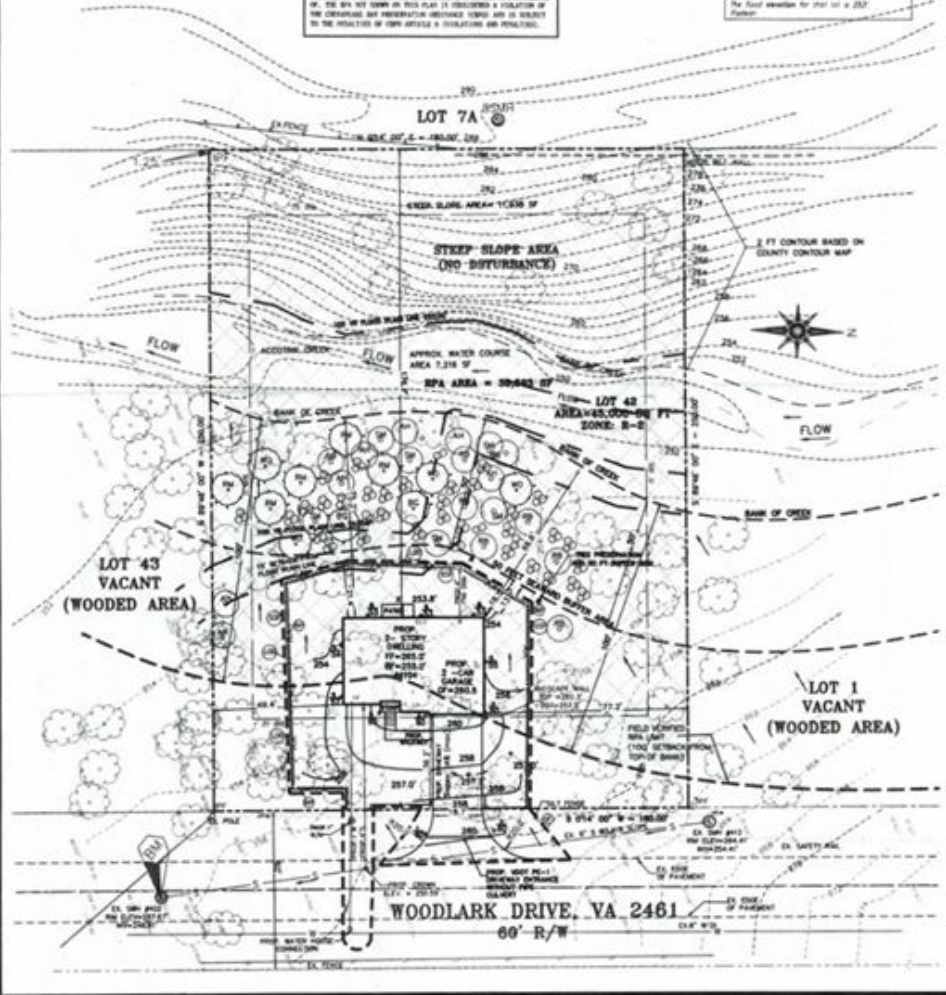
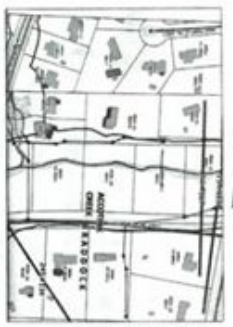
TOTAL IMPERVIOUS AREA IN THE RPA BUFFER: 1,500 SQ FT < 5,000 SQ FT (SECTION 118-3-435)
 TOTAL DISTURBED AREA IN THE RPA BUFFER: 4,300 SQ FT < 10,000 SQ FT (SECTION 118-3-434)
 NO ENCROACHMENT IS PROPOSED WITHIN THE 30 FEET SEAWARD BUFFER AREA (118-3-432)
 % OF IMPERVIOUS AREA = 2,130 / 45,000 = 4.73% < 10%, NO SWP IS REQUIRED.

RESOURCE PROTECTION AREA NOTE
 THE LEVELS OF DISTURBANCE AND BUFFER ZONES ARE BASED ON THE LIMITS OF THE RESOURCE PROTECTION AREA (RPA) AS SET STRICTLY ACCORDING TO FEDERAL AND STATE REGULATIONS. THE RPA IS NOT TO BE DISTURBED OR ENCROACHED UPON. THE DISTURBANCE AND BUFFER ZONES ARE BASED ON THE ORIGINAL AND PRESERVATION ORDINANCE MAPS AND IS SUBJECT TO THE RESULTS OF USFS ARTICLES 9 REGULATIONS AND PROVISIONS.

THE USE OF THESE PLANS CONSTITUTES AN AGREEMENT FROM PUBLIC HEARING PROCEEDINGS TO PROCEED WITH THE PROJECT.
 Date: 4/20/2016
 Title: MAP 30-4-118-42
 For: Final approval for plot of a 257' Parcel

SITE TABULATION

DESCRIPTION	RPA AREA	2015 USE	TOTAL
ADJ.	10,517 SF	8,427 SF	45,000 SF
R. AREA	25,105	14,248	100%
IMPERVIOUS AREA	1,500 SF	1,163 SF	2,730 SF
DISTURBED AREA	4,300 SF	5,464 SF	8,853 SF



RESOURCE PROTECTION AREA (RPA)

DELIMITATION NARRATIVE

THE RESOURCE PROTECTION AREA (RPA) BOUNDARY DELIMITATION STUDY HAS BEEN PERFORMED PURSUANT TO LETTER TO INDUSTRY 8-13 AND IN ACCORDANCE TO PFM 8-1704. THE RPA DELIMITATION HAS BEEN ESTABLISHED BASED ON FIELD BOUND SURVEYS OF THE TOP OF THE BANK OF PROFESSIONAL CREEK. THE LOCATION OF THE BANK HAS BEEN LOCATED OF THE FIELD AND THE RPA LIMIT HAS BEEN ESTABLISHED BY AN OFFSET OF 100 FEET HORIZONTAL PROJECTION FROM THE TOP OF THE BANK OF THE CREEK IN ACCORDANCE TO PFM 8-1704.B(1). NO OTHER FEATURES OF WETLAND/RPA AREAS WERE OBSERVED ON THE STUDY SITE THAT WOULD COMPOSE THE RPA WITHIN THE STUDY LOT SHOW.

THE FOLLOWING MEASURES SHALL BE TAKEN TO MITIGATE IMPACTS ON RPA AREA.

1. A MINIMUM AREA THAT IS NECESSARY TO BUILD A SINGLE FAMILY HOUSE SHALL BE DISTURBED WITHIN THE RPA AREA.
2. A SUPER SILT FENCE (SSF) WILL BE INSTALLED AND RETAINED ALONG THE LOWER DISTURBED AREA OF THE LOT.
3. THE SUPER SILT FENCE WILL REMAIN ON SITE AND KEEP FUNCTIONAL UNTIL THE SITE HAS BEEN FULLY STABILIZED, AND APPROVED BY THE COUNTY INSPECTOR TO BE REMOVED.
4. THE EXISTING VEGETATION SHALL BE PRESERVED TO THE MAXIMUM EXTENT POSSIBLE.
5. PLANTINGS IN BUFFER AREA SHALL BE DONE IN ACCORDANCE WITH SECTION 118-3-3-1(2).
6. PLANTINGS IN RPA AREA OR OUTSIDE THE PROPOSED LIMIT OF DISTURBANCE SHALL BE DONE MANUALLY OR WITH THE HELP LIGHT EQUIPMENTS.
7. THE PROPOSED GRADING WILL HONOR NATURAL DRAINAGE PATTERN.
8. ALL DEVELOPMENT WILL DONE IN ACCORDANCE COUNTY PUBLIC FACILITY MANUAL (PFM), ZONING ORDINANCE(ZO), STORMWATER MANAGEMENT ORDINANCES (SMO), CHESAPEAKE BAY PRESERVATION ORDINANCES (CBPO) AND GENERAL ENGINEERING PRACTICES.
9. IF REQUIRED STATE OR FEDERAL PERMIT WILL BE OBTAINED.

RPA Boundary Location Confirmation
 (The following confirmation statement is to be placed on the plan, signed, and sealed by the licensed professional addressing the plan.)

RPA Boundary Location Confirmation

The site depicted on this plan is for grading plan within an RPA. The location of RPA boundary has been verified on the site.

Checklist (RPA boundary location confirmation)

YES () NO (X)

- (X) A silt fence.
- (X) A silt fence.
- (X) A silt fence with permanent flow.
- (X) A silt fence with permanent flow and vegetation in a silt fence or more fully with permanent flow.
- (X) A silt fence in RPA area.
- (X) Any lot with a major disturbance.
- (X) Any lot with 100 feet of a stream bank to (2) through (5).

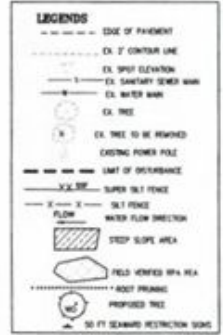
Submitting Information

- () Jurisdiction determination or verification letter from the U.S. Army Corps of Engineers for all Waters of the U.S.

I hereby certify that:

Each of the individual licensees listed above, which register computer the RPA, have reviewed and the location of the RPA and the RPA boundary. Based on the site on in accordance with the requirements of the Chesapeake Bay Preservation Ordinance addressing the plan.

RAW L. PRADHAN Date: 4/20/2016
 Signature: [Signature] Seal: 049204
 Title: [Title] Virginia License Number: [Number]



Inova Engineering Consultants, Inc
 (Engineers, Surveyors, Land Development)
 23209 Latta Terrace
 South Riding, Virginia 20152
 Phone: (703) 600-3900
 E-mail: inovainc@comcast.net

APPROVED WQ AND WRPA PLAN

LOT 42, SEC 1, FAIRFAX HILLS
 4104 WOODLARK DRIVE, ANNANDALE
 BRADDOCK DISTRICT
 FAIRFAX COUNTY, VA 22003

TAX MAP 30-4-118-42
 DESIGN BY: RLP
 DRAWN BY: RLP
 CHECKED BY: RLP
 DATE: 4-15-2016
 SCALE: 1"=20'
 SHEET: 3 OF 10



Fairfax County, Virginia

BUILDING PERMIT

NEW SINGLE FAMILY DWELLING

Permit Number: 170720050

Issued Date: 04/03/2017

Tax Map ID: 059-4 / 10 / / 0042

Job Address: 4104 Woodlark Dr
Annandale, VA 22003-2342

Plan No.: R-17-1258

Owner/Tenant:
K2NC LLC
15881 Crabbs Branch Way Apt B
Rockville, Md 20855
(703)447-7488

Contractor:
KONECKE CONSTRUCTION LLC
803 Hallyard Ct Se
Leesburg, Va 20175-0000
(703) 447-7488

ATTACHMENT C2
2 PAGES

Mechanic's Lien Agent: None Designated

Structure: SINGLE FAMILY DWELLING

Code: IRC 2012

Group: R5

Type of Construction: VB

Has permission, according to approved plans, applications and restrictions of record to:

NEW SFD WITH UNFINISHED BASEMENT / COVERED FRONT PORCH/BASEMENT BATHROOM ROUGHIN ONLY

Site Related Approval Conditions and Alerts

- **Responsible Land Disturber:** RAM PRADHAM #049204
- Before you start work, you are required to notify the Site Inspector at 703-324-1720. Failure to notify can result in a violation and fee charge per compliance inspection.

FLOODPLAIN PRESENT ON SITE

FEMA Floodplain? N Required Elevation: Lowest Structural Member as Approved:

Notice of height limitation set by the Fairfax County Zoning

A building height certification based on a field survey is required prior to RUF the as-built height of the structure.

BUILDING OFFICIAL *Brian J. Foley*

- A copy of this permit must be posted at the construction site for the duration of the permit.
- This permit does not constitute approval from your homeowners' association and its related covenants.
- This permit will expire if work does not commence in six months, or if work is suspended for six months.
- This permit holder is responsible to contact the county when stages of construction are reached that require inspections.
- To schedule inspections call our Inspection office at 703-631-5101, TTY 711 during business hours. Inspection may also be scheduled online at www.fairfaxcounty.gov/fido.
- For questions regarding this permit call the Permit Application Center at 703-222-0801, TTY 711.
- Call Miss Utility before you dig at 811.

STATE PRINTING: 11/07/2009

1-800-555-1234

Notice of Setback Certification required by Fairfax County Zoning Ordinance

- A setback certification based on a field survey is required prior to RUP issuance or Final Inspection.

BUILDING OFFICIAL *Brian J. Joley*

- A copy of this permit must be posted at the construction site for the duration of the permit.
- This permit does not constitute approval from your homeowners' association and its related covenants.
- This permit will expire if work does not commence in six months, or if work is suspended for six months.
- This permit holder is responsible to contact the county when stages of construction are reached that require inspections.
- To schedule inspections call our Inspection office at 703-631-5101, TTY 711 during business hours. Inspection may also be scheduled online at www.fairfaxcounty.gov/fido.
- For questions regarding this permit call the Permit Application Center at 703-222-0801, TTY 711.
- Call Miss Utility before you dig at 811.



Fairfax County, Virginia

Land Disturbance Permit

Permit Number: 25892

Issued Date: 03/24/2017

Job Address:

Expiration Date: 03/23/2022

Tax Map ID: 0594 10 0042

Tenant Name FAIRFAX HILLS LOT 42 SEC 1

Owner:

ATTACHMENT C3 - 1 PAGE

K2NC LLC
15881 Crabbs Branch Way Apt B
Rockville, Md 20855
(703)447-7488

Responsible Party:

SHEILA KONECKE
15881 Crabbs Branch Way Ste B
Rockville, Va 20855
(703)447-7488

Permit Valid Time Frame

Permit Time Extended

From: 03/24/2017 **To:** 03/23/2022

To: **By:**

Bond Amount: \$2,000.00 **Site Plan No.:** 2582-INF-004-1

Information Verification

Has permission, according to approved plans, applications and restrictions of record to:

Install All Necessary Improvements Per Approved Grading Plan

- This permit does not constitute approval to construct any structure requiring a Building Permit pursuant to the Virginia Uniform Statewide Building Code. A separate Building Permit is required.
- A copy of this permit must be posted at the construction site for the duration of the permit.
- This permit does not constitute approval from your homeowners' association and its related covenants.
- This permit holder is responsible to contact the county when stages of construction are reached that require inspections.
- To schedule inspections call our Inspection office at 703-324-1720, TTY 711 during business hours.
- For questions regarding this permit call the Site and Addressing Center at 703-222-0801, TTY 711.

0 14 04770450

NO-
ENV

<p>S. RICHARD RIO, JR.,</p> <p>Plaintiff,</p> <p>v.</p> <p>K2NC, LLC</p> <p>Defendant.</p>	<p>Case No. CL2017-5321</p>
---	------------------------------------

AGREED FINAL ORDER

IT APPEARING from the signatures of counsel for the parties below that this order is proper, and that the parties are agreed that, based upon the result of the initial temporary injunction hearing in this matter, it is hereby;

ADJUDGED, ORDERED AND DECREED that, based upon the current circumstances and current development of the various properties within the 1941 Deed of dedication, the Defendant K2NC, LLC, and any parties acting on its behalf, are permanently enjoined from erecting any building within 75 feet of the front property line of 4104 Woodlark Drive, Annandale, Virginia 22003 (which is the line bounding Woodlark Drive), as specified in Section 8 of the said 1941 Deed of Dedication.

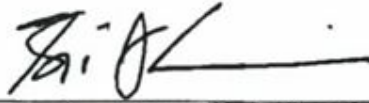
IT IS FURTHER ADJUDGED, ORDERED AND DECREED that the 75 foot setback set out in Section 8 of the 1941 Deed of Dedication, applicable thereto, is, based upon the current circumstances and current development of the various properties within the 1941 Deed of dedication, hereby deemed by this Court to apply to the front property line of 4104 Woodlark Drive, Annandale, Virginia 22003, and to be of full force and

LAND RECORDS

1 1 1

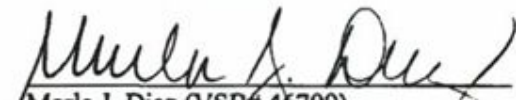
IT IS FURTHER ADJUDGED, ORDERED AND DECREED that all other claims, issues, demands for money, attorney's fees or otherwise brought by any party to this matter are hereby dismissed with prejudice, and this matter is ended.

ENTERED THIS 21 DAY OF June, 2018.



Judge, Circuit Court for Fairfax County

WE ASK FOR THIS:



Marla J. Diaz (VSB# 46799)
Gregory A. Chakmakas (VSB# 87386)
WHITEFORD, TAYLOR & PRESTON, LLP
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Manassas, VA 20110
(703) 368-9196
(703) 361-0092 (facsimile)
dmckennett@manassaslawyers.com
Counsel for Defendant

DEQ Virginia Runoff Reduction Method New Development Compliance Spreadsheet - Version 3.0

2011 BMP Standards and Specifications

2013 Draft BMP Standards and Specifications

Project Name: **Fairfax Hills**
Date: **28-Nov-18**

CLEAR ALL
(Shift+F10)

data input cells
constant values
calculation cells
final results

BMP Design Specifications List: 2013 Draft Stds & Specs

Site Information

Post-Development Project (Treatment Volume and Loads)

Land Cover (acres)

	A Soils	B Soils	C Soils	D Soils	Totals
Forest/Open Space (acres) – undisturbed, protected forest/open space or reforested land	0.00	0.00	0.00	0.30	0.30
Managed Turf (acres) – disturbed, graded for yards or other turf to be mowed/managed	0.00	0.00	0.00	0.24	0.24
Impervious Cover (acres)	0.00	0.00	0.00	0.10	0.10
					0.64

* Forest/Open Space areas must be protected in accordance with the Virginia Runoff Reduction Method

Constants

Annual Rainfall (inches)	41
Target Rainfall Event (inches)	1.00
Total Phosphorus (TP) (mg/L)	0.26
Total Nitrogen (TN) (mg/L)	1.86
Target TP Load (lb/acre/yr)	0.41
P _i (unitless correction factor)	0.90

Runoff Coefficients (Rv)

	A Soils	B Soils	C Soils	D Soils
Forest/Open Space	0.02	0.03	0.04	0.05
Managed Turf	0.15	0.20	0.22	0.25
Impervious Cover	0.95	0.95	0.95	0.95

Post Development Requirement for Site Area

TP Load Reduction Required (lb/yr) 0.13

LAND COVER SUMMARY – POST DEVELOPMENT

Land Cover Summary		Treatment Volume and Nutrient Loads	
Forest/Open Space Cover (acres)	0.30	Treatment Volume (acre-ft)	0.0542
Weighted Rv (forest)	0.05	Treatment Volume (cubic feet)	637
% Forest	47%	TP Load (lb/yr)	0.39
Managed Turf Cover (acres)	0.24	TN Load (lb/yr)	2.77
Weighted Rv (turf)	0.25	(Informational Purposes Only)	
% Managed Turf	38%		
Impervious Cover (acres)	0.10		
Rv (Impervious)	0.95		
% Impervious	16%		
Site Area (acres)	0.64		
Site Rv	0.27		

VIRGINIA DCR STORMWATER
DESIGN SPECIFICATION No. 10ATTACHMENT F
10 PAGES**DRY SWALES**VERSION 1.9
March 1, 2011**SECTION 1: DESCRIPTION**

Dry swales are essentially bioretention cells that are shallower, configured as linear channels, and covered with turf or other surface material (other than mulch and ornamental plants).

The dry swale is a soil filter system that temporarily stores and then filters the desired Treatment Volume (T_v). Dry swales rely on a pre-mixed soil media filter below the channel that is similar to that used for bioretention. If soils are extremely permeable, runoff infiltrates into underlying soils. In most cases, however, the runoff treated by the soil media flows into an underdrain, which conveys treated runoff back to the conveyance system further downstream. The underdrain system consists of a perforated pipe within a gravel layer on the bottom of the swale, beneath the filter media. Dry swales may appear as simple grass channels with the same shape and turf cover, while others may have more elaborate landscaping. Swales can be planted with turf grass, tall meadow grasses, decorative herbaceous cover, or trees.

SECTION 2: PERFORMANCE

The primary pollutant removal mechanisms operating in swales are settling, filtering infiltration and plant uptake. The overall stormwater functions of the dry swale are summarized in **Table 10.1**.

Table 10.1. Summary of Stormwater Functions Provided by Dry Swales

Stormwater Function	Level 1 Design	Level 2 Design
Annual Runoff Volume Reduction (RR)	40%	60%
Total Phosphorus (TP) EMC Reduction ¹ by BMP Treatment Process	20%	40%
Total Phosphorus (TP) Mass Load Removal	52%	76%
Total Nitrogen (TN) EMC Reduction ¹ by BMP Treatment Process	25%	35%
Total Nitrogen (TN) Mass Load Removal	55%	74%
Channel Protection	Use the RRM Design Spreadsheet to calculate the Cover Number (CN) Adjustment OR Design for extra storage (optional; as needed) on the surface, in the engineered soil matrix, and in the stone/underdrain layer to accommodate a larger storm, and use NRCS TR-55 Runoff Equations ² to compute the CN Adjustment.	
Flood Mitigation	Partial. Reduced Curve Numbers and Time of Concentration	

¹ Change in the event mean concentration (EMC) through the practice. The actual nutrient mass load removed is the product of the removal rate and the runoff reduction rate (see Table 1 in the *Introduction to the New Virginia Stormwater Design Specifications*).

² NRCS TR-55 Runoff Equations 2-1 thru 2-5 and Figure 2-1 can be used to compute a curve number adjustment for larger storm events, based on the retention storage provided by the practice(s).

Sources: CWP and CSN (2008), CWP, 2007

SECTION 3: DESIGN TABLE

A *Dry Conveyance Swale* is a linear adaptation of the bioretention basin that is aligned along a contributing impervious cover such as a roadway or parking lot. The length of the swale is generally equivalent to that of the contributing impervious area. The runoff enters the dry conveyance swale as lateral sheet flow and the total contributing drainage area cumulatively increases along the length of the swale. The treatment component of the swale can extend to a greater length for additional or storage.

A *Dry Treatment Swale* is located to accept runoff as concentrated flow or sheet flow from non-linear drainage areas at one or more locations and, due to site constraints or other issues, is configured as a linear practice (as opposed to a bioretention configuration). A dry treatment swale can also be used to convey stormwater from the contributing drainage area to a discharge point; however, the cumulative drainage area does not necessarily increase along the linear dimension.

Both the *Dry Conveyance Swale* and the *Dry Treatment Swale* can be configured as a Level 1 or Level 2 design (see **Table 10.2**). The difference is that the typical contributing drainage area of a *Dry Conveyance Swale* is impervious, with an adjacent grass filter strip (or other acceptable measure as described in **Section 6.4**) providing pre-treatment.

Table 10.2. Dry Swale Design Criteria

Level 1 Design (RR:40; TP:20; TN:25)	Level 2 Design (RR:60; TP:40; TN: 35)
<u>Sizing (Sec. 5.1):</u> Surface Area (sq. ft.) = $(T_v - \text{the volume reduced by an upstream BMP}) / \text{Storage depth}^1$	<u>Sizing (Sec. 5.1):</u> Surface Area sq. ft.) = $\{(1.1)(T_v) - \text{the volume reduced by an upstream BMP}\} / \text{Storage Depth}^1$
Effective swale slope $\leq 2\%$	Effective swale slope $\leq 1\%$
<u>Media Depth:</u> minimum = 18 inches; Recommended maximum = 36 inches	<u>Media Depth</u> minimum = 24 inches Recommended maximum = 36 inches
<u>Sub-soil testing (Section 6.2):</u> not needed if an underdrain is used; min. infiltration rate must be $> 1/2$ inch/hour to remove the underdrain requirement;	<u>Sub-soil testing (Section 6.2):</u> one per 200 linear feet of filter surface; min. infiltration rate must be $> 1/2$ inch/hour to remove the underdrain requirement
<u>Underdrain (Section 6.7):</u> Schedule 40 PVC with clean-outs	<u>Underdrain and Underground Storage Layer (Section 6.7):</u> Schedule 40 PVC with clean outs, and a minimum 12-inch stone sump below the invert; OR none if the soil infiltration requirements are met (see Section 6.2)
<u>Media (Section 6.6):</u> supplied by the vendor; tested for an acceptable phosphorus index: P-Index between 10 and 30; OR Between 7 and 23 mg/kg of P in the soil media ²	
<u>Inflow:</u> sheet or concentrated flow with appropriate pre-treatment	
<u>Pre-Treatment (Section 6.4):</u> a pretreatment cell, grass filter strip, gravel diaphragm, gravel flow spreader, or another approved (manufactured) pre-treatment structure.	
On-line design	Off-line design or multiple treatment cells
Turf cover	Turf cover, with trees and shrubs
All Designs: acceptable media mix tested for phosphorus index (see Section 6.6)	
¹ The storage depth is the sum of the Void Ratio (V_r) of the soil media and gravel layers multiplied by their respective depths, plus the surface ponding depth (Refer to Section 6.1)	
² Refer to Stormwater Design Specification No. 9: Bioretention for soil specifications	



Figure 10.1. Typical Dry Swale in commercial/office setting

SECTION 4: TYPICAL DETAILS

Figures 10.2 through 10.6 below provide typical schematics for dry swales.

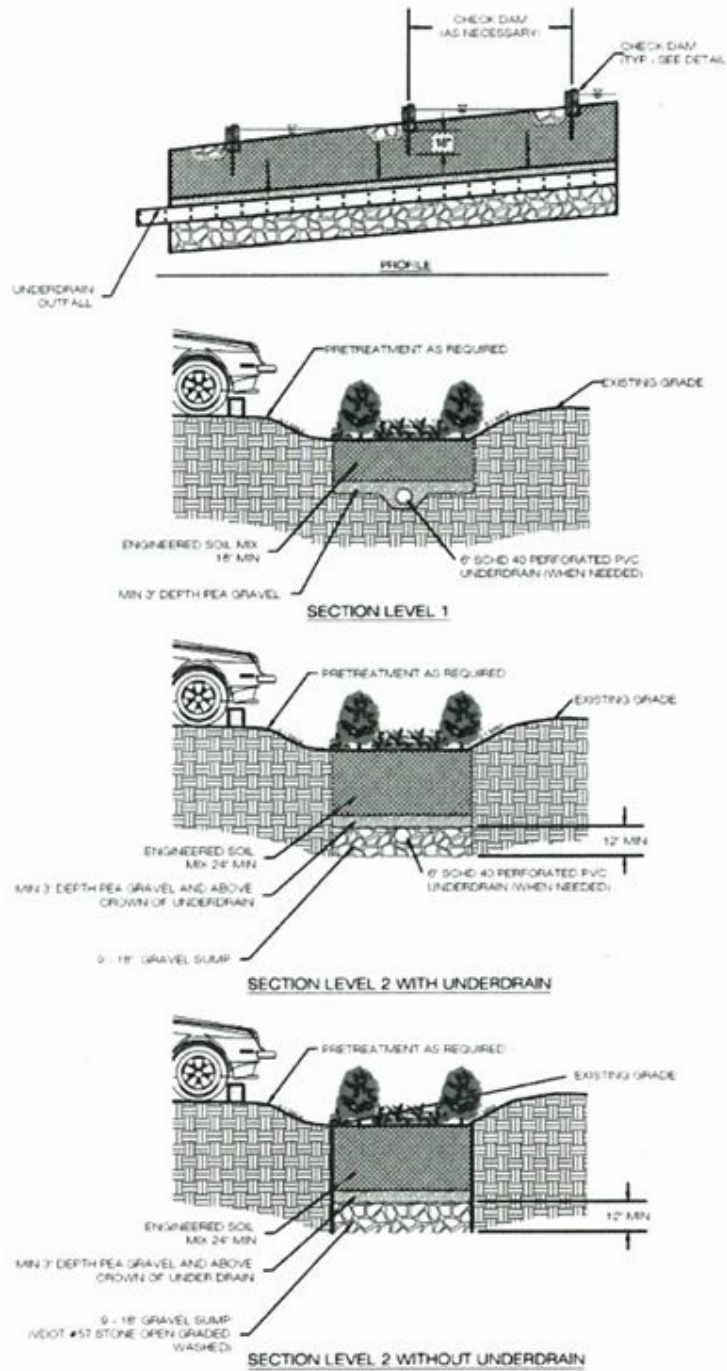
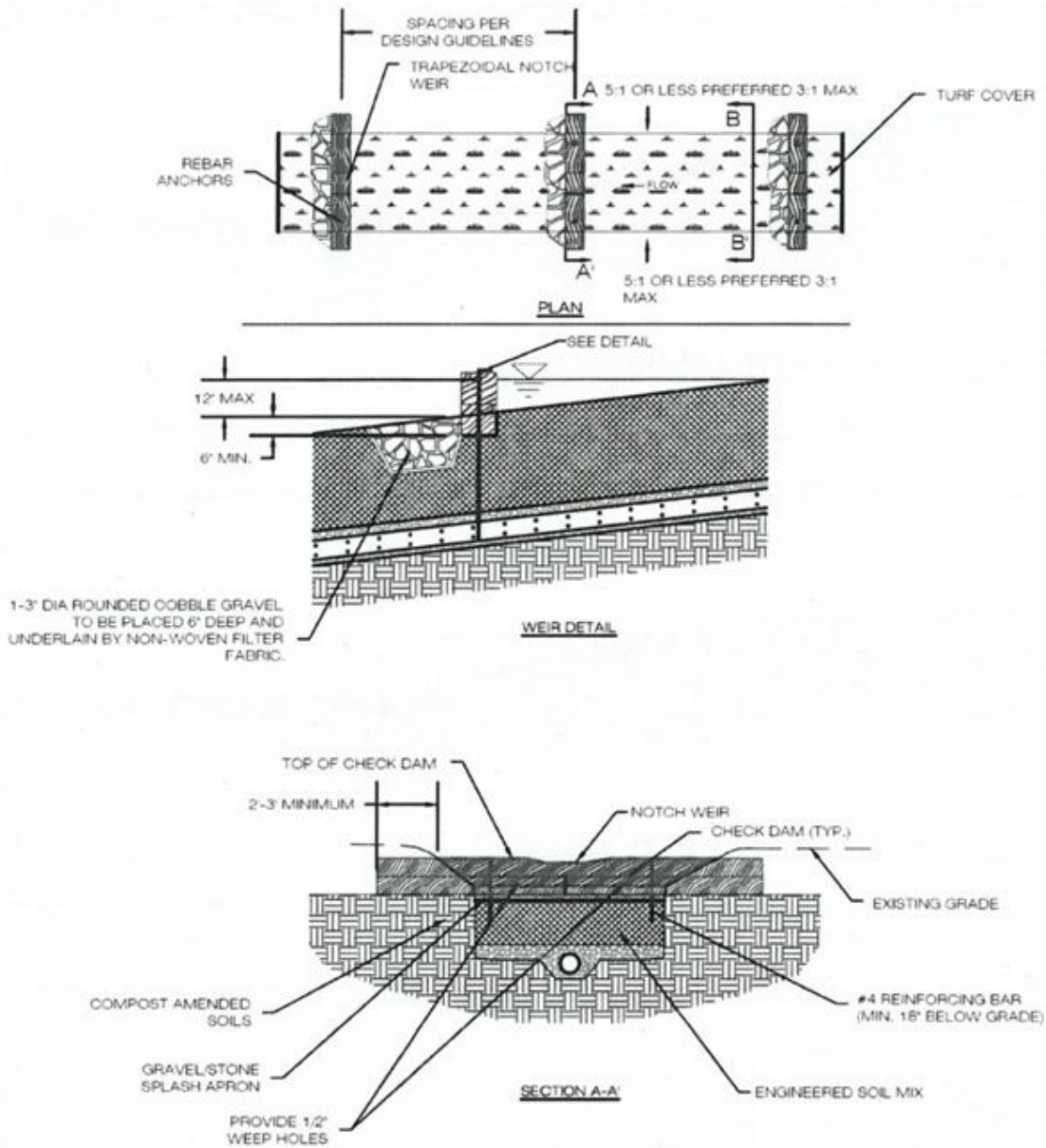


Figure 10.2. Typical Details for Level 1 and 2 Dry Swales



NOTE: CHECK DAM CONSTRUCTED OF RAILROAD TIES OR PRESSURE TREATED LOGS OR TIMBERS CHECK DAM SPANS ENTIRE WIDTH OF SWALE AND IS ANCHORED INTO THE SWALE A MINIMUM OF 2 FEET ON EACH SIDE. CHECK DAM IS KEYPED INTO THE GROUND AT A 2-3 INCH DEPTH AND UNDERLAIN BY FILTER FABRIC PER STD & SPEC 3.19. RIP RAP VESCH. 1992 SMALL GRAVEL SPLASH PAD PROVIDED AT DOWNSTREAM SIDE OF CHECK DAMS

Figure 10.3. Typical Detail for Dry Swale Check Dam

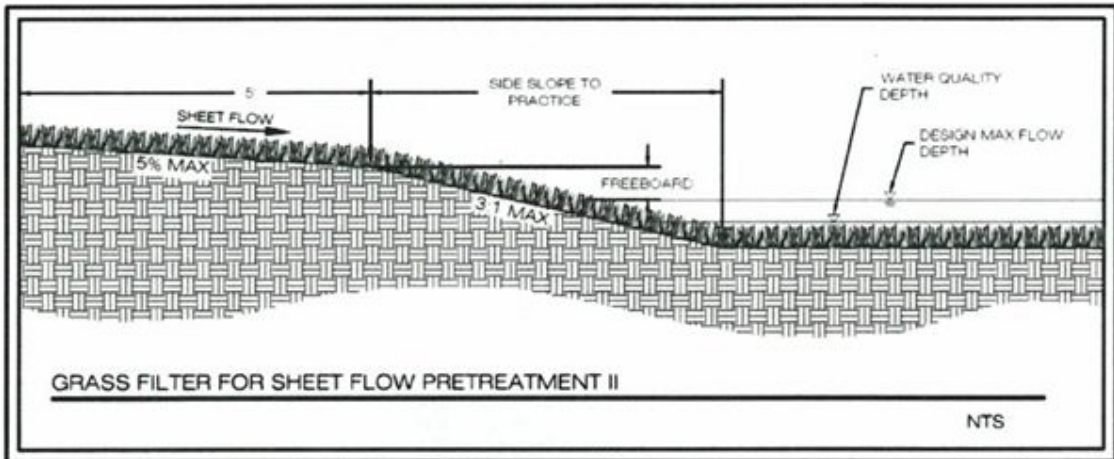
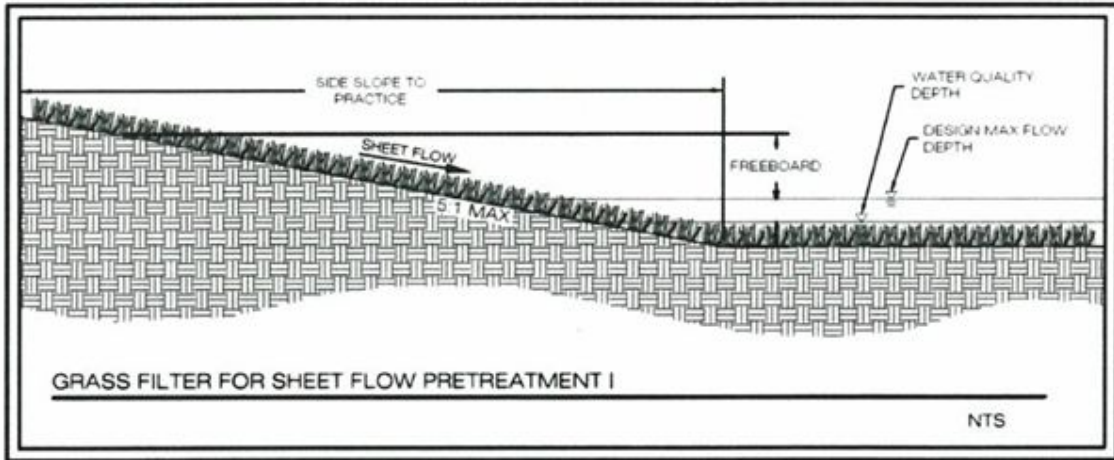


Figure 10.4: Pretreatment I and II - Grass Filter for Sheet Flow

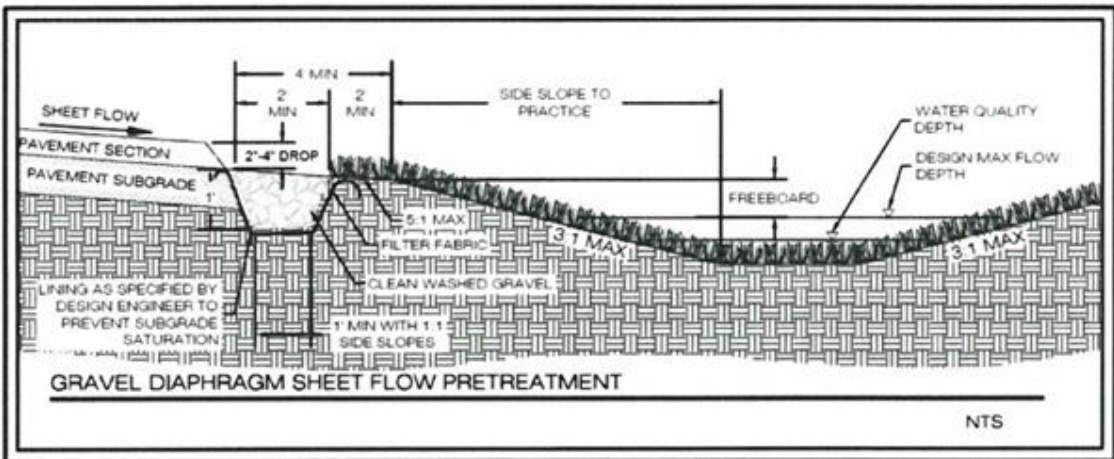


Figure 10.5: Pretreatment – Gravel Diaphragm for Sheet Flow from Impervious or Pervious

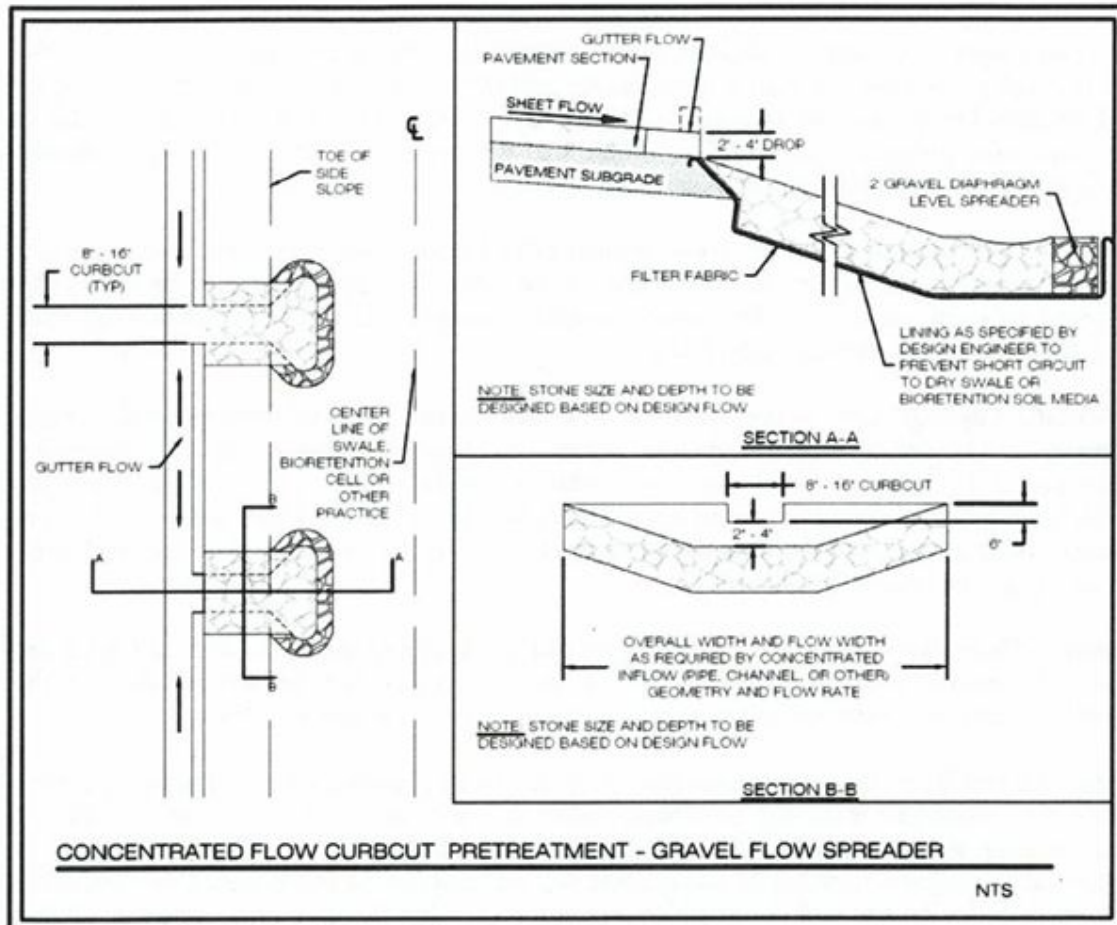


Figure 10.6: Pre-Treatment – Gravel Flow Spreader for Concentrated Flow

SECTION 5: PHYSICAL FEASIBILITY & DESIGN APPLICATIONS

Dry swales can be implemented on a variety of development sites where density and topography permit their application. Some key feasibility issues for dry swales include the following:

Contributing Drainage Area. The maximum contributing drainage area to a dry swale should be 5 acres, but preferably less. When dry swales treat larger drainage areas, the velocity of flow through the surface channel often becomes too great to treat runoff or prevent erosion in the channel. Similarly, the longitudinal flow of runoff through the soil, stone, and underdrain may cause hydraulic overloading at the downstream sections of the dry swale. An alternative is to provide a series of inlets or diversions that convey the treated water to an outlet location.

Available Space. Dry swale footprints can fit into relatively narrow corridors between utilities, roads, parking areas, or other site constraints. Dry Swales should be approximately 3% to 10% of the size of the contributing drainage area, depending on the amount of impervious cover.

Site Topography. Dry swales should be used on sites with longitudinal slopes of less than 4%, but preferably less than 2%. Check dams can be used to reduce the effective slope of the swale and lengthen the contact time to enhance filtering and/or infiltration. Steeper slopes adjacent to the swale may generate rapid runoff velocities into the swale that may carry a high sediment loading (refer to pre-treatment criteria in **Section 6.4**).

Available Hydraulic Head. A minimum amount of hydraulic head is needed to implement dry swales, measured as the elevation difference in elevation between the inflow point and the downstream storm drain invert. Dry swales typically require 3 to 5 feet of hydraulic head since they have both a filter bed and underdrain.

Hydraulic Capacity. Dry swales are an on-line practice and must be designed with enough capacity to (1) convey runoff from the 2-year and 10-year design storms at non-erosive velocities, and (2) contain the 10-year flow within the banks of the swale. This means that the swale's surface dimensions are more often determined by the need to pass the 10-year storm events, which can be a constraint in the siting of *Dry Conveyance Swales* within existing rights-of-way (e.g., constrained by sidewalks).

Depth to Water Table. Designers should ensure that the bottom of the dry swale is at least 2 feet above the seasonally high groundwater table, to ensure that groundwater does not intersect the filter bed, since this could lead to groundwater contamination or practice failure.

Soils. Soil conditions do not constrain the use of dry swales, although they normally determine whether an underdrain is needed. Low-permeability soils with an infiltration rate of less than 1/2 inch per hour, such as those classified in Hydrologic Soil Groups (HSG) C and D, will require an underdrain. Designers must verify site-specific soil permeability at the proposed location using the methods for on-site soil investigation presented in Appendix 8-A of Stormwater Design Specification No. 8 (Infiltration), in order to eliminate the requirements for an underdrain.

Utilities. Designers should consult local utility design guidance for the horizontal and vertical clearance between utilities and the swale configuration. Utilities can cross linear swales if they are specially protected (e.g., double-casing). Water and sewer lines generally need to be placed under road pavements to enable the use of dry swales.

Avoidance of Irrigation or Baseflow. Dry swales should be located to so as to avoid inputs of springs, irrigation systems, chlorinated wash-water, or other dry weather flows.

Setbacks from Building and Roads. Given their landscape position, dry swales are not subject to normal building setbacks. The bottom elevation of swales should be at least 1 foot below the invert of an adjacent road bed.

Hotspot Land Use. Runoff from hotspot land uses should not be treated with infiltrating dry swales. An impermeable liner should be used for filtration of hotspot runoff.

Community Acceptance. The main concerns of adjacent residents are perceptions that swales will create nuisance conditions or will be hard to maintain. Common concerns include the continued ability to mow grass, landscape preferences, weeds, standing water, and mosquitoes. Dry swales are actually a positive stormwater management alternative, because all these concerns can be fully addressed through the design process and proper on-going operation and routine maintenance. If dry swales are installed on private lots, homeowners will need to be educated on their routine maintenance needs, must understand the long-term maintenance plan, and may be subject to a legally binding maintenance agreement (see **Section 8**). The short ponding time of 6 hours is much less than the time required for one mosquito breeding cycle, so well-maintained dry swales should not create mosquito problems or be difficult to mow. The local government may require that dry swales be placed in a drainage or maintenance easement in order to ensure long term maintenance.

The linear nature of dry swales makes them well-suited to treat highway or low- and medium-density residential road runoff, if there is an adequate right-of-way width and distance between driveways. Typical applications of *Dry Conveyance Swales* include the following:

- Within a roadway right-of-way
- Along the margins of small parking lots
- Oriented from the roof (downspout discharge) to the street
- Disconnecting small impervious areas

SECTION 6: DESIGN CRITERIA

6.1. Sizing of Dry Conveyance and Dry Treatment Swales

Sizing of the surface area (SA) for Dry Swales is based on the computed Treatment Volume (T_v) of the contributing drainage area and the storage provided within the swale media and gravel layers and behind check dams. The required surface area (in square feet) is computed as the Treatment Volume (in cubic feet) divided by the equivalent storage depth (in feet). The equivalent storage depth is computed as the depth of the soil media, the gravel, and surface ponding (in feet) multiplied by the accepted void ratio.

The accepted Void Ratios (V_r) are:

$$\text{Dry Swale Soil Media } V_r = 0.25$$

$$\text{Gravel } V_r = 0.40$$

$$\text{Surface Storage behind check dams } V_r = 1.0$$

The equivalent storage depth for the Level 1 design (without considering surface ponding) is therefore computed as:

Note: remainder of detailed design method truncated for purposes of appeal filing

4104 Woodlark Drive / Fairfax Hills, Section 1, Lot 42
Resubmission of WRPA and WQ applications
July 3, 2018
Page 2 of 2

We stand available to answer any further questions you may have relative to the referenced submission.

Sincerely,



Greg Budnik, P.E.
Engineer for the Applicant

GJB Engineering, Inc.
P.O. Box 1214, Newington, VA 22122
www.gjbengineering.com
703-541-2000

Barnes Lawson

From: Gori, Marc <Marc.Gori@fairfaxcounty.gov>
Sent: Monday, June 18, 2018 10:31 AM
To: Barnes Lawson
Subject: K2NC Appeal

Hi Barnes,

To confirm the substance of our conversation on Friday, you are going to withdraw the scheduled appeal of the ERC's decision and resubmit the application for an exception review. The County will waive all fees associated with the resubmission and schedule the exception review hearing as soon as possible. The ERC typically hears applications on the first Wednesday of each month. Given the timing, August 1 is likely the first chance to schedule that hearing.

Please address your letter withdrawing the appeal to the Chairman Bulova.

Best regards,
Marc

Marc E. Gori
Assistant County Attorney
12000 Government Center Parkway, Suite 549
Fairfax, Virginia 22035
Telephone: (703) 324-2421
Facsimile: (703) 324-2665
Marc.Gori@FairfaxCounty.gov

THE LAW OFFICE OF
WILLIAM B. LAWSON, P.C.

William B. Lawson, Jr., Esquire
blawson@wblawsonlaw.com

June 18, 2018

Ms. Sharon Bulova, Chairman
Fairfax County Board of Supervisors
12000 Government Center Parkway
Suite 530
Fairfax, Virginia 22035

RE: 4104 Woodlark Drive, Annandale, Virginia
Encroachment Exception #2582-WRPA-006-1 and
Water Quality Impact Assessment #2582-WQ-003-1

Dear Ms. Bulova,

The County Board is scheduled to hear for consideration the appeal of the Exception Review Committee's ("ERC") decision to deny an encroachment exception under §118-6-7 (Loss of Buildable Area) of the County's Chesapeake Bay Preservation Ordinance ("CBPO") and disapproving the associated Water Quality Impact Assessment ("WQIA").

Per discussions with Marc Gori, Esquire, the following actions are respectfully proposed in order to allow this matter to be resolved:

1. Our client requests a withdrawal of the above appeal for consideration at the Fairfax County Board of Supervisor's meeting on June 19, 2018.
2. Our client will resubmit the above referenced applications for review by the ERC and the County will waive all fees associated with the resubmission.
3. The County will request that the ERC reconsider the previous denial of the applications and that this matter will be expedited to be heard at the ERC meeting on August 1, 2018. The litigation action that this property was the subject of has been resolved.

Your consideration of this matter is greatly appreciated.

Very truly yours,

William B. Lawson, Jr.

6045 Wilson Boulevard • Suite 100 • Arlington • Virginia 22205
P: (703) 534-4800 • F: (703) 534-8225 • WBLawsonLaw.com

NO
ENV

VIRGINIA

IN THE CIRCUIT COURT FOR FAIRFAX COUNTY

<p>S. RICHARD RIO, JR.,</p> <p>Plaintiff,</p> <p>v.</p> <p>K2NC, LLC</p> <p>Defendant.</p>	<p>Case No. CL2017-5321</p>
--	-----------------------------

AGREED FINAL ORDER

IT APPEARING from the signatures of counsel for the parties below that this order is proper, and that the parties are agreed that, based upon the result of the initial temporary injunction hearing in this matter, it is hereby;

ADJUDGED, ORDERED AND DECREED that, based upon the current circumstances and current development of the various properties within the 1941 Deed of dedication, the Defendant K2NC, LLC, and any parties acting on its behalf, are permanently enjoined from erecting any building within 75 feet of the front property line of 4104 Woodlark Drive, Annandale, Virginia 22003 (which is the line bounding Woodlark Drive), as specified in Section 8 of the said 1941 Deed of Dedication.

IT IS FURTHER ADJUDGED, ORDERED AND DECREED that the 75 foot setback set out in Section 8 of the 1941 Deed of Dedication, applicable thereto, is, based upon the current circumstances and current development of the various properties within the 1941 Deed of dedication, hereby deemed by this Court to apply to the front property line of 4104 Woodlark Drive, Annandale, Virginia 22003, and to be of full force and

LAND RECOVERY

effect as to the Property in question in this matter, and with regard to the current validity of the said setback, this matter is final and is ended.

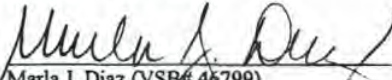
IT IS FURTHER ADJUDGED, ORDERED AND DECREED that all other claims, issues, demands for money, attorney's fees or otherwise brought by any party to this matter are hereby dismissed with prejudice, and this matter is ended.

ENTERED THIS 21 DAY OF June, 2018.



Judge, Circuit Court for Fairfax County

WE ASK FOR THIS:



Maria J. Diaz (VSB# 46799)
 Gregory A. Chakmakas (VSB# 87386)
 WHITEFORD, TAYLOR & PRESTON, LLP
 3190 Fairview Park Drive, Suite 800
 Falls Church, Virginia 22042
 (703) 280-9131
 (703) 280-9139 (facsimile)
mdiaz@wtplaw.com
gchamakas@wtplaw.com
 Counsel for Plaintiff



David G. McKennett, Esq. (VSB # 71257)
 Purnell, McKennett & Menke, PC
 9214 Center Street, Suite 101
 Manassas, VA 20110
 (703) 368-9196
 (703) 361-0092 (facsimile)
dmckennett@manassaslawyers.com
 Counsel for Defendant



County of Fairfax, Virginia

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

FEB 26 2018

Sheila Konecke
K2NC, LLC
15881 Crabbs Branch Way
Rockville, MD 20855

Subject: 4104 Woodlark Drive, Tax Map #059-4-10-0042, Braddock District

Reference: Resource Protection Area Encroachment Exception #2582-WRPA-006-1 and
Water Quality Impact Assessment #2582-WQ-003-1

Dear Ms. Konecke:

Enclosed you will find a copy of a Resolution adopted by the Exception Review Committee (ERC) at their regular meeting held on February 7, 2018, denying Resource Protection Area (RPA) Encroachment Exception #2582-WRPA-006-1, under Section 118-6-7 of the Chesapeake Bay Preservation Ordinance (CBPO), to permit encroachment into the RPA at the subject property. The motion to deny included that "final determination as to the front yard setback is necessary for the Committee to determine whether relief requested is the minimum necessary to build the proposed house."

In accordance to the CBPO 118-6-1, no new application concerning any or all of the subject property for the same general use as applied shall be heard by the ERC or Board for a period of less than 12 months from February 7, 2018. In discussion during the meeting, committee members expressed willingness to waive that requirement and encourage the applicant to reapply after a final order is issued in the pending litigation regarding the covenant creating a front building restriction line. Once the court proceedings are finalized, please notify this office in writing to request a rehearing.

Please be advised that the decision of the Exception Review Committee may be appealed to the Board of Supervisors in accordance with Article 8 of the CBPO within 30 days from the date of the Resolution.

If further assistance is desired, please contact Prutha Rueangvivanakij, Stormwater Engineer, Site Development and Inspection Division (SDID), at 703-324-1720.

Department of Land Development Services
12055 Government Center Parkway, Suite 659
Fairfax, Virginia 22035-5503
Phone 703-324-1780 • TTY 711 • FAX 703-653-6678
www.fairfaxcounty.gov





County of Fairfax, Virginia

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

EXCEPTION RESOLUTION OF THE EXCEPTION REVIEW COMMITTEE

K2NC, LLC, Resource Protection Area (RPA) Encroachment Request #2582-WRPA-006-1, under Section 118-6-7 of the Chesapeake Bay Preservation Ordinance (CBPO), at 4104 Woodlark Drive, Annandale, to permit encroachment into the RPA for the construction of a house within seaward 50 feet on the lot legally created prior to November 18, 2003, Braddock District, Tax Map #059-4-10-0042. At a regular meeting of the Exception Review Committee (ERC) on February 7, 2018, Ms. Kanter moved that the ERC adopt the following resolution:

WHEREAS, the ERC has made the findings that:

- a) The requested exception is not the minimum necessary to afford relief; and
- b) Final determination as to the front yard setback is necessary for the Committee to determine whether relief requested is the minimum necessary to build the proposed house.

NOW, therefore, be it resolved that the ERC **Deny** Exception Request #2582-WRPA-006-1 upon finding that the application does not meet Section 118-6-6.a of the CBPO.

The motion carried by a vote of 5-0, with Dr. Schnare abstaining due to the hearing preceeding his appointment.

A Copy Teste:

Camylyn Lewis

Clerk to the Exception Review Committee

Department of Land Development Services
12055 Government Center Parkway, Suite 659
Fairfax, Virginia 22035-5503
Phone 703-324-1780 • ITTY 711 • FAX 703-653-6678
www.fairfaxcounty.gov




RE: Exception Request Submission for 4104 Woodlark Drive

Subject: RE: Exception Request Submission for 4104 Woodlark Drive
From: "Mueller, Brandy Leigh" <Brandy.Mueller@fairfaxcounty.gov>
Date: 6/27/2018 12:20 PM
To: Greg Budnik <greg.budnik@gjbinc.com>

Understood and thank you.

Brandy L. Mueller
Environmental Compliance Coordinator, CDCD, LDS
703-324-1813

 Please consider the environment before printing this email.

From: Greg Budnik [mailto:greg.budnik@gjbinc.com]
Sent: Wednesday, June 27, 2018 9:47 AM
To: Mueller, Brandy Leigh <Brandy.Mueller@fairfaxcounty.gov>
Cc: Rueangvivatanakij, Prutha <Prutha.Rueangvivatanakij@fairfaxcounty.gov>; Lewis, Camylyn M <Camylyn.Lewis@fairfaxcounty.gov>; Hansen, Matthew <Matthew.Hansen@fairfaxcounty.gov>
Subject: Re: Exception Request Submission for 4104 Woodlark Drive

Brandy,

Thank you for the update and confirmations.

We are presently assembling the application and anticipate filing this Monday. If we can complete the submission preparation sooner, I'll let you know.

The application package will include the signed final order (including signature by the judge) in the lawsuit filed by the homeowner. Since our conversation yesterday, I've been informed it has been signed by both parties and the judge.

Greg Budnik, P.E.
GJB Engineering Inc.

On Jun 26, 2018, at 4:10 PM, Mueller, Brandy Leigh <Brandy.Mueller@fairfaxcounty.gov> wrote:

Hello Greg,

I wanted to follow up from our discussion yesterday and provide an update after meeting internally with SDID review staff earlier today. As agreed previously, the application fee for both the WRPA and WQ submission for 4104 Woodlark Drive will be waived by CTSC staff, at intake. I have sent Lori Ramsey a separate notification to that effect but wanted to make sure you have something in writing from me as well in case you would prefer to simply bring this email with you at the time of submission, for documentation purposes. This shall also further confirm in writing that the Committee

waived the 12-month reapplication restriction for this property (also identified in the attached Resolution letter).

You mentioned over the phone that the resulting order from the referenced litigation is yet to be signed by the judge but has recently been executed by both parties. I spoke with the County Attorney's Office earlier today and discussed further with SDID staff and we are all in agreement that you may proceed with submitting the new application with the signed order, not yet signed by the judge, so not to cause further delays. However, you will need to provide staff (specifically Prutha as the assigned Stormwater Specialist, copying me and Camylyn as the Acting Clerk and Clerk to the ERC), a **copy of the fully endorsed order (i.e. signed by the judge) as soon as possible**. Note: staff will not be able to send out the newspaper ad, nor proceed with the subsequent hearing, without this item provided.

As discussed yesterday, this will be treated as a new application, submitted as such with your office preparing and providing all necessary submission documentation including an updated statement of justification, in addition to the above mentioned order. You also stated that you would notify me via email upon your submission of the application to the County, to help ensure proper and timely coordination.

Ongoing coordination efforts with Committee Members is heading towards a tentative hearing date of **Wednesday, September 5th**. I will let you know once I have quorum confirmed but wanted to give you the heads up now.

If you have any questions or need additional information, please do not hesitate to contact me or Prutha directly.

Thank you,

Brandy L. Mueller
Environmental Compliance Coordinator, CDCD, LDS
703-324-1813
<image002.jpg>

From: Mueller, Brandy Leigh
Sent: Friday, June 22, 2018 4:50 PM
Cc: Rueangvivanakij, Prutha <Prutha.Rueangvivanakij@fairfaxcounty.gov>
Subject: Fwd: Resubmission of 2582-WRPA-006 and 2582-WQ-003

Hello Greg,

As you may know by now, Camylyn is out of the office until July 17th. As back up for the ERC Clerk, I am working to facilitate the coordination of your resubmission for Woodlark Drive. I have been trying to confirm the possibility of an August hearing with the committee members, ensuring quorum and adequate time for the notice requirement and newspaper advertisement. I will let you as soon as I can tentatively confirm quorum.

Staff has agreed to waive the application fee and the committee has previously agreed to waive the 12-month reapplication restriction.

I would like to speak with you Monday to discuss further logistics and make sure you have everything you need to proceed with the submission, to include providing an updated justification letter referencing the reason for resubmission as well as a copy of the final order from the resolved litigation. Can you please verify a good number to contact you and when best to reach you?

Thank you,

Brandy Mueller
Environmental Compliance Coordinator, LDS
703-324-1813

-----Original Message-----

From: Greg Budnik [mailto:greg.budnik@gjbinc.com]
Sent: Thursday, June 21, 2018 1:46 PM
To: Lewis, Camylyn M <Camylyn.Lewis@fairfaxcounty.gov>
Cc: Rueangvivatanakij, Prutha <Prutha.Rueangvivatanakij@fairfaxcounty.gov>; Kharel, Durga D. <Durga.Kharel@fairfaxcounty.gov>; Williams, Kenneth <Kenneth.Williams@fairfaxcounty.gov>; Baig, Shahab <Mirza.Baig@fairfaxcounty.gov>
Subject: Resubmission of 2582-WRPA-006 and 2582-WQ-003

Camylyn,

Please find attached correspondence between Asst. County Attorney Marc Gori, Barnes Lawson (attorney for the applicant), and the Board of Supervisors which summarizes an understanding reached regarding the appeal filed by our firm in March of 2018 relative to the previous ERC denial of the above referenced applications. Two days ago, the appeal was withdrawn on the basis of this understanding reached between the appellant and the Board of Supervisors.

Our firm is scheduled to resubmit the application pursuant to that understanding early next week and would like to with you, as Clerk to the ERC, the logistics of scheduling the hearing for August 1st, as discussed in the County Attorney's email, and making sure the ERC either has or will waive the 12-month filing prohibition.

Please note that since the denial and circumstances revolving around the

RE: Exception Request Submission for 4104 Woodlark Drive

applications were legal in nature and not technical, our resubmission will be technically identical to our November 2017 resubmission package in all respects, with the only addition being a cover letter explaining that the litigation which the homeowner filed against the applicant is now resolved (and will include a copy of the agreement signed by both parties), thus addressing the single comment which the ERC had on the application. I've copied Prutha and Durga so they are aware of this relative to the staff report timing and advertising requirements for an August hearing.

Let me know if you have time to discuss this sometime today or tomorrow as that would probably be more efficient than email exchange.

Thanks,

Greg Budnik, P.E.
GJB Engineering Inc.

<2582-WRPA-006 Final Resolution and Resolution Letter.pdf>



September 28, 2017
Revised: November 6, 2017

VIA Hand Delivery

Mr. Bruce McGranahan, P.E.
Director
Department of Public Works and Environmental Services
12055 Government Center Parkway
Suite 444
Fairfax, VA 22035-5504

Re: Section 118-6-7 Exception Request and Water Quality Impact Assessment
Fairfax Hills, Section 1, Lot 42
Tax Map: 59-4 ((10) Parcel 42
Fairfax County, Virginia
WSSI #11325.01

Dear Mr. McGranahan:

Wetland Studies and Solutions, Inc. (WSSI) has been engaged by the Owners of the property, K2NC, LLC, to prepare this Resource Protection Area Encroachment Request (RPAE) and Water Quality Impact Assessment (WQIA) for approval of construction activities associated with the development of a single lot as required under Section 118-6-7 of the Fairfax County Chesapeake Bay Preservation Ordinance (Ordinance).

I. RPAE Submission Requirements:

Pursuant to the Submission Requirements for Exception Requests (Section 118-6-5) please find enclosed:

- (a) Four (4) copies of the application form;
- (b) Four (4) copies of a Water Quality Impact Assessment;
- (c) Fourteen (14) copies of a plat which meets the submission requirements of Zoning Ordinance Section 9-011, Paragraph 2;
- (d) Photographs of the property showing existing structures, terrain, and vegetation;
- (e) Four (4) copies of a map identifying classification of soil types, at a scale of one inch equals five hundred feet (1"=500'), covering an area at least 500 feet beyond the perimeter of the proposed development;
- (f) A statement of justification which addresses how the proposed development complies with the factors set forth in Sections 118-6-6(a) through (f) – provided within the body of this RPAE.



(g) The following Exhibits are enclosed in support of this RPAE and WQIA:

- Exhibit 1 - Application Form for RPA Encroachment Exceptions
- Exhibit 2 - Vicinity Map
- Exhibit 3 - Existing Site Photographs
- Exhibit 4 - Existing Conditions
- Exhibit 5 - Preliminary Injunction Order
- Exhibit 6 - Proposed Conditions
- Exhibit 7 - Soils Map
- Exhibit 8 - Adjacent Property Owners
- Addendum 1 - County Comment Response Information

II. Background

The subject of this RPAE is located at 4104 Woodlark Drive in Fairfax, Virginia. It is an unimproved single lot in the Fairfax Hills subdivision with over 80% of the lot encumbered by the RPA, see Exhibit 2 for the site vicinity. The Applicant purchased the subject property in 2015 and engineered the site for a single family residence on the lot in accordance with the 35-foot front yard setback per the Zoning Ordinance. Approvals were issued during the spring of 2016 (2852-INF-004-1; 2582-WRPA-005-2) under the RPA Exemption for loss of buildable area. This was possible because the desired lot plan did not encroach into the 50' seaward RPA buffer.

With approvals in-hand, the Applicant sought to commence construction, but was issued a Preliminary Injunction Order (Case No. CL2017-5321). This injunction barred erection of the approved house based on a 1941 Deed of Dedication (pre-dating the Zoning Ordinance) that established a 75-foot front yard setback. It is important to note that this 75-foot setback extends into the RPA for the entire width of the site (and nearly reaches the 50' seaward buffer at the northern property line), thus leaving no area outside the RPA where house construction is permitted and creating a genuine hardship for the Applicant. The original/desired house had been set forward of this 75-foot setback to minimize RPA encroachment and leave more buffer between the residence and an unnamed perennial tributary to Accotink Creek. Please refer to Exhibit 3 for Existing Site Photographs, Exhibit 4 for Existing Conditions (including an outline of the area cleared under the prior approvals) and Exhibit 5 for a copy of the Preliminary Injunction Order.

Since the injunction was issued, stopping construction, the Applicant is proceeding with a revised lot plan which simply shifts the approved house away from the front property line to conform to the 75-foot setback required in the neighborhood covenant. A pre-application meeting was conducted on August 30, 2017 to discuss RPAE/WQIA issues regarding the site and wherein County staff was supportive of the proposed submission of this RPAE for Loss of Buildable Area. The proposed lot design is shown in Exhibit 6, and includes survey-located wetlands, as described in Wetland Studies and Solutions' (WSSI), September 26, 2017 Wetlands Delineation report, and the Field-Verified RPA and 50' Seaward RPA Buffer based on this information.

As shown in the site photos and existing conditions map, the lot is completely forested with the exception of trees cleared under the prior approval. Since the only substantial cleared areas will be necessary to construct the residence, the potential for RPA reforestation is severely limited. A proposed planting plan located in Exhibit 6 depicts plantings in accordance with RPA regulations to the extent possible given the site limitations – (both within and outside the RPA, including some areas previously cleared by the Applicant).

The proposed project includes additional tree clearing and construction of a new single family home that will be well suited for the area. The proposed layout of the structure and lot is presented in Exhibit 6 (as well as in the required RPAE Plat that is part of this submission). The proposed structure will result in new impervious area and disturbance to both the RPA and the 50' seaward RPA buffer, but all disturbance (including grading) has been limited to the minimum necessary to construct the residence. Further, the residence is appropriately sized to neighborhood standard and sited appropriately on the lot, subject to both zoning restrictions and the 75-foot setback. Specific details regarding home size and dimension are provided in this request.

As stated previously, this RPA Exception for Loss of Buildable Area is being submitted based on the extent of the RPA on-site and a neighborhood setback requirement that bars the Applicant from limiting development to the outer 50' of the RPA buffer. Demonstration of how the proposed project complies with each of the relevant sections of the Ordinance is presented in the remainder of this submission.

III. Resource Protection Area Encroachment Statement of Justification

The following is the Statement of Justification which addresses how the development complies with the factors set forth in Sections 118-6-6 (a) through (f) of the Ordinance:

(a) The requested exception to the criteria is the minimum necessary to afford relief;

The project site area is over 80% encumbered by RPA. In addition, there has been a court-enforced injunction of a 75' front setback for any proposed house in the neighborhood – which precludes construction of a house anywhere outside the RPA. As shown on the proposed conditions plan, the 75' setback extends into the RPA in all areas of the site – nearly to the 50' seaward buffer at the northern property line.

The proposed lot plan represents the minimum disturbance necessary to construct a single family residence and associated infrastructure that is appropriate for the neighborhood. Grading has been minimized and proposed impervious areas have been reduced to provide the Applicant with a reasonably sized home and usable amenities. Please refer to Section (f) below for a justification of the proposed house sizing.

- (b) *Granting the exception will not confer upon the applicant any special privileges that are denied by this part to other property owners who are subject to its provisions and who are similarly situated;*

Granting of this exception will not confer any special privileges upon the property Owner – the Ordinance allows for exceptions in circumstances of loss of reasonable buildable area due to RPA. Other owners are entitled to seek relief in the event they are so encumbered by the Field-Verified RPA, in the same manner as the Applicant.

- (c) *The exception is in harmony with the purpose and intent of this Chapter and is not of substantial detriment to water quality;*

Situations as presented in this exception request are the reason that the exception in Section 118-6-7 (Exceptions for Loss of Buildable Area) exists. Properties established prior to the advent of the Ordinance have always been entitled to be developed in a reasonable manner in the event that the RPA precludes development without relief. This project proposes tree clearing and erection of a single family residence, representing no substantial detriment to water quality. Thus, this exception request is in harmony with the purpose and intent of the Ordinance.

- (d) *The exception request is not based upon conditions or circumstances that are self-created or self-imposed;*

As stated previously, RPA encumbers over 80% of the subject lot. Further, there is a court-enforced neighborhood setback of 75 feet from the front property line where no structure is permitted to be built. Since the setback extends into the RPA in all areas, there is no permitted location outside the RPA that a house may be constructed on Lot 42.

Neither of the conditions impacting house construction are self-imposed; and in fact the Applicant attempted to construct as far as possible outside the RPA (2852-INF-004-1; 2582-WRPA-005-2) before being forced to honor the front setback by litigation.

- (e) *Reasonable and appropriate conditions are imposed, as warranted, that will prevent the allowed activity from causing a degradation of water quality; and*

As demonstrated in Section (f) below, the proposed house is sized similarly (if not slightly smaller) than typical houses in the neighborhood. All grading has been minimized and proposed impervious areas have been reduced to the maximum extent practicable. Further, although opportunities for reforestation are severely limited, due to existing forest cover, reforestation is proposed where practicable.

(f) *Other findings, as appropriate and required herein, are met.*

In order to demonstrate that the proposed house is sized appropriately for the neighborhood, the Applicant has evaluated the approximately 50 existing houses with respect to house footprint size and house depth (from front face to rear of house) as shown by Fairfax County GIS data.

This analysis indicated:

1. Average House Footprint is approximately 2,350 square feet.
2. Average house depth (front face to rear of house) is approximately 48'.
3. The proposed house footprint is 1,900 square feet with a maximum house depth of 37'.

Thus it is readily apparent that the proposed house is, in fact, sized modestly with respect to other homes constructed in the Fairfax Hills subdivision.

The remainder of this submission documents the degree to which this proposed project meets and exceeds all requirements of the Ordinance.

IV. Compliance with Criteria for Exception for Loss of Buildable Area in a Resource Protection Area (Section 118-6-7)

Each of the *Criteria for Loss of Buildable Area* contained in the Ordinance are stated below, along with the required justification that the project meets or exceeds the criteria.

- (a) *The proposed development does not exceed 10,000 square feet of land disturbance, exclusive of land disturbance necessary to provide access to the lot or parcel and principal structure pursuant to Section 118-2-1(d);*

Comply: The proposed disturbance of 7,568 sf (including 2,462 sf within the 50' seaward buffer) is less than 10,000 square feet.

- (b) *The proposed development does not create more than 5,000 square feet of impervious surface within the RPA, exclusive of impervious surface necessary to provide access to the lot or parcel and principal structure pursuant to Section 118-2-1(d);*

Comply: The proposed impervious area created of 2,711 sf (including 716 sf within the 50' seaward buffer) is less than 5,000 square feet.

- (c) *The lot or parcel must meet the minimum lot size specified for the zoning district in which located or meet the requirements of Section 2-405 of Chapter 112, the Zoning Ordinance, and any other applicable ordinances and laws;*

Comply: The Applicant's lot size of 45,000 square feet exceeds minimum lot size requirements for the Zoning (R-2).

- (d) *Where practicable, a vegetated area that will maximize water quality protection, mitigate the effects of the buffer encroachment, and is equal to the area of encroachment into the buffer area shall be established elsewhere on the lot or parcel;*

Comply: Although opportunities for reforestation are severely limited due to existing forest cover, reforestation is proposed where practicable to mitigate the effects of buffer encroachment. Proposed reforestation of 4,395 sf is detailed this application. An additional 1,935 sf within the 50' seaward buffer will be stabilized utilizing shade-tolerant alternative groundcovers in lieu of turf grass lawn. Please refer to Exhibit 6 for the proposed reforestation plan.

- (e) *The requirements of Section 118-3-2 shall be satisfied or waived pursuant to Section 118-3-2(f)7; and*

Comply: See Part V below for an item-by-item analysis of Section 118-3-2 criteria.

- (f) *The requirements of Section 118-3-3 shall be satisfied except as specifically provided for in this section to permit an encroachment into the RPA buffer area. (32-03-118.)*

Comply: See Part VI below for an item-by-item analysis of Section 118-3-3 criteria.

V. Compliance with General Performance Criteria (Section 118-3-2)

Each of the *General Performance Criteria* contained in the Ordinance are stated below, along with the required justification that the project meets or exceeds the criteria.

- (a) *No more land shall be disturbed than is necessary to provide for the proposed use, development, or redevelopment.*

Comply: The proposed lot plan represents the minimum disturbance necessary to construct a single family residence and associated infrastructure that is appropriate for the neighborhood. Grading has been minimized and proposed impervious areas have been reduced to provide the Applicant with a reasonably sized home and usable amenities.

- (b) *Indigenous vegetation shall be preserved to the maximum extent practicable consistent with the use, development, or redevelopment proposed.*

Comply: Indigenous vegetation within the RPA buffer on the subject site will be retained to the maximum extent practicable in order to retard runoff, prevent erosion, and filter nonpoint source pollution for the adjacent stream. Proposed development and the resulting RPA encroachment have been minimized, and 4,395 sf of reforestation (with an additional 1,935 sf of alternative groundcovers) is proposed to mitigate the impact of the proposed construction.

- (c) *Where the best management practices utilized require regular or periodic maintenance in order to continue their functions, such maintenance shall be ensured through a maintenance agreement with the owner or through some other mechanism or agreement that achieves an equivalent objective.*

Comply: No best management practices are proposed for the site that will require significant or regular maintenance. No maintenance agreement is required.

- (d) *Impervious cover shall be minimized consistent with the use, development, or redevelopment proposed.*

Comply: As outlined above, the proposed 1,900 square foot house footprint (including 37' maximum depth (from front to back) has been demonstrated to be minimized with respect to other existing houses in the neighborhood. In addition to the house footprint, a small patio beneath the back deck is proposed. This is consistent with typical sizing and is necessary to provide a modicum of utility for the back yard. Thus impervious cover is minimized consistent with the use proposed.

- (e) *Any land disturbing activity that exceeds an area of 2,500 square feet shall comply with the requirements of Chapter 104 of the Fairfax County Code. The construction of single family dwellings, septic tanks, and drainfields shall not be exempt from this requirement.*

Comply: The proposed land disturbing activity will meet the requirements of Chapter 104 of the Fairfax County Code.

- (f) *For any development or redevelopment, stormwater runoff shall be controlled by the use of best management practices (BMPs).*

Comply: The BMP requirement does not apply to this project because a site plan or subdivision approval is not required and the total impervious area percentage is less than 18%.

- (g) *The Director shall require certification on all plans of development that all wetlands permits required by law will be obtained prior to commencement of land disturbing activities in any area subject to the plan of development review. No land disturbing activity on the land subject to the plan of development shall commence until all such permits have been obtained by the application and evidence of such permits has been provided to the Director.*

Not Applicable: Disturbance to the unnamed tributary to Accotink Creek is not proposed, thus no wetlands permit will be required.

- (h) *All on-site sewage disposal systems requiring a Virginia Pollutant Discharge Elimination System (VPDES) permit shall be subject to the restrictions imposed by the State Water Control Board or the Virginia Department of health.*

Not applicable: There are no on-site sewage disposal systems related to the disturbance that is the subject of this RPAE.

- (i) *Land upon which agricultural activities are being conducted, including but not limited to crop production, pasture, and dairy and feedlot operations, or lands otherwise defined as agricultural land by the local government, shall have a soil and water quality conservation assessment conducted that evaluates the effectiveness of existing practices pertaining to soil erosion and sediment control, nutrient management, and management of pesticides, and where necessary, results in a plan that outlines additional practices needed to ensure that water quality protection is being accomplished consistent with the Chesapeake Bay Preservation Act and this chapter.*

Not applicable: The project is not associated with agricultural activities.

VI. Compliance with Additional Performance Criteria (Section 118-3-3)

Each of the *Additional Performance Criteria* contained in the Ordinance are stated below, along with the required justification that the project meets or exceeds the criteria.

- (a) *A Water Quality Impact Assessment shall be required for any proposed land disturbance within an RPA that is not exempt.*

Comply: The required WQIA (as described in Section 118-4-1 of the Ordinance) is provided at the end of this submission.

(b) *Allowable Development: Development is allowed within RPAs if it is water-dependent.*

Not Applicable: This project is not water dependent.

(c) *Redevelopment, outside of IDAs, is allowed within RPAs only if there is no increase in the amount of impervious area within the RPA and no further encroachment within the RPA and shall conform to the criteria set forth in this Chapter.*

Not Applicable: This project is not redevelopment.

(d) *Buffer area requirements.*

Comply: The existing RPA buffer on the subject site will be retained to the maximum extent practicable in order to retard runoff, prevent erosion, and filter nonpoint source pollution for the adjacent stream. Proposed development and the resulting RPA encroachment have been minimized, and 4,395 sf of reforestation (with an additional 1,935 sf of alternative groundcovers) is proposed to mitigate the impact of the proposed construction. As discussed previously, the remainder of the project (not disturbed by proposed construction) is densely vegetated with smaller trees and shrubs and is not suitable for reforestation).

(e) *Agricultural land requirements.*

Not Applicable: This project does not involve agricultural lands.

(f) *Buffer area establishment.*

Comply: As compensation for the proposed RPA encroachment, 4,395 sf of buffer reforestation with native trees and shrubs is proposed in accordance with the planting densities required by this section of the Ordinance, as shown in Exhibit 6. The total plantings proposed includes: 11 overstory trees, 21 understory trees, and 110 shrubs. An additional 1,935 sf within the 50' seaward buffer will be stabilized utilizing shade-tolerant alternative groundcovers in lieu of turf grass lawn. Please refer to Exhibit 6 for the proposed reforestation plan.

VII. Water Quality Impact Assessment (Section 118-4-1)

Pursuant to Section 118-4-3, the following Water Quality Impact Assessment Components, which demonstrate the proposed project's overall compliance with the Ordinance, are discussed below:

(a) *Display the boundaries of RPA;*

The boundary of the RPA is presented in Exhibits 4 and 6, as well as in the RPAE Plat that is included with this submission. It was established by WSSI based on a survey of wetland flagging by HugeSurveys for use in this application.

- (b) *Display and describe the location and nature of the proposed encroachment into and/or impacts to the RPA, including any clearing, grading, impervious surfaces, structures, utilities, and sewage disposal systems;*

Proposed RPA encroachment of 7,568 sf (including 2,462 sf within the inner 50' buffer) occurs due to construction of the proposed single family detached structure and associated infrastructure including a back deck and patio, lot grading, utility connections, and the house driveway. The house structure, patio, and driveway represent new impervious surfaces totaling 2,711 sf (including 716 sf within the inner 50' buffer).

- (c) *Provide justification for the proposed encroachment into and/or impacts to the RPA;*

This project proposes the construction of a reasonably-sized single family detached residence on a parcel zoned for such activity. This RPAE/WQIA is necessary because RPA extends over 80% of the lot area. The lot is further encumbered by a 75-foot front yard setback due to a 1941 Deed of Dedication that has been court-enforced on the Applicant. As a result of these restrictions, there is no buildable area outside the RPA on the Applicant's lot, creating a genuine hardship through no fault of the Applicant, and requiring submission of this RPA exception request for Loss of Buildable Area and accompanying Water Quality Impact Assessment.

The proposed lot plan represents the minimum disturbance necessary to construct a single family residence and associated infrastructure that is appropriate for the neighborhood. Grading has been minimized and proposed impervious areas have been reduced to provide the Applicant with a reasonably sized home and usable amenities.

As outlined previously, the Applicant has evaluated the approximately 50 existing houses in the Fairfax Hills neighborhood with respect to square footage and house depth (from front face to rear of house) as shown by Fairfax County GIS data.

This analysis indicated that the proposed 1,900 square foot house footprint is less than the 2,350 square foot neighborhood average; and that the proposed 37' maximum house depth is less than the 48' neighborhood average. Thus it is readily apparent that the proposed house is minimized with respect to providing an appropriate house that fits within the existing character of the Fairfax Hills subdivision.

Finally, although opportunities for reforestation are severely limited due to existing forest cover, reforestation is proposed where practicable to mitigate the effects of

buffer encroachment. Proposed reforestation of 4,395 sf (and an additional 1,935 sf of proposed alternative groundcovers in lieu of turf grass lawn) is detailed in Exhibit 6.

Based on these factors, it is our opinion that the proposed RPA encroachments described herein are fully justified.

- (d) *Describe the extent and nature of any proposed disturbance or disruption of wetlands;*

Wetlands, including Waters of the U.S., were delineated by Wetland Studies and Solutions, Inc. as described in a report titled, "Waters of the U.S. (Including Wetlands) Delineation and Resource Protection Area Evaluation, Fairfax Hills, Section 1, Lot 42", dated September 27, 2017. This report concluded that although no wetlands are present within the site boundary, there is a perennial stream (an unnamed tributary to Accotink Creek) running through the rear-center of the site. The proposed lot improvements will not impact this stream, thus there will be no disturbance or disruption to jurisdictional wetlands or Waters of the U.S. as a result of the proposed activity.

- (e) *Display and discuss the type and location of proposed best management practices to mitigate the proposed RPA encroachment and/or adverse impacts;*

BMPs are not required or proposed for this project. Strict adherence to erosion and sediment controls, coupled with the proposed post-construction reforestation, will ensure that adverse RPA impacts are minimized.

- (f) *Demonstrate the extent to which the proposed activity will comply with all applicable performance criteria of this Chapter; and*

The proposed activity meets the applicable performance criteria, as detailed in the preceding RPAE section of this submission.

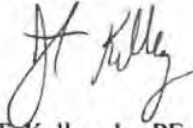
In conclusion, we request that this RPAE be granted to allow the Applicant to move forward with construction of their single family home. As outlined herein, the Applicant was obtained approvals for construction including a RPA exemption for loss of buildable area based on a 35-foot front property setback. Litigation based on the 1941 Deed of Dedication required them to re-design the site to honor the 75-foot front setback requirement; which pushed development into the 50-foot seaward buffer and required a RPA exception (versus an exemption). The Applicant has acted in good faith throughout the process at great expense and made every attempt to limit impacts to the Resource Protection Area. At this time, they simply request authorization to construct a modest home on their lot that complies with site restrictions to the maximum extent practicable.

RPAE Request – Fairfax Hills, Section 1, Lot 42
September 28, 2017
Revised: November 6, 2017
WSSI #11325.01
Page 12 of 12

Thank you for your consideration and please feel free to contact me at jkelly@wetlands.com or (703) 679-5652 if you have any questions.

Sincerely,

WETLAND STUDIES AND SOLUTIONS, INC.



John T. Kelley, Jr., PE, CFM, LEED® AP
Senior Associate - Engineering

Enclosures

cc: Greg Budnik, P.E., GJB Engineering, Inc.
Sheila Konecke, K2NC LLC

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Exception # _____

APPLICATION FORM

For Resource Protection Area (RPA) Encroachment Exceptions Pursuant to Article 6 of the Chesapeake Bay Preservation Ordinance; Public Hearing Required

Part 1 – Property Information

Property Owner's Name: K2NC, LLC
 Property Address: 4104 Woodlark Drive, Annandale, VA 22003
 Description (Lot# Subdivision): Fairfax Hills, Section 1, Lot 42
 Project Name: Fairfax Hills, Section 1, Lot 42
 Tax Map Number: 59-4 ((10) Parcel 42
 Magisterial District: Braddock Permit #: _____

Part 2 -Exception Type

Check One	CBPO Section	Exception Types: (Refer to CBPO for detailed list of qualifications and limitations)
X	118-6-7	Loss of buildable area within an RPA on a lot or parcel recorded prior to November 18, 2003. The proposed construction encroaches into the seaward 50 feet of the RPA buffer.
	118-6-8(a)	Accessory structure within the RPA, where the principal structure was established (i.e. RUP issued) as of July 1, 1993 and the proposed construction encroaches into the 1993 RPA.
	118-6-8(b)	Accessory structure in the RPA, where the principal structure on the lot or parcel was established (i.e. RUP issued) between July 1, 1993 and November 18, 2003 and the construction encroaches into the 2003 RPA.
	118-6-9	General RPA Encroachment request for encroachments into either the 1993 or 2003 RPA that do not qualify for waivers under CBPO Article 5 and do not qualify under any of the above Sections.

Part 3 –General Description of Exception Request

Acres or Square Feet	Description of Exception Request
Property Area (acres or square feet)	45,000
Disturbed Area in RPA (acres or square feet)	7,568
Impervious Area within RPA (acres or square feet)	2,711
Brief Description of Project and RPA Encroachment	Proposed encroachment to construct a new single family home.

Check here if a Special Exception (SE) and/or Rezoning (RZ) application has been/will be submitted. The public hearing will be conducted by the Board of Supervisors in conjunction with the SE or RZ hearing.

Exception # _____

Part 4 – Submission Checklist

Check	CBPO Section	Exception Types: (Refer to CBPO for detailed list of qualifications and limitations)
X	118-6-5(a)	Four (4) copies of this <i>application form</i> , completed and signed by the applicant.
X	118-6-5(b)	Four (4) copies of a <i>Water Quality Impact Assessment (WQIA)</i> . The WQIA may be submitted with the application as a combined document.
X	118-6-5(c)	Fourteen (14) copies of a <i>plat</i> which meets the submission requirements of Zoning Ordinance Section 9-011, paragraph 2. In addition, four (4) letter size copies of the plat that is suitable for reproduction and distribution.
X	118-6-5(d)	<i>Photographs</i> of the property showing existing structures, terrain and vegetation
X	118-6-5(e)	Four (4) copies of a <i>map identifying classification of soil types</i> , at a scale of one inch equals five hundred feet (1" = 500'), covering an area at least 500 feet beyond the perimeter of the proposed development.
X	118-6-5(f)	A <i>statement of justification</i> which addresses how the proposed development complies with the factors set forth in Sections 118-6-5(a) through (f). (See Part 5 below).
X	118-6-3(c)	A List of property owners, with addresses, to be notified (minimum of 5). Include all properties abutting, immediately across the street from, and within 500 feet of the subject property (including all properties which lie in adjacent municipalities). In addition, the name and address of a Homeowners or Civic Association that is within the immediate area that will be notified.
N/A	118-6-3(d)	If the exception is associated with a RZ or SE, the notification shall be conducted concurrently with the RZ or SE notification, and the public hearing will be conducted by the Board of Supervisors. Provide a list of owners, with addresses, to be notified in accordance with Zoning Ordinance Article 18 instead of CBPO Section 118-6-3(c).
X	104-1-3(d)	Application Fees (must be paid at the time of submission of the application)
X	101-2-9 and 112-17-109	Exception request fee: \$204 per lot (not to exceed \$876) for individual lots; \$876 for subdivisions or site plans.
X	101-2-9 and 112-17-109	WQIA fee (if submitted as a combined document): \$432 for single lot, \$1,652.40 for subdivision or site plan, per submission.
X	101-2-9 and 112-17-109	A public hearing is required for all exceptions under Article 6. There is an additional fee of \$438 per exception request.

Exception # _____

Part 5 Statement of Justification checklist

Check	CBPO Section	Exception Types: (Refer to CBPO for detailed list of qualifications and limitations)
Y	118-6-6(a)	The requested exception to the criteria is the minimum necessary to afford relief.
Y	118-6-6(b)	Granting the exception will not confer upon the applicant any special privileges that are denied by this part to other property owners who are subject to its provisions and who are similarly situated.
Y	118-6-6(c)	The exception is in harmony with the purpose and intent of this Chapter and is not of substantial detriment to water quality.
Y	118-6-6(d)	The exception request is not based upon conditions or circumstances that are self-created or self-imposed.
Y	118-6-6(e)	Reasonable and appropriate conditions are imposed, as warranted, that will prevent the allowed activity from causing a degradation of water quality.
Y	118-6-6(f)	Other findings, as appropriate and required for the specific exception being applied for, are met. The additional criteria are listed in CBPO Sections 118-6-7(a) through (f), CBPO Section 118-6-8(a)(1) and (2), CBPO Section 118-6-8(b)(1) and (2), or CBPO Section 118-6-9.

Part 6

All information in this application and all documents submitted in support of this request are correct to the best of my knowledge and belief.

Applicant Name: K2NC, LLC (please print)

Authorized Agent(s): JOHN T. KELLEY, JR., P.E., WETLAND STUDIES AND SOLUTIONS, INC.

Business Location Address: 15881 CRABBS BRANCH WAY

City: ROCKVILLE State: MD ZIP: 20855

Telephone: (703) 447-7488 Facsimile: (703) 738-7300

Email Address: Sheila.Konecke@homevestors.com

Business Phone Number: (703) 447-7488 Cell Phone Number: (703) 447-7488

Signature:  (Owner/Agent) Date: 11/6/17

SUBMIT TO: Customer and Technical Support Center
Site and Addressing Center
12055 Government Center Parkway, Suite 230
Fairfax, Virginia 22035

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Base Map Data Source: ESRI

Vicinity Map
Fairfax Hills, Sec 1, Lot 42
Original Scale: 1" = 2000'



Wetland Studies and Solutions, Inc.
 a **DAVEY** company

Exhibit 2

**EXHIBIT 3
SITE PHOTOGRAPHS
FAIRFAX HILLS, SECTION 1, LOT 42
WSSI #11325.01**



1. **Looking north (upstream) at the unnamed perennial tributary to Accotink Creek in the eastern portion of the site.**



2. **Looking south (downstream) at the unnamed perennial tributary to Accotink Creek in the eastern portion of the site.**

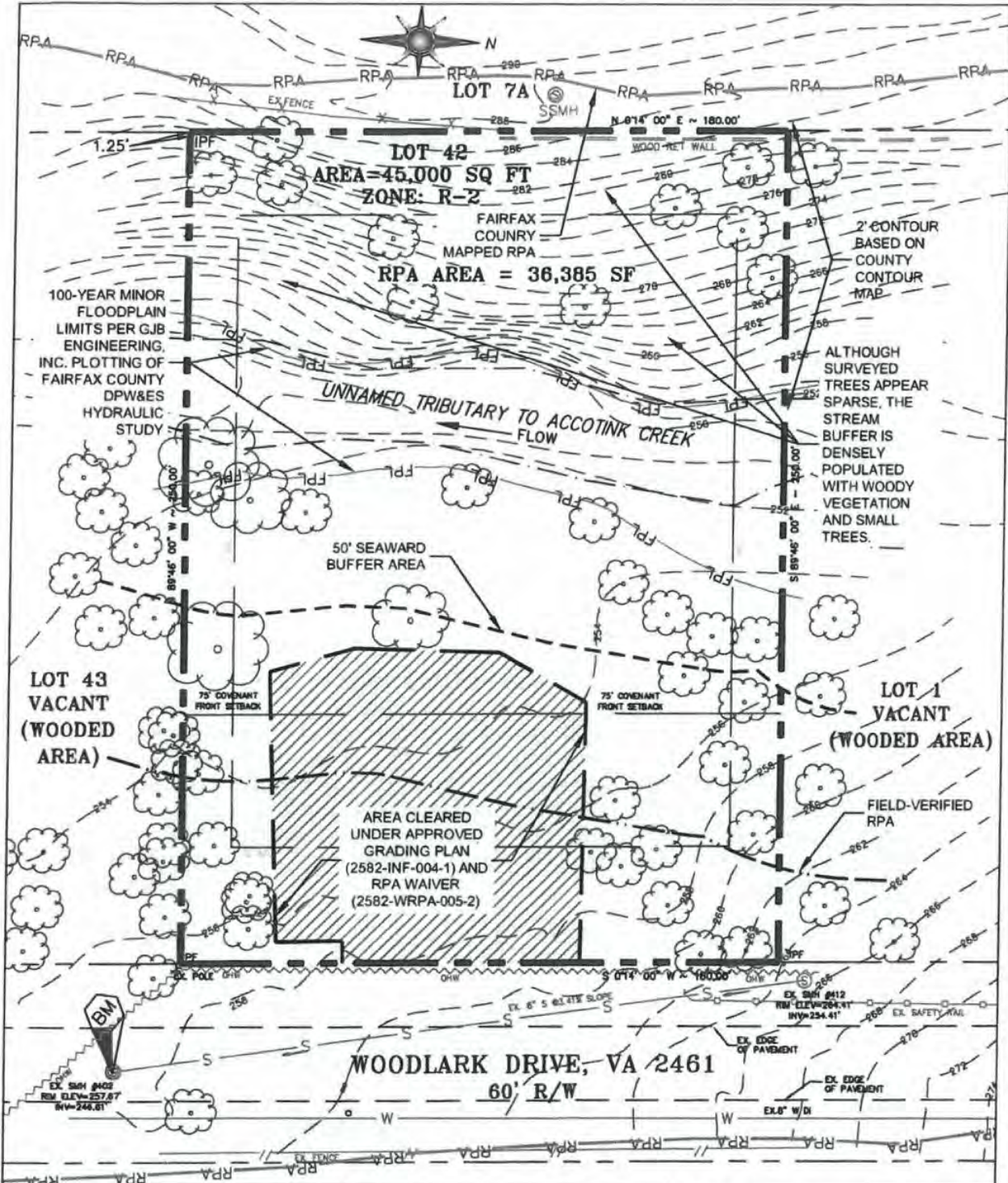
**EXHIBIT 3
SITE PHOTOGRAPHS
FAIRFAX HILLS, SECTION 1, LOT 42
WSSI #11325.01**



3. **Looking northeast at Data Point 1, which characterizes the floodplain and forested portions of the site. Jurisdictional WOTUS are not present at this data point.**



4. **Looking northwest at the cleared portion of the site where a single family house is proposed.**



Applicant:
 K2NC LLC
 15881 Crabbs Branch Way, Suite B
 Rockville, MD 20855

Agent:
 Wetland Studies and Solutions, Inc.
 5300 Wellington Branch Drive, Suite 100
 Gainesville, Virginia 20155
 Phone 703.679.5600 Fax 703.679.5601

FAIRFAX HILLS, SECTION 1, LOT 42

**RPA EXCEPTION REQUEST FOR
 LOSS OF BUILDABLE AREA**

Fairfax County, Virginia

Sheet Title:
 EXHIBIT 4:
 EXISTING CONDITIONS

Scale: 1"=40', C.I. = 2'

Date: SEPT 2017 **Sheet:** 1 of 1

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VIRGINIA

IN THE CIRCUIT COURT FOR FAIRFAX COUNTY

<p>S. RICHARD RIO, JR.,</p> <p>Plaintiff,</p> <p>v.</p> <p>K2NC, LLC</p> <p>Defendant.</p>	<p>Case No. CL2017-5321</p>
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PRELIMINARY INJUNCTION ORDER

THIS MATTER HAVING COME UPON Plaintiff's Motion for Emergency Temporary and Preliminary Injunctive Relief and, after a hearing on the preliminary injunction and argument of the parties, it is hereby

ADJUDGED, ORDERED AND DECREED that Defendant K2NC, LLC, and any parties acting on its behalf ~~shall not perform any construction activities on the Property located at 4104 Woodlark Drive, Annandale, Virginia 22003, including but not limited to removing any trees, clearing any land, or constructing any improvements until further~~ *are enjoined from erecting any building within 75 feet of the front property line, which is the line bounding Woodlark Dr. final* resolution of merits of this case. No bond shall be required of plaintiff.

as specified in section 8 of The 1941 Deed of Dedication

ENTERED THIS 5th DAY OF July, 2017


David Bernhard
 Judge, Circuit Court for Fairfax County

David Bernhard

I ASK FOR THIS:


Marla J. Diaz (VSB# 46799)
Gregory A. Chakmakas (VSB# 87386)
WHITEFORD, TAYLOR & PRESTON, LLP
3190 Fairview Park Drive, Suite 800
Falls Church, Virginia 22042
(703) 280-9131
(703) 280-9139 (facsimile)
mdiaz@wtplaw.com
gchamakas@wtplaw.com
Counsel for Plaintiff





SEEN AND Objected to as the Defendant has shown that


David G. McKennett, Esq. (VSB # 71257)
Purnell, McKennett & Menke, PC
9214 Center Street, Suite 101
Manassas, VA 20110
(703) 368-9196
(703) 361-0092 (facsimile)
dmckennett@manassasalawyers.com
Counsel for Defendant

the 75' setback has been waived
that the Plaintiff has failed to
prove any of the elements necessary
to demonstrate a right to a
temporary injunction.

2208247

LEGEND

	RPA ENCROACHMENT
	RPA ENCROACHMENT WITHIN 50' SEAWARD BUFFER
	IMPERVIOUS WITHIN RPA
	IMPERVIOUS WITHIN 50' SEAWARD BUFFER

GENERAL NOTES

1. Site boundary, Existing & Proposed Conditions, and Existing Topography was provided by GJB Engineering, Inc., in digital (AutoCAD) format to be used as the base for this exhibit.
2. The boundaries of jurisdictional wetlands and other Waters of the U.S. on the site were delineated by WSSI as described in a report titled "Waters of the U.S. (Including Wetlands) Delineation and Resource Protection Area Evaluation, Fairfax Hills, Section 1, Lot 42", dated September 27, 2017. The wetland boundaries were surveyed by HugeSurveys and provided to WSSI by GJB Engineering on September 20, 2017.
3. The Fairfax County Mapped Resource Protection Area (RPA) was obtained from Fairfax County Digital Data.
4. Since the unnamed tributary to Accotink Creek is mapped as perennial on the Fairfax County RPA Map, a stream assessment was not conducted.
5. There is no 100-year major floodplain on-site. The depicted minor floodplain limits were plotted by GJB Engineering, Inc. as described in the County of Fairfax DPW&ES hydraulic study of the unnamed perennial tributary to Accotink Creek.
6. The limits of the Resource Protection Area (RPA) depicted on this Attachment are based on the surveyed location of the unnamed perennial tributary to Accotink Creek. The RPA extends 100 feet landward of the RPA core components or to the limits of the major floodplain, whichever is greater. Because a 100-year major floodplain is not present, the RPA is confined to the limits of the 100-foot buffer.

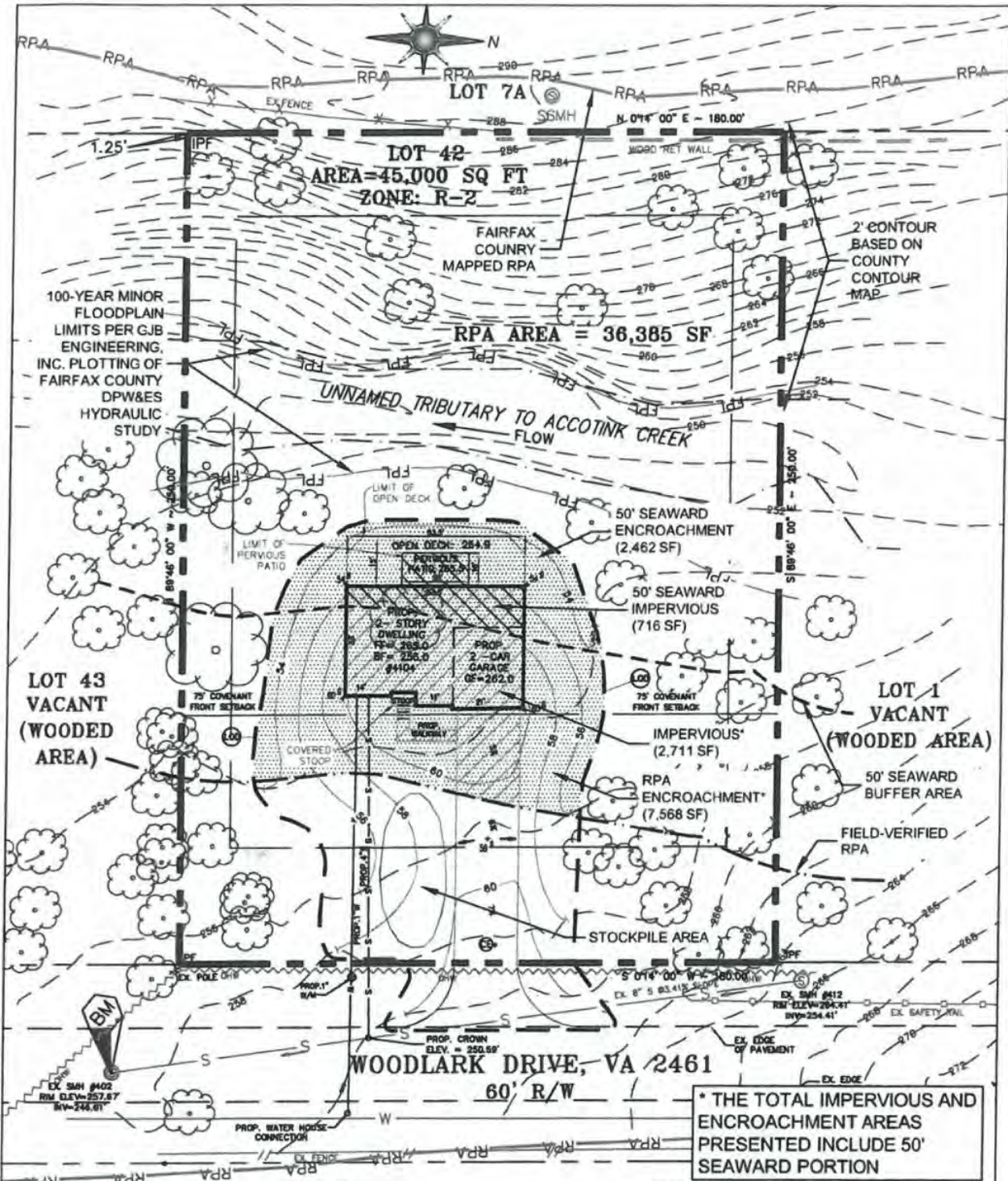
GRAPHIC SCALE



(IN FEET)
1 inch = 40 ft.

Applicant: K2NC LLC 15881 Crabbs Branch Way, Suite B Rockville, MD 20855	FAIRFAX HILLS, SECTION 1, LOT 42 RPA EXCEPTION REQUEST FOR LOSS OF BUILDABLE AREA Fairfax County, Virginia	Sheet Title: EXHIBIT 6: GENERAL NOTES Scale: N/A Date: SEPT 2017 Sheet: 1 of 4
Agent: Wetland Studies and Solutions, Inc. 5300 Wellington Branch Drive, Suite 100 Gainesville, Virginia 20155 Phone 703.679.5600 Fax 703.679.5601		

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* THE TOTAL IMPERVIOUS AND ENCROACHMENT AREAS PRESENTED INCLUDE 50' SEAWARD PORTION

Applicant:
 K2NC LLC
 158B1 Crabbs Branch Way, Suite B
 Rockville, MD 20855

Agent:
 Wetland Studies and Solutions, Inc.
 5300 Wellington Branch Drive, Suite 100
 Gainesville, Virginia 20155
 Phone 703.679.5600 Fax 703.679.5601

FAIRFAX HILLS, SECTION 1, LOT 42

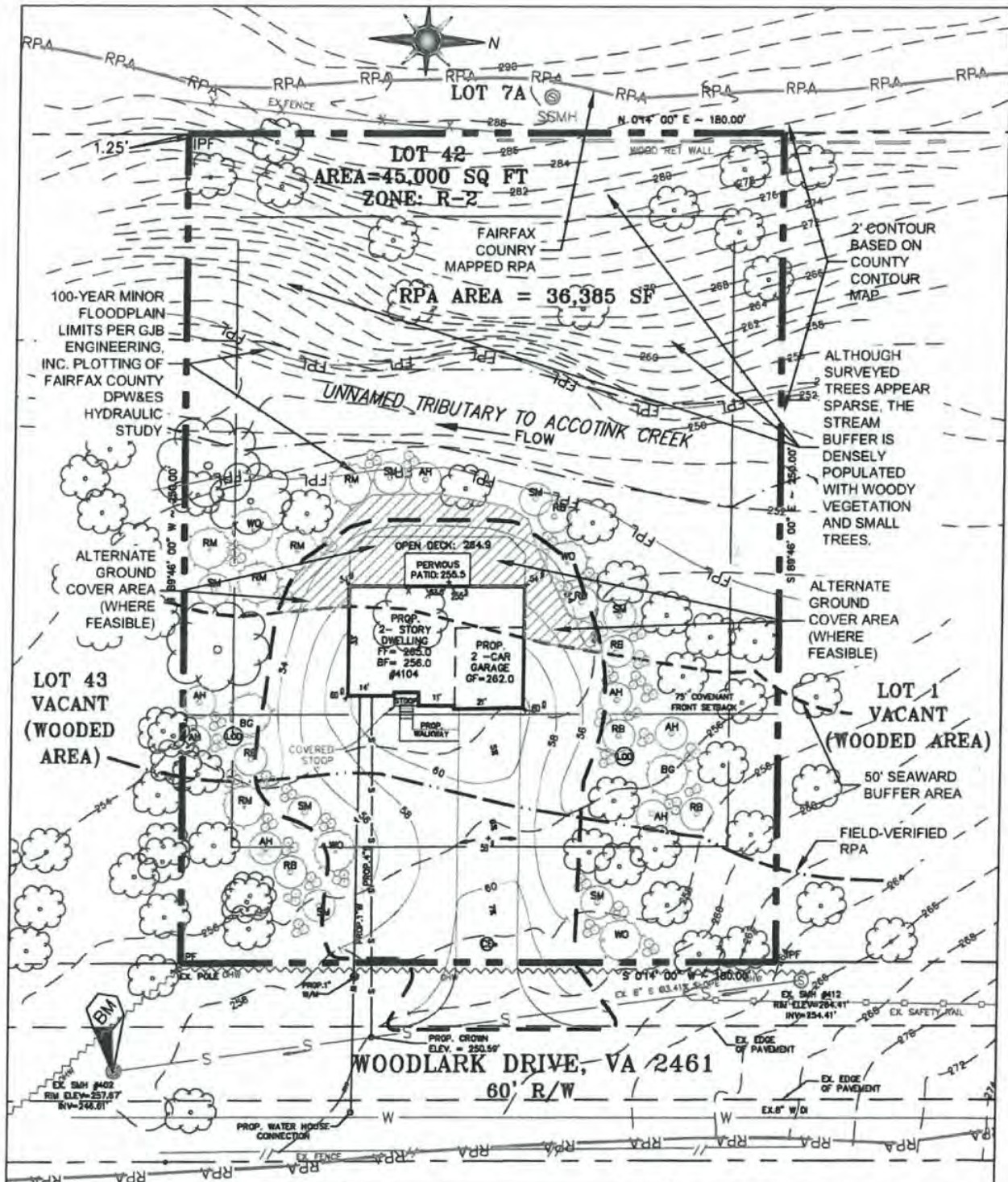
RPA EXCEPTION REQUEST FOR LOSS OF BUILDABLE AREA

Fairfax County, Virginia

Sheet Title:
 EXHIBIT 6;
 PROPOSED CONDITIONS

Scale: 1"=40', C.I. = 2'

Date: NOV 2017 **Sheet:** 2 of 4



Applicant: K2NC LLC 15881 Crabbs Branch Way, Suite B Rockville, MD 20855	FAIRFAX HILLS, SECTION 1, LOT 42 RPA EXCEPTION REQUEST FOR LOSS OF BUILDABLE AREA	Sheet Title: EXHIBIT 6: PROPOSED PLANTING PLAN
Agent: Wetland Studies and Solutions, Inc. 5300 Wellington Branch Drive, Suite 100 Gainesville, Virginia 20155 Phone 703.679.5600 Fax 703.679.5601	Fairfax County, Virginia	Scale: 1"=40', C.I. = 2' Date: NOV 2017 Sheet: 3 of 4

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PLANTING NOTE

1. Planting schedule was prepared by Inova Engineering Consultants, Inc. and provided to WSSI in digital (AutoCAD) format for use in this application. WSSI adapted the Inova planting plan to reflect revised site plan.

PROPOSED GREEN VEGETATION WITHIN BUFFER AREA (118-3-3(f))

PROPOSED WOODY PLANTING AREA= 4395 SQ FT
OR 0.101 AC

KEY	BOTANICAL NAME	COMMON NAME	QTY	STOCK SIZE (HT/CALIPER)	STOCK TYPE	10-YR TREE CANOPY (SF)	TREE CANOPY SUB-TOTAL (SF)
OVERSTORY TREE @ 100 COUNTS PER ACRE 118-3-3(f)= 11 (MINIMUM REQUIRED)							
RM	ACER RUBRUM	RED MAPLE	4	1" CALIPER	BB	150	600
BG	NYSSA SYKVATICA	BLACKGUM	4	1" CALIPER	BB	125	500
WO	QUERCUS PHELLOS	WILLOW OAK	3	1" CALIPER	BB	150	450
SUB-TOTAL= 11							
UNDERSTORY TREE @ 200 COUNTS PER ACRE 118-3-3(f)= 21 (MINIMUM REQUIRED)							
SM	MAGNOLIA VIRGINIA	SWEETBAY MAGNOLIA	7	1" CALIPER	BB	75	525
AH	ILEX OPACA	AMERICAN HOLLY	7	1" CALIPER	BB	75	525
RB	BETULA NIGRA	RIVER BIRCH	7	1" CALIPER	BB	125	875
SUB-TOTAL= 21							4475
SHRUBS @ 1089 COUNTS PER ACRE 118-3-3(f)= 110 (MINIMUM REQUIRED)							
		<i>Ilex Decidua/Decidious</i>	37	1 GAL			
		<i>Ilex Galbra/Inkberry</i>	37	1 GAL			
		<i>Aronia Melannocarpa/Black Chokeberry</i>	36	1 GAL			
SUB-TOTAL 110							



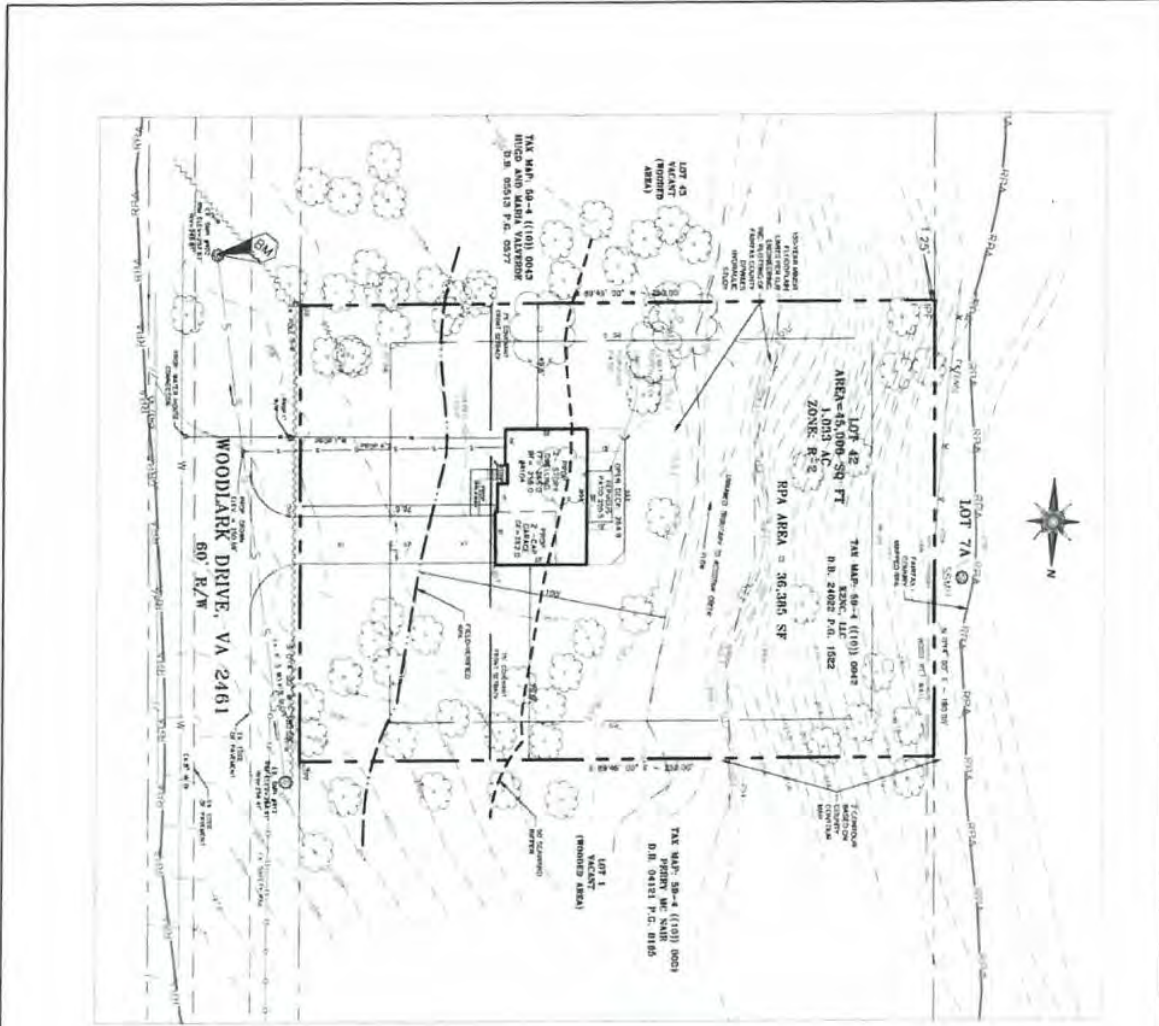
PROPOSED ALTERNATE GROUNDCOVER AREA=1,935 SF



Species	Common Name	Type	Spacing
Carex appalachia	Appalachian Sedge	plug	18"
Carex pensylvanica	Pennsylvania Sedge	plug	18"
Chasmanthium latifolium	Indian Woodoats	plug	18"
Deschampsia flexuosa	Wavy Hairgrass	plug	18"
Dryopteris marginalis	Marginal Woodfern	plug	18"
Dennstaedtia punctilobula	Eastern Hayscented Fern	plug	18"
Polystichum acrostichoides	Christmas Fern	plug	18"

<p>Applicant: K2NC LLC 158B1 Crobbs Branch Way, Suite B Rockville, MD 20855</p>	<p>FAIRFAX HILLS, SECTION 1, LOT 42</p> <p>RPA EXCEPTION REQUEST FOR LOSS OF BUILDABLE AREA</p> <p>Fairfax County, Virginia</p>	<p>Sheet Title: EXHIBIT 6: PLANTING SCHEDULE</p> <p>Scale: N/A</p> <p>Date: SEPT 2017 Sheet: 4 of 4</p>
<p>Agent: Wetland Studies and Solutions, Inc. 5300 Wellington Branch Drive, Suite 100 Gainesville, Virginia 20155 Phone 703.679.5600 Fax 703.679.5601</p>		

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- Notes:
1. Survey and existing conditions information provided by GJB Engineering, Inc. was used as a basis for this attachment.
 2. Wetland survey was performed by HagerGroup and provided to WSSA by GJB Engineering on September 20, 2017.
 3. Proposed conditions contained in this Plan for the RP/AE Request was provided by GJB Engineering, Inc.
 4. Field-verified BPA was taken by Wetland Studies and Solutions, Inc.
 5. Address: 4521 Woodlark Drive, Alexandria, VA 22304
 User: Single Family Residential
 Zone: R2
 Lot Area: Parcel 42 = 45,000 sq ft

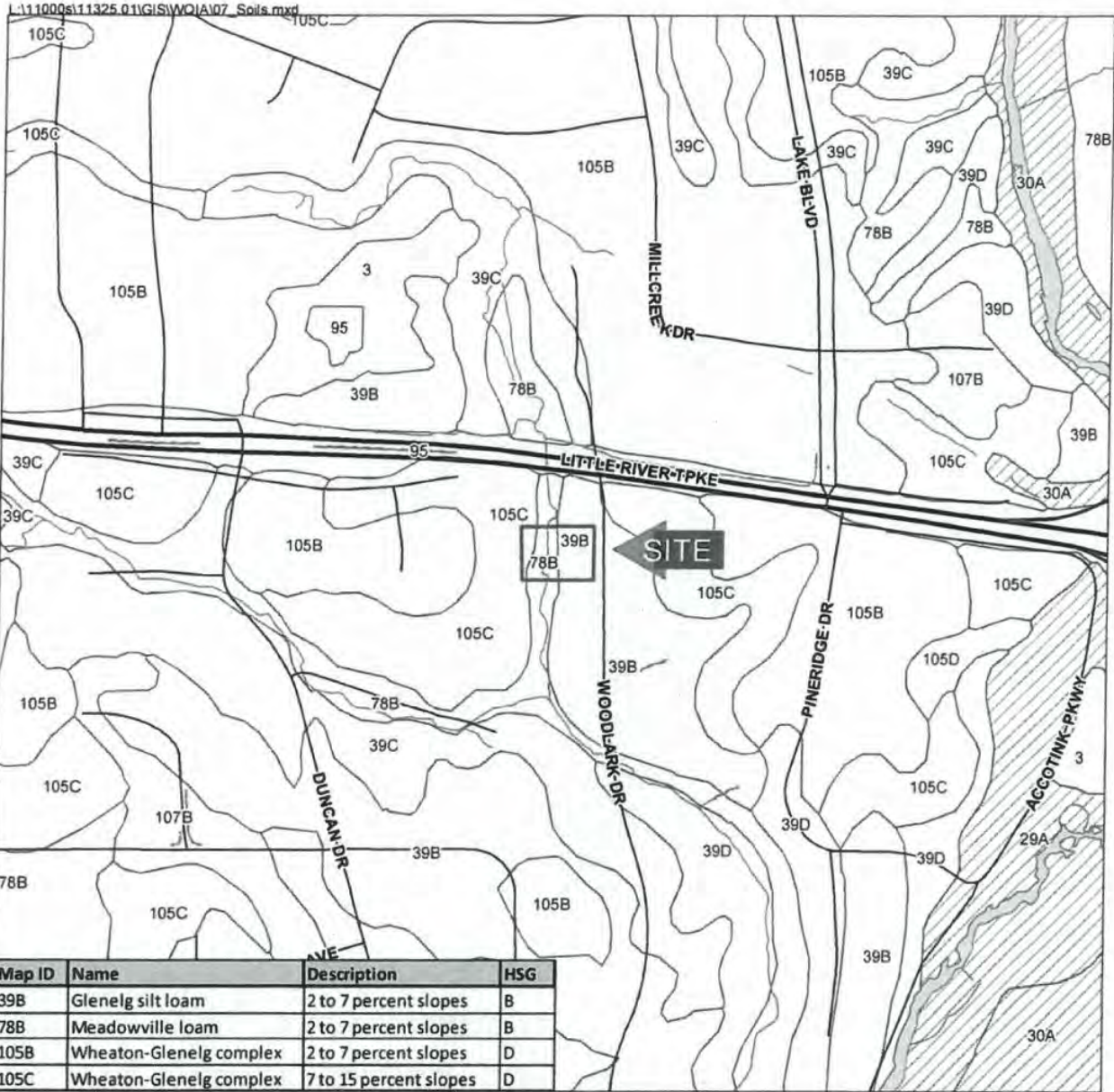
REVISIONS	
No.	Description

Wetland




Fairfax County, Virginia

11111

1 of 1



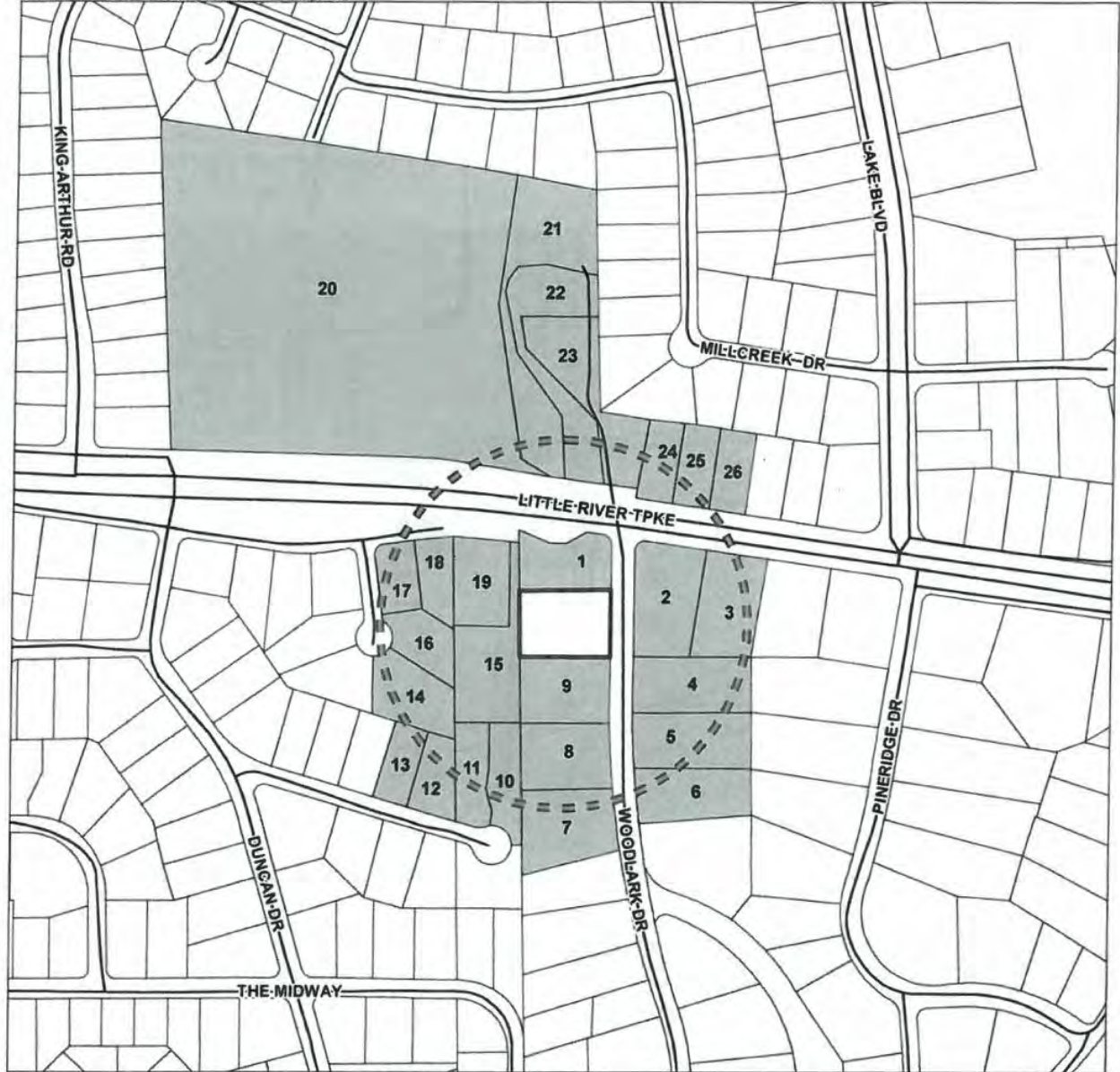
Soils Map
Fairfax County Digital Data
Fairfax Hills, Sec 1, Lot 42
Original Scale: 1" = 500'

-  Hydric Soils
-  Soils with Hydric Inclusions
-  Non-hydric Soils






Wetland Studies and Solutions, Inc.
 a **DAVEY** company

Exhibit 7



Adjacent Parcel Ownership Map
Fairfax Hills, Sec 1, Lot 42
Original Scale: 1" = 400'

-  Project Area
-  500-Foot Radius from Center of Project Area
-  Parcels Within 500-Foot Radius of Project Area Center

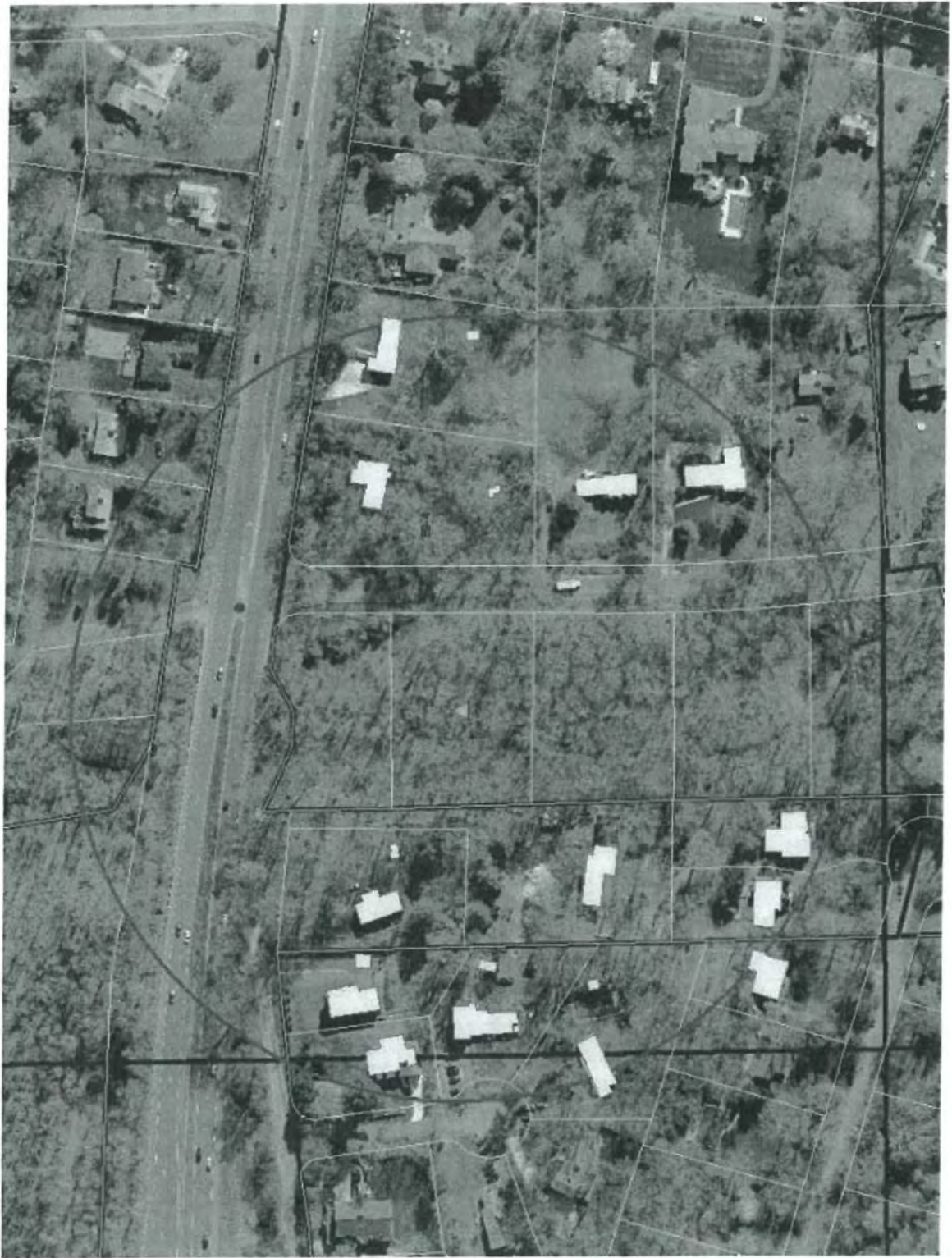


Wetland Studies and Solutions, Inc.
a **DAVEY** company

Exhibit 8a

Map ID	Parcel ID	Location	Owner	Owner Address
1	0594 10 0001	8201 LITTLE RIVER TPKE	PERRY, MC NAIR W.	8113 LITTLE RIVER TPKE ANNANDALE VA 22003 2327
2	0594 10 0002	8113 LITTLE RIVER TPKE	PERRY, MC NAIR W.	8113 LITTLE RIVER TPKE ANNANDALE VA 22003 2327
3	0594 10 0003	8109 LITTLE RIVER TPKE	ESTABILLO, ROSELLO	8109 LITTLE RIVER TPKE ANNANDALE VA 22003 2327
4	0594 10 0041	4107 WOODLARK DR	RODRIGUEZ, HECTOR A.	4107 WOODLARK DR ANNANDALE VA 22003 2343
5	0594 10 0040	4111 WOODLARK DR	GOLOMB, ANDREW M.	4111 WOODLARK DR ANNANDALE VA 22003
6	0594 10 0039	4115 WOODLARK DR	BOLINGER, MARY ELAINE	1271 CRONIN DR WOODBIDGE VA 22191
7	0594 10 0145A	4116 WOODLARK DR	LARocca, JOHN J. AND CATHIE	4116 WOODLARK DR ANNANDALE VA 22003
8	0594 10 0044	4112 WOODLARK DR	VALVERDE, HUGO AND MARIA	7403 AUSTIN ST ANNANDALE VA 22003
9	0594 10 0043	4108 WOODLARK DR VA	VALVERDE, HUGO AND MARIA	7403 AUSTIN ST ANNANDALE VA 22003
10	0594 01 0007D	8240 BRANCH RD	WHITLEY, ROY J. AND MARY G. R.	8240 BRANCH RD ANNANDALE VA 22003
11	0594 01 0007C	8246 BRANCH RD	CHAN, IEONG T.R.	8246 BRANCH RD ANNANDALE VA 22003
12	0593 11 0015	8250 BRANCH RD	SMITH, G. RICHARD	8250 BRANCH RD ANNANDALE VA 22003
13	0593 11 0014	8252 BRANCH RD	STETSON, NANCY H.	8252 BRANCH RD ANNANDALE VA 22003
14	0593 11 0017	4109 HIGH POINT CT	PROBST, MARY E. AND BYHAM, BETH A.	4109 HIGH POINT CT ANNANDALE VA 22003
15	0594 01 0007A	8211 LITTLE RIVER TPKE	PUNIT, SANGITA P.	8211 LITTLE RIVER TPKE ANNANDALE VA 22003 2328
16	0593 11 0016	4105 HIGH POINT CT	NGO, KENNY	4105 HIGH POINT CT ANNANDALE VA 22003
17	0593 11 0002	4101 HIGH POINT CT	SABIR, FAROUK MOHAMED	4101 HIGH POINT CT ANNANDALE VA 22003
18	0593 11 0001	8243 LITTLE RIVER TPKE	BAWDEN, GERALD W.	8243 LITTLE RIVER TPKE ANNANDALE VA 22003
19	0594 01 0008	8215 LITTLE RIVER TPKE	TRAN, BRUCE	8215 LITTLE RIVER TPKE ANNANDALE VA 22003 2328
20	0593 01 0032B	8220 LITTLE RIVER TPKE	CALVARY OF THE CHURCH NAZARENE	8220 LITTLE RIVER TPKE ANNANDALE VA 22003 2305
21	0594 02010003	8208 LITTLE RIVER TPKE	ARMSTRONG, H. JERE	8208 LITTLE RIVER TPKE ANNANDALE VA 22003 2305
22	0594 02010002	8204 LITTLE RIVER TPKE	WADHWA, SARJOT SEEMA KAUR	8204 LITTLE RIVER TPKE ANNANDALE VA 22003 2305
23	0594 02010001	8200 LITTLE RIVER TPKE	CLARE, RODGER	8200 LITTLE RIVER TPKE ANNANDALE VA 22003 2305
24	0594 02 0006	8120 LITTLE RIVER TPKE	MCCOY, EDWARD D.	8120 LITTLE RIVER TPKE ANNANDALE VA 22003 2326
25	0594 02 0005	8116 LITTLE RIVER TPKE	STEIDEL, DAVID W.	8116 LITTLE RIVER TPKE ANNANDALE VA 22003 2326
26	0594 02 0004	8112 LITTLE RIVER TPKE	KHAN, NABEEL	8325 ROBEEY AVE ANNANDALE VA 22003

**Adjacent Parcel Ownership Table
Fairfax Hills, Sec 1, Lot 42**



Building Footprint Evaluation

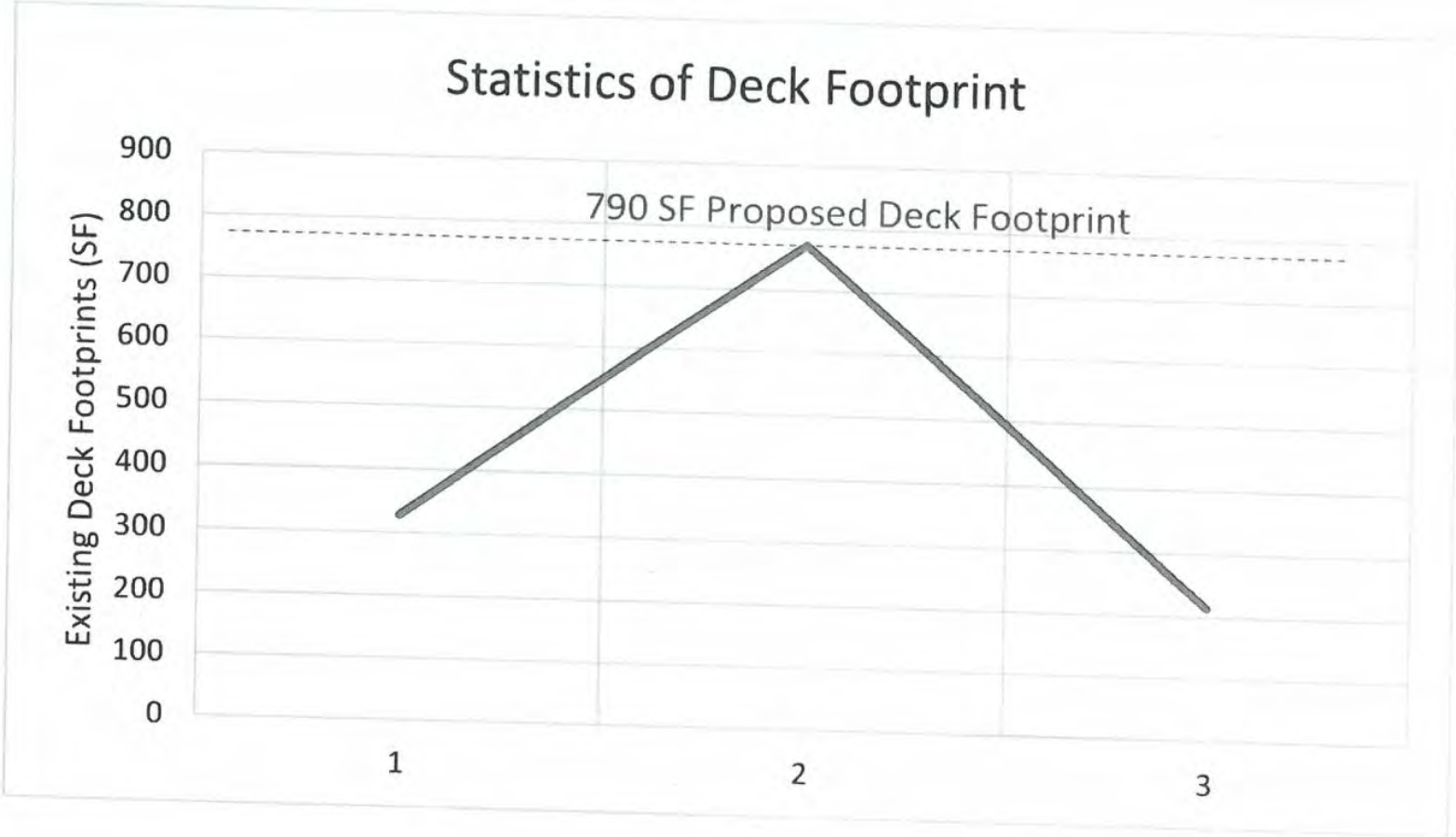
ID	Tax Map	Address	House Footprints Square feet
1	0593 11 0001	8243 Little River Turn Pike	2172
2	0593 11 0002	4101 High Point Court	2246
3	0593 11 0015	8250 Branch Road	2214
4	0593 11 0017	4109 High Point Court	1963
5	0593 11 0016	4105 High Point Court	2661
6	0594 01 0008	8215 Little River Turn Pike	1776
7	0594 01 0007A	8211 Little River Turn Pike	2269
8	0594 01 0007C	8246 Branch Road	2014
9	0594 01 0007D	8240 Branch Road	2818
10	0594 10 0002	8113 Little River Turn Pike	2152
11	0594 10 0003	8109 Little River Turn Pike	1987
12	0594 10 0040	4111 Woodlark Drive	2933
13	0594 10 0041	4107 Woodlark Drive	1945
Average			2242

Statistics of House Footprint



Deck Footprint Evaluation

ID	Tax Map	Address	Deck Footprints Square feet
1	0593 11 0016	4105 High Point Court	328
2	0594 01 0007A	8211 Little River Turn Pike	773
3	0594 01 0007C	8246 Branch Road	215
Average			439





November 6, 2017

VIA Email: Prutha.Rueangvivanakij@fairfaxcounty.gov

Mr. Prutha Rueangvivanakij
Fairfax County
12055 Government Center Parkway
Suite 530
Fairfax, VA 22035

Re: Fairfax Hills, Section 1, Lot 42
Addendum #1 – County Comment Response Information
Fairfax County Plan #2852-WRPA-006-1.1 and 2852-WQ-003-1.1
WSSI Project #11325.01

Dear Mr. Rueangvivanakij:

Your comments regarding the above referenced plans were received via emails on 10/31/2017, 11/3/2017. As a result, the RPAE/WQIA request has been revised. A point-by-point response to these comments is provided below.

Received via email – From: Prutha Rueangvivanakij – To: J.T. Kelley – 10/31/2017

1. **Comment:** *"We feel that the rear amenity is not minimal necessary. It appears to be larger than the approved INF."*

Response: Per discussions during our 11/3/17 meeting, the rear amenity has been reduced. The deck has been reduced to 15' maximum from the rear of the house, and the patio was reduced to 10' maximum from the rear of the house. The resulting reduction in LOD is shown in revised WQIA/RPAE exhibits and tabulations.

2. **Comment:** *"Grading seems to be excessive."*

Response: The grading shown is already 4:1 or steeper at the sides of the house. This cannot be steepened due to potential safety issues relating to home/yard maintenance.

3. **Comment:** *"The floodplain limit was revised without any written descriptions."*

Response: Please find attached GJB Engineering's "Floodplain Exhibit" as a supplementary document for the above application. The purpose of the Exhibit is to detail how the County floodplain study limits and water surface elevations have been verified by GJB Engineering and applied to the application field run topography.

The floodplain shown in the current application is (and has been) from County-performed HEC-RAS study by Fairfax County DPW&ES SWM Planning Division. The floodplain limits shown on the originally approved house grading plan on the lot were actually plotted in error from that same original County source data. So any appearance of "revision" between the RPAE and the original grading plan should be understood as a "correction" by the current submitting engineers.

Mr. Prutha Rueangvivanakij
November 6, 2017
WSSI #11325.01
Page 2 of 2

Any future House Grading Plan (INF submissions) will utilize and honor the attached floodplain limits and elevations.

4. **Comment:** "The total disturbance is 9 thousand square feet but the mitigation is based on 4 thousand square feet."

Response: The mitigation provided was determined by replanting all reasonable non-forested areas following construction (as noted in paragraph 1 on page 3 of 12 of the RPAE/WQIA letter). Areas not proposed for disturbance are already densely vegetated with trees and other woody vegetation. Notation has been added to the WQIA exhibits to clarify.

Received via email – From: Prutha Rueangvivanakij – To: J.T. Kelley 11/3/2017

1. **Comment:** "Please change the Director to Bruce McGranahan."

Response: Bruce McGranahan has been added as a CC on this addendum and changed on the WQIA/RPAE letter.

2. **Comment:** "I cannot get to 37 feet of house depth. I used 2,200 square feet divided by 53.5 feet and I got 41 feet."

Response: The stated house size of 2,200 square feet is not correct. The actual house size is approximately 1,900 square feet. Further, the house depth varies over its width – it is 33' at its shallowest point and 37' at its deepest.

3. **Comment:** "Please add 50-foot seaward (buffer) on the house plat."

Response: The 50-foot seaward buffer has been added to the plat, as requested.

It is our opinion that this response letter addresses all issues raised to date. Please feel free to contact me by phone (703-679-5652) or email (jkelly@wetlandstudies.com) if you have any questions.

Sincerely,

WETLAND STUDIES AND SOLUTIONS, INC.



J.T. Kelley, P.E., LEED®AP, C.F.M.
Senior Associate – Engineering

Cc: Bruce McGranahan, Director, LDS
Greg Budnik (via email)
Sheila Konecke (via email)

L:\11000s\11325.01\Admin\04-ENGR\19-RPAE\2017_11-03 Fairfax Hills Comment Response.docx

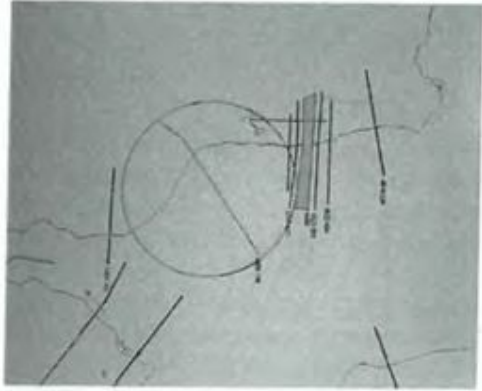
FLOODPLAIN NARRATIVE

THE FLOODPLAIN MAP IS A GENERALIZATION OF THE DATA PROVIDED IN THE ATTACHED DATA. THE FLOODPLAIN MAP IS NOT A GUARANTEE OF THE ACCURACY OF THE DATA. THE FLOODPLAIN MAP IS A GENERALIZATION OF THE DATA PROVIDED IN THE ATTACHED DATA. THE FLOODPLAIN MAP IS NOT A GUARANTEE OF THE ACCURACY OF THE DATA. THE FLOODPLAIN MAP IS A GENERALIZATION OF THE DATA PROVIDED IN THE ATTACHED DATA. THE FLOODPLAIN MAP IS NOT A GUARANTEE OF THE ACCURACY OF THE DATA.

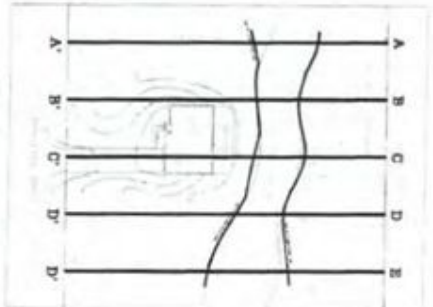
HYDRAULIC RESULTS

STATION	CHANNEL WIDTH (FT)	CHANNEL DEPTH (FT)	CHANNEL VELOCITY (FPS)	CHANNEL DISCHARGE (CFS)	CHANNEL FLOW AREA (SQ FT)	CHANNEL WET PERIMETER (FT)	CHANNEL HYDRAULIC RADIUS (FT)	CHANNEL SLOPE (FT/FT)	CHANNEL MANNING'S N	CHANNEL FRICTION LOSS (FPS)
1+00	100	10	1.49	1490	1000	157	6.37	0.0001	0.0149	0.0002
2+00	100	10	1.49	1490	1000	157	6.37	0.0001	0.0149	0.0002
3+00	100	10	1.49	1490	1000	157	6.37	0.0001	0.0149	0.0002
4+00	100	10	1.49	1490	1000	157	6.37	0.0001	0.0149	0.0002
5+00	100	10	1.49	1490	1000	157	6.37	0.0001	0.0149	0.0002
6+00	100	10	1.49	1490	1000	157	6.37	0.0001	0.0149	0.0002
7+00	100	10	1.49	1490	1000	157	6.37	0.0001	0.0149	0.0002
8+00	100	10	1.49	1490	1000	157	6.37	0.0001	0.0149	0.0002
9+00	100	10	1.49	1490	1000	157	6.37	0.0001	0.0149	0.0002
10+00	100	10	1.49	1490	1000	157	6.37	0.0001	0.0149	0.0002

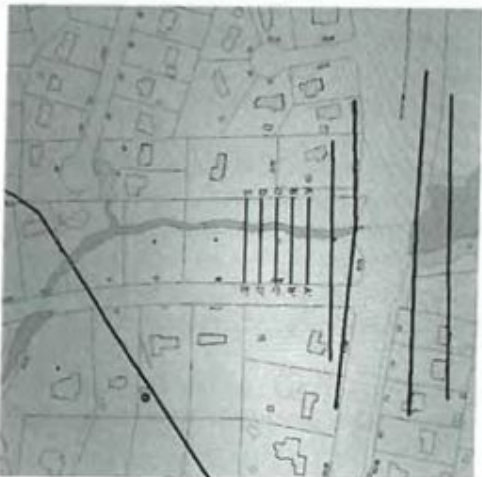
OIS ATTACHMENT A



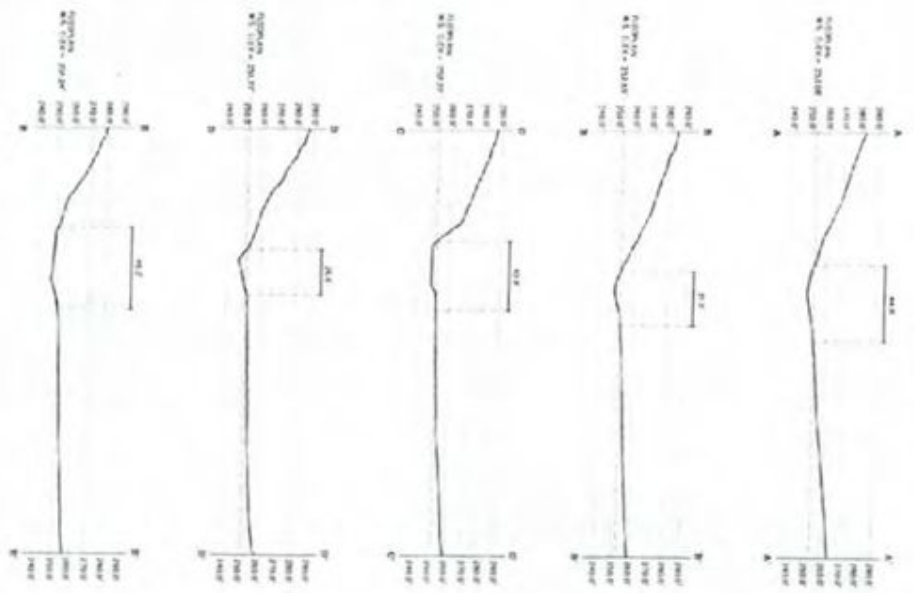
FLOODPLAIN EXHIBIT



OIS ATTACHMENT B



FLOODPLAIN CROSS SECTIONS



FLOODPLAIN EXHIBIT
FAIRFAX HILLS SEC 1, LOT 42

SHADOCK DISTRICT FAIRFAX COUNTY, VIRGINIA

Community Association Engineering
GJB Engineering, Inc.

1 of 1



County of Fairfax, Virginia

MEMORANDUM

DATE: November 9, 2017

TO: Prutha Rueangvivatanakij, Stormwater Engineer
Department of Public Works and Environmental Services

FROM: Ian Fuze, Urban Forester II
Forest Conservation Branch, UFMD

SUBJECT: Forest Conservation Branch review comments

RE: Project name: Fairfax Hills Section 1, Lot 42
Plan Number: 2582-WRPA/WQ-006-1
Date submitted to Site and Addressing Center: 9/30/17
Date submitted to Urban Forest Management Division: 11/6/2017

The following comments are based on the above mentioned Water Quality Impact Assessment and associated request to remove vegetation within the RPA.

As the Applicant states, "Indigenous vegetation within the RPA buffer on the subject site will be retained to the maximum extent practicable in order to retard runoff, prevent erosion, and filter nonpoint source pollution for the adjacent stream." UFMD agrees with this assessment as it appears that the minimum area required for construction has been proposed and tree preservation has been maximized resulting in the proposed project likely meeting PFM requirements of the Tree Conservation Ordinance.

The Applicant has requested a reduction in the plantings due to the following justification, "Opportunities for reforestation are severely limited due to existing forest cover, reforestation is proposed where practicable to mitigate the effects of buffer encroachment. The remainder of the project (not disturbed by proposed construction) is densely vegetated with smaller trees and shrubs and is not suitable for reforestation." UFMD agrees with this assessment. A landscape schedule has been provided (exhibit 6) which locates existing trees. Proposed plantings have been shown avoiding the Critical Root Zones of identified trees to the greatest extent possible. UFMD believes that reforestation to the minimum extend required would result in adverse root impacts to existing trees resulting in their eventual decline.

Reforestation with native trees and shrubs is proposed as shown in Exhibit 6. The total plantings proposed includes: 11 overstory trees, 21 understory trees, and 110 shrubs. An additional 1,935 sf within the 50' seaward buffer will be stabilized utilizing shade-tolerant alternative groundcovers in lieu of turf grass lawn. UFMD agrees that this is the maximum

Department of Public Works and Environmental Services

Urban Forest Management Division

12055 Government Center Parkway, Suite 518

Fairfax, Virginia 22035-5503

Phone 703-324-1770, TTY: 711, Fax: 703-653-9550

www.fairfaxcounty.gov/dpwes



amount of reforestation practical in order to unsure long term survivability of proposed plantings and existing vegetation.

If further assistance is desired, please contact me at 703-324-1770.

if/
UFMID #: 239720

cc: RA File



GJB Engineering, Inc.

providing quality engineering with personal service

P.O.Box 1214, Newington, VA 22122
www.gjbenengineering.com 703-541-2000

February 2, 2018

Chesapeake Bay Preservation Ordinance Exception Review Committee
Attn: Chris Koerner, Chairman
c/o Department of Land Development Services
Attn: Camylyn Lewis, Clerk to the ERC
12055 Government Center Parkway, 5th Floor
Fairfax, VA 22035

Reference: 4104 Woodlark Drive
Fairfax Hills, Section 1, Lot 42
Tax Map 0594 ((10)) 0042
Project # 2582-WRPA-006-1 and 2582-WQ-003-1
Braddock District

Dear Chairman Koerner:

You may recall that during the public hearing of the above application, Committee Member Howard Green observed that it would be helpful to have further background on whether other options for architectural design and house siting had been performed by the applicant to verify that the submitted house footprint and location within the lot was the least disruptive to the RPA it is proposed within. Allow this letter to serve as an affirmation of the previously submitted data within the application relative to this topic, documentation of the relative verbal presentation made by our firm at the December 6th public hearing and a summary of further study performed by our firm since December 6th in response to further discussion which Mr. Green and I had after the adjournment of the January ERC meeting.

It should be noted at the outset of this summary that our firm, as well as the engineering firm of Wetlands Studies & Solutions, looked at a number of house footprint designs and sitings as part of the preparation process for the above application this past summer prior to determining the particular design and siting which is presented before your committee for approval, was verified as being the architectural product and house siting which met the definition of least disruptive to the RPA, while still meeting the community's recorded covenant of a 75' setback from the front property line and met the definition of a "reasonable" size total square footage and ground footprint area relative to other houses in the community.

Below is an excerpt from Page 2 of the application background, for reference:

"The project site area is over 80% encumbered by RPA. In addition, there has been a court-enforced injunction of a 75' front setback for any proposed house in the neighborhood – which precludes construction of a house anywhere outside the RPA. As shown on the proposed conditions plan, the 75' setback extends into the RPA in all areas of the site – nearly to the 50' seaward buffer at the northern property line. The proposed lot plan represents the minimum disturbance necessary to construct a single family residence and associated infrastructure that is appropriate for the neighborhood. Grading has been minimized and proposed impervious areas have been reduced to provide the Applicant with a reasonably sized home and usable amenities.

During application preparation, our firm assessed various options for reducing the impact to the seaward 50' portion of the RPA:

- Obtaining a change in, gaining an exception to, or litigating the legitimacy of the recorded 75' setback covenant.
- Verifying the average footprint size and total floor area of the homes in the subdivision
- Assessing the current house architectural design to determine if a shallower house was reasonable and would allow for less impact to the core components of the RPA and the pollutant load anticipated from the development of the house on the lot.
- Shifting the house siting left or right of the current siting, while maintaining conformance to the 75' setback if changes or deletion of the covenant were not possible.

This assessment yielded the following:

- The injunction was sought by and granted to an individual (Mr. Richard Rio) who has stated he strongly believes the covenant to be valid. We understand he will vigorously defend the legitimacy of the covenant in any further litigation and that he, alone, does not have the authority to grant exceptions to the setback requirement. His testimony at the public hearing underscores that understanding and that the 75' setback must be met without expectation of exception. This is not a hardship created by the applicant, but created by the community covenant and their choice to enforce such through litigation
- Attorneys for the applicant have determined that unanimity of all owners of the subdivision would be required to modify the covenant – even just once for this lot. Therefore, modifying the 75' covenant is not a reasonable expectation of the applicant, nor is such within the control of the applicant.
- The house architectural design was found by our firm to be less than average already at 37' deep, so reduction of the depth of the house was deemed unreasonable.

- The house architectural design was found by our firm to be average to below average in width (dependent on the factors considered) and though the house could be wider than the design submitted without negatively impacting the existing trees to be preserved just outside the currently proposed clearing and grading limits, it the applicant's opinion that they did not feel that was appropriate as they understood the need to minimize total impervious area. The applicant therefore has been sensitive to the need to develop a house product which is neither excessively wide or deep, and thus feels the house architectural design is reasonable for this particular lot as it minimizes impervious area and avoids, to the maximum extent possible, damage to or loss of existing mature trees and forest.

Upon these findings, the application dwelling was confirmed as meeting the standards of Chapter 118 for this application. The house was sited and graded allowing for a reasonable lawn within the front of the house for resident enjoyment, while minimizing the creation of lawn between the proposed house and the RPA core component stream and along the sides of the house. Slopes created along the sides are at a maximum for reasonable mowing by conventional equipment. Due to Floodplain Ordinance requirements, the dwelling's lowest part of the lowest floor of the home must be 18" above the floodplain elevation. The application design meets this requirement, with a factor of safety to boot, without any exception, but requires the grading along the rear and sides of the home to be slightly higher than would be otherwise necessary if no floodplain existed.

During application review by LDS this fall, their staff pushed for a reduction in the patio and deck which was proposed on the house, which the applicant acquiesced to and which is represented in the November 6, 2017 revised application which was presented to the ERC at the December public hearing. Staff also asked for additional backup and information related to the floodplain, which was also supplied to staff.

Subsequent to the December public hearing, at the request of Committee Member Green, over the next four weeks, our firm revisited the design and siting of the house, attempting three additional potential sitings and house configurations. We also discussed possible architectural design changes with the applicant. All additional options assessed were deemed to either be no improvement to the RPA, unreasonable in nature, or more impact on the RPA than the application house architectural and house siting presented to you in December.

Thus, our firm certifies to the ERC that the design presented before your committee meets the standards of the Chesapeake Bay Preservation Ordinance as the minimum house size and location necessary to afford relief. LDS staff has concurred with our finding.

4104 Woodlark Drive / Fairfax Hills, Section 1, Lot 42
Response to ERC on discussion related to RPAE request public hearing 12/6/17
February 1, 2018
Page 4 of 4

Please also note that the US Army Corps of Engineers has made their Jurisdictional Determination subsequent to the submission of our application. A copy of their determination has been provided to the Clerk to the ERC for your file.

We stand available to answer any further questions you may have relative to the referenced submission.

Sincerely,



Greg Budnik, P.E.
Engineer for the Applicant

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www.gjbengineering.com
703-541-2000



DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NORFOLK DISTRICT
FORT NORFOLK
803 FRONT STREET
NORFOLK VA 23510-1011

DECEMBER 1, 2017

APPROVED JURISDICTIONAL DETERMINATION

Northern Virginia Regulatory Section
NAO-2017-02064 (Fairfax Hills)

K2NC, LLC
c/o Wetland Studies and Solutions, Inc.
Attn: Mr. Benjamin Rosner
5300 Wellington Branch Drive, Suite 100
Gainesville, Virginia 20155

Dear Mr. Rosner:

This letter is in regard to your request for a verification of an approved jurisdictional determination for waters of the U.S. (including wetlands) on property known as Fairfax Hills, Section 1, Lot 42, located on an approximately 1.0 acre parcel on the west side of Woodlark Drive, approximately 200 feet south of its intersection with Little River Turnpike (Route 236) in Fairfax County, Virginia.

A jurisdictional determination has found waters and/or wetlands regulated under Section 10 of the Rivers and Harbors Act (33 U.S.C. 403) and/or Section 404 of the Clean Water Act (33 U.S.C. 1344) on property listed above. Nontidal wetlands and/or waters have been identified on the site. This letter shall serve to confirm the wetlands delineation by Wetland Studies and Solutions, Inc., as surveyed and shown on the maps titled, "Fairfax Hills" dated September 26, 2017 (copy enclosed).

Our basis for this determination is the application of the Corps' definition of waters of the United States. These waters are part of a tributary system to interstate waters (33 CFR 328.3 (a)) and have an ordinary high water mark.

Discharges of dredged or fill material, including those associated with mechanized landclearing, into jurisdictional waters and/or wetlands on this site will require a Department of the Army permit and may require authorization by state and local authorities, including a Virginia Water Protection Permit from the Virginia Department of Environmental Quality (DEQ), a permit from the Virginia Marine Resources Commission (VMRC) and/or a permit from your local wetlands board. This letter is a confirmation of the Corps jurisdiction for the waters and/or wetlands on the subject property and does not authorize any work in these jurisdictional areas. Please obtain all required permits before starting work in the delineated waters/wetland areas.

This letter contains an approved jurisdictional determination for your subject site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the North Atlantic Division Office at the following address:

ATTN: Mr. James Haggerty, Regulatory Program Manager
United States Army Corps of Engineers
CENAD-PD-OR
Fort Hamilton Military Community
301 General Lee Avenue
Brooklyn, NY 11252-6700
Email: james.w.haggerty@usace.army.mil

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 C.F.R. part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by ****February 1, 2018.**** It is not necessary to submit an RFA form to the Division office if you do not object to the determination in this letter.

This jurisdictional determination is valid for a period of five years from the date of this letter unless new information warrants revision prior to the expiration date. If you have any questions, please contact Ms. Theresita Crockett-Augustine in the Northern Virginia Field Office at 18139 Triangle Plaza, Suite 213, Dumfries, Virginia 22026, (757) 201-7194 or theresita.m.crockett-augustine@usace.army.mil.

Sincerely,



Theresita Crockett-Augustine
Environmental Scientist
Northern Virginia Regulatory Section

Enclosures

AUGUSTINE.THERESITA.CROCKETT.1230827040

Digitally signed by
AUGUSTINE.THERESITA.CROCKETT.1230827040
DN: c=US, o=U.S. Government, ou=DoD,
ou=PKI, ou=USA,
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Date: 2017.12.01 13:34:29 -05'00'



County of Fairfax, Virginia

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

Minutes

Meeting of the Chesapeake Bay Exception Review Committee

October 3, 2018, 2:00 PM
Herrity Building, Room 106
12055 Government Center Parkway
Fairfax, Virginia 22035

Present:

Committee:

Chris Koerner, Edward Monroe Jr., Ken Lanfear, Elizabeth Martin, Dr. Schnare, Monica Billger, The Honorable Mr. James C. Chesley, Anne Kanter.

County Staff:

Hanna Kras, Orna Zaman, Prutha Rueangvivatanakij, Mathew Hansen, Jerry Stonefield, Shahab Baig, Bruce McGranahan, Camylyn Lewis, Mary Ann Welton, Dipmani Kumar, Shannon Curtis, Marc Gori.

Applicant:

Sheila Konecke (applicant), Greg Budnik (applicant's representative), J. T. Kelly (applicant's representative).

General Attendance:

Jeanne Kadet (Braddock District Environment and Land Use Committee), Beverly Boschett (Braddock District Environment and Land Use Committee), Katherine Schultz, Josh Snyder.

Committee Members Absent:

Sue Kovach Shuman.

Call to Order

Meeting called to order by Chairman Koerner at: 2:01 PM

Committee Matters:

1. Chairman Koerner shared that Vice Chair Sherry Fisher, Braddock District, has resigned from the committee and thanked her for her service.
2. Review of June minutes:

Department of Land Development Services
12055 Government Center Parkway, Suite 659
Fairfax, Virginia 22035-5503
Phone 703-324-1780 • TTY 711 • FAX 703-653-6678
www.fairfaxcounty.gov



- a. Motion from Anne Kanter to approve the minutes. The motion was seconded and approved 8-0.
- b. Motion from Chairman Koerner to approve the revision to the December 2017 minutes. The previously approved minutes are amended to include the statement from Ms. Gould. The motion was approved 8-0.
3. Chairman Koerner asked the committee if they have any conflicts of interest with case to be heard on 4104 Woodlark Drive. There were no conflicts of interest.
4. Public Hearing of Case No. 2582-WRPA-007-1 and 2582-WQ-004-1

Address: 4104 Woodlark Drive

Lot Description: Fairfax Hills Sec.1, Lot 42

Applicant: K2NC, LLC.

- a. Mathew Hansen (county staff) gave a presentation summarizing the issues before the Committee.
- b. Greg Budnik (applicant's representative) made a statement in support of the application for an exception.
- c. There were two statements against the application; Ms. Gould and Ms. Kadet. See Attachment I.
- d. There were two statements in support of the application; Mr. Snyder and Ms. Schultz. See Attachment I.
- e. Mr. Hansen presented the position of the Director and addressed the required findings.
- f. Mr. Shannon Curtis, Stormwater Planning Division (SWPD), The Department of Public Works and Environmental Services (DPWES), made a statement regarding water quality and stream assessments. See Attachment I; Statement from Stormwater Planning – Water Quality.
- g. Mr. Dipmani Kumar, SWPD, DPWES, made a statement regarding the floodplain. See Attachment I; Statement from Stormwater Planning – Floodplain.
- h. Mr. Budnik gave a rebuttal. See Attachment I; Applicants Rebuttal.
- i. There were questions and discussion from the committee. See Attachment I; Questions and Discussion.
- j. The Chairman moved to close the public hearing. The motion was seconded and approved 8-0.
- k. There was discussion among the committee regarding a deferral date. Dr. Schnare made a motion to defer the case to December 12, 2018 at 2pm, and to move the originally scheduled date of the committee meeting from December 5, 2018 to December 12, 2018. Both motions were seconded and approved 8-0.

Next Meeting

5. The next meeting will be November 7, 2018, for a business meeting. The request was made for the Clerk to send a meeting reminder to the committee members prior to.

Adjournment

6. The meeting was adjourned at 4:54pm.

Attachment I

- i. Staff Presentation - Part 1 (see Staff Report)
- ii. Staff Presentation - Part 2 (see Staff Report)

Additional comments to staff presentation.

- It was noted that during the grading plan process, staff will enforce the requirement that there is no increase in peak flow rates from the site.
 - Committee member, Mr. J Kelsey asked for some examples of BMPS, will the property owner be required to sign a maintenance agreement, and will the high ground water restrict the types of BMP. Mr. Hansen responded that bio-retention planters may be an option, and a private maintenance agreement would be required. Groundwater may restrict the types of BMPs.
- iii. Greg Budnik (applicant's representative) statement in support of the application.
 - The applicant would prefer not to build a home in the RPA.
 - They have been working with staff on this application for the past 13 months.
 - They have looked at alternatives to site the house. There was an injunction that prevented moving the house forward. They do not wish to move the house further back, closer to the stream. They considered moving the house to the left or to the right but if you move the house upstream, you impact the RPA more because you move further into the 50 feet seaward, if the house was to be moved downstream it starts impacting other trees in the proximity of homes on other lots and would start to require a skew on the house.
 - A home should not be 10 feet from a major tree. There needs to be enough room to construct the structure. The yard was minimized; the back yard was traded for a deck.
 - Ground covers are required to be planted around the pervious patio.
 - He has been notified by LDS that a flood study is required and that approval for the use in the floodplain is required by Zoning Ordinance Section 2-903. They will provide detailed computations for the floodplain and work with staff to show compliance.
 - The county geotechnical engineer told him that there would need to be a review of the soils on the property.
 - The applicant is prepared to comply with all the required approvals.
 - The application meets all the DEQ requirements. JT Kelly from Wetland Studies and Solutions, is here to answer any related questions.
 - The application meets the Chesapeake Bay requirements.

- iv. Statements against the application.
 1. Ms. Amy Gould; see the Committee Package.
 2. Jeanne Kadet, The Braddock Land use and Environmental Committee; see the Committee Package.

- v. Statements for the application.
 1. Josh Snyder, Realtor and Classic Contractor.
 2. Katherine Schultz, Woodlark neighbor.

The level of flooding shown in the pictures has only happened twice since 2009. The applicant has cleanup the trash on the lot, which included an old sofa and tires.

- vi. Statement from Stormwater Planning – Water Quality.

Mr. Curtis referenced an email which he previously sent to Land Development (LDS) staff. There is a TMDL on this stream. The drainage area coming to the site has 27% impervious cover. This is significant with regard to the stream condition. In stream habitat declines with 5 to 10% impervious. There is a lot of sediment and stormwater which is ripping up the banks. This stream is a good example of one that needs a sediment TMDL. DEQ has been monitoring the Accotink watershed. There is an EPA flow TMDL. Now there is a sediment TMDL. DEQ had declared that the stream is sedimentation and chloride impaired. The County will be required to reduce the sediment to the stream, and will need to control stormwater runoff. The stream is a level 2 management category. Innovative BMPs and reduction of impervious cover should be required for infill development. The stream is in bad shape.

- vii. Statement from Stormwater Planning – Floodplain.

Mr. Kumar stated that Stormwater Planning’s role for floodplains is limited to ensuring that the National Flood Insurance Program (NFIP) requirements are met, to provide information on approximate flood zones, and to provide information on the watershed planning studies. When information is provided from the watershed planning studies, they cannot guarantee that the water surface elevation (WSEL) is the actual WSEL. The customer must update the topography and the flow. The information that they provided to the customer was based on current flow condition flows; 1997 data. The information was taken at a cross section 100 feet upstream of the lot.

- viii. Rebuttal - Greg Budnik.
 - Staff is requesting BMP measures beyond the Stormwater Management Ordinance.
 - He agrees to work with staff to develop BMPs. However, he does commercial design on shopping centers and there are certain BMPs that he would recommend

against. Certain BMPs, are cost prohibitive. Not opposed to BMPs but they should be implemented in a meaningful way.

- He is familiar with hydrology requirements and floodplain (FP) requirements and is prepared to demonstrate that all the FP requirements will be met.
- The applicant will commit to any condition that the committee would impose regarding floodplains.
- The applicant will commit to conditions to limit sediment.
- The applicant is in agreement to add more trees provided the county arborist agrees that there are not too many. They would be agreeable to a condition that puts the requirement for trees in the hands of the County Arborist.
- He would like the opportunity to use any of the BMPs in the clearing house.
- Concern was expressed about Condition No. 5 in Appendix A of the Staff report, regarding detention.

Condition No. 5 in Appendix A is:

In order to minimize the impact to the existing stream health, including water quality and erosion, the 1-year and 2-year post-development peak flow rates must be equal to or less than those for the site in good forested condition.

- Budnik expressed concern that detention would worsen erosion within the stream. He requested that the detention condition be related to the velocity or elevation of the stream.
- He expressed reservation about the planters in Arlington County. The biggest and most expensive problem is water getting in the foundation of a house. A failing foundation planter can lead to huge problems for the home owner. Seepage against the building is a problem. However, he agreed to review the use of planters in Arlington County.
- He expressed that the impervious of the lot is 6%.

ix. Ms. Schultz (member of the Friends of Accotink) – Comments following Mr. Budnik’s Rebuttal. Acknowledges the problems with the stream has personal knowledge of Keorns Run.

x. Chairman Koerner’s Questions; dated 10-3-2018.

xi. Summary of Questions and Discussion:

- Amy Gould expressed concerns that the floodplain map the applicant provided (see the Staff Report) may be incorrect.
- Chairman Koerner provided a hand out with a list of questions, dated 10-3-2018. He recommended that Mr. Budnik review the comments, and may wish to request deferral of the application for 70 days to address and respond to comments.
- Ms. Kadet asked if anyone had spoken to Supervisor Cook. The committee replied that Supervisor Cook had not voiced a position. Concern was expressed that there is not a Braddock representative currently on the ERC.
- The Chairman asked if the committee has authority to defer the hearing. Mr. Gori (Assistant County Attorney) confirmed that the committee can defer to a date certain.
- There was discussion between Chairman Koerner and Dr. Schnare regarding a potential motion.
- There was discussion as to whether the application meets the required findings. Dr. Schnare referenced the DCR Guidance Handout. He handed out a graphic showing a comparable home, and referenced the applicants plat (see the Staff Report). He explained that it is possible to provide a house completely outside of the seaward 50 feet. Dr. Schnare expressed that, the application is not the minimum necessary to afford relief, that the request is self-created and self-imposed, and that the property could be developed with a 2600 square foot home, in keeping with the neighborhood, and the home be outside the seaward 50 feet. As the application, would not meet the requirements stated above, he would vote against the application.
- Mr. Lanfear asked if the house size, 2600 square feet, includes access.
- Ms. Kanter shared that a 25 feet wide house is not an unreasonable requirement. She expressed disappointment that the applicant had not considered different house plans.
- The committee asked staff (Mr. Hansen) why the last statement in Attachment A of the Staff report from November 2017, was missing in the current Staff report.

The last statement of Attachment A in the November 2017 staff report was:

This approval, contingent on the above noted conditions, does not relieve the applicant from compliance with the provisions of any 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, and this RPA Exception shall not be valid until this is accomplished.

- The committee asked whether the missing statement should be added to the approval conditions. Mr. Hansen replied that it should be added, and that the committee have the authority to write any approval conditions that they deem appropriate as the committee is not bound by the conditions in the Staff Report.

- In reference to condition no. 4 in the Staff Report, Mr. Budnik requested that there be some discussion about the velocity and the timing of flows in the stream.
- Mr. Monroe asked about the types of BMPs which were proposed. Mr. Budnik, referred to JT Kelly who explained that compost amended soils were proposed and that they required disking (tilling) 18 to 24 inches of compost into the soil.
- Mr. Monroe asked about the trees that were cleared and to what extent the property will be re-planted. Mr. Hansen – exhibit proposed trees/ vegetation. Not a full re-forestation of the site but re-vegetation of some of the cleared area.
- Mr. Monroe asked if the space within the limits of clearing could be utilized to mitigate some of the runoff. Mr. Hansen responded that there will need to be an engineering solution for how the water is to be detained.
- Ms. Martin asked how the lawn is the minimum necessary to afford relief. The plan shows lawn on the sides of the house and in the front. Mr. Budnik responded that it is typical with other encroachment requests that do not come before the ERC, that some lawn is allowed. He said that they were not given any guidance regarding the lawn, and said that if it is the belief of the committee that the lawn should be smaller, please provide guidance regarding the amount of lawn. Dr. Schnare said that there should be no lawn behind the house.
- Dr. Schnare expressed that the deck is too large, that only one tree might suffer by having a longer house, and a replanting area could mitigate the loss of the tree. Mr. Budnik responded that the applicant is amenable to a change in the architectural product. Dr. Schnare explained that the ERC must consider the application presented and that until there is a house proposed that does not have its footprint in the seaward 50 feet, it cannot be considered.
- Mr. Chesley expressed that if one buys a property that has restrictions and covenants and they are clearly aware of what they can do, then they should build within the existing constraints. He added that across the street there is a ranch house which would fit within the constraints of the 75-foot setback and the 50-foot seaward. He was not satisfied that the soil and floodplain requirements could be met. He thought that the application would have a hard time meeting the requirements and is interested to see the mitigation plan. He thought that moving the house would solve most of the problems.
- Mr. Chesley expressed concern that there are three other lots adjoining and that when exceptions are made, the cumulative effect should be considered. If this case is approved there would be three other properties presented to the ERC in the near future. He would like to see the architecture changed. He shared that, as it stands, he could not support the current application. He might be able to support the application if there were answers to the question which had been asked.
- Mr. Lanfear asked Stormwater Planning (Mr. Curtis) about the Accotink TMDL. Mr. Lanfear expressed that they are charged to protect the Chesapeake Bay, and that they are spending a huge amount of money on stream restoration. He asked how much it will cost to restore the stream. Mr. Curtis responded that the restoration is not in the

current plan. Most projects are one million to two million dollars. About 26 million is spent in total on stream improvements.

- Mr. Lanfear expressed that we should not make the problems worse. That we should not create more phosphorous or raise the flows. He said that stream restoration \$ for \$ is about 10 times as effective as other practices. Mr. Curtis agreed that stream restoration is the most cost effective method. Mr. Lanfear expressed that the problem is in reducing the loading, and that the application has not presented any quantitative analysis.
- Ms. Billger explained that the RPA buffer is 100 feet in width, it is not just the seaward 50 feet. She expressed that the proposed project is within 16 feet of the stream. She said that point source pollution has been addressed and that now the leading source of pollution is stormwater. She stated that we need to look at the stormwater from every individual home owner. We are having storms that are not typical of 1 to 2 year storms. The flood limits on the applicant's map are not accurate. How can we talk about the water quality impact assessment (WQIA) without accurate information on the floodplain. She agreed with Dr. Schnare's point on self-imposed conditions, and that alternative homes have not been considered. She expressed that the WQIA does not demonstrate that there is not a detriment to water quality. She expressed concern over the time the committee has been looking at the exception request and that the questions are still not answered.
- Ms. Martin thought that it was very problematic that the WQIA never assessed the impact on water quality, that there was no assessment of the health of the stream, the impact on this project, or the cumulative impact. She expressed concern that the impervious area surrounding the project is 27% and little is offered to mitigate the effects of this project. She thought that the request was self-created. She expressed concern that the owner purchased the property with the knowledge of the 75-foot setback, and that they had the land cleared. She thought that the property was never suited for the proposed use.
- Mr. Budnik explained that the lot was recorded just after the second world war; that the Zoning Ordinance was adopted in 1941; the Public Facilities Manual (PFM) in 1978; the Original Chesapeake Bay Act was in 1979; the County Chesapeake Bay Ordinance was adopted in 1993; and that the first several years the lot existed, the lot was clearly buildable. He thought that the constraints were due to the Chesapeake Bay Ordinance. He thought the applicant did not create the 75-foot setback. He thought that the house footprint was reasonable. He asked for a voluntary deferral of 70 days to correct errors, address the ERC's concerns, and modify the application.
- There was discussion about the best way to allow the applicant an opportunity to address the questions and concerns raised.
- Mr. Lanfear thought that stream restoration for one property would be ineffective but that there may be an opportunity for the adjoining properties (five properties in total) to get together and present a plan to restore the stream.

- Ms. Schultz shared that there was a stream restoration project but it stopped at the other side of her driveway. Mr. Curtis explained that the restoration project stopped at the limits of County-owned land.
- Chairman Koerner explained the options available to the committee, including the option for the applicant to voluntarily request a deferral to a date certain within 70 days. There was further discussion over the options.



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November 9, 2018

Chesapeake Bay Preservation Ordinance Exception Review Committee
Attn: Chris Koerner, Chairman
c/o Department of Land Development Services
Attn: Camylyn Lewis, Clerk to the ERC
12055 Government Center Parkway, 5th Floor
Fairfax, VA 22035

Reference: 4104 Woodlark Drive
Fairfax Hills, Section 1, Lot 42
Tax Map 059-4 ((10)) 0042
Project # 2582-WRPA-006 and 2582-WQ-003

Dear Chairman Koerner:

Pursuant to recommendations and commentary made at the October ERC public hearing and subsequent discussions with County LDS staff, please find enclosed revisions to our application for exception under Chapter 118 of the County Code. This letter serves to further explain the revisions made over the past few weeks, as well as respond to Committee questions and comments. The topics covered herein are:

- Revised house footprint and house siting (now outside 50' seaward portion of the RPA)
- Revision of driveway to provide a turnaround outside the RPA (for driver safety)
- Proposal of a BMP facility (to improve stormwater quality leaving the site)
- Preparation of a detailed floodplain analysis using current PFM methodology
- Justification for the proposed deck and patio which extend into the 50' seaward RPA
- Analysis of the benefit of stormwater detention relative to stream bank erosion
- Accotink TMDLs as they relate to this development
- Soils Mapping as it relates to the WRPA and WQ applications and Chapter 107 Report
- Roof downspout drainage
- Questions related to the Route 236 road culvert

A more detailed description of each revision and, where applicable, justifications for the design provided in the revised plan, follows herein.

House Footprint

As recommended by Committee Member Dr. Schnare, the house architectural plan has been completed changed to a wider, but much shallower footprint. The goal of the footprint change was to remove the entirety of the house and garage impervious footprint from the 50' seaward portion of the RPA, which has been achieved with this revision. The new house architectural footprint remains consistent in area with both the previously proposed house plan and the average footprint size in the community/subdivision. Due to the shallower footprint and vertical relationship of the garage to the house first floor, the garage has been placed outside the footprint of the "living" portion of the house since no living space is proposed above or below the garage.

Revised Driveway

The revised plan reorganizes the impervious area of the driveway to incorporate an onsite turnaround to improve safety for drivers and delivery vehicles leaving the subject dwelling. To offset the additional impervious area created by the turnaround, it has been 1) located outside the RPA and 2) asphalt associated with the main driveway between the turnaround and street has been reduced in width to 12'.

BMP Facility

In response to ERC comments, the applicant is now proposing to install a BMP facility on the property to further improve water quality discharged into the tributary stream. The BMP is a "dry swale", recognized by Virginia DEQ and Fairfax County staff as an appropriate type of BMP for this particular lot. The preferred location of this facility is shown south of the proposed driveway entrance, with an alternate/additional swale shown north of the driveway, so that all impervious areas in the front of the house (driveway) and the front half of the roof areas would be treated. The BMP would be designed to DEQ and Fairfax County standards and, once constructed, would be subject to Fairfax County quadrennial inspections under the Private Stormwater Management maintenance agreement which would be required of the applicant prior to Grading Plan and Building Permit approval.

Floodplain

The floodplain (100-year water surface elevations) shown on the revised plan is now based on a PFM-compliant HEC-RAS computer model which was prepared over the past two weeks. The hydrology used for the modeling is based on current PFM methodology, including the recent PFM changes in rainfall data. Our firm field-verified channel widths and depths through the site reach to field-truth data that was being used in the model provided by others (e.g. to verify County topographic data).

The revised floodplain computations indicate that a “topographic improvement” (a Permitted Use within minor floodplains under ZO 2-903) may be required to provide the necessary 15’ minimum setback from the 100-year water surface required by the Zoning Ordinance. As the ERC was previously advised by LDS staff in October, a Director’s Determination of Permitted Use in a Floodplain will be required by LDS as is typical during Grading Plan review and prior to Grading Plan approval by LDS, which will review the floodplain computations and topographic improvement in detail. No waivers or special exceptions would be required for the construction of the dwelling in the location shown on the revised plan herein. A completely new plan-and-profile exhibit showing the updated floodplain information is being delivered to staff under separate cover on Tuesday November 13th which will address your prior comments regarding conflicting details and information in the prior exhibit.

Deck & Patio

The private covenants on the lot prohibit the construction of a porch on the front of the home, so the applicant is requesting that the ERC permit a small deck and a “pervious” patio for the revised house. Justification for the deck and patio are:

- The depth of the proposed dwelling is shallower than typical homes in Fairfax County;
- The dwelling will not have lawn area in the rear of the home to allow convenient interaction with the outdoors. All rear and side yard areas that are not forested will be planted with alternative ground cover (which is not intended as a pedestrian area for homeowners);
- The deck shown on the revised plan does not create additional impervious area, does not create additional cleared area in the RPA, and does not overly shade areas which are required for aforementioned ground cover;
- The private covenants of the subdivision do not allow a covered porch (as depicted in the house concept ERC Member Dr. Schnare as an example at the October meeting) unless that porch is at least 75’ from the front property line;
- The majority of disturbed areas that are not being built upon are not intended as areas which the homeowner can be outdoors (i.e. the large majority of the disturbed areas are to be reforested or planted with alternative ground cover).
- There are no negative environmental consequences to the construction of a deck or patio in the size and location shown on the revised plan. The patio will be built using pervious pavers and the applicant would be amenable to an approval condition which required such method of construction or similar as deemed appropriate by staff or the ERC;
- A deck or patio is a very common feature of a single family home in Northern Virginia, as well as nationally, but particularly locally. According to the U.S. Census Bureau's annual report on the characteristics of new housing, 91% of single-family homes completed in 2016 had a patio, porch or deck, up from 86% in 2010.¹

¹https://www.deckmagazine.com/outdoor-living/the-american-backyard-is-growing-again_c

Please note that, in response to Committee commentary, we have reduced the width of the deck to allow for only 3' to 5' of overhang over planted material 8' below that would be outside the pervious patio.

Streambank Erosion

The concern was raised during staff review of our prior submission of the WRPA and WQ applications as to whether the application development would increase bank erosion of the tributary stream that flows through it. Assertions were made by staff that detention of stormwater of the 1-year storm and/or 2-year storm to either pre-development or "good forested conditions" would somehow be reduce or stop bank erosion of the tributary, however no scientific or computational basis was provided in making this assertion. Further, staff has crafted an approval condition where they have recommended onsite detention to the ERC for approval, ostensibly on the expectation that such detention would provide a positive benefit.

Unfortunately, it is our professional opinion that this belief/assumption is incorrect and may, in fact, have the opposite effect on the stream than that which staff desires. Our engineering analysis of the stream velocities (a prognosticator of the likelihood of bank erosion) during the 1-year and 2-year storm *under any development or non-development scenario for the subject property, including even taking no action on the property* (e.g. develop with detention, develop without detention, or even to reforest the site and not to develop at all) would not reduce the stream flow velocities below what they are today and may even have the undesired effect of increasing them within this reach of stream above the Woodlark Drive culvert crossing.

The reason detention on this site will not reduce stream velocity – and may incrementally increase it - lies in two basic facts:

1. The natural channel created by this post-World War II subdivision is constantly trying to adjust to the last 50 years of land development in this watershed. The large majority of the watershed was developed starting in the early 1970's and largely without detention facilities of significance. The slope of the channel through the subject reach is relatively steep from a hydraulic perspective, so it is Manning's Formula which will dictate the normal depth and velocities in this reach during flow events which do not overbank (such as the 1-year or 2-year storm). *This is irrespective of activities on the lot being developed.* Put a simpler way, the current geometry of the channel and its slope will define the velocity of stormwater within it and the incremental amount of runoff introduced by Lot 42 to the whole of the stormwater in the channel will not change the Q value used in Manning's Formula (because the amount of flow from the subject lot is too small to show in significant digits from the computation).

2. To detain stormwater onsite would result in the discharge of the detained runoff closer to the hydrograph peak of the receiving tributary, and thus incrementally increasing the potential for velocity increase, rather than decrease. The time of concentration of the runoff for this watershed is approximately 90 minutes, depending which method is used for computation of the T_c . The time of concentration of the onsite runoff is approximately 5 minutes when not detained.

Any detention of stormwater onsite would result in a discharge of flow much closer to the peak flow in the stream, which would obviously be undesirable. By allowing the runoff from the site to leave undetained, the flow from this site does not contribute to the peak flow - and therefore not contribute to the peak velocities which create the baseline erosion for a given stream.

Where the principle of detention within a watershed is generally acknowledged as having protective qualities such as those desired in this situation, not all parts of a watershed or stream benefit uniformly in the provision of stormwater detention. Arlington County has proven this theory with their Four Mile Run Watershed policies, where they discourage detention in certain parts of the watershed to avoid the undesirable coincidence of flows as described above. The reality for this particular reach of this particular watershed is that detention would be, at best (and most likely), viewed neutrally by the stream parameters governing erosion. But dependent on the type and duration of detention, the discharge of detained stormwater could be coincident or near-coincident with peak flows in the tributary stream – and that would incrementally increase velocities for the properties immediately downstream that are above the Woodlark Drive culvert crossing. It should be noted that analysis of any of the above scenarios (detained or undetained) have no impact on the velocities of the stream below the Woodlark Drive culvert crossing due to backwater effects at that road crossing.

Thus, given that detention on this site is neither required or recommended by either State or County Code or the County PFM, we respectfully request that any staff that would endorse detention on this site for the purposes of reducing (or avoiding further) streambank erosion demonstrate to the ERC the technical rationale behind making such recommendation, as we believe it is both unnecessary and potentially harmful. For those reasons, we cannot include a design on this site which includes detention of stormwater.

Relative to the comments in your September memorandum regarding the stream flow velocities exceeding 3 fps (and thus erosive), referring to #1 above regarding the origin of this stream, it is the fact that the stream is hydraulically steep in slope and that natural slope of the channel, along with the significant erosion that's developed within this watershed over the past half century that is what drives the flow velocities above 3 fps – not the development of the site.

Relative to your question of what the applicant proposes to do about that condition of natural velocities in excess of 3 fps, the applicant is not able to propose a change on the site which would reduce velocities within the tributary stream. That, simply, is beyond the ability of the applicant to address and is a function of the watershed and stream itself. To modify the stream to attempt to reduce velocities to the 3 fps range would, quite frankly, do more environmental harm than good.

Benthic Impairment within the Accotink Watershed as it relates to this application

A Total Maximum Daily Load (TMDL) has been established by the United States Environmental Protection Agency (EPA) for the Accotink Creek watershed. Section 303(d) of the Clean Water Act (CWA) and its implementing regulations require TMDLs to be developed for impaired waterbodies. The two chief approaches that public jurisdictions are taking locally are to regulate the amount of chloride (salt) and the amount of sediment discharged into the watershed.

Though there are no codified sediment control plans relative to the TMDL that apply to this site from a quantitative perspective, this site complies with the above TMDL goals and initiatives:

1. Construction of the home will not result in the discharge of a saline load to the watershed. Where it is recognized that homeowners may, from time to time, use small amounts of deicing salt on the sidewalks or driveways of residential homes, the applicant is amenable to an Approval Condition, if the ERC wishes to impose such, that residents of the home on this lot are prohibited from using deicing salts and chlorides.
2. This site will not discharge sediment into the Accotink Creek tributary which flows through the site. The proposed development proposes to utilize the highest form of sediment control available for this type of development site: Super Silt Fence. This is sediment control fence which is backed up and reinforced by chain link fence to ensure no fence failure during major storms. Failure rates of chain-link reinforced sediment control fence are very low, as witnessed by the super silt fence which is in use at the site now and is operating with no failure for nearly 18 months now. It is also worth noting that the site lends itself well to retention of sediment in this manner. The Applicant is amenable to an Approval Condition requiring the use of this type of sediment control to fully encompass the disturbed area of the site. Permanent stabilization is spoken to in the revegetation plan submitted with this application and reviewed by the LDS Site Reviewer and County LDS UFMD (Arborist). All designs meet or exceed the County requirements for same with no request or need for waiver or exception.

Soils Mapping as it relates to the WRPA and WQ applications before the ERC

You noted in your September comments to the Committee that the soils mapping referenced in the application was out of date. Where it is acknowledged that the soils mapping which was originally included did not reflect the current soils map, it should be noted by the Committee that the applicant is required (under Chapter 107 of the County Code) to prepare a full Geotechnical Report as part of the Building Permit for the approval of the County LDS. Such soils report is a pre-requisite of both the upcoming Grading Plan and the Building Permit for the property.

A Chapter 107 Geotechnical Report is a very detailed field assessment of the actual soils at the location where the dwelling is proposed, to include deep borings, laboratory analysis of the actual soils at the site, development of geotechnical requirements and specifications for construction (including for foundations, foundation walls, and foundation drainage) and the requirement of third-party inspections by a geotechnical engineer during the construction of the foundations. This process results in a well-engineered and thoroughly inspected dwelling foundation.

Though it is already codified that the applicant is required to prepare a Chapter 107 Geotechnical Report, the applicant would be amenable to an Approval Condition which required that such be performed prior to construction, so as to further “flag” the need for this level of assessment due to the alluvial nature of the soils the dwelling is proposed within.

Relative to your September comments regarding the foundation drainage of the dwelling, you are correct that the exterior foundation drain would be daylighted by gravity to a point approximately 15’ from the rear of the home, within the disturbance limits of the application (i.e. no additional clearing would be required for the foundation drain outfall) and any required interior foundation drain which would be connected to a sump pump would be daylighted in a similar fashion, most likely at the same location. The quantity of water discharged from a foundation drainage system is not erosive.

Roof downspout drainage

In your September comments, you asked for more information on the downspout drainage from the roof areas of the proposed dwelling. The revised plan directs roof downspouts from the front half of the house roof to the proposed BMP (dry swale). The roof downspouts on the rear of the home are proposed to be discharged onto splashblocks (two to three anticipated) which will disperse the roof drainage to the ground cover proposed within the rear construction area to be replanted. There will be no concentrated flow exiting the development area after planting is completed.

The roof downspouts will not be directed toward neighboring properties (re: your comment in your September comments on same) and the grading along the sides of the dwelling are now much flatter than with the grading of the prior architectural product.

We note that it is not advisable to attempt to infiltrate roof drainage directly proximate to a foundation, nor is it anticipated that the insitu soils would promote infiltration to allow that approach to managing that stormwater, so we have not designed such a system.

Road Crossing under State Route 236

In your September comments, you observed the presence of the storm drainage crossing under Route 236. To address your comments and questions, I visited the site to verify the recorded size of the culvert (it is a 6' high by 8' wide standard VDOT concrete box culvert) that appears to be in satisfactory condition. The culvert sits under approximately 20' of road fill as measured from County topographic maps (and is shown in the referenced new floodplain exhibit forthcoming). This culvert was included in the most recent analysis of the floodplain.

In response to your September questions:

- To the best of our knowledge and research, there are no plans pending by VDOT to change this crossing's size or location;
- The culvert does have a restricting effect on the flow from the upstream watershed;
- The culvert would typically have a ponding area just above the upstream end during the 100-year event, though it is unlikely to have such during smaller rainfall events.
- There is no effect on the subject property from this highway culvert.
- We did notice erosion of the highway embankment in a number of locations on the downstream side of Route 236, but not more than would be typical. Roadside ditches on the downstream side of the road were lined with erosion control stone. The upstream side of the culvert is blanketed with invasive vines so visual observations of the upstream side were not possible.

Response to Dr. Schnare's question regarding Tree Preservation Signage currently onsite

The County requires that signage of the type of verbiage at the site be installed along the edge of an approved clearing limit when existing trees are outside the approved clearing area. The proximate distance from clearing limit to preserved tree is not part of the regulation. The existing super silt fence at the site was installed subject to an previously issued Site Permit when the intent of the applicant was to construct a home closer to the road. That location was successfully contested by homeowners who sought to have the home built at the covenant distance of 75' from the front property line.

4104 Woodlark Drive / Fairfax Hills, Section I, Lot 42
Revision of WRPA and WQ applications
November 9, 2018
Page 9 of 9

We trust this letter begins the dialogue of demonstrating the applicant's willingness to listen to comments made and work with the Committee and County staff to improve the application to the satisfaction of the Committee. Please also refer to Mr. Kelley's letter, attached hereto for additional responses to staff and ERC commentary. Our firm stands available, along with Wetlands Studies and Solutions, to answer any questions the Committee may have on the revised submission prior to the December "decision only" meeting.

Sincerely,



Greg Budnik, P.E.
Engineer for the Applicant

GJB Engineering, Inc.
P.O. Box 1214, Newington, VA 22122
www.gjbengineering.com
703-541-2000



November 9, 2018

VIA Email: Prutha.Rueangvivanakij@fairfaxcounty.gov

Mr. Prutha Rueangvivanakij
Fairfax County
12055 Government Center Parkway
Suite 530
Fairfax, VA 22035

Re: Fairfax Hills, Section 1, Lot 42
Addendum #2 – Summary of Revisions
Fairfax County Plan #2852-WRPA-006-1.1 and 2852-WQ-003-1.1
WSSI Project #11325.01

Dear Mr. Rueangvivanakij:

As outlined in your November 8, 2018 email, revisions have been made to the RPAE/WQIA. A summary of these revisions is provided below.

1. **Existing and Proposed Floodplain Information:**

At the County's request, WSSI has prepared a Preliminary Floodplain Analysis to better ascertain the location of the 100-year minor floodplain on-site (as shown in the revised WQIA graphics). This investigation was based on topography provided by various public and private sources, including Inova Engineering Consultants, Inc., with select locations field-verified by GJB, Inc. This Preliminary Floodplain Analysis is provided for the sole purpose of supplementing this WQIA. The analysis demonstrates that the proposed project does not result in any on-site or off-site rise in 100-year water surface elevation.

2. **House Siting:**

The former house location has been revised reduce impervious area within the inner 50' of the RPA buffer. The entire house is not situated outside the inner 50', with only a small portion of the pervious patio (77 sf) inside the 50' buffer, thus effectively removing all impervious areas from the inner 50' RPA buffer.

3. **Graphics/Exhibits:**

The following exhibits have been revised to reflect the new house location and grading, updated encroachment numbers, and the WSSI investigated 100-year minor floodplain.

- Exhibit 4 – Existing Conditions
- Exhibit 6 – Proposed Conditions
- Separate Site Plat

Mr. Prutha Rueangvivanakij
November 9, 2018
WSSI #11325.01
Page 2 of 2

As a result of the revisions, the new RPA encroachment totals are:

Total RPA Encroachment: 8,915 sf
(50' Seaward RPA Encroachment*: 2,680 sf)

Total Impervious within RPA: 2,714 sf
(50' Seaward Impervious*: 0 sf)

*The 50' Seaward areas are included within the total calculations.

This shows the reduction of all impervious area within the 50' seaward portion of the RPA.

4. **Proposed BMPs**

Although the project is exempt from the Stormwater Ordinance, the Applicant has revised the project to include BMP practices. As shown on the proposed conditions exhibit, an 80 linear foot dry swale is proposed along the northern side of the driveway/house (DEQ BMP Clearinghouse Specification 10). To ensure capture of stormwater, roof drains will be captured and piped to the swale.

It is our opinion that this response letter addresses all issues raised to date. Please feel free to contact me by phone (703-679-5652) or email (jkelly@wetlandstudies.com) if you have any questions.

Sincerely,

WETLAND STUDIES AND SOLUTIONS, INC.

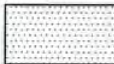





J.T. Kelley, P.E., LEED® AP, C.F.M.
Senior Associate – Engineering

Cc: Bruce McGranahan, Director, LDS
Greg Budnik (via email)
Sheila Konecke (via email)

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LEGEND

	RPA ENCROACHMENT
	RPA ENCROACHMENT WITHIN 50' SEAWARD BUFFER
	IMPERVIOUS WITHIN RPA
	IMPERVIOUS WITHIN 50' SEAWARD BUFFER

GENERAL NOTES

1. Site boundary, Existing & Proposed Conditions, and Existing Topography was provided by GJB Engineering, Inc., in digital (AutoCAD) format to be used as the base for this exhibit.
2. The boundaries of jurisdictional wetlands and other Waters of the U.S. on the site were delineated by WSSI as described in a report titled "Waters of the U.S. (Including Wetlands) Delineation and Resource Protection Area Evaluation, Fairfax Hills, Section 1, Lot 42", dated September 27, 2017. The wetland boundaries were surveyed by HugeSurveys and provided to WSSI by GJB Engineering on September 20, 2017.
3. The Fairfax County Mapped Resource Protection Area (RPA) was obtained from Fairfax County Digital Data.
4. Since the unnamed tributary to Accotink Creek is mapped as perennial on the Fairfax County RPA Map, a stream assessment was not conducted.
5. There is no 100-year major floodplain on-site. The depicted minor floodplain limits were plotted per WSSI's Preliminary Floodplain Analysis of the unnamed perennial tributary to Accotink Creek, as described in the WQIA. Topographic information for this study was provided by various public and private sources, including Inova Engineering Consultants, Inc. Specific locations on-site were field verified by GJB, Inc. The Preliminary Floodplain Analysis was conducted for the sole purpose of supplementing this WQIA.
6. The limits of the Resource Protection Area (RPA) depicted on this Attachment are based on the surveyed location of the unnamed perennial tributary to Accotink Creek. The RPA extends 100 feet landward of the RPA core components or to the limits of the major floodplain, whichever is greater. Because a 100-year major floodplain is not present, the RPA is confined to the limits of the 100-foot buffer.

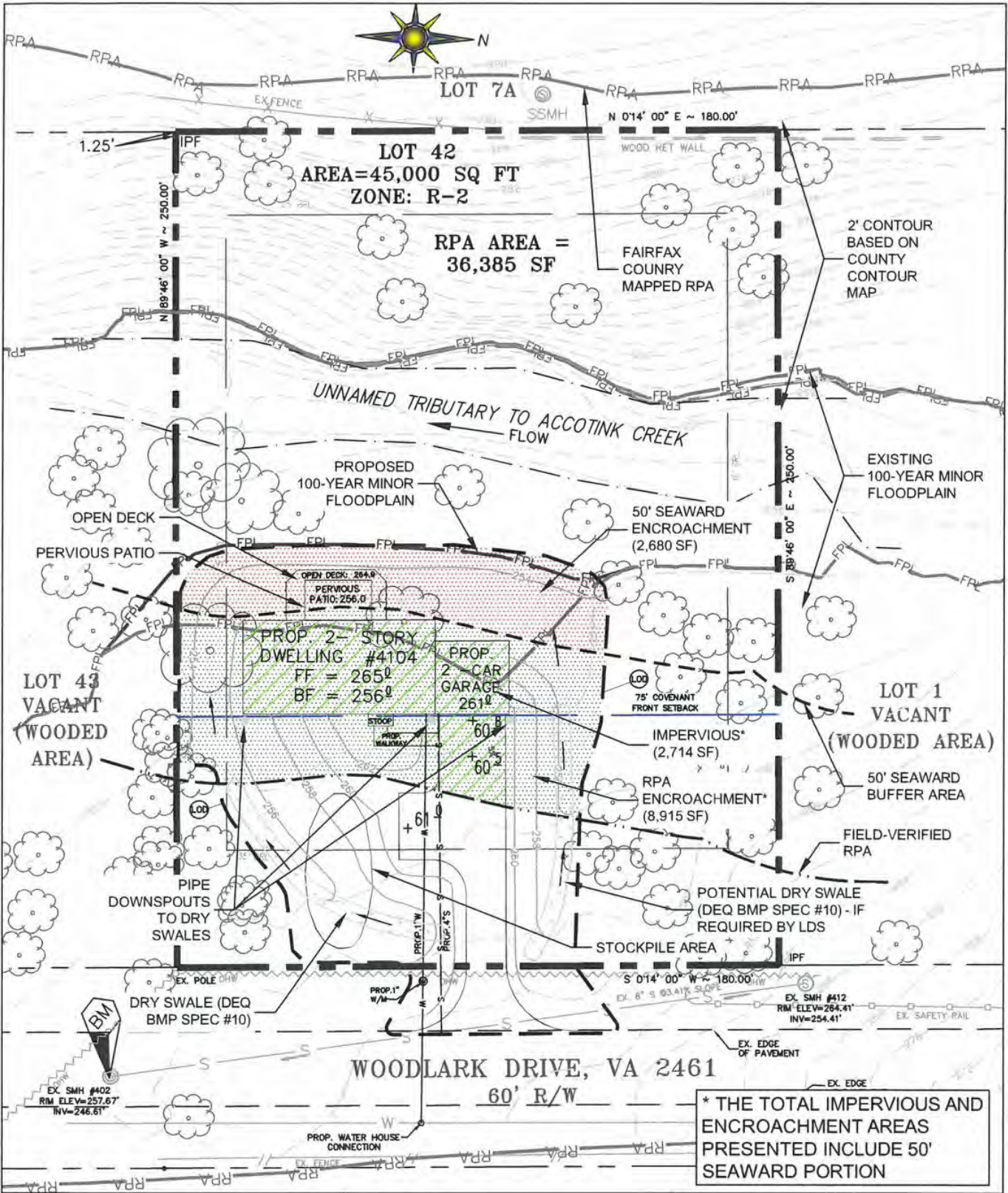
GRAPHIC SCALE



(IN FEET)

1 inch = 40 ft.

Applicant: K2NC LLC 15881 Crabbs Branch Way, Suite B Rockville, MD 20855	FAIRFAX HILLS, SECTION 1, LOT 42 RPA EXCEPTION REQUEST FOR LOSS OF BUILDABLE AREA Fairfax County, Virginia	Sheet Title: EXHIBIT 6: GENERAL NOTES Scale: N/A Date: NOV 2018 Sheet: 1 of 4
Agent: Wetland Studies and Solutions, Inc. 5300 Wellington Branch Drive, Suite 100 Gainesville, Virginia 20155 Phone 703.679.5600 Fax 703.679.5601		



* THE TOTAL IMPERVIOUS AND ENCROACHMENT AREAS PRESENTED INCLUDE 50' SEAWARD PORTION

Applicant:
 K2NC LLC
 15881 Crabbs Branch Way, Suite B
 Rockville, MD 20855

Agent:
 Wetland Studies and Solutions, Inc.
 5300 Wellington Branch Drive, Suite 100
 Gainesville, Virginia 20155
 Phone 703.679.5600 Fax 703.679.5601

FAIRFAX HILLS, SECTION 1, LOT 42

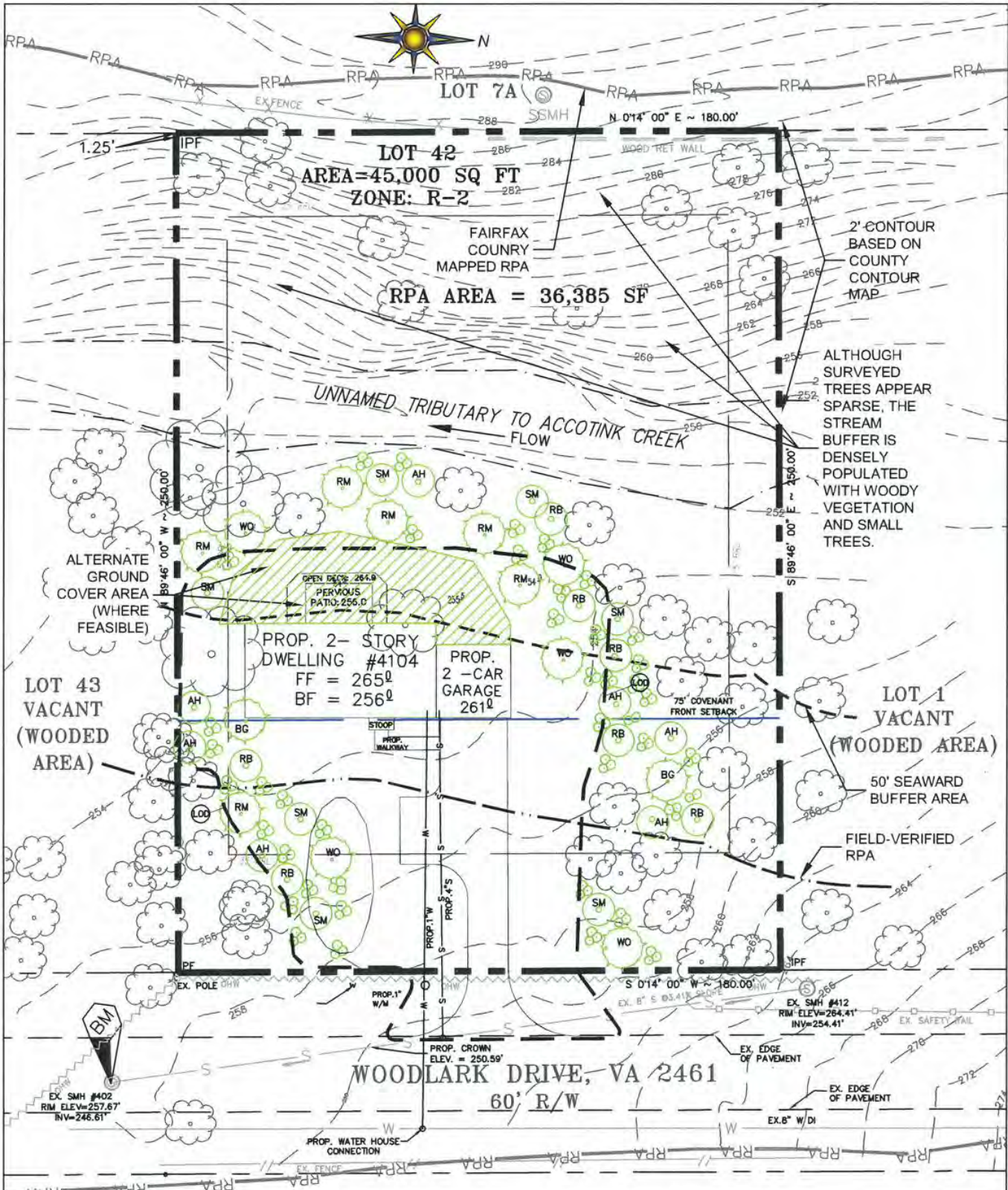
RPA EXCEPTION REQUEST FOR LOSS OF BUILDABLE AREA

Fairfax County, Virginia

Sheet Title:
 EXHIBIT 6:
 PROPOSED CONDITIONS

Scale: 1"=40', C.I. = 2'

Date: NOV 2018 **Sheet:** 2 of 4



Applicant: K2NC LLC 15881 Crabbs Branch Way, Suite B Rockville, MD 20855	FAIRFAX HILLS, SECTION 1, LOT 42 RPA EXCEPTION REQUEST FOR LOSS OF BUILDABLE AREA Fairfax County, Virginia	Sheet Title: EXHIBIT 6: PROPOSED PLANTING PLAN	
Agent: Wetland Studies and Solutions, Inc. 5300 Wellington Branch Drive, Suite 100 Gainesville, Virginia 20155 Phone 703.679.5600 Fax 703.679.5601		Scale: 1"=40', C.I. = 2'	Date: NOV 2018 Sheet: 3 of 4

L:\11000s\11325.01\CADD\04-ENGR\RP AE PLANTING_Revised110918.dwg

PLANTING NOTE

1. Planting schedule was prepared by Inova Engineering Consultants, Inc. and revised by WSSI for use in this application. WSSI adapted the Inova planting plan to reflect revised site plan.

PROPOSED GREEN VEGETATION WITHIN BUFFER AREA (118-3-3(f))

REQUIRED BUFFER AREA= 4395 SQ FT
OR 0.101 AC

KEY	BOTANICAL NAME	COMMON NAME	QTY	STOCK SIZE (HT/CALIPER)	STOCK TYPE
OVERSTORY TREE @ 100 COUNTS PER ACRE 118-3-3(f)= 11 (MINIMUM REQUIRED)					
RM	ACER RUBRUM	RED MAPLE	5	1" CALIPER	BB
BG	NYSSA SYKVATICA	BLACKGUM	4	1" CALIPER	BB
WO	QUERCUS PHELLOS	WILLOW OAK	4	1" CALIPER	BB
SUB-TOTAL=			13		
UNDERSTORY TREE @ 200 COUNTS PER ACRE 118-3-3(f)= 21 (MINIMUM REQUIRED)					
SM	MAGNOLIA VIRGINIA	SWEETBAY MAGNOLIA	7	1" CALIPER	BB
AH	ILEX OPACA	AMERICAN HOLLY	7	1" CALIPER	BB
RB	BETULA NIGRA	RIVER BIRCH	7	1" CALIPER	BB
SUB-TOTAL=			21		
SHRUBS @ 1089 COUNTS PER ACRE 118-3-3(f)= 110 (MINIMUM REQUIRED)					
		<i>Ilex Decidua/Deciduous</i>	42	1 GAL	
		<i>Ilex Galbra/Inkberry</i>	42	1 GAL	
		<i>Aronia Melanocarpa/Black Chokeberry</i>	42	1 GAL	
SUB-TOTAL			126		



PROPOSED ALTERNATE GROUNDCOVER AREA=1,935 SF



Species	Common Name	Type	Spacing
Carex appalachia	Appalachian Sedge	plug	18"
Carex pensylvanica	Pennsylvania Sedge	plug	18"
Chasmanthium latifolium	Indian Woodoats	plug	18"
Deschampsia flexuosa	Wavy Hairgrass	plug	18"
Dryopteris marginalis	Marginal Woodfern	plug	18"
Dennstaedtia punctilobula	Eastern Hayscented Fern	plug	18"
Polystichum acrostichoides	Christmas Fern	plug	18"

<p>Applicant: K2NC LLC 15881 Crabbs Branch Way, Suite B Rockville, MD 20855</p>	<p>FAIRFAX HILLS, SECTION 1, LOT 42</p> <p>RPA EXCEPTION REQUEST FOR LOSS OF BUILDABLE AREA</p> <p>Fairfax County, Virginia</p>	<p>Sheet Title: EXHIBIT 6: PLANTING SCHEDULE</p> <p>Scale: N/A</p>
<p>Agent: Wetland Studies and Solutions, Inc. 5300 Wellington Branch Drive, Suite 100 Gainesville, Virginia 20155 Phone 703.679.5600 Fax 703.679.5601</p>		<p>Date: NOV 2018 Sheet: 4 of 4</p>



ff **FAIRFAX
COUNTY**

APPLICATION FILED: July 3, 2018

EXCEPTION REVIEW COMMITTEE: September 5, 2018

V I R G I N I A

August 21, 2018

LAND DEVELOPMENT SERVICES

SITE DEVELOPMENT AND INSPECTIONS DIVISION

STAFF REPORT

**RESOURCE PROTECTION AREA (RPA)
ENCROACHMENT EXCEPTION #2582-WRPA-007-1 &
WATER QUALITY IMPACT ASSESSMENT #2582-WQ-004-1**

BRADDOCK DISTRICT

APPLICANT:	K2NC, LLC
PROJECT LOCATION:	4104 Woodlark Drive
TAX MAP REFERENCE:	059-4-((10))-0042
APPLICATION ACCEPTED:	July 10, 2018
WATERSHED:	Unnamed tributary to Accotink Creek
CHESAPEAKE BAY PRESERVATION ORDINANCE (CBPO) PROVISION:	Section 118-6-7, Loss of buildable area within an RPA
PROPOSAL:	New residential development to construct a dwelling within RPA seaward 50 feet
LOT SIZE:	45,000 Square feet (1.03 acres)

AREA OF REQUESTED RPA ENCROACHMENT:	7,568 square feet
PUBLIC HEARING:	<p>RPA Encroachment Requests under Chesapeake Bay Preservation Ordinance (CBPO) Section 118-6-7 require approval by the Exception Review Committee (ERC).</p> <p>The project proposes the construction of a new house within the RPA seaward 50 feet.</p>
DESCRIPTION:	<p>The applicant is requesting an RPA exception to construct a new house with a pervious paved patio (10 feet x 20 feet) and wooded deck (the width of the house, a maximum of 15 feet deep and elevated above the patio). See Attachment E, Page 38 for the proposed layout. The improvements create 2,462 square feet of encroachment within RPA seaward 50 feet.</p>
BACKGROUND:	<p>The parcel on 4104 Woodlark Drive was legally created and recorded on 03/24/1941 in deed book S-14 (DB 357) and page 53 [Deed]. When the parcel was created, a covenant was recorded which prohibits any building within 75 feet of the front property line [Covenant]; reference condition #8 of the Deed. The parcel is currently undeveloped. The stream is located in the rear of the property. The RPA extends from the stream in the rear of the property and covers approximately 80% of the parcel.</p> <p>A proposed house grading plan (# 2582-INF-004) was approved in May, 2016. The grading plan showed all improvements outside the RPA 50-foot seaward. Construction started shortly after the plan approval. However, the construction was halted by a preliminary court order because the grading plan did not consider the restrictive Covenant. The property owner then applied for an exception with the ERC to locate the house at the 75-foot setback and honor the Covenant. At the public hearing in December 2017, the ERC denied the application (see the letter from ERC Attachment E, Page 9) stating that it could not be found to be the minimum necessary to afford relief because consideration of the covenant was still pending in the Circuit Court. The ERC requested that the applicant obtain the final court order before resubmitting their application. The final court order upholding the Covenant was issued on June 21, 2018.</p>

<p>DOCUMENTS AND CORRESPONDANCE:</p>	<p>Attachments A through D are provided by Staff. Attachment E was submitted by the applicant for the subject case and includes the applicant's first application which was denied in February 2018, and information prepared by Staff at the time of the first exception request. Information prepared by Staff and information prepared by the applicant are noted on the Attachment. Attachments F through H are information by others.</p> <ul style="list-style-type: none"> • <u>Attachment A</u>: Proposed Exception Conditions. • <u>Attachment B</u>: July 10, 2018, letter acknowledging receipt of the RPA exception application, indicating the application package is complete and notifying the applicant of the public hearing. • <u>Attachment C</u>: List of properties to be notified per CBPO 118-6-3(c). • <u>Attachment D</u>: Support Information for Staff Analysis. <ul style="list-style-type: none"> ○ Aerial Map ○ Photographs ○ Watershed Information ○ Water Quality Impacts • <u>Attachment E</u>: Requested application, received July 3, 2018 <ul style="list-style-type: none"> ○ Page 1; July 3, 2018; Letter to the ERC Chairman Koerner from Mr. Budnik ○ Page 5; June 18, 2018; email from Mr. Gori (County Attorney) to Mr. Lawson (Applicant's Attorney) ○ Page 6; June 18, 2018; Letter to Chairman Bulova from Mr. Lawson (Applicant's Attorney) ○ Page 7; Final Circuit Court Order; dated June 21, 2018 ○ Page 9; February 26, 2018; Letter to Ms. Konecke from the ERC Clerk; Advising of the ERC denial of the Exception #2582-WRPA-006-1 and Water Quality Impact Assessment #2582-WQ-003-1 ○ Page 12; Email correspondence regarding submission of this application ○ Page 16; RPA Exception Request and Water Quality Impact Assessment Revised November 6, 2017 ○ Page 28; Application Form ○ Page 31; Site Vicinity Map ○ Page 32; Photographs ○ Page 34; Existing Conditions Exhibit – at the time of the exception request ○ Page 35; Preliminary Injunction Order ○ Page 37; WQIA General Notes ○ Page 38; Proposed Conditions
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	<ul style="list-style-type: none"> ○ Page 39; Proposed Planting Plan ○ Page 41; Plat for the RPA Exception Request ○ Page 42; Soils Map ○ Page 43; Adjacent Parcel Map ○ Page 46; Adjoining lots, Building Footprint Evaluation ○ Page 47; Statistics of House Footprint ○ Page 48; Deck Footprint Evaluation ○ Page 49; Statistics of Deck Footprint Evaluation ○ Page 50; November 6, 2017, Wetland Studies, Inc., responses to comments on the WQIA ○ Page 52; Floodplain Exhibits ○ Page 53; November 9, 2017, UFMD Memorandum ○ Page 55; February 2, 2018, letter to the ERC Chairman from Mr. Budnik ○ Page 59; USACE Jurisdictional Determination <ul style="list-style-type: none"> ● <u>Attachment F</u>: Deed and Covenant ● <u>Attachment G</u>: Email from Stormwater Planning Division ● <u>Attachment H</u>: Email from Northern Virginia Soil and Water Conservation District (NVA SWCD)
<p>ANALYSIS:</p>	<p><u>RPA Exception Request</u> The proposed construction encroaches into the RPA seaward 50 feet. The application is submitted under CBPO Section 118-6-7 for consideration by the ERC, and meets the approval criteria as follows:</p> <p>a) The application proposes 7,568 square feet of disturbed area including the access to the house. This is less than the maximum of 10,000 square feet which excludes access to the lot and principal structure. This disturbance is calculated assuming a 15-foot work zone around the perimeter of the house. In accordance with Letter-To-Industry (LTI) 09-05, a 10-foot wide work zone around the perimeter of the proposed structure is required.</p> <p>b) The proposed impervious area including access to the house is 2,711 square feet within the RPA, though the pervious patio is not included. This is less than the maximum of 5,000 square feet, which is exclusive of access to the parcel or principal structure. Based on the applicant's statement of justification in the WQIA (Attachment E, Page 25), the applicant evaluated 50 existing house footprints in the vicinity. The average house footprint was found to be approximately 2,350 square feet.</p>

	<p>Staff has analyzed existing houses and deck footprints within 500 feet of the subject property and found that the average house footprint is 2,242 square feet. The average deck is 439 square feet (see Attachment E, pages 46 through 49 for the analysis). The applicant proposes a house footprint of 1,900 square feet.</p> <p>c) The parcel is zoned R-2 and meets the requirements of Section 2-405 of Chapter 112, the Zoning Ordinance (Permitted Reduction in Lot Size Requirements for Certain Existing Lots).</p> <p>d) Where practicable, a vegetated area equal to the area of encroachment into the buffer will be established elsewhere on the lot.</p> <p>The RPA covers 80% of the lot. Due to the density of the existing vegetation, an equal area of mitigation cannot be achieved. The proposed disturbed area in the RPA is 7,568 square feet (0.173 acres). The applicant proposes to vegetate an area of 4,395 square feet. The planting plan was reviewed by the County Urban Forestry Management Division (UFMD); See UFMD's Memorandum, Attachment E, Page 53. Further, the proposed utility lines should be relocated to provide additional planting areas to maximize the area available to restore the RPA buffer.</p> <p>e) and f) The applicant has addressed the performance criteria of CBPO Sections 118-3-2 and 118-3-3 in the Water Quality Impact Assessment (WQIA) which is analyzed below.</p> <p><u>Review of Submitted Water Quality Impact Assessment</u> Staff reviewed the submitted WQIA under CBPO Section 118-4-3, and note the following:</p> <p>(a) <i>Display of the RPA boundaries.</i> A site-specific RPA delineation was provided by the applicant in accordance with CBPO 118-1-7(b), which was included with grading plan # 2582-INF-004. The field-delineated RPA establishes that RPA covers nearly 80% of the property. See Attachment E, Page 38.</p> <p>(b) <i>Display and describe the location and nature of the proposed encroachment into and/or impacts to the RPA, including any clearing, grading, impervious surfaces, structures, utilities, and sewerage disposal systems.</i> The applicant proposes an RPA encroachment of 7,568</p>
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	<p>square feet (including access to the house) and an impervious area of 2,711 square feet (including access to the house).</p> <p>At the furthest encroaching points, the proposed grading is approximately 18 feet, the proposed deck is approximately 21 feet, the proposed patio is approximately 29 feet, and the home is approximately 32 feet from the stream bank. The impact of construction in this location is to leave very little RPA buffer intact, which adversely impacts the function of the RPA buffer.</p> <p>The applicant did not address the nature of impacts to the RPA in this section. The WQIA does not include hydrologic elements for Staff to determine the water quality impact due to increases in stormwater flows. The WQIA does not include analysis of increases in pollutant loading from the proposed development. Staff discusses the impacts in the analysis of CBPO required finding 118-6-6(c) and recommends mitigation of the impacts in Attachment A.</p> <p>(c) <i>Provide justification for the proposed encroachment into and/or impacts to the RPA, CBPO 118-4-3(c).</i></p> <p>The applicant justifies the encroachment based on the absence of buildable area outside the RPA on the property, the existence of a covenant restricting building nearer than 75 feet to the front property line, the plan to construct a home of a size that “fits within the existing character of the Fairfax Hills subdivision,” and a minimization of land disturbance to construct that house.</p> <p>The applicant’s letter dated February 2, 2018, acknowledges former ERC member Mr. Green’s request for information on other options (such as house size and orientations) which were considered. Reference Attachment E, Page 55.</p> <p>(d) <i>Describe the extent and nature of any proposed disturbance or disruption of wetlands.</i></p> <p>No wetlands are impacted.</p> <p>(e) <i>Display and discuss the type and location of proposed best management practices to mitigate the proposed RPA encroachment and/or adverse impacts.</i></p> <p>The applicant proposes replanting of some of the</p>
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	<p>construction area with vegetation appropriate for an RPA buffer. No further BMP practices are proposed to mitigate the impacts of the encroachment. Where feasible, the applicant must propose mitigation measures to prevent adverse impact.</p> <p>(f) <i>Demonstrate the extent to which the proposed activity will comply with all applicable performance criteria.</i> Compliance with the performance criteria of 118-3 are discussed by the applicant in the RPA Exception request, and evaluated below.</p> <p><u>Compliance with General Performance Criteria (118-3-2)</u> The following list corresponds to Code sections 118-3-2 (a) through (f). The applicant's analysis differs slightly in wording and order from the Code and this analysis.</p> <p>(a) <i>No more land shall be disturbed than is necessary to provide for the proposed use, development, or redevelopment.</i> Land disturbance is minimized consistent with the proposed use.</p> <p>(b) <i>Indigenous vegetation shall be preserved to the maximum extent practicable consistent with the use, development, or redevelopment proposed.</i> The RPA buffer should remain intact or be established to minimize the adverse effects of human activities on other components of the RPA, state waters, and aquatic life. The project proposes additional trees, shrubs and groundcover to increase the density of the remaining RPA buffer along the rear and sides of the house.</p> <p>The applicant proposes to encroach into the 25 seaward feet of the RPA buffer. This 25-foot buffer provides shade and organic material necessary to maintain the health of the aquatic habitat. The recommendation on page 41 of the Virginia Department of Conservation and Recreation (DCR), Riparian Buffers Modification & Mitigation Guidance Manual (RBMM; Published in 2003 and reprinted in 2006), is that any removal of materials in the 25 feet closet to a stream should be avoided.</p> <p>(c) <i>Impervious cover shall be minimized consistent with the use, development, or redevelopment proposed.</i> The applicant describes the impervious cover as minimal to construct a single-family dwelling that is appropriately sized</p>
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	<p>for the neighborhood. The patio is proposed to be pervious, but no details are provided. Staff recommends the pervious patio should be detailed in the grading plan and incorporated in the design of impact mitigation.</p> <p>(d) <i>Any land disturbing activity that exceeds an area of 2,500 square feet shall comply with the requirements of Chapter 104 of the County Code.</i> A new or revised grading plan is required to comply with these requirements and will be required to reflect any conditions of approval of this RPA Exception Request.</p> <p>(e) <i>For any development or redevelopment, stormwater runoff shall be controlled by the use of best management practices (BMPs) in accordance with the requirements of Chapter 124 of the County Code.</i> The applicant has not proposed any best management practices (BMPs). The project is exempt from the BMPs required by Chapter 124 of the County code because the project is not part of a common plan of sale, there is less than one acre of disturbance, and less than 18% impervious cover is proposed (See Section 124-1-7(3)).</p> <p>However, BMPs to mitigate the proposed RPA encroachment and/or adverse impacts are required by CBPO 118-4-3(e). The stream health is presently impaired, as detailed in Attachment G. Impacts from the proposed development must be avoided through the use of BMPs to prevent further detriments to water quality.</p> <p>The patio is proposed to be of a pervious material, though no details are provided. A pervious patio may be effective at treating stormwater, but high water table may prevent this design from functioning. Details on the water table and soil are included in a memo from the NVA SWCD in Attachment H.</p> <p>(f) <i>through (i)</i> Sections 118-3-2 (f), (g), and (h), regarding wetlands permits, on-site sewage system, and agricultural lands, are not applicable. Section 118-3-2 (i), regarding the exception criteria, is identical to the exception criteria evaluated with Section 118-6-6.</p>
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	<p><u>Floodplain</u> Flooding concerns were raised during the previous review of this case. As the drainage area to the property is greater than 70 acres but less than 360 acres, a minor floodplain exists on the property. Minor floodplain is not a core component of the RPA. Therefore, this section is for information only.</p> <p>Floodplain is reviewed during the grading plan process. To support this application, the applicant used the water surface elevations from the County Watershed Plan and a HEC-RAS model to delineate the extent of the minor floodplain on the property. See Floodplain Exhibit in the Attachment E on page 52 for more information; the applicant provided floodplain cross sections. It is noted that the cross sections are mislabeled. The floodplain requirements will be addressed with the site grading plan, which must demonstrate that the proposed grading will ensure that the minimum of 18 inches above the flood elevation, and the required 15 feet minimum yard (ZO 2-415) are provided.</p>
<p>REQUIRED FINDINGS of CBPO 118-6-6:</p>	<p>The exception request for disturbance within the RPA seaward 50 feet may be granted only if findings listed in the CBPO 118-6-6 are met. Staff determined that the required findings, as discussed below, would be satisfied subject to the conditions in Attachment A.</p> <p>(a) The requested exception to the criteria is the minimum necessary to afford relief; The applicant proposed 2,711 square feet of impervious area within RPA on this lot. This includes the principal structure and driveway. The average house footprint in the vicinity was found to be 2,242 square feet. The CBPO allows a total of 5,000 square feet of impervious surfaces in the RPA. See page 4 of this staff report for further discussion.</p> <p>The applicant addressed the orientation of the home on the property in a letter to the ERC Chairman, February 2, 2018, in Attachment E on page 55. Staff concurs that the proposed house and deck are the minimum to afford relief.</p> <p>(b) Granting the exception will not confer upon the applicant any special privileges that are denied by this part to other property owners who are subject to its provisions and who are similarly situated; Staff concurs with the applicant that this required finding is satisfied.</p>

	<p>(c) The exception is in harmony with the purpose and intent of this Chapter and is not of substantial detriment to water quality; The purpose of the CBPO is the "prevention of any increase in pollution" and the "safeguarding of clean waters." To mitigate water quality impacts and better harmonize with the purpose and intent of the CBPO, Staff recommends approval subject to the conditions in Attachment A.</p> <p>(d) The exception request is not based upon conditions or circumstances that are self-created or self-imposed; Given the fact that this lot was legally created in 1941, it is the opinion of Staff that the request to construct a house within seaward 50 feet of RPA buffer is not entirely based upon circumstances that are self-created or self-imposed.</p> <p>(e) Reasonable and appropriate conditions are imposed, as warranted, that will prevent the allowed activity from causing a degradation of water quality; The applicant proposes to mitigate by planting trees and shrubs and groundcover to increase the density of vegetation in the remaining RPA buffer on the property (Attachment E; Page 39).</p> <p>The Exhibit also shows that existing trees have been preserved and protected from the impacts of planting new trees. The proposed mitigation area of 4,395 square feet for the subject site includes 11 overstory trees, 21 understory trees, and 110 shrubs. UFMD agrees with the proposed vegetation plan (see Attachment E, Page 53).</p> <p>As discussed in the analysis on page 5 of this staff report, the proposed utility lines should be relocated to provide additional planting areas. Additionally, to maintain stream health, BMPs, as required by CBPO 118-4-3(e), and detention of the 1-year and 2-year storm events should be provided. These recommendations are found in the Attachment A.</p> <p>(f) Other findings, as appropriate and required herein, are provided. In the application, the applicant discusses that the house is sized consistently with others in the neighborhood. The applicant further describes efforts made to orient the home to create minimum impact on existing vegetation, as describe in</p>
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	<p>Attachment E, Page 55. Nevertheless, as described in this staff report, we find that mitigation of stormwater impacts beyond the proposed planting and house site selection is required.</p> <p>The need for mitigation for stream impact is supported by evaluation of the stream condition. There are signs of erosion on the stream bed and banks, as shown in photographs in the Attachment D. Erosion of the stream bed and banks leads to an increase in sediment pollution, which degrades water quality. The County's Stormwater Planning Division has recognized the need for stream restoration in planned project number AC9214 and described in an email from Stormwater Planning in Attachment G.</p> <p>Recommendations are given in Attachment A which include detention and BMPs.</p>
<p>STAFF RECOMMENDATIONS:</p>	<p>Staff recommends approval of RPA encroachment Exception #2582-WRPA-007-1 and Water Quality Impact Assessment #2582-WQ-004-1 subject to the conditions contained in Attachment A, dated August 21, 2018.</p> <p>It should be noted that it is not the intent of Staff to recommend that the Committee, in adopting any conditions, relieve the applicant from compliance with the provisions of any other applicable ordinances, regulations, or adopted standards.</p> <p>The content of this report reflects the analysis and Staff's recommendations; it does not reflect the position of the Exception Review Committee. For further information, please contact Site Development and Inspections Division (SDID), Land Development Services, 12055 Government Center Parkway, Suite 535, Fairfax, Virginia 22035-5505, 703-324-1720.</p>

ATTACHMENT A**PROPOSED EXCEPTION CONDITIONS****#2582-WRPA-007-1 and #2582-WQ-004-1**

August 21, 2018

If it is the intent of the Exception Review Committee to approve 2582-WRPA-007-1 and 2582-WQ-004-1 to allow encroachment in the Resource Protection Area (RPA) located at 4104 Woodlark Drive (Tax Map 059-4-((10))-0042) pursuant to Section 118-6-7 of the Fairfax County Chesapeake Bay Preservation Ordinance (CBPO), Staff recommends that the Exception Review Committee condition the approval by requiring conformance with the following development conditions.

1. This RPA Exception is granted for and 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 and/or uses indicated on the Plat approved with the application, as qualified by these development conditions.
3. Any plan submitted pursuant to this RPA Exception shall be in substantial conformance with the Plat titled "4104 Woodlark Drive, Water Quality Impact Assessment & Exception" prepared by Wetland Studies and Solutions, Inc (WSSI), dated November 6, 2017 and resubmitted July 3, 2018, showing the proposed improvements. Additional BMPs and planting within the proposed limits of disturbance shall be deemed to conform with this condition.
4. BMPs should be provided within the current limits of disturbance to satisfy CBPO 118-4-3(e). A post-development pollutant load of 0.41 lbs/ac/year should be met on-site as calculated by the Virginia Runoff Reduction Method.
5. In order to minimize the impact to the existing stream health, including water quality and erosion, the 1-year and 2-year post-development peak flow rates must be equal to or less than those for the site in good forested condition.
6. In order that the project is in harmony with the purpose and intent of the CBPO, does not create a substantial detriment to water quality, and meets the performance criteria for RPAs, vegetated buffer area(s) shall be established as shown planting exhibit in Attachment E, page 39.

The size, species, density and locations shall be consistent with the planting requirements of CBPO Section 118-3-3(f), and PFM 12-0516.4, as determined by the Land Development Services (LDS) and the Urban Forest Management Division (UFMD).

7. Additional plantings beyond Attachment E on page 39 are required to comply with the CBPO 118-6-7(d). Waterline and sanitary lateral should be relocated adjacent to the proposed driveway as shown on the Attachment D to allow for further planting.
8. In order that the disturbed area within the RPA is the minimum necessary to afford relief, indigenous vegetation shall be preserved to the maximum extent possible. Any further encroachment into, and/or disturbance of, the RPA not shown on the plan, approved with the application, will be considered a violation of the CBPO and is subject to the penalties of the CBPO Article 9.
9. In order that the proposed construction activity does not degrade water quality, adequate erosion and sediment control measures, including, but not limited to, a super-silt fence, shall employed during construction 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.
10. This RPA Exception shall automatically expire, without notice, 24 months from the date of exception approval, unless a revised grading plan has been approved and required bonds posted.

This approval, contingent on the above noted conditions, does not relieve the applicant from compliance with the provisions of any 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.

ATTACHMENT B

**LETTER ACKNOWLEDGING RECEIPT
OF THE RPA EXCEPTION
APPLICATION**



County of Fairfax, Virginia

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

JUL 10 2018

Sheila Konecke
K2NC, LLC
15881 Crabbs Branch Way
Rockville, MD 20855

Subject: 4104 Woodlark Drive; Fairfax Hills Section 1, Lot 42
Tax Map #059-4-10-0042, Braddock District

Reference: Resource Protection Area Encroachment Exception #2582-WRPA-007-1, and
WQIA #2582-WQ-004-1

Dear Ms. Konecke:

Your exception request has met the submission requirements of Section 118-6-5 of the Chesapeake Bay Preservation Ordinance (CBPO). This application will be forwarded to the Exception Review Committee for a public hearing to be held on **Wednesday, September 5, 2018, at 2:00 p.m. in Room 106, Herrity Building, 12055 Government Center Parkway, Fairfax, Virginia**. Under CBPO Section 118-6-3(c), it is your responsibility to send written notices as follows.

Notices shall be sent:

- To all owners of property abutting, immediately across the street and within 500 feet of the subject property including properties which lie in an adjoining county or city. A draft list of properties is enclosed; please check the list of properties before mailing as notices shall be sent to the last known address of the owner(s) as shown in the current Real Estate Tax Assessment files.
- To one (1) homeowners association or civic association within the immediate area as approved by the Department of Public Works and Environmental Services. Notices to homeowner associations or civic associations shall be sent to the registered office address kept on file with the State Corporation Commission.
- On the same date the abutting property owners are notified, the applicant shall send a copy of the notification letter to the Board Member in whose district the subject property is located.

Department of Land Development Services
12055 Government Center Parkway, Suite 659
Fairfax, Virginia 22035-5503
Phone 703-324-1780 • TTY 711 • FAX 703-653-6678
www.fairfaxcounty.gov



Sheila Konecke
2582-WRPA-007-1 and 2582-WQ-004-1
Page 2 of 2

The notice shall (sample enclosed):


- Be sent by certified mail, return receipt requested and postmarked not less than 15 days prior to the hearing as evidenced by the postmark date on the white receipts for the certified mailings.
- Include the tax map reference number; the street address of the parcel; the date, time and place of the hearing.
- Include the nature of the matter before the Exception Review Committee.

When the notices have been mailed, please submit the dated white receipts to this office in the same order as provided on the mailing list (copy enclosed).

Please be advised that it is extremely important for you to send the necessary notices as required. **Failure to send the notices to all required parties and in a timely manner will result in deferral of the public hearing.**

If further assistance is desired, please contact Prutha Rueangvivanakij, Senior Engineer III, or Hanna Kras, Administrative Assistant III, Site Development and Inspections Division (SDID) at 703-324-1720 or e-mail: prutha.rueangvivanakij@fairfaxcounty.gov or LDSSDIDAdmin@fairfaxcounty.gov.

Sincerely,

 Brandy L. Mueller, Code Specialist III, Acting Deputy Clerk
on behalf of

Camyllyn Lewis, Senior Engineer III
Clerk to the Exception Review Committee

Enclosure

- cc: Catherine Chianese, Clerk to the Board of Supervisors
Chris Koerner, Chairman and Sully District Representative, CBPO Exception Review Committee
Greg Budnik, GJB Engineering Inc.
Prutha Rueangvivanakij, Senior Engineer III, Central Branch, SDID, Land Development Services
Waiver File

LEGAL NOTICE

EXCEPTION REVIEW COMMITTEE PUBLIC HEARING

Date: _____

RE: **Encroachment Exception Request #2582-WRPA-007-1 and Water Quality Impact Assessment #2582-WQ-004-1**

Dear Property Owner(s):

The Fairfax County Exception Review Committee will hold a public hearing in **Room 106** of the **Herrity Building, 12055 Government Center Parkway, Fairfax, Virginia**, on **WEDNESDAY, September 5th at 2:00 P.M.**, regarding an

Encroachment Exception Request #2582-WRPA-007-1 and Water Quality Impact Assessment #2582-WQ-004-1, K2NC LLC, an application for an exception to construct a house within 50-foot seaward of the Resource Protection Area (RPA) under Chesapeake Bay Preservation Ordinance (CBPO) Section 118-6-7 at 4104 Woodlark Drive, Annandale, Virginia 22003; Fairfax Hills, Section 1, Lot 42; Tax Map #059-4-10-0042; Braddock District.

You are listed in the current real estate assessment records of Fairfax County, Virginia, as the owner of a parcel in the vicinity of the property which has filed the above-referenced application. In accordance with the provisions of the CBPO Section 118-6-3(c) of the *Code of the County of Fairfax*, you are hereby notified of the scheduled public hearing on this application. You are invited to present oral comments at the hearing, or provide written comments, on the application.

Copies of the application and the staff report will be available for review in Fairfax County's Site Development and Inspections Division (SDID) offices located in Suite 535 of the Herrity Building at 12055 Government Center Parkway, Fairfax, Virginia, 22035.

Persons desiring to speak at the public hearing may contact SDID staff at 703-324-1720. Written comments should be sent to the county at the address in the paragraph above and should reference the application numbers shown in the subject line. Written comments must be received before the hearing is called to order to be considered a part of the public record on the application.

Please note that occasionally the advertised public hearing dates need to be rescheduled to a later date. Prior to coming to the public hearing, please check with SDID staff to determine whether the public hearing is still scheduled to proceed on the date advertised above. Office hours are 8:00 A.M. to 4:30 P.M.



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1720 or TTY 711 (Virginia Relay Center).

ATTACHMENT B

ID	PIN	SITE LOCATION	OWNER ADDRESS	OWNER	CITY STATE
1	0593 01 0032B	8220 LITTLE RIVER TPKE	8220 LITTLE RIVER TPKE	CHURCH NAZARENE CALVARY OF THE	ANNANDALE, VA, 22003
2	0593 11 0001	8243 LITTLE RIVER TPKE	8243 LITTLE RIVER TPKE	BAWDEN GERALD W	ANNANDALE, VA, 22003
3	0593 11 0002	4101 HIGH POINT CT	4101 HIGH POINT CT	SABIR FAROUK MOHAMED	ANNANDALE, VA, 22003
4	0593 11 0013	8256 BRANCH RD	8256 BRANCH RD	DAVILA SUAREZ ALFONSO L	ANNANDALE, VA, 22003
5	0593 11 0014	8252 BRANCH RD	8252 BRANCH RD	STETSON NANCY H	ANNANDALE, VA, 22003
6	0593 11 0015	8250 BRANCH RD	8250 BRANCH RD	SMITH G RICHARD	ANNANDALE, VA, 22003
7	0593 11 0016	4105 HIGH POINT CT	4105 HIGH POINT CT	NGO KENNY	ANNANDALE, VA, 22003
8	0593 11 0017	4109 HIGH POINT CT	4109 HIGH POINT CT	PROBST MARY E AND BYHAM BETH A	ANNANDALE, VA, 22003
9	0594 01 0007A	8211 LITTLE RIVER TPKE	8211 LITTLE RIVER TPKE	PUNIT SANGITA P	ANNANDALE, VA, 22003
10	0594 01 0007C	8246 BRANCH RD	8246 BRANCH RD	CHAN IEONG TR	ANNANDALE, VA, 22003
11	0594 01 0007D	8240 BRANCH RD	8240 BRANCH RD	WHITLEY ROY J AND WHITLEY MARY G R	ANNANDALE, VA, 22003
12	0594 01 0008	8215 LITTLE RIVER TPKE	8215 LITTLE RIVER TPKE	TRAN BRUCE	ANNANDALE, VA, 22003
13	0594 02 0004	8112 LITTLE RIVER TPKE	8325 ROBEY AVE	KHAN NABEEL	ANNANDALE, VA, 22003
14	0594 02 0005	8116 LITTLE RIVER TPKE	8116 LITTLE RIVER TPKE	STEIDEL DAVID W	ANNANDALE, VA, 22003
15	0594 02 0006	8120 LITTLE RIVER TPKE	8120 LITTLE RIVER TPKE	MC COY EDWARD D	ANNANDALE, VA, 22003
16	0594 02010001	8200 LITTLE RIVER TPKE	8200 LITTLE RIVER TPKE	CLARE RODGER	ANNANDALE, VA, 22003
17	0594 02010002	8204 LITTLE RIVER TPKE	8204 LITTLE RIVER TPKE	WADHWA SARJOT SEEMA KAUR	ANNANDALE, VA, 22003
18	0594 02010003	8208 LITTLE RIVER TPKE	8208 LITTLE RIVER TPKE	ARMSTRONG H JERE	ANNANDALE, VA, 22003
19	0594 10 0001	8201 LITTLE RIVER TPKE	8113 LITTLE RIVER TPKE	PERRY MC NAIR W	ANNANDALE, VA, 22003
20	0594 10 0002	8113 LITTLE RIVER TPKE	8113 LITTLE RIVER TPKE	PERRY MC NAIR W	ANNANDALE, VA, 22003
21	0594 10 0003	8109 LITTLE RIVER TPKE	8109 LITTLE RIVER TPKE	ESTABILLO ROSELLO	ANNANDALE, VA, 22003
22	0594 10 0004	8105 LITTLE RIVER TPKE	8105 LITTLE RIVER TPKE	MCGEHEE THOMAS L TR	ANNANDALE, VA, 22003
23	0594 10 0023	4104 PINERIDGE DR	1812 ABBOTSFORD DR	MOORE SAMUEL V AND AUDREY C	VIENNA, VA, 22182
24	0594 10 0039	4115 WOODLARK DR	1271 CRONIN DR	BOLINGER MARY ELAINE	WOODBIDGE, VA, 22191
25	0594 10 0040	4111 WOODLARK DR	4111 WOODLARK DR	GOLOMB ANDREW M	ANNANDALE, VA, 22003
26	0594 10 0041	4107 WOODLARK DR	4107 WOODLARK DR	RODRIGUEZ HECTOR A	ANNANDALE, VA, 22003
27	0594 10 0042	4104 WOODLARK DR	15881 CRABBS BRANCH WAY	K2NC LLC	ROCKVILLE, MD, 20855
28	0594 10 0043	4108 WOODLARK DR	7403 AUSTIN ST	VALVERDE HUGO AND MARIA	ANNANDALE, VA, 22003
29	0594 10 0044	4112 WOODLARK DR	7403 AUSTIN ST	VALVERDE HUGO AND MARIA	ANNANDALE, VA, 22003
30	0594 10 0145A	4116 WOODLARK DR	4116 WOODLARK DR	LARocca JOHN J	ANNANDALE, VA, 22003
31	To Be Determined by Applicant	HOA or Civic Associations			

ATTACHMENT C

LIST OF PROPERTIES TO BE NOTIFIED

ADDRESS: 10625 LEGACY LANE, FAIRFAX, VA 22030

ATTACHMENT C

ID	PIN	SITE LOCATION	OWNER ADDRESS	OWNER	CITY STATE
1	0593 01 0032B	8220 LITTLE RIVER TPKE ✓	8220 LITTLE RIVER TPKE ✓	CHURCH NAZARENE CALVARY OF THE ✓	ANNANDALE, VA, 22003
2	0593 11 0001	8243 LITTLE RIVER TPKE ✓	8243 LITTLE RIVER TPKE ✓	BAWDEN GERALD W ✓	ANNANDALE, VA, 22003
3	0593 11 0002	4101 HIGH POINT CT ✓	4101 HIGH POINT CT ✓	SABIR FAROUK MOHAMED ✓	ANNANDALE, VA, 22003
4	0593 11 0013	8256 BRANCH RD ✓	8256 BRANCH RD ✓	DAVILA SUAREZ ALFONSO L ✓	ANNANDALE, VA, 22003
5	0593 11 0014	8252 BRANCH RD ✓	8252 BRANCH RD ✓	STETSON NANCY H ✓	ANNANDALE, VA, 22003
6	0593 11 0015	8250 BRANCH RD ✓	8250 BRANCH RD ✓	SMITH G RICHARD ✓	ANNANDALE, VA, 22003
7	0593 11 0016	4105 HIGH POINT CT ✓	4105 HIGH POINT CT ✓	NGO KENNY ✓	ANNANDALE, VA, 22003
8	0593 11 0017	4109 HIGH POINT CT ✓	4109 HIGH POINT CT ✓	PROBST MARY E AND BYHAM BETH A ✓	ANNANDALE, VA, 22003
9	0594 01 0007A	8211 LITTLE RIVER TPKE ✓	8211 LITTLE RIVER TPKE ✓	PUNIT SANGITA P ✓	ANNANDALE, VA, 22003
10	0594 01 0007C	8246 BRANCH RD ✓	8246 BRANCH RD ✓	CHAN IEONG TR ✓	ANNANDALE, VA, 22003
11	0594 01 0007D	8240 BRANCH RD ✓	8240 BRANCH RD ✓	WHITLEY ROY J AND WHITLEY MARY G R ✓	ANNANDALE, VA, 22003
12	0594 01 0008	8215 LITTLE RIVER TPKE ✓	8215 LITTLE RIVER TPKE ✓	TRAN BRUCE ✓	ANNANDALE, VA, 22003
13	0594 02 0004	8112 LITTLE RIVER TPKE ✓	8325 ROBEY AVE (ANNAN) ✓	KHAN NABEEL ✓	ANNANDALE, VA, 22003
14	0594 02 0005	8116 LITTLE RIVER TPKE ✓	8116 LITTLE RIVER TPKE ✓	STEIDEL DAVID W ✓	ANNANDALE, VA, 22003
15	0594 02 0006	8120 LITTLE RIVER TPKE ✓	8120 LITTLE RIVER TPKE ✓	MC COY EDWARD D ✓	ANNANDALE, VA, 22003
16	0594 02010001	8200 LITTLE RIVER TPKE ✓	8200 LITTLE RIVER TPKE ✓	CLARE RODGER ✓	ANNANDALE, VA, 22003
17	0594 02010002	8204 LITTLE RIVER TPKE ✓	8204 LITTLE RIVER TPKE ✓	WADHWA SARJOT SEEMA KAUR ✓	ANNANDALE, VA, 22003
18	0594 02010003	8208 LITTLE RIVER TPKE ✓	8208 LITTLE RIVER TPKE ✓	ARMSTRONG H JERE ✓	ANNANDALE, VA, 22003
19	0594 10 0001	8201 LITTLE RIVER TPKE ✓	8113 LITTLE RIVER TPKE ✓	PERRY MCNAMARA DOLLYNA ✓	ANNANDALE, VA, 22003
20	0594 10 0002	8113 LITTLE RIVER TPKE ✓	8113 LITTLE RIVER TPKE ✓	PERRY MCNAMARA DOLLYNA ✓	ANNANDALE, VA, 22003
21	0594 10 0003	8109 LITTLE RIVER TPKE ✓	8109 LITTLE RIVER TPKE ✓	ESTABILLO ROSELLO ✓	ANNANDALE, VA, 22003
22	0594 10 0004	8105 LITTLE RIVER TPKE ✓	8105 LITTLE RIVER TPKE ✓	MCGEEFF THOMAS L TR ✓	ANNANDALE, VA, 22003
23	0594 10 0023	4104 PINERIDGE DR ✓	1812 ABBOTSFORD DR ✓	MOORE SAMUEL V AND AUDREY C ✓	VIENNA, VA, 22182
24	0594 10 0039	4115 WOODLARK DR ✓	1271 CRONIN DR WOODBRIDGE ✓	BOLINGER MARY ELAINE ✓	WOODBRIDGE, VA, 22191
25	0594 10 0040	4111 WOODLARK DR ✓	4111 WOODLARK DR ✓	GOLOMB ANDREW M ✓	ANNANDALE, VA, 22003
26	0594 10 0041	4107 WOODLARK DR ✓	4107 WOODLARK DR ✓	RODRIGUEZ HECTOR A ✓	ANNANDALE, VA, 22003
27	0594 10 0042	4104 WOODLARK DR ✓	15881 CHABBS BRANCH WAY ✓	K2NC LLC (APPLICANT) ✓	ROCKVILLE, MD, 20855
28	0594 10 0043	4108 WOODLARK DR ✓	7403 AUSTIN ST ANNAN ✓	VALVERDE HUGO AND MARIA ✓	ANNANDALE, VA, 22003
29	0594 10 0044	4112 WOODLARK DR ✓	7403 AUSTIN ST " ✓	VALVERDE HUGO AND MARIA ✓	ANNANDALE, VA, 22003
30	0594 10 0145A	4116 WOODLARK DR ✓	4116 WOODLARK DR ✓	LAROCCA JOHN J ✓	ANNANDALE, VA, 22003
X 31	To Be Determined by Applicant	HOA or Civic Associations			

- SUPERVISOR
- FX. HILLS CIVIC ASSOC

9002 BURKE LAKE RD.
4317 WOODLARK DR.

LEGAL NOTICE

EXCEPTION REVIEW COMMITTEE PUBLIC HEARING

Date: 8-17-18RE: **Encroachment Exception Request #2582-WRPA-007-1 and Water Quality Impact Assessment #2582-WQ-004-1**

Dear Property Owner(s):

The Fairfax County Exception Review Committee will hold a public hearing in **Room 106** of the **Herrity Building, 12055 Government Center Parkway, Fairfax, Virginia**, on **WEDNESDAY, September 5th at 2:00 P.M.**, regarding an

Encroachment Exception Request #2582-WRPA-007-1 and Water Quality Impact Assessment #2582-WQ-004-1, K2NC LLC, an application for an exception to construct a house within 50-foot seaward of the Resource Protection Area (RPA) under Chesapeake Bay Preservation Ordinance (CBPO) Section 118-6-7 at 4104 Woodlark Drive, Annandale, Virginia 22003; Fairfax Hills, Section 1, Lot 42; Tax Map #059-4-10-0042; Braddock District.

You are listed in the current real estate assessment records of Fairfax County, Virginia, as the owner of a parcel in the vicinity of the property which has filed the above-referenced application. In accordance with the provisions of the CBPO Section 118-6-3(c) of the *Code of the County of Fairfax*, you are hereby notified of the scheduled public hearing on this application. You are invited to present oral comments at the hearing, or provide written comments, on the application.

Copies of the application and the staff report will be available for review in Fairfax County's Site Development and Inspections Division (SDID) offices located in Suite 535 of the Herrity Building at 12055 Government Center Parkway, Fairfax, Virginia, 22035.

Persons desiring to speak at the public hearing may contact SDID staff at 703-324-1720. Written comments should be sent to the county at the address in the paragraph above and should reference the application numbers shown in the subject line. Written comments must be received before the hearing is called to order to be considered a part of the public record on the application.

Please note that occasionally the advertised public hearing dates need to be rescheduled to a later date. Prior to coming to the public hearing, please check with SDID staff to determine whether the public hearing is still scheduled to proceed on the date advertised above. Office hours are 8:00 A.M. to 4:30 P.M.



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1720 or TTY 711 (Virginia Relay Center).

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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
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<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.50	08/17/2018
Total Postage and Fees	\$6.70	

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.50	08/17/2018
Total Postage and Fees	\$6.70	

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Street and Apt. No., or PO Box No. 8325 Robey Ave
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<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.50	08/17/2018
Total Postage and Fees	\$6.70	

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.50	08/17/2018
Total Postage and Fees	\$6.70	

Sent To VALVERDE, HUGO & MARIA
Street and Apt. No., or PO Box No. 7403 AUSTIN ST
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<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.50	08/17/2018
Total Postage and Fees	\$6.70	

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Street and Apt. No., or PO Box No. 8113 LITTLE RIVER TPKE
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Street and Apt. No., or PO Box No. 8240 Branch Rd.

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Sent To Rodriguez, Hector A

Street and Apt. No., or PO Box No. 4107 Woodlark Dr.

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
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Sent To Bawden, Gerald
 Street and Apt. No., or PO Box No. 8243 LITTLE RIVER TPKE
 City, State, ZIP+4® ANNANDALE, VA 22003

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<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.50	
Total Postage and Fees	\$6.70	

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Sent To Stetson, Nancy H
 Street and Apt. No., or PO Box No. 8252 BRANCH RD
 City, State, ZIP+4® ANNANDALE, VA 22003

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<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.50	
Total Postage and Fees	\$6.70	

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 Street and Apt. No., or PO Box No. 4116 WOODLARK DR.
 City, State, ZIP+4® ANNANDALE, VA 22003

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<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.50	
Total Postage and Fees	\$6.70	

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Sent To Church Nazarene
 Street and Apt. No., or PO Box No. 8220 LITTLE RIVER TPKE
 City, State, ZIP+4® ANNANDALE, VA 22003

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Extra Services & Fees (check box, add fee as appropriate)		
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.50	
Total Postage and Fees	\$6.70	

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Sent To Mc Coy, Edward D
 Street and Apt. No., or PO Box No. 8128 LITTLE R. TPKE
 City, State, ZIP+4® Annandale, VA 22003

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<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.50	
Total Postage and Fees	\$6.70	

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Sent To McGehee, Thomas L TR
 Street and Apt. No., or PO Box No. 8105 Little River TPKE
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Sent To <u>NGO, KENNY</u>		
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Postage	\$0.50	08/17/2018
Total Postage and Fees	\$6.70	
Sent To <u>Smith, Richard G</u>		
Street and Apt. No., or PO Box No. <u>8250 Branch Rd</u>		
City, State, ZIP+4® <u>Annandale, VA 22003</u>		

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Total Postage and Fees	\$6.70	
Sent To <u>Chan</u>		
Street and Apt. No., or PO Box No. <u>8246 Branch Rd</u>		
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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.50	08/17/2018
Total Postage and Fees	\$6.70	
Sent To <u>Tran Bruce</u>		
Street and Apt. No., or PO Box No. <u>8215 LITTLE RIVER TPKE</u>		
City, State, ZIP+4® <u>ANNANDALE, VA 22003</u>		

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Street and Apt. No., or PO Box No. <u>8116 LITTLE RIVER TPKE</u>		
City, State, ZIP+4® <u>ANNANDALE, VA 22003</u>		

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Total Postage and Fees	\$6.70	
Sent To <u>Probst, Mary E, et al.</u>		
Street and Apt. No., or PO Box No. <u>4109 HIGH POINT CT</u>		
City, State, ZIP+4® <u>ANNANDALE, VA 22003</u>		

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Postage	\$0.50	08/17/2018
Total Postage and Fees	\$6.70	

Sent To **FALSOZO**
Mohamed SABIR

Street and Apt. No., or PO Box No. **4251 MONTEFORT CT**
10625 LEGACY LANE ANNANDALE, VA 22003
 City, State, ZIP+4® **FAIRFAX, VA 22030**

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Postage	\$0.50	08/17/2018
Total Postage and Fees	\$6.70	

Sent To **Bolinger, Mary**
1211 Cronin Dr.
Woodbridge VA 22191

Street and Apt. No., or PO Box No.
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Postage	\$0.50	08/17/2018
Total Postage and Fees	\$6.70	

Sent To **K2NU LLC**
15881 Crabbs Branch Way
ROCKVILLE, MD 20855

Street and Apt. No., or PO Box No.
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Postage	\$0.50	08/17/2018
Total Postage and Fees	\$6.70	

Sent To **ANDREW GOLOMB**

Street and Apt. No., or PO Box No. **4111 WOODLARK DR.**
 City, State, ZIP+4® **ANNANDALE, VA 22003**

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Postage	\$0.50	08/17/2018
Total Postage and Fees	\$6.70	

Sent To **Helen Rodgers, Clare**

Street and Apt. No., or PO Box No. **8200 LITTLE RIVER TPK.**
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Postage	\$0.50	08/17/2018
Total Postage and Fees	\$6.70	

Sent To **Punit, Sangita**

Street and Apt. No., or PO Box No. **8211 LITTLE RIVER TPKE**
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Postage \$0.50 \$ Total Postage and Fees \$8.70 \$	
Sent To Moore, Audrey & Sam Street and Apt. No., or PO Box No. 1812 Abbotsford Rd City, State, ZIP+4® Vienna, VA 22182	
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Postage \$0.50 \$ Total Postage and Fees \$8.70 \$	
Sent To Perry, Dollyna Street and Apt. No., or PO Box No. 8113 LITTLE RIVER TPKE City, State, ZIP+4® ANNANDALE, VA 22003	
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SUPPORTING INFORMATION FOR STAFF ANALYSIS

Aerial Map



RPA Encroachment Exception 2582-WRPA-007-1 and Water Quality Impact Assessment 2582-WQ-004-1

Photographs

The photos are taken by Mr. Roy Whitley on August 3rd, 2018.

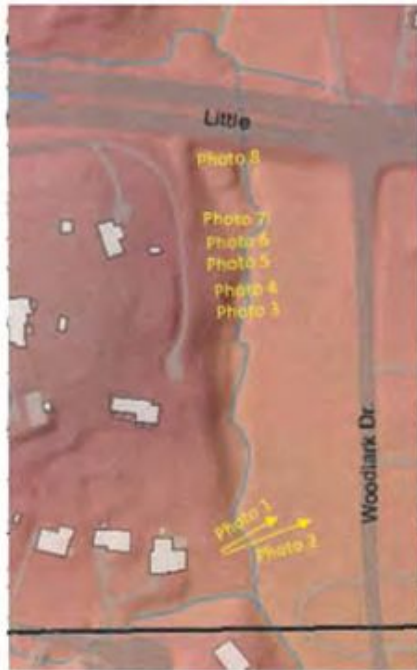


Photo #7



Photo #8



Photo #4



Photo #5



Photo #6



Photo #1



Photo #2



Photo #3

RPA Encroachment Exception 2582-WRPA-007-1 and Water Quality Impact Assessment 2582-WQ-004-1

Photographs (Cont.)



The photo is taken by Mr. Roy Whitley on August 3rd, 2018, located of lots 43 & 44 adjacent to the subject property, Lot 42.

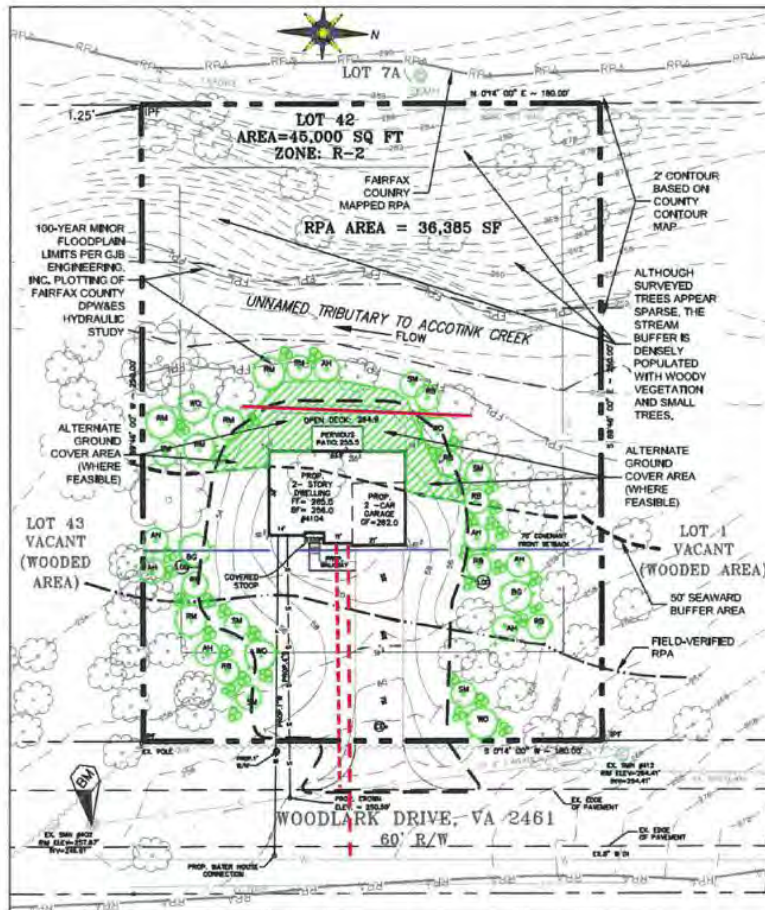
RPA Encroachment Exception 2582-WRPA-007-1 and Water Quality Impact Assessment 2582-WQ-004-1

Watershed Information



The subject project is located upstream from the future Watershed Plan project (AC9214). Details of the Watershed Plan can be found at <https://www.fairfaxcounty.gov/publicworks/stormwater/accotink-creek-watershed>.

Water Quality Impacts



The approved conditions are listed in the Attachment A. This exhibit depicts areas for water quality impacts.

1. The disturbance encroaches into RPA seaward 25 feet. It reduces the area necessary to maintain the health of the aquatic habitat.
2. Additional planting areas as a result of relocating waterline and sanitary lateral adjacent to the driveway.

RPA Encroachment Exception 2582-WRPA-007-1 and Water Quality Impact Assessment 2582-WQ-004-1

ATTACHMENT E

REQUESTED APPLICATION



GJB Engineering, Inc.

providing quality engineering with personal service

P.O. Box 1214, Newington, VA 22122
www.gjbengineering.com 703-541-2000

July 3, 2018

Chesapeake Bay Preservation Ordinance Exception Review Committee
Attn: Chris Koerner, Chairman
c/o Department of Land Development Services
Attn: Camylyn Lewis, Clerk to the ERC
12055 Government Center Parkway, 5th Floor
Fairfax, VA 22035

Reference: 4104 Woodlark Drive
Fairfax Hills, Section 1, Lot 42
Tax Map 0594 ((10)) 0042
Project # 2582-WRPA-006 and 2582-WQ-003
Braddock District

Dear Chairman Koerner:

Please find enclosed our application for exception under Chapter 118 of the County Code. Also enclosed are supporting documents as follows:

- As requested by your Committee in February, resolution of the lawsuit filed by a homeowner within the subdivision is evidenced by the final order for that lawsuit.
- Copy of email exchange between the County Attorney's office and the applicant's legal counsel of the negotiated settlement with the County Attorney's office of the appeal our firm filed in March of your Committee's February denial of the application, wherein the County Attorney indicated the reconsideration of the WRPA and WQ applications would be handled expeditiously and without further LDS review fees, and the applicant's attorney's acceptance of those conditions in the retraction of the appeal request.
- Copy of the email exchange with LDS confirming the 12-month filing prohibition was waived in February 2018 with the denial resolution.

The technical content of the application has not been changed from the version the ERC reviewed in the previous application.

007-1
2582-WRPA-006-1
2582-WQ-003-1

4104 Woodlark Drive / Fairfax Hills, Section 1, Lot 42
Resubmission of WRPA and WQ applications
July 3, 2018
Page 2 of 2

ATTACHMENT E
Page 2

We stand available to answer any further questions you may have relative to the referenced submission.

Sincerely,



Greg Budnik, P.E.
Engineer for the Applicant

GJB Engineering, Inc.
P.O. Box 1214, Newington, VA 22122
www.gjbengineering.com
703-541-2000

Barnes Lawson

From: Gori, Marc <Marc.Gori@fairfaxcounty.gov>
Sent: Monday, June 18, 2018 10:31 AM
To: Barnes Lawson
Subject: K2NC Appeal

Hi Barnes,

To confirm the substance of our conversation on Friday, you are going to withdraw the scheduled appeal of the ERC's decision and resubmit the application for an exception review. The County will waive all fees associated with the resubmission and schedule the exception review hearing as soon as possible. The ERC typically hears applications on the first Wednesday of each month. Given the timing, August 1 is likely the first chance to schedule that hearing.

Please address your letter withdrawing the appeal to the Chairman Bulova.

Best regards,
Marc

Marc E. Gori
Assistant County Attorney
12000 Government Center Parkway, Suite 549
Fairfax, Virginia 22035
Telephone: (703) 324-2421
Facsimile: (703) 324-2665
Marc.Gori@FairfaxCounty.gov

THE LAW OFFICE OF
WILLIAM B. LAWSON, P.C.

William B. Lawson, Jr., Esquire
blawson@wblawsonlaw.com

June 18, 2018

Ms. Sharon Bulova, Chairman
Fairfax County Board of Supervisors
12000 Government Center Parkway
Suite 530
Fairfax, Virginia 22035

RE: 4104 Woodlark Drive, Annandale, Virginia
Encroachment Exception #2582-WRPA-006-1 and
Water Quality Impact Assessment #2582-WQ-003-1

Dear Ms. Bulova,

The County Board is scheduled to hear for consideration the appeal of the Exception Review Committee's ("ERC") decision to deny an encroachment exception under §118-6-7 (Loss of Buildable Area) of the County's Chesapeake Bay Preservation Ordinance ("CBPO") and disapproving the associated Water Quality Impact Assessment ("WQIA").

Per discussions with Marc Gori, Esquire, the following actions are respectfully proposed in order to allow this matter to be resolved:

1. Our client requests a withdrawal of the above appeal for consideration at the Fairfax County Board of Supervisor's meeting on June 19, 2018.
2. Our client will resubmit the above referenced applications for review by the ERC and the County will waive all fees associated with the resubmission.
3. The County will request that the ERC reconsider the previous denial of the applications and that this matter will be expedited to be heard at the ERC meeting on August 1, 2018. The litigation action that this property was the subject of has been resolved.

Your consideration of this matter is greatly appreciated.

Very truly yours,

William B. Lawson, Jr.

6045 Wilson Boulevard • Suite 100 • Arlington • Virginia 22205
P: (703) 534-4800 • F: (703) 534-8225 • WBLawsonLaw.com

VIRGINIA

IN THE CIRCUIT COURT FOR FAIRFAX COUNTY

NO
ENW

<p>S. RICHARD RIO, JR.,</p> <p>Plaintiff,</p> <p>v.</p> <p>K2NC, LLC</p> <p>Defendant.</p>	<p>Case No. CL2017-5321</p>
---	------------------------------------

AGREED FINAL ORDER

IT APPEARING from the signatures of counsel for the parties below that this order is proper, and that the parties are agreed that, based upon the result of the initial temporary injunction hearing in this matter, it is hereby;

ADJUDGED, ORDERED AND DECREED that, based upon the current circumstances and current development of the various properties within the 1941 Deed of dedication, the Defendant K2NC, LLC, and any parties acting on its behalf, are permanently enjoined from erecting any building within 75 feet of the front property line of 4104 Woodlark Drive, Annandale, Virginia 22003 (which is the line bounding Woodlark Drive), as specified in Section 8 of the said 1941 Deed of Dedication.

LAND (COURT)

IT IS FURTHER ADJUDGED, ORDERED AND DECREED that the 75 foot setback set out in Section 8 of the 1941 Deed of Dedication, applicable thereto, is, based upon the current circumstances and current development of the various properties within the 1941 Deed of dedication, hereby deemed by this Court to apply to the front property line of 4104 Woodlark Drive, Annandale, Virginia 22003, and to be of full force and

effect as to the Property in question in this matter; and with regard to the current validity of the said setback, this matter is final and is ended.

IT IS FURTHER ADJUDGED, ORDERED AND DECREED that all other claims, issues, demands for money, attorney's fees or otherwise brought by any party to this matter are hereby dismissed with prejudice, and this matter is ended.

ENTERED THIS 21 DAY OF June, 2018.

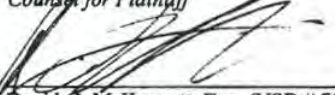


Judge, Circuit Court for Fairfax County

WE ASK FOR THIS:



Marla J. Diaz (VSB# 46799)
 Gregory A. Chakmakas (VSB# 87386)
 WHITEFORD, TAYLOR & PRESTON, LLP
 3190 Fairview Park Drive, Suite 800
 Falls Church, Virginia 22042
 (703) 280-9131
 (703) 280-9139 (facsimile)
mdiaz@wtplaw.com
gchamakas@wtplaw.com
 Counsel for Plaintiff



David G. McKennett, Esq. (VSB # 71257)
 Purnell, McKennett & Menke, PC
 9214 Center Street, Suite 101
 Manassas, VA 20110
 (703) 368-9196
 (703) 361-0092 (facsimile)
dmckennett@manassaslawyers.com
 Counsel for Defendant



County of Fairfax, Virginia

ATTACHMENT E
Page 7

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

FEB 26 2018

Sheila Konecke
K2NC, LLC
15881 Crabbs Branch Way
Rockville, MD 20855

Subject: 4104 Woodlark Drive, Tax Map #059-4-10-0042, Braddock District

Reference: Resource Protection Area Encroachment Exception #2582-WRPA-006-1 and
Water Quality Impact Assessment #2582-WQ-003-1

Dear Ms. Konecke:

Enclosed you will find a copy of a Resolution adopted by the Exception Review Committee (ERC) at their regular meeting held on February 7, 2018, denying Resource Protection Area (RPA) Encroachment Exception #2582-WRPA-006-1, under Section 118-6-7 of the Chesapeake Bay Preservation Ordinance (CBPO), to permit encroachment into the RPA at the subject property. The motion to deny included that "final determination as to the front yard setback is necessary for the Committee to determine whether relief requested is the minimum necessary to build the proposed house."

In accordance to the CBPO 118-6-1, no new application concerning any or all of the subject property for the same general use as applied shall be heard by the ERC or Board for a period of less than 12 months from February 7, 2018. In discussion during the meeting, committee members expressed willingness to waive that requirement and encourage the applicant to reapply after a final order is issued in the pending litigation regarding the covenant creating a front building restriction line. Once the court proceedings are finalized, please notify this office in writing to request a rehearing.

Please be advised that the decision of the Exception Review Committee may be appealed to the Board of Supervisors in accordance with Article 8 of the CBPO within 30 days from the date of the Resolution.

If further assistance is desired, please contact Prutha Rueangvivanakij, Stormwater Engineer, Site Development and Inspection Division (SDID), at 703-324-1720.

Department of Land Development Services
12055 Government Center Parkway, Suite 659
Fairfax, Virginia 22035-5503
Phone 703-324-1780 • TTY 711 • FAX 703-653-6678
www.fairfaxcounty.gov





EXCEPTION RESOLUTION OF THE EXCEPTION REVIEW COMMITTEE

K2NC, LLC, Resource Protection Area (RPA) Encroachment Request #2582-WRPA-006-1, under Section 118-6-7 of the Chesapeake Bay Preservation Ordinance (CBPO), at 4104 Woodlark Drive, Annandale, to permit encroachment into the RPA for the construction of a house within seaward 50 feet on the lot legally created prior to November 18, 2003, Braddock District, Tax Map #059-4-10-0042. At a regular meeting of the Exception Review Committee (ERC) on February 7, 2018, Ms. Kanter moved that the ERC adopt the following resolution:

WHEREAS, the ERC has made the findings that:

- a) The requested exception is not the minimum necessary to afford relief; and
- b) Final determination as to the front yard setback is necessary for the Committee to determine whether relief requested is the minimum necessary to build the proposed house.

NOW, therefore, be it resolved that the ERC **Deny** Exception Request #2582-WRPA-006-1 upon finding that the application does not meet Section 118-6-6.a of the CBPO.

The motion carried by a vote of 5-0, with Dr. Schnare abstaining due to the hearing preceeding his appointment.

A Copy Teste:

Camylyn Lewis
Clerk to the Exception Review Committee




RE: Exception Request Submission for 4104 Woodlark Drive

ATTACHMENT E
Page 9

Subject: RE: Exception Request Submission for 4104 Woodlark Drive
From: "Mueller, Brandy Leigh" <Brandy.Mueller@fairfaxcounty.gov>
Date: 6/27/2018 12:20 PM
To: Greg Budnik <greg.budnik@gjbinc.com>

Understood and thank you.

Brandy L. Mueller
Environmental Compliance Coordinator, CDCD, LDS
703-324-1813

 Please consider the environment before printing this email.

From: Greg Budnik [mailto:greg.budnik@gjbinc.com]
Sent: Wednesday, June 27, 2018 9:47 AM
To: Mueller, Brandy Leigh <Brandy.Mueller@fairfaxcounty.gov>
Cc: Rueangvivatanakij, Prutha <Prutha.Rueangvivatanakij@fairfaxcounty.gov>; Lewis, Camylyn M <Camylyn.Lewis@fairfaxcounty.gov>; Hansen, Matthew <Matthew.Hansen@fairfaxcounty.gov>
Subject: Re: Exception Request Submission for 4104 Woodlark Drive

Brandy,

Thank you for the update and confirmations.

We are presently assembling the application and anticipate filing this Monday. If we can complete the submission preparation sooner, I'll let you know.

The application package will include the signed final order (including signature by the judge) in the lawsuit filed by the homeowner. Since our conversation yesterday, I've been informed it has been signed by both parties and the judge.

Greg Budnik, P.E.
GJB Engineering Inc.

On Jun 26, 2018, at 4:10 PM, Mueller, Brandy Leigh <Brandy.Mueller@fairfaxcounty.gov> wrote:

Hello Greg,

I wanted to follow up from our discussion yesterday and provide an update after meeting internally with SDID review staff earlier today. As agreed previously, the application fee for both the WRPA and WQ submission for 4104 Woodlark Drive will be waived by CTSC staff, at intake. I have sent Lori Ramsey a separate notification to that effect but wanted to make sure you have something in writing from me as well in case you would prefer to simply bring this email with you at the time of submission, for documentation purposes. This shall also further confirm in writing that the Committee

waived the 12-month reapplication restriction for this property (also identified in the attached Resolution letter).

You mentioned over the phone that the resulting order from the referenced litigation is yet to be signed by the judge but has recently been executed by both parties. I spoke with the County Attorney's Office earlier today and discussed further with SDID staff and we are all in agreement that you may proceed with submitting the new application with the signed order, not yet signed by the judge, so not to cause further delays. However, you will need to provide staff (specifically Prutha as the assigned Stormwater Specialist, copying me and Camylyn as the Acting Clerk and Clerk to the ERC), a **copy of the fully endorsed order (i.e. signed by the judge) as soon as possible**. Note: staff will not be able to send out the newspaper ad, nor proceed with the subsequent hearing, without this item provided.

As discussed yesterday, this will be treated as a new application, submitted as such with your office preparing and providing all necessary submission documentation including an updated statement of justification, in addition to the above mentioned order. You also stated that you would notify me via email upon your submission of the application to the County, to help ensure proper and timely coordination.

Ongoing coordination efforts with Committee Members is heading towards a tentative hearing date of **Wednesday, September 5th**. I will let you know once I have quorum confirmed but wanted to give you the heads up now.

If you have any questions or need additional information, please do not hesitate to contact me or Prutha directly.

Thank you,

Brandy L. Mueller
Environmental Compliance Coordinator, CDCD, LDS
703-324-1813
<image002.jpg>

From: Mueller, Brandy Leigh
Sent: Friday, June 22, 2018 4:50 PM
Cc: Rueangvivanakij, Prutha <Prutha.Rueangvivanakij@fairfaxcounty.gov>
Subject: Fwd: Resubmission of 2582-WRPA-006 and 2582-WQ-003

Hello Greg,

As you may know by now, Camylyn is out of the office until July 17th. As back up for the ERC Clerk, I am working to facilitate the coordination of your resubmission for Woodlark Drive. I have been trying to confirm the possibility of an August hearing with the committee members, ensuring quorum and adequate time for the notice requirement and newspaper advertisement. I will let you as soon as I can tentatively confirm quorum.

Staff has agreed to waive the application fee and the committee has previously agreed to waive the 12-month reapplication restriction.

I would like to speak with you Monday to discuss further logistics and make sure you have everything you need to proceed with the submission, to include providing an updated justification letter referencing the reason for resubmission as well as a copy of the final order from the resolved litigation. Can you please verify a good number to contact you and when best to reach you?

Thank you,

Brandy Mueller
Environmental Compliance Coordinator, LDS
703-324-1813

-----Original Message-----

From: Greg Budnik [mailto:greg.budnik@gjbinc.com]
Sent: Thursday, June 21, 2018 1:46 PM
To: Lewis, Camylyn M <Camylyn.Lewis@fairfaxcounty.gov>
Cc: Rueangvivatanakij, Prutha <Prutha.Rueangvivatanakij@fairfaxcounty.gov>; Kharel, Durga D. <Durga.Kharel@fairfaxcounty.gov>; Williams, Kenneth <Kenneth.Williams@fairfaxcounty.gov>; Baig, Shahab <Mirza.Baig@fairfaxcounty.gov>
Subject: Resubmission of 2582-WRPA-006 and 2582-WQ-003

Camylyn,

Please find attached correspondence between Asst. County Attorney Marc Gori, Barnes Lawson (attorney for the applicant), and the Board of Supervisors which summarizes an understanding reached regarding the appeal filed by our firm in March of 2018 relative to the previous ERC denial of the above referenced applications. Two days ago, the appeal was withdrawn on the basis of this understanding reached between the appellant and the Board of Supervisors.

Our firm is scheduled to resubmit the application pursuant to that understanding early next week and would like to with you, as Clerk to the ERC, the logistics of scheduling the hearing for August 1st, as discussed in the County Attorney's email, and making sure the ERC either has or will waive the 12-month filing prohibition.

Please note that since the denial and circumstances revolving around the

applications were legal in nature and not technical, our resubmission will be technically identical to our November 2017 resubmission package in all respects, with the only addition being a cover letter explaining that the litigation which the homeowner filed against the applicant is now resolved (and will include a copy of the agreement signed by both parties), thus addressing the single comment which the ERC had on the application. I've copied Prutha and Durga so they are aware of this relative to the staff report timing and advertising requirements for an August hearing.

Let me know if you have time to discuss this sometime today or tomorrow as that would probably be more efficient than email exchange.

Thanks,

Greg Budnik, P.E.
GJB Engineering Inc.

<2582-WRPA-006 Final Resolution and Resolution Letter.pdf>



September 28, 2017
Revised: November 6, 2017

VIA Hand Delivery

Mr. Bruce McGranahan, P.E.
Director
Department of Public Works and Environmental Services
12055 Government Center Parkway
Suite 444
Fairfax, VA 22035-5504

Re: Section 118-6-7 Exception Request and Water Quality Impact Assessment
Fairfax Hills, Section 1, Lot 42
Tax Map: 59-4 ((10) Parcel 42
Fairfax County, Virginia
WSSI #11325.01

Dear Mr. McGranahan:

Wetland Studies and Solutions, Inc. (WSSI) has been engaged by the Owners of the property, K2NC, LLC, to prepare this Resource Protection Area Encroachment Request (RPAE) and Water Quality Impact Assessment (WQIA) for approval of construction activities associated with the development of a single lot as required under Section 118-6-7 of the Fairfax County Chesapeake Bay Preservation Ordinance (Ordinance).

I. RPAE Submission Requirements:

Pursuant to the Submission Requirements for Exception Requests (Section 118-6-5) please find enclosed:

- (a) Four (4) copies of the application form;
- (b) Four (4) copies of a Water Quality Impact Assessment;
- (c) Fourteen (14) copies of a plat which meets the submission requirements of Zoning Ordinance Section 9-011, Paragraph 2;
- (d) Photographs of the property showing existing structures, terrain, and vegetation;
- (e) Four (4) copies of a map identifying classification of soil types, at a scale of one inch equals five hundred feet (1"=500'), covering an area at least 500 feet beyond the perimeter of the proposed development;
- (f) A statement of justification which addresses how the proposed development complies with the factors set forth in Sections 118-6-6(a) through (f) – provided within the body of this RPAE.



(g) The following Exhibits are enclosed in support of this RPAE and WQIA:

- Exhibit 1 - Application Form for RPA Encroachment Exceptions
- Exhibit 2 - Vicinity Map
- Exhibit 3 - Existing Site Photographs
- Exhibit 4 - Existing Conditions
- Exhibit 5 - Preliminary Injunction Order
- Exhibit 6 - Proposed Conditions
- Exhibit 7 - Soils Map
- Exhibit 8 - Adjacent Property Owners
- Addendum 1 - County Comment Response Information

II. Background

The subject of this RPAE is located at 4104 Woodlark Drive in Fairfax, Virginia. It is an unimproved single lot in the Fairfax Hills subdivision with over 80% of the lot encumbered by the RPA, see Exhibit 2 for the site vicinity. The Applicant purchased the subject property in 2015 and engineered the site for a single family residence on the lot in accordance with the 35-foot front yard setback per the Zoning Ordinance. Approvals were issued during the spring of 2016 (2852-INF-004-1; 2582-WRPA-005-2) under the RPA Exemption for loss of buildable area. This was possible because the desired lot plan did not encroach into the 50' seaward RPA buffer.

With approvals in-hand, the Applicant sought to commence construction, but was issued a Preliminary Injunction Order (Case No. CL2017-5321). This injunction barred erection of the approved house based on a 1941 Deed of Dedication (pre-dating the Zoning Ordinance) that established a 75-foot front yard setback. It is important to note that this 75-foot setback extends into the RPA for the entire width of the site (and nearly reaches the 50' seaward buffer at the northern property line), thus leaving no area outside the RPA where house construction is permitted and creating a genuine hardship for the Applicant. The original/desired house had been set forward of this 75-foot setback to minimize RPA encroachment and leave more buffer between the residence and an unnamed perennial tributary to Accotink Creek. Please refer to Exhibit 3 for Existing Site Photographs, Exhibit 4 for Existing Conditions (including an outline of the area cleared under the prior approvals) and Exhibit 5 for a copy of the Preliminary Injunction Order.

Since the injunction was issued, stopping construction, the Applicant is proceeding with a revised lot plan which simply shifts the approved house away from the front property line to conform to the 75-foot setback required in the neighborhood covenant. A pre-application meeting was conducted on August 30, 2017 to discuss RPAE/WQIA issues regarding the site and wherein County staff was supportive of the proposed submission of this RPAE for Loss of Buildable Area. The proposed lot design is shown in Exhibit 6, and includes survey-located wetlands, as described in Wetland Studies and Solutions' (WSSI), September 26, 2017 Wetlands Delineation report, and the Field-Verified RPA and 50' Seaward RPA Buffer based on this information.

As shown in the site photos and existing conditions map, the lot is completely forested with the exception of trees cleared under the prior approval. Since the only substantial cleared areas will be necessary to construct the residence, the potential for RPA reforestation is severely limited. A proposed planting plan located in Exhibit 6 depicts plantings in accordance with RPA regulations to the extent possible given the site limitations – (both within and outside the RPA, including some areas previously cleared by the Applicant).

The proposed project includes additional tree clearing and construction of a new single family home that will be well suited for the area. The proposed layout of the structure and lot is presented in Exhibit 6 (as well as in the required RPAE Plat that is part of this submission). The proposed structure will result in new impervious area and disturbance to both the RPA and the 50' seaward RPA buffer, but all disturbance (including grading) has been limited to the minimum necessary to construct the residence. Further, the residence is appropriately sized to neighborhood standard and sited appropriately on the lot, subject to both zoning restrictions and the 75-foot setback. Specific details regarding home size and dimension are provided in this request.

As stated previously, this RPA Exception for Loss of Buildable Area is being submitted based on the extent of the RPA on-site and a neighborhood setback requirement that bars the Applicant from limiting development to the outer 50' of the RPA buffer. Demonstration of how the proposed project complies with each of the relevant sections of the Ordinance is presented in the remainder of this submission.

III. Resource Protection Area Encroachment Statement of Justification

The following is the Statement of Justification which addresses how the development complies with the factors set forth in Sections 118-6-6 (a) through (f) of the Ordinance:

(a) The requested exception to the criteria is the minimum necessary to afford relief;

The project site area is over 80% encumbered by RPA. In addition, there has been a court-enforced injunction of a 75' front setback for any proposed house in the neighborhood – which precludes construction of a house anywhere outside the RPA. As shown on the proposed conditions plan, the 75' setback extends into the RPA in all areas of the site – nearly to the 50' seaward buffer at the northern property line.

The proposed lot plan represents the minimum disturbance necessary to construct a single family residence and associated infrastructure that is appropriate for the neighborhood. Grading has been minimized and proposed impervious areas have been reduced to provide the Applicant with a reasonably sized home and usable amenities. Please refer to Section (f) below for a justification of the proposed house sizing.

- (b) *Granting the exception will not confer upon the applicant any special privileges that are denied by this part to other property owners who are subject to its provisions and who are similarly situated;*

Granting of this exception will not confer any special privileges upon the property Owner – the Ordinance allows for exceptions in circumstances of loss of reasonable buildable area due to RPA. Other owners are entitled to seek relief in the event they are so encumbered by the Field-Verified RPA, in the same manner as the Applicant.

- (c) *The exception is in harmony with the purpose and intent of this Chapter and is not of substantial detriment to water quality;*

Situations as presented in this exception request are the reason that the exception in Section 118-6-7 (Exceptions for Loss of Buildable Area) exists. Properties established prior to the advent of the Ordinance have always been entitled to be developed in a reasonable manner in the event that the RPA precludes development without relief. This project proposes tree clearing and erection of a single family residence, representing no substantial detriment to water quality. Thus, this exception request is in harmony with the purpose and intent of the Ordinance.

- (d) *The exception request is not based upon conditions or circumstances that are self-created or self-imposed;*

As stated previously, RPA encumbers over 80% of the subject lot. Further, there is a court-enforced neighborhood setback of 75 feet from the front property line where no structure is permitted to be built. Since the setback extends into the RPA in all areas, there is no permitted location outside the RPA that a house may be constructed on Lot 42.

Neither of the conditions impacting house construction are self-imposed; and in fact the Applicant attempted to construct as far as possible outside the RPA (2852-INF-004-1; 2582-WRPA-005-2) before being forced to honor the front setback by litigation.

- (e) *Reasonable and appropriate conditions are imposed, as warranted, that will prevent the allowed activity from causing a degradation of water quality; and*

As demonstrated in Section (f) below, the proposed house is sized similarly (if not slightly smaller) than typical houses in the neighborhood. All grading has been minimized and proposed impervious areas have been reduced to the maximum extent practicable. Further, although opportunities for reforestation are severely limited, due to existing forest cover, reforestation is proposed where practicable.

(f) *Other findings, as appropriate and required herein, are met.*

In order to demonstrate that the proposed house is sized appropriately for the neighborhood, the Applicant has evaluated the approximately 50 existing houses with respect to house footprint size and house depth (from front face to rear of house) as shown by Fairfax County GIS data.

This analysis indicated:

1. Average House Footprint is approximately 2,350 square feet.
2. Average house depth (front face to rear of house) is approximately 48'.
3. The proposed house footprint is 1,900 square feet with a maximum house depth of 37'

Thus it is readily apparent that the proposed house is, in fact, sized modestly with respect to other homes constructed in the Fairfax Hills subdivision.

The remainder of this submission documents the degree to which this proposed project meets and exceeds all requirements of the Ordinance.

IV. Compliance with Criteria for Exception for Loss of Buildable Area in a Resource Protection Area (Section 118-6-7)

Each of the *Criteria for Loss of Buildable Area* contained in the Ordinance are stated below, along with the required justification that the project meets or exceeds the criteria.

- (a) *The proposed development does not exceed 10,000 square feet of land disturbance, exclusive of land disturbance necessary to provide access to the lot or parcel and principal structure pursuant to Section 118-2-1(d);*

Comply: The proposed disturbance of 7,568 sf (including 2,462 sf within the 50' seaward buffer) is less than 10,000 square feet.

- (b) *The proposed development does not create more than 5,000 square feet of impervious surface within the RPA, exclusive of impervious surface necessary to provide access to the lot or parcel and principal structure pursuant to Section 118-2-1(d);*

Comply: The proposed impervious area created of 2,711 sf (including 716 sf within the 50' seaward buffer) is less than 5,000 square feet.

- (c) *The lot or parcel must meet the minimum lot size specified for the zoning district in which located or meet the requirements of Section 2-405 of Chapter 112, the Zoning Ordinance, and any other applicable ordinances and laws;*

Comply: The Applicant's lot size of 45,000 square feet exceeds minimum lot size requirements for the Zoning (R-2).

- (d) *Where practicable, a vegetated area that will maximize water quality protection, mitigate the effects of the buffer encroachment, and is equal to the area of encroachment into the buffer area shall be established elsewhere on the lot or parcel;*

Comply: Although opportunities for reforestation are severely limited due to existing forest cover, reforestation is proposed where practicable to mitigate the effects of buffer encroachment. Proposed reforestation of 4,395 sf is detailed this application. An additional 1,935 sf within the 50' seaward buffer will be stabilized utilizing shade-tolerant alternative groundcovers in lieu of turf grass lawn. Please refer to Exhibit 6 for the proposed reforestation plan.

- (e) *The requirements of Section 118-3-2 shall be satisfied or waived pursuant to Section 118-3-2(f)7; and*

Comply: See Part V below for an item-by-item analysis of Section 118-3-2 criteria.

- (f) *The requirements of Section 118-3-3 shall be satisfied except as specifically provided for in this section to permit an encroachment into the RPA buffer area. (32-03-118.)*

Comply: See Part VI below for an item-by-item analysis of Section 118-3-3 criteria.

V. Compliance with General Performance Criteria (Section 118-3-2)

Each of the *General Performance Criteria* contained in the Ordinance are stated below, along with the required justification that the project meets or exceeds the criteria.

- (a) *No more land shall be disturbed than is necessary to provide for the proposed use, development, or redevelopment.*

Comply: The proposed lot plan represents the minimum disturbance necessary to construct a single family residence and associated infrastructure that is appropriate for the neighborhood. Grading has been minimized and proposed impervious areas have been reduced to provide the Applicant with a reasonably sized home and usable amenities.

- (b) *Indigenous vegetation shall be preserved to the maximum extent practicable consistent with the use, development, or redevelopment proposed.*

Comply: Indigenous vegetation within the RPA buffer on the subject site will be retained to the maximum extent practicable in order to retard runoff, prevent erosion, and filter nonpoint source pollution for the adjacent stream. Proposed development and the resulting RPA encroachment have been minimized, and 4,395 sf of reforestation (with an additional 1,935 sf of alternative groundcovers) is proposed to mitigate the impact of the proposed construction.

- (c) *Where the best management practices utilized require regular or periodic maintenance in order to continue their functions, such maintenance shall be ensured through a maintenance agreement with the owner or through some other mechanism or agreement that achieves an equivalent objective.*

Comply: No best management practices are proposed for the site that will require significant or regular maintenance. No maintenance agreement is required.

- (d) *Impervious cover shall be minimized consistent with the use, development, or redevelopment proposed.*

Comply: As outlined above, the proposed 1,900 square foot house footprint (including 37' maximum depth (from front to back) has been demonstrated to be minimized with respect to other existing houses in the neighborhood. In addition to the house footprint, a small patio beneath the back deck is proposed. This is consistent with typical sizing and is necessary to provide a modicum of utility for the back yard. Thus impervious cover is minimized consistent with the use proposed.

- (e) *Any land disturbing activity that exceeds an area of 2,500 square feet shall comply with the requirements of Chapter 104 of the Fairfax County Code. The construction of single family dwellings, septic tanks, and drainfields shall not be exempt from this requirement.*

Comply: The proposed land disturbing activity will meet the requirements of Chapter 104 of the Fairfax County Code.

- (f) *For any development or redevelopment, stormwater runoff shall be controlled by the use of best management practices (BMPs).*

Comply: The BMP requirement does not apply to this project because a site plan or subdivision approval is not required and the total impervious area percentage is less than 18%.

- (g) *The Director shall require certification on all plans of development that all wetlands permits required by law will be obtained prior to commencement of land disturbing activities in any area subject to the plan of development review. No land disturbing activity on the land subject to the plan of development shall commence until all such permits have been obtained by the application and evidence of such permits has been provided to the Director.*

Not Applicable: Disturbance to the unnamed tributary to Accotink Creek is not proposed, thus no wetlands permit will be required.

- (h) *All on-site sewage disposal systems requiring a Virginia Pollutant Discharge Elimination System (VPDES) permit shall be subject to the restrictions imposed by the State Water Control Board or the Virginia Department of health.*

Not applicable: There are no on-site sewage disposal systems related to the disturbance that is the subject of this RPAA.

- (i) *Land upon which agricultural activities are being conducted, including but not limited to crop production, pasture, and dairy and feedlot operations, or lands otherwise defined as agricultural land by the local government, shall have a soil and water quality conservation assessment conducted that evaluates the effectiveness of existing practices pertaining to soil erosion and sediment control, nutrient management, and management of pesticides, and where necessary, results in a plan that outlines additional practices needed to ensure that water quality protection is being accomplished consistent with the Chesapeake Bay Preservation Act and this chapter.*

Not applicable: The project is not associated with agricultural activities.

VI. Compliance with Additional Performance Criteria (Section 118-3-3)

Each of the *Additional Performance Criteria* contained in the Ordinance are stated below, along with the required justification that the project meets or exceeds the criteria.

- (a) *A Water Quality Impact Assessment shall be required for any proposed land disturbance within an RPA that is not exempt.*

Comply: The required WQIA (as described in Section 118-4-1 of the Ordinance) is provided at the end of this submission.

(b) *Allowable Development: Development is allowed within RPAs if it is water-dependent.*

Not Applicable: This project is not water dependent.

(c) *Redevelopment, outside of IDAs, is allowed within RPAs only if there is no increase in the amount of impervious area within the RPA and no further encroachment within the RPA and shall conform to the criteria set forth in this Chapter.*

Not Applicable: This project is not redevelopment.

(d) *Buffer area requirements.*

Comply: The existing RPA buffer on the subject site will be retained to the maximum extent practicable in order to retard runoff, prevent erosion, and filter nonpoint source pollution for the adjacent stream. Proposed development and the resulting RPA encroachment have been minimized, and 4,395 sf of reforestation (with an additional 1,935 sf of alternative groundcovers) is proposed to mitigate the impact of the proposed construction. As discussed previously, the remainder of the project (not disturbed by proposed construction) is densely vegetated with smaller trees and shrubs and is not suitable for reforestation).

(e) *Agricultural land requirements.*

Not Applicable: This project does not involve agricultural lands.

(f) *Buffer area establishment.*

Comply: As compensation for the proposed RPA encroachment, 4,395 sf of buffer reforestation with native trees and shrubs is proposed in accordance with the planting densities required by this section of the Ordinance, as shown in Exhibit 6. The total plantings proposed includes: 11 overstory trees, 21 understory trees, and 110 shrubs. An additional 1,935 sf within the 50' seaward buffer will be stabilized utilizing shade-tolerant alternative groundcovers in lieu of turf grass lawn. Please refer to Exhibit 6 for the proposed reforestation plan.

VII. Water Quality Impact Assessment (Section 118-4-1)

Pursuant to Section 118-4-3, the following Water Quality Impact Assessment Components, which demonstrate the proposed project's overall compliance with the Ordinance, are discussed below:

(a) *Display the boundaries of RPA;*

The boundary of the RPA is presented in Exhibits 4 and 6, as well as in the RPAAE Plat that is included with this submission. It was established by WSSI based on a survey of wetland flagging by HugeSurveys for use in this application.

- (b) *Display and describe the location and nature of the proposed encroachment into and/or impacts to the RPA, including any clearing, grading, impervious surfaces, structures, utilities, and sewage disposal systems;*

Proposed RPA encroachment of 7,568 sf (including 2,462 sf within the inner 50' buffer) occurs due to construction of the proposed single family detached structure and associated infrastructure including a back deck and patio, lot grading, utility connections, and the house driveway. The house structure, patio, and driveway represent new impervious surfaces totaling 2,711 sf (including 716 sf within the inner 50' buffer).

- (c) *Provide justification for the proposed encroachment into and/or impacts to the RPA;*

This project proposes the construction of a reasonably-sized single family detached residence on a parcel zoned for such activity. This RPAAE/WQIA is necessary because RPA extends over 80% of the lot area. The lot is further encumbered by a 75-foot front yard setback due to a 1941 Deed of Dedication that has been court-enforced on the Applicant. As a result of these restrictions, there is no buildable area outside the RPA on the Applicant's lot, creating a genuine hardship through no fault of the Applicant, and requiring submission of this RPA exception request for Loss of Buildable Area and accompanying Water Quality Impact Assessment.

The proposed lot plan represents the minimum disturbance necessary to construct a single family residence and associated infrastructure that is appropriate for the neighborhood. Grading has been minimized and proposed impervious areas have been reduced to provide the Applicant with a reasonably sized home and usable amenities.

As outlined previously, the Applicant has evaluated the approximately 50 existing houses in the Fairfax Hills neighborhood with respect to square footage and house depth (from front face to rear of house) as shown by Fairfax County GIS data.

This analysis indicated that the proposed 1,900 square foot house footprint is less than the 2,350 square foot neighborhood average; and that the proposed 37' maximum house depth is less than the 48' neighborhood average. Thus it is readily apparent that the proposed house is minimized with respect to providing an appropriate house that fits within the existing character of the Fairfax Hills subdivision.

Finally, although opportunities for reforestation are severely limited due to existing forest cover, reforestation is proposed where practicable to mitigate the effects of

buffer encroachment. Proposed reforestation of 4,395 sf (and an additional 1,935 sf of proposed alternative groundcovers in lieu of turf grass lawn) is detailed in Exhibit 6.

Based on these factors, it is our opinion that the proposed RPA encroachments described herein are fully justified.

- (d) *Describe the extent and nature of any proposed disturbance or disruption of wetlands;*

Wetlands, including Waters of the U.S., were delineated by Wetland Studies and Solutions, Inc. as described in a report titled, "Waters of the U.S. (Including Wetlands) Delineation and Resource Protection Area Evaluation, Fairfax Hills, Section 1, Lot 42", dated September 27, 2017. This report concluded that although no wetlands are present within the site boundary, there is a perennial stream (an unnamed tributary to Accotink Creek) running through the rear-center of the site. The proposed lot improvements will not impact this stream, thus there will be no disturbance or disruption to jurisdictional wetlands or Waters of the U.S. as a result of the proposed activity.

- (e) *Display and discuss the type and location of proposed best management practices to mitigate the proposed RPA encroachment and/or adverse impacts;*

BMPs are not required or proposed for this project. Strict adherence to erosion and sediment controls, coupled with the proposed post-construction reforestation, will ensure that adverse RPA impacts are minimized.

- (f) *Demonstrate the extent to which the proposed activity will comply with all applicable performance criteria of this Chapter; and*

The proposed activity meets the applicable performance criteria, as detailed in the preceding RPAE section of this submission.

In conclusion, we request that this RPAE be granted to allow the Applicant to move forward with construction of their single family home. As outlined herein, the Applicant was obtained approvals for construction including a RPA exemption for loss of buildable area based on a 35-foot front property setback. Litigation based on the 1941 Deed of Dedication required them to re-design the site to honor the 75-foot front setback requirement; which pushed development into the 50-foot seaward buffer and required a RPA exception (versus an exemption). The Applicant has acted in good faith throughout the process at great expense and made every attempt to limit impacts to the Resource Protection Area. At this time, they simply request authorization to construct a modest home on their lot that complies with site restrictions to the maximum extent practicable.

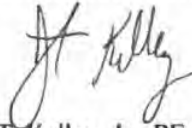
RPAE Request – Fairfax Hills, Section 1, Lot 42
September 28, 2017
Revised: November 6, 2017
WSSI #11325.01
Page 12 of 12

ATTACHMENT E
Page 24

Thank you for your consideration and please feel free to contact me at jkelly@wetlands.com or (703) 679-5652 if you have any questions.

Sincerely,

WETLAND STUDIES AND SOLUTIONS, INC.



John T. Kelley, Jr., PE, CFM, LEED® AP
Senior Associate - Engineering

Enclosures

cc: Greg Budnik, P.E., GJB Engineering, Inc.
Sheila Konecke, K2NC LLC

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Exception # _____

APPLICATION FORM

**For Resource Protection Area (RPA) Encroachment Exceptions Pursuant to Article 6 of the
Chesapeake Bay Preservation Ordinance; Public Hearing Required**

Part 1 – Property Information

Property Owner's Name: K2NC, LLC
 Property Address: 4104 Woodlark Drive, Annandale, VA 22003
 Description (Lot# Subdivision): Fairfax Hills, Section 1, Lot 42
 Project Name: Fairfax Hills, Section 1, Lot 42
 Tax Map Number: 59-4 ((10) Parcel 42
 Magisterial District: Braddock Permit #: _____

Part 2 -Exception Type

Check One	CBPO Section	Exception Types: (Refer to CBPO for detailed list of qualifications and limitations)
X	118-6-7	Loss of buildable area within an RPA on a lot or parcel recorded prior to November 18, 2003. The proposed construction encroaches into the seaward 50 feet of the RPA buffer.
	118-6-8(a)	Accessory structure within the RPA, where the principal structure was established (i.e. RUP issued) as of July 1, 1993 and the proposed construction encroaches into the 1993 RPA.
	118-6-8(b)	Accessory structure in the RPA, where the principal structure on the lot or parcel was established (i.e. RUP issued) between July 1, 1993 and November 18, 2003 and the construction encroaches into the 2003 RPA.
	118-6-9	General RPA Encroachment request for encroachments into either the 1993 or 2003 RPA that do not qualify for waivers under CBPO Article 5 and do not qualify under any of the above Sections.

Part 3 –General Description of Exception Request

Acres or Square Feet	Description of Exception Request
Property Area (acres or square feet)	45,000
Disturbed Area in RPA (acres or square feet)	7,568
Impervious Area within RPA (acres or square feet)	2,711
Brief Description of Project and RPA Encroachment	Proposed encroachment to construct a new single family home.

Check here if a Special Exception (SE) and/or Rezoning (RZ) application has been/will be submitted. The public hearing will be conducted by the Board of Supervisors in conjunction with the SE or RZ hearing.

Exception # _____

Part 4 – Submission Checklist

Check	CBPO Section	Exception Types: (Refer to CBPO for detailed list of qualifications and limitations)
X	118-6-5(a)	Four (4) copies of this <i>application form</i> , completed and signed by the applicant.
X	118-6-5(b)	Four (4) copies of a <i>Water Quality Impact Assessment (WQIA)</i> . The WQIA may be submitted with the application as a combined document.
X	118-6-5(c)	Fourteen (14) copies of a <i>plat</i> which meets the submission requirements of Zoning Ordinance Section 9-011, paragraph 2. In addition, four (4) letter size copies of the plat that is suitable for reproduction and distribution.
X	118-6-5(d)	<i>Photographs</i> of the property showing existing structures, terrain and vegetation
X	118-6-5(e)	Four (4) copies of a <i>map identifying classification of soil types</i> , at a scale of one inch equals five hundred feet (1" = 500'), covering an area at least 500 feet beyond the perimeter of the proposed development.
X	118-6-5(f)	A <i>statement of justification</i> which addresses how the proposed development complies with the factors set forth in Sections 118-6-6(a) through (f). (See Part 5 below).
X	118-6-3(c)	A List of property owners, with addresses, to be notified (minimum of 5). Include all properties abutting, immediately across the street from, and within 500 feet of the subject property (including all properties which lie in adjacent municipalities). In addition, the name and address of a Homeowners or Civic Association that is within the immediate area that will be notified.
N/A	118-6-3(d)	If the exception is associated with a RZ or SE, the notification shall be conducted concurrently with the RZ or SE notification, and the public hearing will be conducted by the Board of Supervisors. Provide a list of owners, with addresses, to be notified in accordance with Zoning Ordinance Article 18 instead of CBPO Section 118-6-3(c).
X	104-1-3(d)	Application Fees (must be paid at the time of submission of the application)
X	101-2-9 and 112-17-109	Exception request fee: \$204 per lot (not to exceed \$876) for individual lots; \$876 for subdivisions or site plans.
X	101-2-9 and 112-17-109	WQIA fee (if submitted as a combined document): \$432 for single lot, \$1,652.40 for subdivision or site plan, per submission.
X	101-2-9 and 112-17-109	A public hearing is required for all exceptions under Article 6. There is an additional fee of \$438 per exception request.

Exception # _____

Part 5 Statement of Justification checklist

Check	CBPO Section	Exception Types: (Refer to CBPO for detailed list of qualifications and limitations)
Y	118-6-6(a)	The requested exception to the criteria is the minimum necessary to afford relief.
Y	118-6-6(b)	Granting the exception will not confer upon the applicant any special privileges that are denied by this part to other property owners who are subject to its provisions and who are similarly situated.
Y	118-6-6(c)	The exception is in harmony with the purpose and intent of this Chapter and is not of substantial detriment to water quality.
Y	118-6-6(d)	The exception request is not based upon conditions or circumstances that are self-created or self-imposed.
Y	118-6-6(e)	Reasonable and appropriate conditions are imposed, as warranted, that will prevent the allowed activity from causing a degradation of water quality.
Y	118-6-6(f)	Other findings, as appropriate and required for the specific exception being applied for, are met. The additional criteria are listed in CBPO Sections 118-6-7(a) through (f), CBPO Section 118-6-8(a)(1) and (2), CBPO Section 118-6-8(b)(1) and (2), or CBPO Section 118-6-9.

Part 6

All information in this application and all documents submitted in support of this request are correct to the best of my knowledge and belief.

Applicant Name: K2NC, LLC (please print)

Authorized Agent(s): JOHN T. KELLEY, JR., P.E., WETLAND STUDIES AND SOLUTIONS, INC.

Business Location Address: 15881 CRABBS BRANCH WAY

City: ROCKVILLE State: MD ZIP: 20855

Telephone: (703) 447-7488 Facsimile: (703) 738-7300

Email Address: Sheila.Konecke@homevestors.com

Business Phone Number: (703) 447-7488 Cell Phone Number: (703) 447-7488

Signature:  (Owner/Agent) Date: 11/6/17

SUBMIT TO: Customer and Technical Support Center
 Site and Addressing Center
 12055 Government Center Parkway, Suite 230
 Fairfax, Virginia 22035



Base Map Data Source: ESRI

Vicinity Map
Fairfax Hills, Sec 1, Lot 42
Original Scale: 1" = 2000'



Wetland Studies and Solutions, Inc.
a **DAVEY** company

Exhibit 2

**EXHIBIT 3
SITE PHOTOGRAPHS
FAIRFAX HILLS, SECTION 1, LOT 42
WSSI #11325.01**

**ATTACHMENT E
Page 29**



1. **Looking north (upstream) at the unnamed perennial tributary to Accotink Creek in the eastern portion of the site.**



2. **Looking south (downstream) at the unnamed perennial tributary to Accotink Creek in the eastern portion of the site.**

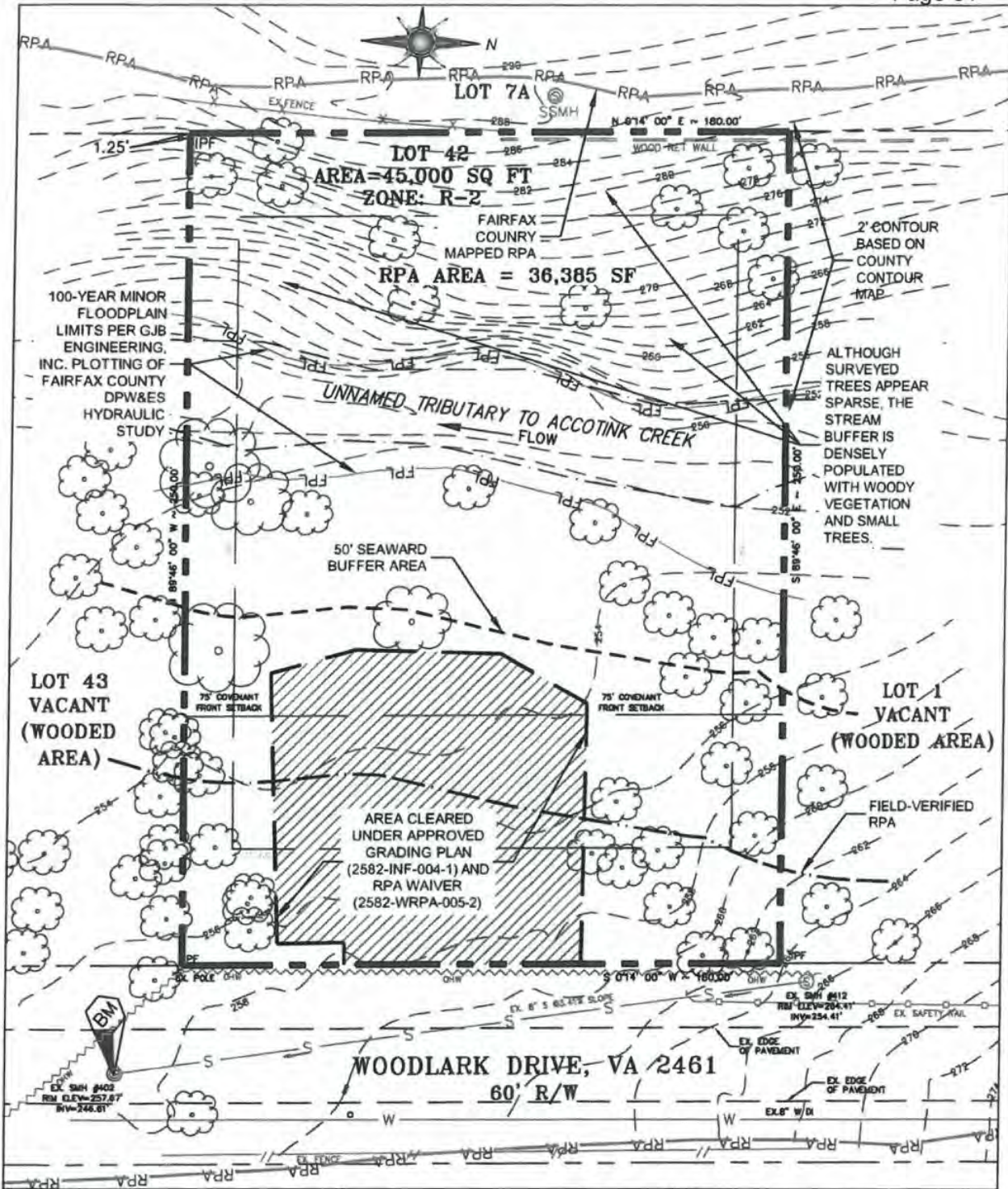
**EXHIBIT 3
SITE PHOTOGRAPHS
FAIRFAX HILLS, SECTION 1, LOT 42
WSSI #11325.01**



3. **Looking northeast at Data Point 1, which characterizes the floodplain and forested portions of the site. Jurisdictional WOTUS are not present at this data point.**



4. **Looking northwest at the cleared portion of the site where a single family house is proposed.**



<p>Applicant: K2NC LLC 15881 Crabbs Branch Way, Suite B Rockville, MD 20855</p>	<p>FAIRFAX HILLS, SECTION 1, LOT 42</p>	<p>Sheet Title: EXHIBIT 4: EXISTING CONDITIONS</p>	
<p>Agent: Wetland Studies and Solutions, Inc. 5300 Wellington Branch Drive, Suite 100 Gainesville, Virginia 20155 Phone 703.679.5600 Fax 703.679.5601</p>	<p>RPA EXCEPTION REQUEST FOR LOSS OF BUILDABLE AREA</p> <p>Fairfax County, Virginia</p>		<p>Scale: 1"=40', C.I. = 2' Date: SEPT 2017 Sheet: 1 of 1</p>

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VIRGINIA

IN THE CIRCUIT COURT FOR FAIRFAX COUNTY

<p>S. RICHARD RIO, JR.,</p> <p>Plaintiff,</p> <p>v.</p> <p>K2NC, LLC</p> <p>Defendant.</p>	<p>Case No. CL2017-5321</p>
---	------------------------------------

PRELIMINARY INJUNCTION ORDER

THIS MATTER HAVING COME UPON Plaintiff's Motion for Emergency Temporary and Preliminary Injunctive Relief and, after a hearing on the preliminary injunction and argument of the parties, it is hereby

ADJUDGED, ORDERED AND DECREED that Defendant K2NC, LLC, and any parties acting on its behalf shall ~~not perform any construction activities on the Property~~ *be enjoined from erecting any building within 75 feet of the front property* located at 4104 Woodlark Drive, Annandale, Virginia 22003, including but not limited to ~~removing any trees, clearing any land, or constructing any improvements until further resolution of merits of this case.~~ *line, which is the line bounding Woodlark Dr., with final* ~~order of this Court; and~~ *resolution of merits of this case. No bond shall be required of plaintiff.*

as specified in section 8 of the 1941 Deed of Dedication

ENTERED THIS 5th DAY OF July, 2017


[Handwritten Signature]
 Judge, Circuit Court for Fairfax County

David Bernhard

I ASK FOR THIS:

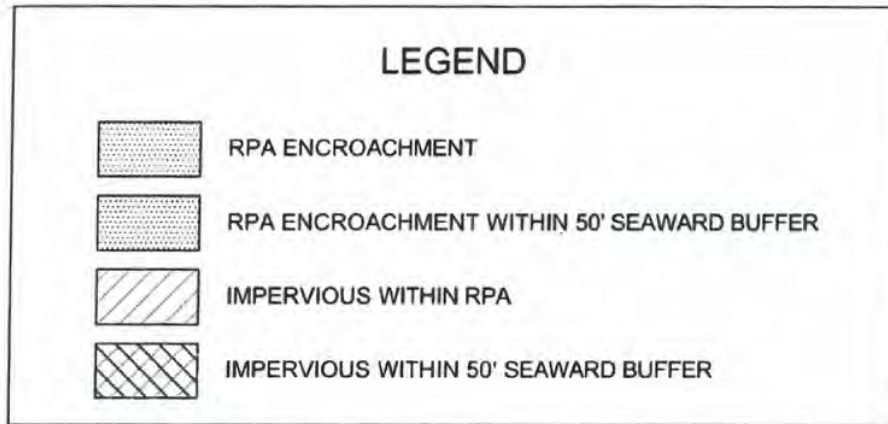

Marla J. Diaz (VSB# 46799)
Gregory A. Chakmakas (VSB# 87386)
WHITEFORD, TAYLOR & PRESTON, LLP
3190 Fairview Park Drive, Suite 800
Falls Church, Virginia 22042
(703) 280-9131
(703) 280-9139 (facsimile)
mdiaz@wtplaw.com
gchamakas@wtplaw.com
Counsel for Plaintiff

SEEN AND Objected to as the Defendant has shown that


David G. McKennett, Esq. (VSB # 71257)
Purnell, McKennett & Menke, PC
9214 Center Street, Suite 101
Manassas, VA 20110
(703) 368-9196
(703) 361-0092 (facsimile)
dmckennett@manassaslawyers.com
Counsel for Defendant

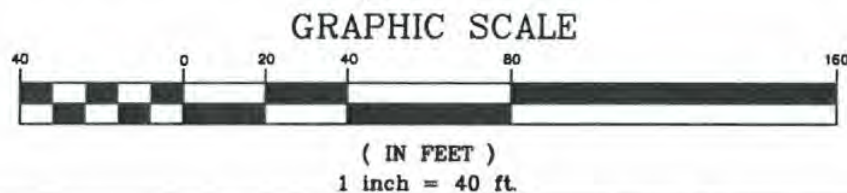
the 75' setback has been waived
that the Plaintiff has failed to
prove any of the elements necessary
to demonstrate a right to a
temporary injunction.

2208247



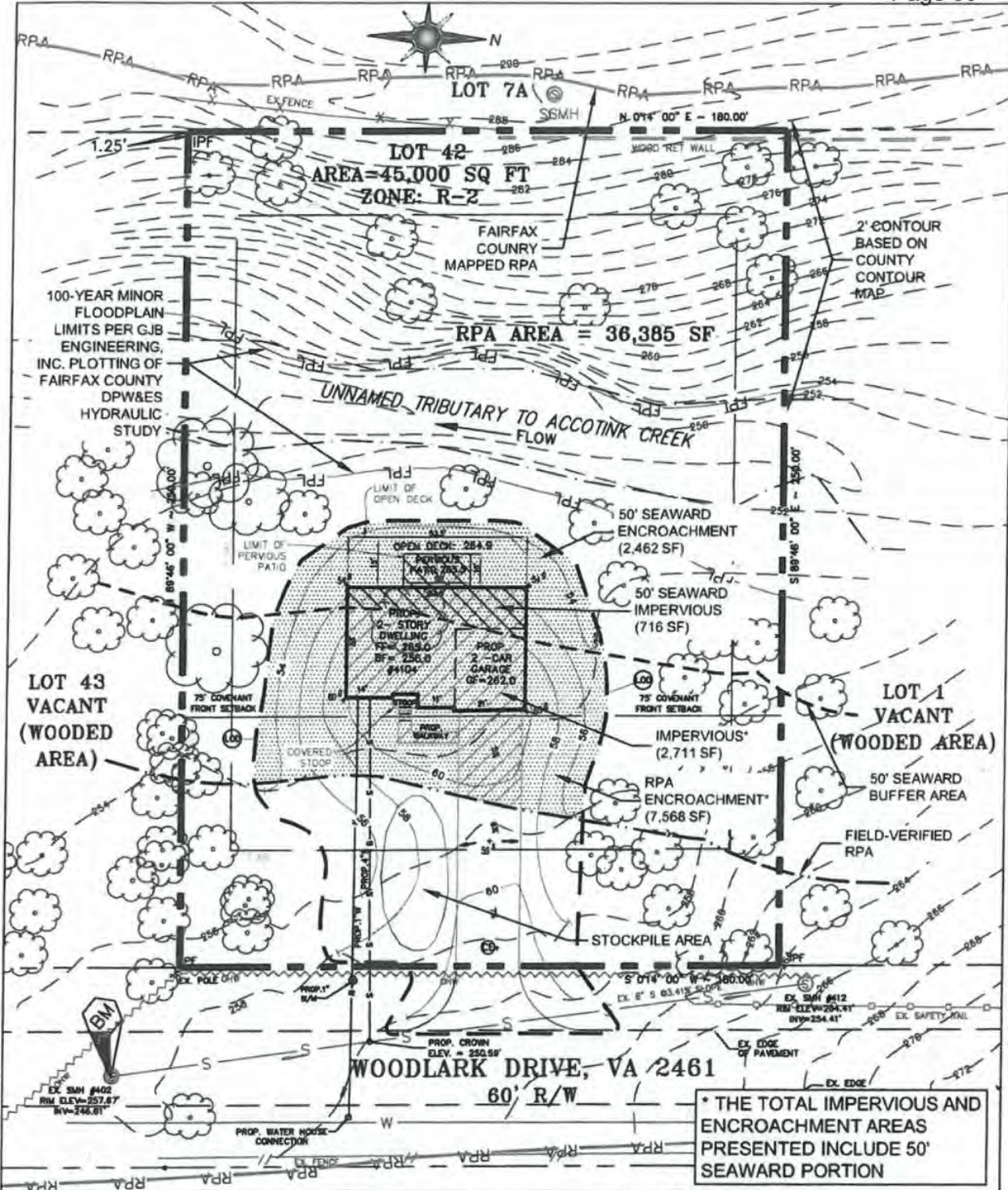
GENERAL NOTES

1. Site boundary, Existing & Proposed Conditions, and Existing Topography was provided by GJB Engineering, Inc., in digital (AutoCAD) format to be used as the base for this exhibit.
2. The boundaries of jurisdictional wetlands and other Waters of the U.S. on the site were delineated by WSSI as described in a report titled "Waters of the U.S. (Including Wetlands) Delineation and Resource Protection Area Evaluation, Fairfax Hills, Section 1, Lot 42", dated September 27, 2017. The wetland boundaries were surveyed by HugeSurveys and provided to WSSI by GJB Engineering on September 20, 2017.
3. The Fairfax County Mapped Resource Protection Area (RPA) was obtained from Fairfax County Digital Data.
4. Since the unnamed tributary to Accotink Creek is mapped as perennial on the Fairfax County RPA Map, a stream assessment was not conducted.
5. There is no 100-year major floodplain on-site. The depicted minor floodplain limits were plotted by GJB Engineering, Inc. as described in the County of Fairfax DPW&ES hydraulic study of the unnamed perennial tributary to Accotink Creek.
6. The limits of the Resource Protection Area (RPA) depicted on this Attachment are based on the surveyed location of the unnamed perennial tributary to Accotink Creek. The RPA extends 100 feet landward of the RPA core components or to the limits of the major floodplain, whichever is greater. Because a 100-year major floodplain is not present, the RPA is confined to the limits of the 100-foot buffer.



<p>Applicant: K2NC LLC 15881 Crabbs Branch Way, Suite B Rockville, MD 20855</p>	<p>FAIRFAX HILLS, SECTION 1, LOT 42</p> <p>RPA EXCEPTION REQUEST FOR LOSS OF BUILDABLE AREA</p> <p><i>Fairfax County, Virginia</i></p>	<p>Sheet Title: EXHIBIT 6: GENERAL NOTES</p> <p>Scale: N/A</p> <p>Date: SEPT 2017 Sheet: 1 of 4</p>
<p>Agent: Wetland Studies and Solutions, Inc. 5300 Wellington Branch Drive, Suite 100 Gainesville, Virginia 20155 Phone 703.679.5600 Fax 703.679.5601</p>		

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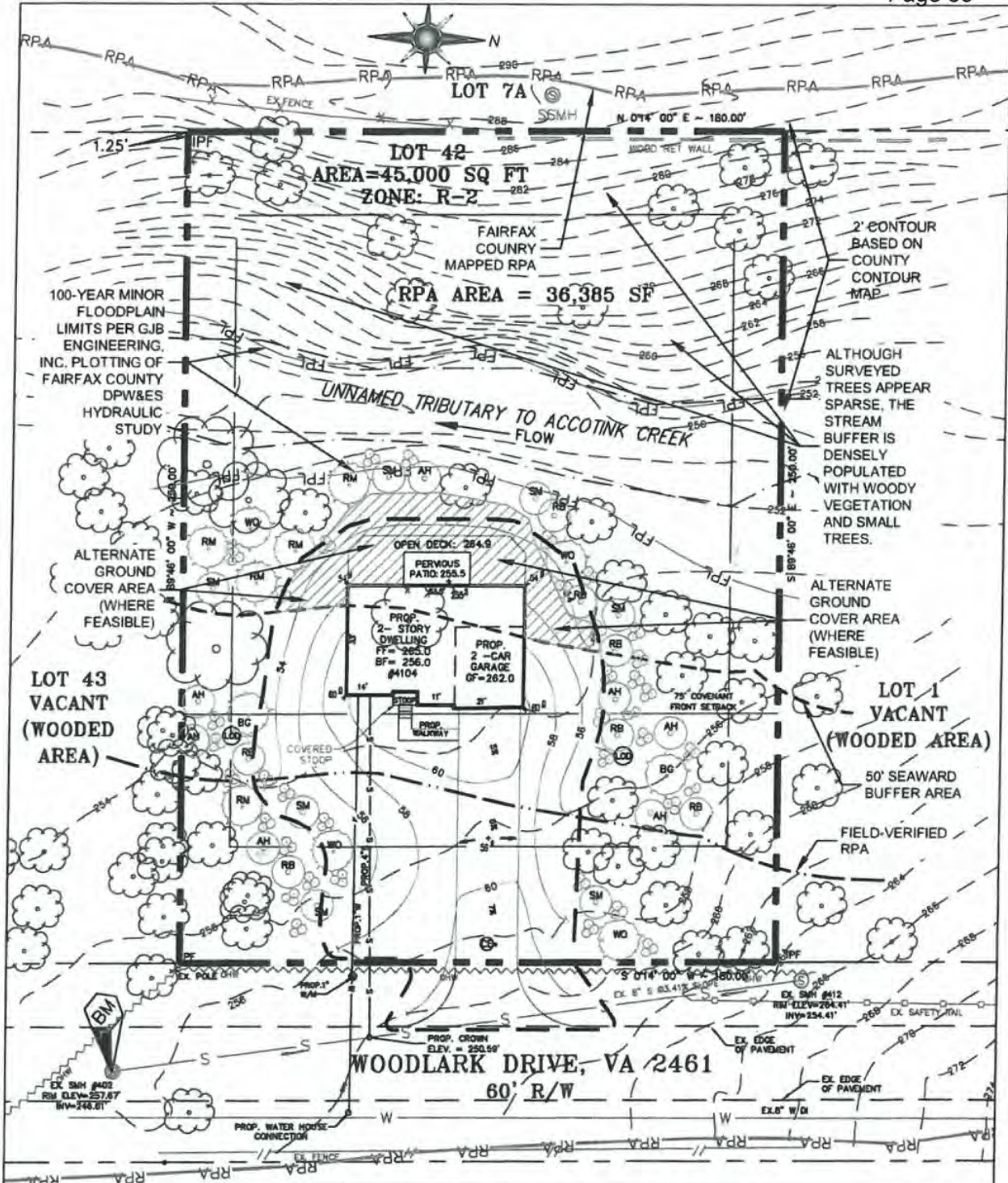
* THE TOTAL IMPERVIOUS AND ENCROACHMENT AREAS PRESENTED INCLUDE 50' SEAWARD PORTION

Applicant:
K2NC LLC
15881 Crabbs Branch Way, Suite B
Rockville, MD 20855

FAIRFAX HILLS, SECTION 1, LOT 42
RPA EXCEPTION REQUEST FOR LOSS OF BUILDABLE AREA
Fairfax County, Virginia

Sheet Title:
EXHIBIT 6:
PROPOSED CONDITIONS
Scale: 1"=40', C.I. = 2'
Date: NOV 2017 **Sheet:** 2 of 4

Agent:
Wetland Studies and Solutions, Inc.
5300 Wellington Branch Drive, Suite 100
Gainesville, Virginia 20155
Phone 703.679.5600 Fax 703.679.5601



<p>Applicant: K2NC LLC 15881 Crabbs Branch Way, Suite B Rockville, MD 20855</p>	<p>FAIRFAX HILLS, SECTION 1, LOT 42</p>	<p>Sheet Title: EXHIBIT 6: PROPOSED PLANTING PLAN</p>
<p>Agent: Wetland Studies and Solutions, Inc. 5300 Wellington Branch Drive, Suite 100 Gainesville, Virginia 20155 Phone 703.679.5600 Fax 703.679.5601</p>	<p>RPA EXCEPTION REQUEST FOR LOSS OF BUILDABLE AREA</p> <p>Fairfax County, Virginia</p>	<p>Scale: 1"=40' , C.I. = 2'</p> <p>Date: NOV 2017 Sheet: 3 of 4</p>

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PLANTING NOTE

1. Planting schedule was prepared by Inova Engineering Consultants, Inc. and provided to WSSI in digital (AutoCAD) format for use in this application. WSSI adapted the Inova planting plan to reflect revised site plan.

PROPOSED GREEN VEGETATION WITHIN BUFFER AREA (118-3-3(f))

PROPOSED WOODY PLANTING AREA= 4395 SQ FT
OR 0.101 AC

KEY	BOTANICAL NAME	COMMON NAME	QTY	STOCK SIZE (HT/CALIPER)	STOCK TYPE	10-YR TREE CANOPY (SF)	TREE CANOPY SUB-TOTAL (SF)
OVERSTORY TREE @ 100 COUNTS PER ACRE 118-3-3(f)= 11 (MINIMUM REQUIRED)							
RM	ACER RUBRUM	RED MAPLE	4	1" CALIPER	BB	150	600
BG	NYSSA SYKVATICA	BLACKGUM	4	1" CALIPER	BB	125	500
WO	QUERCUS PHELLOS	WILLOW OAK	3	1" CALIPER	BB	150	450
SUB-TOTAL= 11							
UNDERSTORY TREE @ 200 COUNTS PER ACRE 118-3-3(f)= 21 (MINIMUM REQUIRED)							
SM	MAGNOLIA VIRGINIA	SWEETBAY MAGNOLIA	7	1" CALIPER	BB	75	525
AH	ILEX OPACA	AMERICAN HOLLY	7	1" CALIPER	BB	75	525
RB	BETULA NIGRA	RIVER BIRCH	7	1" CALIPER	BB	125	875
SUB-TOTAL= 21							4475
SHRUBS @ 1089 COUNTS PER ACRE 118-3-3(f)= 110 (MINIMUM REQUIRED)							
		<i>Ilex Decidua/Decidious</i>	37	1 GAL			
		<i>Ilex Galbra/Inkberry</i>	37	1 GAL			
		<i>Aronia Melannocarpa/Black Chokeberry</i>	36	1 GAL			
SUB-TOTAL 110							

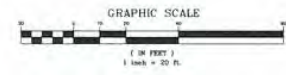
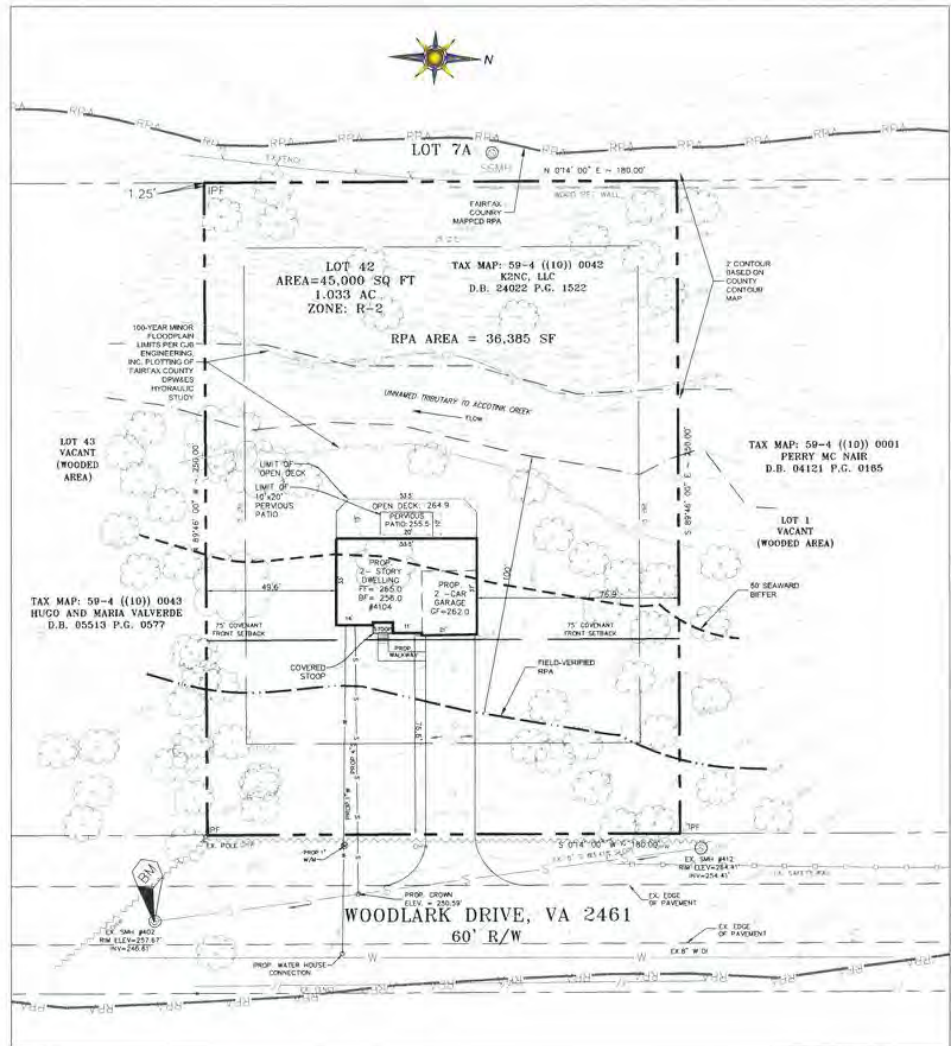


PROPOSED ALTERNATE GROUND COVER AREA=1,935 SF



Species	Common Name	Type	Spacing
Carex appalachia	Appalachian Sedge	plug	18"
Carex pensylvanica	Pennsylvania Sedge	plug	18"
Chasmanthium latifolium	Indian Woodoats	plug	18"
Deschampsia flexuosa	Wavy Hairgrass	plug	18"
Dryopteris marginalis	Marginal Woodfern	plug	18"
Dennstaedtia punctilobula	Eastern Hayscented Fern	plug	18"
Polystichum acrostichoides	Christmas Fern	plug	18"

Applicant: K2NC LLC 15881 Crabbs Branch Way, Suite B Rockville, MD 20855	FAIRFAX HILLS, SECTION 1, LOT 42 RPA EXCEPTION REQUEST FOR LOSS OF BUILDABLE AREA Fairfax County, Virginia	Sheet Title: EXHIBIT 6: PLANTING SCHEDULE Scale: N/A Date: SEPT 2017 Sheet: 4 of 4
Agent: Wetland Studies and Solutions, Inc. 5300 Wellington Branch Drive, Suite 100 Gainesville, Virginia 20155 Phone 703.679.5600 Fax 703.679.5601		



- Notes:
1. Survey and existing conditions information provided by GJB Engineering, Inc. was used as a base for this attachment.
 2. Wetlands survey was performed by HugeSurveys and provided to WSSI by JGB Engineering on September 20, 2017.
 3. Proposed conditions contained in this Plat for the RPAE Request was developed by GJB Engineering, Inc.
 4. Field-Verified RPA was plotted by Wetland Studies and Solutions, Inc.
 5. Address: 4104 Woodlark Drive, Annandale, VA 22003
Owner: K2NC, LLC. Deed Book 24022, Page 1522.
Zone: R2
Use: Single Family Residential
Lot Area: Parcel 42 = 45,000 sf



Plat for RPAE Request
Prepared for: K2NC, LLC
Fairfax Hills, Section 1, Lot 42
Fairfax County, Virginia



No.	Date	Description	App. By

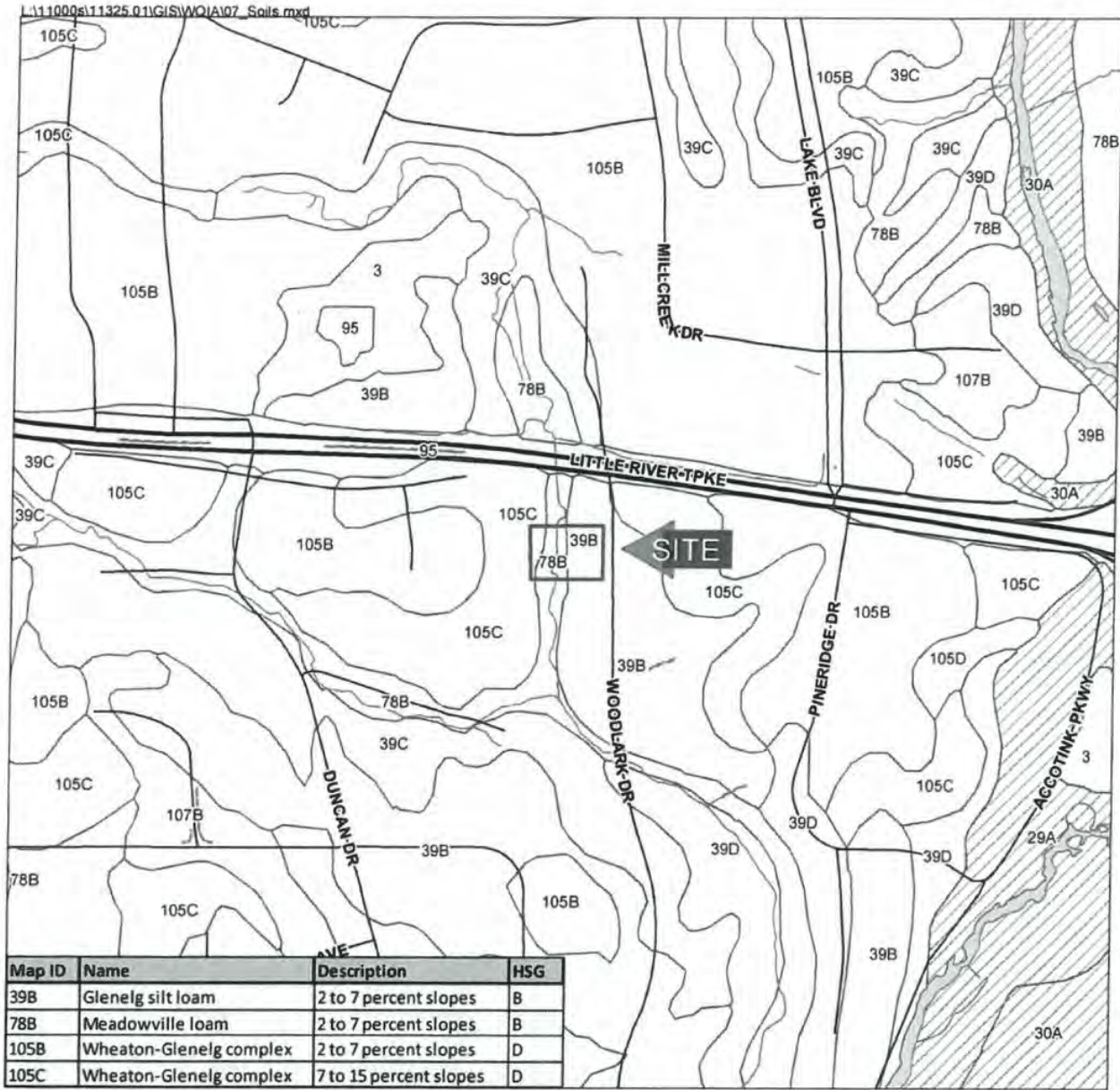
DATE: November 2017 SCALE: 1"=20' CL:2

Horizontal Datum: Project Grid
Vertical Datum: NGVD 29
Boundary and Elevation Source:
GJB Engineering, Inc.

Design	Drawn	Approved
JTK	JTK	JTK

Sheet #
1 of 1

Computer File Name:
2017-11-20-2017-11-20.dwg






Soils Map
Fairfax County Digital Data
Fairfax Hills, Sec 1, Lot 42
Original Scale: 1" = 500'

- Hydric Soils
- Soils with Hydric Inclusions
- Non-hydric Soils





Adjacent Parcel Ownership Map
Fairfax Hills, Sec 1, Lot 42
Original Scale: 1" = 400'

-  Project Area
-  500-Foot Radius from Center of Project Area
-  Parcels Within 500-Foot Radius of Project Area Center



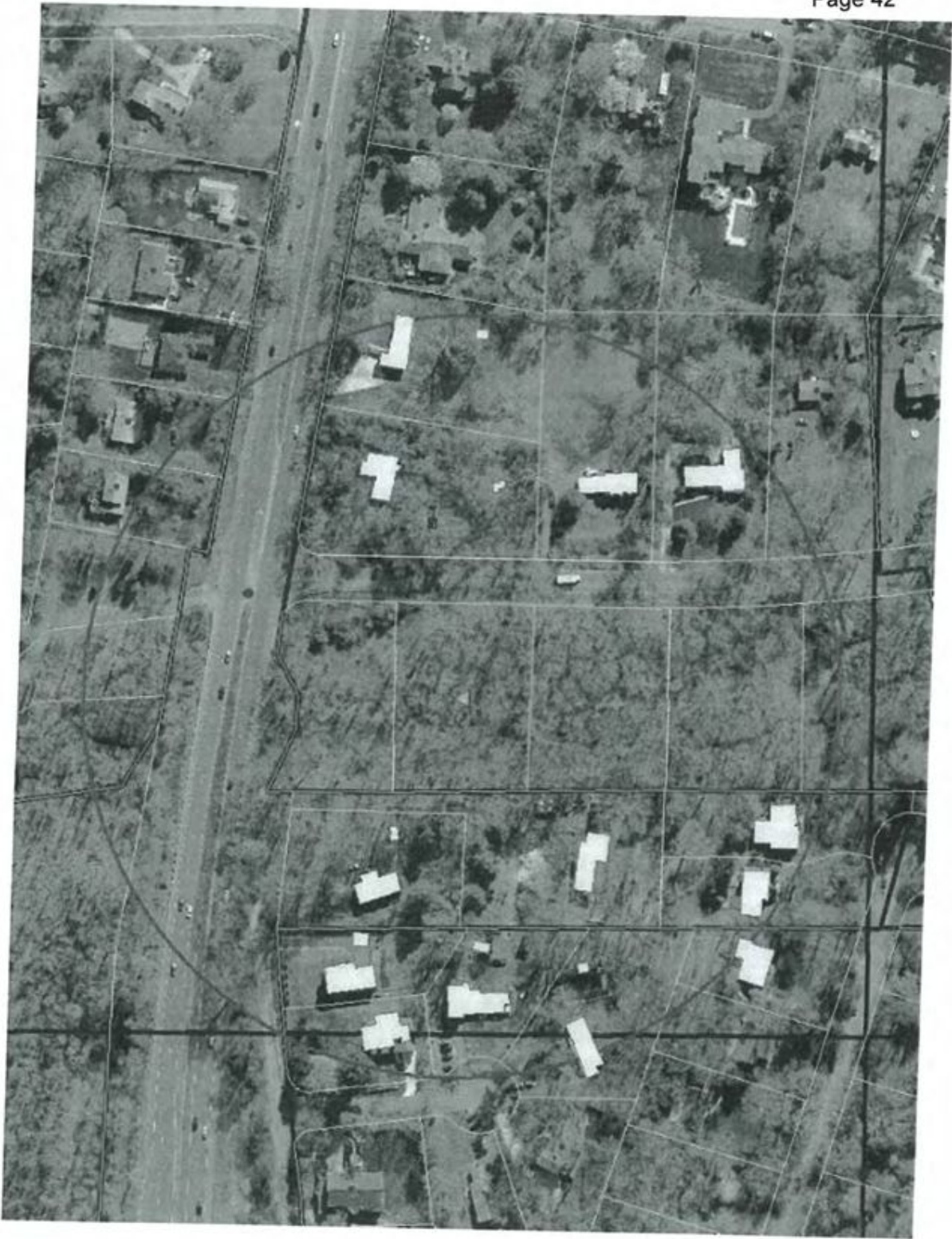
Wetland Studies and Solutions, Inc.
a **DAVEY** company

Exhibit 8a

L:\11000st\11325.01\GIS\WQIA\08b APO Table.mxd

Map ID	Parcel ID	Location	Owner	Owner Address
1	0594 10 0001	8201 LITTLE RIVER TPKE	PERRY, MC NAIR W.	8113 LITTLE RIVER TPKE ANNANDALE VA 22003 2327
2	0594 10 0002	8113 LITTLE RIVER TPKE	PERRY, MC NAIR W.	8113 LITTLE RIVER TPKE ANNANDALE VA 22003 2327
3	0594 10 0003	8109 LITTLE RIVER TPKE	ESTABILLO, ROSELLO	8109 LITTLE RIVER TPKE ANNANDALE VA 22003 2327
4	0594 10 0041	4107 WOODLARK DR	RODRIGUEZ, HECTOR A.	4107 WOODLARK DR ANNANDALE VA 22003 2343
5	0594 10 0040	4111 WOODLARK DR	GOLOMB, ANDREW M.	4111 WOODLARK DR ANNANDALE VA 22003
6	0594 10 0039	4115 WOODLARK DR	BOLINGER, MARY ELAINE	1271 CRONIN DR WOODBIDGE VA 22191
7	0594 10 0145A	4116 WOODLARK DR	LAROCCA, JOHN J. AND CATHIE	4116 WOODLARK DR ANNANDALE VA 22003
8	0594 10 0044	4112 WOODLARK DR	VALVERDE, HUGO AND MARIA	7403 AUSTIN ST ANNANDALE VA 22003
9	0594 10 0043	4108 WOODLARK DR VA	VALVERDE, HUGO AND MARIA	7403 AUSTIN ST ANNANDALE VA 22003
10	0594 01 0007D	8240 BRANCH RD	WHITLEY, ROY J. AND MARY G. R.	8240 BRANCH RD ANNANDALE VA 22003
11	0594 01 0007C	8246 BRANCH RD	CHAN, IEONG T. R.	8246 BRANCH RD ANNANDALE VA 22003
12	0593 11 0015	8250 BRANCH RD	SMITH, G. RICHARD	8250 BRANCH RD ANNANDALE VA 22003
13	0593 11 0014	8252 BRANCH RD	STETSON, NANCY H.	8252 BRANCH RD ANNANDALE VA 22003
14	0593 11 0017	4109 HIGH POINT CT	PROBST, MARY E. AND BYHAM, BETH A.	4109 HIGH POINT CT ANNANDALE VA 22003
15	0594 01 0007A	8211 LITTLE RIVER TPKE	PUNIT, SANGITA P.	8211 LITTLE RIVER TPKE ANNANDALE VA 22003 2328
16	0593 11 0016	4105 HIGH POINT CT	NGO, KENNY	4105 HIGH POINT CT ANNANDALE VA 22003
17	0593 11 0002	4101 HIGH POINT CT	SABIR, FAROUK MOHAMED	4101 HIGH POINT CT ANNANDALE VA 22003
18	0593 11 0001	8243 LITTLE RIVER TPKE	BAWDEN, GERALD W.	8243 LITTLE RIVER TPKE ANNANDALE VA 22003
19	0594 01 0008	8215 LITTLE RIVER TPKE	TRAN, BRUCE	8215 LITTLE RIVER TPKE ANNANDALE VA 22003 2328
20	0593 01 0032B	8220 LITTLE RIVER TPKE	CALVARY OF THE CHURCH NAZARENE	8220 LITTLE RIVER TPKE ANNANDALE VA 22003 2305
21	0594 02010003	8208 LITTLE RIVER TPKE	ARMSTRONG, H. JERE	8208 LITTLE RIVER TPKE ANNANDALE VA 22003 2305
22	0594 02010002	8204 LITTLE RIVER TPKE	WADHWA, SARJOT SEEMA KAUR	8204 LITTLE RIVER TPKE ANNANDALE VA 22003 2305
23	0594 02010001	8200 LITTLE RIVER TPKE	CLARE, RODGER	8200 LITTLE RIVER TPKE ANNANDALE VA 22003 2305
24	0594 02 0006	8120 LITTLE RIVER TPKE	MCCOY, EDWARD D.	8120 LITTLE RIVER TPKE ANNANDALE VA 22003 2326
25	0594 02 0005	8116 LITTLE RIVER TPKE	STEIDEL, DAVID W.	8116 LITTLE RIVER TPKE ANNANDALE VA 22003 2326
26	0594 02 0004	8112 LITTLE RIVER TPKE	KHAN, NABEEL	8325 ROBEY AVE ANNANDALE VA 22003

**Adjacent Parcel Ownership Table
Fairfax Hills, Sec 1, Lot 42**

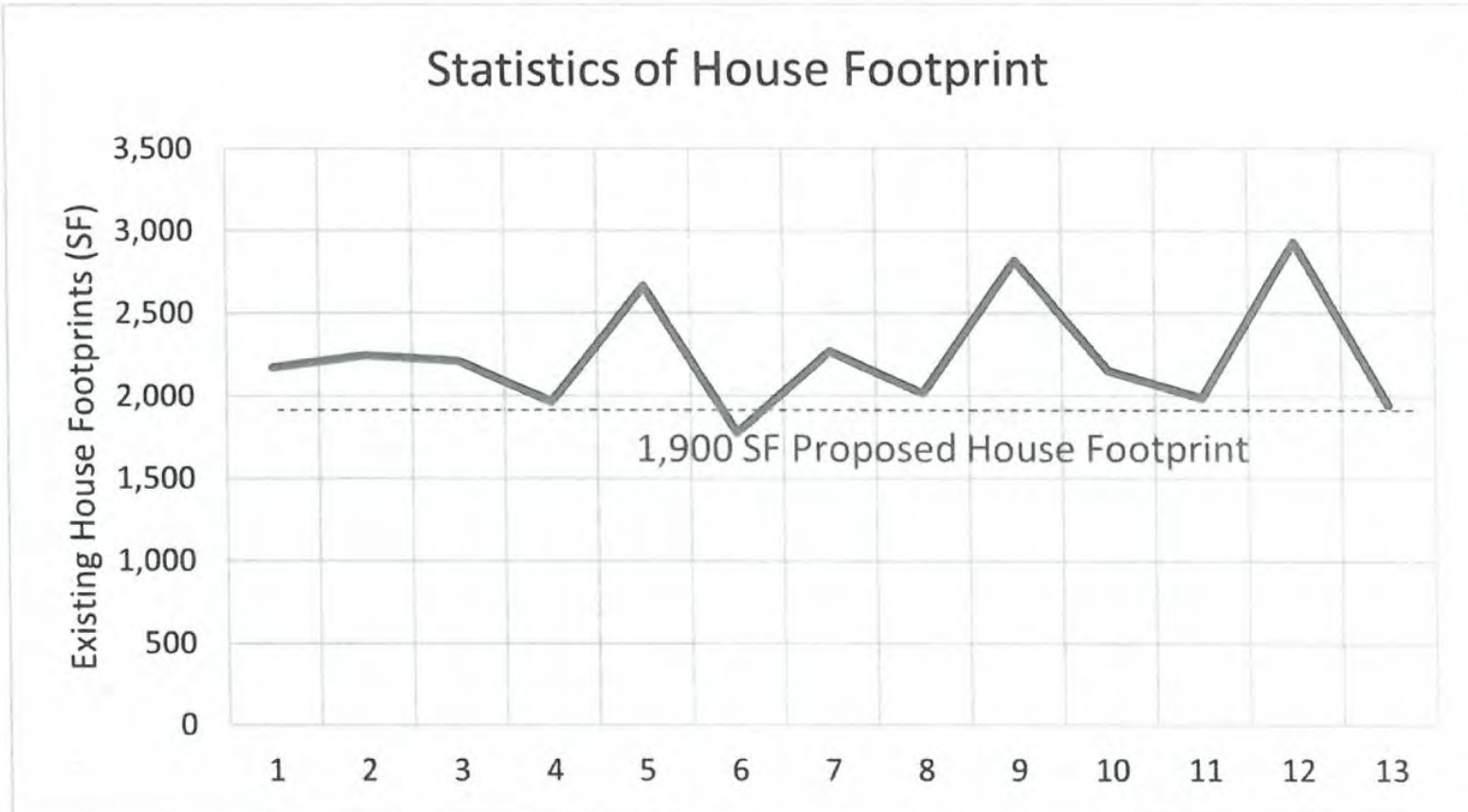


Prepared by Staff in November 2017

Building Footprint Evaluation

ID	Tax Map	Address	House Footprints Square feet
1	0593 11 0001	8243 Little River Turn Pike	2172
2	0593 11 0002	4101 High Point Court	2246
3	0593 11 0015	8250 Branch Road	2214
4	0593 11 0017	4109 High Point Court	1963
5	0593 11 0016	4105 High Point Court	2661
6	0594 01 0008	8215 Little River Turn Pike	1776
7	0594 01 0007A	8211 Little River Turn Pike	2269
8	0594 01 0007C	8246 Branch Road	2014
9	0594 01 0007D	8240 Branch Road	2818
10	0594 10 0002	8113 Little River Turn Pike	2152
11	0594 10 0003	8109 Little River Turn Pike	1987
12	0594 10 0040	4111 Woodlark Drive	2933
13	0594 10 0041	4107 Woodlark Drive	1945
Average			2242

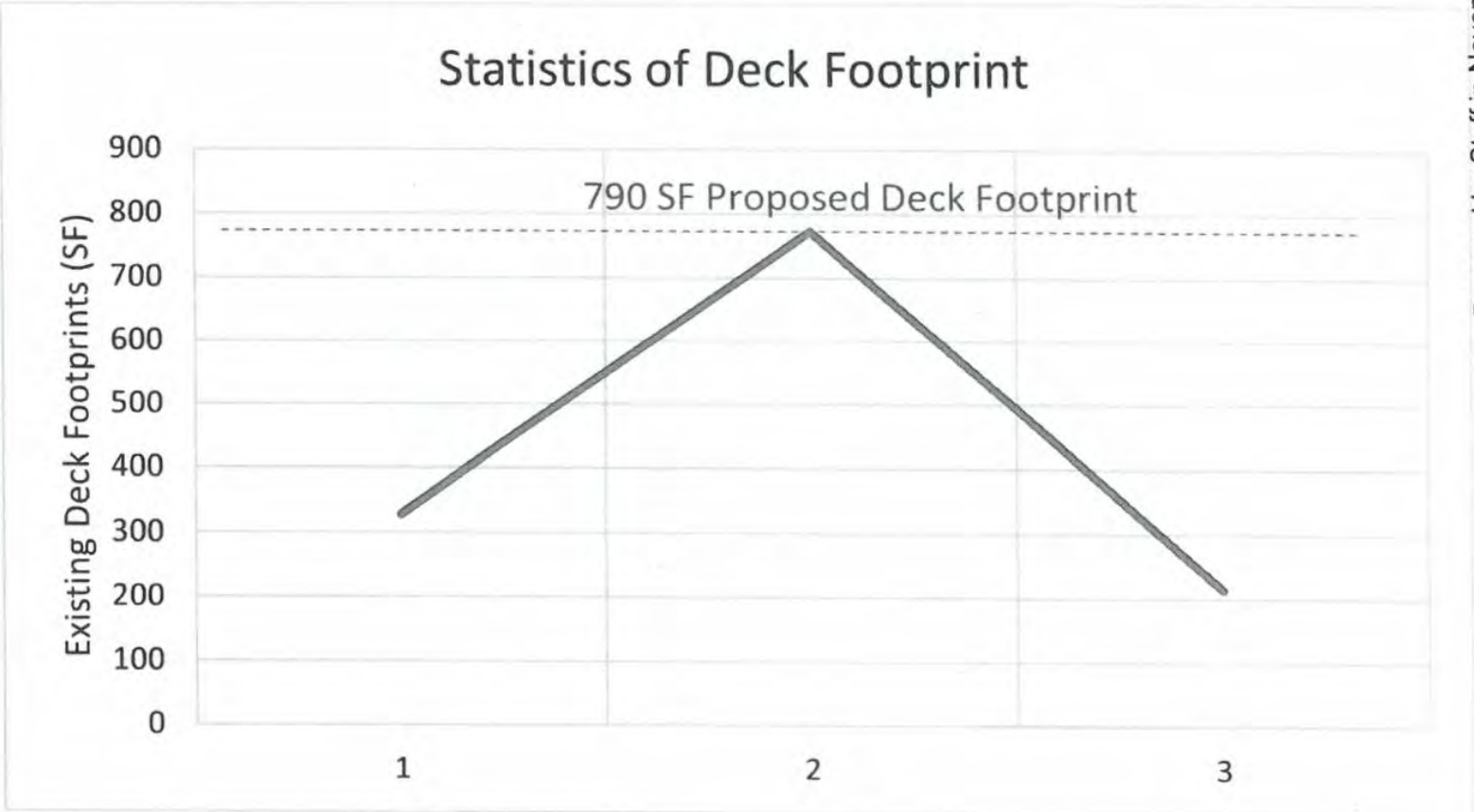
Prepared by Staff in November 2017



Deck Footprint Evaluation

ID	Tax Map	Address	Deck Footprints Square feet
1	0593 11 0016	4105 High Point Court	328
2	0594 01 0007A	8211 Little River Turn Pike	773
3	0594 01 0007C	8246 Branch Road	215
Average			439

Prepared by Staff in November 2017





November 6, 2017

VIA Email: Prutha.Rueangvivanakij@fairfaxcounty.gov

Mr. Prutha Rueangvivanakij
Fairfax County
12055 Government Center Parkway
Suite 530
Fairfax, VA 22035

Re: Fairfax Hills, Section 1, Lot 42
Addendum #1 – County Comment Response Information
Fairfax County Plan #2852-WRPA-006-1.1 and 2852-WQ-003-1.1
WSSI Project #11325.01

Dear Mr. Rueangvivanakij:

Your comments regarding the above referenced plans were received via emails on 10/31/2017, 11/3/2017. As a result, the RPAE/WQIA request has been revised. A point-by-point response to these comments is provided below.

Received via email – From: Prutha Rueangvivanakij – To: J.T. Kelley – 10/31/2017

1. **Comment:** *"We feel that the rear amenity is not minimal necessary. It appears to be larger than the approved INF."*

Response: Per discussions during our 11/3/17 meeting, the rear amenity has been reduced. The deck has been reduced to 15' maximum from the rear of the house, and the patio was reduced to 10' maximum from the rear of the house. The resulting reduction in LOD is shown in revised WQIA/RPAE exhibits and tabulations.

2. **Comment:** *"Grading seems to be excessive."*

Response: The grading shown is already 4:1 or steeper at the sides of the house. This cannot be steepened due to potential safety issues relating to home/yard maintenance.

3. **Comment:** *"The floodplain limit was revised without any written descriptions."*

Response: Please find attached GJB Engineering's "Floodplain Exhibit" as a supplementary document for the above application. The purpose of the Exhibit is to detail how the County floodplain study limits and water surface elevations have been verified by GJB Engineering and applied to the application field run topography.

The floodplain shown in the current application is (and has been) from County-performed HEC-RAS study by Fairfax County DPW&ES SWM Planning Division. The floodplain limits shown on the originally approved house grading plan on the lot were actually plotted in error from that same original County source data. So any appearance of "revision" between the RPAE and the original grading plan should be understood as a "correction" by the current submitting engineers.

Any future House Grading Plan (INF submissions) will utilize and honor the attached floodplain limits and elevations.

4. **Comment:** *"The total disturbance is 9 thousand square feet but the mitigation is based on 4 thousand square feet."*

Response: The mitigation provided was determined by replanting all reasonable non-forested areas following construction (as noted in paragraph 1 on page 3 of 12 of the RPAE/WQIA letter). Areas not proposed for disturbance are already densely vegetated with trees and other woody vegetation. Notation has been added to the WQIA exhibits to clarify.

Received via email – From: Prutha Rueangvivanakij – To: J.T. Kelley 11/3/2017

1. **Comment:** *"Please change the Director to Bruce McGranahan."*

Response: Bruce McGranahan has been added as a CC on this addendum and changed on the WQIA/RPAE letter.

2. **Comment:** *"I cannot get to 37 feet of house depth. I used 2,200 square feet divided by 53.5 feet and I got 41 feet."*

Response: The stated house size of 2,200 square feet is not correct. The actual house size is approximately 1,900 square feet. Further, the house depth varies over its width – it is 33' at its shallowest point and 37' at its deepest.

3. **Comment:** *"Please add 50-foot seaward (buffer) on the house plat."*

Response: The 50-foot seaward buffer has been added to the plat, as requested.

It is our opinion that this response letter addresses all issues raised to date. Please feel free to contact me by phone (703-679-5652) or email (jkelly@wetlandstudies.com) if you have any questions.

Sincerely,

WETLAND STUDIES AND SOLUTIONS, INC.



J.T. Kelley, P.E., LEED®AP, C.F.M.
Senior Associate – Engineering

Cc: Bruce McGranahan, Director, LDS
Greg Budnik (via email)
Sheila Konecke (via email)

L:\11000s\11325.01\Admin\04-ENGR\19-RPAE\2017_11-03 Fairfax Hills Comment Response.docx

FLOODPLAIN NARRATIVE

FLOODPLAIN LIMITS AND ELEVATION FOR THE DEVELOPMENT APPLICATIONS OF THIS PROPERTY HAVE BEEN OBTAINED FROM FAIRFAX COUNTY DEPARTMENT OF PUBLIC WORKS STUDIES PERFORMED FOR THE ACCORDING MENTIONED HYDRAULIC RESULTS. 1" AND 2" ARE OBTAINED FROM THE FAIRFAX COUNTY DRAIN PLANNING DIVISION. THE FLOODPLAIN EXHIBIT AND FLOODPLAIN CROSS-SECTIONS WERE PLOTTED BY OUR FIRM BY INTERPOLATING THE COUNTY FLOODPLAIN ELEVATION DATA FROM HYDRAULIC RESULTS. 1" BETWEEN COUNTY CROSS-SECTIONS 3240 AND 2460 AND PLOTTED ON THE 2016 FIELD SURVEY TOPOGRAPHIC SURVEY DATA PERFORMED BY THE APPLICANT'S ENGINEER.

CONCLUSION: THE LIMITS AND ELEVATIONS PLOTTED ON THE CURRENT TOPO ARE CONSISTENT WITH AND IN SUBSTANTIAL ACCORDANCE WITH THE LIMITS SHOWN IN GIS ATTACHMENT 'B' CURRENT OFFICIAL COUNTY FLOODPLAIN STUDY LIMITS. THE PROPOSED HOUSE ELEVATION AND HORIZONTAL LOCATION IN THE WPA (EXCEPTION APPLICATION) COMPLY WITH THE COUNTY FLOODPLAIN ORDINANCE.

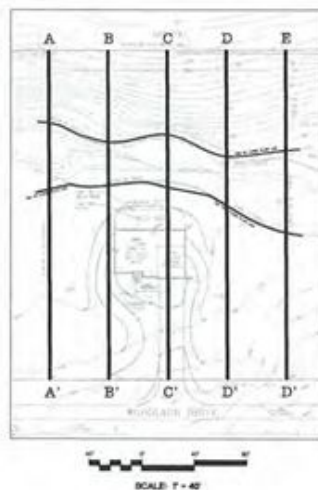
HYDRAULIC RESULTS

Reach	Flow (cfs)	Depth (ft)	Velocity (ft/s)	Channel	Flow (cfs)	Depth (ft)	Velocity (ft/s)	Channel	Flow (cfs)	Depth (ft)	Velocity (ft/s)	Channel	Flow (cfs)	Depth (ft)	Velocity (ft/s)	Channel
Reach 1	100.00	1.50	13.33	100.00	100.00	1.50	13.33	100.00	100.00	1.50	13.33	100.00	100.00	1.50	13.33	100.00
Reach 2	200.00	2.00	10.00	200.00	200.00	2.00	10.00	200.00	200.00	2.00	10.00	200.00	200.00	2.00	10.00	200.00
Reach 3	300.00	2.50	7.69	300.00	300.00	2.50	7.69	300.00	300.00	2.50	7.69	300.00	300.00	2.50	7.69	300.00
Reach 4	400.00	3.00	6.67	400.00	400.00	3.00	6.67	400.00	400.00	3.00	6.67	400.00	400.00	3.00	6.67	400.00
Reach 5	500.00	3.50	5.88	500.00	500.00	3.50	5.88	500.00	500.00	3.50	5.88	500.00	500.00	3.50	5.88	500.00
Reach 6	600.00	4.00	5.00	600.00	600.00	4.00	5.00	600.00	600.00	4.00	5.00	600.00	600.00	4.00	5.00	600.00
Reach 7	700.00	4.50	4.44	700.00	700.00	4.50	4.44	700.00	700.00	4.50	4.44	700.00	700.00	4.50	4.44	700.00
Reach 8	800.00	5.00	4.00	800.00	800.00	5.00	4.00	800.00	800.00	5.00	4.00	800.00	800.00	5.00	4.00	800.00
Reach 9	900.00	5.50	3.70	900.00	900.00	5.50	3.70	900.00	900.00	5.50	3.70	900.00	900.00	5.50	3.70	900.00
Reach 10	1000.00	6.00	3.33	1000.00	1000.00	6.00	3.33	1000.00	1000.00	6.00	3.33	1000.00	1000.00	6.00	3.33	1000.00

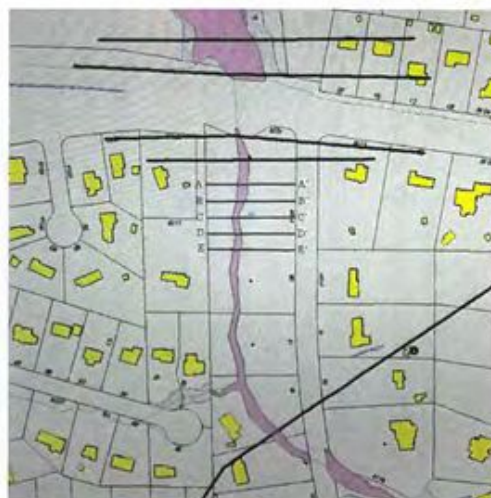
GIS ATTACHMENT A



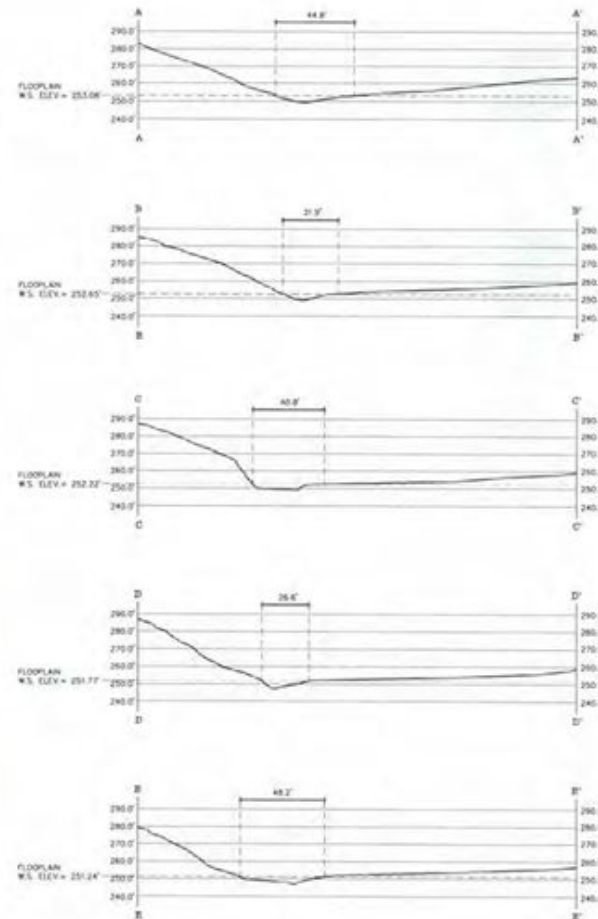
FLOODPLAIN EXHIBIT



GIS ATTACHMENT B



FLOODPLAIN CROSS-SECTIONS



Community Association Engineering
a Division of GJB Engineering, Inc.



FAIRFAX COUNTY, VIRGINIA

FLOODPLAIN EXHIBIT
FAIRFAX HILLS SEC 1, LOT 42

SCALE
AS SHOWN
DATE
NOV 2017
DRAWING NO.
1173

SHEET
1
OF 1



County of Fairfax, Virginia

ATTACHMENT E
Page 50

MEMORANDUM

DATE: November 9, 2017

TO: Prutha Rueangvivatanakij, Stormwater Engineer
Department of Public Works and Environmental Services

FROM: Ian Fuze, Urban Forester II
Forest Conservation Branch, UFMD

SUBJECT: Forest Conservation Branch review comments

RE: Project name: Fairfax Hills Section 1, Lot 42
Plan Number: 2582-WRPA/WQ-006-1
Date submitted to Site and Addressing Center: 9/30/17
Date submitted to Urban Forest Management Division: 11/6/2017

The following comments are based on the above mentioned Water Quality Impact Assessment and associated request to remove vegetation within the RPA.

As the Applicant states, "Indigenous vegetation within the RPA buffer on the subject site will be retained to the maximum extent practicable in order to retard runoff, prevent erosion, and filter nonpoint source pollution for the adjacent stream." UFMD agrees with this assessment as it appears that the minimum area required for construction has been proposed and tree preservation has been maximized resulting in the proposed project likely meeting PFM requirements of the Tree Conservation Ordinance.

The Applicant has requested a reduction in the plantings due to the following justification, "Opportunities for reforestation are severely limited due to existing forest cover, reforestation is proposed where practicable to mitigate the effects of buffer encroachment. The remainder of the project (not disturbed by proposed construction) is densely vegetated with smaller trees and shrubs and is not suitable for reforestation." UFMD agrees with this assessment. A landscape schedule has been provided (exhibit 6) which locates existing trees. Proposed plantings have been shown avoiding the Critical Root Zones of identified trees to the greatest extent possible. UFMD believes that reforestation to the minimum extend required would result in adverse root impacts to existing trees resulting in their eventual decline.

Reforestation with native trees and shrubs is proposed as shown in Exhibit 6. The total plantings proposed includes: 11 overstory trees, 21 understory trees, and 110 shrubs. An additional 1,935 sf within the 50' seaward buffer will be stabilized utilizing shade-tolerant alternative groundcovers in lieu of turf grass lawn. UFMD agrees that this is the maximum

Department of Public Works and Environmental Services
Urban Forest Management Division
12055 Government Center Parkway, Suite 518
Fairfax, Virginia 22035-5503
Phone 703-324-1770, TTY: 711, Fax: 703-653-9550
www.fairfaxcounty.gov/dpwes



amount of reforestation practical in order to ensure long term survivability of proposed plantings and existing vegetation.

If further assistance is desired, please contact me at 703-324-1770.

if/
UFMID #: 239720

cc: RA File



GJB Engineering, Inc.

providing quality engineering with personal service

P.O.Box 1214, Newington, VA 22122
www.gjbengineering.com 703-541-2000

February 2, 2018

Chesapeake Bay Preservation Ordinance Exception Review Committee
Attn: Chris Koerner, Chairman
c/o Department of Land Development Services
Attn: Camylyn Lewis, Clerk to the ERC
12055 Government Center Parkway, 5th Floor
Fairfax, VA 22035

Reference: 4104 Woodlark Drive
Fairfax Hills, Section 1, Lot 42
Tax Map 0594 ((10)) 0042
Project # 2582-WRPA-006-1 and 2582-WQ-003-1
Braddock District

Dear Chairman Koerner:

You may recall that during the public hearing of the above application, Committee Member Howard Green observed that it would be helpful to have further background on whether other options for architectural design and house siting had been performed by the applicant to verify that the submitted house footprint and location within the lot was the least disruptive to the RPA it is proposed within. Allow this letter to serve as an affirmation of the previously submitted data within the application relative to this topic, documentation of the relative verbal presentation made by our firm at the December 6th public hearing and a summary of further study performed by our firm since December 6th in response to further discussion which Mr. Green and I had after the adjournment of the January ERC meeting.

It should be noted at the outset of this summary that our firm, as well as the engineering firm of Wetlands Studies & Solutions, looked at a number of house footprint designs and sitings as part of the preparation process for the above application this past summer prior to determining the particular design and siting which is presented before your committee for approval, was verified as being the architectural product and house siting which met the definition of least disruptive to the RPA, while still meeting the community's recorded covenant of a 75' setback from the front property line and met the definition of a "reasonable" size total square footage and ground footprint area relative to other houses in the community.

Below is an excerpt from Page 2 of the application background, for reference:

"The project site area is over 80% encumbered by RPA. In addition, there has been a court-enforced injunction of a 75' front setback for any proposed house in the neighborhood – which precludes construction of a house anywhere outside the RPA. As shown on the proposed conditions plan, the 75' setback extends into the RPA in all areas of the site – nearly to the 50' seaward buffer at the northern property line. The proposed lot plan represents the minimum disturbance necessary to construct a single family residence and associated infrastructure that is appropriate for the neighborhood. Grading has been minimized and proposed impervious areas have been reduced to provide the Applicant with a reasonably sized home and usable amenities.

During application preparation, our firm assessed various options for reducing the impact to the seaward 50' portion of the RPA:

- Obtaining a change in, gaining an exception to, or litigating the legitimacy of the recorded 75' setback covenant.
- Verifying the average footprint size and total floor area of the homes in the subdivision
- Assessing the current house architectural design to determine if a shallower house was reasonable and would allow for less impact to the core components of the RPA and the pollutant load anticipated from the development of the house on the lot.
- Shifting the house siting left or right of the current siting, while maintaining conformance to the 75' setback if changes or deletion of the covenant were not possible.

This assessment yielded the following:

- The injunction was sought by and granted to an individual (Mr. Richard Rio) who has stated he strongly believes the covenant to be valid. We understand he will vigorously defend the legitimacy of the covenant in any further litigation and that he, alone, does not have the authority to grant exceptions to the setback requirement. His testimony at the public hearing underscores that understanding and that the 75' setback must be met without expectation of exception. This is not a hardship created by the applicant, but created by the community covenant and their choice to enforce such through litigation
- Attorneys for the applicant have determined that unanimity of all owners of the subdivision would be required to modify the covenant – even just once for this lot. Therefore, modifying the 75' covenant is not a reasonable expectation of the applicant, nor is such within the control of the applicant.
- The house architectural design was found by our firm to be less than average already at 37' deep, so reduction of the depth of the house was deemed unreasonable.

- The house architectural design was found by our firm to be average to below average in width (dependent on the factors considered) and though the house could be wider than the design submitted without negatively impacting the existing trees to be preserved just outside the currently proposed clearing and grading limits, it the applicant's opinion that they did not feel that was appropriate as they understood the need to minimize total impervious area. The applicant therefore has been sensitive to the need to develop a house product which is neither excessively wide or deep, and thus feels the house architectural design is reasonable for this particular lot as it minimizes impervious area and avoids, to the maximum extent possible, damage to or loss of existing mature trees and forest.

Upon these findings, the application dwelling was confirmed as meeting the standards of Chapter 118 for this application. The house was sited and graded allowing for a reasonable lawn within the front of the house for resident enjoyment, while minimizing the creation of lawn between the proposed house and the RPA core component stream and along the sides of the house. Slopes created along the sides are at a maximum for reasonable mowing by conventional equipment. Due to Floodplain Ordinance requirements, the dwelling's lowest part of the lowest floor of the home must be 18" above the floodplain elevation. The application design meets this requirement, with a factor of safety to boot, without any exception, but requires the grading along the rear and sides of the home to be slightly higher than would be otherwise necessary if no floodplain existed.

During application review by LDS this fall, their staff pushed for a reduction in the patio and deck which was proposed on the house, which the applicant acquiesced to and which is represented in the November 6, 2017 revised application which was presented to the ERC at the December public hearing. Staff also asked for additional backup and information related to the floodplain, which was also supplied to staff.

Subsequent to the December public hearing, at the request of Committee Member Green, over the next four weeks, our firm revisited the design and siting of the house, attempting three additional potential sitings and house configurations. We also discussed possible architectural design changes with the applicant. All additional options assessed were deemed to either be no improvement to the RPA, unreasonable in nature, or more impact on the RPA than the application house architectural and house siting presented to you in December.

Thus, our firm certifies to the ERC that the design presented before your committee meets the standards of the Chesapeake Bay Preservation Ordinance as the minimum house size and location necessary to afford relief. LDS staff has concurred with our finding.

4104 Woodlark Drive / Fairfax Hills, Section 1, Lot 42
Response to ERC on discussion related to RPAE request public hearing 12/6/17
February 1, 2018
Page 4 of 4

ATTACHMENT E
Page 55

Please also note that the US Army Corps of Engineers has made their Jurisdictional Determination subsequent to the submission of our application. A copy of their determination has been provided to the Clerk to the ERC for your file.

We stand available to answer any further questions you may have relative to the referenced submission.

Sincerely,



Greg Budnik, P.E.
Engineer for the Applicant

GJB Engineering, Inc.
P.O. Box 1214, Newington, VA 22122
www.gjbengineering.com
703-541-2000



DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NORFOLK DISTRICT
FORT NORFOLK
803 FRONT STREET
NORFOLK VA 23510-1011

ATTACHMENT E
Page 56

DECEMBER 1, 2017

APPROVED JURISDICTIONAL DETERMINATION

Northern Virginia Regulatory Section
NAO-2017-02064 (Fairfax Hills)

K2NC, LLC
c/o Wetland Studies and Solutions, Inc.
Attn: Mr. Benjamin Rosner
5300 Wellington Branch Drive, Suite 100
Gainesville, Virginia 20155

Dear Mr. Rosner:

This letter is in regard to your request for a verification of an approved jurisdictional determination for waters of the U.S. (including wetlands) on property known as Fairfax Hills, Section 1, Lot 42, located on an approximately 1.0 acre parcel on the west side of Woodlark Drive, approximately 200 feet south of its intersection with Little River Turnpike (Route 236) in Fairfax County, Virginia.

A jurisdictional determination has found waters and/or wetlands regulated under Section 10 of the Rivers and Harbors Act (33 U.S.C. 403) and/or Section 404 of the Clean Water Act (33 U.S.C. 1344) on property listed above. Nontidal wetlands and/or waters have been identified on the site. This letter shall serve to confirm the wetlands delineation by Wetland Studies and Solutions, Inc., as surveyed and shown on the maps titled, "Fairfax Hills" dated September 26, 2017 (copy enclosed).

Our basis for this determination is the application of the Corps' definition of waters of the United States. These waters are part of a tributary system to interstate waters (33 CFR 328.3 (a)) and have an ordinary high water mark.

Discharges of dredged or fill material, including those associated with mechanized landclearing, into jurisdictional waters and/or wetlands on this site will require a Department of the Army permit and may require authorization by state and local authorities, including a Virginia Water Protection Permit from the Virginia Department of Environmental Quality (DEQ), a permit from the Virginia Marine Resources Commission (VMRC) and/or a permit from your local wetlands board. This letter is a confirmation of the Corps jurisdiction for the waters and/or wetlands on the subject property and does not authorize any work in these jurisdictional areas. Please obtain all required permits before starting work in the delineated waters/wetland areas.

This letter contains an approved jurisdictional determination for your subject site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the North Atlantic Division Office at the following address:

ATTN: Mr. James Haggerty, Regulatory Program Manager
United States Army Corps of Engineers
CENAD-PD-OR
Fort Hamilton Military Community
301 General Lee Avenue
Brooklyn, NY 11252-6700
Email: james.w.haggerty@usace.army.mil

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 C.F.R. part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by ****February 1, 2018.**** It is not necessary to submit an RFA form to the Division office if you do not object to the determination in this letter.

This jurisdictional determination is valid for a period of five years from the date of this letter unless new information warrants revision prior to the expiration date. If you have any questions, please contact Ms. Theresita Crockett-Augustine in the Northern Virginia Field Office at 18139 Triangle Plaza, Suite 213, Dumfries, Virginia 22026, (757) 201-7194 or theresita.m.crockett-augustine@usace.army.mil.

Sincerely,



Theresita Crockett-Augustine
Environmental Scientist
Northern Virginia Regulatory Section

Enclosures

AUGUSTINE.THERESITA.CROCKETT.1230827040
ITA.CROCKETT.1230
827040

Digitally signed by
AUGUSTINE.THERESITA.CROCKETT.1230827040
DN: c=US, o=U.S. Government, ou=DoD,
ou=PKI, ou=USA,
cn=AUGUSTINE.THERESITA.CROCKETT.1230827
040
Date: 2017.12.01 13:34:29 -05'00'

ATTACHMENT F

DEED AND COVENANT

2015007501.001

BK 24022 1522

03/19/2015 12:41:06

ATTACHMENT F

DEED

This Deed, made this 18th day of March, 2015, by and between Dollyna K. Perry, as to a fifty percent (50%) interest, unmarried, and Dollyna K. Perry, sole heir at law of McNair W. Perry, as to a fifty percent (50%) interest, GRANTOR and K2NC, LLC, A Maryland Limited Liability Company, GRANTEE;

WITNESSETH

That for and in consideration of the conveyance made hereby, the consideration received by the GRANTOR and other good and valuable consideration, receipt and sufficiency of which is hereby acknowledged, the GRANTOR subject to the matters described herein, hereby grants and conveys to the GRANTEE with General Warranty and English Covenants of Title, in fee simple unto the GRANTEE, K2NC, LLC, A Maryland Limited Liability Company, sole owner, the following described real estate, situate, lying and being in Fairfax County, Commonwealth of Virginia, (the "Real Estate"), to wit:

SEE LEGAL DESCRIPTION ON EXHIBIT A ATTACHED HERETO

AND BEING the same property conveyed from Hazel B. Smouse, executrix under the will of Jessie A. Orndorff, deceased, and Hazel S. Smouse, individually unto McNair W. Perry and Dollyna K. Perry, as tenants in common by default, by virtue of a Deed dated October 15, 1974 and recorded October 22, 1974 in Deed Book 4121 at Page 165 among the land records of Fairfax County, Virginia.

The said McNair W. Perry departed this life INTESTATE on or about April 19, 1996; thereby vesting title in Dollyna K. Perry, as to a fifty percent (50%) interest; and Dollyna K. Perry, sole heir at law of McNair W. Perry, per List of Heirs probated in Fiduciary # FI-2015-0000455, recorded on March 12, 2015 at WILL BK 01035 PG 1972 in the aforementioned land records, as to a fifty percent (50%) interest.

The Real Estate is conveyed subject to all recorded easements, conditions, restrictions, and agreements that lawfully apply to the Real Estate or any part thereof.

The GRANTOR covenant that said GRANTOR has the right to convey the Real Estate, that the GRANTOR has done no act to encumber the Real Estate; that the said GRANTEE shall have quiet possession of the Real Estate; and that the GRANTOR will execute such further assurances as may be requisite.

RETURN TO: RGS TITLE

Case # _____
Tax Map # _____

PREPARED BY
LAW OFFICES

SHREVES,
SCHUDEL,
SAUNDERS,
JACKSON &
PARELLO, PLLC

7010 Little River
Triumph, Suite #1111
Annandale, VA 22003

P:703-642-6100

Tax Map Number: 059-4- /10/ /0042
Grantee's Address: 4104 Woodlark Drive, Annandale, VA 22003
Consideration:\$330,000.00
Assessed Value:\$296,000.00
Case:138677ANN
Underwriter: Stewart Title Guaranty Company
VSB#: 81724

ATTACHMENT F

BOOK 4121 PAGE 166

NOW, THEREFORE, in consideration of the premises and the sum of FIFTEEN THOUSAND AND NO/100 DOLLARS (\$15,000.00), the receipt of which is hereby acknowledged by the said party of the first part, the said party of the first part doth hereby grant, bargain, sell and convey, with SPECIAL WARRANTY OF TITLE, unto the said MCNAIR W. PERRY AND DOLLYNA K. PERRY, his wife, in fee simple absolute, the following described tract or parcel of land, to-wit:

Lots One (1) and Forty-Two (42), FAIRFAX HILLS, as the same appears duly dedicated, platted and recorded in Deed Book S-14, at page 551 and in Plat Book 4 at pages 91 and 92 among the land records of Fairfax County, Virginia. LESS AND EXCEPT that portion taken by the Commonwealth of Virginia by Certificate of Taking recorded in Deed Book 1631 at page 40 and confirmed in Deed Book 1653 at page 6.

AND BEING the same property conveyed to HAZEL S. SMOUSE AND JESSIE A. ORNDORFF, by virtue of a Deed recorded in Deed Book 461 at page 362, with power of sale by Executrix set forth in the last Will and Testament of JESSIE A. ORNDORFF, recorded in Will Book 185 at page 626.

SUBJECT to conditions, restrictions, rights of way and easements of record.

The party of the first part covenants the usual following warranties unto the parties of the second part: "Right to convey; free from encumbrances, except aforementioned; quiet possession; further assurances."

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

Hazel S. Smouse (SEAL)
HAZEL S. SMOUSE, Executrix under
the Will of JESSIE A. ORNDORFF

Hazel S. Smouse (SEAL)
HAZEL S. SMOUSE, individually

LAW OFFICES
DAVIS & CHOFF
1308 OLD CHAIN BRIDGE RD.
FAIRFAX VIRGINIA 22031

553

ATTACHMENT F

553

to public use by Annandale Farm Homes, Incorporated, for the full sixty-foot width and the full depth of two hundred twenty-five feet on the easterly line of said Lot Numbered Five (5) and on the westerly line of said Lot Numbered Six (6), as shown on the plat hereunto annexed.

This Subdivision is made expressly subject to the following conditions and restrictions, which shall be construed as covenants real running with the land hereby subdivided and dedicated, to-wit:

1. No apartment houses, flats, rows of houses, duplex houses or places of amusement shall be erected or constructed on any of the lots in said Subdivision or any part thereof, and all buildings or structures shall be designed and used for the private residence of not more than one family
2. No dwelling house, (including attached garage) shall be erected on any one of said lots or any part thereof, costing less than \$4500.00 to construct, and no detached garage shall be erected on any one of said lots or any part thereof, costing less than \$500.00 to construct.
3. No lot in the said Subdivision or any part thereof shall ever be used or allowed to be used for manufacturing, mechanical business, hotel, tourist home, boarding house, theatre, night club, road houses or entertainment purposes or for any purpose which would be a nuisance to the owner or owners of any lot or lots in the said Subdivision.
4. No sign, billboard or other similar device shall be erected, placed or maintained upon the said property except "for sale" or "for rent" signs.
5. No lot or lots in said Subdivision or any part of any lot or lots shall ever be used or occupied by or directly or indirectly sold, demise, transferred, conveyed unto or in trust for, leased, or rented to any one not of the Caucasian race, except that this shall not exclude partial occupancy by domestic servants of another race employed by and in actual service at the time of such partial occupancy of any owner or owners of any lot or lots in said Subdivision.
6. No re-subdivision of any lot or lots shall be made without the prior consent in writing first had and obtained from the party of the first part or his assigns.
7. All commercial automobiles or trailers owned or used by the owners or occupants of any lot or lots in said Subdivision shall be housed and may not be parked on or in front of any lot or lots in said Subdivision.
8. No building shall be erected within seventy-five (75) feet of the front property line of any lot or lots in said Subdivision.
9. No cow, hogs, goats or sheep shall be kept upon any of said lots or any part thereof.
10. No commercial dog kennel for the raising, breeding, training or sale of dogs shall be kept, operated or maintained from or on any of said lots or any part thereof.
11. The front and side yards of each lot, when improved by the erection of a dwelling thereon shall be kept free from trash, weeds and uncut grass which has attained a height of six (6) inches.
12. If any owner of any lot or lots in said Subdivision shall violate or attempt to violate any provision or provisions of the aforesaid covenants, it shall be lawful for any other person or persons owning any lot or lots in



ATTACHMENT G

**EMAIL FROM STORMWATER
PLANNING DIVISION**

Rueangvivanakij, Prutha

From: Curtis, Shannon
Sent: Tuesday, August 21, 2018 2:29 PM
To: Rueangvivanakij, Prutha; Lewis, Camylyn M
Cc: Hansen, Matthew; Ruck, Chris; Astin, LeAnne
Subject: Fairfax Hills RPA Exception Request

Re: 2582-WRPA-007/2582-WQ-004 4104 Woodlark Drive, the DPWES Stormwater Planning Division offers the following comments on the subject property with respect to the RPA exception request and attendant WQIA:

- The unnamed tributary (to Accotink Creek) draining through the property has **27% impervious cover** in its drainage area. Because of the age of the development in the drainage area, little to no stormwater controls are present upstream. This uncontrolled stormwater runoff has clearly impacted this channel physically, chemically and biologically. [stream degradation and biological communities begin to decline at 5-10% imperviousness]
- The County's 2001 [Stream Protection Strategy \(SPS\) Baseline Study](#) characterized this area as the *Restoration Level II* category, which is typified by degraded stream channels with poor habitat/physical conditions and stressed (aquatic) biological communities. The primary goal stated for this category is: "*Maintain areas to prevent further degradation and implement measures to improve water quality to comply with Chesapeake Bay initiatives, Total Maximum Daily Load (TMDL) regulations and other water quality initiatives and standards*". One of the key management strategies recommended for this category is to "*Promote the use of innovative BMPs and reduction of imperviousness for infill and redevelopment*"
- The 2005 **Stream Physical Assessment** report classified the stream habitat condition as "fair" and noted that the stream is incised with many areas of raw, eroded banks.
- The County's [Stream Quality Assessment Program](#) has had two biological/water quality monitoring sites on this small tributary – one in 2010 and another just downstream 2013. Index of Biological Integrity (IBI) scores were low at 43% and 17% (out of 100%) – "fair" and "very poor", respectively. Habitat quality was noted as "marginal" both times.
- The 2011 **Accotink Creek Watershed Management Plan** identifies a higher-priority stream restoration project opportunity (AC9214) downstream on this tributary as it leaves the neighborhood and before it travels through Wakefield Park where it meets the main stem of Accotink Creek. This project has not been implemented to date by DPWES, but lies on County-owned land, thus having a high likelihood of being implemented in the coming years. It is unlikely that the single, proposed encroachment would have any significant impact on the proposed project.
- Based on several decades of monitoring, the entire Accotink Creek watershed has been designated as *Impaired* (for aquatic life designated uses) by the VA Dept. of Environmental Quality (DEQ). Because of this designation, a [Stressor Identification Report](#) was prepared by DEQ citing sediment (from erosion) and chlorides (from road salt) as the primary stressors affecting the impairment. A pollution budget called a Total Maximum Daily Load (TMDL) has been developed (as required by the Clean Water Act) for the watershed ([sediment](#) and chloride) and load reductions are being required of all regulated municipal stormwater systems within the basin (eg. Fairfax County, Northern Virginia Community College, Virginia Department of Transportation, Fairfax City, etc.). Fairfax County is investing considerable resources into watershed improvement projects within the basin and is responsible for meeting the sediment load reductions ascribed in the TMDL. Erosive stream flows due to controlled and uncontrolled stormwater runoff from impervious areas is the primary cause of the excessive sedimentation problem throughout the watershed.

While it appears the Applicant has taken many measures to reduce the magnitude of the impact of the proposed encroachment, the proposed plantings attempt to offset the loss of mature, functional vegetation in the RPA (through partial replacement), but likely do not adequately offset the impacts of new runoff that will be generated from the uncontrolled impervious surfaces proposed in this encroachment request. Further, while the results on the watershed

may be only incremental, the possibility exists that more of this type of exception will be requested [and if granted] thus initiating a more significant impact on the already degraded receiving waters. Although the County's Stormwater Management Ordinance (Chapter 124) does not require stormwater controls/BMP for this proposed development, we highly recommend considering requiring some degree of stormwater management/controls (eg. infiltration, cistern, etc.) for at least the 2,462 square feet of encroachment proposed within the seaward 50 feet of the RPA [ONLY IF it does not result in significantly impacting more mature vegetation in the RPA to do so]. This would be in keeping with the SPS recommendation of promoting the use of innovative BMPs and reduction of imperviousness for infill and redevelopment. It would also be in keeping with the goals of the sediment TMDL and in-line with Fairfax County's commitments to improving stormwater, the watershed and the Chesapeake bay.

Shannon Curtis

Chief, Watershed Assessment Branch
Fairfax County Stormwater Planning Division
Department of Public Works & Environmental Services
<http://www.fairfaxcounty.gov/dpwes/stormwater/>

ATTACHMENT H

**EMAIL FROM NORTHERN VIRGINIA SOIL
AND WATER CONSERVATION DISTRICT
(NVA SWCD)**

Rueangvivanakij, Prutha

From: Schwartz, Daniel
Sent: Friday, August 17, 2018 5:01 PM
To: Rueangvivanakij, Prutha
Cc: Harwood, Maria A.; Rouhi, Asad
Subject: RE: 2582-WRPA-007/2582-WQ-004 4104 Woodlark Drive - Exception Review Committee (ERC) - WQIA concerns

Hi Prutha,

Sorry for the delay! Asad and I, as well as our co-worker Maria Harwood, looked over the plans and visited the site. We noted a couple of things, as described below. Our specific recommendations or concerns are shown in *italicized font*.

1) The soil is very wet: Since the construction site is being pushed back to comply with the 75 foot setback, the new 2018 soil map places the revised footprint of the house within soil type 30A-Hatboro and Codorus soils. This soil type is found along the edges of larger streams, often within floodplains, and has a high groundwater table. From field surveys, our estimates are that the seasonal high water table at the new house footprint will come within a foot of the surface, and that the rest of the year the groundwater will consistently be found around 3 feet of depth, except during prolonged hot and dry weather when it may go deeper. Designs on the original infil plan were based on the old soil map (2011) and the old house location, which put the footprint of the house within the dry 39B-Glenelg silt loam.

The proposed grading is going to raise the ground level (from 254 to 260 feet in the front yard and from 253 to 256 feet in the backyard), and this will certainly help with the groundwater concerns, but we would suggest that, due to the high and persistent groundwater at the site, which was not shown on the old soil maps that were used for the original site plan, a more extensive foundation drainage and waterproofing system be considered and that the foundation design be examined to determine if it is suitable for the wet Hatboro and Codorus soils which may not have good bearing strength.

2) The floodplain map: The 100 year minor floodplain map is reversed on the RPA Encroachment Request and Water Quality Impact Report (RPAE and WQIA). The last page of the report includes calculations of "Flood Plain Cross Sections," which shows the width of the 100-year floodplain's water surface at cross sections A through E on the property, with A being the furthest upstream and E being the furthest downstream as is shown on "GIS Attachment B" on the same page. However, the "Floodplain Exhibit," also on the same page, which overlays the floodplain over the site plan and proposed house footprint has reversed the cross sections, with E being upstream and A being downstream. This does not appear to be simply a reversal of the labels, but of the actual floodplain itself. For example, Cross Section E is measured as the widest section of the flood plain. You can see on the "Floodplain Exhibit" that the widest section is mapped at the upstream edge of the property, when it should be the furthest downstream.

This reversed floodplain is used on all maps in the RPAE and WQIA report. While it doesn't appear that correcting it will put the house footprint or the limits of clearing into the floodplain, it does look like the floodplain will encroach closer to the house. Either way, the maps need to be corrected so that the Exception Review Committee can properly ascertain the proximity of the house to the floodplain and the possible effects.

The reforestation and groundcover plan may need to be amended too. After the map is corrected, if it is found that there will be grading in the floodplain, additional floodplain analysis may be required.

3) The stream and erosion concerns: Overall the stream passing through the property is relatively stable. Despite the very steep slope on the stream's right bank (looking downstream), the bank seems to be stable with little undercutting and the presence of perennial vegetation on its lower portion, both of which are good indicators of relative stability. The stream's stability is helped by the low elevation of the left bank, which will allow water to flow into the floodplain during heavy flows, thus reducing flow velocity. *Although this overflow is good for stream stability, there is the high potential for backyard flooding during large storms.*

4) Other drainage/flooding concerns: The proposed grading is going to raise the ground level (from 254 to 260 feet in the front yard and from 253 to 256 feet in the backyard) around the house. This is needed to protect the house from flooding, but it is not favorable to adjacent lots, particularly the lot immediately to the south (#43). *Raising the grade reduces the volume of water that can be "stored" on the lot during floods, and this volume has to be compensated for elsewhere. If lot #43 is ever developed, this could become an issue.*

5) Revegetation: Besides providing for native groundcovers, there is very little increase in the amount of revegetation proposed compared to the original site plan, despite the fact that the area proposed to be cleared and graded is significantly increased so that the 75 foot setback can be met. In particular, the areas in the front and sides of the house where the grading is being raised - up to the 50-ft seaward RPA barrier - do not have any reforestation proposed for them. *Given the environmental sensitivity of the site, it seems that more reforestation could be provided for here, especially considering the necessary increases in clearing and grading. Also given the increased impervious surfaces and compacted soils that will inevitably occur during construction, more reforestation can help reduce runoff from these surfaces that may, if unaddressed, cause increased erosion of the streambanks.*

We appreciate the opportunity to provide our comments. If you or anyone else has questions about our comments, do not hesitate to contact us.

Dan Schwartz
Soil Scientist
NoVA Soil & Water Conservation District
703-324-1422
Dan.Schwartz@Fairfaxcounty.gov



County of Fairfax, Virginia

MEMORANDUM

DATE: November 28, 2018

TO: Exception Review Committee (ERC)

FROM: Prutha Rueangvivanakij, P.E.
Senior Engineer III (Stormwater)
Site Development and Inspection Division (SDID)
Lands Development Services (LDS)

SUBJECT: Addendum to the Staff Report for the Resource Protection Area (RPA)
Encroachment Exception #2582-WRPA-007-1 & Water Quality Impact
Assessment #2582-WQ-004-1
Exception Review Committee (ERC) Public Hearing: October 3, 2018
Exception Review Committee Public meeting: December 12, 2018

This staff report addendum discusses supplemental information submitted by the applicant after the October 3, 2018 hearing on the current application. The submitted application proposed constructing a house and accessory use, a patio, within seaward 50 feet of RPA buffer under the Chesapeake Bay Preservation Ordinance (CBPO) section 118-6-7. The Committee closed the October 3, 2018, public hearing and moved, following discussion, to defer their decision to December 12, 2018. The applicant has provided supplemental information to address the Committee's comments and revise the proposed development plan.

The supplemental information to the original application includes a revised site layout and response letter to the Committee. The responses are categorized into 10 topics as shown on the first page of the enclosed response letter, dated November 9, 2018. Staff has assigned numbers to these 10 topics and discusses them below by number.

Please note that the project application numbers in the applicant's letter should read "2582-WRPA-007 and 2582-WQ-004", not "006" or "003". September should be October in several paragraphs. Staff believe that the responses, as discussed below, have not satisfied the Committee's comments for this application.

Topics 1 & 2: The house footprint has been revised to be outside the seaward 50 feet of RPA buffer per ERC's request with an additional revision to the driveway entrance. The revised floodplain limits and a wider house footprint causes a larger impact in the RPA buffer and its seaward 50 feet than the original application. The RPA encroachment increases from 7,568 square feet to 8,915

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RPA Exception 2582-WRPA-007-1
Addendum, December 12, 2018

square feet. Disturbance within the seaward 50 feet is increased by 218 square feet, from 2,462 to 2,680 square feet.

Due to the density of the existing vegetation, the density required by CBPO 118-3-3(f) cannot be achieved. The proposed disturbed area in the RPA is 8,915 square feet (0.205 acres). The applicant proposes to vegetate as shown on the Exhibit 6, Sheet 3 of 4 on the response letter. The planting plan was reviewed by the County Urban Forestry Management Division (UFMD). See revised UFMD Memorandum, dated November 20, 2018. UFMD agrees with the limited opportunity for reforestation and the supplemental plantings shown are maximized to ensure long term survivability of the proposed plantings and existing vegetation. However, the applicant should clarify the type of alternate ground cover area at the rear of the proposed house.

Topic 3: A feasibility investigation for the proposed dry swales has not been provided. There is no guarantee that this Best Management Practice (BMP) will function properly with the site constraints, such as high ground water, poor infiltration, etc. The applicant has not identified other options if dry swales are found unsuitable for the site or included hydrologic elements for staff to determine the water quality impact due to increases in stormwater flows. Although it may be more desirable to locate BMPs outside the RPA under the CBPO 118-2-1(e), the ERC may approve the BMP in the RPA as part of this exception. The two proposed dry swales conflict with the existing and proposed trees. No calculations were provided with the applicant's November 9, 2018, letter to demonstrate the impact of this land disturbance in terms of nutrient pollution or the proposed BMPs effectiveness in mitigating this impact. JT Kelley of Wetland Studies and Solutions emailed draft calculations on behalf of the applicant on November 28. While those calculations do not demonstrate a final design of an acceptable BMP, staff believe an approval condition that the proposed developed site's disturbed area not discharge nutrient pollution exceeding 0.41 lb. P/ac/year as calculated by the Virginia Runoff Reduction Method is both feasible and effective at mitigating impacts of increased nutrient pollution in runoff from the proposed use.

Topic 4: A preliminary floodplain analysis has been provided per the ERC's request. House location and proposed fill are shown on the cross sections found on Sheet 3 of 3 of the preliminary floodplain analysis. Fill is proposed to enable the house to meet the 15-foot setback requirement from the floodplain required by Zoning Ordinance 2-145. This fill, designed following the newly-submitted preliminary floodplain analysis, causes additional disturbance within RPA buffer beyond what was previously proposed.

Topic 5: The size of the deck has been reduced to address the ERC's concern from 53 feet wide to 30 feet. The deck and pervious patio remain inside the seaward 50 feet of RPA buffer.

Topic 6: The applicant contests the effectiveness of stormwater detention at this specific location within the Accotink Cree watershed. The applicant explained in the letter that the detention may incrementally increase stream flow velocities due to the coincident or near-coincident timing of peak flows to the stream. Staff agrees that a poorly-designed system may contribute to increase in stream flow rates, but believes that this is an argument for careful design instead of omitting detention from the plans. Staff believes that the runoff reduction to prevent coincidental peak flows provided by this site in the 1-year and 2-year storms can reduce velocity and therefore erosion and the impact of this RPA encroachment downstream of the site.

Topic 7: The proposed project is exempt from County Code 124, Stormwater Management Ordinance (SWMO). Water quality and quantity control measures are not required to meet the requirements of the SWMO. The CBPO does require "proposed best management practices to mitigate the proposed RPA encroachment" in part 118-4-3(e), and the applicant now proposes dry swales as a best management practice (BMP) to mitigate impacts of the encroachment.

Topics 8 & 9: Based on the County 2018 Soil Map, the site is located in the 30A soil which is classified as D soils with poor drainage and low infiltration rate. Without the site-specific soil exploration data, the proposed BMPs may not function without underdrainage. A geotechnical investigation is not required at this stage but will be required prior to the grading plan approval, including approval of the dry swale design.

Topic 10: The applicant answered the ERC questions on the existing culverts, size, future VDOT plan, condition, etc. Based on the preliminary floodplain analysis, it appears that the existing culverts convey 100-year storm without flooding Route 236, Little River Turnpike.

Based on the applicant's supplemental information, the RPA encroachment is partially caused by the proposed fill to meet the setback requirement. Even though all impervious area except the patio have been removed from the seaward 50 feet of RPA buffer, more fill to accommodate the wider house footprint causes a larger encroachment area in the seaward 50 feet than in the previous application. However, additional measures have been taken to mitigate the impact of the requested encroachment.

RPA Exception 2582-WRPA-007-1
Addendum, December 12, 2018

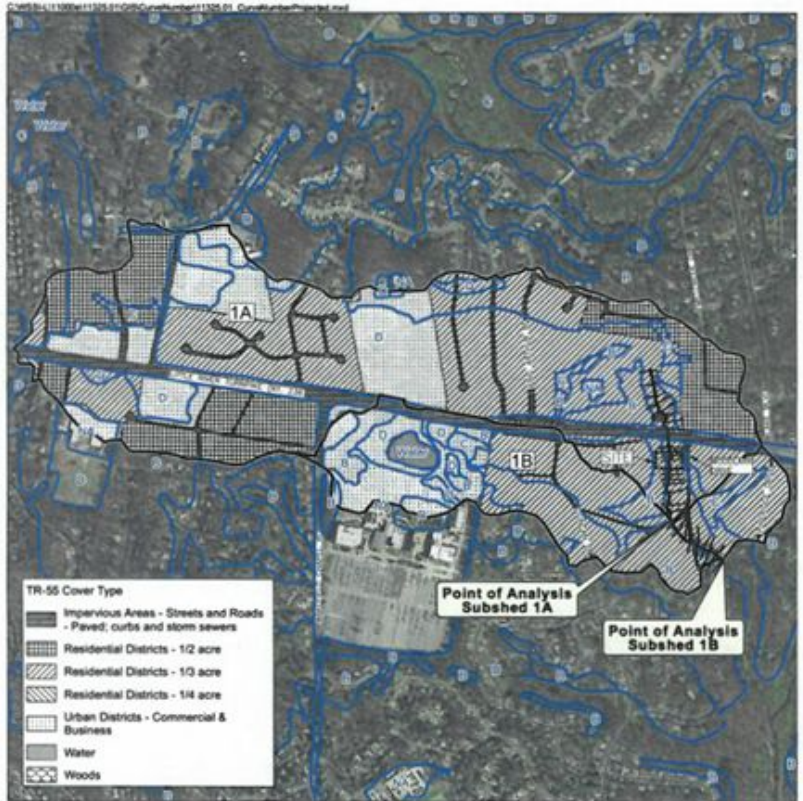
Staff recommends approval of RPA encroachment Exception #2582-WRPA-007-1 and Water Quality Impact Assessment #2582-WQ-004-1, as modified by the supplemental information provided by the applicant, subject to the proposed development conditions provided in Attachment A to the previous staff report, dated August 21, 2018, and modified as discussed in the previous hearing.

Staff will be available at the public meeting to address any questions and this memorandum will be distributed and posted as an addendum to the Staff report.

Enclosed Documents:

Response Letter, Dated November 9, 2018, with preliminary floodplain analysis
Revised UFMD Memorandum, Dated November 20, 2018

cc: Dipmani Kumar, P.E., Chief, Watershed Planning and Evaluation Branch,
Stormwater Planning Division (SPD), Department of Public Work and
Environmental Services (DPWES)
Shannon Curtis, Chief, Watershed Assessment Branch, SPD, Department of
Public Work and Environmental Services
Camylyn Lewis, P.E., Senior Engineer III, ERC Clerk, SDID, LDS
Bruck McGranahan, Director, SDID, LDS
Brandy Mueller, Environmental Compliance Coordinator, Code Development &
Compliance Division, LDS
Greg Budnik, P.E., Submitting Engineer, Applicant Agent



- TR-55 Cover Type**
- Impervious Areas - Streets and Roads - Paved, curbs and storm sewers
 - Residential Districts - 1/2 acre
 - Residential Districts - 1/3 acre
 - Residential Districts - 1/4 acre
 - Urban Districts - Commercial & Business
 - Water
 - Woods

- Drainage Area
- Hydrologic Soil Group*

**TR-55 Curve Number Map
Ultimate Land Use Conditions
4104 Woodlark Drive
WSSI #11325.01**



Aerial Source: 2017 Natural Color Imagery, VBMP
Soils Source: Fairfax County Digital Data
*For the purpose of this analysis, soil group "NIA" has been reclassified as soil group "D".

Wetland Studies and Solutions, Inc.
a company

Exhibit A

TABLE 1: SUMMARY OF CURVE NUMBER CALCULATIONS FOR ULTIMATE LAND USE CONDITIONS

Subshed	Cover Type	Area (acres)	Curve Number	Area (acres)	Curve Number
1A	Impervious Areas - Streets and Roads	0.8	98	0.8	98
	Paved, curbs and storm sewers	0.1	98	0.1	98
	Residential Districts - 1/2 acre	1.2	55	1.2	55
	Residential Districts - 1/3 acre	1.2	60	1.2	60
	Residential Districts - 1/4 acre	1.2	70	1.2	70
	Urban Districts - Commercial & Business	1.2	98	1.2	98
	Water	1.2	100	1.2	100
	Woods	1.2	100	1.2	100
	Subshed Totals	86.1	55.9	86.1	55.9
	1B	Impervious Areas - Streets and Roads	0.8	98	0.8
Paved, curbs and storm sewers		0.1	98	0.1	98
Residential Districts - 1/2 acre		1.2	55	1.2	55
Residential Districts - 1/3 acre		1.2	60	1.2	60
Residential Districts - 1/4 acre		1.2	70	1.2	70
Urban Districts - Commercial & Business		1.2	98	1.2	98
Water		1.2	100	1.2	100
Woods		1.2	100	1.2	100
Subshed Totals		86.1	55.9	86.1	55.9
Watershed Totals		86.1	55.9	86.1	55.9

TABLE 2: SUMMARY OF HYDROLOGIC CALCULATIONS

Subshed	Area (acres)	Area (sq. mi.)	Q ₁₀₀ (cfs)	Q ₁₀₀ (MGD)	Q ₁₀₀ (MGD)	Q ₁₀₀ (MGD)	Q ₁₀₀ (MGD)
1A	86.1	1.23	11.5	0.13	0.13	0.13	0.13
1B	86.1	1.23	11.5	0.13	0.13	0.13	0.13
Watershed	172.2	2.46	23.0	0.26	0.26	0.26	0.26

Preliminary Floodplain Analysis Narrative

A Preliminary Analysis of the Floodplain associated with the Tributary to Accotink Creek has been completed to identify the 100-yr floodplain at 4104 Woodlark Drive in Annandale, Virginia. The floodplain associated with the Tributary to Accotink Creek is a minor floodplain having a contributing drainage area of approximately 335.3 acres (<350 acres) at the downstream end of the study reach.

There is no published floodplain study available for the Tributary to Accotink Creek, however, existing and proposed condition HEC-RAS models were developed to assess the impact of proposed site development at 4104 Woodlark Drive on the existing 100-yr water surface elevation and inundation area. An existing conditions model was created using cross-sections sampled from topographic information compiled multiple sources. This data includes Fairfax County 2013 2-Foot GDS contours supplemented by field run site topography provided by Inova Engineering Consultants, Inc. and further supplemented by field observations and measurements provided by GJB Engineering, Inc. The upstream end of the model extends approximately 800 feet upstream of Little River Turnpike (RL236) and 500 feet downstream of Woodlark Drive. A proposed conditions model was prepared based on the proposed grading and development provided by GJB Engineering, Inc. Results of the existing conditions model were compared to those of a proposed conditions model.

Results indicate that the proposed site development of 4104 Woodlark Drive will cause "No Rise" in the 100-yr water surface elevation compared to existing conditions. Overbank flooding and its potential to erode the floodplain four were also investigated. Velocities for the modeled 100-yr event (the worst case scenario) were examined by use of the flow tube option in the HEC-RAS model that allows the review of velocities in distinct cells of the channel cross-section (thus allowing isolation of the overbank area). Velocities determined through this analysis were compared to existing conditions and have no adverse effect compared to existing channel and floodplain velocities.

The results of this analysis are preliminary and presented to address comments from the Fairfax County Environmental Review Committee regarding the issue of fill in the floodplain.

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Phone: 703.771.7100
www.wetlandstudies.com

Preliminary Floodplain Analysis
Watershed Hydrology
Prepared for: **WSSC, LLC**
Fairfax Hills, Section 1, Lot 42
Fairfax County, Virginia

REV	DATE	DESCRIPTION

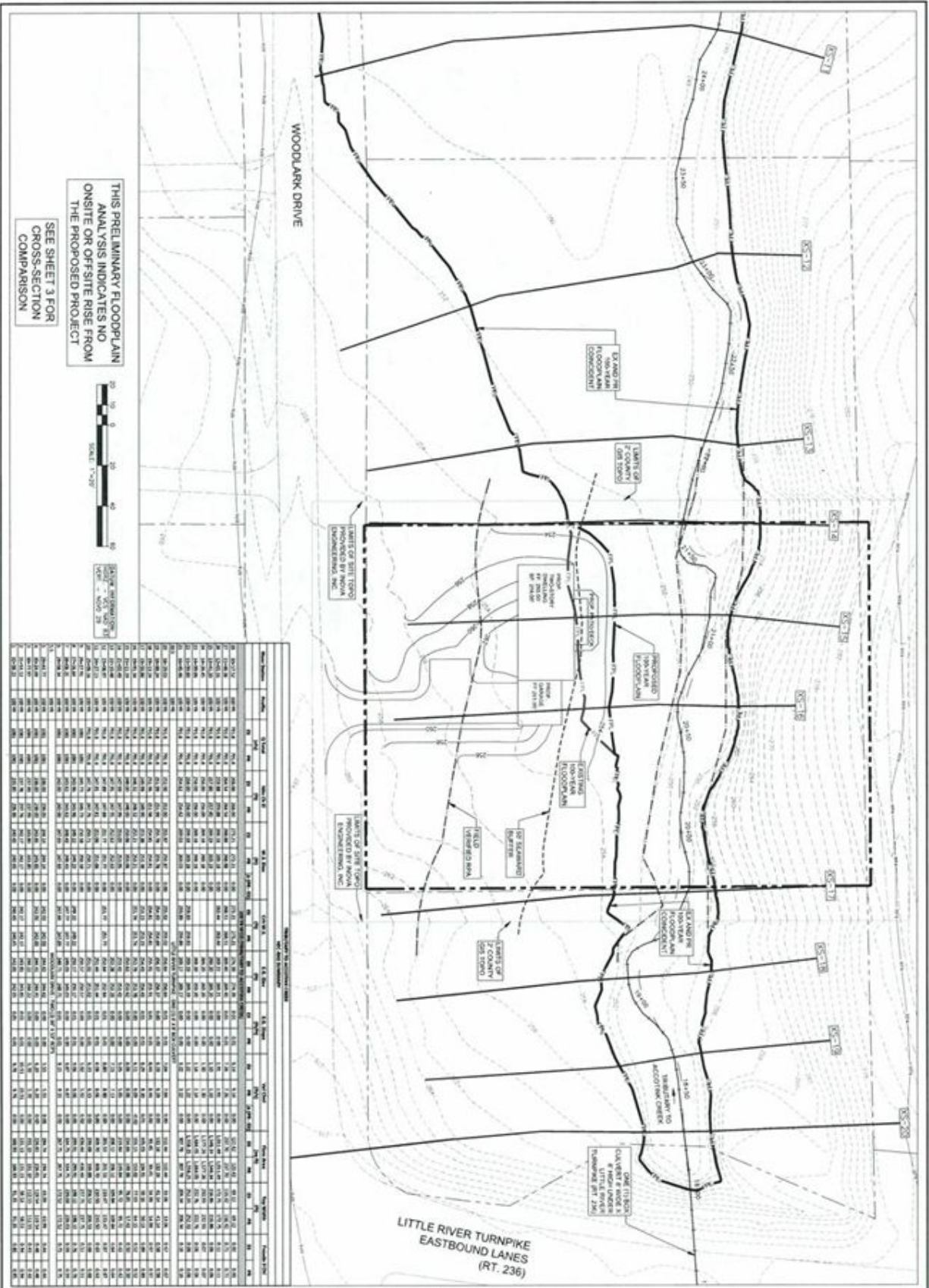
DATE: November 2018 SCALE: 1" = 200' C1.2

Prepared By: Project Team
Reviewed By: MCHD/20
Boundary and Topo Source:
Inova Engineering Consultants, Inc.

Design	Check	Approved
JTK	GTM	JTK

Sheet #
1 of 3

Company File Name:
4104 Woodlark Drive - Section 1 - Lot 42 - Floodplain Analysis - 11/15/18



THIS PRELIMINARY FLOODPLAIN ANALYSIS INDICATES NO ONSITE OR OFF-SITE RISE FROM THE PROPOSED PROJECT

SEE SHEET 3 FOR CROSS-SECTION COMPARISON

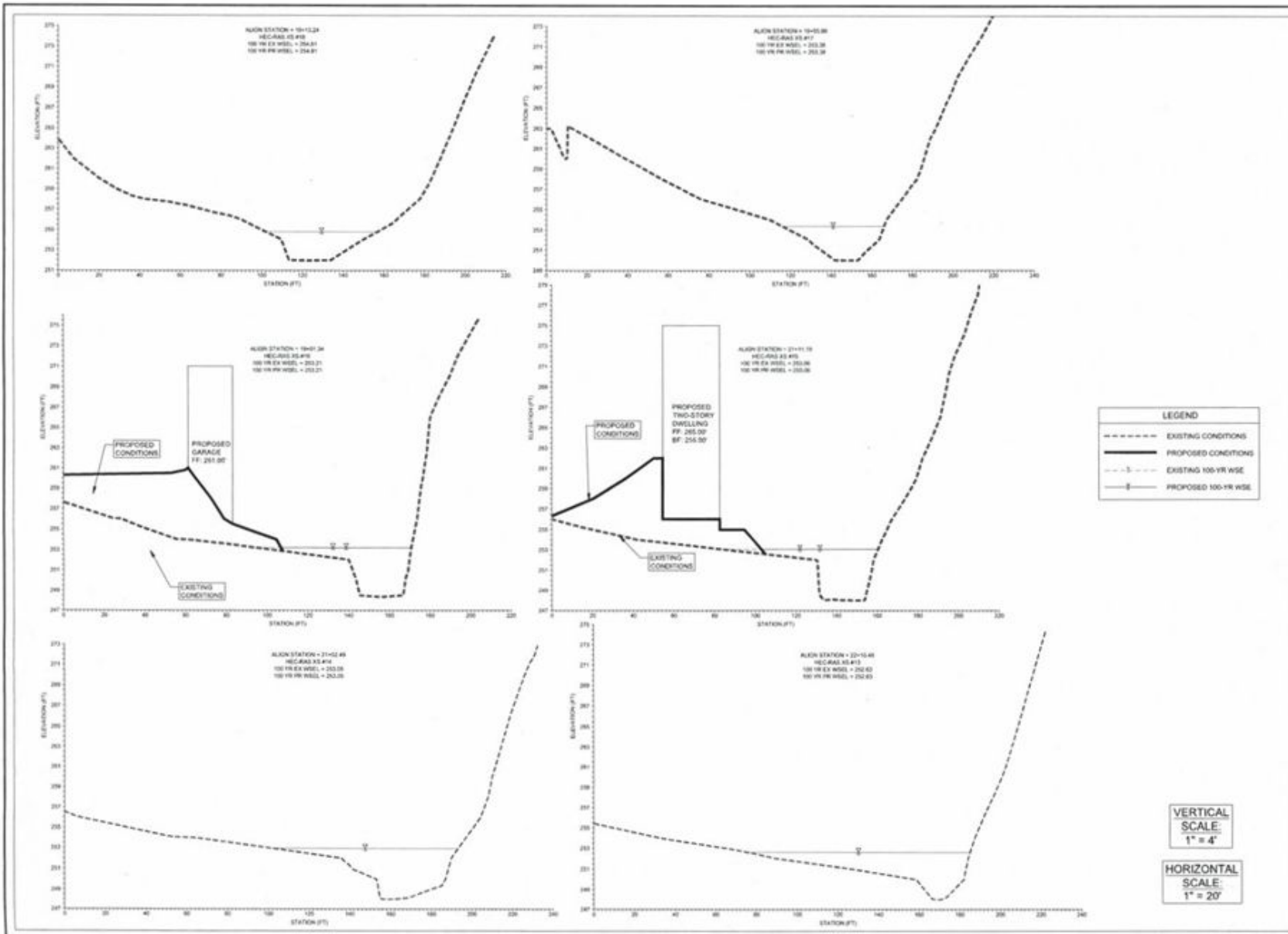


Stationing	Elevation	Proposed Floodplain		Existing Floodplain		Difference
		Left	Right	Left	Right	
0+00	101.00	101.00	101.00	101.00	101.00	0.00
0+10	100.50	100.50	100.50	100.50	100.50	0.00
0+20	100.00	100.00	100.00	100.00	100.00	0.00
0+30	99.50	99.50	99.50	99.50	99.50	0.00
0+40	99.00	99.00	99.00	99.00	99.00	0.00
0+50	98.50	98.50	98.50	98.50	98.50	0.00
0+60	98.00	98.00	98.00	98.00	98.00	0.00
0+70	97.50	97.50	97.50	97.50	97.50	0.00
0+80	97.00	97.00	97.00	97.00	97.00	0.00
0+90	96.50	96.50	96.50	96.50	96.50	0.00
1+00	96.00	96.00	96.00	96.00	96.00	0.00
1+10	95.50	95.50	95.50	95.50	95.50	0.00
1+20	95.00	95.00	95.00	95.00	95.00	0.00
1+30	94.50	94.50	94.50	94.50	94.50	0.00
1+40	94.00	94.00	94.00	94.00	94.00	0.00
1+50	93.50	93.50	93.50	93.50	93.50	0.00
1+60	93.00	93.00	93.00	93.00	93.00	0.00
1+70	92.50	92.50	92.50	92.50	92.50	0.00
1+80	92.00	92.00	92.00	92.00	92.00	0.00
1+90	91.50	91.50	91.50	91.50	91.50	0.00
2+00	91.00	91.00	91.00	91.00	91.00	0.00
2+10	90.50	90.50	90.50	90.50	90.50	0.00
2+20	90.00	90.00	90.00	90.00	90.00	0.00
2+30	89.50	89.50	89.50	89.50	89.50	0.00
2+40	89.00	89.00	89.00	89.00	89.00	0.00
2+50	88.50	88.50	88.50	88.50	88.50	0.00
2+60	88.00	88.00	88.00	88.00	88.00	0.00
2+70	87.50	87.50	87.50	87.50	87.50	0.00
2+80	87.00	87.00	87.00	87.00	87.00	0.00
2+90	86.50	86.50	86.50	86.50	86.50	0.00
3+00	86.00	86.00	86.00	86.00	86.00	0.00
3+10	85.50	85.50	85.50	85.50	85.50	0.00
3+20	85.00	85.00	85.00	85.00	85.00	0.00
3+30	84.50	84.50	84.50	84.50	84.50	0.00
3+40	84.00	84.00	84.00	84.00	84.00	0.00
3+50	83.50	83.50	83.50	83.50	83.50	0.00
3+60	83.00	83.00	83.00	83.00	83.00	0.00
3+70	82.50	82.50	82.50	82.50	82.50	0.00
3+80	82.00	82.00	82.00	82.00	82.00	0.00
3+90	81.50	81.50	81.50	81.50	81.50	0.00
4+00	81.00	81.00	81.00	81.00	81.00	0.00
4+10	80.50	80.50	80.50	80.50	80.50	0.00
4+20	80.00	80.00	80.00	80.00	80.00	0.00
4+30	79.50	79.50	79.50	79.50	79.50	0.00
4+40	79.00	79.00	79.00	79.00	79.00	0.00
4+50	78.50	78.50	78.50	78.50	78.50	0.00
4+60	78.00	78.00	78.00	78.00	78.00	0.00
4+70	77.50	77.50	77.50	77.50	77.50	0.00
4+80	77.00	77.00	77.00	77.00	77.00	0.00
4+90	76.50	76.50	76.50	76.50	76.50	0.00
5+00	76.00	76.00	76.00	76.00	76.00	0.00
5+10	75.50	75.50	75.50	75.50	75.50	0.00
5+20	75.00	75.00	75.00	75.00	75.00	0.00
5+30	74.50	74.50	74.50	74.50	74.50	0.00
5+40	74.00	74.00	74.00	74.00	74.00	0.00
5+50	73.50	73.50	73.50	73.50	73.50	0.00
5+60	73.00	73.00	73.00	73.00	73.00	0.00
5+70	72.50	72.50	72.50	72.50	72.50	0.00
5+80	72.00	72.00	72.00	72.00	72.00	0.00
5+90	71.50	71.50	71.50	71.50	71.50	0.00
6+00	71.00	71.00	71.00	71.00	71.00	0.00
6+10	70.50	70.50	70.50	70.50	70.50	0.00
6+20	70.00	70.00	70.00	70.00	70.00	0.00
6+30	69.50	69.50	69.50	69.50	69.50	0.00
6+40	69.00	69.00	69.00	69.00	69.00	0.00
6+50	68.50	68.50	68.50	68.50	68.50	0.00
6+60	68.00	68.00	68.00	68.00	68.00	0.00
6+70	67.50	67.50	67.50	67.50	67.50	0.00
6+80	67.00	67.00	67.00	67.00	67.00	0.00
6+90	66.50	66.50	66.50	66.50	66.50	0.00
7+00	66.00	66.00	66.00	66.00	66.00	0.00
7+10	65.50	65.50	65.50	65.50	65.50	0.00
7+20	65.00	65.00	65.00	65.00	65.00	0.00
7+30	64.50	64.50	64.50	64.50	64.50	0.00
7+40	64.00	64.00	64.00	64.00	64.00	0.00
7+50	63.50	63.50	63.50	63.50	63.50	0.00
7+60	63.00	63.00	63.00	63.00	63.00	0.00
7+70	62.50	62.50	62.50	62.50	62.50	0.00
7+80	62.00	62.00	62.00	62.00	62.00	0.00
7+90	61.50	61.50	61.50	61.50	61.50	0.00
8+00	61.00	61.00	61.00	61.00	61.00	0.00
8+10	60.50	60.50	60.50	60.50	60.50	0.00
8+20	60.00	60.00	60.00	60.00	60.00	0.00
8+30	59.50	59.50	59.50	59.50	59.50	0.00
8+40	59.00	59.00	59.00	59.00	59.00	0.00
8+50	58.50	58.50	58.50	58.50	58.50	0.00
8+60	58.00	58.00	58.00	58.00	58.00	0.00
8+70	57.50	57.50	57.50	57.50	57.50	0.00
8+80	57.00	57.00	57.00	57.00	57.00	0.00
8+90	56.50	56.50	56.50	56.50	56.50	0.00
9+00	56.00	56.00	56.00	56.00	56.00	0.00
9+10	55.50	55.50	55.50	55.50	55.50	0.00
9+20	55.00	55.00	55.00	55.00	55.00	0.00
9+30	54.50	54.50	54.50	54.50	54.50	0.00
9+40	54.00	54.00	54.00	54.00	54.00	0.00
9+50	53.50	53.50	53.50	53.50	53.50	0.00
9+60	53.00	53.00	53.00	53.00	53.00	0.00
9+70	52.50	52.50	52.50	52.50	52.50	0.00
9+80	52.00	52.00	52.00	52.00	52.00	0.00
9+90	51.50	51.50	51.50	51.50	51.50	0.00
10+00	51.00	51.00	51.00	51.00	51.00	0.00

REVISIONS	
No.	Description

DATE: November 2018 SCALE: 1" = 20' C1-7

Preliminary Floodplain Analysis
100-Year Floodplain Hydraulics
Prepared For: K2NG, LLC
Fairfax Hills, Section 1, Lot 42
Fairfax County, Virginia



Preliminary Floodplain Analysis
100-Year Floodplain Hydraulics
 Prepared for: A230C, LLC
Fairfax Hills, Section 1, Lot 42
 Fairfax County, Virginia

REVISIONS	DATE	DESCRIPTION	SCALE	BY	CHK
2.4					
2.4					
2					
1					

Horizontal Datum	Project Code	
Vertical Datum	NOV2020	
Boundary and Elevation Source	Survey Engineering Corporation, Inc.	
Design	Drawn	Approved
JTK	GTM	JTK
Sheet #	3 of 3	

Board Agenda Item
April 9, 2019

INFORMATION - 1

Consolidated Plan Certification for the Fairfax County Redevelopment and Housing Authority Moving to Work Plan for Fiscal Year 2020

On April 11, 2019, the Fairfax County Redevelopment and Housing Authority (FCRHA) is expected to give final approval for the submission of its Moving to Work Plan for Fiscal Year 2020 to the U.S. Department of Housing and Urban Development (HUD). Certification that the plan is consistent with the Fairfax County Consolidated Plan is part of the required submission due to HUD by April 15, 2019. County policy requires that the Board of Supervisors (Board) be informed of Consolidated Plan certifications.

The Moving to Work Plan articulates the FCRHA's mission to serve the housing needs of low-income and very low-income households, and the FCRHA's strategy for addressing those needs. The plan is presented in a HUD-mandated format and has had extensive review by the FCRHA and the public. The FCRHA made the plan available for public comment from February 19, 2019 through March 22, 2019, and held the required public hearing on March 7, 2019.

The draft Moving to Work Plan for Fiscal Year 2020, as released by the FCRHA, is available at www.fairfaxcounty.gov/housing.

Unless directed otherwise by the Board, the County Executive will sign the Certification of Consistency with the Consolidated Plan and provide it to the FCRHA for inclusion in the Moving to Work Plan for Fiscal Year 2020 to be submitted to HUD.

ENCLOSED DOCUMENTS:

Attachment 1: Certification of Consistency with the Consolidated Plan

STAFF:

Tisha Deeghan, Deputy County Executive
Thomas Fleetwood, Director, Department of Housing and Community Development (HCD)
Amy Ginger, Deputy Director, Operations, HCD
Vincent Rogers, Director, FCRHA Policy, Reporting and Communications (PRC), HCD
Elisa Johnson, Associate Director, PRC, HCD

ASSIGNED COUNSEL:

Susan Timoner, Assistant County Attorney

Certification of Consistency with the Consolidated Plan

U.S. Department of Housing
and Urban Development

Attachment 1

I certify that the proposed activities/projects in the application are consistent with the jurisdiction's current, approved Consolidated Plan.
(Type or clearly print the following information:)

Applicant Name: _____

Project Name: _____

Location of the Project: _____

Name of the Federal
Program to which the
applicant is applying: _____

Name of
Certifying Jurisdiction: _____

Certifying Official
of the Jurisdiction
Name: _____

Title: _____

Signature: _____

Date: _____

Board Agenda Item
April 9, 2019

10:10 a.m.

Matters Presented by Board Members

Board Agenda Item
April 9, 2019

11:00 a.m.

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
 - 1. Appeal of State Tax Commissioner Ruling that Internet Tax Freedom Act Applies to BPOL Tax
 - 2. Demand Arising from an Automobile Accident that Occurred on February 18, 2017
 - 3. *Andrew Cooper, Rebecca Cooper, Blake Ratcliff, Sara Ratcliff, Cecilia Gonzalez, Cindy Reese, Donald Walker, Debra Walker, Carmen Giselle Huamani Ober, Amjad Arnous, John A. McEwan, Mary Lou McEwan, Kevin Holley, Laura Quirk Niswander, Lori Marsengill, Gary Marsengill, Margaret Wiegenstein, Melinda Norton, Nagla Abdelhalim, Nhung Nina Luong, Quan Nguyen, Robert Ross, Helen Ross, Sanjeev Anand, Anju Anand, Sarah Teagle, Sofia Zapata, Svetla Borisova, Nickolas Ploutis, Melinda Galey, Travis Galey, and Victoria Spellman v. Board of Supervisors of Fairfax County, Virginia, Case No. CL-2018-0012818 (Fx. Co. Cir. Ct.)*
 - 4. *Barry McCabe v. Fairfax County Animal Shelter, Case No, 1:19-cv-00053 (E.D. Va.)*
 - 5. *Mateusz Fijalkowski v. M. Wheeler, S. Adcock, S. Blakely, R. Bronte-Tinkew, C. Clark, J. Grande, R. Jakowicz, L. Labarca, L. McNaught, W. Mulhern, M. Zesk, Sean Brooks, and American Pool, Inc., Case No. 1:18-cv-492 (E.D. Va.)*
 - 6. *Edgar Ayala v. Fairfax County, Case No. 1:18-cv-1350 (E.D. Va.)*
 - 7. *Louella F. Benson v. Penelope A. Gross, et al., Case No.: CL-2018-0000333 (Fx. Co. Cir. Ct.)*

8. *Joseph A. Glean v. Board of Supervisors, Michael J. McGrath, and Christopher J. Pietsch, Case No. CL-2019-0001067 (Fx. Co. Cir. Ct.); Joseph A. Glean v. Board of Supervisors, Case No. CL-2019-002450 (Fx. Co. Cir. Ct.); Joseph A. Glean v. Board of Supervisors, Michael J. McGrath, and Christopher J. Pietsch, Case No. CL-2019-002360 (Fx. Co. Cir. Ct.)*
9. *Modesta Flores v. Isaiah Brooks and Fairfax County, Case No. GV19-001152 (Fx. Co. Gen. Dist. Ct.)*
10. *Tracy L. Groff v. Stephen Lawson, Case No. CL-2018-0009089 (Fx. Co. Cir. Ct.)*
11. *Matthew Gage McCloud v. Mark Butler, Case No. CL-2018-0007408 (Fx. Co. Cir. Ct.)*
12. *Lisa Therese Barnes v. Armando Cruz Hernandez, Case No. CL-2018-0009279 (Fx. Co. Cir. Ct.)*
13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Loretta Darlene George and Amin Musharab, Case No. CL-2019-0002873 (Fx. Co. Cir. Ct.) (Braddock District)*
14. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Mishal H. Al-Thani, Case No. CL-2018-0001769 (Fx. Co. Cir. Ct.) (Dranesville District)*
15. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Lucy W. Berkebile, Case No. CL-2018-0000961 (Fx. Co. Cir. Ct.) (Dranesville District)*
16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. FSI Properties, LLC, Case No. GV19-006359 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)*
17. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Karen I. Scharer, Case No. GV19-006360 (Dranesville District)*
18. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Karen I. Scharer, Case No. GV19-006361 (Dranesville District)*
19. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Hector Medrano, Case No. GV18-024895 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)*
20. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Nicholas A. Nikzad and Pamela L. Nikzad, Case No. GV18-019772 (Fx. Co. Gen. Dist. Ct.) (Town of Vienna; Hunter Mill District)*
21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Fernando A. Ovalle, Case No. CL 2018-0015808 (Fx. Co. Cir. Ct.) (Lee District)*

22. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia and Leslie B. Johnson, Fairfax County Zoning Administrator v. Robert Dunn and Phyllis Dunn*, Case No. CL-2018-0013755 (Fx. Co. Cir. Ct.) (Lee District)
23. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Oscar Maravilla*; Case No. CL-2019-0003395 (Mason District)
24. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ragheb Aburish*, Case No. CL-2017-0015519 (Fx. Co. Cir. Ct.) (Mason District)
25. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Iftikhar Khan*, Case No. CL-2019-0003971 (Fx. Co. Cir. Ct.) (Mason District)
26. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia, v. Shahid Ahmad*, Case No. GV19-005654 (Fx. Co. Gen. Dist. Ct.) (Mason District)
27. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mann Realty, Inc., and 495 Shipping, Inc.*, Case No. CL-2010-0005205 (Fx. Co. Cir. Ct.) (Mount Vernon District)
28. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Virginia Marine Investments, LLC*, Case No. CL-2019-0003530 (Fx. Co. Cir. Ct.) (Mount Vernon District)
29. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Siti C. Siregar*, Case No. CL-2019-0002950 (Fx. Co. Cir. Ct.) (Providence District)
30. *Leslie B. Johnson, Fairfax County Zoning Administrator v. G.H.D. International, Bolmarket Corporation, Lozada Corporation, AASCO Paving Corporation, and Terra Landscape, Inc.*, Case No. CL-2018-0017926 (Fx. Co. Cir. Ct.) (Providence District)
31. *Board of Supervisors of Fairfax County, Virginia, and Leslie B. Johnson, Fairfax County Zoning Administrator v. Board of Zoning Appeals of Fairfax County, Virginia*, Case No. CL 2017 0015190 (Va. Sup. Ct.) (Springfield District)
32. *In re: September 27, 2017, Decision of the Board of Zoning Appeals of Fairfax County, Virginia*, CL-2017-0015193 (Fx. Co. Cir. Ct.) (Springfield District)
33. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Frank A. March*, Case No. GV18-020124 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
34. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Milton V. Alcazar*, Case No. CL-2018-0016777 (Fx. Co. Cir. Ct.) (Sully District)

35. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Chantilly Business Park, LLC, and Aquarius Supply, Inc.*, Case No. CL-2019-0002874 (Fx. Co. Cir. Ct.) (Sully District)
36. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County v. Sun Mi Lee and Ok Chul Choe*, Case No. CL-2019-0003911 (Fx. Co. Cir. Ct.) (Sully District)
37. *Board of Supervisors of Fairfax County v. Jose R. Osorio Renderos*, Case No. CL-2018-0015213 (Fx. Co. Cir. Ct.) (Lee, Mason, Mount Vernon, and Providence Districts)
38. *Board of Supervisors of Fairfax County v. Artaville Oriental Rugs & Antiques, Inc.*, Case No. GV18-027700 (Fx. Co. Gen. Dist. Ct.) (Dranesville and Mount Vernon Districts)

Board Agenda Item
April 9, 2019

2:00 p.m. –

Public Hearing on SE 2018-MV-022 (Maria Del Pilar Chavez Casalino/Pili's Daycare) to Permit a Home Child Care Facility, Located on Approximately 2,310 Square Feet of Land Zoned PDH-3 and NR (Mount Vernon District)

This property is located at 8477 Kitchener Drive, Springfield, 22153. Tax Map 98-4 ((6)) 471.

PLANNING COMMISSION RECOMMENDATION:

On March 6, 2019, the Planning Commission voted 10-0 (Commissioners Carter and Niedzielski-Eichner were absent from the meeting) to recommend to the Board of Supervisors approval of SE 2018-MV-022 subject to the development conditions dated February 13, 2019.

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:
<https://www.fairfaxcounty.gov/planning-zoning/zoning-application-board-packages-fairfax-county-board-supervisors>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Jay Rodenbeck, Planner, DPZ

Board Agenda Item
April 9, 2019

2:00 p.m. –

Public Hearing on Proposed Plan Amendment 2019-CW-1CP, Mobile and Land-Based Telecommunications Policy Plan

ISSUE:

Plan Amendment (PA) 2019-CW-1CP is in response to 2018 Virginia General Assembly legislation on wireless telecommunications infrastructure and the September 26, 2018, Declaratory Ruling and Order adopted by the Federal Communications Commission (FCC Ruling).

PLANNING COMMISSION RECOMMENDATION:

On March 20, 2019, the Planning Commission voted 10-0 (Commissioners Sargeant and Strandlie were absent from the meeting) to defer decision on the proposed Comprehensive Plan Amendment titled Mobile and Land-Based Telecommunications Policy Plan to a date certain of April 3, 2019.

RECOMMENDATION:

The County Executive will provide a recommendation at or before the Board's April 9, 2019 public hearing on this matter, pending a recommendation from the Planning Commission.

TIMING:

Planning Commission public hearing – March 20, 2019 – Defer decision April 3, 2019
Board of Supervisors' public hearing – April 9, 2019

BACKGROUND:

On February 19, 2019, the Fairfax County Board of Supervisors (Board) authorized Plan Amendment (PA) 2019-CW-1CP to update the Mobile and Land-Based Telecommunication Policy Plan Guidelines and Objectives to address the 2018 Virginia General Assembly House Bill 1258 and Senate Bill 405 and the September 26, 2018 Federal Communications Commission (FCC) Declaratory Ruling and Order, along with other associated changes. The proposed Plan amendment will bring the objectives of the Public Facilities portion of the Comprehensive Plan's Policy Plan into compliance with state legislation and federal rulemaking, and it will harmonize with a parallel "Zoning for Wireless Telecommunications Infrastructure" zoning ordinance amendment also addressing the new legislation.

Board Agenda Item
April 9, 2019

The proposed Policy Plan Mobile and Land-Based Telecommunication Services changes include: removing language that is outdated or pre-empted by new Federal rules and State legislation; adding or updating existing language regarding design and/or location of wireless facilities; and expanding types of wireless facilities to be considered for administrative review as a “feature shown” of the Comprehensive Plan.

A more detailed discussed is presented in the Staff Report enclosed as Attachment 1.

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
Attachment 1 – [Staff Report](#)
Attachment 2 – [Staff Recommendation Summary Table](#)
Attachment 3 – [Staff recommended Draft Comprehensive Plan text](#)
Attachment 4 – [Planning Commission Verbatim Excerpt](#)

STAFF:
Rachel Flynn, Deputy County Executive
Fred R. Selden, Director, Department of Planning and Zoning (DPZ)
Marianne R. Gardner, Director, Planning Division, DPZ
Michelle Stahlhut, Branch Chief, Planning Division, DPZ
Bryan Botello, Planner I, Planning Division, DPZ

Board Agenda Item
April 9, 2019

2:00 p.m. –

Public Hearing on SEA 91-S-031-02 (Virginia Electric and Power Company D/B/A Dominion Energy) to Amend SE 91-S-031 Previously Approved for an Electric Substation and Telecommunications Facility to Permit Modifications to Site Design and Development Conditions, Located on Approximately 95.11 Acres of Land Zoned R-C and WS (Springfield District)

This property is located at 12895 Clifton Creek Drive, Clifton, 20124. Tax Map 75-3 ((1)) 10.

PLANNING COMMISSION RECOMMENDATION:

On February 27, 2019, the Planning Commission voted 11-0 (Commissioner Sargeant recused himself from the vote) to recommend the following actions to the Board of Supervisors:

- Approval of SEA 91-S-031-02, subject to the development conditions dated February 13, 2019;
- Approval of a modification of Section 13-303 of the Zoning Ordinance for transitional screening to permit the existing vegetation to meet the requirement; and
- Approval of a waiver of Section 13-304 of the Zoning Ordinance for the barrier requirement.

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:
<https://www.fairfaxcounty.gov/planning-zoning/zoning-application-board-packages-fairfax-county-board-supervisors>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Harold Ellis, Planner, DPZ

Board Agenda Item
April 9, 2019

2:00 p.m. -

Public Hearing to Consider an Ordinance to Amend and Readopt Fairfax County Code Section 7-2-13 and Relocate the Polling Location for the Belleview Precinct in the Mount Vernon District

ISSUE:

Public hearing to consider an ordinance that proposes to amend and readopt Fairfax County Code Section 7-2-13, relating to election precincts and polling locations, to move the polling location for the Belleview precinct.

RECOMMENDATION:

The County Executive recommends adoption of the proposed ordinance.

TIMING:

On March 19, 2019, the Board authorized a public hearing to be held on April 9, 2019, at 2:00 p.m. to consider this ordinance. Board action on April 9, 2019, will allow adequate time to notify voters who are affected by this change in advance of the next election, which is expected to be the June 11, 2019, Primary Election.

BACKGROUND:

The Virginia Code permits the governing body of each county and city to establish by ordinance as many precincts as it deems necessary with one polling place for each precinct. The Board of Supervisors is authorized to change polling place locations subject to the requirements of Virginia Code Sections 24.2-307, 24.2-310, and 24.2-310.1. If approved, the proposed ordinance will make the following change:

In Mount Vernon District, staff recommends moving the polling location for the Belleview precinct. The proposal will move the Belleview precinct polling location to the Martha Washington Library, 6614 Fort Hunt Road, Alexandria, located across the street from its current polling location at Belle View Elementary School. Moving this polling location is necessary at this time due to the extensive renovations of Belle View Elementary School. The June Primary Election will be held while school is still in session, and due to repurposing of spaces within the school as a result of the construction, the area designated for voting will be needed for educational purposes and will be unavailable for voting. Additionally, accessible parking is severely restricted due to construction equipment and classroom trailers. Because the renovations are extensive and ongoing,

Board Agenda Item
April 9, 2019

the relocation of the Belleview polling location will remain in place through at least next fall's General Election.

FISCAL IMPACT:

Insignificant. Funding for precinct and polling place change notifications is provided in the agency's FY 2019 Adopted Budget.

ENCLOSED DOCUMENTS:

Attachment 1: Virginia Code Pertaining to Election Precincts and Polling Places

Attachment 2: Summary of Proposed Change

Attachment 3: Descriptions and Map of Proposed Change

Attachment 4: Proposed Ordinance

STAFF:

Gary D. Scott, General Registrar and Director of Elections

Beth Dixon Methfessel, Clerk to the Fairfax County Electoral Board

ASSIGNED ATTORNEY:

Martin R. Desjardins, Assistant County Attorney

§ 24.2-307. Requirements for county and city precincts.

The governing body of each county and city shall establish by ordinance as many precincts as it deems necessary. Each governing body is authorized to increase or decrease the number of precincts and alter precinct boundaries subject to the requirements of this chapter.

At the time any precinct is established, it shall have no more than 5,000 registered voters. The general registrar shall notify the governing body whenever the number of voters who voted in a precinct in an election for President of the United States exceeds 4,000. Within six months of receiving the notice, the governing body shall proceed to revise the precinct boundaries, and any newly established or redrawn precinct shall have no more than 5,000 registered voters.

At the time any precinct is established, each precinct in a county shall have no fewer than 100 registered voters and each precinct in a city shall have no fewer than 500 registered voters.

Each precinct shall be wholly contained within any election district used for the election of one or more members of the governing body or school board for the county or city.

The governing body shall establish by ordinance one polling place for each precinct.

(Code 1950, §§ 24-45, 24-46; 1954, c. 375; 1956, c. 378; 1962, cc. 185, 536; 1970, c. 462, §§ 24.1-36, 24.1-37; 1971, Ex. Sess., c. 119; 1976, c. 616; 1977, c. 30; 1978, c. 778; 1980, c. 639; 1992, c. 445; 1993, c. 641; 1999, c. [515](#).)

§ 24.2-310. Requirements for polling places.

A. The polling place for each precinct shall be located within the county or city and either within the precinct or within one mile of the precinct boundary. The polling place for a county precinct may be located within a city (i) if the city is wholly contained within the county election district served by the precinct or (ii) if the city is wholly contained within the county and the polling place is located on property owned by the county. The polling place for a town precinct may be located within one mile of the precinct and town boundary. For town elections held in November, the town shall use the polling places established by the county for its elections.

B. The governing body of each county, city, and town shall provide funds to enable the general registrar to provide adequate facilities at each polling place for the conduct of elections. Each polling place shall be located in a public building whenever practicable. If more than one polling place is located in the same building, each polling place shall be located in a separate room or separate and defined space.

C. Polling places shall be accessible to qualified voters as required by the provisions of the Virginians with Disabilities Act (§ [51.5-1](#) et seq.), the Voting Accessibility for the Elderly and Handicapped Act (52 U.S.C. § 20101 et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.). The State Board shall provide instructions to the local electoral boards and general registrars to assist the localities in complying with the requirements of the Acts.

D. If an emergency makes a polling place unusable or inaccessible, the electoral board or the general registrar shall provide an alternative polling place and give notice of the change in polling place, including to all candidates, or such candidate's campaign, appearing on the ballot to be voted at the alternative polling place, subject to the prior approval of the State Board. The general registrar shall provide notice to the voters appropriate to the circumstances of the emergency. For the purposes of this subsection, an "emergency" means a rare and unforeseen combination of circumstances, or the resulting state, that calls for immediate action.

E. It shall be permissible to distribute campaign materials on the election day on the property on which a polling place is located and outside of the building containing the room where the election is conducted except as specifically prohibited by law including, without limitation, the prohibitions of § [24.2-604](#) and the establishment of the "Prohibited Area" within 40 feet of any entrance to the polling place. However, and notwithstanding the provisions of clause (i) of subsection A of § [24.2-604](#), and upon the approval of the local electoral board, campaign materials may be distributed outside the polling place and inside the structure where the election is conducted, provided that the "Prohibited Area" (i) includes the area within the structure that is beyond 40 feet of any entrance to the polling place and the area within the structure that is within 40 feet of any entrance to the room where the election is conducted and (ii) is maintained and enforced as provided in § [24.2-604](#). The local electoral board may approve campaigning activities inside the building where the election is conducted when an entrance to the building is from an adjoining building, or if establishing the 40-foot prohibited area outside the polling place would hinder or delay a qualified voter from entering or leaving the building.

F. Any local government, local electoral board, or the State Board may make monetary grants to any non-governmental entity furnishing facilities under the provisions of § [24.2-307](#) or [24.2-308](#) for use as a polling place. Such grants shall be made for the sole purpose of meeting the accessibility requirements of this section. Nothing in this subsection shall be construed to obligate any local government, local electoral board, or the State Board to appropriate funds to any non-governmental entity.

Code 1950, §§ 24-45, 24-46, 24-171, 24-179 through 24-181; 1954, c. 375; 1956, c. 378; 1962, cc. 185, 536; 1970, c. 462, §§ 24.1-36, 24.1-37, 24.1-92, 24.1-97; 1971, Ex. Sess., c. 119; 1976, c. 616; 1977, c. 30; 1978, c. 778; 1980, c. 639; 1981, c. 425; 1984, c. 217; 1985, c. 197; 1986, c. 558; 1992, c. 445; 1993, cc. 546, 641; 1994, c. [307](#); 2003, c. [1015](#); 2004, c. [25](#); 2005, c. [340](#); 2008, cc. [113](#), [394](#); 2010, cc. [639](#), [707](#); 2012, cc. [488](#), [759](#); 2016, cc. [18](#), [492](#).

§ 24.2-310.1. Polling places; additional requirement.

The requirement stated in this section shall be in addition to requirements stated in §§ [24.2-307](#), [24.2-308](#), and [24.2-310](#), including the requirement that polling places be located in public buildings whenever practical. No polling place shall be located in a building which serves primarily as the headquarters, office, or assembly building for any private organization, other than an organization of a civic, educational, religious, charitable, historical, patriotic, cultural, or similar nature, unless the State Board has approved the use of the building because no other building meeting the accessibility requirements of this title is available.

(1993, c. 904, § 24.1-37.1; 1993, c. 641.)

Attachment 2: Summary of Proposed Change

April 2019 SUMMARY OF PRECINCT AND POLLING PLACE CHANGE

SUPERVISOR DISTRICT	OLD PRECINCT(S)	REGISTERED VOTERS*	OLD POLLING PLACE(S)	NEW PRECINCT(S)	PROJECTED REGISTERED VOTERS	NEW POLLING PLACE(S)	NOTES ON CHANGES
MOUNT VERNON	602 BELLEVIEW	2526	Belle View Elementary School	602 BELLEVIEW	2526	Martha Washington Library	Relocate polling location due to renovation of Belle View Elementary School

* Registered voters as of March, 2019

Commonwealth of Virginia
COUNTY OF FAIRFAX

MOUNT VERNON DISTRICT

DESCRIPTION:

Beginning at the intersection of Telegraph Road and the south corporate boundary of the City of Alexandria, thence with the corporate boundary of the City of Alexandria in a southeasterly direction to its intersection with the Maryland/Virginia State Line (Potomac River), thence with the Maryland/Virginia State Line in a southerly, then generally southwesterly direction to its intersection with the Prince William County/Fairfax County Line (Occoquan River), thence with the Prince William County/Fairfax County Line in a generally northwesterly direction to its intersection with the Virginia Power Easement, thence with the Virginia Power Easement in a northeasterly direction to its intersection with Hooes Road, thence with Hooes Road in a northerly direction to its intersection with Pohick Road, thence with Pohick Road in a generally southeasterly direction to its intersection with the Virginia Power Easement, thence with the Virginia Power Easement in an easterly direction to its intersection with Pohick Creek, thence with the meanders of Pohick Creek in a generally northerly direction to its intersection with the Fairfax County Parkway (Route 7100), thence with the Fairfax County Parkway in an easterly direction to its intersection with Rolling Road, thence with Rolling Road in a southeasterly direction to its intersection with the north boundary of the Ft. Belvoir Military Reservation-North Area (old Proving Grounds), thence with the boundary of the Ft. Belvoir Military Reservation in a generally easterly direction to its intersection with Accotink Creek, thence with the meanders of Accotink Creek in a generally southeasterly direction to its intersection with Fullerton Road, thence with the Fullerton in a generally easterly direction to its intersection with Boudinot Drive, thence with Boudinot Drive in a southeasterly direction to its intersection with Alban Road, thence with Alban Road in a northeasterly direction to its intersection with Backlick Road, thence with Backlick Road in a southeasterly direction to its intersection with the Shirley Memorial Highway (I-95), thence with the Shirley Memorial Highway in a southwesterly direction to its intersection with Newington Road, thence with Newington Road in an easterly direction to its intersection with the Richmond, Fredericksburg and Potomac Railroad, thence with the Richmond, Fredericksburg and Potomac Railroad in a northerly direction to its intersection with the Virginia Power Easement, thence with the Virginia Power Easement in an easterly direction to its intersection with Beulah Road, thence with Beulah Road in a southeasterly, then easterly direction to its intersection with Telegraph Road, thence with Telegraph Road in a northeasterly direction to its intersection with the northeast boundary of the Fort Belvoir Military Reservation, thence with the boundary of the Fort Belvoir Military Reservation in a southeasterly direction to its intersection with the south boundary of Huntley Meadows Park, thence with the boundary of Huntley Meadows Park in a southeasterly, then northeasterly

direction to its intersection with Frye Road, thence with Frye Road in a southerly direction to its intersection with Richmond Highway (Route 1), thence with Richmond Highway in a northeasterly, then northerly direction to its intersection North Kings Highway, thence with North Kings Highway in a northerly direction to its intersection with Telegraph Road, thence with Telegraph Road in a northeasterly direction to its intersection with the south corporate boundary of the City of Alexandria, point of beginning.

As adopted by the Board of Supervisors on June 11, 2001

Section 7-2-9. Mount Vernon District

The Mount Vernon District shall consist of these election precincts: Belle Haven, Belleview, Belvoir, Bucknell, DeLong, Fort Hunt, the southwestern portion of Garfield, Grosvenor, Gunston, Hollin Hall, Hunt, Huntington, Kirkside, Lorton, Marlan, Newington, Pohick Run East, Pohick Run West, Saratoga, Sherwood, Stratford, Waynewood, Westgate, Whitman, the southern portion of Woodlawn, and Woodley.

As amended and readopted by the Board of Supervisors on August 6, 2001

Section 7-2-9. Mount Vernon District

The Mount Vernon District shall consist of these election precincts: Alban, Belle Haven, Belleview, Belvoir, Bucknell, Fort Hunt, Grosvenor, Gunston, Hollin Hall, Hunt, Huntington, Kirkside, Lorton, Marlan, Newington, Pohick Church, Pohick Run, Saratoga, Sherwood, Stratford, Waynewood, Westgate, Whitman, Woodlawn, and Woodley.

NOTES: On August 6, 2001, Pohick Run East and Pohick Run West precincts were renamed Pohick Church and Pohick Run, respectively. The “southwestern portion of Garfield” was named Alban and the “southern portion of Woodlawn” was named Woodlawn. DeLong precinct was combined with Saratoga precinct and abolished.

As recodified and readopted by the Board of Supervisors on March 24, 2003

Section 7-2-9. Mount Vernon District

The Mount Vernon District shall consist of these election precincts: Alban, Belle Haven, Belleview, Belvoir, Bucknell, Fort Hunt, Grosvenor, Gunston, Hollin Hall, Hunt, Huntington, Kirkside, Lorton, Marlan, Newington, Pohick Church, Pohick Run, Saratoga, Sherwood, Stratford, Waynewood, Westgate, Whitman, Woodlawn, and Woodley.

NOTES: On March 24, 2003, the boundary between Hollin Hall and Waynewood precincts was adjusted to conform to the boundary between the Eighth and Eleventh Congressional Districts.

The boundary between the Mount Vernon and Lee Districts and their respective Belvoir and Pioneer precincts was adjusted to conform to the realignment of Newington Road between Backlick Road and the RF&P Railroad tracks. No voters were affected by the adjustment.

Revised and updated descriptions of the precincts were formally adopted to remove antiquated and unnecessary language, to update changes in the names of roads and other features, and to create a uniform format and appearance.

As amended and readopted by the Board of Supervisors on March 8, 2004

Section 7-2-9. Mount Vernon District

The Mount Vernon District shall consist of these election precincts: Alban, Belle Haven, Belleview, Belvoir, Bucknell, Fort Hunt, Grosvenor, Gunston, Hollin Hall, Hunt, Huntington, Kirkside, Lorton, Lorton Center, Lorton Station, Marlan, Newington, Saratoga, Sherwood, Stratford, Waynewood, Westgate, Whitman, Woodlawn, and Woodley.

NOTES: On March 8, 2004, Pohick Church precinct was renamed “Lorton Center” and its polling place was moved to the Lorton Station Recreation Center. The Pohick Run precinct was renamed “Lorton Station” and its polling place was moved to the new Lorton Station Elementary School.

As amended by the Board of Supervisors on June 21, 2004

NOTES: On June 21, 2004, the polling place for the Lorton Center precinct was moved to the Lorton Station Elementary School.

As amended and readopted by the Board of Supervisors on March 27, 2006

Section 7-2-9. Mount Vernon District

The Mount Vernon District shall consist of these election precincts: Alban, Belle Haven, Belleview, Belvoir, Bucknell, Fort Hunt, Grosvenor, Gunston, Hollin Hall, Hunt, Huntington, Kirkside, Laurel Hill, Lorton, Lorton Center, Lorton Station, Marlan, Newington, Saratoga, Sherwood, Stratford, Waynewood, Westgate, Whitman, Woodlawn, and Woodley.

Attachment 3: Descriptions and Maps of Proposed Changes

NOTES: On March 27, 2006, Lorton precinct was divided to form “Laurel Hill” precinct. The polling place for Laurel Hill precinct was established at the South County Secondary School and the polling place for Lorton precinct was moved to the Lorton Library.

Also, on March 27, 2006, the polling place for the Lorton Center precinct was moved to the Grace Bible Church.

As amended by the Board of Supervisors on March 26, 2007

NOTES: On March 26, 2007, the polling place for the Grosvenor precinct was moved to the Huntington Community Center.

As amended by the Board of Supervisors on March 10, 2008

NOTES: On March 10, 2008, the polling place for the Marlan precinct was temporarily moved to the Paul Spring Retirement Community.

The United States Postal Service address for the Lorton Station polling place was updated.

As amended and readopted by the Board of Supervisors on January 12, 2009

Section 7-2-9. Mount Vernon District

The Mount Vernon District shall consist of these election precincts: Alban, Belle Haven, Belleview, Belvoir, Bucknell, Fort Hunt, Grosvenor, Gunston, Hollin Hall, Hunt, Huntington, Kirkside, Laurel Hill, Lorton, Lorton Center, Lorton Station, Marlan, Newington, Saratoga, Sherwood, South County, Stratford, Waynewood, Westgate, Whitman, Woodlawn, and Woodley.

NOTES: On January 12, 2009, Laurel Hill precinct was divided to form South County precinct. The polling place for both precincts is the South County Secondary School.

As amended by the Board of Supervisors on July 27, 2010

NOTES: On July 27, 2010, the polling place for the Marlan precinct was permanently moved to the Paul Spring Retirement Community.

As amended and readopted by the Board of Supervisors on April 26, 2011

Section 7-2-9. Mount Vernon District

The Mount Vernon District shall consist of these election precincts: Alban, Belle Haven, Belleview, Belvoir, Bucknell, Fort Hunt, Grosvenor, Gunston, Hollin Hall, Huntington, Kirkside, Laurel Hill, Lorton, Lorton Center, Lorton Station, Marlan, Newington, Saratoga, Sherwood, South County, Stratford, Waynewood, Westgate, Whitman, Woodlawn, and Woodley.

REDISTRICTING NOTES: On April 26, 2011, the Board adopted their redistricting plan that divided the Woodlawn precinct along Frye Road to create a new precinct named “Pinewood Lake” and moved the Pinewood Lake precinct into Lee District.

As amended and readopted by the Board of Supervisors on July 26, 2011

Section 7-2-9. Mount Vernon District

The Mount Vernon District shall consist of these election precincts: Alban, Belle Haven, Belleview, Belvoir, Bucknell, Fort Hunt, Grosvenor, Gunston, Hollin Hall, Huntington, Kirkside, Laurel Hill, Lorton, Lorton Center, Lorton Station, Marlan, Newington, Riverside, Saratoga, Sherwood, South County, Stratford, Waynewood, Westgate, Woodlawn, and Woodley.

NOTES: On July 26, 2011, the Board renamed Whitman precinct “Riverside” and adjusted the boundaries of Belle Haven, Belleview, Fort Hunt, Grosvenor, Gunston, Hollin Hall, Huntington, Sherwood, Stratford, and Westgate precincts.

As amended by the Board of Supervisors on July 10, 2012

NOTES: On July 10, 2012, the Board moved the polling place for South County precinct to the South County Middle School and renamed the polling place for Laurel Hill precinct from “South County Secondary School” to “South County High School.”

As amended by the Board of Supervisors on July 9, 2013

NOTES: On July 9, 2013, the Board adjusted the boundaries between Alban and Saratoga precincts; moved the polling place for Laurel Hill precinct to the Laurel Hill Elementary School; moved the polling place for South County precinct to the South County High School; and moved the polling place for Woodlawn precinct to the Knights of Columbus #5998.

As amended by the Board of Supervisors on November 18, 2014

NOTES: On November 18, 2014, the Board adjusted the boundaries between Belvoir and Woodlawn precincts.

As amended and readopted by the Board of Supervisors on July 11, 2017

Section 7-2-9. Mount Vernon District

The Mount Vernon District shall consist of these election precincts: Alban, Army, Belle Haven, Belleview, Belvoir, Bucknell, Fort Hunt, Grosvenor, Gunston, Hollin Hall, Huntington, Kirkside, Laurel Hill, Lorton, Lorton Station, Marlan, Newington, Riverside, Saratoga, Sherwood, South County, Stratford, Waynewood, Westgate, Woodlawn, and Woodley.

NOTES: On July 11, 2017, the Board consolidated Lorton Center precinct into the southern portion of Belvoir precinct, and established its polling location at the Newington DVS Facility.

The Board also created a new precinct, "Army", from the northern portion of Belvoir precinct with its polling location at the Kingstowne Library.

As amended by the Board of Supervisors on December 4, 2018

Section 7-2-9. Mount Vernon District

NOTES: On December 4, 2018, the description of Belvoir precinct was amended and readopted to change the address of the polling place [facility] from 6900 Newington Road to 8201 Cinder Bed Road.

As amended by the Board of Supervisors on April 9, 2019

Section 7-2-9. Mount Vernon District

NOTES: On April 9, 2019, the Board relocated the polling place for Belleview precinct to the Martha Washington Library.

Commonwealth of Virginia
COUNTY OF FAIRFAX
Mount Vernon District

PRECINCT 602: BELLEVIEW

CONGRESSIONAL DISTRICT: EIGHTH
VIRGINIA SENATORIAL DISTRICT: THIRTIETH
HOUSE OF DELEGATES DISTRICT: FORTY-FIFTH

DESCRIPTION:

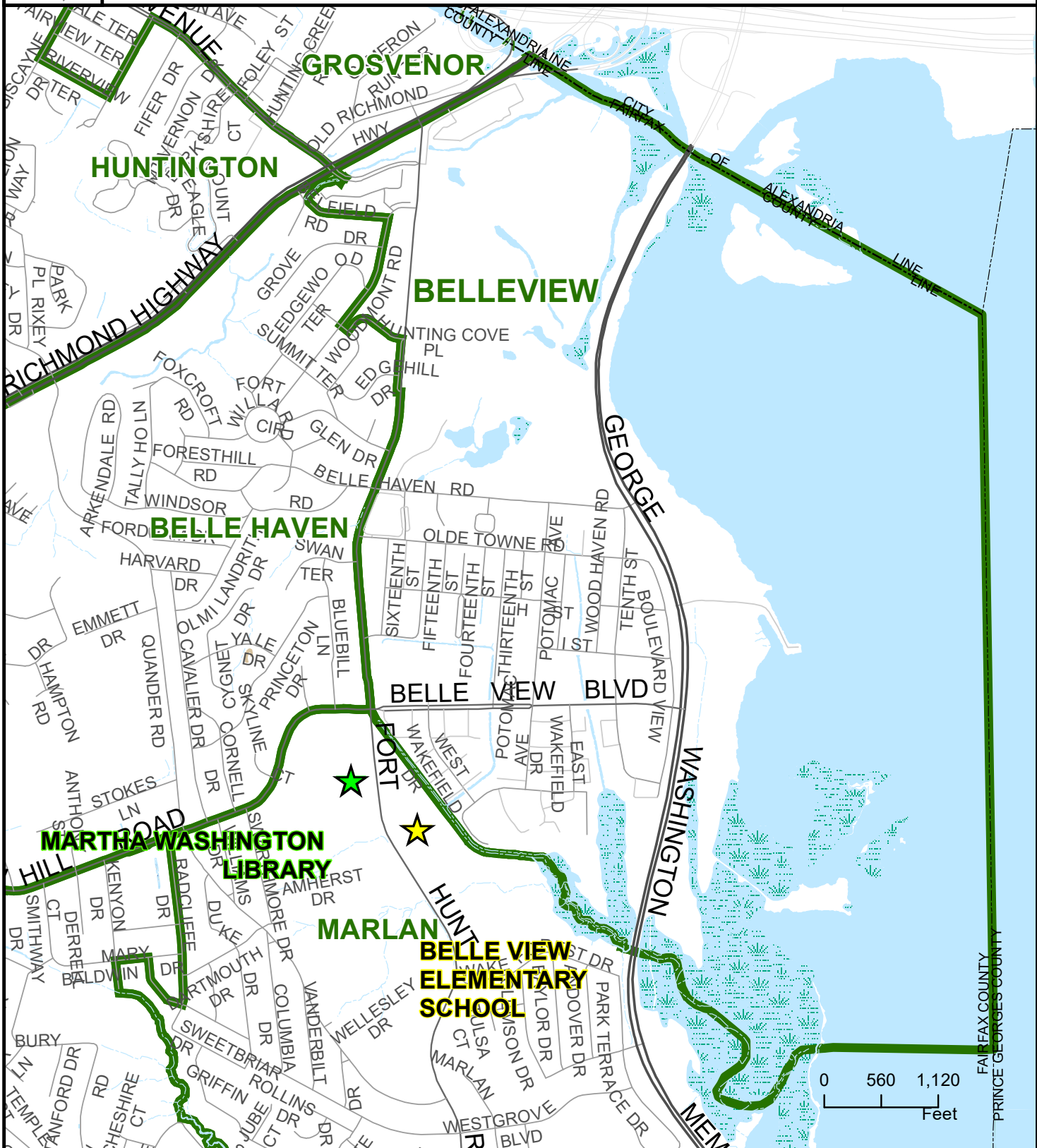
Beginning at the intersection of Richmond Highway (Route 1) and the south corporate boundary of the City of Alexandria, thence with the corporate boundary of the City of Alexandria in a southeasterly direction to its intersection with the Maryland/Virginia State Line (Potomac River), thence with the Maryland/Virginia State Line in a southerly direction to its intersection with the projection of an unnamed stream (crosses the George Washington Parkway north of Wake Forest Drive), thence with this projection and the unnamed stream, into and through Dykes Marsh, in a northwesterly direction to its intersection with Fort Hunt Road at Belle View Boulevard, thence with Fort Hunt Road in a northerly direction to its intersection with Hunting Cove Place, thence with Hunting Cove Place in a northwesterly, then southwesterly direction to its intersection with Vernon Terrace, thence with Vernon Terrace in a northwesterly direction to its intersection with Woodmont Road, thence with Woodmont Road in a northeasterly direction to its intersection with Belfield Road, thence with Belfield Road and an extension of Belfield Road in a westerly direction to its intersection with an unnamed stream, thence with the unnamed stream in a northeasterly direction to its intersection with Huntington Avenue, thence with Huntington Avenue in a northwesterly direction to its intersection with Richmond Highway, thence with Richmond Highway in a northeasterly direction to its intersection with the south corporate boundary of the City of Alexandria, point of beginning.

POLLING PLACE: ~~Belle View Elementary School~~ Martha Washington Library
6701 6614 Fort Hunt Road, Alexandria

MAP GRIDS: 83-2, 83-3, 83-4, 93-1, 93-2

NOTES: Established 1957
Precinct description revised and readopted – March 2003
Precinct boundary adjusted with Belle Haven – July 2011
Polling place relocated – April 2019

Commonwealth of Virginia
County of Fairfax
Mount Vernon District



Proposed Polling Place Change for: 602 BELLEVIEW

March 2019

- ★ **Current name & address:** Belle View Elementary School, 6701 Fort Hunt Rd
- ★ **Proposed name & address:** Martha Washington Library, 6614 Fort Hunt Rd

1 **PROPOSED ORDINANCE TO AMEND AND READOPT FAIRFAX COUNTY CODE**
2 **SECTION 7-2-13 AND RELOCATE THE POLLING LOCATION FOR THE BELLEVIEW**
3 **PRECINCT IN THE MOUNT VERNON DISTRICT.**

4
5
6

Draft of March 19, 2019

7 AN ORDINANCE to amend and readopt Fairfax County Code Section 7-2-13 and
8 relocate the polling location for the Belleview precinct in the Mount Vernon
9 District.

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11

Be it ordained that the Board of Supervisors of Fairfax County:

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1. That Section 7-2-13 of the Fairfax County Code is amended and readopted:

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16
17

Section 7-2-13. - General provisions.

18 All references to election precincts shall refer to those precincts, together with the
19 descriptions and maps of the boundaries and polling places for each of those
20 precincts, which were adopted by the Board of Supervisors on March 24, 2003,
21 as amended on March 8, 2004, March 21, 2005, March 27, 2006, March 26,
22 2007, September 10, 2007, March 10, 2008, January 12, 2009, March 9, 2010,
23 July 27, 2010, April 26, 2011, July 26, 2011, January 10, 2012, July 10, 2012,
24 March 19, 2013, July 9, 2013, November 18, 2014, June 23, 2015, December 8,
25 2015, July 12, 2016, July 11, 2017, March 20, 2018, ~~and~~ December 4, 2018, and
26 April 9, 2019, and kept on file with the clerk to the Board of Supervisors.
27 Whenever a road, a stream, or other physical feature describes the boundary of
28 a precinct, the center of such road, stream, or physical feature shall be the
29 dividing line between that precinct and any adjoining precinct.

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2. That the election polling place for the following existing precinct is established at:

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<u>Supervisor District</u>	<u>Precinct</u>	<u>Polling Place</u>
Mount Vernon District	Belleview (polling place relocated)	From: Belle View Elementary School 6701 Fort Hunt Road Alexandria, VA 22307
		To: Martha Washington Library 6614 Fort Hunt Road Alexandria, VA 22307

- 46 **3. That this ordinance shall become effective upon adoption.**
47
48
49 **4. That the Clerk for the Board of Supervisors shall send a certified copy**
50 **of this ordinance, with maps and boundary descriptions, to the Fairfax**
51 **County Electoral Board, the State Board of Elections, and the Division**
52 **of Legislative Services, as required under Va. Code § 24.2-306(C).**
53

54
55 GIVEN under my hand this _____ day of _____, 2019.
56

57
58 _____
59 Catherine A. Chianese
60 Clerk to the Board of Supervisors

**To be Deferred to
5/21/19 at 3:30 p.m.**

Board Agenda Item
April 9, 2019

2:00 p.m.

Public Hearing on PCA 84-C-048 (Prince Towne, LLC) to Amend the Proffers for RZ 84-C-048 Previously Approved for Residential Development to Permit Residential Development at a Density of 1.84 Dwelling Units Per Acre with Associated Modifications to Proffers and Site Design, Located on Approximately 4.9 Acres of Land Zoned R-2 (Hunter Mill District)

This property is located on the N.W. side of West Ox Road, approximately 600 feet E. of Fairfax County Parkway. Tax Map 25-4 ((14) 85, 86 and 87.

The Board of Supervisors deferred this public hearing from March 19, 2019 to April 9, 2019, at 2:00 p.m.

PLANNING COMMISSION RECOMMENDATION:

On March 14, 2019, the Planning Commission voted 11-0 (Commissioner Clarke was absent from the meeting) to defer the decision only for PCA 84-C-048 to a date certain of March 27, 2019. On March 27, 2019, the Planning Commission voted 10-0 (Commissioner Murphy was absent from the meeting; Commissioner Sargeant was absent from the vote) to defer the decision only to a date certain of May 8, 2019. The Planning Commission recommendation will be forwarded following decision.

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:
<https://www.fairfaxcounty.gov/planning-zoning/zoning-application-board-packages-fairfax-county-board-supervisors>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Harold Ellis, Planner, DPZ

Board Agenda Item
April 9, 2019

2:00 p.m.

Public Hearing on PCA 2013-MV-001/CDPA 2013-MV-001 (Wesley Huntington Landlord, LLC) to Amend the Uses, Proffers and Conceptual Development Plan for RZ 2013-MV-001 Previously Approved for Mixed-Use Development, to Permit Mixed-Use Development and Associated Modifications to Proffers and Site Design with an Overall Floor Area Ratio of 2.99, Located on Approximately 1.04 Acres of Land Zoned PRM (Mount Vernon District)

This property is located in the S.E. quadrant of the intersection of Biscayne Drive and Huntington Avenue. Tax Map 83-1 ((8)) 92A, 92B, 93A, 93B and 94A

The Board of Supervisors deferred this public hearing from March 19, 2019 to April 9, 2019, at 2:00 p.m.

PLANNING COMMISSION RECOMMENDATION:

On March 14, 2019, the Planning Commission voted 11-0 (Commissioner Clarke was absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 2013-MV-001 and the associated CDPA, subject to the execution of proffered conditions consistent with those dated March 13, 2019;
- Approval of a modification of Sect. 11-203 of the Zoning Ordinance for required loading spaces to permit the single loading space depicted on the CDPA/FDPA;
- Approval of a modification of Sect. 13-303 of the Zoning Ordinance for transitional screening between the uses within the proposed development and surrounding properties to that shown on the CDPA/FDPA;
- Approval of a waiver of Sect. 13-304 of the Zoning Ordinance for the barrier requirements between the uses within the proposed development and surrounding properties;

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April 9, 2019

- Approval of a waiver of Par. 2 of Sect. 17-201 of the Zoning Ordinance for the requirement to construct an on-road bike lane in favor of a contribution for future funding;
- Approval of a waiver of Par. 3 of Sect. 17-201 of the Zoning Ordinance for the requirement to provide inter-parcel connections to adjoining parcels; and
- Approval of a waiver of Par. 4 and 10 of Sect. 17-201 of the Zoning Ordinance for further construction and/or widening of existing roads surrounding the application property and of the requirement for under-grounding existing utilities.

In a related action, the Planning Commission voted 11-0 (Commissioner Clarke was absent from the meeting) to approve FDPA 2013-MV-001, subject to the development conditions dated February 6, 2019, and subject to the Board of Supervisors' approval of PCA 2013-MV-001 and the associated CDPA.

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:
<https://www.fairfaxcounty.gov/planning-zoning/zoning-application-board-packages-fairfax-county-board-supervisors>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Jay Rodenbeck, Planner, DPZ

Board Agenda Item
April 9, 2019

2:30 p.m. -

Public Hearing on a Proposed Zoning Ordinance Amendment Re: Zoning for Wireless Telecommunications Infrastructure

ISSUE:

The proposed Zoning Ordinance amendment is in response to 2018 legislation on wireless telecommunications infrastructure and the September 26, 2018, Declaratory Ruling and Order adopted by the Federal Communications Commission (FCC Ruling).

PLANNING COMMISSION RECOMMENDATION:

On March 20, 2019, the Planning Commission voted 10-0 (Commissioners Sargeant and Strandlie were absent from the meeting) to defer decision on the proposed Zoning Ordinance Amendment titled Zoning for Wireless Telecommunications Infrastructure to a date certain of April 3, 2019.

The Planning Commission also voted 10-0 (Commissioners Sargeant and Strandlie were absent from the meeting) to direct staff to include in the advertisement for the Board of Supervisors public hearing Architectural Review Board review of new fifty-foot or smaller structures on historic roadways and historic properties that are not already located in an historic district.

RECOMMENDATION:

The County Executive will provide a recommendation at or before the Board's April 9, 2019, public hearing on this matter, pending a recommendation from the Planning Commission.

TIMING:

Board of Supervisors' authorization to advertise - February 19, 2019; Planning Commission public hearing - March 20, 2019, at 7:30 p.m., Deferred Planning Commission Decision – April 3, 2018, at 7:30 p.m.; Board of Supervisors' public hearing - April 9, 2019, at 2:30 p.m.

BACKGROUND:

The first telecommunication facilities were proposed in Fairfax County in 1983 and since that time the use and demand for wireless technologies has greatly increased. The use of 4G wireless infrastructure has been deployed over the last decade and mobile

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carriers are planning to implement 5G technology in the near future. The need for 5G deployment is driven by rapidly increasing mobile data usage and the proliferation of connected devices. The 5G wireless facilities is expected to have increased bandwidth, lower latency, and shorter signal ranges. The shorter signal ranges require denser networks of small cell antennas than what was required with the 4G technology. In order to facilitate the 5G deployment, there have been recent changes to both federal and state wireless facility regulations.

Changes in Virginia Law. On July 1, 2018, new wireless telecommunications legislation took effect after the 2018 legislative session during which the Virginia General Assembly adopted House Bill 1258 and Senate Bill 405. Virginia Code § 15.2-2316.3 now defines the term “administrative review-eligible project” (AREP) to include two types of projects: (1) the installation or construction of a new structure that is not more than 50 feet in height (and meets all other applicable criteria); and (2) the co-location on an existing structure of a wireless facility that is not a small cell facility. Virginia Code § 15.2-2316.4:1 prohibits localities from requiring a special exception for AREPs, but it allows localities to require administrative review for the issuance of a zoning permit for those projects. Projects that do not qualify as AREPs or small cell facilities were identified as standard process projects under the legislation. The legislation allows localities to continue requiring a special exception for standard process projects, subject to limits on the localities’ ability to require certain information or to disapprove applications for certain reasons.

Response to Legislation. Until the legislation took effect on July 1, 2018, co-locations that fell within the by-right limitations in Sect. 2-514 of the Fairfax County Zoning Ordinance were processed without a zoning permit. The by-right limitations included size, height, location, and screening requirements. Co-locations required a Planning Commission feature-shown review under the Comprehensive Plan and § 15.2-2232 of the *Code of Virginia* (2232 Review) and a \$750 feature-shown application fee (unless they qualified for review under Section 6409 of the Spectrum Act, in which case they were subject to a \$500 Sect. 6409 application fee). All new poles, regardless of height, and all other co-locations, which did not meet the Sect. 2-514 standards (or the Sect. 6409 criteria), were subject to special exception approval by the Board, a \$16,375 application fee, and a 2232 Review by the Planning Commission. The special exception and 2232 Review were processed simultaneously and there was no separate 2232 Review application fee.

With the new legislation, co-locations of non-small cell facilities on existing structures and the installation of qualifying new structures up to 50 feet in height can no longer require special exception approval, but the County may require a permit for these AREPs with a \$500 application fee. The County could also continue to require special exception approval for other projects subject to an application fee that does not exceed

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actual direct costs. Since no change was made to § 15.2-2232, a 2232 Review would still be required.

To harmonize the County's regulatory framework with the new legislation, the Board of Supervisors on July 31, 2018, adopted a combined 2232/zoning permit for all AREPs with a fee of \$500. AREPs are now processed administratively without a public hearing and are subject to objective criteria based on existing guidelines in the Comprehensive Plan and Sect. 2-514 of the Zoning Ordinance which include reasonable requirements for the presentation and appearance of projects. On July 31, 2018, the Board also authorized the advertisement of public hearings for a proposed Zoning Ordinance amendment that would implement the 2018 wireless telecommunication legislation and would codify the new 2232/zoning permit requirement for AREPs. Staff estimated the actual cost of processing a wireless facility special exception application, including staff review time, inspections, advertising and production costs, to be at least \$6,200. As the legislation limited special project application filing fees to no more than the actual costs, the proposed amendment also reduced the special exception fee for standard process projects from \$16,375 to \$6,200.

Due to the FCC Ruling discussed below, on October 16, 2018, the Board withdrew the Zoning for Wireless Telecommunications Infrastructure Zoning Ordinance Amendment and asked staff to review and revise the amendment, and bring the revised amendment to the Board for authorization to advertise. As a result, the scheduled Planning Commission and Board public hearings on the amendment were cancelled. On that same day, to comply with the Virginia Code while allowing the County to continue to process special exception applications for wireless facilities pending Board action on the amendment, the Board reduced the filing fee for such applications to \$6,200.

FCC Ruling. On September 26, 2018, the Federal Communications Commission (FCC) adopted a Declaratory Ruling and Order which became effective on January 14, 2019. The FCC Ruling:

- Defines small wireless facilities (SWF) as facilities no greater than 3 cubic feet mounted on structures 50 feet or less in height including their antennas.
- Imposes new deadlines for processing SWF applications.
- Creates a 3-part test for aesthetics, minimum spacing, and undergrounding requirements for SWFs. Requirements must be (1) reasonable, (2) no more burdensome than requirements for other similar infrastructure deployments, and (3) objective and published in advance.
- Establishes a new standard for what should be considered a prohibition or effective prohibition on service. This standard prohibits localities from implementing legal requirements that materially inhibit an applicant from participating in activities relating to (1) filling a coverage gap, (2) increasing the density of a wireless network, (3) introducing new services or (4) otherwise

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- improving existing service.
- Localities must adopt aesthetic requirements, if at all, by April 15, 2019.

Zoning Ordinance Amendment. The proposed Zoning Ordinance Amendment would implement the 2018 Virginia wireless telecommunication legislation and the FCC Ruling. In order to give the Board flexibility to consider a broad range of alternatives, the amendment has been drafted to contain four main options as outlined below.

- Option 1. Exempt all co-locations, including small cell facilities, on existing structures, from the Zoning Ordinance, except for any building or other permits required for the wireless facilities or existing structures. This option can be considered in conjunction with any of the other three options.

Benefits:

- Reduces local regulatory burden (through deference to State and Federal guidelines).
- Decreases expenditure of local government resources.
- Decreases possibility of legal challenges.

Challenges:

- Eliminates the consideration of community impacts, including aesthetics.
- Option 2. Exempt all new utility and distribution poles (poles) and their associated facilities up to 50 feet in height from the Zoning Ordinance, except for any building or zoning permits required for the facilities on the poles (or exempt those facilities, too).

Benefits:

- Reduces local regulatory burden (through deference to State and Federal guidelines).
- Decreases expenditure of local government resources.
- Decreases possibility of legal challenge.

Challenges:

- Possible proliferation of poles.
- Eliminates the consideration of community impacts, including aesthetics.

- Option 3.
 1. Exempt poles and their associated facilities up to 50 feet in height from the Zoning Ordinance if they are located within the street right-of-way or a utility easement; EXCEPT for
 2. Historic Districts/Private Property
 - a. Administrative Review: Any new pole and associated facilities up to 50 feet in height on private property or in a historic district will be subject to administrative review by the Zoning Administrator, but in historic districts they will also be reviewed by the Architectural Review Board (ARB) with specific criteria; OR
 - b. Board Review: Any such new pole will require special exception approval for historic district or private property, but review must be done in 90 days with limited grounds for denial.

Benefits:

- County regulates only poles located outside any street right-of-way or utility easement (otherwise deference to State and Federal guidelines).
- Clear standards for historic districts published in advance.
- Decreases expenditure of local government resources.
- Decreases possibility of legal challenge.

Challenges:

- Short deadlines for review of poles in historic districts.
- Illusion of special exception approval authority, but legally constrained scope of review.
- Reduces consideration of community impacts, including aesthetics.

- Option 4. Create standards for all new 50-foot or smaller poles and their associated facilities and ground mounted equipment including
 1. Wires, cables, and equipment on poles: new proposed size and aesthetic regulations.
 2. Equipment maximum equipment sizes for both ground mounted and pole-mounted equipment.
 3. Minimum Spacing Options
 - a. Minimum spacing between poles (which could depend on location), OR
 - b. Option not to require minimum spacing.
 4. Undergrounding Options

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April 9, 2019

- a. Zoning Administrator will/may disapprove all applications for poles/utility support structures in areas planned for undergrounding, OR
 - b. Option not to deny applications in areas planned for undergrounding.
5. Historic District Options
- a. Any new structure proposed in a historic district is subject to ARB review, OR
 - b. Option not to require ARB review.

Benefits:

- Clear guidelines.
- Consideration of community interests, including aesthetics.
- Objective and inclusive standards, applicable to all similar infrastructure.
- Advance publication.

Challenges:

- Unknown implications for structures that were not previously regulated.
- Unclear FCC Ruling regarding permissible restrictions.
- Increases expenditure of local government resources due to increased administration and processing.
- Increases pressure to meet required short deadlines for review.

A more detailed discussion is presented in the Staff Report enclosed as Attachment 1. At the Planning Commission's public hearing on March 20, 2019, staff distributed a summary table of the staff recommendation for the proposed Zoning Ordinance Amendment and the corresponding Comprehensive Plan amendment (See Attachment 2). In addition, staff distributed a March 20, 2019 version of the proposed Zoning Ordinance Amendment which highlighted the staff recommended options (See Attachment 3).

REGULATORY IMPACT:

Regulatory impacts will vary depending on which proposed option is selected. The option with the greatest regulatory impact would be if all wireless facility co-locations on existing facilities and all new 50-foot-tall or smaller structures in all areas require Zoning Administrator approval of an AREP permit (though not all would fall under the definition of AREP, they could be subject to that type of permit and fee, rather than requiring a special exception). The AREP permit application will involve a combined zoning and 2232 review. Both reviews will be conducted administratively for a single \$500 fee. Projects that do not qualify as small cell facilities or AREPs or that are not otherwise exempt, permitted by right, or processed under Sect. 6409 will be processed as standard process projects.

Board Agenda Item
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FISCAL IMPACT:

The Board approved a \$500 permit fee for review of AREP applications on October 16, 2018. Based on the patterns exhibited in FY 2018, it is estimated that this change could result in a small potential revenue loss of \$5,500. Similarly, the Board approved a reduction of the special exception fee from \$16,375 to \$6,200, and this amendment proposes to codify that change. This reduction could result in a potential revenue loss of approximately \$33,000. There may be more significant revenue impacts if behavior regarding permit applications changes as a result of this legislation. Department of Planning and Zoning staff will work with staff from the Department of Management and Budget to monitor these fees and notify the Board if budgetary adjustments are needed to revenues.

ENCLOSED DOCUMENTS:

Attachment 1 – Staff Report <https://www.fairfaxcounty.gov/planning-zoning/sites/planning-zoning/files/assets/documents/zoning%20ordinance/proposed%20amendments/wirelesscommunicationstaffreport.pdf>

Attachment 2 – Staff Recommendation Summary Table
<https://www.fairfaxcounty.gov/planning-zoning/sites/planning-zoning/files/assets/documents/zoning%20ordinance/proposed%20amendments/summary-table.pdf>

Attachment 3 – March 20, 2019, Proposed Zoning Ordinance Amendment
<https://www.fairfaxcounty.gov/planning-zoning/sites/planning-zoning/files/assets/documents/zoning%20ordinance/proposed%20amendments/zo-staff-recommended-text.pdf>

Attachment 4 – Planning Commission Verbatim
<https://www.fairfaxcounty.gov/planningcommission/sites/planningcommission/files/assets/documents/pdf/2019%20verbatim/verbatim032019pzoa-pa2019-cw-1cp.pdf>

STAFF:

Rachel Flynn, Deputy County Executive
Fred Selden, Director, Department of Planning and Zoning (DPZ)
Leslie B. Johnson, Zoning Administrator, DPZ
Lorrie Kirst, Senior Deputy Zoning Administrator, DPZ

ASSIGNED COUNSEL:

Laura S. Gori, Senior Assistant County Attorney, (OCA)
Wemi Peters, Assistant County Attorney, OCA

Board Agenda Item
April 9, 2019

2:30 p.m.

Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Little River Turnpike Walkway from Columbia Rd. to Mayhunt Ct. (Mason District)

ISSUE:

Public Hearing on the acquisition of certain land rights necessary for the construction of Project 5G25-060-045, Little River Turnpike Walkway from Columbia Rd. to Mayhunt Ct., Fund 300-C30050, Transportation Improvements.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors (Board) adopt the attached resolution authorizing the acquisition of the necessary land rights.

TIMING:

On March 19, 2019, the Board authorized advertisement of a public hearing to be held on April 9, 2019, at 2:30 p.m.

BACKGROUND:

This Pedestrian Improvement Project consists of installing approximately 2,580 linear feet of sidewalk to fill in missing links, including Americans with Disabilities Act (ADA) compliant crosswalks and curb ramps.

Land rights for these improvements are required on five properties, two of which have been acquired by the Land Acquisition Division (LAD). The construction of this project requires the acquisition of Dedication, Storm Drainage and Grading Agreement and Temporary Construction Easements.

Negotiations are in progress with the remaining affected property owners; however, because resolution of these acquisitions is not imminent, it may be necessary for the Board to utilize quick-take eminent domain powers to commence construction of this project on schedule. These powers are conferred upon the Board by statute, namely, Va. Code Ann. Sections 15.2-1903 through 15.2-1905 (as amended). Pursuant to these provisions, a public hearing is required before property interests can be acquired in such an accelerated manner.

Board Agenda Item
April 9, 2019

FISCAL IMPACT:

Funding is available in Project 5G25-060-000, Pedestrian Improvements - 2014, Fund 30050, Transportation Improvements. This project is included in the FY 2019 – FY 2023 Adopted Capital Improvements Program (with future fiscal years to FY 2028). No additional funding is being requested from the Board.

ENCLOSED DOCUMENTS:

Attachment A1 & A2 – Project Location Map

Attachment B – Resolution with Fact Sheets on the affected parcels with plats showing interests to be acquired (Attachments 1 through 2B).

STAFF:

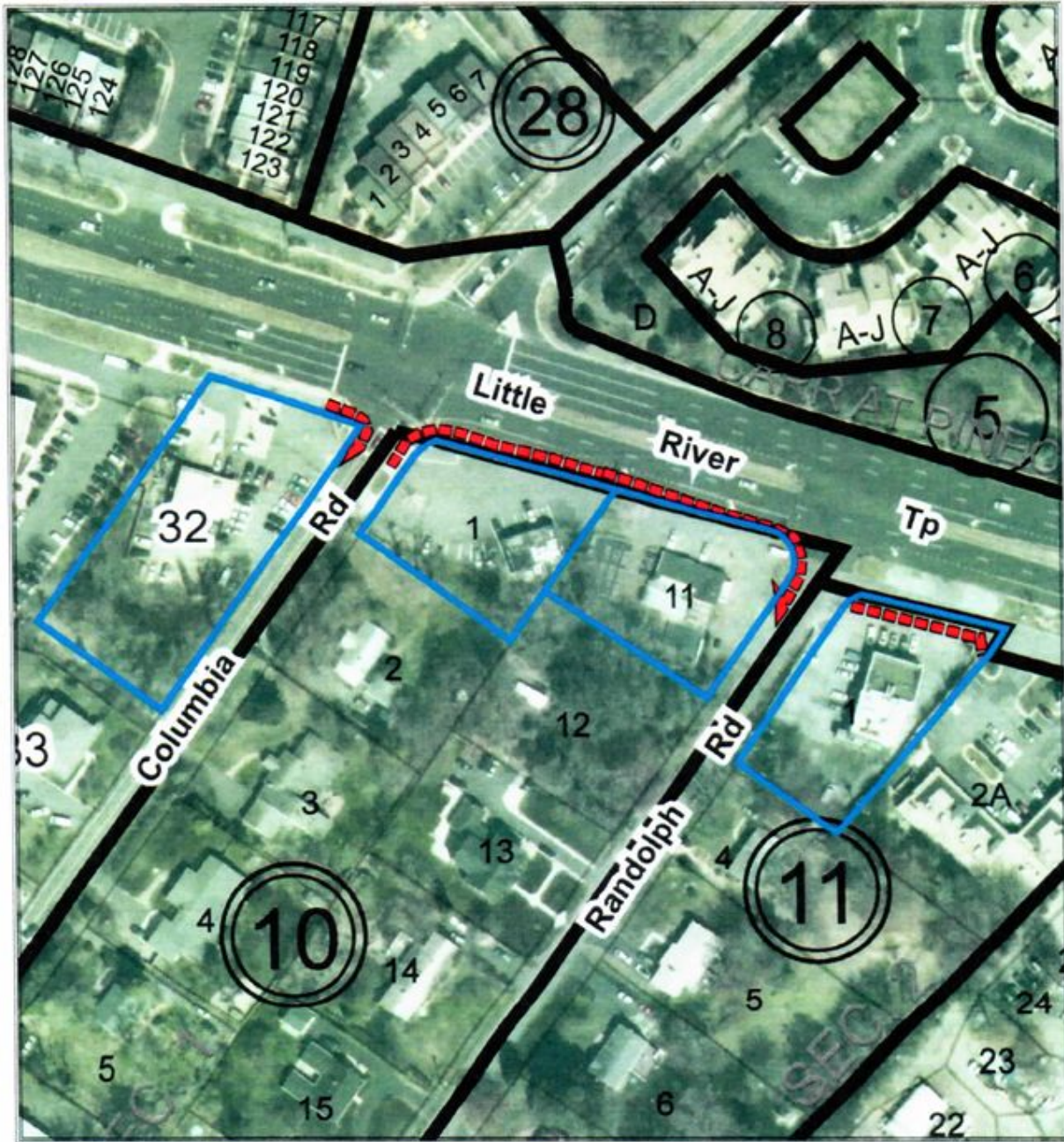
Rachel Flynn, Deputy County Executive

Randolph W. Bartlett, Director, Department of Public Works and Environmental Services (DPWES)

Ronald N. Kirkpatrick, Deputy Director, DPWES, Capital Facilities

ASSIGNED COUNSEL:

Pamela K. Pelto, Assistant County Attorney, Office of the County Attorney



Little River Tnpk Walkway- Columbia Rd - Mayhunt Ct

Project: 5G25-060-045

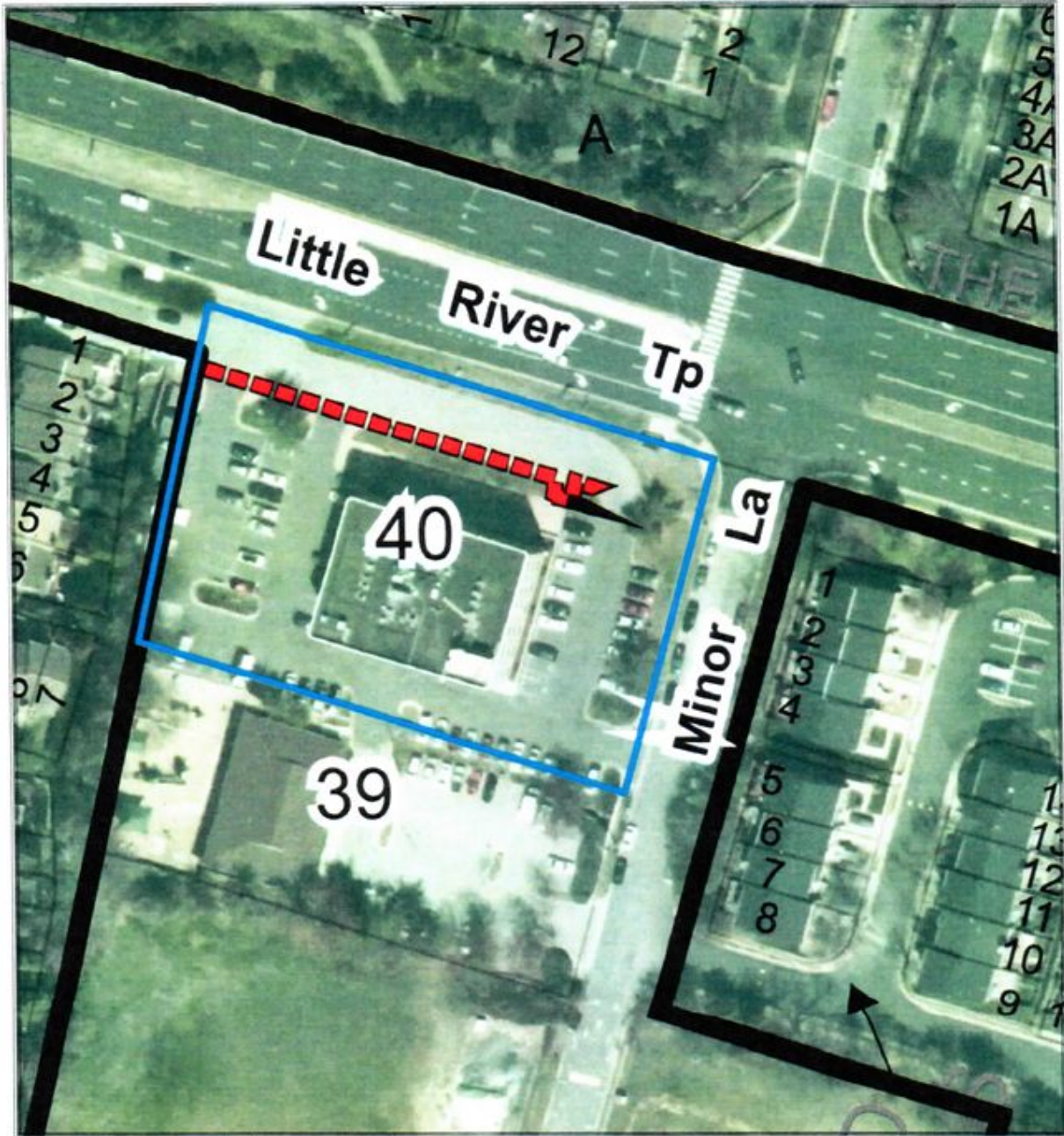
Tax Map: 071-2

Mason District

Affected Properties: 

Proposed Improvements: 





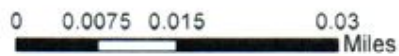
Little River Tnpk Walkway- Columbia Rd - Mayhunt Ct
 Project: 5G25-060-045

Tax Map: 071-2

Mason District

Affected Properties:

Proposed Improvements:



ATTACHMENT B

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday, April 9, 2019, at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, certain Project 5G25-060-045, Little River Turnpike Walkway from Columbia Rd. to Mayhunt Ct. had been approved; and

WHEREAS, a public hearing pursuant to advertisement of notice was held on this matter, as required by law; and

WHEREAS, the property interests that are necessary have been identified; and

WHEREAS, in order to keep this project on schedule, it is necessary that the required property interests be acquired not later than May 9, 2019.

NOW THEREFORE BE IT RESOLVED, that the Director, Land Acquisition Division, in cooperation with the County Attorney, is directed to acquire the property interests listed in Attachments 1 through 2B by gift, purchase, exchange, or eminent domain; and be it further

RESOLVED, that following the public hearing, this Board hereby declares it necessary to acquire the said property and property interests and that this Board intends to enter and take the said property interests for the purpose of installing approximately 2,580 linear feet of sidewalk to fill in missing links, including Americans with Disabilities Act (ADA) compliant crosswalks and curb ramps as shown and described in the plans of Project 5G25-060-045, Little River Turnpike Walkway from

Columbia Rd. to Mayhunt Ct., on file in the Land Acquisition Division of the Department of Public Works and Environmental Services, 12000 Government Center Parkway, Suite 449, Fairfax, Virginia; and be it further

RESOLVED, that this Board does hereby exercise those powers granted to it by the Code of Virginia and does hereby authorize and direct the Director, Land Acquisition Division, on or subsequent to May 9, 2019, unless the required interests are sooner acquired, to execute and cause to be recorded and indexed among the land records of this County, on behalf of this Board, the appropriate certificates in accordance with the requirements of the Code of Virginia as to the property owners, the indicated estimate of fair market value of the property and property interests and/or damages, if any, to the residue of the affected parcels relating to the certificates; and be it further

RESOLVED, that the County Attorney is hereby directed to institute the necessary legal proceedings to acquire indefeasible title to the property and property interests identified in the said certificates by condemnation proceedings, if necessary.

LISTING OF AFFECTED PROPERTIES
Project 5G25-060-045
Little River Turnpike Walkway – Columbia Rd. - Mayhunt Ct.
(Mason District)

PROPERTY OWNER(S)

1. Pacific Lane Partners, LLC

071-2-10-0001

Address:
6675 Little River Turnpike
Annandale, VA 22003

Pacific Lane Partners, LLC

071-2-10-0011

Address:
4600 Randolph Drive
Annandale, VA 22003

2. Pinecrest Holdings, LLC

071-2-01-0040

Address:
6601 Little River Turnpike
Annandale, VA 22003

A Copy – Teste:

Catherine A. Chianese
Clerk to the Board of Supervisors

ATTACHMENT 1

AFFECTED PROPERTY

Tax Map Number: 071-2-10-0001 & 071-2-10-0011

Street Address: 6675 Little River Turnpike
Annandale, VA 22003

4600 Randolph Drive
Annandale, VA 22003

OWNER(S): Pacific Lane Partners, LLC

INTEREST(S) REQUIRED: (As shown on attached plat/plan)

Dedication – 4,597 sq. ft.

Grading Agreement and Temporary Construction Easement – 6,782 sq. ft.

VALUE

Estimated value of interests and damages:

ONE HUNDRED SIXTY-FOUR THOUSAND SEVEN HUNDRED DOLLARS
(\$164,700.00)

ATTACHMENT 2

AFFECTED PROPERTY

Tax Map Number: 071-2-01-0040

Street Address: 6601 Little River Turnpike
Annandale, VA 22003

OWNER(S): Pinecrest Holdings, LLC

INTEREST(S) REQUIRED: (As shown on attached plat/plan)

Dedication – 3,613 sq. ft.

Storm Drainage Easement – 1,006 sq. ft.

Grading Agreement and Temporary Construction Easement – 3,120 sq. ft.

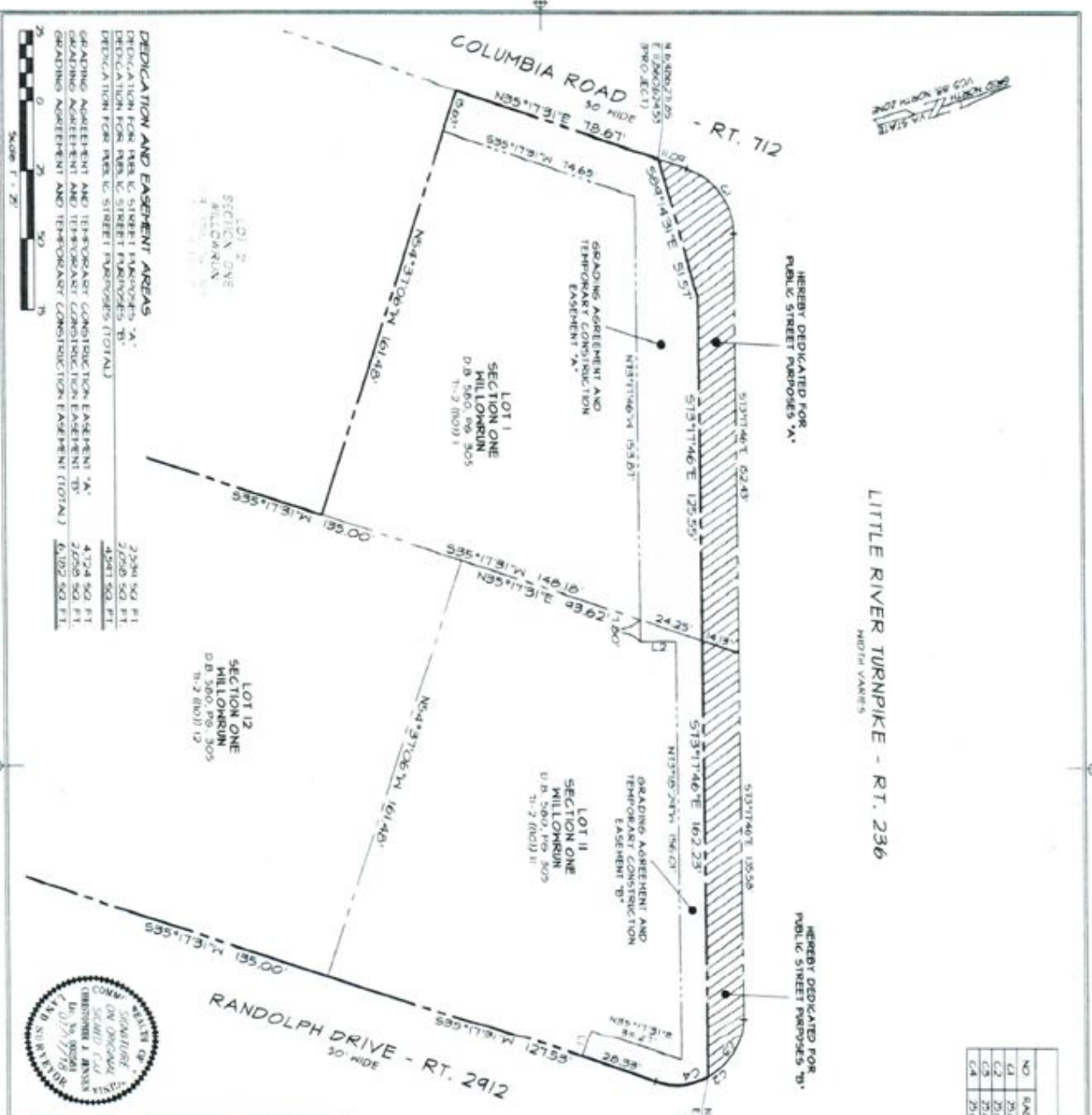
VALUE

Estimated value of interests and damages:

ONE HUNDRED FORTY-TWO THOUSAND DOLLARS (\$142,000.00)

NO. 340 NORTH
VIA 340 NORTH LINE

LITTLE RIVER TURNPIKE - RT. 236
MOTOR VEHICLES



DEDICATION AND EASEMENT AREAS

SECTION ONE
MILLOWRUN
D.B. 500, PG. 305
TR-2 (001) I

SECTION TWO
MILLOWRUN
D.B. 500, PG. 305
TR-2 (001) II

GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT 'A'

GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT 'B'

GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT 'C'

GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT 'D'

GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT 'E'

GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT 'F'

GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT 'G'

GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT 'H'

GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT 'I'

GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT 'J'

GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT 'K'

GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT 'L'

GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT 'M'

GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT 'N'

GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT 'O'

GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT 'P'

GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT 'Q'

GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT 'R'

GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT 'S'

GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT 'T'

GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT 'U'

GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT 'V'

GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT 'W'

GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT 'X'

GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT 'Y'

GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT 'Z'



CURVE TABLE

NO.	RADIUS	LENGTH	DELTA	TANGENT	CHORD	CHORD BEARING
C1	2500'	51.96'	174.44'	11.41'	24.00'	N40°56'58" W
C2	2500'	41.82'	120°50'11"	54.10'	40.00'	N40°56'58" W
C3	2500'	21.80'	62°20'44"	5.12'	20.00'	N40°56'58" W
C4	2500'	20.00'	40°14'55"	6.07'	18.65'	N40°56'58" W

LINE TABLE

NO.	BEARING	LENGTH
1	S64°44'21" W	10.40'
2	S68°42'18" W	15.20'

NOTES:

THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT; THEREFORE NOT ALL ENCUMBRANCES TO THE PROPERTY ARE NECESSARILY SHOWN HEREON.

THE LAND SHOWN ON THIS PLAT IS NOW HELD AS NOTED IN THE TITLE BLOCK HEREON AND RECORDED AMONG THE LAND RECORDS OF FAIRFAX COUNTY. ALL EASEMENTS AND DEDICATIONS FOR PUBLIC STREET PURPOSES ARE WITHIN THE BOUNDS OF THE ORIGINAL TRACT AS DESCRIBED AND RECORDED THEREIN.

THE INFORMATION SHOWN ON THIS PLAT HAS BEEN OBTAINED FROM EXISTING LAND RECORDS AND DOES NOT REPRESENT THE RESULTS OF AN ACTUAL FIELD RUN BOUNDARY SURVEY.

ALL PREVIOUSLY RECORDED RIGHTS-OF-WAY, EASEMENTS, OR OTHER INTERESTS OF THE COUNTY SHALL REMAIN IN FULL FORCE AND EFFECT UNLESS OTHERWISE SPECIFICALLY SHOWN HEREON.

THE PROPERTY DELINEATED ON THIS PLAT IS LOCATED ON TAX ASSESSMENT MAP "1-2 (001) I & II".

LITTLE RIVER TURNPIKE WALKMAY
5625-060-045

FAIRFAX COUNTY, VIRGINIA
DEPT. OF PUBLIC WORKS & ENVIRONMENTAL SERVICES
CAPITAL FACILITIES, LAND SURVEY BRANCH
12000 GOVERNMENT CENTER PLAZA, FAIRFAX, VIRGINIA

PLAT SHOWING
DEDICATION FOR PUBLIC STREET PURPOSES
AND TEMPORARY CONSTRUCTION EASEMENT
THROUGH
LOT I AND LOT II
SECTION ONE
MILLOWRUN
D.B. 500, PG. 305
BEING IN THE NAME OF
PACIFIC LANE PARTNERS, LLC
D.B. 05501, PG. 658

WALTON DISTRICT, FAIRFAX COUNTY
SCALE: 1"=25'
DATE: 07/20/10
DRAWN BY: H547P
SHEET 1 OF 1

NO NORTH ZONE
N 27° 26' 40" W 274.51' STA

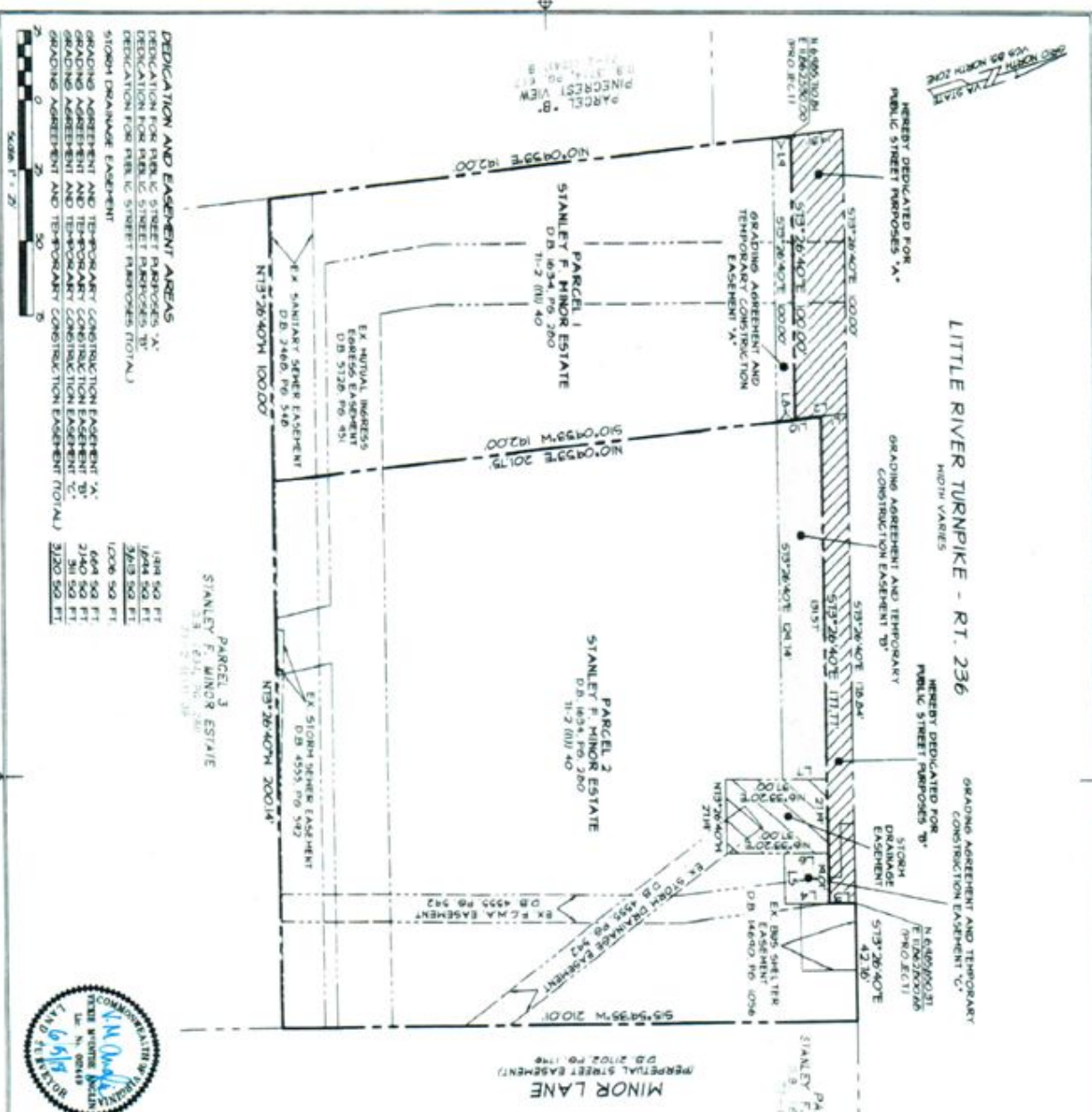
HEREBY DEDICATED FOR PUBLIC STREET PURPOSES 'A'

LITTLE RIVER TURNPIKE - RT. 236
NORTH VARIES

GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT 'C'

HEREBY DEDICATED FOR PUBLIC STREET PURPOSES 'B'

HEREBY DEDICATED FOR PUBLIC STREET PURPOSES 'C'



DEDICATION AND EASEMENT AREAS
 DEDICATION FOR PUBLIC STREET PURPOSES 'A'
 DEDICATION FOR PUBLIC STREET PURPOSES 'B'
 DEDICATION FOR PUBLIC STREET PURPOSES 'C'
 STORM DRAINAGE EASEMENT
 GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT 'A'
 GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT 'B'
 GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT 'C'
 SANITARY SEWER EASEMENT
 STORM SHELTER EASEMENT
 EX. MUTUAL INTEREST FOREST EASEMENT
 EX. SANITARY SEWER EASEMENT
 EX. STORM SHELTER EASEMENT

1634 SQ. FT.
1634 SQ. FT.
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1634 SQ. FT.

STANLEY F. MINOR ESTATE
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LINE TABLE

NO.	REMARKS	LENGTH
1	SECTION	450'
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4	SECTION	450'
5	SECTION	450'
6	SECTION	450'
7	SECTION	450'
8	SECTION	450'
9	SECTION	450'
10	SECTION	450'

NOTES:
 THIS PLAN WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT, THEREFORE NOT ALL ENCUMBRANCES TO THE PROPERTY ARE NECESSARILY SHOWN HEREON.
 THE LAND SHOWN ON THIS PLAN IS NOW HELD AS NOTED IN THE TITLE BLOCK HEREON AND RECORDED AMONG THE LAND RECORDS OF FAIRFAX COUNTY. ALL STREET EASEMENTS AND DEDICATIONS ARE SHOWN WITHIN THE BOUNDS OF THE ORIGINAL TRACT, AS DESCRIBED AND RECORDED THEREIN.
 THE INFORMATION SHOWN ON THIS PLAN WAS COMPILED FROM RECORDS OF FAIRFAX COUNTY AND IS NOT TO BE REPRESENTED THE RESULT OF AN ACTUAL FIELD FOR BOUNDARY SURVEY.
 ALL PREVIOUSLY RECORDED RIGHTS-OF-WAY EASEMENTS TO THE PROPERTY OF THE COUNTY SHALL REMAIN IN FULL FORCE AND EFFECT UNLESS OTHERWISE SPECIFICALLY SHOWN HEREON.
 THE PROPERTY DELINEATED ON THIS PLAN IS LOCATED ON TAX ASSESSMENT MAP 11-2 (01) 40
 LITTLE RIVER TURNPIKE HIGHWAY
 5625-060-045

FAIRFAX COUNTY, VIRGINIA
 DEPT. OF PUBLIC WORKS & ENVIRONMENTAL SERVICES
 CAPITAL FACILITIES, LAND SURVEY BRANCH
 12000 GOVERNMENT CENTER PKWY, FAIRFAX, VIRGINIA
 PLAT SHOWING
 DEDICATION FOR PUBLIC STREET PURPOSES,
 GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT THROUGH
 PARCEL 1 AND PARCEL 2
 STANLEY F. MINOR ESTATE
 BEING IN THE NAME OF
 PINECREST HOLDINGS, LLC
 D.B. 16419, PG. 1525
 MASON DISTRICT, FAIRFAX COUNTY
 SHEET 1 OF 1
 SCALE: 1"=25' DATE: 6/4/18 DRAWN BY: HS

Board Agenda Item
April 9, 2019

2:30 p.m.

Public Hearing to Consider Proposed Amendments to Appendix I of the Code of the County of Fairfax, Fairfax County Special Service District for the Control of Infestations of Insects that May Carry a Disease that is Dangerous to Humans, Gypsy Moths, Cankerworms and Certain Identified Pests

ISSUE:

Public Hearing on proposed amendments to Appendix I of the Code of the County of Fairfax, Fairfax County Special Service District for the Control of Infestations of Insects that May Carry a Disease that is Dangerous to Humans, Gypsy Moths, Cankerworms and Certain Identified Pests. The proposed changes will allow use of service district funds to remediate damage to trees caused by forest pests including removal of damaged trees when indicated.

RECOMMENDATION:

The County Executive recommends that the Board consider proposed amendments to Appendix I of the Code of the County of Fairfax for the purpose of allowing service district funds to be used to remediate damage to trees caused by forest pests including removal of damaged trees when indicated.

TIMING:

On March 5, 2019, the Board authorized the advertisement of a public hearing to consider the matter on April 9, 2019 at 2:30 p.m. Decision on the proposed amendments to Appendix I will coincide with the mark-up and adoption of the FY 2020 Advertised Budget Plan. Only taxes levied after July 1, 2019 will be used for this new purpose.

BACKGROUND:

The Integrated Pest Management (IPM) Program in Fund 40080 includes two separate programs – the Forest Pest Program and the Disease Carrying Insects Program. A countywide tax levy financially supports Fund 40080 activities, excluding the Lake Barcroft Watershed Improvement District. The Forest Pest Program aims to maintain and improve the health of the County's forests by monitoring and, when appropriate, applying suppression and treatment methods to reduce the impact of forest pest infestations. While the Forest Pest Program has been successful in controlling many varieties of forest pests through carefully implemented suppression programs, some pests are not manageable through suppression programs on a large scale. As a result, some pests, such as the emerald ash borer (EAB) beetle can cause widespread damage to County trees. Dead and dying trees that have been infested by forest pests can pose a safety risk to people and property, and thus require remediation.

Board Agenda Item
April 9, 2019

Appendix I of the Fairfax County Code provides that taxes levied for the service district can only be used for control of infestations of forest pests and disease carrying insects, and removal or remediation of hazardous trees is not a control measure.

At the October 2, 2018, Environmental Committee meeting, staff presented the proposal to amend Appendix I to the Board. The Board directed staff to provide historical year-end service district fund balances in Fund 40080. Fund 40080 year-end balances for the past three years are set forth below:

- FY 2018: \$3,167,166
- FY 2017: \$2,805,322
- FY 2016: \$2,481,302

PROPOSED AMENDMENTS:

The proposed amendments to Appendix I of the Code of the County of Fairfax will enable the IPM Program to use service district funds for the remediation of damage caused by forest pests, including pruning or removal of trees on public land that are directly killed or damaged by forest pests, utilizing only taxes levied after July 1, 2019. The proposed changes to Appendix I also include several minor technical amendments.

FISCAL IMPACT:

Fund 40080, Integrated Pest Management Program is supported by a countywide tax levy, excluding the Lake Barcroft Watershed Improvement District. The current tax rate is sufficient to cover the costs associated with the existing IPM program as well as the proposed changes to the service district that would expand the scope of the program's activities to allow service district funds to be used for the remediation and removal of hazardous trees that pose a threat to public safety and have been damaged by forest pests. An increase to the service district tax rate is not required and only taxes levied after July 1, 2019 will be used for this new purpose.

ENCLOSED DOCUMENTS:

Attachment I – Proposed Amendments to Appendix I (markup)

STAFF:

Rachel O. Flynn, Deputy County Executive
Randolph W. Bartlett, Director, Department of Public Works and Environmental Services (DPWES)
Brian Keightley, Director, Urban Forest Management Division, DPWES

ASSIGNED COUNSEL:

John Burton, Assistant County Attorney

1 **AN ORDINANCE AMENDING**
2 **APPENDIX I OF THE FAIRFAX COUNTY CODE, RELATING TO**
3 **THE FAIRFAX COUNTY SPECIAL SERVICE DISTRICT FOR THE CONTROL OF**
4 **INFESTATIONS OF INSECTS THAT MAY CARRY A DISEASE THAT IS**
5 **DANGEROUS TO HUMANS, GYPSY MOTHS, CANKERWORMS AND CERTAIN**
6 **IDENTIFIED PESTS**

7
8
9 **Draft of February 6, 2019**

10
11
12 **AN ORDINANCE** to amend the Fairfax County Code by amending and
13 readopting Appendix I, relating to the Fairfax County Special Service District
14 for the Control of Infestations of Insects that May Carry a Disease that is
15 Dangerous to Humans, Gypsy Moths, Cankerworms and Certain Identified
16 Pests. wild and exotic animals.

17
18 **Be it ordained by the Board of Supervisors of Fairfax County:**

- 19
20 **1. That Sections 2, 3, 4, 5, 6 and 8(a) of Appendix I of the Fairfax County Code**
21 **are amended and reenacted as follows:**

22
23 **Section 2 – Purpose of the Service District.**

24
25 The Service District is created to provide a pest infestation control and remediation
26 program which shall include, but not be limited to, these services: (i) Public education, (ii)
27 assisting citizen self-help initiatives, (iii) a suppression program for gypsy moths,
28 cankerworms and other pests identified by the Commissioner of the Virginia Department
29 of Agriculture and Consumer Services (referred to collectively as "forest pests") in
30 accordance with ~~the Virginia Pest Law Article 6 (Virginia Code §§ 3-1-188-20 3.2-700 et~~
31 ~~seq.) of Chapter 13 of Title 3-1, as amended,~~ utilizing biological and chemical insecticides
32 on highly infested areas of Fairfax County; (iv) remediation of direct damage caused by
33 such forest pests, including but not limited to the removal of trees killed or damaged by
34 such forest pests on public lands to enhance public safety, and (iv) a management
35 program for insects that may carry a disease that is dangerous to humans (referred to
36 collectively as "disease-carrying insects").

37
38 **Section 3. - General provisions and powers.**

39
40 The Board shall be the governing body of the Service District. The Board shall exercise
41 any or all of those powers and duties with respect to special service districts set forth in
42 Virginia Code §§ 15.2-2400 through ~~15.2-2404~~ 15.2-2403, as amended.

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Section 4. - Facilities and services to be provided.

The Service District, together with resources which may be made available from other sources, shall provide the equipment and staff needed to provide a program or programs for the control of infestations of insects that may carry a disease that is dangerous to humans, gypsy moths, cankerworms and such other pests as may be identified by the Commissioner of the Virginia Department of Agriculture and Consumer Services in accordance with the Virginia Pest Law Article 6 (Virginia Code §§ 3.21-188-20700 et seq., as amended) of Chapter 13 of Title 3-1, and remediation of direct damage caused by such pests.

Section 5. - Annual tax levy; collection and expenditure of funds.

There shall be an annual tax at a rate established annually by a duly authorized resolution of the Board of Supervisors on all real property in the Service District which is subject to taxation for the purpose of paying, in whole or in part, the expenses and charges for providing a pest infestation control and remediation program or programs. This Service District is not established for general government purposes. All proceeds from the annual levy described in this Section shall be so segregated as to enable the Board to appropriate the same in the Service District for the purposes for which it was levied.

Section 6. - Plan for forest pest control services.

The forest pest infestation control program implemented in the Service District will be an Integrated Pest Management Program which shall use, but shall not be limited to, resources provided by the Service District, as well as federal and state agencies. The purposes of the forest pest infestation control and remediation program are to minimize tree defoliation and mortality due to infestations of gypsy moths, cankerworms and other pests identified by the Commissioner of the Virginia Department of Agriculture and Consumer Services, ~~and~~ to minimize hazards to the environment from forest pest infestation treatment, and to minimize the hazards caused by such infestation. The program will be an annual operation with the following major elements: identification of tree-damaging infestations through forest pest monitoring; development of a plan to suppress tree-damaging infestations using appropriate mechanical, biological, and/or chemical means annually; provision of suppression information to County citizens; ~~and~~ spot treatment of tree-damaging infestations as needed; and removal of trees directly killed or damaged by such infestations.

1 The County forest pest infestation control program will include and incorporate the
2 Cooperative Gypsy Moth Suppression Program Participation Guidelines for localities
3 conducting aerial treatment which are promulgated and published on an annual basis by
4 the Virginia Department of Agriculture and Consumer Services. The County will employ
5 only those insecticides which are registered with the United States Environmental
6 Protection Agency and which are sanctioned for use by the United States Department of
7 Agriculture-Forest Service, and the Commonwealth of Virginia. Treatment with biological
8 and chemical insecticides is on a voluntary basis. Citizens not desiring to participate can
9 notify the Fairfax County Forest Pest Program Office in writing following receipt of
10 notification of proposed treatment. The County forest pest infestation control program also
11 may include local integrated pest management suppression strategies, (i.e. supplemental
12 treatment, use of parasites, use of pheromones), which shall be outlined in the description
13 of the County's annual forest pest infestation control program. This program shall be
14 submitted for prior approval to the Board of Supervisors on an annual basis. A copy of
15 the State guidelines in effect for a given year shall be submitted annually to the Board of
16 Supervisors.

17
18 Citizen self-help will emphasize the following elements. In the summer and fall citizens
19 are encouraged to participate in the Gypsy Moth Egg Mass Search, Scrape, and Destroy
20 Campaign which is aimed at locating egg masses, reporting egg mass counts to the
21 Forest Pest Program Staff, and destroying egg masses as possible. In the spring, citizens
22 are encouraged to participate in a burlap banding campaign which is aimed at destroying
23 gypsy moth caterpillars. Additionally, the Forest Pest Program Staff will provide technical
24 assistance to citizens and citizen organizations who desire to conduct private infestation
25 treatment on their land. Public education will be a continuous part of the program. It will
26 provide information about infestations and methods to minimize the effects of infestations
27 to all citizens in the Service District.

28
29 **Section 8. - Benefits to be expected from the service district.**

30
31 (a) Programs to Suppress Gypsy Moth, Cankerworm and Other Pests Identified by
32 the Commissioner of the Virginia Department of Agriculture and Consumer Services.

33
34 The forest pest infestation control and remediation program provided by the Service
35 District funding will have the capability to locate and treat infestations on both public and
36 private lands, and remediate the direct damage caused by these infestations by removing
37 trees on public lands that have been killed or damaged by these infestations. In the
38 absence of the program, many properties would receive no treatment, resulting in tree
39 mortality and reinfestation of adjacent properties.

1 Due to the economies of scale of aerial treatment, the forest pest infestation control
2 program is more cost-effective than individual treatment on a per-acre basis. Significant
3 economies of scale will be realized with a control program which treats large areas within
4 the County. These could not be realized by individual landowners treating their property
5 on an individual basis.

6
7 The aerial treatment of tree damaging infestations at the proper time by a trained staff
8 using the most environmentally sound insecticides minimizes the amount of insecticide
9 introduced into the environment and therefore minimizes the hazard to the environment
10 of forest pest infestation suppression efforts.

11
12 The forest pest infestation control program is a biologically effective, cost-effective,
13 and environmentally sound means to minimize tree defoliation and mortality and to
14 minimize infestation nuisance. This program maintains the tree habitat of the County and
15 thereby assists in maintaining individual and collective property values and contributes to
16 the overall quality of life.

17
18 **2. That the provisions of this ordinance are severable, and if any provision of**
19 **this ordinance or any application thereof is held invalid, that invalidity shall**
20 **not affect the other provisions or applications of this ordinance that can be**
21 **given effect without the invalid provision or application.**

22
23 **3. That the provisions of this ordinance shall take effect on July 1, 2019.**
24

25 GIVEN under my hand this ____ day of _____, 2019.
26

27
28 _____
29 Clerk to the Board of Supervisors
30
31

Board Agenda Item
April 9, 2019

2:30 p.m. -

Public Hearing on a Proposal to Abandon and Convey Part of Carolina Place (Mason District)

ISSUE:

Public hearing on a proposal to abandon and convey a portion of Carolina Place.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached order (Attachment III) for abandonment and resolution (Attachment IV) for conveyance of the subject right-of-way.

TIMING:

On March 5, 2019, the Board authorized the public hearing to consider the proposed abandonment and conveyance for April 9, 2019, at 2:30 p.m.

BACKGROUND:

The applicant, Vulcan Construction Materials, LLC., (Vulcan) is requesting that a portion of Carolina Place be abandoned under Virginia Code §33.2-915 and conveyed to them under Virginia Code §33.2-924. The subject right-of-way is located south of the built section of Carolina Place, which in turn extends south from Edsall Road (Attachment VII). This right-of-way is not in the Virginia Department of Transportation's State Secondary System.

The applicant made the request per the development conditions for Special Exception SE-2017-MA-009, approved on July 10, 2018. Development condition 24 requires the applicant to seek approval by the Board for the abandonment and conveyance prior to site plan approval. Conveyance is necessary, because the applicant's property is not the origin of, or successor to, the right-of-way dedication.

If the abandonment and conveyance are approved, Vulcan, acting through its subsidiary, Florida Rock Industries, will incorporate the property into their site. Future use of the remaining right-of-way will be protected by a reservation of right-of-way for a cul-de-sac at the new terminus of the Carolina Place right-of-way.

Board Agenda Item
April 9, 2019

Traffic Circulation and Access

The abandonment will have no long-term impact on pedestrian, transit, or vehicle circulation and access. The area is not in use as a public road and Vulcan currently occupies the area.

Easements

No new public easement needs have been identified. Vulcan has agreed to provide a reservation of right-of-way for a cul-de-sac at the new terminus, to protect the usability of the remaining right-of-way for a public street, should one be built in the future.

The proposal to abandon and convey this right-of-way was circulated to the following public agencies and utility companies for review: Office of the County Attorney, Department of Public Works and Environmental Services, Fairfax County Department of Transportation, Department of Planning and Zoning, Fairfax County Park Authority, Fairfax County Water Authority, Fairfax County School Board, Fire and Rescue, Virginia Department of Transportation, Dominion Virginia Power, Washington Gas Light Company, and Verizon. None of these indicate any opposition to the proposal.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I: Application Letter
Attachment II: Notice of Intent
Attachment III: Order of Abandonment
Attachment IV: Resolution
Attachment V: Abandonment Plat
Attachment VI: Metes and Bounds Description
Attachment VII: Vicinity Map

STAFF:

Rachel Flynn, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Jose Comayauga, Director, Facilities Management Department
Donald Stephens, FCDOT

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 Suite 1800
 Tysons, VA 22102-4215
 Tel 703.712.5000
 Fax 703.712.5050
 www.mcguirewoods.com

David R. Gill
 Direct: 703.712.5039

McGUIREWOODS

dgill@mcguirewoods.com
 Fax: 703.712.5297

June 28, 2017

Pamela Pelto, Esquire
 Fairfax County Attorney Office
 12000 Government Center Parkway, Suite 549
 Fairfax, Virginia 22035

Donald E. Stephens
 Fairfax County Department of Transportation
 4050 Legato Rd, Suite 400
 Fairfax, Virginia 22033

Re: Carolina Place Vacation/Abandonment Process – SE 2017-MA-009

Dear Pam and Donald:

On behalf of our client, Vulcan Construction Materials, L.L.C. (“Vulcan”), we filed a special exception application on March 29, 2017 (the “Special Exception”), on part of Tax Map 80-2((1))-38, (the “Property”). The special exception request seeks approval to rearrange and update the existing industrial uses on the Property, consistent with the Comprehensive Plan. The application was accepted for processing by the Zoning Evaluation Division on May 11, 2017. As part of the Special Exception, a portion of unused and undeveloped right-of-way dedicated to the Fairfax County Board of Supervisors via Deed Book 2948 at page 187 in 1967 will be vacated and utilized in the site layout (“Carolina Place”). The Board of Supervisors passed a motion to consent to the filing of the Special Exception on April 4, 2017 over Carolina Place.

Our understanding is that the County taken the preliminary position that vacation and/or abandonment of this small portion of Carolina Place will require abandonment and conveyance as surplus property under Virginia Code §33.2-914 through 926. However, we believe our request explicitly meets the alternative method for abandoning roads identified in Virginia Code §33.2-925, which provides a specific and unqualified alternative method available to the Board of Supervisors to vacate Carolina place. §33-925 states:

“As an alternative to the procedure for abandonment prescribed by this article, a road may be abandoned in accordance with the procedure for vacations in subdivision 2 of § 15.2-2272.”

Under 15.2-2272(2), the procedure for vacation is “[b]y ordinance of the governing body of the locality in which the land shown on the plat or part thereof to be vacated lies on motion of one of its members or on application of any interested person. The ordinance shall not be

June 28, 2017
Page 2

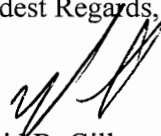
adopted until after notice has been given as required by § 15.2-2204.” This procedure is specifically a creation of §33.2-925 and is not circumscribed by the final paragraph in §15.2-2272 which states:

“Roads within the secondary system of highways may be vacated under either of the preceding methods and the action will constitute abandonment of the road, provided the land shown on the plat or part thereof to be vacated has been the subject of a rezoning or special exception application approved following public hearings required by § 15.2-2204 and provided the Commissioner of Highways or his agent is notified in writing prior to the public hearing, and provided further that the vacation is necessary in order to implement a proffered condition accepted by the governing body pursuant to §§ 15.2-2297, 15.2-2298 or 15.2-2303 or to implement a condition of special exception approval....”

Here, even assuming this final paragraph applies, our proposed vacation of Carolina Place will also meet this test as it will be subject to Special Exception conditions, assuming the Board of Supervisors ultimately approves the Special Exception. Thus, when the vacation/abandonment is processed post Special Exception approval, Carolina Place will be subject to SE Conditions and that such vacation/abandonment will be necessary in order to implement the SE Conditions – meeting the test identified in the last paragraph of 15.2-2272.¹

Therefore on behalf of our client we are requesting written confirmation that the County will process our request to vacate/abandonment pursuant to 15.2-2272 presuming our application is consistent with the approach identified herein. This is consistent with plain letter of Virginia Code and reflects an equitable approach for a long-standing property owner which is working through the public land use process to best achieve the goals of Fairfax County and the community.

Kindest Regards,



David R. Gill

91328685_1

¹ Under §15.2-2274 the effect of such vacation under §15.2-2272 is that fee title automatically vests in the original granting owner. For Carolina Place this would be Vulcan.

NOTICE OF INTENT TO ABANDON AND CONVEY

CAROLINA PLACE

MASON DISTRICT

Fairfax County, Virginia

Notice is hereby given that the Board of Supervisors of Fairfax County, Virginia, will hold a public hearing on April 9, 2019, at 2:30 PM during its regular meeting in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, VA, 22030, pursuant to Virginia Code Ann. § 15.2-2204, on the proposed abandonment of a public road known as a portion of Carolina Place, from the southern line of Tax Map 80-2((1))-45 to its southern terminus, a distance of 978.52 feet, pursuant to Virginia Code § 33.2-914. At the same time and place, the Board of Supervisors will concurrently hold a public hearing on a proposal to convey the right-of-way so abandoned to Florida Rock Industries, Inc., a subsidiary of Vulcan Construction Materials, LLC. The road is located adjacent to Tax Map 80-2((1))-38, and is described and shown on the metes and bounds schedule and plat prepared by VIKA Virginia LLC, dated September 12, 2017, both of which are on file with the Fairfax County Department of Transportation, 4050 Legato Road, Suite 400, Fairfax, Virginia 22033, Telephone Number (703) 877-5600.

MASON DISTRICT.

§33.2-915, §33.2-924

ORDER OF ABANDONMENT

CAROLINA PLACE

MASON DISTRICT

Fairfax County, Virginia

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held this 9th day of April, 2019, it was duly moved and seconded that:

WHEREAS, after conducting a public hearing pursuant to notice as required by Virginia Code §33.2-909, and after giving due consideration to the historic value, if any, of such road, the Board has determined that no public necessity exists for continuance of this road as a public road, and that the safety and welfare of the public will be served best by an abandonment,

WHEREFORE, BE IT ORDERED:

That Carolina Place from the southern line of Tax Map 80-2-((1))-45 to its southern terminus, a distance of 978.52 feet, located adjacent to Tax Map 80-2-((1))-38, and described on the plat and metes and bounds schedule prepared by VIKA Virginia LLC dated September 12, 2017, which is attached hereto and incorporated herein, be and the same is hereby abandoned as a public road pursuant to Virginia Code §33.2-914.

This abandonment is subject to any right, privilege, permit, license, or easement in favor of any public service company, utility, or other person or entity, including any political subdivision, whether located above, upon, or under the surface, either presently in use or of record, including the right to operate, maintain, replace, alter, extend, increase or decrease in size any facilities in the abandoned roadway, without any permission of the landowner(s).

A Copy Teste:

Catherine Chianese

Clerk to the Board

§33.2-915

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center at Fairfax, Virginia, this 9th day of April, 2019, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, the Board of Supervisors has approved the abandonment of part of Carolina Place located entirely adjacent to Tax Map 80-2-((1)) Parcel 38, described and shown on the metes and bounds schedule and abandonment plat dated September 12, 2017, both prepared by VIKA Virginia LLC,

WHEREAS, Florida Rock Industries, Incorporated, a subsidiary of Vulcan Construction Materials LLC, seeks to acquire the fee simple interest in the parcel created by said abandonment for consideration of development conditions approved by the Board of Supervisors pursuant to that certain Special Exception SE 2017-MA-009, approved on July 10, 2019 (the “Special Exception”) by the Board of Supervisors.

WHEREAS, the County has no current or planned use for the parcel created by the abandonment,

WHEREAS, the Board of Supervisors finds that it would be in the best interest of the residents of Fairfax County to convey in consideration of the development conditions associated with Special Exception as described above to the Applicant.

NOW, THEREFORE, upon public hearing duly advertised according to law, it is **RESOLVED** that, in consideration of the development conditions associated with the Special Exception, the County Executive or Deputy County Executive is hereby authorized to execute all necessary documents to convey the real property described above to the Applicant.

A Copy Teste:

Catherine A. Chianese

Clerk to the Board of Supervisors

§33.2-924

- NOTES:**
1. THE SUBJECT PROPERTY IS ADJACENT TO PROPERTY OWNED BY FARFAX COUNTY TAX MAP # 193-2-10-1001. THIS PROPERTY IS LOCATED IN ZONE "C" (AREA DESIGNATED TO BE CHANGED TO THE USE ANNUAL CHANGE OF FLOODING) AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP (FIRM) NUMBER 193-2-10-1001-1001. THE SUBJECT PROPERTY IS LOCATED WITHIN THE FLOOD HAZARD ZONE "C" AS SHOWN ON THE FIRM NUMBER 193-2-10-1001-1001. THE SUBJECT PROPERTY IS NOT LOCATED WITHIN THE FLOOD HAZARD ZONE "C" AS SHOWN ON THE FIRM NUMBER 193-2-10-1001-1001.
 2. THE SUBJECT PROPERTY IS ADJACENT TO PROPERTY OWNED BY FARFAX COUNTY TAX MAP # 193-2-10-1001. THIS PROPERTY IS LOCATED IN ZONE "C" (AREA DESIGNATED TO BE CHANGED TO THE USE ANNUAL CHANGE OF FLOODING) AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP (FIRM) NUMBER 193-2-10-1001-1001. THE SUBJECT PROPERTY IS LOCATED WITHIN THE FLOOD HAZARD ZONE "C" AS SHOWN ON THE FIRM NUMBER 193-2-10-1001-1001. THE SUBJECT PROPERTY IS NOT LOCATED WITHIN THE FLOOD HAZARD ZONE "C" AS SHOWN ON THE FIRM NUMBER 193-2-10-1001-1001.
 3. THE SUBJECT PROPERTY IS ADJACENT TO PROPERTY OWNED BY FARFAX COUNTY TAX MAP # 193-2-10-1001. THIS PROPERTY IS LOCATED IN ZONE "C" (AREA DESIGNATED TO BE CHANGED TO THE USE ANNUAL CHANGE OF FLOODING) AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP (FIRM) NUMBER 193-2-10-1001-1001. THE SUBJECT PROPERTY IS LOCATED WITHIN THE FLOOD HAZARD ZONE "C" AS SHOWN ON THE FIRM NUMBER 193-2-10-1001-1001. THE SUBJECT PROPERTY IS NOT LOCATED WITHIN THE FLOOD HAZARD ZONE "C" AS SHOWN ON THE FIRM NUMBER 193-2-10-1001-1001.
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WETLAND NOTE:

I HEREBY CERTIFY THAT ALL WETLAND PERMITS REQUIRED BY LAW WILL BE OBTAINED PRIOR TO COMMENCING LAND DEVELOPMENT ACTIVITIES.

SIGNATURE: *[Signature]* AS AGENT FOR COURSE DEVELOPER

COURSE DEVELOPER: *[Signature]* ELONDA BARK INVESTMENTS INC



SURVEYOR'S CERTIFICATION:

I, FRANKLIN E. JONES, A LICENSED LAND SURVEYOR IN THE COMMONWEALTH OF VIRGINIA, DO HEREBY CERTIFY THAT I HAVE CAREFULLY SURVEYED THE PROPERTY DELINEATED ON THIS PLAT OF VACATION AND THAT IT IS CORRECT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF THAT IT IS A PORTION OF CAROLINA PLACE AS DEEDBOOK 2948 AT PAGE 197. ALL AMONG THE LAND RECORDS OF FARFAX COUNTY, VIRGINIA BY DEED OF DEDICATION RECORDED IN DEED BOOK 2948 AT PAGE 197. ALL AMONG THE LAND RECORDS OF FARFAX COUNTY, VIRGINIA.

I FURTHER CERTIFY THAT THE LAND EMBODIED BY THIS PLAT OF VACATION LIES ENTIRELY WITHIN THE BOUNDS OF THE ORIGINAL TRACT THAT THIS PLAT REPRESENTS AN ACCURATE SURVEY OF THE SAME AND THAT THE PROPERTY SHOWN HEREON IS RETURNED TO THE VIRGINIA COMMONWEALTH SYSTEM OF 1943 (VCS 703). SEE NOTE 3, IN ACCORDANCE WITH THE REQUIREMENTS OF THE FARFAX COUNTY SUBDIVISION ORDINANCE.

DATE: 9/12/2017



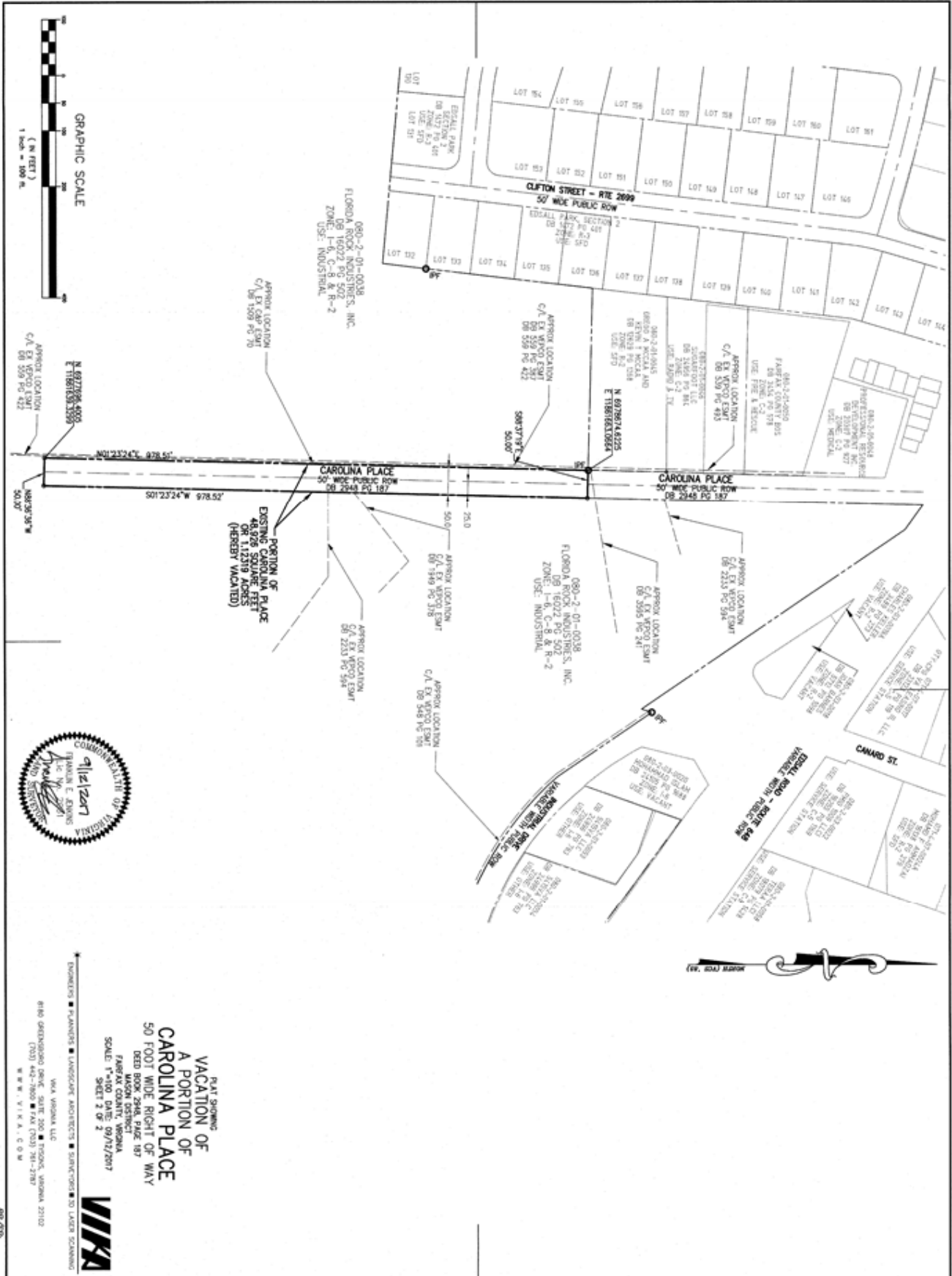
[Signature]
FRANKLIN E. JONES
LICENSED LAND SURVEYOR
VIRGINIA # 2091

APPROVED COUNTY OF FARFAX LAND DEVELOPMENT SERVICES ADDRESSING REVIEW	DATE: _____ SHEET NUMBER: _____
RECOMMENDED FOR APPROVAL FARFAX COUNTY LAND DEVELOPMENT SERVICES	DATE: _____ SHEET NUMBER: _____
ALL RIGHTS RESERVED CONSENT TO THE REQUIREMENTS OF THIS OFFICE PUBLIC LAWYER'S SIGNATURE	DATE: _____ SHEET NUMBER: _____
APPROVED FOR BOARD OF SUPERVISORS FARFAX COUNTY, VIRGINIA	DATE: _____ SHEET NUMBER: _____
APPROVAL VOID IF PLAT IS NOT FILED FOR RECORD ON OR BEFORE _____	DATE: _____ SHEET NUMBER: _____

PLAT SHOWING
VACATION OF
A PORTION OF
CAROLINA PLACE
50 FOOT WIDE RIGHT OF WAY
DEED BOOK 2948 AT PAGE 197
FARFAX COUNTY, VIRGINIA
SCALE N/A DATE: 09/12/2017
SHEET 1 OF 2



VITA VIRGINIA LLC
ENGINEERS ■ PLANNERS ■ LANDSCAPE ARCHITECTS ■ SURVEYORS ■ 3D LASER SCANNING
8180 DELLWOOD DRIVE, SUITE 202 ■ FRIESDA, VIRGINIA 22182
(703) 442-7800 ■ FAX (703) 791-7189
WWW.VITALA.COM





SEPTEMBER 12, 2017

**DESCRIPTION OF
A PORTION OF
CAROLINA PLACE
50 FEET WIDE
DEED BOOK 2948 PAGE 187
MASON DISTRICT
FAIRFAX COUNTY, VIRGINIA**

Being a portion of Carolina Place (50 feet wide) as recorded in Deed Book 2948 at Page 187 among the Land Records of Fairfax County, Virginia and being more particularly described as follows:

Beginning for the same at a point lying on the westerly right of way line of aforesaid Carolina Place (50 feet wide), said point also marking the common corner between the property of Gregg A McCaa and Kevin T McCaa as recorded in Deed Book 12629 at Page 1268 and the property of Florida Rock Industries, Inc. as recorded in Deed Book 16022 at Page 502 all among the aforesaid Land Records; thence leaving said common corner and running so as to cross and include a portion of said Carolina Place the following 4 courses and distances

1. South 88°37'19" East, 50.00 feet to a point on the easterly right of way line of said Carolina Place; thence
2. South 01°23'24" West, 978.52 feet to a point; thence
3. North 88°36'36" West, 50.00 feet to a point on the aforesaid westerly right of way line of Caroline Place; thence
4. North 01°23'24" East, 978.51 feet to the point of beginning and containing 48,926 square feet or 1.12319 acres of land, more or less.

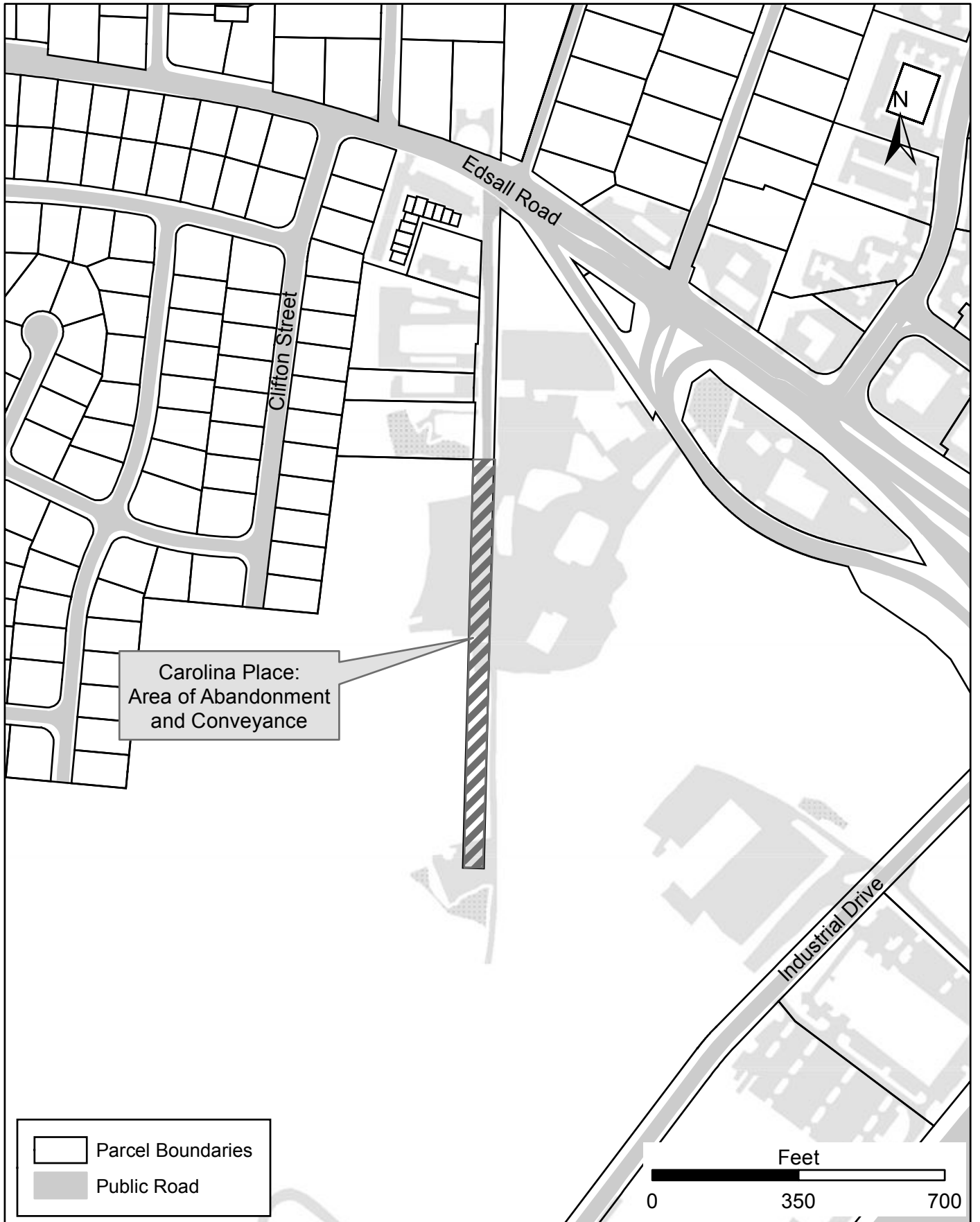
P:\projects\7871\7871A\CADD\SURVEYS\PLATS\7871A Carolina Place.docx

VIKA Virginia, LLC

8180 Greensboro Drive, Suite 200 * Tysons, Virginia 22102 * 703.442.7800 Fax 703.761.2787
Tysons, VA * Germantown, MD * Washington, DC

www.vika.com

Vicinity Map - Tax Map 80-2



Board Agenda Item
April 9, 2019

2:30 p.m. –

Public Hearing on RZ 2015-PR-014 (1690 Old Meadow Holdings, LLC) to Rezone from C-7, R-30, I-4 and H-C to PTC and H-C to Permit Office Development with an Overall Floor Area Ratio of 5.02 and Approval of the Conceptual Development Plan, Located on Approximately 1.19 Acres of Land (Providence District) (Concurrent with SE 2015-PR-029)

and

Public Hearing on SE 2015-PR-029 (1690 Old Meadow Holdings, LLC) to Permit an Increase in Floor Area Ratio from 2.50 to 5.02 in the PTC Zoning District, Located on Approximately 1.19 Acres of Land Zoned C-7, R-30, I-4 and H-C (Providence District) (Concurrent with RZ 2015-PR-014)

This property is located on the S. side of Dolley Madison Boulevard and W. side of Old Meadow Road. Tax Map 29-4 ((6)) 101B and a portion of Old Meadow Road, public right-of-way to be vacated and/or abandoned.

This property is located at 1690 Old Meadow Road, McLean, 22102. Tax Map 29-4 ((6)) 101B and a portion of Old Meadow Road, public right-of-way to be vacated and/or abandoned.

PLANNING COMMISSION RECOMMENDATION:

On March 27, 2019, the Planning Commission voted 10-0 (Commissioner Murphy was absent from the meeting; Commissioner Sargeant was absent from the vote) to defer the decision only for RZ/FDP 2015-PR-014 and SE 2015-PR-029 to a date certain of April 3, 2019. The Planning Commission recommendation will be forwarded following decision.

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:
<https://www.fairfaxcounty.gov/planning-zoning/zoning-application-board-packages-fairfax-county-board-supervisors>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Stephen Gardner, Planner, DPZ

Board Agenda Item
April 9, 2019

3:00 p.m. -

Public Hearing on the FY 2019 Effective Tax Rate Increase

ISSUE:

Because the assessed value of existing property has increased by one percent or more, Virginia Code Section 58.1-3321 requires the Board to hold a public hearing on the real estate tax rate.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors maintain the real estate tax rate at the FY 2019 level of \$1.150 per \$100 of assessed value. Action on the tax rate is recommended to take place on May 7, 2019, as part of the annual adoption of the tax rate resolution, after the public hearings on the FY 2020 Advertised Budget Plan beginning on April 9, 2019, and the Board markup on April 30, 2019.

TIMING:

On March 5, 2019, the Board authorized advertisement of a public hearing to be held on April 9, 2019, at 3:00 PM.

BACKGROUND:

The FY 2020 Advertised Budget Plan is based on a real estate tax rate of \$1.150 per \$100 of assessed value. The tax rate being proposed remains the same as FY 2019. Although no numerical change in the Real Estate tax rate is being proposed, the total assessed value of existing property has increased by more than one percent. Under such circumstances, Virginia Code Section 58.1-3321 requires that the Board advertise a public hearing and take action to adopt the proposed FY 2020 rate rather than the rate computed by the statutory formula. It should be noted that the total increase in assessed value of existing properties is expected to be 2.45 percent, including an increase of 2.36 percent for residential real property and an increase of 2.71 percent for non-residential real property. As a result, most property owners would experience an increase in their real estate tax bill even if the tax rate remains unchanged.

The following language, based on Virginia Code and included in the advertisement for this public hearing, describes the effective tax increase due to appreciation and a constant tax rate.

1. Assessment Increase: Total assessed value of real property, excluding additional assessments due to new construction or improvements to property, exceeds last year's total assessed value of real property by 2.45 percent.

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2. Lowered Rate Necessary to Offset Increased Assessment: The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with the exclusions mentioned above, would be \$1.1225 per \$100 of assessed value. This rate will be known as the “lowered tax rate.”
3. Effective Rate Increase: Fairfax County, Virginia, proposes to adopt a tax rate of \$1.150 per \$100 of assessed value. The difference between the lowered tax rate and the proposed rate would be \$0.0275 per \$100, or 2.45 percent. This difference will be known as the “effective tax rate increase.”

Individual property taxes may, however, increase at a percentage greater than or less than the above percentage.

4. Proposed Total Budget Increase: Based on the proposed real property tax rate and changes in other revenues, the total budget of Fairfax County, Virginia, will exceed last year's by 3.04 percent¹.

FISCAL IMPACT:

The advertised FY 2020 real estate tax rate of \$1.150 per \$100 of assessed value results in the revenue projections outlined in the FY 2020 Advertised Budget Plan. If the tax rate is lowered to a rate of \$1.1225 per \$100 of assessed value as described by Virginia Code Section 58.1-3321, then the revenue projection set forth in the FY 2020 Advertised Budget Plan would decrease by \$70.2 million.

ENCLOSED DOCUMENTS:

None

STAFF:

Bryan J. Hill, County Executive
Joe Mondoro, Chief Financial Officer
Jaydeep Doshi, Director, Department of Tax Administration
Christina Jackson, Deputy Director, Department of Management and Budget

ASSIGNED COUNSEL:

Patricia McCay, Senior Assistant County Attorney

¹ The total budget increase is based on all revenues received by the General Fund of Fairfax County. Projected FY 2020 disbursements as shown in the FY 2020 Advertised Budget Plan reflect an increase of 1.79 percent over the FY 2019 level.

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3:00 p.m. -

Public Hearing on Proposed Amendments to Section 67.1-10-2 of the Fairfax County Code Relating to Sewer Service Charges, Base Charges, Availability Charges, Fixture Unit Charges, Introduction of Charges for Hauled Wastewater and to Amendments to Section 68.1-9-1. C.2 Relating to License Fees for Sewage Handlers

ISSUE:

Public Hearing to consider adoption of ordinances to amend and readopt Fairfax County Code Section 67.1-10-2, relating to Sewer Service Charges, Base Charges, Availability Charges, Fixture Unit Charges, introduction of Charges for Hauled Wastewater; and to amend and readopt Code Section 68.1-9-1. C.2, relating to license fees for sewage handlers, and certain housekeeping items by:

- 1) re-affirming the Sewer Service Charges for FY 2019, adjusting the Sewer Service Charges for FY 2020 through FY 2023, and establishing the Sewer Service Charges for FY 2024;
- 2) re-affirming the Base Charges for FY 2019, adjusting the Base Charges for FY 2020 through FY 2023, and establishing the Base Charges for FY 2024;
- 3) re-affirming the Availability Charges (including the fixture unit rate for nonresidential uses) for FY 2019, adjusting the Availability Charges for FY 2020 through FY 2023, and establishing the Availability Charges for FY 2024;
- 4) introducing charges for Hauled Wastewater effective July 1, 2019;
- 5) making certain revisions of a housekeeping nature, such as correcting typographical errors; and
- 6) amending license fees for sewage handlers.

Although the sewer charges in the sewer ordinance, Chapter 67.1, are multi-year, all sewer charges are reviewed, adjusted as necessary, and adopted annually to ensure sewer charges are accurately priced.

RECOMMENDATION:

The County Executive recommends that the Board adopt the amended ordinances as set forth in Attachments I and II.

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TIMING:

Public notices of the ordinance revisions were advertised on March 8 and March 15, 2019. Decision on the sewer rate revisions and sewage handlers' fees will coincide with the markup and adoption of the FY 2020 Advertised Budget Plan. FY 2020 new charges will become effective on July 1, 2019.

BACKGROUND:

In February 2019, the Wastewater Management Program and its consultants, Public Resources Management Group (PRMG), completed the annual "Revenue Sufficiency and Rate Analysis" (the Rate Study) for the Sewer System. Based upon the results of the Rate Study, changes are proposed to the previously approved FY 2020 to FY 2023 rates.

The following proposed 5-year rate schedule will meet the Program's current and projected 5-year revenue requirements of approximately \$1,234 million by increasing both the Base Charge and Sewer Service Charge, which is the industry practice. This allows for recovering a portion of the Program's costs through the Base Charge and recovering the remaining required revenues through the Sewer Service charge, based on the volume of water consumed. New or revised rates that were not advertised as part of last year's annual rate schedule review are shown in **bold**. Note that the proposed adjustments to Base Charges and Sewer Service Charges for FY 2020 through FY 2023 are less than those presented to the Board during the last year's budget process.

The proposed Base Charge of \$32.91 per quarterly bill will recover 20.9 percent of the costs in FY 2020. Industry practice is to recover 25 to 30 percent of the total costs through a Base Charge. In order to strive towards such recovery rate, a phased-in approach is being proposed, as shown in the following table.

BASE CHARGE SCHEDULE*						
Cost (\$) per Quarterly Bill						
Proposed New Rates in Bold						
Type of Connection	Current Rate	New Rate				
	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Residential (3/4" meter)	\$30.38	\$32.91	\$36.20	\$39.82	\$43.97	\$48.29
All customers based on meter size						
3/4" and smaller, or no meter	\$30.38	\$32.91	\$36.20	\$39.82	\$43.97	\$48.29
1"	\$75.95	\$82.28	\$90.50	\$99.55	\$109.93	\$120.73
1 1/2"	\$151.90	\$164.55	\$181.00	\$199.10	\$219.85	\$241.45
2"	\$243.04	\$263.28	\$289.60	\$318.56	\$351.76	\$386.32
3"	\$455.70	\$493.65	\$543.00	\$597.30	\$659.55	\$724.35
4"	\$759.50	\$822.75	\$905.00	\$995.50	\$1,099.25	\$1,207.25
6"	\$1,519.00	\$1,645.50	\$1,810.00	\$1,991.00	\$2,198.50	\$2,414.50
8"	\$2,430.40	\$2,632.80	\$2,896.00	\$3,185.60	\$3,517.60	\$3,863.20
10" and larger	\$3,493.70	\$3,784.65	\$4,163.00	\$4,579.30	\$5,056.55	\$5,553.35

SEWER SERVICE CHARGE SCHEDULE*						
Per 1,000 gallons of water consumption						
Proposed New Rates in Bold						
	Current Rate	New Rate				
	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Sewer Service Charge	\$7.00	\$7.28	\$7.64	\$8.02	\$8.28	\$8.56

*The proposed adjustments to Base Charges and Sewer Service Charges for FY 2020 through FY 2023 are less than those presented to the Board during last year's budget process.

PROPOSED AVAILABILITY CHARGE SCHEDULE

The County has completed reviewing the adequacy of the amount of the Availability Charge. Based upon the results of this review, the Availability Charge is proposed to increase to \$8,340 from \$8,100, a 3.0 percent increase, for a single-family residence.

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The revised, five-year rate schedule for the Availability Charges is as follows:

AVAILABILITY CHARGE SCHEDULE						
Proposed New Rates in Bold						
Type of Connection	Current Rate	New Rate				
	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Single Family Detached	\$8,100	\$8,340	\$8,340	\$8,340	\$8,340	\$8,340
Lodging House, Hotel, Inn or Tourist Cabin	\$8,100	\$8,340	\$8,340	\$8,340	\$8,340	\$8,340
Townhouse	\$6,480	\$6,672	\$6,672	\$6,672	\$6,672	\$6,672
Apartment	\$6,480	\$6,672	\$6,672	\$6,672	\$6,672	\$6,672
Mobile Home	\$6,480	\$6,672	\$6,672	\$6,672	\$6,672	\$6,672
Any other residential dwelling unit	\$6,480	\$6,672	\$6,672	\$6,672	\$6,672	\$6,672
Hotels, Motels, or Dormitory rental unit	\$2,025	\$2,085	\$2,085	\$2,085	\$2,085	\$2,085

Availability Charges for all non-residential uses will be computed as the number of fixture units (including roughed-in fixture units) in accordance with Part I of the current Virginia Uniform Statewide Building Code, Section 101.2, Note 1, which incorporates by reference the 2012 International Plumbing Code (Chapter 7, Section 709), times the fixture unit rate with a minimum charge equivalent to one (1) single family detached dwelling per premises.

The revised, five-year rate schedule for the fixture unit charge for non-residential uses is as follows:

AVAILABILITY CHARGE SCHEDULE						
Cost (\$) per Quarterly Bill						
Proposed New Rates in Bold						
	Current Rate	New Rates				
	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Nonresidential per fixture unit	\$405	\$417	\$417	\$417	\$417	\$417

The County's Sewer Service Charges, Base Charges, and Availability Charges remain very competitive on a local basis. Below are average annual sewer service billings and Availability Charges per Single Family Residential Equivalent (SFRE) for Fairfax County compared to other regional jurisdictions, as of January 2019 (FY 2019). Average sewer service billings for the other regional jurisdictions have been developed by applying each jurisdiction's equivalent base charge and sewer service rate to appropriate SFRE water usage determined from Fairfax Water's average water usage for SFREs.

Comparison of Average Service Charges and Availability Charges for SFREs as of January 2019 (FY 2019)
Based on 18,000 gallons per quarter for all jurisdictions

Jurisdiction*	Average Annual Sewer Service Billing	Sewer Availability Fees
DCWASA	\$1,077	----
City of Alexandria	\$767	\$8,859
Arlington County	\$654	\$2,760
WSSC (improved)	\$692	\$14,500
Prince William County	\$587	\$10,800
Fairfax County	\$626	\$8,100
Loudoun Water	\$479	\$8,209

The table below outlines base charges by other regional utilities for comparison to Fairfax County's current Base Charge of \$30.38 and the FY 2020 Base Charge of \$32.91 per quarter, as of January 2019 (FY 2019):

Quarterly Base Charges for Sewer Service for Residential Customers	
DC Water	\$ 74.79
Loudoun Water	\$ 33.43
Fairfax County	\$ 30.38
Prince William County Service Authority	\$ 28.80
Alexandria Renew Enterprises	\$ 28.83
Washington Suburban Sanitation Commission	\$ 28.50
Neighboring Utilities Average	\$ 38.87

PROPOSED HAULED WASTEWATER CHARGES

BACKGROUND:

The County's Septage Receiving Facility (SRF) was constructed to receive and treat septage from local onsite sewage disposal systems in accordance with Section 15.2-2123 of the Code of Virginia. In addition, the SRF receives landfill leachate, portable toilet waste, restaurant grease, and recycled carwash water. Hauled septage and wastewater have been received and treated at no cost to pump-and-haul contractors to encourage proper disposal. This cost has been covered by the sewer charges paid by the customers of the County's public sewer system. However, the haulers have been charged a license fee by the health department for registration and inspection of the trucks for proper handling and hauling of septage and wastewater. The proposed charges will improve equity among customers served by the sewer system and those served by the pump-and-haul contractors. Also, the charges will recover a portion of the costs of operation, maintenance, and upcoming necessary improvements to the SRF. The proposed charges, which would be effective beginning July 1, 2019, are as follows:

- (1) High-Strength Waste - \$27 per 1,000 gallons of the hauler's truck capacity for septic tank and restaurant grease wastes.
- (2) Low-Strength Waste - Low-Strength Waste - \$7.28 per 1,000 gallons of the hauler's truck capacity for portable toilet, recycled carwash water, and landfill leachate. This rate is based on the proposed sewer service charge for FY 2020 and will be modified as the sewer service charge is adjusted in the future.
- (3) Reduce sewage handler license fee from \$710 per-year for first truck and \$360 per-year for each additional truck to \$150 per-year, per-truck.
- (4) Reduce renewal of sewage handler license after January 31 from \$865 per-year for first truck and \$550 per-year for each additional truck to \$200 per-year, per-truck.
- (5) Eliminate the current process of prorating sewage handler license fees during the year.

The proposed charges are comparable to those charged by the Upper Occoquan Service Authority (UOSA) of \$26 per 1,000 gallons. UOSA does not have different rates for high-strength and low-strength wastes. UOSA is the only other facility in the County that receives hauled wastewater. Also, the proposed license fees are comparable to the fees charged by neighboring jurisdictions.

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FISCAL IMPACT:

In FY 2020, assuming a water usage for a typical residential customer of 18,000 gallons/quarter (or 72,000 gallons/year), the annual sewer bill will be approximately \$656 per year, which is an increase of \$30.28 (or \$2.52 per month) over the FY 2019 sewer bill. In FY 2020, approximately \$9.8 million in additional revenues will be generated with the proposed Sewer Service Charge and the Base Charge over the *FY 2019 Revised Budget Plan*. Revenues from the collection of Sewer Service Charges, Base Charges, Availability Charges, and Hauled Wastewater Charges are recorded in Fund 69000, Sewer Revenue.

ENCLOSED DOCUMENTS:

Attachment I: The Proposed Amendment to Chapter 67.1 Article 10 (Charges), Section 2 of the Code of the County of Fairfax (clean version)

Attachment Ia: The Proposed Amendment to Chapter 67.1 Article 10 (Charges), Section 2 of the Code of the County of Fairfax (with amendments tracked)

Attachment II: The Proposed Amendments to Chapter 68.1 Article 9 (Fee Schedule), Section 1 of the Code of the County of Fairfax (clean version)

Attachment IIa: The Proposed Amendments to Chapter 68.1 Article 9 (Fee Schedule), Section 1 of the Code of the County of Fairfax (with amendments tracked)

STAFF:

Rachel Flynn, Deputy County Executive

Randolph W. Bartlett, Director, Department of Public Works and Environmental Services (DPWES)

Dr. Gloria Addo-Ayensu, Director, Fairfax County Health Department

Shahram Mohsenin, Director, DPWES, Wastewater Planning and Monitoring Division

ASSIGNED COUNSEL:

Emily H. Smith, Assistant County Attorney

1 **AN ORDINANCE AMENDING**
2 **ARTICLE 10 OF CHAPTER 67.1 OF THE FAIRFAX COUNTY CODE, RELATING TO**
3 **CHARGES FOR THE AVAILABILITY OF, CONNECTION TO, AND/OR USE OF THE**
4 **SEWERAGE FACILITIES OF THE COUNTY**
5

6 **AN ORDINANCE to amend the Fairfax County Code by amending and**
7 **readopting Section 67.1-10-2, relating to charges for the availability of,**
8 **connection to, and/or use of the sewerage facilities of the County.**
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11 **Be it ordained by the Board of Supervisors of Fairfax County:**

- 12 **1. That Section 67.1-10-2 of the Fairfax County Code is amended and readopted as**
13 **follows:**
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15 **ARTICLE 10. - Charges.**

16 **Section 67.1-10-2. – Availability, Connection, Lateral Spur, Service Charges, Base Charges,**
17 **and Hauled Wastewater Charges.**

18 (a) *Availability Charges.*

- 19 (1) *Residential uses:* The following schedule of availability charges for residential uses
20 desiring to connect to the Facilities of the County is hereby established and imposed:

		Fiscal Year (July 1-June 30)					
	Customer Class	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
(A)	Single-Family Detached	\$8,100	\$8,340	\$8,340	\$8,340	\$8,340	\$8,340
(B)	Lodging House, Hotel, Inn or Tourist Cabin	8,100	8,340	8,340	8,340	8,340	8,340
(C)	Townhouse	6,480	6,672	6,672	6,672	6,672	6,672
(D)	Apartment	6,480	6,672	6,672	6,672	6,672	6,672
(E)	Mobile Home	6,480	6,672	6,672	6,672	6,672	6,672
(F)	Any other residential dwelling unit	6,480	6,672	6,672	6,672	6,672	6,672

(G)	Hotel, Motel, or Dormitory rental unit	2,025	2,085	2,085	2,085	2,085	2,085
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23 (2) *Commercial and all other uses:* The following schedule of fixture unit rates for
 24 computing availability charges for all nonresidential uses is hereby established and
 25 imposed:

	Fiscal Year (July 1-June 30)					
	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Fixture unit rate	\$405	\$417	\$417	\$417	\$417	\$417

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27 The availability charge will be computed as the number of fixture units (including roughed-in
 28 fixture units) in accordance with Part I of the current Virginia Uniform Statewide Building Code
 29 (as amended), Section 101.2, Note 1, which incorporates by reference the 2012 International
 30 Plumbing Code (Chapter 7, Section 709) ("VUSBC"), times the fixture unit rate with a minimum
 31 charge equivalent to one single-family detached dwelling per premises. For Significant Industrial
 32 Users with wastewater discharge permits authorizing discharge into the Integrated Sewer System
 33 and other industrial or commercial Users determined by the Director to have processes generating
 34 significant wastewater flows, the availability charge will be calculated on the basis of equivalent
 35 units. One equivalent unit is equal to 280 gallons per day and rated equal to one single-family
 36 detached dwelling unit. Therefore, the availability charge for Significant Industrial Users and other
 37 industrial or commercial Users determined by the Director to have processes generating significant
 38 flow will be equal to the current rate for a single-family detached dwelling unit times the number
 39 of equivalent units associated with the permitted flow. The number of equivalent units is equal to
 40 the permitted or projected flow in gallons per day divided by 280 gallons per day. Fixture unit
 41 counts, for Users having fixtures discharging continuously or semi-continuously to drainage
 42 system leading to the County sanitary sewer facilities, shall be increased by two fixture units for
 43 each gallon per minute of such continuous or semi-continuous discharge. The rate of such
 44 discharge shall be deemed to be that rate certified by the manufacturer of the fixture or other
 45 equipment, or such other rates as the Director shall determine.

46 (3) *Effective date:* The rate will change on July 1st of each new fiscal year. The rate
 47 applicable to each fiscal year is subject to annual review by the Board of Supervisors.

48 (b) *Connection Charges.*

- 49 (1) *Residential and community uses:* Except as otherwise provided herein, there is hereby
 50 established and imposed a connection charge of \$152.50 per front foot of premises (with
 51 a minimum of \$7,625 and a maximum of \$15,250 for the connection of single-family
 52 detached and attached dwellings, churches, schools, fire stations, community centers, or
 53 other such similar community uses, to the Facilities of the County.
- 54 (A) The above Connection Charges are effective beginning on July 1, 2011, for all
 55 Facilities of the County constructed after July 1, 2011. During the period of July 1,
 56 2011, through June 30, 2012, Connection Charges for connections to Facilities of the
 57 County constructed prior to July 1, 2011, will be \$6.00 per front foot of premises
 58 (with a minimum of \$300.00 and a maximum of \$600.00). Provided, however, the
 59 Director may extend the deadline for connection to Facilities of the County from July
 60 1, 2012, to December 31, 2012, if the Director determines that for reasons beyond
 61 the control of the owner of the premises, at least one of the following conditions are
 62 met:
- 63 (i) All applicable fees and charges have been paid to the County and other
 64 appropriate governmental agencies prior to June 30, 2012;
- 65 (ii) All applicable permits have either been applied for or obtained prior to June
 66 30, 2012;
- 67 (iii) The owner of the premises can show diligent and active efforts to connect to
 68 the Facilities of the County prior to June 30, 2012;
- 69 (iv) The owner has been delayed by the actions of a third party, e.g., delays in the
 70 issuance of permits or inspections by any government agency or other party; or
- 71 (v) The delays have been caused by an Act of God.
- 72 (B) Connection Charges for connection to the Facilities of the County in the County's
 73 Extension and Improvement (E&I) Program that were under design for construction
 74 on or before April 12, 2011, and that were not completed on or before that date, will
 75 be \$6.00 per front foot of premises (with a minimum of \$300.00 and a maximum of
 76 \$600.00) provided all of the following conditions are met:
- 77 (i) property owners in the E&I project area agree to grant all required easements
 78 within four months from the completion of the design;
- 79 (ii) 50 percent of the property owners in the E&I project area pay the required
 80 Availability Charges within four months from the completion of the design; and
- 81 (iii) connections to the Facilities of the County are made by no later than June 30,
 82 2012, or within one year from the completion of the construction of the E&I
 83 project, whichever comes last, provided, however, the Director shall have the
 84 power to extend this deadline by up to six months for the hardship reasons set
 85 forth in subsections (A)(i) through (A)(v), above, provided, however, that in lieu
 86 of the date June 30, 2012, the operative date for such extensions shall be one
 87 year from the date of completion of construction of the E&I project for which a
 88 connection is requested.

- 89 (2) *All other uses:* There is hereby established and imposed a connection charge of \$152.50
 90 per front foot of premises (with a minimum charge of \$15,250) for the connection of all
 91 other uses to the Facilities of the County.
- 92 (3) The connection charges established and imposed above shall not apply to premises to
 93 be connected to the Facilities of the County if such Facilities of the County are
 94 constructed totally at private expense.
- 95 (4) For the purposes of Section 67.1-10-2(b), front foot of premises will be determined by
 96 measuring the frontage of the premises located on the street address side of the premises.
- 97 (c) *Lateral spur charges:* There is hereby established and imposed a lateral spur charge of
 98 \$600.00 for the connection of all uses to a lateral spur, where such lateral spur has been
 99 installed by the County at the expense of Fairfax County.
- 100 (d) *Service charges:* There are hereby established and imposed the following sanitary sewer
 101 service charges:

	Sewer Service Charges — Fiscal Year (July 1 - June 30)					
	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Sewer Service Charge, \$/1,000 gallons	\$7.00	\$7.28	\$7.64	\$8.02	\$8.28	\$8.56

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- 103 (e) *Base charges:* There are hereby established and imposed the following quarterly base
 104 charges in addition to the sewer service charge:

BASE CHARGE Cost (\$) per Quarterly Bill						
	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Residential Base Charge	\$30.38	\$32.91	\$36.20	\$39.82	\$43.97	\$48.29
Commercial: (meter size)						
¾" and smaller, or no meter	\$30.38	\$32.91	\$36.20	\$39.82	\$43.97	\$48.29

1"	\$75.95	\$82.28	\$90.50	\$99.55	\$109.93	\$120.73
1½"	\$151.90	\$164.55	\$181.00	\$199.10	\$219.85	\$241.45
2"	\$243.04	\$263.28	\$289.60	\$318.56	\$351.76	\$386.32
3"	\$455.70	\$493.65	\$543.00	\$597.30	\$659.55	\$724.35
4"	\$759.50	\$822.75	\$905.00	\$995.50	\$1,099.25	\$1,207.25
6"	\$1,519.00	\$1,645.50	\$1,810.00	\$1,991.00	\$2,198.50	\$2,414.50
8"	\$2,430.40	\$2,632.80	\$2,896.00	\$3,185.60	\$3,517.60	\$3,863.20
10" and larger	\$3,493.70	\$3,784.65	\$4,163.00	\$4,579.30	\$5,056.55	\$5,553.35

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106 If requested, the Base Charge for non-residential customers who have sub-meters for irrigation
 107 and other water uses that do not enter the sewer system will be adjusted based on their sub-meter
 108 size per above table. In no case the Base Charge will be smaller than that for ¾" and smaller meter.

109 (1) *Effective date:* The Service charges and Base charges will change on July 1st of each
 110 new fiscal year. For metered accounts, the change is effective with meter readings
 111 beginning October 1st of each year. For unmetered accounts, the change is effective with
 112 billings beginning October 1st of each year.

113 (2) *Premises having a metered water supply:*

Category of Use	Service Charges
(A) Single-family detached and single-family attached dwellings such as townhouses, duplexes, multiplexes, semi-detached, rowhouses, garden court and patio houses with a separate water service line meter.	For each 1,000 gallons of water, based on winter-quarter consumption or current quarterly consumption, as measured by the service line meter, whichever is lower, a charge equal to the effective unit cost rate (\$/1,000 gallons).
(B) All other uses.	For each 1,000 gallons of water as measured by the water service line, a charge equal to the effective unit cost rate (\$/1,000 gallons).

(C) All users.	Base charge per billing as established in Section 67.1-10-2(e).
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(D) The winter-quarter-maximum consumption is determined as follows:

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(i) The quarterly-daily-average consumption of water is the consumption, measured by the water service line meter for the period between meter readings divided by the number of days elapsed between meter readings.

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(ii) The quarterly consumption is 91.5 times the quarterly-daily-average consumption of water in leap years or 91.25 times the quarterly-daily-average consumption in non-leap years.

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(iii) The winter-quarter-consumption is the quarterly consumption determined at the water service line meter reading scheduled between February 1 and April 30. The winter-quarter-consumption of each respective year shall be applicable to the four quarterly sewer billings rendered in conjunction with the regular meter reading scheduled after the next May.

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(iv) All water delivered to the premises, as measured by the winter-quarter-consumption for single-family dwellings and townhouses or the meter of all other Users, shall be deemed to have been discharged to the Facilities of the County. However, any person may procure the installation of a second water service line meter. Such person may notify the Director of such installation, in which event the Director shall make such inspection or inspections as may be necessary to ascertain that no water delivered to the premises or only the water delivered through any such additional meter may enter the Facilities of the County. If the Director determines that water delivered through an additional meter may not enter the Facilities of the County, no charge hereunder shall be based upon such volume of water delivery. If the Director determines that only the water delivered through an additional meter may enter the Facilities of the County, only the water recorded on the additional meter shall be charged. In the alternative, any person may procure the installation of a sewage meter which shall be of a type and installed in a manner approved by the Director, who shall make periodic inspection to ensure accurate operation of said meter; in such event, the charge imposed hereunder shall be based upon the volume measured by such meter. The cost of all inspections required by the foregoing provisions for elective metering, as determined by normal cost accounting methods, shall be an additional charge for sanitary sewer service to the premises on which such meter or meters are installed.

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(E) For single-family premises as in (e)(2)(A) not able to register valid meter readings for the measurement of winter-quarter-consumption the following billing method shall apply:

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- 151 (i) Premises not existing, unoccupied or occupied by a different household during
152 the applicable winter quarter, or which due to unfavorable weather, meter failure
153 or for any other reason of meter inaccuracy cannot register valid meter readings,
154 shall not be considered to have a valid meter reading for the purpose of winter-
155 quarter-consumption measurement.
- 156 (ii) Such premises may be billed on the basis of the average winter-quarter-
157 consumption for similar dwelling units or the current quarterly consumption, as
158 registered by water service line meter, or based on historical water usage.
159 Accounts for single-family premises established by a builder for sewerage
160 service during construction shall be considered a nonresidential use.
- 161 (3) Premises not having metered water supply or having both well water and public metered
162 water supply:
- 163 (A) Single-family dwellings, as in (e)(2)(A). An amount equal to the average winter-
164 quarter-consumption, during the applicable winter quarter, of similar dwelling units,
165 times the effective unit cost rate (\$/1,000 gallons). In the alternative, any such single-
166 family residential customer may apply to the County, via the water supplier
167 providing water service to the area in which the residential customer is located, for
168 special billing rates, based on average per capita consumption of water in similar
169 type units.
- 170 (B) All other uses: The charge shall be based upon the number of fixture units and load
171 factor in accordance with the VUSBC, Table I and Table II Fixture Units and Load
172 Factors for All Other Premises. There shall be an additional charge equal to the
173 effective unit cost (\$/1,000 gallons) for the volume discharged by fixtures
174 discharging continuously or semi-continuously. Volume of continuous or semi-
175 continuous discharge shall be deemed to be that used in determining availability
176 charge.
- 177 (f) Hauled Wastewater Charges: There are hereby established and imposed the following Hauled
178 Wastewater Charges:
- 179 (1) High-Strength Waste - \$27 per 1,000 gallons of the hauler's truck capacity for Septic
180 tank and restaurant grease wastes.
- 181 (2) Low-Strength Waste – Based on prevailing Sewer Service Charge per 1,000 gallons of
182 the hauler's truck capacity for portable toilet and landfill leachate. This rate will be
183 adjusted as the Sewer Service Charge is adjusted from time to time.
- 184
- 185

186 TABLE I. Table of Fixture Units

Type of Fixture or Group of Fixtures	Drainage Fixture Unit Value(d.f.u.)
Commercial automatic clothes washer (2" standpipe)	3
Bathroom group consisting of water closet, lavatory and bathtub or shower stall (Residential):	
Tank type closet	6
Bathtub (with or without overhead shower)	2
Combination sink-and-tray with food disposal unit	2
Combination sink-and-tray with 1½" trap	2
Dental unit or cuspidor	1
Dental lavatory	1
Drinking fountain	½
Dishwasher, domestic	2
Floor drains with 2" waste	2
Kitchen sink, domestic, with one 1½" waste	2
Kitchen sink, domestic, with food waste grinder and/or dishwasher	2
Lavatory with 1¼" waste	1
Laundry tray (1 or 2 compartments)	2
Shower stall	2

Sinks:	
Surgeon's	3
Flushing rim (with valve)	6
Service (trap standard)	3
Service (P trap)	2
Pot, scullery, etc.	4
Urinal, pedestal, syphon jet blowout	6
Urinal, wall lip	4
Urinal stall, washout	4
Urinal trough (each 6-ft. section)	2
Wash sink (circular or multiple) each set of faucets	2
Water closet, tank-operated	4
Water closet, valve-operated	6
Fixture drain or trap size:	
1 ¼ inches and smaller	1
1 ½ inches	2
2 inches	3
2 ½ inches	4
3 inches	5
4 inches	6

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TABLE II.
Fixture Units and Load Factors for All Other Premises
Quarterly Service Charges
 Fiscal Year (July 1—June 30)

Fixture Units	Load Factor	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
20 or less	1.00	175.00	182.00	191.00	200.50	207.00	214.00
21 to 30	1.25	218.75	227.50	238.75	250.63	258.75	267.50
31 to 40	1.45	253.75	263.90	276.95	290.73	300.15	310.30
41 to 50	1.60	280.00	291.20	305.60	320.80	331.20	342.40
51 to 60	1.75	306.25	318.50	334.25	350.88	362.25	374.50
61 to 70	1.90	332.50	345.80	362.90	380.95	393.30	406.60
71 to 80	2.05	358.75	373.10	391.55	411.03	424.35	438.70
81 to 90	2.20	385.00	400.40	420.20	441.10	455.40	470.80
91 to 100	2.30	402.50	418.60	439.30	461.15	476.10	492.20
101 to 110	2.40	420.00	436.80	458.40	481.20	496.80	513.60
111 to 120	2.55	446.25	464.10	487.05	511.28	527.85	545.70
121 to 130	2.65	463.75	482.30	506.15	531.33	548.55	567.10
131 to 140	2.75	481.25	500.50	525.25	551.38	569.25	588.50
141 to 150	2.85	498.75	518.70	544.35	571.43	589.95	609.90
151 to 160	2.95	516.25	536.90	563.45	591.48	610.65	631.30

ATTACHMENT I

161 to 170	3.05	533.75	555.10	582.55	611.53	631.35	652.70
171 to 180	3.15	551.25	573.30	601.65	631.58	652.05	674.10
181 to 190	3.25	568.75	591.50	620.75	651.63	672.75	695.50
191 to 200	3.35	586.25	609.70	639.85	671.68	693.45	716.90
201 to 210	3.45	603.75	627.90	658.95	691.73	714.15	738.30
211 to 220	3.55	621.25	646.10	678.05	711.78	734.85	759.70
221 to 230	3.65	638.75	664.30	697.15	731.83	755.55	781.10
231 to 240	3.75	656.25	682.50	716.25	751.88	776.25	802.50
241 to 250	3.85	673.75	700.70	735.35	771.93	796.95	823.90
251 to 260	3.90	682.50	709.80	744.90	781.95	807.30	834.60
261 to 270	4.00	700.00	728.00	764.00	802.00	828.00	856.00
271 to 280	4.05	708.75	737.10	773.55	812.03	838.35	866.70
281 to 290	4.10	717.50	746.20	783.10	822.05	848.70	877.40
291 to 300	4.15	726.25	755.30	792.65	832.08	859.05	888.10
301 to 310	4.20	735.00	764.40	802.20	842.10	869.40	898.80
311 to 320	4.30	752.50	782.60	821.30	862.15	891.10	920.20
321 to 330	4.40	770.00	800.80	840.40	882.20	910.80	941.60
331 to 340	4.50	787.50	819.00	859.50	902.25	931.50	963.00
341 to 350	4.60	805.00	837.20	878.60	922.30	952.20	984.40
351 to 360	4.70	822.50	855.40	897.70	942.35	972.90	1,005.80

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361 to 370	4.80	840.00	873.60	916.80	962.40	993.60	1,027.20
371 to 380	4.90	857.50	891.80	935.90	982.45	1,014.30	1,048.60
381 to 390	5.00	875.00	910.00	955.00	1,002.50	1,035.00	1,070.00
391 to 400	5.10	892.50	928.20	974.10	1,022.55	1,055.70	1,091.40
401 to 410	5.20	910.00	946.40	993.20	1,042.60	1,076.40	1,112.80
411 to 420	5.30	927.50	964.60	1,012.30	1,062.65	1,097.10	1,134.20
421 to 430	5.40	945.00	982.80	1,031.40	1,082.70	1,117.80	1,155.60
431 to 440	5.50	962.50	1,001.00	1,050.50	1,102.75	1,138.50	1,177.00
441 to 450	5.60	980.00	1,019.20	1,069.60	1,122.80	1,159.20	1,198.40
451 to 460	5.70	997.50	1,037.40	1,088.70	1,142.85	1,179.90	1,219.80
461 to 470	5.80	1,015.00	1,055.60	1,107.80	1,162.90	1,200.60	1,241.20
471 to 480	5.90	1,032.50	1,073.80	1,126.90	1,182.95	1,221.30	1,262.60
481 to 490	6.00	1,050.00	1,092.00	1,146.00	1,203.00	1,242.00	1,284.00
491 to 500	6.10	1,067.50	1,110.20	1,165.10	1,223.05	1,262.70	1,305.40
501 to 525	6.25	1,093.75	1,137.50	1,193.75	1,253.13	1,293.75	1,337.50
526 to 550	6.50	1,137.50	1,183.00	1,241.50	1,303.25	1,345.50	1,391.00
551 to 575	6.75	1,181.25	1,228.50	1,289.25	1,353.38	1,397.25	1,444.50
576 to 600	7.00	1,225.00	1,274.00	1,337.00	1,403.50	1,449.00	1,498.00
601 to 625	7.25	1,268.75	1,319.50	1,384.75	1,453.63	1,500.75	1,551.50
626 to 650	7.50	1,312.50	1,365.00	1,432.50	1,503.75	1,552.50	1,605.00

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651 to 675	7.75	1,356.25	1,410.50	1,480.25	1,553.88	1,604.25	1,658.50
676 to 700	8.00	1,400.00	1,456.00	1,528.00	1,604.00	1,656.00	1,712.00
701 to 725	8.20	1,435.00	1,492.40	1,566.20	1,644.10	1,697.40	1,754.80
726 to 750	8.40	1,470.00	1,528.80	1,604.40	1,684.20	1,738.80	1,797.60
751 to 775	8.60	1,505.00	1,565.20	1,642.60	1,724.30	1,780.20	1,840.40
776 to 800	8.80	1,540.00	1,601.60	1,680.80	1,764.40	1,821.60	1,883.20
801 to 825	9.00	1,575.00	1,638.00	1,719.00	1,804.50	1,863.00	1,926.00
826 to 850	9.20	1,610.00	1,674.40	1,757.20	1,844.60	1,904.40	1,968.80
851 to 875	9.35	1,636.25	1,701.70	1,785.85	1,874.68	1,935.45	2,000.90
876 to 900	9.50	1,662.50	1,729.00	1,814.50	1,904.75	1,966.50	2,033.00
901 to 925	9.65	1,688.75	1,756.30	1,843.15	1,934.83	1,997.55	2,065.10
926 to 950	9.80	1,715.00	1,783.60	1,871.80	1,964.90	2,028.60	2,097.20
951 to 975	9.95	1,741.25	1,810.90	1,900.45	1,994.98	2,059.65	2,129.30
976 to 1,000	10.15	1,776.25	1,847.30	1,938.65	2,035.08	2,101.05	2,172.10
1,001 to 1,050	10.55	1,846.25	1,920.10	2,015.05	2,115.28	2,183.85	2,257.70
1,051 to 1,100	10.90	1,907.50	1,983.80	2,081.90	2,185.45	2,256.30	2,332.60
1,101 to 1,150	11.30	1,977.50	2,056.60	2,158.30	2,265.65	2,339.10	2,418.20
1,151 to 1,200	11.70	2,047.50	2,129.40	2,234.70	2,345.85	2,421.90	2,503.80
1,201 to 1,250	12.00	2,100.00	2,184.00	2,292.00	2,406.00	2,484.00	2,568.00
1,251 to 1,300	12.35	2,161.25	2,247.70	2,358.85	2,476.18	2,556.45	2,642.90

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1,301 to 1,350	12.70	2,222.50	2,311.40	2,425.70	2,546.35	2,628.90	2,717.80
1,351 to 1,400	13.00	2,275.00	2,366.00	2,483.00	2,606.50	2,691.00	2,782.00
1,401 to 1,450	13.25	2,318.75	2,411.50	2,530.75	2,656.63	2,742.75	2,835.50
1,451 to 1,500	13.50	2,362.50	2,457.00	2,578.50	2,706.75	2,794.50	2,889.00
1,501 to 1,600	14.05	2,458.75	2,557.10	2,683.55	2,817.03	2,908.35	3,006.70
1,601 to 1,700	14.60	2,555.00	2,657.20	2,788.60	2,927.30	3,022.20	3,124.40
1,701 to 1,800	15.15	2,651.25	2,757.30	2,893.65	3,037.58	3,136.05	3,242.10
1,801 to 1,900	15.70	2,747.50	2,857.40	2,998.70	3,147.85	3,249.90	3,359.80
1,901 to 2,000	16.25	2,843.75	2,957.50	3,103.75	3,258.13	3,363.75	3,477.50
2,001 to 2,100	16.80	2,940.00	3,057.60	3,208.80	3,368.40	3,477.60	3,595.20
2,101 to 2,200	17.35	3,036.25	3,157.70	3,313.85	3,478.68	3,591.45	3,712.90
2,201 to 2,300	17.90	3,132.50	3,257.80	3,418.90	3,588.95	3,705.30	3,830.60
2,301 to 2,400	18.45	3,228.75	3,357.90	3,523.95	3,699.23	3,819.15	3,948.30
2,401 to 2,500	19.00	3,325.00	3,458.00	3,629.00	3,809.50	3,933.00	4,066.00
2,501 to 2,600	19.55	3,421.25	3,558.10	3,734.05	3,919.78	4,046.85	4,183.70
2,601 to 2,700	20.10	3,517.50	3,658.20	3,839.10	4,030.05	4,160.70	4,301.40
2,701 to 2,800	20.65	3,613.75	3,758.30	3,944.15	4,140.33	4,274.55	4,419.10
2,801 to 2,900	21.20	3,710.00	3,858.40	4,049.20	4,250.60	4,388.40	4,536.80
2,901 to 3,000	21.75	3,806.25	3,958.50	4,154.25	4,360.88	4,502.25	4,654.50
3,001 to 4,000	26.00	4,550.00	4,732.00	4,966.00	5,213.00	5,382.00	5,564.00

4,001 to 5,000	29.50	5,162.50	5,369.00	5,634.50	5,914.75	6,106.50	6,313.00
5,001 to 6,000	33.00	5,775.00	6,006.00	6,303.00	6,616.50	6,831.00	7,062.00
6,001 to 7,000	36.40	6,370.00	6,624.80	6,952.40	7,298.20	7,534.80	7,789.60
7,001 to 8,000	39.60	6,930.00	7,207.20	7,563.60	7,939.80	8,197.20	8,474.40
8,001 to 9,000	42.75	7,481.25	7,780.50	8,165.25	8,571.38	8,849.25	9,148.50
9,001 to 10,000	46.00	8,050.00	8,372.00	8,786.00	9,223.00	9,522.00	9,844.00
10,001 to 11,000	48.85	8,548.75	8,890.70	9,330.35	9,794.43	10,111.95	10,453.90
11,001 to 12,000	51.60	9,030.00	9,391.20	9,855.60	10,345.80	10,681.20	11,042.40
12,001 to 13,000	54.60	9,555.00	9,937.20	10,428.60	10,947.30	11,302.20	11,684.40
13,001 to 14,000	57.40	10,045.00	10,446.80	10,963.40	11,508.70	11,881.80	12,283.60
14,001 to 15,000	60.00	10,500.00	10,920.00	11,460.00	12,030.00	12,420.00	12,840.00

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NOTES:

(1) Base charge is not included in rates above.

GIVEN under my hand this _____ day of _____, 2019

Catherine A. Chianese
Clerk for the Board of Supervisors

1 AN ORDINANCE AMENDING
 2 ARTICLE 10 OF CHAPTER 67.1 OF THE FAIRFAX COUNTY CODE, RELATING TO
 3 CHARGES FOR THE AVAILABILITY OF, CONNECTION TO, AND/OR USE OF THE
 4 SEWERAGE FACILITIES OF THE COUNTY
 5

6 AN ORDINANCE to amend the Fairfax County Code by amending and
 7 readopting Section 67.1-10-2, relating to charges for the availability of,
 8 connection to, and/or use of the sewerage facilities of the County.
 9

10
 11 Be it ordained by the Board of Supervisors of Fairfax County:

- 12 1. That Section 67.1-10-2 of the Fairfax County Code is amended and readopted as
 13 follows:
 14

15 ARTICLE 10. - Charges.

16 Section 67.1-10-2. – Availability, Connection, Lateral Spur, and Service Charges, Base
 17 Charges, and Hauled Wastewater Charges.

18 (a) *Availability Charges.*

- 19 (1) *Residential uses:* The following schedule of availability charges for residential uses
 20 desiring to connect to the Facilities of the County is hereby established and imposed:

		Fiscal Year (July 1-June 30)					
	Customer Class	FY 2018 ₉	FY 20 ₁₉ 2 ₀	FY 202 ₀ 1	FY 202 ₁ 2	FY 202 ₂ 3	FY 202 ₃ 4
(A)	Single-Family Detached	\$8,100 ₃₄₀ 100	\$8,100 ₃₄₀	\$8,100 ₃₄₀	\$8,100 ₃₄₀	\$8,100 ₃₄₀	\$8,100 ₃₄₀
(B)	Lodging House, Hotel, Inn or Tourist Cabin	8,100 ₁₀₀	8,100 ₃₄₀	8,100 ₃₄₀	8,100 ₃₄₀	8,100 ₃₄₀	8,100 ₃₄₀
(C)	Townhouse	6,480 ₄₈₀	6,480 ₆₇₂	6,480 ₆₇₂	6,480 ₆₇₂	6,480 ₆₇₂	6,480 ₆₇₂
(D)	Apartment	6,480 ₄₈₀	6,480 ₆₇₂	6,480 ₆₇₂	6,480 ₆₇₂	6,480 ₆₇₂	6,480 ₆₇₂
(E)	Mobile Home	6,480 ₄₈₀	6,480 ₆₇₂	6,480 ₆₇₂	6,480 ₆₇₂	6,480 ₆₇₂	6,480 ₆₇₂

(F)	Any other residential dwelling unit	6,480,480	6,480,672	6,480,672	6,480,672	6,480,672	6,480,672
(G)	Hotel, Motel, or Dormitory rental unit	2,025,25	2,085,225	2,0285	2,0285	2,0285	2,0285

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(2) *Commercial and all other uses:* The following schedule of fixture unit rates for computing availability charges for all nonresidential uses is hereby established and imposed:

	Fiscal Year (July 1-June 30)					
	FY 2019 8	FY 2020 19	FY 2021 0	FY 2022 1	FY 2023 2	FY 2024 3
Fixture unit rate	\$405 0517	\$405 17	\$405 17	\$405 17	\$405 17	\$405 17

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The availability charge will be computed as the number of fixture units (including roughed-in fixture units) in accordance with Part I of the current Virginia Uniform Statewide Building Code (as amended), Section 101.2, Note 1, which incorporates by reference the 2012 International Plumbing Code (Chapter 7, Section 709) ("VUSBC"), times the fixture unit rate with a minimum charge equivalent to one single-family detached dwelling per premises. For Significant Industrial Users with wastewater discharge permits authorizing discharge into the Integrated Sewer System and other industrial or commercial Users determined by the Director to have processes generating significant wastewater flows, the availability ~~fee~~charge will be calculated on the basis of equivalent units. One equivalent unit is equal to 280 gallons per day and rated equal to one single-family detached dwelling unit. Therefore, the availability charge for Significant Industrial Users and other industrial or commercial Users determined by the Director to have processes generating significant flow will be equal to the current rate for a single-family detached dwelling unit times the number of equivalent units associated with the permitted flow. The number of equivalent units is equal to the permitted or projected flow in gallons per day divided by 280 gallons per day. Fixture unit counts, for Users having fixtures discharging continuously or semi-continuously to drainage system leading to the County sanitary sewer facilities, shall be increased by two fixture units for each gallon per minute of such continuous or semi-continuous discharge. The rate of such discharge shall be deemed to be that rate certified by the manufacturer of the fixture or other equipment, or such other rates as the Director shall determine.

- 45 (3) *Effective date:* The rate will change on July 1st of each new fiscal year. The rate
46 applicable to each fiscal year is subject to annual review by the Board of Supervisors.
- 47 (b) *Connection Charges.*
- 48 (1) *Residential and community uses:* Except as otherwise provided herein, there is hereby
49 established and imposed a connection charge of \$152.50 per front foot of premises (with
50 a minimum of \$7,625 and a maximum of \$15,250 for the connection of single-family
51 detached and attached dwellings, churches, schools, fire stations, community centers, or
52 other such similar community uses, to the Facilities of the County.
- 53 (A) The above Connection Charges are effective beginning on July 1, 2011, for all
54 Facilities of the County constructed after July 1, 2011. During the period of July 1,
55 2011, through June 30, 2012, Connection Charges for connections to Facilities of the
56 County constructed prior to July 1, 2011, will be \$6.00 per front foot of premises
57 (with a minimum of \$300.00 and a maximum of \$600.00). Provided, however, the
58 Director may extend the deadline for connection to Facilities of the County from July
59 1, 2012, to December 31, 2012, if the Director determines that for reasons beyond
60 the control of the owner of the premises, at least one of the following conditions are
61 met:
- 62 (i) All applicable fees and charges have been paid to the County and other
63 appropriate governmental agencies prior to June 30, 2012;
- 64 (ii) All applicable permits have either been applied for or obtained prior to June
65 30, 2012;
- 66 (iii) The owner of the premises can show diligent and active efforts to connect to
67 the Facilities of the County prior to June 30, 2012;
- 68 (iv) The owner has been delayed by the actions of a third party, e.g., delays in the
69 issuance of permits or inspections by any government agency or other party; or
- 70 (v) The delays have been caused by an Act of God.
- 71 (B) Connection Charges for connection to the Facilities of the County in the County's
72 Extension and Improvement (E&I) Program that were under design for construction
73 on or before April 12, 2011, and that were not completed on or before that date, will
74 be \$6.00 per front foot of premises (with a minimum of \$300.00 and a maximum of
75 \$600.00) provided all of the following conditions are met:
- 76 (i) property owners in the E&I project area agree to grant all required easements
77 within four months from the completion of the design;
- 78 (ii) 50 percent of the property owners in the E&I project area pay the required
79 Availability Charges within four months from the completion of the design; and
- 80 (iii) connections to the Facilities of the County are made by no later than June 30,
81 2012, or within one year from the completion of the construction of the E&I
82 project, whichever comes last, provided, however, the Director shall have the
83 power to extend this deadline by up to six months for the hardship reasons set
84 forth in subsections (A)(i) through (A)(v), above, provided, however, that in lieu
85 of the date June 30, 2012, the operative date for such extensions shall be one

86 year from the date of completion of construction of the E&I project for which a
 87 connection is requested.

88 (2) *All other uses:* There is hereby established and imposed a connection charge of \$152.50
 89 per front foot of premises (with a minimum charge of \$15,250) for the connection of all
 90 other uses to the Facilities of the County.

91 (3) The connection charges established and imposed above shall not apply to premises to
 92 be connected to the Facilities of the County if such Facilities of the County are
 93 constructed totally at private expense.

94 (4) For the purposes of Section 67.1-10-2(b), front foot of premises will be determined by
 95 measuring the frontage of the premises located on the street address side of the premises.

96 (c) *Lateral spur charges:* There is hereby established and imposed a lateral spur charge of
 97 \$600.00 for the connection of all uses to a lateral spur, where such lateral spur has been
 98 installed by the County at the expense of Fairfax County.

99 (d) *Service charges:* There are hereby established and imposed the following sanitary sewer
 100 service charges:

Sewer Service Charges — Fiscal Year (July 1 - June 30)						
	FY 2018 ₉	FY 2019 ₂₀	FY 2020 ₁	FY 2021 ₂	FY 2022 ₃	FY 2023 ₄
Sewer Service Charge, \$/1,000 gallons	\$6.757.00	\$7.0028	\$7.364	\$7.708.02	\$8.028	\$8.56

101

102 (e) *Base charges:* There are hereby established and imposed the following quarterly base
 103 charges in addition to the sewer service charge:

BASE CHARGE Cost (\$) per Quarterly Bill						
	FY 2018 ₉	FY 2019 ₂₀	FY 2020 ₁	FY 2021 ₂	FY 2022 ₃	FY 2023 ₄
Residential Base Charge	\$27.6230. 38	\$30.382.91	\$33.426.20	\$36.769.82	\$40.443.97	\$42.878.29

Commercial: (meter size)						
¾" and smaller, or no meter	\$27.6230. 38	\$30.382.91	\$33.426.20	\$36.769.82	\$40.443.97	\$42.878.29
1"	\$69.0575. 95	\$75.9582.2 8	\$83.5590.50	\$91.909.55	\$101.1009.93 109.93	\$107.1820.73
1½"	\$138.1051 .90	\$151.9064. 55	\$167.1081.0 0	\$183.8099.1 0	\$202.2019.85	\$214.3541.45
2"	\$220.9643 .04	\$243.0463. 28	\$267.3689.6 0	\$294.08318. 56	\$323.5251.76	\$342.9686.32
3"	\$414.3055 .70	\$455.7093. 65	\$501.3043.0 0	\$551.4097.3 0	\$606.6059.55	\$643.05724.35
4"	\$690.5075 9.50	\$759.5082 2.75	\$835.50905. 00	\$919.0095.5 0	\$1,011.00099 .25	\$1,071.75207.2 5
6"	\$1,381.159 .00 1.519.00	\$1,519.006 45.50	\$1,671.810.0 0	\$1,838.991.0 0	\$2,022.00198 .50	\$2,143.414.50
8"	\$2,209.64 30.40	\$2,430.406 32.80	\$2,673.6089 6.00	\$2,940.803, 185.60	\$3,235.2517. 60	\$3,429.6863.20
10" and larger	\$3,176.34 93.70	\$3,493.707 84.65	\$3,843.304, 163.00	\$4,227.4579 .30	\$4,650.605,0 56.55	\$4,930.05,5535 5.553.35

104

105 If requested, the Base Charge for non-residential customers who have sub-meters for irrigation
 106 and other water uses that do not enter the sewer system will be adjusted based on their sub-meter
 107 size per above table. In no case the Base Charge will be smaller than that for ¾" and smaller meter.

108 (1) *Effective date:* The Service charges and Base charges will change on July 1st of each
 109 new fiscal year. For metered accounts, the change is effective with meter readings

110 beginning October 1st of each year. For unmetered accounts, the change is effective with
 111 billings beginning October 1st of each year.

112 (2) *Premises having a metered water supply:*

Category of Use	Service Charges
(A) Single-family detached and single-family attached dwellings such as townhouses, duplexes, multiplexes, semi-detached, rowhouses, garden court and patio houses with a separate water service line meter.	For each 1,000 gallons of water, based on winter-quarter consumption or current quarterly consumption, as measured by the service line meter, whichever is lower, a charge equal to the effective unit cost rate (\$/1,000 gallons).
(B) All other uses.	For each 1,000 gallons of water as measured by the water service line, a charge equal to the effective unit cost rate (\$/1,000 gallons).
(C) All users.	Base charge per billing as established in Section 67.1-10-2(e).

113

114 (D) The winter-quarter-maximum consumption is determined as follows:

115 (i) The quarterly-daily-average consumption of water is the consumption,
 116 measured by the water service line meter for the period between meter readings
 117 divided by the number of days elapsed between meter readings.

118 (ii) The quarterly consumption is 91.5 times the quarterly-daily-average
 119 consumption of water in leap years or 91.25 times the quarterly-daily-average
 120 consumption in non-leap years.

121 (iii) The winter-quarter-consumption is the quarterly consumption determined at
 122 the water service line meter reading scheduled between February 1 and April 30.
 123 The winter-quarter-consumption of each respective year shall be applicable to
 124 the four quarterly sewer billings rendered in conjunction with the regular meter
 125 reading scheduled after the next May.

126 (iv) All water delivered to the premises, as measured by the winter-quarter-
 127 consumption for single-family dwellings and townhouses or the meter of all
 128 other Users, shall be deemed to have been discharged to the Facilities of the
 129 County. However, any person may procure the installation of a second water
 130 service line meter. Such person may notify the Director of such installation, in
 131 which event the Director shall make such inspection or inspections as may be
 132 necessary to ascertain that no water delivered to the premises or only the water

133 delivered through any such additional meter may enter the Facilities of the
134 County. If the Director determines that water delivered through an additional
135 meter may not enter the Facilities of the County, no charge hereunder shall be
136 based upon such volume of water delivery. If the Director determines that only
137 the water delivered through an additional meter may enter the Facilities of the
138 County, only the water recorded on the additional meter shall be charged. In the
139 alternative, any person may procure the installation of a sewage meter which
140 shall be of a type and installed in a manner approved by the Director, who shall
141 make periodic inspection to ensure accurate operation of said meter; in such
142 event, the charge imposed hereunder shall be based upon the volume measured
143 by such meter. The cost of all inspections required by the foregoing provisions
144 for elective metering, as determined by normal cost accounting methods, shall
145 be an additional charge for sanitary sewer service to the premises on which such
146 meter or meters are installed.

147 (E) For single-family premises as in (e)(2)(A) not able to register valid meter readings
148 for the measurement of winter-quarter-consumption the following billing method
149 shall apply:

150 (i) Premises not existing, unoccupied or occupied by a different household during
151 the applicable winter quarter, or which due to unfavorable weather, meter failure
152 or for any other reason of meter inaccuracy cannot register valid meter readings,
153 shall not be considered to have a valid meter reading for the purpose of winter-
154 quarter-consumption measurement.

155 (ii) Such premises may be billed on the basis of the average winter-quarter-
156 consumption for similar dwelling units or the current quarterly consumption, as
157 registered by water service line meter, or based on historical water usage.
158 Accounts for single-family premises established by a builder for sewerage
159 service during construction shall be considered a nonresidential use.

160 (3) Premises not having metered water supply or having both well water and public metered
161 water supply:

162 (A) Single-family dwellings, as in (e)(2)(A). An amount equal to the average winter-
163 quarter-consumption, during the applicable winter quarter, of similar dwelling units,
164 times the effective unit cost rate (\$/1,000 gallons). In the alternative, any such single-
165 family residential customer may apply to the County, via the water supplier
166 providing water service to the area in which the residential customer is located, for
167 special billing rates, based on average per capita consumption of water in similar
168 type units.

169 (B) All other uses: The charge shall be based upon the number of fixture units and load
170 factor in accordance with the VUSBC, Table I and Table II Fixture Units and Load
171 Factors for All Other Premises. There shall be an additional charge equal to the
172 effective unit cost (\$/1,000 gallons) for the volume discharged by fixtures
173 discharging continuously or semi-continuously. Volume of continuous or semi-
174 continuous discharge shall be deemed to be that used in determining availability
175 charge.

176 (f) Hauled Wastewater Charges: There are hereby established and imposed the following Hauled
 177 Wastewater Charges:

178 (1) High-Strength Waste - \$27 per 1,000 gallons of the hauler's truck capacity for Septic
 179 tank and restaurant grease – ~~wastes of the hauler's truck capacity.~~

180 (2) Low-Strength Waste -- Based on prevailing Sewer Service Charge \$7 per 1,000 gallons
 181 of the hauler's truck capacity for portable toilet and landfill leachate ~~wastes of the~~
 182 ~~hauler's truck capacity.~~ This rate is based on the prevailing sewer service charge and
 183 will be adjusted ~~modified~~ as the Ssewer sService Ceharge is adjusted from time to time
 184 in the future.

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187 TABLE I. Table of Fixture Units

Type of Fixture or Group of Fixtures	Drainage Fixture Unit Value(d.f.u.)
Commercial automatic clothes washer (2" standpipe)	3
Bathroom group consisting of water closet, lavatory and bathtub or shower stall (Residential):	
Tank type closet	6
Bathtub (with or without overhead shower)	2
Combination sink-and-tray with food disposal unit	2
Combination sink-and-tray with 1½" trap	2
Dental unit or cuspidor	1
Dental lavatory	1
Drinking fountain	½
Dishwasher, domestic	2

Floor drains with 2" waste	2
Kitchen sink, domestic, with one 1½" waste	2
Kitchen sink, domestic, with food waste grinder and/or dishwasher	2
Lavatory with 1¼" waste	1
Laundry tray (1 or 2 compartments)	2
Shower stall	2
Sinks:	
Surgeon's	3
Flushing rim (with valve)	6
Service (trap standard)	3
Service (P trap)	2
Pot, scullery, etc.	4
Urinal, pedestal, syphon jet blowout	6
Urinal, wall lip	4
Urinal stall, washout	4
Urinal trough (each 6-ft. section)	2
Wash sink (circular or multiple) each set of faucets	2
Water closet, tank-operated	4
Water closet, valve-operated	6
Fixture drain or trap size:	

1 ¼ inches and smaller	1
1 ½ inches	2
2 inches	3
2 ½ inches	4
3 inches	5
4 inches	6

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TABLE II.
Fixture Units and Load Factors for All Other Premises
Quarterly Service Charges
Fiscal Year (July 1—June 30)

Fixture Units	Load Factor	FY 2018 ⁹	FY 2019 <u>2020</u>	FY 2020 <u>2021</u>	FY 2021 <u>2022</u>	FY 2022 <u>2023</u>	FY <u>2023</u> <u>2024</u>
20 or less	1.00	168.75	175.00	185.50	196.75	208.50	221.01
		<u>175.00</u>	<u>182.00</u>	<u>191.00</u>	<u>200.50</u>	<u>207.00</u>	<u>214.00</u>
21 to 30	1.25	210.94	218.75	231.88	245.94	260.63	276.27
		<u>218.75</u>	<u>227.50</u>	<u>238.75</u>	<u>250.63</u>	<u>258.75</u>	<u>267.50</u>
31 to 40	1.45	244.69	253.75	268.98	285.29	302.33	320.47
		<u>253.75</u>	<u>263.90</u>	<u>276.95</u>	<u>290.73</u>	<u>300.15</u>	<u>310.30</u>
41 to 50	1.60	270.00	280.00	296.80	314.80	333.60	353.62
		<u>280.00</u>	<u>291.20</u>	<u>305.60</u>	<u>320.80</u>	<u>331.20</u>	<u>342.40</u>
51 to 60	1.75	295.31	306.25	324.63	344.31	364.88	386.77
			<u>318.50</u>			<u>362.25</u>	

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		<u>306.25</u>		<u>334.25</u>	<u>350.88</u>		<u>374.50</u>
61 to 70	1.90	<u>320.63</u> <u>332.50</u>	<u>332.50</u> <u>345.80</u>	<u>352.45</u> <u>362.90</u>	<u>373.83</u> <u>380.95</u>	<u>396.15</u> <u>393.30</u>	<u>419.92</u> <u>406.60</u>
71 to 80	2.05	<u>345.94</u> <u>358.75</u>	<u>358.75</u> <u>373.10</u>	<u>380.28</u> <u>391.55</u>	<u>403.34</u> <u>411.03</u>	<u>427.43</u> <u>424.35</u>	<u>453.08</u> <u>438.70</u>
81 to 90	2.20	<u>371.25</u> <u>385.00</u>	<u>385.00</u> <u>400.40</u>	<u>408.10</u> <u>420.20</u>	<u>432.85</u> <u>441.10</u>	<u>458.70</u> <u>455.40</u>	<u>486.22</u> <u>470.80</u>
91 to 100	2.30	<u>388.13</u> <u>402.50</u>	<u>402.50</u> <u>418.60</u>	<u>426.65</u> <u>439.30</u>	<u>452.53</u> <u>461.15</u>	<u>479.55</u> <u>476.10</u>	<u>508.32</u> <u>492.20</u>
101 to 110	2.40	<u>405.00</u> <u>420.00</u>	<u>420.00</u> <u>436.80</u>	<u>445.20</u> <u>458.40</u>	<u>472.20</u> <u>481.20</u>	<u>500.40</u> <u>496.80</u>	<u>530.42</u> <u>513.60</u>
111 to 120	2.55	<u>430.31</u> <u>446.25</u>	<u>446.25</u> <u>464.10</u>	<u>473.03</u> <u>487.05</u>	<u>501.71</u> <u>511.28</u>	<u>531.68</u> <u>527.85</u>	<u>563.58</u> <u>545.70</u>
121 to 130	2.65	<u>447.19</u> <u>463.75</u>	<u>463.75</u> <u>482.30</u>	<u>491.58</u> <u>506.15</u>	<u>521.39</u> <u>531.33</u>	<u>552.53</u> <u>548.55</u>	<u>585.68</u> <u>567.10</u>
131 to 140	2.75	<u>464.06</u> <u>481.25</u>	<u>481.25</u> <u>500.50</u>	<u>510.13</u> <u>525.25</u>	<u>541.06</u> <u>551.38</u>	<u>573.38</u> <u>569.25</u>	<u>607.78</u> <u>588.50</u>
141 to 150	2.85	<u>480.94</u> <u>498.75</u>	<u>498.75</u> <u>518.70</u>	<u>528.68</u> <u>544.35</u>	<u>560.74</u> <u>571.43</u>	<u>594.23</u> <u>589.95</u>	<u>629.88</u> <u>609.90</u>
151 to 160	2.95	<u>497.81</u> <u>516.25</u>	<u>516.25</u> <u>536.90</u>	<u>547.23</u> <u>563.45</u>	<u>580.41</u> <u>591.48</u>	<u>615.08</u> <u>610.65</u>	<u>651.98</u> <u>631.30</u>

161 to 170	3.05	<u>514.69</u> <u>533.75</u>	<u>533.75</u> <u>555.10</u>	<u>565.78</u> <u>582.55</u>	<u>600.09</u> <u>611.53</u>	<u>635.93</u> <u>631.35</u>	<u>674.09</u> <u>652.70</u>
171 to 180	3.15	<u>531.565</u> <u>51.25</u>	<u>551.25</u> <u>573.30</u>	<u>584.33</u> <u>601.65</u>	<u>619.76</u> <u>631.58</u>	<u>656.78</u> <u>652.05</u>	<u>696.19</u> <u>674.10</u>
181 to 190	3.25	<u>548.44</u> <u>568.75</u>	<u>568.75</u> <u>591.50</u>	<u>602.88</u> <u>620.75</u>	<u>639.44</u> <u>651.63</u>	<u>677.63</u> <u>672.75</u>	<u>718.29</u> <u>695.50</u>
191 to 200	3.35	<u>565.31</u> <u>586.25</u>	<u>586.25</u> <u>609.70</u>	<u>621.43</u> <u>639.85</u>	<u>659.11</u> <u>671.68</u>	<u>698.48</u> <u>693.45</u>	<u>740.39</u> <u>716.90</u>
201 to 210	3.45	<u>582.19</u> <u>603.75</u>	<u>603.75</u> <u>627.90</u>	<u>639.98</u> <u>658.95</u>	<u>678.79</u> <u>691.73</u>	<u>719.33</u> <u>714.15</u>	<u>762.49</u> <u>738.30</u>
211 to 220	3.55	<u>599.06</u> <u>621.25</u>	<u>621.25</u> <u>646.10</u>	<u>658.53</u> <u>678.05</u>	<u>698.46</u> <u>711.78</u>	<u>740.18</u> <u>734.85</u>	<u>784.59</u> <u>759.70</u>
221 to 230	3.65	<u>615.94</u> <u>638.75</u>	<u>638.75</u> <u>664.30</u>	<u>677.08</u> <u>697.15</u>	<u>718.14</u> <u>731.83</u>	<u>761.03</u> <u>755.55</u>	<u>806.69</u> <u>781.10</u>
231 to 240	3.75	<u>632.81</u> <u>656.25</u>	<u>656.25</u> <u>682.50</u>	<u>695.63</u> <u>716.25</u>	<u>737.81</u> <u>751.88</u>	<u>781.88</u> <u>776.25</u>	<u>828.79</u> <u>802.50</u>
241 to 250	3.85	<u>649.69</u> <u>673.75</u>	<u>673.75</u> <u>700.70</u>	<u>714.18</u> <u>735.35</u>	<u>757.49</u> <u>771.93</u>	<u>802.73</u> <u>796.95</u>	<u>850.89</u> <u>823.90</u>
251 to 260	3.90	<u>658.13</u> <u>682.50</u>	<u>682.50</u> <u>709.80</u>	<u>723.45</u> <u>744.90</u>	<u>767.33</u> <u>781.95</u>	<u>813.15</u> <u>807.30</u>	<u>861.94</u> <u>834.60</u>
261 to 270	4.00	<u>675.00</u> <u>700.00</u>	<u>700.00</u> <u>728.00</u>	<u>742.00</u> <u>764.00</u>	<u>787.00</u> <u>802.00</u>	<u>834.00</u> <u>828.00</u>	<u>884.04</u> <u>856.00</u>

271 to 280	4.05	683.44 <u>708.75</u>	708.75 <u>737.10</u>	751.28 <u>773.55</u>	796.84 <u>812.03</u>	844.43 <u>838.35</u>	895.10 <u>866.70</u>
281 to 290	4.10	691.88 <u>717.50</u>	717.50 <u>746.20</u>	760.55 <u>783.10</u>	806.68 <u>822.05</u>	854.85 <u>848.70</u>	906.14 <u>877.40</u>
291 to 300	4.15	700.31 <u>726.25</u>	726.25 <u>755.30</u>	769.83 <u>792.65</u>	816.51 <u>832.08</u>	865.28 <u>859.05</u>	917.20 <u>888.10</u>
301 to 310	4.20	708.75 <u>735.00</u>	735.00 <u>764.40</u>	779.10 <u>802.20</u>	826.35 <u>842.10</u>	875.70 <u>869.40</u>	928.24 <u>898.80</u>
311 to 320	4.30	725.63 <u>752.50</u>	752.50 <u>782.60</u>	797.65 <u>821.30</u>	846.03 <u>862.15</u>	896.55 <u>891.10</u>	950.34 <u>920.20</u>
321 to 330	4.40	742.50 <u>770.00</u>	770.00 <u>800.80</u>	816.20 <u>840.40</u>	865.70 <u>882.20</u>	917.40 <u>910.80</u>	972.44 <u>941.60</u>
331 to 340	4.50	759.38 <u>787.50</u>	787.50 <u>819.00</u>	834.75 <u>859.50</u>	885.38 <u>902.25</u>	938.25 <u>931.50</u>	994.55 <u>963.00</u>
341 to 350	4.60	776.25 <u>805.00</u>	805.00 <u>837.20</u>	853.30 <u>878.60</u>	905.05 <u>922.30</u>	959.10 <u>952.20</u>	1,016.65 <u>984.40</u>
351 to 360	4.70	793.13 <u>822.50</u>	822.50 <u>855.40</u>	871.85 <u>897.70</u>	924.73 <u>942.35</u>	979.95 <u>972.90</u>	1,038.75 <u>1,005.80</u>
361 to 370	4.80	810.00 <u>840.00</u>	840.00 <u>873.60</u>	890.40 <u>916.80</u>	944.40 <u>962.40</u>	1,000.80 <u>993.60</u>	1,060.85 <u>1,027.20</u>
371 to 380	4.90	826.88 <u>857.50</u>	857.50 <u>891.80</u>	908.95 <u>935.90</u>	964.08 <u>982.45</u>	1,021.65 <u>1,014.30</u>	1,082.95 <u>1,048.60</u>

381 to 390	5.00	<u>843.75</u> <u>875.00</u>	<u>875.00</u> <u>910.00</u>	<u>927.50</u> <u>955.00</u>	<u>983.75</u> <u>1,002.50</u>	<u>1,042.50</u> <u>1,035.00</u>	<u>1,105.05</u> <u>1,070.00</u>
391 to 400	5.10	<u>860.63</u> <u>892.50</u>	<u>892.50</u> <u>928.20</u>	<u>946.05</u> <u>974.10</u>	<u>1,003.43</u> <u>1,022.55</u>	<u>1,063.35</u> <u>1,055.70</u>	<u>1,127.15</u> <u>1,091.40</u>
401 to 410	5.20	<u>877.50</u> <u>910.00</u>	<u>910.00</u> <u>946.40</u>	<u>964.60</u> <u>993.20</u>	<u>1,023.10</u> <u>1,042.60</u>	<u>1,084.20</u> <u>1,076.40</u>	<u>1,149.25</u> <u>1,112.80</u>
411 to 420	5.30	<u>894.38</u> <u>927.50</u>	<u>927.50</u> <u>964.60</u>	<u>983.15</u> <u>1,012.30</u>	<u>1,042.78</u> <u>1,062.65</u>	<u>1,105.05</u> <u>1,097.10</u>	<u>1,171.35</u> <u>1,134.20</u>
421 to 430	5.40	<u>911.25</u> <u>945.00</u>	<u>945.00</u> <u>982.80</u>	<u>1,001.70</u> <u>1,031.40</u>	<u>1,062.45</u> <u>1,082.70</u>	<u>1,125.90</u> <u>1,117.80</u>	<u>1,193.45</u> <u>1,155.60</u>
431 to 440	5.50	<u>928.13</u> <u>962.50</u>	<u>962.50</u> <u>1,001.00</u>	<u>1,020.25</u> <u>1,050.50</u>	<u>1,082.13</u> <u>1,102.75</u>	<u>1,146.75</u> <u>1,138.50</u>	<u>1,215.56</u> <u>1,177.00</u>
441 to 450	5.60	<u>945.00</u> <u>980.00</u>	<u>980.00</u> <u>1,019.20</u>	<u>1,038.80</u> <u>1,069.60</u>	<u>1,101.80</u> <u>1,122.80</u>	<u>1,167.60</u> <u>1,159.20</u>	<u>1,237.66</u> <u>1,198.40</u>
451 to 460	5.70	<u>961.88</u> <u>997.50</u>	<u>997.50</u> <u>1,037.40</u>	<u>1,057.35</u> <u>1,088.70</u>	<u>1,121.48</u> <u>1,142.85</u>	<u>1,188.45</u> <u>1,179.90</u>	<u>1,259.76</u> <u>1,219.80</u>
461 to 470	5.80	<u>978.75</u> <u>1,015.00</u>	<u>1,015.00</u> <u>1,055.60</u>	<u>1,075.90</u> <u>1,107.80</u>	<u>1,141.15</u> <u>1,162.90</u>	<u>1,209.30</u> <u>1,200.60</u>	<u>1,281.86</u> <u>1,241.20</u>
471 to 480	5.90	<u>995.63</u> <u>1,032.50</u>	<u>1,032.50</u> <u>1,073.80</u>	<u>1,094.45</u> <u>1,126.90</u>	<u>1,160.83</u> <u>1,182.95</u>	<u>1,230.15</u> <u>1,221.30</u>	<u>1,303.96</u> <u>1,262.60</u>
481 to 490	6.00	<u>1,012.50</u> <u>1,050.00</u>	<u>1,050.00</u> <u>1,092.00</u>	<u>1,113.00</u> <u>1,146.00</u>	<u>1,180.50</u> <u>1,203.00</u>	<u>1,251.00</u> <u>1,242.00</u>	<u>1,326.06</u> <u>1,284.00</u>

491 to 500	6.10	<u>1,029.38</u> <u>1,067.50</u>	<u>1,067.50</u> <u>1,110.20</u>	<u>1,131.55</u> <u>1,165.10</u>	<u>1,200.18</u> <u>1,223.05</u>	<u>1,271.85</u> <u>1,262.70</u>	<u>1,348.16</u> <u>1,305.40</u>
501 to 525	6.25	<u>1,054.69</u> <u>1,093.75</u>	<u>1,093.75</u> <u>1,137.50</u>	<u>1,159.38</u> <u>1,193.75</u>	<u>1,229.69</u> <u>1,253.13</u>	<u>1,303.13</u> <u>1,293.75</u>	<u>1,381.32</u> <u>1,337.50</u>
526 to 550	6.50	<u>1,096.88</u> <u>1,137.50</u>	<u>1,137.50</u> <u>1,183.00</u>	<u>1,205.75</u> <u>1,241.50</u>	<u>1,278.88</u> <u>1,303.25</u>	<u>1,355.25</u> <u>1,345.50</u>	<u>1,436.57</u> <u>1,391.00</u>
551 to 575	6.75	<u>1,139.06</u> <u>1,181.25</u>	<u>1,181.25</u> <u>1,228.50</u>	<u>1,252.13</u> <u>1,289.25</u>	<u>1,328.06</u> <u>1,353.38</u>	<u>1,407.38</u> <u>1,397.25</u>	<u>1,491.82</u> <u>1,444.50</u>
576 to 600	7.00	<u>1,181.25</u> <u>1,225.00</u>	<u>1,225.00</u> <u>1,274.00</u>	<u>1,298.50</u> <u>1,337.00</u>	<u>1,377.25</u> <u>1,403.50</u>	<u>1,459.50</u> <u>1,449.00</u>	<u>1,547.07</u> <u>1,498.00</u>
601 to 625	7.25	<u>1,223.44</u> <u>1,268.75</u>	<u>1,268.75</u> <u>1,319.50</u>	<u>1,344.88</u> <u>1,384.75</u>	<u>1,426.44</u> <u>1,453.63</u>	<u>1,511.63</u> <u>1,500.75</u>	<u>1,602.33</u> <u>1,551.50</u>
626 to 650	7.50	<u>1,265.63</u> <u>1,312.50</u>	<u>1,312.50</u> <u>1,365.00</u>	<u>1,391.25</u> <u>1,432.50</u>	<u>1,475.63</u> <u>1,503.75</u>	<u>1,563.75</u> <u>1,552.50</u>	<u>1,657.58</u> <u>1,605.00</u>
651 to 675	7.75	<u>1,307.81</u> <u>1,356.25</u>	<u>1,356.25</u> <u>1,410.50</u>	<u>1,437.63</u> <u>1,480.25</u>	<u>1,524.81</u> <u>1,553.88</u>	<u>1,615.88</u> <u>1,604.25</u>	<u>1,712.83</u> <u>1,658.50</u>
676 to 700	8.00	<u>1,350.00</u> <u>1,400.00</u>	<u>1,400.00</u> <u>1,456.00</u>	<u>1,484.00</u> <u>1,528.00</u>	<u>1,574.00</u> <u>1,604.00</u>	<u>1,668.00</u> <u>1,656.00</u>	<u>1,768.08</u> <u>1,712.00</u>
701 to 725	8.20	<u>1,383.75</u> <u>1,435.00</u>	<u>1,435.00</u> <u>1,492.40</u>	<u>1,521.10</u> <u>1,566.20</u>	<u>1,613.35</u> <u>1,644.10</u>	<u>1,709.70</u> <u>1,697.40</u>	<u>1,812.28</u> <u>1,754.80</u>
726 to 750	8.40	<u>1,417.50</u> <u>1,470.00</u>	<u>1,470.00</u> <u>1,528.80</u>	<u>1,558.20</u> <u>1,604.40</u>	<u>1,652.70</u> <u>1,684.20</u>	<u>1,751.40</u> <u>1,738.80</u>	<u>1,856.48</u> <u>1,797.60</u>

751 to 775	8.60	1,451.25 <u>1,505.00</u>	1,505.00 <u>1,565.20</u>	1,595.30 <u>1,642.60</u>	1,692.05 <u>1,724.30</u>	1,793.10 <u>1,780.20</u>	1,900.69 <u>1,840.40</u>
776 to 800	8.80	1,485.00 <u>1,540.00</u>	1,540.00 <u>1,601.60</u>	1,632.40 <u>1,680.80</u>	1,731.40 <u>1,764.40</u>	1,834.80 <u>1,821.60</u>	1,944.89 <u>1,883.20</u>
801 to 825	9.00	1,518.75 <u>1,575.00</u>	1,575.00 <u>1,638.00</u>	1,669.50 <u>1,719.00</u>	1,770.75 <u>1,804.50</u>	1,876.50 <u>1,863.00</u>	1,989.09 <u>1,926.00</u>
826 to 850	9.20	1,552.50 <u>1,610.00</u>	1,610.00 <u>1,674.40</u>	1,706.60 <u>1,757.20</u>	1,810.10 <u>1,844.60</u>	1,918.20 <u>1,904.40</u>	2,033.29 <u>1,968.80</u>
851 to 875	9.35	1,577.81 <u>1,636.25</u>	1,636.25 <u>1,701.70</u>	1,734.43 <u>1,785.85</u>	1,839.61 <u>1,874.68</u>	1,949.48 <u>1,935.45</u>	2,066.45 <u>2,000.90</u>
876 to 900	9.50	1,603.13 <u>1,662.50</u>	1,662.50 <u>1,729.00</u>	1,762.25 <u>1,814.50</u>	1,869.13 <u>1,904.75</u>	1,980.75 <u>1,966.50</u>	2,099.60 <u>2,033.00</u>
901 to 925	9.65	1,628.44 <u>1,688.75</u>	1,688.75 <u>1,756.30</u>	1,790.08 <u>1,843.15</u>	1,898.64 <u>1,934.83</u>	2,012.03 <u>1,997.55</u>	2,132.75 <u>2,065.10</u>
926 to 950	9.80	1,653.75 <u>1,715.00</u>	1,715.00 <u>1,783.60</u>	1,817.90 <u>1,871.80</u>	1,928.15 <u>1,964.90</u>	2,043.30 <u>2,028.60</u>	2,165.90 <u>2,097.20</u>
951 to 975	9.95	1,679.06 <u>1,741.25</u>	1,741.25 <u>1,810.90</u>	1,845.73 <u>1,900.45</u>	1,957.66 <u>1,994.98</u>	2,074.58 <u>2,059.65</u>	2,199.05 <u>2,129.30</u>
976 to 1,000	10.15	1,712.81 <u>1,776.25</u>	1,776.25 <u>1,847.30</u>	1,882.83 <u>1,938.65</u>	1,997.01 <u>2,035.08</u>	2,116.28 <u>2,101.05</u>	2,243.26 <u>2,172.10</u>
1,001 to 1,050	10.55	1,780.31 <u>1,846.25</u>	1,846.25 <u>1,920.10</u>	1,957.03 <u>2,015.05</u>	2,075.71 <u>2,115.28</u>	2,199.68 <u>2,183.85</u>	2,331.66 <u>2,257.70</u>

ATTACHMENT Ia

1,051 to 1,100	10.90	1,839.38 <u>1,907.50</u>	1,907.50 <u>1,983.80</u>	2,021.95 <u>2,081.90</u>	2,144.58 <u>2,185.45</u>	2,272.65 <u>2,256.30</u>	2,409.01 <u>2,332.60</u>
1,101 to 1,150	11.30	1,906.88 <u>1,977.50</u>	1,977.50 <u>2,056.60</u>	2,096.15 <u>2,158.30</u>	2,223.28 <u>2,265.65</u>	2,356.05 <u>2,339.10</u>	2,497.41 <u>2,418.20</u>
1,151 to 1,200	11.70	1,974.38 <u>2,047.50</u>	2,047.50 <u>2,129.40</u>	2,170.35 <u>2,234.70</u>	2,301.98 <u>2,345.85</u>	2,439.45 <u>2,421.90</u>	2,585.82 <u>2,503.80</u>
1,201 to 1,250	12.00	2,025.00 <u>2,100.00</u>	2,100.00 <u>2,184.00</u>	2,226.00 <u>2,292.00</u>	2,361.00 <u>2,406.00</u>	2,502.00 <u>2,484.00</u>	2,652.12 <u>2,568.00</u>
1,251 to 1,300	12.35	2,084.06 <u>2,161.25</u>	2,161.25 <u>2,247.70</u>	2,290.93 <u>2,358.85</u>	2,429.86 <u>2,476.18</u>	2,574.98 <u>2,556.45</u>	2,729.48 <u>2,642.90</u>
1,301 to 1,350	12.70	2,143.13 <u>2,222.50</u>	2,222.50 <u>2,311.40</u>	2,355.85 <u>2,425.70</u>	2,498.73 <u>2,546.35</u>	2,647.95 <u>2,628.90</u>	2,806.83 <u>2,717.80</u>
1,351 to 1,400	13.00	2,193.75 <u>2,275.00</u>	2,275.00 <u>2,366.00</u>	2,411.50 <u>2,483.00</u>	2,557.75 <u>2,606.50</u>	2,710.50 <u>2,691.00</u>	2,873.13 <u>2,782.00</u>
1,401 to 1,450	13.25	2,235.94 <u>2,318.75</u>	2,318.75 <u>2,411.50</u>	2,457.88 <u>2,530.75</u>	2,606.94 <u>2,656.63</u>	2,762.63 <u>2,742.75</u>	2,928.39 <u>2,835.50</u>
1,451 to 1,500	13.50	2,278.13 <u>2,362.50</u>	2,362.50 <u>2,457.00</u>	2,504.25 <u>2,578.50</u>	2,656.13 <u>2,706.75</u>	2,814.75 <u>2,794.50</u>	2,983.64 <u>2,889.00</u>
1,501 to 1,600	14.05	2,370.94 <u>2,458.75</u>	2,458.75 <u>2,557.10</u>	2,606.28 <u>2,683.55</u>	2,764.34 <u>2,817.03</u>	2,929.43 <u>2,908.35</u>	3,105.20 <u>3,006.70</u>

ATTACHMENT Ia

1,601 to 1,700	14.60	<u>2,463.75</u> <u>2,555.00</u>	<u>2,555.00</u> <u>2,657.20</u>	<u>2,708.30</u> <u>2,788.60</u>	<u>2,872.55</u> <u>2,927.30</u>	<u>3,044.10</u> <u>3,022.20</u>	<u>3,226.75</u> <u>3,124.40</u>
1,701 to 1,800	15.15	<u>2,556.56</u> <u>2,651.25</u>	<u>2,651.25</u> <u>2,757.30</u>	<u>2,810.33</u> <u>2,893.65</u>	<u>2,980.76</u> <u>3,037.58</u>	<u>3,158.78</u> <u>3,136.05</u>	<u>3,348.31</u> <u>3,242.10</u>
1,801 to 1,900	15.70	<u>2,649.38</u> <u>2,747.50</u>	<u>2,747.50</u> <u>2,857.40</u>	<u>2,912.35</u> <u>2,998.70</u>	<u>3,088.98</u> <u>3,147.85</u>	<u>3,273.45</u> <u>3,249.90</u>	<u>3,469.86</u> <u>3,359.80</u>
1,901 to 2,000	16.25	<u>2,742.19</u> <u>2,843.75</u>	<u>2,843.75</u> <u>2,957.50</u>	<u>3,014.38</u> <u>3,103.75</u>	<u>3,197.19</u> <u>3,258.13</u>	<u>3,388.13</u> <u>3,363.75</u>	<u>3,591.42</u> <u>3,477.50</u>
2,001 to 2,100	16.80	<u>2,835.00</u> <u>2,940.00</u>	<u>2,940.00</u> <u>3,057.60</u>	<u>3,116.40</u> <u>3,208.80</u>	<u>3,305.40</u> <u>3,368.40</u>	<u>3,502.80</u> <u>3,477.60</u>	<u>3,712.97</u> <u>3,595.20</u>
2,101 to 2,200	17.35	<u>2,927.81</u> <u>3,036.25</u>	<u>3,036.25</u> <u>3,157.70</u>	<u>3,218.43</u> <u>3,313.85</u>	<u>3,413.61</u> <u>3,478.68</u>	<u>3,617.48</u> <u>3,591.45</u>	<u>3,834.53</u> <u>3,712.90</u>
2,201 to 2,300	17.90	<u>3,020.63</u> <u>3,132.50</u>	<u>3,132.50</u> <u>3,257.80</u>	<u>3,320.45</u> <u>3,418.90</u>	<u>3,521.83</u> <u>3,588.95</u>	<u>3,732.15</u> <u>3,705.30</u>	<u>3,956.08</u> <u>3,830.60</u>
2,301 to 2,400	18.45	<u>3,113.44</u> <u>3,228.75</u>	<u>3,228.75</u> <u>3,357.90</u>	<u>3,422.48</u> <u>3,523.95</u>	<u>3,630.04</u> <u>3,699.23</u>	<u>3,846.83</u> <u>3,819.15</u>	<u>4,077.64</u> <u>3,948.30</u>
2,401 to 2,500	19.00	<u>3,206.25</u> <u>3,325.00</u>	<u>3,325.00</u> <u>3,458.00</u>	<u>3,524.50</u> <u>3,629.00</u>	<u>3,738.25</u> <u>3,809.50</u>	<u>3,961.50</u> <u>3,933.00</u>	<u>4,199.19</u> <u>4,066.00</u>
2,501 to 2,600	19.55	<u>3,299.06</u> <u>3,421.25</u>	<u>3,421.25</u> <u>3,558.10</u>	<u>3,626.53</u> <u>3,734.05</u>	<u>3,846.46</u> <u>3,919.78</u>	<u>4,076.18</u> <u>4,046.85</u>	<u>4,320.75</u> <u>4,183.70</u>

ATTACHMENT 1a

2,601 to 2,700	20.10	3,391.88 <u>3,517.50</u>	3,517.50 <u>3,658.20</u>	3,728.55 <u>3,839.10</u>	3,954.68 <u>4,030.05</u>	4,190.85 <u>4,160.70</u>	4,442.30 <u>4,301.40</u>
2,701 to 2,800	20.65	3,484.69 <u>3,613.75</u>	3,613.75 <u>3,758.30</u>	3,830.58 <u>3,944.15</u>	4,062.89 <u>4,140.33</u>	4,305.53 <u>4,274.55</u>	4,563.86 <u>4,419.10</u>
2,801 to 2,900	21.20	3,577.50 <u>3,710.00</u>	3,710.00 <u>3,858.40</u>	3,932.60 <u>4,049.20</u>	4,171.10 <u>4,250.60</u>	4,420.20 <u>4,388.40</u>	4,685.41 <u>4,536.80</u>
2,901 to 3,000	21.75	3,670.31 <u>3,806.25</u>	3,806.25 <u>3,958.50</u>	4,034.63 <u>4,154.25</u>	4,279.31 <u>4,360.88</u>	4,534.88 <u>4,502.25</u>	4,806.97 <u>4,654.50</u>
3,001 to 4,000	26.00	4,387.50 <u>4,550.00</u>	4,550.00 <u>4,732.00</u>	4,823.00 <u>4,966.00</u>	5,115.50 <u>5,213.00</u>	5,421.00 <u>5,382.00</u>	5,746.26 <u>5,564.00</u>
4,001 to 5,000	29.50	4,978.13 <u>5,162.50</u>	5,162.50 <u>5,369.00</u>	5,472.25 <u>5,634.50</u>	5,804.13 <u>5,914.75</u>	6,150.75 <u>6,106.50</u>	6,519.80 <u>6,313.00</u>
5,001 to 6,000	33.00	5,568.75 <u>5,775.00</u>	5,775.00 <u>6,006.00</u>	6,121.50 <u>6,303.00</u>	6,492.75 <u>6,616.50</u>	6,880.50 <u>6,831.00</u>	7,293.33 <u>7,062.00</u>
6,001 to 7,000	36.40	6,142.50 <u>6,370.00</u>	6,370.00 <u>6,624.80</u>	6,752.20 <u>6,952.40</u>	7,161.70 <u>7,298.20</u>	7,589.40 <u>7,534.80</u>	8,044.76 <u>7,789.60</u>
7,001 to 8,000	39.60	6,682.50 <u>6,930.00</u>	6,930.00 <u>7,207.20</u>	7,345.80 <u>7,563.60</u>	7,791.30 <u>7,939.80</u>	8,256.60 <u>8,197.20</u>	8,752.00 <u>8,474.40</u>
8,001 to 9,000	42.75	7,214.06 <u>7,481.25</u>	7,481.25 <u>7,780.50</u>	7,930.13 <u>8,165.25</u>	8,411.06 <u>8,571.38</u>	8,913.38 <u>8,849.25</u>	9,448.18 <u>9,148.50</u>

9,001 to 10,000	46.00	7,762.50 <u>8,050.00</u>	8,050.00 <u>8,372.00</u>	8,533.00 <u>8,786.00</u>	9,050.50 <u>9,223.00</u>	9,591.00 <u>9,522.00</u>	10,166.46 <u>9,844.00</u>
10,001 to 11,000	48.85	8,243.44 <u>8,548.75</u>	8,548.75 <u>8,890.70</u>	9,061.68 <u>9,330.35</u>	9,611.24 <u>9,794.43</u>	10,185.23 <u>10,111.95</u>	10,796.34 <u>10,453.90</u>
11,001 to 12,000	51.60	8,707.50 <u>9,030.00</u>	9,030.00 <u>9,391.20</u>	9,571.80 <u>9,855.60</u>	10,152.30 <u>10,345.80</u>	10,758.60 <u>10,681.20</u>	11,404.12 <u>11,042.40</u>
12,001 to 13,000	54.60	9,213.75 <u>9,555.00</u>	9,555.00 <u>9,937.20</u>	10,128.30 <u>10,428.60</u>	10,742.55 <u>10,947.30</u>	11,384.10 <u>11,302.20</u>	12,067.15 <u>11,684.40</u>
13,001 to 14,000	57.40	9,686.25 <u>10,045.00</u>	10,045.00 <u>10,446.80</u>	10,647.70 <u>10,963.40</u>	11,293.45 <u>11,508.70</u>	11,967.90 <u>11,881.80</u>	12,685.97 <u>12,283.60</u>
14,001 to 15,000	60.00	10,125.00 <u>10,500.00</u>	10,500.00 <u>10,920.00</u>	11,130.00 <u>11,460.00</u>	11,805.00 <u>12,030.00</u>	12,510.00 <u>12,420.00</u>	13,260.60 <u>12,840.00</u>

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195 NOTES:

196 (1) Base charge is not included in rates above.

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GIVEN under my hand this _____ day of _____, 20198

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Catherine A. Chianese
Clerk for the Board of Supervisors

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AN ORDINANCE AMENDING ARTICLE 9 OF CHAPTER 68.1 OF THE FAIRFAX COUNTY CODE, RELATING TO THE FEE SCHEDULE FOR SERVICES PROVIDED BY FAIRFAX COUNTY WITH RESPECT TO INDIVIDUAL SEWAGE DISPOSAL FACILITIES

AN ORDINANCE to amend the Fairfax County Code by amending and readopting Section 68.1-9-1, related to the fee schedule established for individual sewage disposal systems for services provided by Fairfax County.

Be it ordained by the Board of Supervisors of Fairfax County:

1. That Section 68.1-9-1 of the Fairfax County Code is amended and readopted as follows:

ARTICLE 9. - Fee Schedule.

Section 68.1-9-1. - General.

This fee schedule establishes fees for services provided by Fairfax County and are separate from, and in addition to, fees that are, or may be, required by the Commonwealth of Virginia.

A. Individual Sewage Disposal System Application:

- 1. New construction \$200.00
- 2. Expansion \$125.00
- 3. Change in approved location \$130.00

B. Written Evaluation of Existing Individual Sewage Disposal System \$200.00

C. License Fee:

1. For persons installing or repairing individual Sewage Disposal systems:

- a. Application \$150.00
- b. Renewal after January 31 \$200.00

2. For sewage handlers:

- a. Application for each vehicle ...\$150.00
- b. Renewal on each vehicle after January 31: \$200.00

3. For Soil Consultants:

- a. Application \$150.00
- b. Late renewal fee after January 31 \$200.00

D. Permit Fee:

1. For persons providing portable toilets:

- a. Initial application \$75.00
- b. Renewal application \$60.00
- c. Renewal after January 31 \$85.00

E. Plan Review:

- 37 1. Site Development review \$85.00
- 38 2. Building Permit review \$75.00
- 39 3. Alternative System review \$200.00
- 40 F. Re-inspection Fee \$100.00

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GIVEN under my hand this _____ day of _____, 2019

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Catherine A. Chianese
Clerk for the Board of Supervisors

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AN ORDINANCE AMENDING ARTICLE 9 OF CHAPTER 68.1 OF THE FAIRFAX COUNTY CODE, RELATING TO THE FEE SCHEDULE FOR SERVICES PROVIDED BY FAIRFAX COUNTY WITH RESPECT TO INDIVIDUAL SEWAGE DISPOSAL FACILITIES

AN ORDINANCE to amend the Fairfax County Code by amending and readopting Section 68.1-9-1, related to the fee schedule established for individual sewage disposal systems for services provided by Fairfax County.

Be it ordained by the Board of Supervisors of Fairfax County:

1. That Section 68.1-9-1 of the Fairfax County Code is amended and readopted as follows:

CHAPTER 68.1.

The Individual Sewage Disposal Facilities Code

ARTICLE 9. - Fee Schedule.

Section 68.1-9-1. - General.

This fee schedule establishes fees for services provided by Fairfax County and are separate from, and in addition to, fees that are, or may be, required by the Commonwealth of Virginia.

A. Individual Sewage Disposal System Application:

- 1. New construction \$200.00
- 2. Expansion \$125.00
- 3. Change in approved location \$130.00

B. Written Evaluation of Existing Individual Sewage Disposal System \$200.00

C. License Fee:

1. For persons installing or repairing individual Sewage Disposal systems:

- a. Application \$150.00
- b. Renewal after January 31 \$200.00

2. For sewage handlers:

- a. ~~Renewal Application with on~~ for each vehicle ~~740.00~~ \$150.00
- b. ~~Each additional vehicle~~ 360.00
- e-b. Renewal on each vehicle after January 31: \$200.00
 - i. ~~Application with one vehicle~~ 865.00
 - ii. ~~Each additional vehicle~~ 550.00

Note: License fees for new sewage handler applications received on or after the following dates may be prorated as indicated:

<u>January 1</u>	<u>Required Fee</u>
<u>April 1</u>	<u>Three-quarters of Required Fee</u>

July 1	One-half of Required Fee
October 1	One-quarter of Required Fee

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3. For Soil Consultants:

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a. Application \$150.00

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b. Late renewal fee after January 31 \$200.00

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D. Permit Fee:

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1. For persons providing portable toilets:

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a. Initial application \$75.00

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b. Renewal application \$60.00

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c. Renewal after January 31 \$85.00

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E. Plan Review:

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1. Site Development review \$85.00

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2. Building Permit review \$75.00

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3. Alternative System review \$200.00

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F. Re-inspection Fee \$100.00

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(35-03-68; 24-09-68.1.)

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GIVEN under my hand this _____ day of _____, 2019

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Catherine A. Chianese

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Clerk for the Board of Supervisors

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Board Agenda Item
April 9, 2019

3:00 p.m.

Public Hearing to Consider Parking Restrictions on Huntsman Court (Springfield District)

ISSUE:

Public hearing to consider a proposed amendment to Appendix R of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to establish parking restrictions on Huntsman Court in the Springfield District.

RECOMMENDATION:

The County Executive recommends that the Board adopt an amendment (Attachment I) to Appendix R of the Fairfax County Code to prohibit commercial vehicles, recreational vehicles and trailers as defined, respectively, in Fairfax County Code §§ 82-5-7, 82-5B-1, and 82-1-2(a)(50), from parking on the west side of Huntsman Court.

TIMING:

The public hearing was authorized on March 5, 2019, for April 9, 2019, at 3:00 p.m.

BACKGROUND:

Fairfax County Code Section 82-5-37(4) authorizes the Board of Supervisors to designate restricted parking, in the case of any street which serves as a boundary between an area zoned for residential use and an area zoned for nonresidential use on which parking is restricted on the residential side of that street, on a nonresidential side of the street where it would further the residential character of the abutting residential community, would facilitate the free and unrestricted vehicular travel along that street, and would promote the health, safety, and general welfare of the abutting residential community.

The board representative of the Lake Forest Community Association, in coordination with KeyPoint Partners, property manager on behalf of Huntsman Square Shopping Center, contacted the Springfield District office seeking assistance to restrict commercial vehicles, recreational vehicles and trailers from parking on the west side of Huntsman Court adjacent to the residential community.

Board Agenda Item
April 9, 2019

In 2010, the Board of Supervisors approved the Springfield District Large Area Community Parking District (CPD). As a result, recreational vehicles and all trailers are prohibited from parking in areas zoned residential throughout the district. In keeping with the residential character that is present on the residential portion of Huntsman Court, staff is recommending a parking restriction for all commercial vehicles, recreational vehicles, and trailers on the west side of Huntsman Court along the commercially zoned area that is across from residentially zoned areas.

FISCAL IMPACT:

The cost of sign installation is estimated to be \$600. It will be paid from Fairfax County Department of Transportation funds.

ENCLOSED DOCUMENTS:

Attachment I: Proposed amendment to Fairfax County Code, Appendix R (General Parking Restrictions)

Attachment II: Area Map of Proposed Parking Restriction

STAFF:

Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)

Eric Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

Henri Stein McCartney, Sr. Transportation Planner, FCDOT

Charisse Padilla, Transportation Planner, FCDOT

ASSIGNED COUNSEL:

F. Hayden Codding, Assistant County Attorney

PROPOSED CODE AMENDMENT

THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA
APPENDIX R

Amend *The Code of the County of Fairfax, Virginia*, by adding the following to Appendix R, in accordance with Section 82-5-37:

Huntsman Court (Route 7928).

Commercial vehicles, recreational vehicles, and trailers, as defined, respectively, in Fairfax County Code §§ 82-5-7, 82-5B-1, and 82-1-2(a)(50), shall be restricted from parking on the west side of Huntsman Court along commercially zoned areas that are directly across from residentially zoned areas.

Fairfax County
Department of Transportation
Proposed Parking Restrictions
Springfield District



Tax Map: 88-4



..... Proposed Parking Restriction
(Huntsman Court)

————— No Parking Commercial Vehicles, Recreational
Vehicles, and Trailers

Board Agenda Item
April 9, 2019

3:30 p.m. -

Public Hearing on SE 2018-LE-019 (NPC Quality Burgers, Inc.) to Permit a Restaurant with Drive-Through in a Highway Corridor, Overlay District, Commercial Revitalization District and Waiver of Minimum Lot Size Requirements, Located on Approximately 21,729 Square Feet of Land Zoned C-6, CRA and HC (Lee District)

This property is located at 6700 Richmond Highway, Alexandria 22306. Tax Map 93-1 ((1)) 1A (pt.)

PLANNING COMMISSION RECOMMENDATION:

On March 20, 2019, the Planning Commission voted 10-0 (Commissioners Sargeant and Strandlie were absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2018-LE-019 subject to the development conditions dated March 20, 2019, with revisions to #16 to change “shall” to “must;”
- Approval of a modification of the lot size requirements of Sect. 4-606 in accordance with Sect. 9-622 of the Zoning Ordinance to permit the lot size and lot width as shown on the SE Plat;
- Approval of a waiver of the loading space requirements of Sect. 11-203 of the Zoning Ordinance in favor of that shown on the SE Plat; and
- Approval of a modification of Par. 2 of Sect. 13-203 of the Zoning Ordinance to permit a variable width landscape planting strip along the Richmond Highway Service Road frontage as shown on the SE Plat.

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:
<https://www.fairfaxcounty.gov/planning-zoning/zoning-application-board-packages-fairfax-county-board-supervisors>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Wanda Suder, Planner, DPZ

Board Agenda Item
April 9, 2019

4:00 p.m. -

Public Hearing on the County Executive's Proposed FY 2020 Advertised Budget Plan, the Advertised Capital Improvement Program for Fiscal Years 2020-2024 (CIP) (With Future Fiscal Years to 2029) and the Current Appropriation in the FY 2019 Revised Budget Plan

ENCLOSED DOCUMENTS:

None. Board Members will receive the Planning Commission's recommendations on the FY 2020 – FY 2024 Advertised Capital Improvement Program (With Future Fiscal Years to 2029) prior to the April 9, 2019, public hearing.

Board Members are directed to the following budget documents available online at the links provided below:

1. *FY 2019 Third Quarter Review*
<https://www.fairfaxcounty.gov/budget/fy-2019-third-quarter-review>
2. FY 2020 Advertised Budget Plan
<https://www.fairfaxcounty.gov/budget/advertised-budget-plan>
3. FY 2020 – FY 2024 Advertised Capital Improvement Program (With Future Fiscal Years to 2029)
<https://www.fairfaxcounty.gov/budget/advertised-capital-improvement-program-cip>

STAFF:

Bryan J. Hill, County Executive
Joe Mondoro, Chief Financial Officer
Christina Jackson, Deputy Director, Department of Management and Budget