



LAND DEVELOPMENT SERVICES  
June 25, 2019

# STAFF REPORT

PREPARED BY PERMITTING AND CODE ADMINISTRATION DIVISION

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

Proposed Amendments to Chapter 101 (Subdivision Ordinance) and Chapter 112 (Zoning Ordinance) of *The Code of the County of Fairfax, Virginia* (County Code) and the Public Facilities Manual (PFM) Re: Development in Dam Break Inundation Zones, Construction of State-regulated Impounding Structures, Plan Submissions, and Minor Editorial Changes

Authorization to Advertise

June 25, 2019

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Planning Commission Hearing

July 24, 2019

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Board of Supervisors Hearing

September 24, 2019 at 4:00 p.m.

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## STAFF REPORT

### STAFF RECOMMENDATION

Staff recommends that the Board of Supervisors (Board) adopt the proposed amendments as set forth in this Staff Report dated June 25, 2019.

#### Coordination

The proposed amendments have been prepared by LDS and coordinated with the Department of Planning and Zoning and the Office of the County Attorney. The proposed amendments to the Public Facilities Manual (PFM) have been recommended for approval by the Engineering Standards Review Committee.

### BACKGROUND

In 2008, the Virginia Legislature adopted requirements for proposed developments in the dam break inundation zone of a state-regulated impounding structure and notifications for construction of a new state-regulated impounding structure. The inundation zone is the area below an impoundment that would be flooded if the dam failed completely. The intent of the legislation was to ensure that all parties that might be impacted by dam failures, including the state, the county, property owners, and dam owners, are aware of the impacts and that the impacts are mitigated.

Impounding structures regulated by the state are defined in the Virginia Impounding Structure Regulations (4VAC 50-20). State-regulated impounding structures include: dams that are 25 feet or greater in height and have an impounding capacity of 15 acre-feet or greater; and dams that are six feet or greater in height and have an impounding capacity of 50 acre-feet or greater. There are 120 state-regulated impounding structures in the county. A list of these [state-regulated impounding structures](#) and available dam break inundation zone maps is posted on the county's website. Dam break inundation zone maps for 31 state-regulated impounding structures are on file with the county. This is important because the state requirements for development in a dam break inundation zone only apply to proposed development in the inundation zone of a state-regulated impounding structure for which maps are on file with the county.

Under the Virginia Impounding Structure Regulations, each dam is classified based on potential loss of human life and property damage if it were to fail. Classification is based on a determination of the effects that a dam failure would likely have on people and property in the downstream inundation zone. Hazard classifications in descending order are high, significant, and low. This classification is unrelated to the physical condition of the dam or the probability of its failure. It is related to the number and type of structures in the inundation

zone. Therefore, hazard classifications can change when development is proposed in the inundation zone.

In 2009, the Department of Public Works and Environmental Services implemented the new requirements through a Letter to Industry and changes to plan cover sheets requiring identification of developments in dam break inundation zones. Submission of site and subdivision plans subject to the requirements is infrequent and a resulting change in hazard classification would be rare because the majority of the dams are already classified as high hazard. The proposed amendments incorporate the requirements previously implemented, through the Letter to Industry, into the County Code and PFM. The proposed amendments to the Zoning Ordinance are listed as Priority 2 Item #54 on the adopted 2018 Zoning Ordinance Amendment Work Program.

In addition to the amendments related to the requirements in the Code of Virginia, amendments are being proposed to update the Subdivision and Zoning Ordinances to provide flexibility to the Director in the plan submission process.

## **PROPOSED AMENDMENTS**

### **Subdivision Ordinance and Zoning Ordinance Amendments**

The proposed amendments to the Subdivision Ordinance and Zoning Ordinance incorporate the following provisions:

- Require that developments in dam break inundation zones of state-regulated impounding structures that are mapped and on file with the county be identified on preliminary subdivision plans, subdivision plans, record plats, site plans, minor site plans, and development plans for various types of zoning applications (rezonings, special exceptions, special permits, etc.).
- Require that the county send copies of preliminary subdivision plans, subdivision plans, site plans, and minor site plans to the Virginia Department of Conservation and Recreation (DCR) for review and a determination of whether the proposed development will change the hazard classification of the impounding structure.
- Require that, if the hazard classification increases, the developer must either redesign the development to avoid the increase in classification or prepare an engineering study and a cost estimate for any necessary upgrades to the impounding structure. Following DCR approval of the cost estimate and prior to final plan approval, the developer would pay one-half the cost of the upgrades into a state administered fund for eventual distribution to the dam owner. This should be a relatively rare scenario because most of the state-regulated impounding structures in the county are already classified as high hazard.

- Require that as-built drawings of the development be forwarded to the dam owner to be used in updating the emergency action plan for the facility and that the inundation zone be shown and appropriately notated on the record plat for subdivisions.
- Add definitions of state-regulated impounding structures and state-regulated impoundments.
- Provide for the submission of ePlans and allow the Director of Land Development Services (LDS) to determine the required number of copies for the submission of paper plans.
- Eliminate the outdated requirement for the submission of plans in metric measurements in the Subdivision Ordinance, change “shall” to “must” or “will,” and make other minor editorial changes to the Subdivision and Zoning ordinances.
- Include safety and protection from impounding structure failure as a purpose of the Zoning Ordinance.

### **PFM Amendments**

The proposed amendments to the PFM incorporate the following provisions related to the construction of new or altered state-regulated impoundments:

- Require that a map of the dam break inundation zone be provided with the as-builts and construction plans for all newly constructed or altered state-regulated impoundments.
- Require that developers constructing new state-regulated impounding structures classified as significant or high hazard notify all property owners in the dam break inundation zone and the county and publish a notice in a local newspaper. The county will not be responsible for determining if the notification requirements have been met other than to check for the notice required to be sent to county. DCR will make the determination that notification requirements have been met before issuing the required state permit. The county does not approve plans for construction of state-regulated impounding structures without the required state permit.
- Incorporate and revise definitions of alteration, height, and maximum impounding capacity.

### **CONCLUSION**

The proposed amendments related to state-regulated impoundments are needed to implement requirements in the Virginia Code and have minimal regulatory impact. The amendments codify requirements in place since 2009 that are required by state law. As previously noted, the submission of site and subdivision plans in dam break inundation zones is infrequent and a change in hazard classification is unlikely. Also, the requirements don't apply to simple subdivisions creating two lots and residential development on existing single-family residential lots. In addition, the proposed amendments related to plan submission

requirements align the requirements with current business practices and the requirements for state-regulated impoundments.

**ATTACHED DOCUMENTS**

Attachment A – Amendment to Chapter 101 (Subdivision Ordinance)

Attachment B – Amendment to Chapter 112 (Zoning Ordinance)

Attachment C – Amendment to the Public Facilities Manual

**Proposed Amendment to Chapter 101 (Subdivision Ordinance)  
of  
The Code of the County of Fairfax**

**Amend Article 2, Subdivision Application Procedure and Approval Process, Section 101-2-2, Minimum Requirements, by adding new paragraph (25), to read as follows:**

*(25) Development in mapped dam break inundation zones.*

Requirements for development in a mapped dam break inundation zone of a state-regulated impounding structure are as follows:

(A) The extent of any dam break inundation zone of a state-regulated impounding structure must be identified and labeled with the name and state-issued identification number of the impoundment.

(B) The Director will, as part of a preliminary plan review, or as part of a plan review if no preliminary plan review has been conducted: (i) review the dam break inundation zone map on file with the county for the affected impounding structure; (ii) notify the dam owner; and (iii) within 10 days forward a request to the Department of Conservation and Recreation (DCR) to make a determination of the potential impacts of the proposed development on the spillway design flood standards required of the dam. DCR must notify the dam owner and the county of its determination within 45 days of the receipt of the request. Upon receipt of DCR's determination, the county will complete review of the plan. If the Director has not received a determination within 45 days of DCR's receipt of the request, DCR will be deemed to have no comments, and the county will complete its review.

(C) If DCR determines that the spillway design flood of an existing impounding structure would change based on the proposed development, the subdivider must revise the plan of development so it does not alter the spillway design flood standard of the impounding structure or make a payment towards the necessary upgrades to the affected impounding structure. The subdivider must pay one-half of the estimated construction costs of the upgrade plus administrative fees not to exceed one percent of the total amount of payment required or \$1,000, whichever is less. Payment will be made to the Dam Safety, Flood Prevention and Protection Assistance Fund pursuant to § 10.1-603.19:1 of the Code of Virginia. The subdivider must provide proof of payment to the Director prior to obtaining construction approval.

(D) If the subdivider does not revise the plan of development, he must submit an engineering study in conformance with the Virginia Dam Safety Act (§ 10.1-604 et seq.) and the Virginia Impounding Structure Regulations (4VAC 50-20) to DCR and the Director to determine the necessary upgrades to the affected impounding structure. The study must include a contract-ready cost estimate for upgrading the impounding structure. The cost estimate does not include maintenance, repairs or upgrades to the impounding structure not made necessary by the proposed subdivision. DCR must verify that the study conforms to state requirements. Following receipt of a study, DCR has 15 days to determine whether the study is complete. DCR must notify the developer or subdivider of any specific deficiencies that cause the study to be determined to be incomplete. Following a determination that a submission is complete, DCR

must notify the developer or subdivider of its approval or denial within 45 days. Any decision must be communicated in writing and state the reasons for the disapproval.

(E) Following completion of the development, the subdivider must provide the dam owner and the Director with the information necessary for the dam owner to update the dam break inundation zone map to reflect any new development within the dam break inundation zone.

(F) The above requirements do not apply to any development proposed downstream of a dam for which a dam break inundation zone map is not on file with the county as of the time of submission of the plan.

**Amend Article 2, Subdivision Application Procedure and Approval Process by revising Section 101-2-3, Preliminary Subdivision Plat, to read as follows:**

**Section 101-2-3. Preliminary subdivision plat.**

(a) *Who may prepare.* Preliminary subdivision plats ~~must~~ shall be prepared by a certified land surveyor or professional engineer licensed to practice in the Commonwealth of Virginia.<sup>40</sup> In addition, plats and plans submitted under the County's Plans Examiner Program ~~must~~ shall be reviewed and recommended for submission by a Plans Examiner in accordance with Chapter 117 (Expedited Land Development Review) of the Code of the County of Fairfax, Virginia.

(b) *Submission Generally.* ~~Sixteen (16) prints of preliminary plats shall be submitted for approval, and the Director, when necessary, may require additional copies.~~ Preliminary subdivision plats must be submitted to the Director for approval. The required number of copies of the preliminary subdivision plat will be determined by the Director. One (1) copy, with the action of the Director noted thereon, will shall be returned to the subdivider or his agent. The Director may provide for the submission of plats electronically in lieu of prints.

(c) *Preparation.*<sup>41</sup> Preliminary plats of a subdivision ~~must~~ shall be prepared in accordance with the regulations set forth in this Section and ~~must~~ shall be submitted in ~~metric measurements with the English units of measurement shown in parenthesis following the metric measurements or submitted using the English equivalent to metric measurements.~~ Such plats ~~must~~ shall be on a maximum sheet size of thirty-six (36) inches by forty-eight (48) inches ~~or metric equivalent~~ and ~~must~~ shall be drawn to a ~~metric scale of not smaller than 1:1000 (1:500 is required by the State Health Department if the lots are to be served by individual sewage disposal systems) or to an English scale of not smaller than 1" = 100' (1" = 50' is required by the Virginia Department of Health State Health Department~~ if the lots are to be served by individual sewage disposal systems) and may be ~~on~~ of one or more sheets. Where more than one sheet is provided, match lines ~~must~~ shall clearly indicate where the sheets join. Preliminary plats ~~must~~ shall show the following information:

(1) Name of subdivision, owner, subdivider, surveyor or engineer, date of drawing, number of sheets, north direction arrow ~~point~~ and scale.

(2) Location of proposed subdivision by an inset map at a scale of not less than two (2) inches equal one (1) mile indicating thereon nearby highways and roads and their names and numbers, public schools, parks, libraries, fire stations, police stations, towns, subdivisions and other landmarks.

(3) A boundary survey or existing survey of record; provided, that such survey shows a closure with an accuracy of not less than one (1) in two thousand five hundred (2,500); total

acreage, acreage of subdivided area, number and approximate area of all building sites, computations showing conformance with the density and open space requirements of the Zoning Ordinance, existing buildings within the boundaries of the tract, names of owners and their property lines within the boundaries of the tract and adjoining such boundaries.

(4) All existing, platted and proposed streets and easements, their names, numbers, approximate widths, design speeds (posted speeds when design speeds are unavailable), and typical cross-sections; category, centerline radius, horizontal and vertical alignments and horizontal and vertical sight distance measurements for all proposed streets; existing or proposed deceleration and acceleration lanes, vehicle trip estimates, turn lanes, transitions and median breaks, service drives, street lights and proposed stop and yield signs; public areas and parking spaces; existing or proposed utilities; existing and proposed recreational facilities, sidewalks, trails, fire flow, and other pertinent data.

(5) Location of stormwater management facilities (such as Best Management Practices [BMP], detention, and/or retention ponds) with approximate sizing and summary of approximate amount of detention and BMP requirements; and location of maintenance accessways.

(6) Sufficient detail to verify the presence of an adequate outfall as defined in the Public Facilities Manual, "~~Public Facilities Manual~~," including but not limited to an outfall narrative, drainage areas, pipe sizes, cross-sections and flow calculations.

(7) Identification of the necessity for floodplains studies, drainage studies, soil reports, and easements and/or letters of permission for off-site construction.

(8) Topography satisfactory to the Director and to the Virginia Department of Health State Health Department, as established in the Public Facilities Manual.

(9) Statement concerning erosion and sediment control measures to be provided prior to any clearing, grading or construction, including proposed limits of clearing.

(10) Statement concerning the stormwater detention or the retention facilities to be used prior to any clearing, grading or construction.

(11) Statement that an air quality permit will ~~shall~~ be obtained, if necessary, and provided prior to any clearing, grading or construction.

(12) Statement by the owner/developer certifying that all wetlands permits required by law will be obtained prior to commencing land disturbing activities.

(13) Existing Vegetation Map, Tree Preservation Target Calculations and Narrative, and 10-Year Tree Canopy Requirements and Calculations to show compliance with the Tree Conservation Requirements in § 101-2-2(21), the Cluster Subdivision Provisions in § 101-2-8(b) and (c), Chapter 122 of the Code (Tree Conservation Ordinance) and § 12-0300 of the Public Facilities Manual ~~Public Facilities Manual~~.

(14) A map identifying classification of soil types at a scale of not smaller than one inch equals five hundred feet (1" = 500'), based upon the County of Fairfax Soils Identification Maps or, if not mapped, based upon soils identified by a professional authorized by the State to provide such information.

(15) All Resource Protection Area boundaries, all Resource Management Area boundaries, and delineations of buildable areas allowed on each lot in accordance with the Public Facilities Manual ~~Public Facilities Manual~~.

(16) Identification of the necessity for a Water Quality Impact Assessment.

(17) For cluster subdivisions in the R-2 District and cluster subdivisions in the R-3 and R-4 Districts which have a minimum district size of three and one-half acres or greater, the



existing use and zoning classifications for all parcels located outside of and contiguous to the cluster subdivision boundary.

(18) The extent of any dam break inundation zone of a state-regulated impounding structure must be identified and labeled with the name and state-issued identification number of the impoundment. This requirement does not apply to any development proposed downstream of a dam for which a dam break inundation zone map is not on file with the county as of the time of submission of the plan.

(d) *Approval.*<sup>12</sup> Preliminary plats ~~must shall~~ be approved by the Director and such action will shall be evidenced on copies thereof by his signature; provided that the provisions of this Chapter are complied with in the preparation thereof.

~~(1) Upon receipt of the preliminary plat, the Director shall forthwith transmit a copy of such plat to any appropriate body or agency for review. Review by any appropriate body or agency shall be completed and returned to the Director.~~

~~(12) Unless delayed by a federal or State review, a preliminary plat must shall~~ be acted upon within 60 days, except under abnormal circumstances, from receipt thereof in the Office of the Director. Any preliminary plat that has been previously disapproved and has been modified and corrected to address all deficiencies ~~must shall~~ be acted upon within 45 days, except under abnormal circumstances, from receipt thereof in the Office of the Director. The Director will shall thoroughly review the plat and make a good faith effort to identify all deficiencies, if any, with the initial submission. If the preliminary plat is disapproved, the reason or reasons for such disapproval ~~must shall~~ be shown on the plat or in a separate document. The reasons for disapproval ~~must shall~~ identify all deficiencies in the plat which cause the disapproval by reference to specific duly adopted ordinances, regulations, or policies and ~~must shall~~ identify such modifications or corrections as will permit approval of the plat.

~~(23) However, if approval of a feature or features of the preliminary plat by a federal or state agency or public authority, including, without limitation, the Virginia Department of Transportation, is necessary, the Director will shall forthwith~~ forward a copy of the preliminary plat to the appropriate federal or State agency or agencies for review within ten (10) business days of receipt of such preliminary plat. Upon receipt of the approvals from all federal and State agencies, the Director ~~must shall~~ act upon such preliminary plat within thirty-five (35) days.

~~(34) An approved preliminary plat must comply with all provisions of law and will shall~~ be valid for a period of five years, provided the subdivider: (i) submits a complete final subdivision plat for all or a portion of the property within one year of the original date of approval of the preliminary plat; and (ii) after such submission, diligently pursues approval of the final subdivision plat. Diligent pursuit of approval means that the subdivider has incurred extensive obligations or substantial expenses relating to the submitted final subdivision plat or modification thereto.

No sooner than three years following such preliminary subdivision plat approval, and upon 90 days written notice by certified mail to the subdivider, the Director may revoke such approval upon a specific finding of facts that the subdivider has not diligently pursued approval of the final subdivision plat. A preliminary plat may be re-approved (redated) prior to expiration to extend its validity for a one-year period from the date of re-approval if such plat complies with all provisions of law in effect at the time of re-approval. A preliminary plat will shall be null and void if the final plat of the subdivision is not approved and recorded within five years after

approval of the preliminary plat. Approval of a preliminary plat ~~is not~~ shall not be considered to be an acceptance of such plat for recordation.

**Amend Article 2, Subdivision Application Procedure and Approval Process by deleting Footnotes 10, 11, and 12 to Section 101-2-3, Preliminary Subdivision Plat, as follows:**

~~10. See Va. Code Ann., § 15.1-476.~~

~~11. —"Preliminary subdivision plats approved prior to the effective date [12:01 a.m., October 1, 1991], provided that (a) upon application, such preliminary subdivision plat may be reapproved in accordance therewith one time after the effective date, (b) the subsequent subdivision construction plan or site plan associated with the development is approved within twelve (12) months of the approval or reapproval of the preliminary subdivision plat, as the case may be, and (c) the final subdivision plat is recorded in accordance with Section 101-2-5(d)(2) of the Subdivision Ordinance. Revisions to such approved plats may be approved in accordance with the provisions of Section 101-2-3(c) in effect at the time of initial preliminary subdivision plat approval, provided, however, that the approval of such revisions shall not affect the aforementioned time frames."~~

~~—Since the prior provisions of the Subdivision Ordinance were enacted, review of the preliminary plat has become increasingly complex. For this reason the staff in Environmental Management has requested that the thirty (30) day review provision be extended to at least sixty (60) days. Such sixty (60) day period shall be tolled during any return of the plat to the subdivider for amendment.~~

~~—The major criticism of applicants-developers is directed to the length of time that approval of a preliminary plat actually requires. This seems to be due, in large part, to the fact that Board policy requires the review of these plats by a large number of bodies and agencies, in addition to those approvals required by law. While such review is certainly appropriate, it should not be so time-consuming as to extend the normal review period which is necessary. Furthermore, the new requirements of the State and Federal governments (re air quality and erosion and sediment control) will lengthen the review process and further delay approval of plats. Wherever possible, the County should encourage simultaneous reviews on a single project and should commit itself to the efficient processing of applications.~~

~~12. Since the prior provisions of the Subdivision Ordinance were enacted, review of the preliminary plat has become increasingly complex. For this reason the staff in Environmental Management has requested that the thirty (30) day review provision be extended to at least sixty (60) days. Such sixty (60) day period shall be tolled during any return of the plat to the subdivider for amendment.~~

**Amend Article 2, Subdivision Application Procedure and Approval Process by revising Section 101-2-4, Construction Plan, to read as follows:**

**Section 101-2-4. Construction plan.**

(a) *Who may prepare.* Construction plans for subdivision development ~~must~~ shall be prepared and certified by a ~~certified~~ professional engineer or land surveyor ~~authorized by the State to practice as such~~ licensed to practice in the Commonwealth of Virginia. In addition, plats and plans submitted under the County's Plans Examiner Program ~~must~~ shall be reviewed and

recommended for submission by a Plans Examiner in accordance with Chapter 117 (Expedited Land Development Review) of the Code of the County of Fairfax, Virginia.

(b) *Generally.*<sup>13</sup> ~~All e~~Construction plans must shall be submitted to the Director for approval. The required number of copies of the construction plan will be determined by the Director. The Director may provide for the submission of plans electronically in lieu of prints. ~~in sixteen (16) prints, or more where necessary, and each~~ Construction plans must shall conform to the standards and criteria established under this Ordinance.

(c) *Preparation, exceptions.*

(1) A construction plan must shall be submitted by the subdivider in accordance with the construction plan requirements established under this Section to ensure insure general compliance with the Zoning Ordinance and provide specific information on improvements to be made by the subdivider as required in this Ordinance and the Public Facilities Manual Public Facilities Manual. A construction plan must shall be submitted in metric measurements or the English equivalent to metric measurements. Where the submission of a preliminary subdivision plat is required by Section 101-2-1(1)(A), such plat must be approved prior to the submission of the construction plan. The construction plan must be submitted prior to or in conjunction with the submission of the final subdivision plat, and such plan must be approved by the Director prior to the approval of the final subdivision plat. An approved construction plan shall remain valid as long as the preliminary subdivision plat remains valid or, where the submission of a preliminary subdivision plat is not required by Section 101-2-1(1)(A), then for a period of five years from the date of approval of the construction plan. The construction plan must shall include final details in accord with the Erosion and Sedimentation Control Ordinance and with the Utilities Plan.

(2) A construction plan will shall not be required from any subdivider who is not constructing any improvements for dedication and who includes covenants and restrictions relating to every lot or parcel which:

- (A) Provide that Fairfax County may enforce such covenants and restrictions; and
- (B) Assure compliance with the Erosion and Sedimentation Control Ordinance; and
- (C) In subdivisions where there are common areas or non-dedicated public improvements, provide for the creation and maintenance of a homeowners' organization with the capacity to maintain any private roads and to the common areas or improvements.

(d) *Approval.*<sup>14</sup> The Construction Plan must shall be acted upon within 60 days, except under abnormal circumstances, from receipt thereof in the Office of the Director. Any construction plan that has been previously disapproved and has been modified and corrected to address all deficiencies must shall be acted upon within 45 days, except under abnormal circumstances, from receipt thereof in the Office of the Director. The Director must shall thoroughly review the construction plan and make a good faith effort to identify all deficiencies, if any, with the initial submission. If the construction plan is disapproved, the reason or reasons for such disapproval must shall be shown on the plan or in a separate document. The reasons for disapproval must shall identify all deficiencies in the plan which cause the disapproval by reference to specific duly adopted ordinances, regulations, or policies, and must shall identify such modifications or corrections as will permit approval of the plan.

**Amend Article 2, Subdivision Application Procedure and Approval Process by deleting Footnotes 13 and 14 to Section 101-2-4, Construction Plan, as follows:**

~~13. The requirements of this Section, similar to those of the Zoning Ordinance are appropriate to this review, which is designed to insure that any subdivision will be in compliance with the provisions of the Zoning Ordinance.~~

~~14. These provisions are designed to be parallel to the approval provisions concerning the preliminary subdivision plat, as provided supra, in Section 101-2-3.~~

**Amend Article 2, Subdivision Application Procedure and Approval Process, Section 101-2-5, Final subdivision plat, paragraphs (a) Who May Prepare and (b) Generally, by revising them to read as follows:**

(a) *Who may prepare.* Final subdivision plats which are intended for recording ~~must shall~~ be prepared by a ~~certified~~ professional engineer or land surveyor licensed to practice in the Commonwealth of Virginia. In addition, plats and plans submitted under the County's Plans Examiner Program ~~must shall~~ be reviewed and recommended for submission by a Plans Examiner in accordance with Chapter 117 (Expedited Land Development Review) of the Code of the County of Fairfax, Virginia.

(b) *Generally.* The original of the final plat and ~~at least 16~~ prints of the final plat of the subdivision or section thereof, accompanied by payment of all required fees, ~~must shall~~ be submitted for approval. The required number of copies of the final plat will be determined by the Director. The Director may provide for the submission of plats electronically in lieu of prints. If a construction plan for the proposed subdivision or section thereof has not previously been submitted, then it ~~must shall~~ be submitted in conjunction with the submission of the final plat of the subdivision or section thereof. The original and one print of the final plat with the action of the approving authority noted thereon ~~will shall~~ be retained by the Director until such time as the same is to be recorded. At that time, the original and one print of the final plat ~~will shall~~ be transmitted forthwith to the office of the Clerk of the Circuit Court in a manner acceptable to the Director. After recordation, the Clerk of the Circuit Court ~~will shall~~ return the original of the final plat to the Director who ~~will shall~~ return it to the surveyor or engineer who prepared the plat.

**Amend Article 2, Subdivision Application Procedure and Approval Process, Section 101-2-5, Final subdivision plat, paragraph (c), Preparation, by revising the introductory paragraph to read as follows:**

(c) *Preparation.* Final subdivision plats ~~must shall~~ be prepared in accordance with the regulations set forth and established under this Section and ~~must shall~~ be submitted in ~~metric measurements with the English units of measurement shown in parentheses following the metric measurements or submitted using the English equivalent to metric measurements.~~ Such plats ~~must shall~~ be drawn in ink on suitable material to a ~~metric scale of 1:1000 or larger, or an English scale of 1" = 100' or larger~~ with clearly legible letters and figures which will be legible after copying on a sheet or sheets not less than eight and one-half (8½) inches by eleven (11) inches, nor more than eighteen (18) inches by twenty-four (24) inches. The Director may provide for the submission of final subdivision plats electronically in lieu of prints. ~~or their metric equivalent and shall~~ Final subdivision plats must show the following information:

**Amend Article 2, Subdivision Application Procedure and Approval Process, Section 101-2-5, Final subdivision plat, paragraph (c), Preparation, by adding new subparagraph (14), to read as follows:**

(14) The extent of any dam break inundation zone of a state-regulated impounding structure must be identified and labeled with the name and state-issued identification number of the impoundment. This requirement does not apply to any development proposed downstream of a dam for which a dam break inundation zone map is not on file with the county as of the time of submission of the plat.

**Amend Article 4 (Definitions), Section 101-4-1 (Definitions), to read as follows:**

**Section 101-4-1. Definitions.**

The following definitions shall be used in the interpretation and administration of the Subdivision Ordinance:

(1) *Clerk* ~~shall~~ means the Clerk of the Circuit Court of Fairfax County.

(2) *Construction plan* ~~shall~~ means any drawing required by the Director which may be used in the processing of record plats or for the construction of any phase of on-site or off-site improvements. These include, but are not limited to, site plans, grading plans, plans and profiles and cross sections.

(3) *Cooperative* ~~shall~~ means real estate owned by an association, each of the members of which is entitled, by virtue of his ownership interest in the association, to exclusive possession of a unit.

(4) *Director* ~~shall~~ means the Director of Land Development Services or his agent.

(5) *Minor adjustment of property lines* ~~shall~~ means a subdivision where the division or redivision of a tract, plot or parcel of land which reallocates or consolidates land area of contiguous lots or parcels, but which does not result in the creation of any additional lot(s), parcels or outlots or any increase in density, and which does not create or aggravate an existing noncompliance with regard to minimum lot area, minimum lot width, or minimum required yards.

(6) *Outlot* ~~shall~~ means any lot which does not comply with the minimum lot width, lot area or shape factor requirements of the Zoning Ordinance of this Code; or the frontage requirements established in the *Public Facilities Manual* under this Ordinance.

(7) *Private street* ~~shall~~ means any vehicular access not dedicated to public use, which provides principal access to abutting properties or to individual residential buildings.

(8) *Specifications* ~~shall~~ mean the duly adopted directions, provisions and requirements pertaining to the method and manner of performing the work or to quantities and qualities of materials and workmanship to be furnished.

(9) *Standards* ~~shall~~ mean County design and construction criteria, as promulgated and defined in the *Public Facilities Manual*.

(10) *State-regulated impounding structure or dam* means a man-made structure, whether a dam across a watercourse or structure outside a watercourse, used or to be used to retain or store waters or other materials that is subject to the requirements of the Virginia Dam Safety Act (§ 10.1-604 et seq.) and the Virginia Dam Safety Regulations (4 VAC 50-20).

(11) State-regulated impoundment means a body of water or other materials retained or stored by a state-regulated impounding structure.

~~(10)~~ 12) Subdivider shall means a person or his agent who has applied for approval of or has duly recorded a plat for the subdivision of a tract of land.

~~(11)~~ 13) Subdivision shall means the division or redivision of a tract, plot, or parcel of land, including condominium development or condominium conversion, where there is any division or redivision of real property; provided, this shall not include any division or redivision where each tract, plot or parcel is five (5) acres or greater.

~~(12)~~ 14) Utilities shall mean distribution and/or service connection facilities and appurtenances thereto, for gas; electricity; water; sanitary sewer; storm water; street lighting; communications, including telephone, television, radio and telegraph; heating and/or air conditioning by circulation of water, steam, air and other medium; fuel, including but not limited to, gasoline, oil or coal; or other similar consumable commodities or services.

~~(13)~~ 15) Water Quality Impact Assessments shall means any assessment submitted pursuant to Article 4 of Chapter 118 of this Code.

**Proposed Amendment to Chapter 112 (Zoning Ordinance)  
of  
The Code of the County of Fairfax**

*This proposed Zoning Ordinance amendment is based on the Zoning Ordinance in effect as of June 25, 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 1, The Constitution of The Ordinance, Part 2, Purpose and Intent, by**  
2 **revising Paragraphs 2 and 11 to read as follows:**

3  
4 The Zoning Ordinance of Fairfax County, Virginia, is intended to promote the health,  
5 safety and general welfare of the public and to implement the adopted comprehensive  
6 plan for the orderly and controlled development of the County.

7 To accomplish these ends, the Zoning Ordinance is designed to give reasonable  
8 consideration to each of the following purposes, where applicable:

- 9  
10 2. to facilitate the creation of a convenient, attractive and harmonious community; to  
11 provide for adequate light, air, convenience of access and safety from fire, flood,  
12 impounding structure failure, crime and other dangers; and to reduce or prevent  
13 congestion in the public streets;  
14  
15 11. to protect against the following: overcrowding of land; undue intensity of noise; air  
16 and water pollution; undue density of population in relation to community facilities  
17 existing or available; obstruction of light and air; danger and congestion in travel and  
18 transportation; and loss of life, health, or property from fire, flood, impounding  
19 structure failure, panic or other dangers;

20  
21  
22 **Amend Article 8, Special Permits, Part 0, General Provisions, Sect. 8-011,**  
23 **Submission Requirements, by revising the introductory paragraph to Par. 2 and**  
24 **adding a new Par. 2S to read as follows, and relettering the subsequent paragraph**  
25 **accordingly.**

- 26  
27 2. Twenty-three ~~(23)~~ copies of a plat, including any resubmissions of the plat and  
28 supporting graphics, drawn to designated scale of not less than ~~one inch equals fifty~~  
29 ~~feet~~ (1" = 50'), certified by a professional engineer, land surveyor, architect or  
30 landscape architect licensed by the State of Virginia, presented on a sheet having a  
31 maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. If the  
32 proposal cannot be accommodated on one 24" x 36" sheet at a scale of 1" = 50', a

1 scale of not less than 1" = 100' may be used. If presented on more than one (4)  
2 sheet, match lines ~~shall~~ must clearly indicate where the several sheets join. Such  
3 plat ~~shall~~ must contain the following information:  
4

5 S. The extent of any dam break inundation zone of a state-regulated  
6 impounding structure must be identified and labeled with the name of the  
7 impoundment and the date of the study that established the inundation zone.  
8 This requirement does not apply to any development proposed downstream  
9 of a dam for which a dam break inundation zone map is not on file with the  
10 county as of the time of submission of the plan. When a state-regulated  
11 impounding structure is proposed to be constructed or altered, an  
12 approximate delineation of the future dam break inundation zone must be  
13 provided.  
14

15 ST. Seal and signature of professional person certifying the plat.  
16

17 **Amend Article 9, Special Exceptions, as follows:**  
18

19 - **Amend Part 0, General Provisions, Sect. 9-011, Submission Requirements, by**  
20 **revising the introductory paragraph to Par. 2 and adding a new Par. 2S to**  
21 **read as follows, and relettering the subsequent paragraph accordingly.**  
22

23 2. Twenty-three (~~23~~) copies of a plat, including any resubmissions of the plat  
24 and supporting graphics, drawn to designated scale of not less than ~~one inch~~  
25 ~~equals fifty feet~~ (1" = 50'), certified by a professional engineer, land  
26 surveyor, architect or landscape architect licensed by the State of Virginia,  
27 presented on a sheet having a maximum size of 24" x 36", and one 8 1/2" x  
28 11" reduction of the plat. If the proposal cannot be accommodated on one  
29 24" x 36" sheet at a scale of 1" = 50', a scale not less than 1" = 100' may be  
30 used. If presented on more than one (4) sheet, match lines ~~shall~~ must  
31 indicate where the several sheets join. Such plat ~~shall~~ must contain the  
32 following information:  
33

34 S. The extent of any dam break inundation zone of a state-regulated  
35 impounding structure must be identified and labeled with the name of  
36 the impoundment and the date of the study that established the  
37 inundation zone. This requirement does not apply to any development  
38 proposed downstream of a dam for which a dam break inundation zone  
39 map is not on file with the county as of the time of submission of the  
40 plan. When a state-regulated impounding structure is proposed to be  
41 constructed or altered, an approximate delineation of the future dam  
42 break inundation zone must be provided.  
43

44 ST. Seal and signature of professional certifying the plat.  
45

46 - **Amend Part 6, Miscellaneous Provisions Requiring Board of Supervisors'**



1           **Approval, as follows:**

- 2  
3           -       **Amend Sect. 9-615, Provisions for a Cluster Subdivision, by revising the**  
4           **introductory paragraph to Par. 1 and adding a new Par. 1T to read as**  
5           **follows, and relettering the subsequent paragraph accordingly.**

6  
7           1.       Notwithstanding Par. 2 of Sect. 011 above, all applications ~~shall~~ must  
8           be accompanied by ~~twenty-three (23)~~ copies of a plat drawn to  
9           designated scale of not less than ~~one inch equals fifty feet (1" = 50')~~,  
10          certified by a professional engineer, land surveyor, architect or  
11          landscape architect licensed by the State of Virginia, presented on a  
12          sheet having a maximum size of 24" x 36", and one 8 ½" x 11"  
13          reduction of the plat. If the proposal cannot be accommodated on one  
14          24" x 36" sheet at a scale of 1" = 50', a scale of not less than 1" = 100'  
15          may be used. If presented on more than one ~~(4)~~ sheet, match lines ~~shall~~  
16          must clearly indicate where the several sheets join. Such plat ~~shall~~ must  
17          contain the following information:

18  
19                T.    The extent of any dam break inundation zone of a state-regulated  
20                impounding structure must be identified and labeled with the  
21                name of the impoundment and the date of the study that  
22                established the inundation zone. This requirement does not apply  
23                to any development proposed downstream of a dam for which a  
24                dam break inundation zone map is not on file with the county as  
25                of the time of submission of the plan. When a state-regulated  
26                impounding structure is proposed to be constructed or altered, an  
27                approximate delineation of the future dam break inundation zone  
28                must be provided.

29  
30                ¶U. Seal and signature of professional person certifying the plat.

- 31  
32           -       **Amend Sect. 9-622, Provisions for Modifications/Waivers/Increase and**  
33           **Uses in a Commercial Revitalization District, by revising the**  
34           **introductory paragraph to Paragraphs 2 and 2A and adding a new Par.**  
35           **2A(21) to read as follows, and renumbering the subsequent paragraph**  
36           **accordingly.**

37  
38           2.       Notwithstanding the provisions of Par. 2 of Sect. 011 above, the plat  
39           requirements set forth below ~~shall~~ will apply. Upon receipt of a  
40           written request with justification, the Zoning Administrator may  
41           modify or waive a plat requirement, if it is determined that the  
42           requirement is clearly not necessary for the review of the application.

43  
44                A.       Twenty-three ~~(23)~~ copies of a plat, including any resubmissions  
45                of the plat and supporting graphics, drawn to designated scale of  
46                not less than ~~one inch equals fifty feet (1" = 50')~~, certified by a

professional engineer, land surveyor, architect or landscape architect licensed by the State of Virginia, presented on a sheet having a maximum size of 24" x 36", and one 8 1/2" x 11" reduction of the plat and supporting graphics. If the proposal cannot be accommodated on one 24" x 36" sheet at a scale of 1" = 50', a scale of not less than 1" = 100' may be used. If presented on more than one (~~4~~) sheet, match lines ~~shall~~ must clearly indicate where the several sheets join. Such plat ~~shall~~ must contain the following information:

(21) The extent of any dam break inundation zone of a state-regulated impounding structure must be identified and labeled with the name of the impoundment and the date of the study that established the inundation zone. This requirement does not apply to any development proposed downstream of a dam for which a dam break inundation zone map is not on file with the county as of the time of submission of the plan. When a state-regulated impounding structure is proposed to be constructed or altered, an approximate delineation of the future dam break inundation zone must be provided.

(~~24~~22) Seal and signature of professional person certifying the plat.

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

**- Amend Part 3, Submission Requirements for a PRC District, as follows:**

**- Amend Sect. 16-302, Development Plan, by revising the introductory paragraphs, revising the introductory paragraph to Par. 4, and adding a new Par. 4M to read as follows:**

In addition to the requirements set forth in Sect. 18-202 that ~~shall~~ must accompany an application for a rezoning, a development plan, including any resubmissions and supporting graphics, ~~shall~~ must be filed with the Zoning Administrator in ~~twenty-three~~ (~~23~~) copies and ~~shall~~ must include the information set forth below. The Planning Commission or Board of Supervisors, in its review of the development plan, may request additional information in order to evaluate the impact of the proposed development on the surrounding area. All maps or plans submitted as part of a development plan ~~shall~~ must be presented on a sheet having a maximum size of 24" x 36". If presented on more than one (~~4~~) sheet, match lines ~~shall~~ must clearly indicate where the several sheets join. One 8 1/2" x 11" reduction of the development plan and supporting graphics ~~shall~~ must also be submitted. All submission requirements ~~shall~~ will become the property of the County.

1 The sheet size and scale of a development plan may be modified by  
2 the Zoning Administrator, based on the nature and/or size of the application.  
3 In addition, the submission requirements for any amendment to an approved  
4 development plan ~~shall~~ must be those requirements deemed necessary for a  
5 review of such amendment, as determined by the Zoning Administrator.  
6 Further, upon receipt of a written request with justification, the Zoning  
7 Administrator may modify or waive the archaeological survey requirement of  
8 Par. 10 below, if it is determined that the requirement is clearly not necessary  
9 for the review of the application.

10  
11 4. A plan at a scale of not less than one inch equals ~~one hundred feet~~ (1"  
12 = 100'), showing:

13  
14 M. The extent of any dam break inundation zone of a state-regulated  
15 impounding structure must be identified and labeled with the  
16 name of the impoundment and the date of the study that  
17 established the inundation zone. This requirement does not apply  
18 to any development proposed downstream of a dam for which a  
19 dam break inundation zone map is not on file with the county as  
20 of the time of submission of the plan. When a state-regulated  
21 impounding structure is proposed to be constructed or altered, an  
22 approximate delineation of the future dam break inundation zone  
23 must be provided.

24  
25 - **Amend Sect. 16-303, PRC Plan, by revising the introductory paragraph,**  
26 **revising the introductory paragraph to Par. 1, and adding a new Par. 1R**  
27 **to read as follows:**

28  
29 A PRC plan ~~shall~~ must be filed with the Zoning Administrator in ~~twenty-~~  
30 ~~three~~ (23) copies, and ~~shall~~ must include the information set forth below. A  
31 PRC plan or portion thereof involving engineering, architecture, landscape  
32 architecture or land surveying ~~shall~~ must be respectively certified by an  
33 engineer, architect, landscape architect or land surveyor authorized by the  
34 State to practice as such. All maps, plans, sketches and illustrations  
35 submitted as part of a PRC plan ~~shall~~ must be presented on a sheet having a  
36 size of 24" x 36". If presented on more than one (1) sheet, match lines ~~shall~~  
37 must clearly indicate where several sheets join. One 8 1/2" x 11" reduction  
38 of the PRC plan and supporting graphics ~~shall~~ must also be submitted. The  
39 submission requirements for any amendment to an approved PRC plan ~~shall~~  
40 will be those requirements deemed necessary for a review of such  
41 amendment as determined by the Zoning Administrator. All submission  
42 requirements ~~shall~~ will become the property of the County.

43  
44 1. A plan at a scale of not less than ~~one inch equals one hundred feet~~ (1"  
45 = 100') showing:

46

1           R. The extent of any dam break inundation zone of a state-regulated  
 2 impounding structure must be identified and labeled with the  
 3 name of the impoundment and the date of the study that  
 4 established the inundation zone. This requirement does not apply  
 5 to any development proposed downstream of a dam for which a  
 6 dam break inundation zone map is not on file with the county as  
 7 of the time of submission of the plan. When a state-regulated  
 8 impounding structure is proposed to be constructed or altered, an  
 9 approximate delineation of the future dam break inundation zone  
 10 must be provided.

11  
 12 - **Amend Part 5, Submission Requirements for All P Districts Except the PRC**  
 13 **District, as follows:**

14  
 15 - **Amend Sect. 16-501, Conceptual Development Plan, by revising the**  
 16 **introductory paragraph to Par. 1 and Par. 1A, revising the introductory**  
 17 **paragraphs to Par. 2 and 2A, and adding new Paragraphs 1A(25) and**  
 18 **2A(22) to read as follows:**

19  
 20 1. For a rezoning to the PDH, PDC and PRM Districts, the following  
 21 ~~shall~~ must accompany such application:

22  
 23 A. A plan, at a scale of not less than one inch equals ~~one hundred~~  
 24 ~~feet~~ (1" = 100'), showing:

25  
 26 (25) The extent of any dam break inundation zone of a state-  
 27 regulated impounding structure must be identified and  
 28 labeled with the name of the impoundment and the date of  
 29 the study that established the inundation zone. This  
 30 requirement does not apply to any development proposed  
 31 downstream of a dam for which a dam break inundation  
 32 zone map is not on file with the county as of the time of  
 33 submission of the plan. When a state-regulated  
 34 impounding structure is proposed to be constructed or  
 35 altered, an approximate delineation of the future dam  
 36 break inundation zone must be provided.

37  
 38 2. For a rezoning to the PTC District, the following ~~shall~~ must  
 39 accompany such application:

40  
 41 A. A plan, at a scale of not less than ~~one inch equals one hundred~~  
 42 ~~feet~~ (1" = 100'), showing:

43  
 44 (22) The extent of any dam break inundation zone of a state-  
 45 regulated impounding structure must be identified and  
 46 labeled with the name of the impoundment and the date of

1                    the study that established the inundation zone. This  
2                    requirement does not apply to any development proposed  
3                    downstream of a dam for which a dam break inundation  
4                    zone map is not on file with the county as of the time of  
5                    submission of the plan. When a state-regulated  
6                    impounding structure is proposed to be constructed or  
7                    altered, an approximate delineation of the future dam  
8                    break inundation zone must be provided.  
9

10                    -    **Amend Sect. 16-502, Final Development Plan, by revising the**  
11                    **introductory paragraphs to Paragraphs 1 and 1A, revising the**  
12                    **introductory paragraph to Paragraphs 2 and 2A, and adding new**  
13                    **Paragraphs 1A(21) and 2A(17) to read as follows:**  
14

15                    1.    For a rezoning to the PDH, PDC and PRM Districts, the following  
16                    ~~shall~~ must accompany such application:  
17

18                    A.    A final plan, at a scale of not less than ~~one inch equals one~~  
19                    ~~hundred feet~~ (1" = 100'), showing:  
20

21                    (21) The extent of any dam break inundation zone of a state-  
22                    regulated impounding structure must be identified and  
23                    labeled with the name of the impoundment and the date of  
24                    the study that established the inundation zone. This  
25                    requirement does not apply to any development proposed  
26                    downstream of a dam for which a dam break inundation  
27                    zone map is not on file with the county as of the time of  
28                    submission of the plan. When a state-regulated  
29                    impounding structure is proposed to be constructed or  
30                    altered, an approximate delineation of the future dam  
31                    break inundation zone must be provided.  
32

33                    2.    For a rezoning to the PTC District, the following ~~shall~~ must  
34                    accompany such application:  
35

36                    A.    A plan, at a scale of not less than ~~one inch equals one hundred~~  
37                    ~~feet~~ (1" = 100'), showing:  
38

39                    (17) The extent of any dam break inundation zone of a state-  
40                    regulated impounding structure must be identified and  
41                    labeled with the name of the impoundment and the date of  
42                    the study that established the inundation zone. This  
43                    requirement does not apply to any development proposed  
44                    downstream of a dam for which a dam break inundation  
45                    zone map is not on file with the county as of the time of  
46                    submission of the plan. When a state-regulated

1 impounding structure is proposed to be constructed or  
2 altered, an approximate delineation of the future dam  
3 break inundation zone must be provided.  
4  
5

6 **Amend Article 17, Site Plans, Part 1, General Regulations, as follows:**  
7

8 - **Amend Sect. 17-105, Minor Site Plans, by revising the introductory paragraph**  
9 **to Paragraphs 2 and 4, adding new Paragraph 2J, and re-lettering the**  
10 **subsequent paragraph to read as follows:**  
11

12 2. A minor site plan must be submitted on ~~six copies~~ of a form provided by the  
13 Director and must be accompanied by ~~six copies~~ of a plan depicting the  
14 existing and proposed uses and improvements. The required number of  
15 copies of the form and plan will be determined by the Director. The Director  
16 may provide for the submission of the required form and plan electronically  
17 in lieu of prints. Minor site plans are subject to the fees set forth in Sect. 109  
18 below and each plan must be accompanied by a receipt evidencing the  
19 payment of all such required fees. Minor site plans must include, when  
20 applicable, the following information:  
21

22 J. The extent of any dam break inundation zone of a state-regulated  
23 impounding structure must be identified and labeled with the name of the  
24 impoundment and the date of the study that established the inundation  
25 zone. This requirement does not apply to any development proposed  
26 downstream of a dam for which a dam break inundation zone map is not  
27 on file with the county as of the time of submission of the plan.  
28

29 JK. Any other such information as may be required by the Director in order  
30 to evaluate the plan.  
31

32 4. The Director ~~shall~~ will check the minor site plan for completeness and  
33 compliance with such administrative requirements as are established. The  
34 Director ~~shall~~ will ensure that all administrative reviews are completed on  
35 time and that action is taken by the approving authority on the minor site plan  
36 within ~~sixty (60)~~ days from receipt of a complete submission thereof, except  
37 under abnormal circumstances. The Director will, as part of a preliminary  
38 plan review, or as part of a plan review if no preliminary plan review has  
39 been conducted: (a) review the dam break inundation zone map on file with  
40 the county for the affected impounding structure; (b) notify the dam owner;  
41 and (c) within 10 days forward a request to the Department of Conservation  
42 and Recreation (DCR) to make a determination of the potential impacts of  
43 the proposed development on the spillway design flood standards required of  
44 the dam. DCR must notify the dam owner and the county of its determination  
45 within 45 days of the receipt of the request. Upon receipt of the  
46 determination from DCR, the county will complete review of the plan. If the

1                    Director has not received a determination within 45 days of DCR's receipt of  
2                    the request, DCR will be deemed to have no comments, and the county will  
3                    complete its review.

4  
5 -    **Amend Sect. 17-106, Required Information on Site Plans, by adding Par. 40 to**  
6    **read as follows:**

7  
8                    All site plans must contain a cover sheet as prescribed by the Director and the  
9                    following information, where applicable, unless the Director determines, based  
10                    upon written justification submitted with the plan, that the information is  
11                    unnecessary for a complete review of the site plan. Site plans must also be prepared  
12                    in accordance with the provisions of the Public Facilities Manual and must be  
13                    submitted in English measurements, unless otherwise approved by the Director.

14  
15                    40.    The extent of any dam break inundation zone of a state-regulated  
16                    impounding structure must be identified and labeled with the name of the  
17                    impoundment and the date of the study that established the inundation zone.  
18                    This requirement does not apply to any development proposed downstream  
19                    of a dam for which a dam break inundation zone map is not on file with the  
20                    county as of the time of submission of the plan.

21  
22 -    **Amend Sect. 17-108, Site Plan Procedure, by revising Paragraphs 1, 2 and the**  
23    **introductory paragraph to Par. 3, and adding new Paragraph 3J to read as**  
24    **follows:**

25  
26                    1.    All site plans ~~shall~~ must be submitted by the property owner, or by an agent  
27                    of the property owner or by a condominium in accordance with the  
28                    provisions of Sect. 2-518 to the Director ~~on fifteen (15) clearly legible blue~~  
29                    ~~or black line copies, and.~~ The required number of copies of the site plan will  
30                    be determined by the Director. The Director may provide for the submission  
31                    of the plan electronically in lieu of prints. Each site plan shall must be  
32                    accompanied by a receipt evidencing the payment of all required fees for  
33                    processing and approval as set forth in Sect. 109 below.

34  
35                    2.    The Director ~~shall~~ will check the site plan for completeness and compliance  
36                    with such administrative requirements as are established. The Director ~~shall~~  
37                    will ensure that all administrative reviews are completed on time and that  
38                    action is taken by the approving authority on the site plan within ~~sixty (60)~~  
39                    days from receipt of a complete submission thereof, except under abnormal  
40                    circumstances. Provided, however, that site plans proposing the development  
41                    or construction of affordable dwelling units in accordance with Part 8 of  
42                    Article 2 ~~shall~~ must be processed within 280 days from the receipt thereof,  
43                    provided such plan ~~shall~~ substantially comply complies with all ordinance  
44                    requirements when submitted. The calculation of the review period ~~shall~~ will  
45                    include only that time the site plan is in for County review, and ~~shall~~ will not  
46                    include such time as may be required for revisions or modifications in order

1 to comply with ordinance requirements. The Director will, as part of a  
2 preliminary plan review, or as part of a plan review if no preliminary plan  
3 review has been conducted: (a) review the dam break inundation zone map  
4 on file with the county for the affected impounding structure; (b) notify the  
5 dam owner; and (c) within 10 days forward a request to the Department of  
6 Conservation and Recreation (DCR) to make a determination of the potential  
7 impacts of the proposed development on the spillway design flood standards  
8 required of the dam. DCR must notify the dam owner and the county of its  
9 determination within 45 days of the receipt of the request. Upon receipt of  
10 the determination from DCR, the county will complete review of the plan. If  
11 the Director has not received a determination within 45 days of DCR's receipt  
12 of the request, DCR will be deemed to have no comments, and the county  
13 will complete its review.

- 14  
15 3. All site plans which are appropriately submitted and conform to standards  
16 and requirements set forth in this Article ~~shall~~ will be approved by the  
17 Director after having been reviewed and recommended for approval by the  
18 appropriate departments of the County relative to items such as, but not  
19 limited to, the following:

20  
21 J. When a mapped dam break inundation zone of a state-regulated  
22 impounding structure on file with the county is present on the site, the  
23 following requirements must be met:

- 24  
25 (1) If DCR determines that the spillway design flood of an existing  
26 impounding structure would change based on the proposed  
27 development, the developer must revise the plan of development so  
28 it does not alter the spillway design flood standard of the  
29 impounding structure or make a payment towards the necessary  
30 upgrades to the affected impounding structure. The developer must  
31 pay one-half of the estimated construction costs of the upgrade plus  
32 administrative fees not to exceed one percent of the total amount of  
33 payment required or \$1,000, whichever is less. Payment will be  
34 made to the Dam Safety, Flood Prevention and Protection  
35 Assistance Fund pursuant to § 10.1-603.19:1 of the Code of  
36 Virginia.
- 37  
38 (2) If the developer does not revise the plan of development, he must  
39 submit an engineering study in conformance with the Virginia Dam  
40 Safety Act (§ 10.1-604 et seq.) and the Virginia Impounding  
41 Structure Regulations (4VAC 50-20) to DCR and the Director to  
42 determine the necessary upgrades to the affected impounding  
43 structure. The study must include a contract-ready cost estimate for  
44 upgrading the impounding structure. The cost estimate does not  
45 include maintenance, repairs or upgrades to the impounding  
46 structure not made necessary by the proposed subdivision. DCR



1 must verify that the study conforms to state requirements.  
2 Following receipt of a study, DCR has 15 days to determine  
3 whether the study is complete. DCR must notify the developer of  
4 any specific deficiencies that cause the study to be determined to be  
5 incomplete. Following a determination that a submission is  
6 complete, DCR must notify the developer of its approval or denial  
7 within 45 days. Any decision must be communicated in writing and  
8 state the reasons for the disapproval.

9  
10 (3) Following completion of the development, the developer must  
11 provide the dam owner and the Director with the information  
12 necessary for the dam owner to update the dam break inundation  
13 zone map to reflect any new development within the dam break  
14 inundation zone.

15  
16 (4) The above requirements do not apply to any development proposed  
17 downstream of a dam for which a dam break inundation zone map  
18 is not on file with the county as of the time of submission of the  
19 plan.

20  
21  
22 **Amend Article 18, Administration, Amendments, Violations and Penalties, Part 2**  
23 **Amendments, Sect. 18-203, Generalized Development Plan Regulations, by revising**  
24 **the introductory paragraph to Par. 3 and adding Par. 3W to read as follows:**  
25

26 3. A generalized development plan, at a scale of not less than ~~one inch equals one~~  
27 ~~hundred feet~~ (1" = 100'), which scale may be modified by the Zoning Administrator  
28 based on the nature and/or size of the application, must show the following:  
29

30 W. A delineation of the boundary of any existing dam break inundation zone and,  
31 when a state regulated impoundment is proposed to be constructed or altered,  
32 an approximate delineation of the future dam break inundation zone.  
33  
34

35 **Amend Article 20, Ordinance Structure, Interpretations and Definitions, Part 3,**  
36 **Definitions, by adding new State-Regulated Impounding Structure and State-**  
37 **Regulated Impoundment definitions to read as follows:**  
38

39 STATE-REGULATED IMPOUNDING STRUCTURE (DAM): A man-made structure,  
40 whether a dam across a watercourse or structure outside a watercourse, used or to be used  
41 to retain or store waters or other materials that is subject to the requirements of the  
42 Virginia Dam Safety Act (§ 10.1-604 et seq.) and the Virginia Dam Safety Regulations (4  
43 VAC 50-20).  
44

45 STATE-REGULATED IMPOUNDMENT: A body of water or other materials retained  
46 or stored by a state-regulated impounding structure.

**Proposed Amendment to the Public Facilities Manual**

1 **Amend Chapter 2 (General Subdivision and Site Plan Information), §2-1200 (As-**  
2 **built drawings), Subsection 2-1201 (Submission Requirements and Certifications),**  
3 **paragraph 2-1201.1 by adding new subparagraph D, to read as follows:**

4  
5 D. A copy of the final dam break inundation zone map for any state-regulated  
6 impoundment constructed or altered. A map of the dam break inundation zone  
7 is not required for an alteration to a state-regulated impoundment that does not  
8 change the extent of the dam break inundation zone and for which a current  
9 map is on file with the county.

10  
11 **Amend Chapter 6 (Storm Drainage), §6-1600 (Design and Construction of Dams**  
12 **and Impoundments), Subsection 6-1601 (Virginia Dam Safety Regulations), to read**  
13 **as follows:**

14  
15 **6-1601 Virginia Dam Safety Regulations**

16  
17 6-1601.1 Construction or alteration of impoundments with a dam height of 25 feet or  
18 greater and with ~~an impoundment~~ a maximum impounding capacity of 15 acre-feet or  
19 more, and impoundments with a dam height of 6 feet or greater and with ~~a~~  
20 ~~impoundment~~ a maximum impounding capacity of 50 acre-feet or more, requires  
21 compliance with ~~the Virginia requirements set forth in~~ the Virginia Soil and Water  
22 Conservation Board's Impounding Structure Regulations (VR-625-01-00), dated Feb. 1,  
23 1989, as revised under 4VAC 50-20-30, effective July 1, 2002. Definitions of  
24 "alteration," "dam height," and "impoundment maximum impounding capacity" per the  
25 Virginia Dam Safety Regulations are as follows:

- 26  
27 • "Alteration" means changes to an impounding structure that could alter or affect  
28 its structural integrity. Alterations include, but not limited to, changing the height  
29 or otherwise enlarging the dam, increasing normal pool or principal spillway  
30 elevation or physical dimensions, changing the elevation or physical dimensions  
31 of the emergency spillway, conducting necessary repairs or structural  
32 maintenance, or removing the impounding structure. Structural maintenance does  
33 not include routine maintenance.
- 34  
35 • "Dam Height" means the structural hydraulic height of an impounding structure,  
36 and is If the impounding structure spans a stream or watercourse, height means  
37 the vertical distance from the natural stream bed of the stream or watercourse  
38 measured at the downstream toe of the impounding structure to the top of the  
39 impounding structure. If the impounding structure does not span a stream or  
40 watercourse, height means the vertical distance from the lowest elevation of the  
41 downstream limit of the barrier to the top of the impounding structure.

- 1
- 2 • “Impoundment Maximum Impounding Capacity” means the volume of water or  
3 other materials in acre-feet that is capable of being impounded at the top of the  
4 impounding structure.
- 5

6 6-1601.2 Permits for construction and operation of these ~~dams~~ impounding structures are  
7 issued by the Virginia Soil and Water Conservation Board. When applying to the  
8 Virginia Soil and Water Conservation Board for a permit to construct a new high or  
9 significant hazard potential impounding structure, the applicant must have a notice  
10 published in a newspaper of general circulation in the affected localities summarizing the  
11 permit request and providing the address of locations where copies of the construction  
12 permit request and the dam break inundation zone map may be examined. A copy of the  
13 published notice must be provided to the Director. The applicant also must send the  
14 above information, by certified mail, to each property owner within the dam break  
15 inundation zone. The construction or alteration of a dam that includes land disturbing  
16 activity also requires approval of a grading or construction plan and a land disturbance  
17 permit from the county. A building permit for construction or alteration of the dam’s  
18 outlet structure may be required.

19

20 6-1601.3 A copy of any state-approved design ~~also~~ and the published notice must be  
21 submitted to the Director in order to receive ~~Director~~ county approval for ~~of~~ grading  
22 ~~and/or~~ construction plans for a state-regulated impoundment. Grading or construction  
23 plans for impoundments must ~~also~~ include an erosion and sediment control plan in  
24 accordance with the provisions in § 11-0000 (Erosion and Sediment Control) *et seq.* A  
25 map of the proposed impoundment’s dam break inundation zone must be included as part  
26 of any grading or construction plan.