



County of Fairfax, Virginia

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

March 25, 2008

Francis A. McDermott
Hunton & Williams LLP
1751 Pinnacle Drive
Suite 1700
McLean, Virginia 22102

Re: Interpretation for SEA 80-L/V-061, Overlook Ridge, Tax Map 113-1 ((1)) 7, 8, 15 pt.;
113-3 ((1)) 1, 2, 4: Trails, Exercise Stations, Sanitary Sewer

Dear Mr. McDermott:

This is in response to your letter of November 29, 2007, and your follow-up letter of January 31, 2008 (attached), requesting an interpretation of the Special Exception Amendment (SEA) Plat and development conditions approved by the Board of Supervisors in conjunction with SEA 80-L/V-061. As I understand it, there are several questions relating to whether proposed modifications to the internal trail system and the sanitary sewer connection near the northwestern corner of the property, and the timing of construction of that sanitary sewer line, would be in substantial conformance with the SEA Plat and development conditions. This determination is based on Exhibits A-C attached to your letter of November 29, 2007, including a diagram of the approved and proposed revisions to the Hiking/Biking Trail (Exhibit A,) a diagram of the exercise station relocation (Exhibit B), and a diagram of the relocated sanitary sewer connection (Exhibit C.) Each question will be addressed below.

SEA 80-L/V-061 was approved by the Board of Supervisors on January 8, 2007, to permit modifications to the previously approved landfill, which is for construction demolition and debris, and includes quasi-public park use, and ultimately passive recreation facilities.

Based on concerns raised by the Fairfax County Park Authority (FCPA), you are proposing to modify the following elements of the future park facilities. You are proposing to relocate portions of the 8 foot wide "Hiking/Biking Trail" as illustrated on Exhibit A, to improve safety and accessibility issues. Generally, there are similar lengths of trail coverage and connections as were intended with the approved locations, however the adjustments allow for more moderate grade changes. You are proposing to relocate the exercise station area, as illustrated on Exhibit B, from a central southern portion of the property to the northwestern portion of the property, as requested by the FCPA, a location which you state would be more easily accessible to pedestrians. You are also proposing to remove the Alpine Hiking Trail, which was to be located in the northern portion of the property, due to safety concerns. There are other portions of 8' wide hiking/biking trail for use in this vicinity. Lastly, you are proposing to substitute a manufactured type of bench for the "split-log style" bench shown as a typical in the southern portion of the property, and elsewhere on the site, also due to safety concerns.

Because of concerns raised by the residents and nearby citizens of the Lorton Valley community, you are further requesting to eliminate the proposed connector trail adjacent to the Lorton Valley community. You have provided documentation of this request from the Lorton Valley Homeowners Association, attached to your letter of January 31, 2008.

Mr. Francis A. McDermott
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Based on concerns raised by the Department of Public Works and Environmental Services (DPWES,) you are proposing to modify the location of the sanitary sewer line connection associated with the proposed restroom in the northwestern corner of the property, to shift it further northwest, as shown on Exhibit C. You state that due to topography, the original location would result in an unusually deep sewer line, and could potentially cause construction, operation, and maintenance problems. You are also requesting to defer the timing of construction of this sewer line, from Phase 1 to Phase 5, as it will not be used in the interim. You state that upon construction of the public restroom facilities, which are proposed with Phase 5, the sanitary sewer line would also begin to serve the leachate storage tank. In the meantime, however, current pump-and-haul practices would continue to be used to transport leachate to the Noman M. Cole, Jr. Pollution Control Plant. You state that the current volume of leachate does not warrant use of a sanitary sewer line, and is not of sufficient volume or regularity to assure ongoing gravity flow. Although it is illustrated on the SEA Plat in Phase 1, you do not intend to use the sanitary sewer line for the leachate until the restroom is installed in Phase 5.

It is my determination that relocation of portions of the internal, 8 foot wide "Bicycle/Hiking Trail," relocation of the exercise station, elimination of the "Alpine Hiking Trail", substitution of a manufactured bench for the "Split Log Bench," elimination of the connector trail between the property and the adjacent Lorton Valley community, and relocation of the sanitary sewer line connection near the northwestern corner of the property, as illustrated on Exhibits A-C, would be in substantial conformance with the SEA Plat and development conditions. It is my determination that a delay of construction of the sanitary sewer line until the Phase 5 installation of the restroom facilities would not be in substantial conformance with the SEA Plat and development conditions, and the line must be constructed with the Phase 1 improvements as approved. These determinations have been reviewed with the Fairfax County Park Authority and have been made in my capacity as the duly authorized agent of the Zoning Administrator.

If you have any questions regarding these interpretations, please feel free to contact Cathy Belgin at (703) 324-1290.

Sincerely,



Regina C. Coyle, Director
Zoning Evaluation Division

RCC/O:\CBELG\SEI SEA 80-L-V-061 OVERLOOK RIDGE.DOC

Attachments: A/S

cc: Gerald W. Hyland, Supervisor, Mount Vernon District
Earl Flanagan, Planning Commissioner, Mount Vernon District
Jeffrey C. McKay, Supervisor, Lee District
Rodney Lusk, Planning Commissioner, Lee District
Andrea L. Dorlester, Senior Park Planner, Fairfax County Park Authority
Diane Johnson-Quinn, Deputy Zoning Administrator, Permit Review Branch, ZAD, DPZ
Ken Williams, Plan Control, Land Development Services, DPWES
Angela Rodeheaver, Section Chief for Site Analysis, DOT
Craig Carinci, Director, Environmental and Facilities Inspection Division, DPWES
Kevin Guinaw, Chief, Special Projects/Applications Management Branch, ZED, DPZ
File: SEA 80-L/V-061, SEI 0712 065, Imaging, Reading File



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Department of Planning & Zoning

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FRANCIS A. MCDERMOTT.
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FILE NO.: 65145.4

November 29, 2007

BY HAND DELIVERY

Regina Coyle, Director
Zoning Evaluation Division
Fairfax County Department of Planning and Zoning
12055 Government Center Parkway, Suite 800
Fairfax, Virginia 22035

**Interpretation Request for SEA 80-L/V-061
Overlook Ridge, Tax Map Parcels 113-1 ((1)) 7, 8 15 Part; 113-3 ((1)) 1, 2, 4**

Dear Ms. Coyle:

As discussed previously with Kevin Guinaw several weeks ago, this letter requests your determination that the minor modifications described below are in substantial conformance with the approved Special Exception Amendment 80-L/V-061 ("SEA"), in accordance with Paragraph 4 of Section 9-004 of the Zoning Ordinance. Pursuant to Section 9-004 requirements, Furnace Associates, Inc. seeks approval of these minor adjustments to the approved SEA Plat in order to address safety, layout, design and underground utility issues. Said changes are depicted on **Exhibits A, B, and C** dated November 2007, prepared by BC Consultants and further detailed below.

Background

On January 8, 2007, the Board of Supervisors approved the SEA for an amendment to an existing landfill, subject to Development Conditions, and an SEA Plat dated February 2006, as revised through November 20, 2006, prepared by BC Consultants and consisting of 35 sheets (the "SEA Plat"). The subject Property is zoned R-1 and is located between Interstate 95 and Furnace Road in the Mount Vernon Magisterial District. Copies of the County approval letter dated January 29, 2007 and the approved SEA Plat referenced above are enclosed as **Exhibits D and E**, respectively. The approved SEA Plat permits a construction demolition and debris landfill, quasi-public park uses and, ultimately, passive recreational uses.

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Proposed Modifications

Furnace Associates, Inc. requests approval of the following minor modifications to the approved SEA Plat. With the exception of "Modification E," these adjustments respond to specific safety, accessibility and/or engineering concerns which have been raised by the Fairfax County Park Authority Staff ("FCPA") and/or the Department of Public Works and Environmental Services ("DPWES") during the site plan review process. Development Condition 52 states "... [a]ll park improvements shall be provided by the applicant ... to FCPA standards in consultation with FCPA staff." The proposed modifications are:

- A. Relocation of portions of the internal eight-foot wide "Bicycle/Hiking Trail" sited at the northern and southern ends of the Property;
- B. Relocation of the "Exercise Station" area (see SEA Plat Sheet 6) from its location near the Sculpture Park parking lot (approximate elevation 357') to a location near the parking lot at the northwestern corner of the site (approximate elevation 225');
- C. Elimination of the Alpine Hiking Trail (see SEA Plat Sheet 5);
- D. Substitution of a manufactured bench for the "Split Log Bench" (see SEA Plat Sheet 5);
- E. Elimination of the trail identified on the SEA Plat as "Potential Trail Connection to the Lorton Valley Community" (see SEA Plat Sheet 5); and
- F. Relocation of the sanitary sewer line connection (see SEA Plat Sheet 5) sited near the northwestern corner of the Property and delay of its construction until a time no later than the Phase 5 installation of rest room facilities it is to serve.

Modification A

To achieve a safer and more accessible layout, DPWES has requested, and FCPA agrees, that portions of the internal eight-foot wide "Bicycle/Hiking Trail" be modified to accommodate a more moderate grade at the northern and southern ends of the site. To facilitate this request, the trail would need to deviate from the location depicted on the approved SEA Plat and be relocated to allow it to ascend to the upper portions of the park at less steep grades. This will also eliminate portions of the approved trail that run parallel with the trail provided in the

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access road (see Detail 2 on SEA Plat Sheet 30). FCPA has indicated to Furnace Associates, Inc. that these trail changes are needed to ensure a safe, accessible layout which realistically addresses endurance levels of potential users. The proposed modification provides a safer and more diverse trail system that would eliminate parallel trails. Further, the relocated trails would be easier and less expensive for the eventual owner of the site, FCPA, to maintain. **Exhibit A** depicts the trail locations as approved on the SEA Plat and as proposed on the site plan, these proposed relocations were prepared in consultation with FCPA.

Modification B

FCPA Staff has requested that the "Exercise Station" area be relocated to a location that is more readily accessible to pedestrians. Approval of this modification would alleviate concerns regarding the health and safety of potential Exercise Station users. FCPA is worried that the energy expended to reach the facility would expose potential users to additional and unintended exertion prior to their use of the stations. By locating the cluster to a lower elevation, exercise activities would be directed to use of the stations, not to the act of getting to them. **Exhibit B** depicts the approved and proposed locations of the Exercise Station area. The SEA Plat noted the exercise station location is "approximate."

Modification C

FCPA Staff is greatly concerned about the safety of the Alpine Hiking Trail users. The Alpine Hiking Trail originally was chosen to provide an activity that challenges the physical endurance of the individual user. However, the approved trail is exceedingly steep. Its use would have to be limited to only the most experienced of hikers, and the potential risk for serious injury exposes the FCPA to a greater degree of liability than it is willing to undertake. PFM standards might also require the addition of rails or barriers (inimical to the integrity of the landfill cap) to prevent steep falls off each side. To reduce the potential for harm, the FCPA would be subjected to increased maintenance costs and greater vigilance needed to enforce safety protocols. Accordingly, the FCPA has adamantly requested that this facility be eliminated from the site plan. In compliance with FCPA's request, the Alpine Hiking Trail has been removed, though it is important to note that sufficient trails will be provided on the north and south sides of the landfill and the access road to provide pedestrian/hiker access to the top.

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Modification D

FCPA Staff has requested that the "Split Log Bench" (see SEA Plat Sheet 31) be replaced with a FCPA-approved manufactured bench. The FCPA is concerned about the increased amount of maintenance and costs associated with a log bench, and likely injuries caused by splintering wood. To reduce the risk of injury, the FCPA would be required to maintain the surface of the bench on a frequent basis. The manufactured bench selected by the Applicant provides a smooth, durable surface that would not require frequent maintenance, would be similar to the split log bench depicted on the SEA Plat, and would meet FCPA Standards per Development Condition 52.

Modification E

As noted on Sheet 5 of the approved SEA Plat, a trail connection to Lorton Valley would "potentially" be provided at the eastern Whitehaven Court cul-de-sac, subject to permission from and provision of necessary easements by the Lorton Valley HOA. The Lorton Valley community has requested that no trail connection be made to their neighborhood trail/sidewalk system. The HOA Board and community are worried that Overlook Ridge patrons will access the park from the Whitehaven Court cul-de-sac, which could result in an inordinate demand upon the limited on-street parking spaces available in this area. It also exposes the residents to an increased level of anxiety over the number of unfamiliar people entering and having a presence in their neighborhood. Consequently, the Lorton Valley Homeowner's Association has decided not to grant the necessary easements for the trail connection. Documentation of the Lorton Valley position has been provided to DPWES, FCPA and ZED.

Without a permitted trail connection, it would be counter-productive to provide a trail stub to the Lorton Valley property line. Eventually, an unpaved footpath would link the cul-de-sac and stub, and the community's initial fears would ultimately be realized. Building an unlinked trail stub to the Lorton Valley Property line would also result in an unwarranted and unnecessary crossing of a the Resource Protection Area and an Environmental Quality Corridor on Overlook Ridge.

Modification F

DPWES Staff has requested that the sanitary sewer connection at the northwest corner of the site be relocated. As depicted on the approved SEA Plat, the route of the sewer connection would result in an unusually deep sewer line, which would result in a number of construction,

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operating and maintenance problems for the County. An alternate routing has been proposed by DPWES to alleviate these issues and is depicted on Exhibit C. The new location does not result in an increase in the amount of disturbed vegetation, nor does it cross any environmentally-sensitive areas. The SEA Plat depicted a sanitary sewer connection from the northwest portion of the Property, crossing County owned land and tying into existing sanitary sewer located in Whitehaven Court. The proposed realignment will continue through County property, but in a more shallow location more consistent with County PFM and Sewer Policy standards.

The sewer line was planned to facilitate the disposal of leachate accumulations from the landfill and to service the restroom facilities in the northwest portion of the site. Currently, the leachate is pumped into transport vehicles and hauled to proper disposal facilities off-site. The sewer line was approved for construction in Phase 1; however, the restroom facilities to be located in the northwest portion of the site will not be provided until Phase 5. It would be logical to install the sanitary sewer line coincident with the provision of restroom facilities. Upon installation, the sanitary sewer line could service the restrooms and leachate storage tank. The Applicant proposes to defer installation of the sanitary sewer line to a point no later than the provision of restroom facilities in the northwest portion of the site. Until such time, the leachate storage tank will continue to be serviced through pump and haul practices, which are the current method of removal.

Summary

The above modification requests are minor and pertain solely to layout, design, safety, underground utility and other engineering-related concerns, which have been raised by County Staff (except for "Modification E"). We believe that these modifications are in substantial conformance with the approved SEA Plat and the Development Conditions imposed by the Board in approving the SEA and satisfy the minor modification provisions of Section 9-004 of the Zoning Ordinance. Specifically, in compliance with provisions set forth in Paragraph 4A of Section 9-004, these proposed adjustments do not change the land area, intensify the use, increase the parking requirement, expand permitted uses, reduce the effectiveness of buffering and screening, nor adversely impact relationships to adjacent properties from that shown on the approved SEA Plat.



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We look forward to your prompt consideration of these requests. Please do not hesitate to contact me, or Aaron Shriber at 703-714-7465, if you have questions or require additional information.

Very truly yours,

A handwritten signature in black ink, appearing to read "Francis A. McDermott".

Francis A. McDermott

Enclosures

cc: The Honorable Gerald W. Hyland, Mt. Vernon District Supervisor (w/ enclosures)
Mr. Kevin Guinaw (w/ enclosures)
Mr. Conrad Mehan (w/ enclosures)

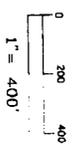
LEGEND:

- SPECIAL EXCEPTION AMENDMENT APPROVED
- 8' BICYCLE/HIKING TRAIL
- SITE PLAN PROPOSED
- 8' BICYCLE/HIKING TRAIL
- TRAILS AT SAME LOCATION



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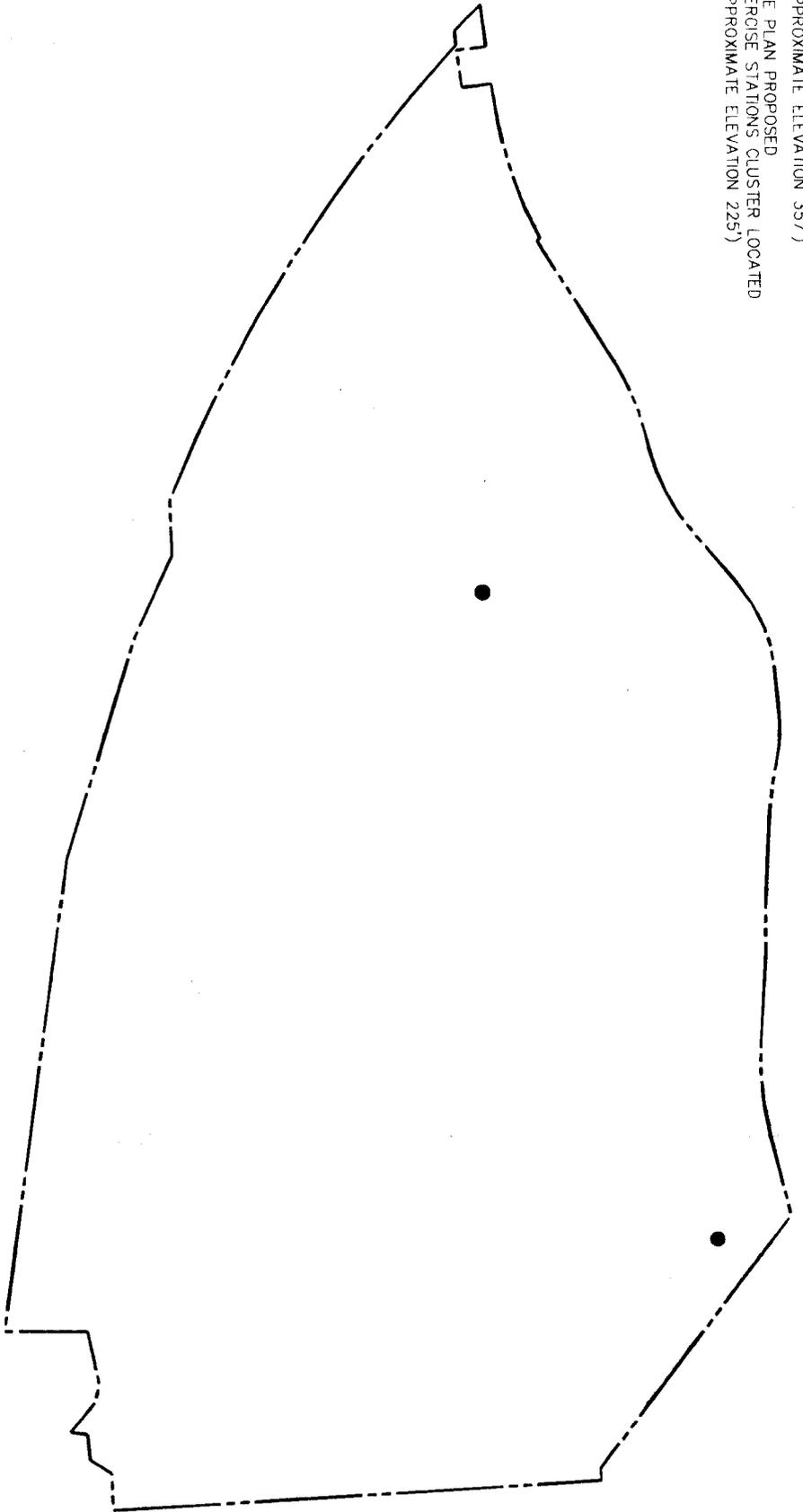
EXHIBIT A
OVERLOOK RIDGE
8' BICYCLE/HIKING TRAIL



PROJECT# 05117.02
NOVEMBER, 2007
SCALE 1" = 400'

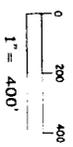
LEGEND:

- SPECIAL EXCEPTION AMENDMENT APPROVED EXERCISE STATIONS CLUSTER LOCATION (APPROXIMATE ELEVATION 357')
- SITE PLAN PROPOSED EXERCISE STATIONS CLUSTER LOCATED (APPROXIMATE ELEVATION 225')



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EXHIBIT B
OVERLOOK RIDGE
EXERCISE STATIONS CLUSTER



PROJECT# 05117.02
NOVEMBER, 2007
SCALE 1" = 400'





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January 31, 2008

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FEB 05 2008

Zoning Evaluation Division

Kevin Guinaw, Chief
Special Projects and Applications Management Branch
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Fairfax County Department of Planning and Zoning
12055 Government Center Parkway, Suite 800
Fairfax, Virginia 22035

Overlook Ridge Interpretation Request Follow Up Issues

Dear Mr. Guinaw:

On January 10, 2008, Cathy Belgin from your staff and Aaron Shriber from my office had a telephone conversation about two outstanding issues related to an interpretation request for minor adjustments to Special Exception Amendment SEA 80-L/V-061 ("SEA"). I am writing to you because Ms. Belgin is no longer handling this interpretation and you had originally reviewed all the threshold questions with our client, Conrad Mehan.

Ms. Belgin indicated that Zoning Evaluation Division ("ZED") staff had been in contact with staff from the Fairfax County Park Authority ("FCPA") and the Department of Public Works and Environmental Services ("DPWES") regarding modifications to the SEA Plat that were requested by those agencies during review of the active site plan (1883-SP-002) for the expansion of the Overlook Ridge landfill and eventual conversion of the site into a public park. It is our understanding that the requested modifications would be supported by ZED staff with the submission of additional documentation related to the Lorton Valley Homeowners Association ("HOA") trail connection, and perhaps with further justification of issues related to the timing of the installation of the sanitary sewer line.

Lorton Valley Homeowners Association Trail Connection

According to the Development Conditions approved by the Board of Supervisors ("BOS"), Condition 55 requires that the applicant diligently pursue acquisition of an off-site easement from the Lorton Valley HOA to permit construction of a trail connection to this residential development at its eastern cul-de-sac of Whitehaven Court. The Condition states that the pursuit of this easement shall begin prior to site plan submission and that all failed attempts

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shall be documented in writing. The site plan was submitted to DPWES on June 20, 2007. Although Lorton Valley had previously indicated its reservations against that connection, on June 11, 2007, Furnace Associates, Inc. ("Applicant") sent a letter (Exhibit A) to Ray Bourgeois (HOA President) requesting that the HOA grant the appropriate easement to allow construction of the trail connection to the Lorton Valley development as depicted on the SEA Plat approved by the BOS. The Applicant appeared before the Lorton Valley HOA on June 12, 2007 to discuss said trail connection. The HOA Board and residents in attendance rejected any connection, and specifically that shown on the SEA Plat. A follow-up November 21, 2007 letter (Exhibit B) and November 23, 2007 email (Exhibit C) were sent by Mr. Mehan to Mr. Bourgeois requesting that he confirm in writing that the HOA opposes construction of the trail connection to their development as shown on the SEA Plat. Mr. Bourgeois responded on December 17, 2007 (Exhibit D) declining the request to grant an easement to permit construction of a trail connection to the Lorton Valley development at the location shown on the SEA Plat. Having provided the documentation required by Development Condition 55, we believe that this Condition has been satisfied and that the trail connection to the Lorton Valley development depicted on the SEA Plat is no longer required.

Sanitary Sewer Line Construction Deferral

Ms. Belgin indicated that the requested relocation of the sanitary sewer line would be in substantial conformance, but that deferring the construction of this line until Phase 5 would not. The sanitary sewer line was shown on the SEA Plat to provide service for the restrooms that would be installed on the property in Phase 5 and to eventually provide service for the leachate storage tank. Leachate is currently exported from the site to the Noman M. Cole, Jr., Pollution Control Plant through pump-and-haul practices. Current volumes of leachate from the landfill do not warrant exporting these waste materials from the site through a sanitary sewer line without the additional flows from the restrooms proposed to support anticipated full use of the site for recreation purposes after Phase 5 is complete. The leachate flows alone are neither of sufficient volume nor regularity to assure ongoing gravity flow. The result will be waste standing in the sewer lines for inordinate periods, generating unacceptable odors and unhealthy conditions. Pump and haul practices are more environmentally friendly because they allow the leachate to be stored in an enclosed, secure tank until there is enough volume to be transported to the Noman M. Cole, Jr. plant for treatment, providing greater control over the leachate and its potential side effects. Installation of the sanitary sewer line prior to the installation of the restrooms would be an unnecessary, premature disruption to adjacent lands to provide a utility line that could not be used until Phase 5, and would expose the sewer line to premature degradation and replacement. The Applicant respectfully requests that ZED staff

HUNTON WILLIAMS

Kevin Guinaw, Chief
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Page 3

reconsider their preliminary position that the sanitary sewer line must be installed in Phase 1. It was, plainly and simply, a scrivener's mistake to show Phase 1 rather than Phase 5 for installation of infrastructure which cannot and should not be utilized until the requisite additional waste flows from the restrooms exist.

Please accept the enclosed Lorton Valley HOA correspondence as satisfaction of the written documentation requirement of Development Condition 55 and our justification to defer construction of the sanitary sewer line until Phase 5. We look forward to your prompt consideration of these requests. Please do not hesitate to contact me, or Aaron Shriber at 703-714-7465, if you have questions or require additional information.

Very truly yours,



Francis A. McDermott

Enclosures

cc: The Honorable Gerald W. Hyland, Mt. Vernon District Supervisor (w/ enclosures)
Mr. Conrad Mehan (w/ enclosures)
Mr. Matt Lawrence (w/enclosures)