APPLICATIONS ACCEPTED: February 5, 2008
APPLICATION AMENDED: April 4, 2008
PLANNING COMMISSION: June 26, 2008
BOARD OF SUPERVISORS: Not Scheduled

County of Fairfax, Virginia

June 12, 2008

STAFF REPORT

APPLICATION SEA 83-D-030-08

DRANESVILLE DISTRICT

APPLICANT:	The Madeira School
PRESENT ZONING:	R-E
PARCELS:	20-1 ((1)) 14 & 20-2 ((1)) 1
ACREAGE:	371.16 acres
FLOOR AREA RATIO (FAR):	0.033
OPEN SPACE:	336.44 acres (85%)
PLAN MAP:	Public Facilities, Governmental, Institutional
PROPOSAL:	Amend SE 83-D-030, Previously Approved for a Private School of General Education (Madeira School) to Allow the Replacement of the Existing Private Sewage Treatment Plant Pursuant to an Consent Special Order issued by the Virginia Department of Environmental Quality; Relocation of Previously Approved Dormitory Facilities, Faculty Housing and Service Building; Improvement of Other Existing Facilities, Including But Not Limited to the Stable And Riding Area; with an Increase in the Number of Students (from 338 to 360) and Faculty/Staff (from 105 to 109).

Peter Braham

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290 FAX 703-324-3924
www.fairfaxcounty.gov/dpz/

STAFF RECOMMENDATIONS:

Staff recommends that SEA 83-D-030-8 be approved, subject to development conditions consistent with those contained in Appendix 1.

Staff recommends approval of a modification of the transitional screening requirement along all boundaries to that shown on the SEA Plat.

Staff recommends approval of a modification of the barrier requirement along the all boundaries to that shown on the SEA Plat.

Staff recommends reaffirmation of the waiver of the trail requirement along Georgetown Pike as depicted on the SEA Plat.

Staff further recommends that the requested waiver of the trail requirement along the Potomac River.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

The approval of this special exception amendment does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

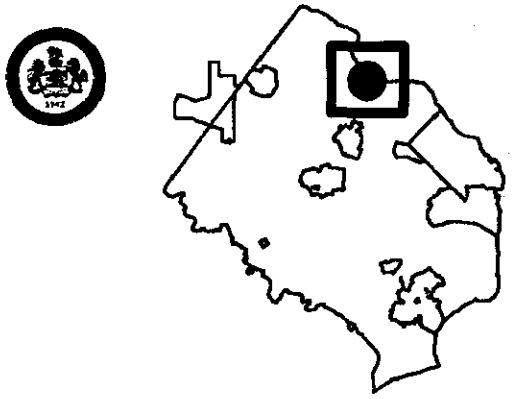
For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.

O:\jtho10\SEA 83-D-030-08 The Madeira School\Madeira Cover.doc

Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Exception Amendment

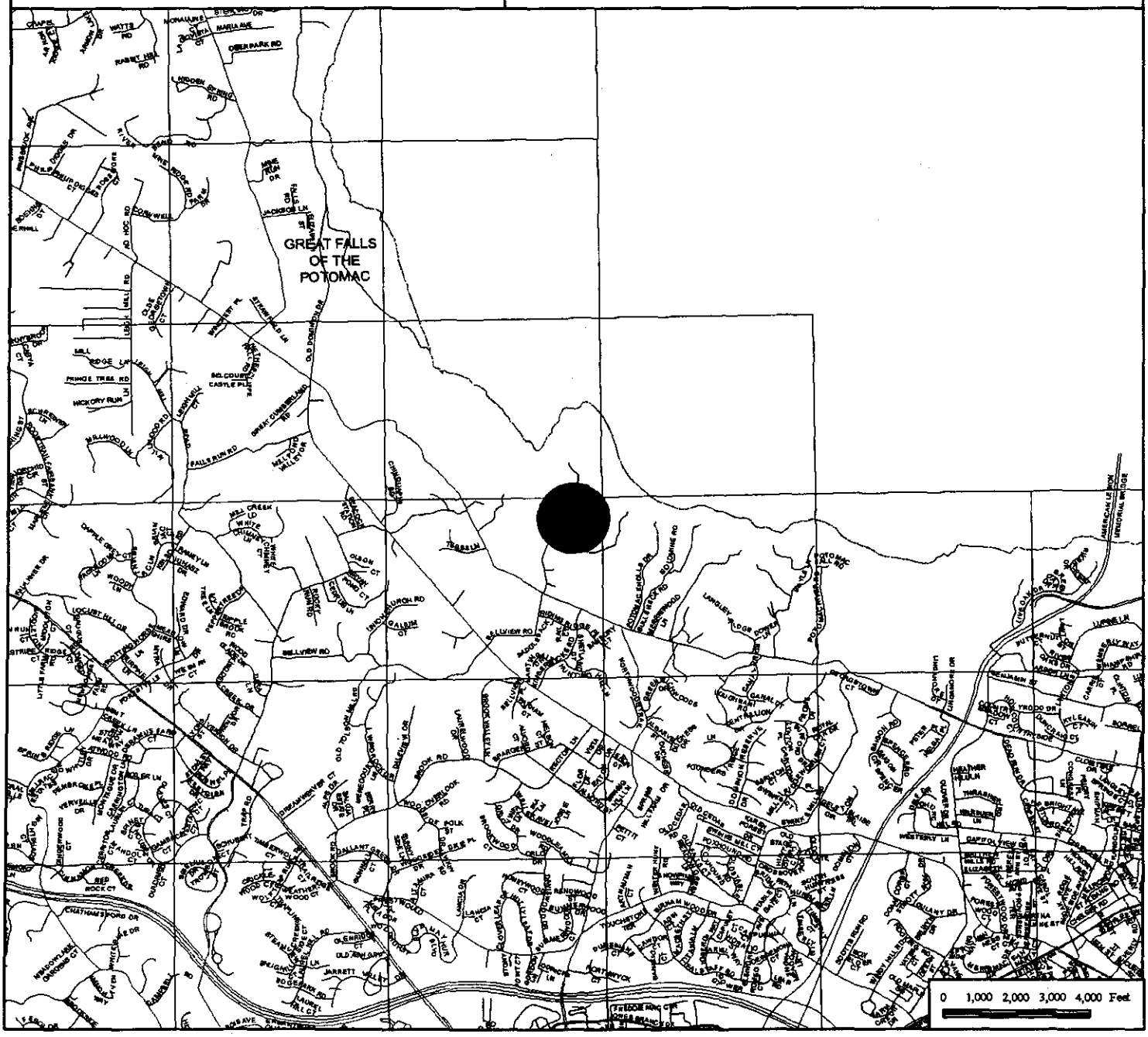
SEA 83-D -030-08



Applicant: THE MADEIRA SCHOOL, INC.
Accepted: 02/05/2008
Proposed: AMEND SE 83-D-030 PREVIOUSLY APPROVED FOR PRIVATE SCHOOL OF GENERAL EDUCATION TO PERMIT SITE MODIFICATIONS

Area: 371.16 AC OF LAND; DISTRICT - DRANESVILLE

Zoning Dist Sect: 03-0E04
Art 9 Group and Use: 3-11
Located: 8328 & 8134 GEORGETOWN PIKE
Zoning: R- E
Plan Area: 2,
Overlay Dist:
Map Ref Num: 020-1- /01/ /0014 020-2- /01/ /0001



DETAIL SUMMARY OF EXISTING / PROPOSED UNITS

Name of Residence	Type of Residence	Plat Reference Number
Farmhouse	Single Family	1
Beaches 1	Single Family	2
Beaches 2	Single Family	3
Beaches 3	Single Family	4
Beaches 4	Single Family	5
Beaches 5	Single Family	6
Beaches 6	Single Family	7
Beaches 7	Single Family	8
Beaches 8	Single Family	9
The Dale	Single Family	10
The Lend	Single Family	11
Family Home #5	Single Family	12
Bayne House	Single Family	13
McCree House	Single Family	14
The Laurels	Single Family	15
Maynard South	Single Family	16
Maynard North	Single Family	17
Health Center	Apartment	18
The Hill	Single Family	19
Riverview A	Apartment	20
Riverview B	Apartment	21
Riverview C	Apartment	22
Riverview D	Apartment	23
Meyer House	Single Family	24
Total Existing		24

Name of Proposed Residence	Type of Residence	Plat Reference Number
Family Home 1 on Access Road	Single Family	1
Family Home 2 on Access Road	Single Family	2
Family Home 3 on Access Road	Single Family	3
Proposed Beaches II - 1	Single Family	4
Proposed Beaches II - 2	Single Family	5
Proposed Beaches II - 3	Single Family	6
Proposed Beaches II - 4	Single Family	7
Proposed Beaches II - 5	Single Family	8
Proposed Beaches II - 6	Single Family	9
New Dorm Renovation	Apartment	10
New Dorm Renovation	Apartment	11
New Dorm Renovation	Apartment	12
New Dorm Renovation	Apartment	13
Proposed Chapel Auditorium	Apartment	14
Total Proposed		14
Total After Completion of Expansion / Renovation	24 Existing Residences +14 Proposed with Application 38 Final Total	

DETAIL SUMMARY OF ACCESSORY UNITS

Name of Accessory Residence	Type of Accessory Residence	Plat Reference Number
Above Stable	Accessory Unit	1
Above Stable	Accessory Unit	2
West Dorm	Accessory Unit	3
East Dorm	Accessory Unit	4
Main Dorm	Accessory Unit	5
North Dorm	Accessory Unit	6
South Dorm	Accessory Unit	7
New Dorm	Accessory Unit	8
Annex / New New Dorm	Accessory Unit	9
Annex / New New Dorm	Accessory Unit	10
Annex / New New Dorm	Accessory Unit	11

REFORESTATION FOR EXISTING WWTP DEMOLITION (SHEET 12 OF 16)

35 ACRES TO REHABILIATE		
SECTION 118-5.2 BAY ORDINANCE REQUIREMENTS:		
MINIMUM OF 100 OVERSTORY TREES PER ACRE	(35A)	3500 OVERSTORY TREES
MINIMUM OF 200 UNDERSTORY TREES PER ACRE	(35A)	7000 UNDERSTORY TREES
MINIMUM OF 1000 SHRUBS PER ACRE	(35A)	35000 SHRUBS

POSSIBLE PLANT PALLETTE FOR REFORESTATION

BOTANICAL NAME	COMMON NAME
Acer rubrum	Red Maple
Betula nigra	Eastern Redbud
Chionanthus virginicus	White Fringetree
Clethra alnifolia	Sweet Pepperbush
Cornus amomum	Silky Dogwood
Cornus florida	Flowering Dogwood
Fothergilla gardenii	Dwarfed Witchalder
Ilex glabra	Inkberry Holly
Ilex verticillata	Winterberry Holly
Ilex virginica	Virginia Sweetspire
Kalmia latifolia	Mountain Laurel
Leucothoe fontanesiana	Scarlet Leucothoe
Lindera benzoin	Spicebush
Oxydendrum arboreum	Sourwood
Pieris floribunda	Fetter Bush
Quercus phellos	Willow Oak
Rhododendron atlanticum	Coast Azalea
Rhododendron calendulaceum	Columbia Rhododendron
Rhododendron periclymenoides	Pinxterbloom Azalea
Tilia americana	American Linden
Viburnum dentatum	Arrowwood Viburnum

Dewberry

THE MADEIRA SCHOOL

SPECIAL EXCEPTION AMENDMENT PLAT

DRANESVILLE DISTRICT
FAIRFAX COUNTY, VIRGINIA

SEAL

COMMONWEALTH OF VIRGINIA
CHARLES CALLEWAERT
No. 2816
4-4-08
PROFESSIONAL ENGINEER

KEY PLAN

SCALE

No.	DATE	BY	Description
1	04.04.08	JMC	

REVISIONS

DRAWN BY JMC
APPROVED BY
CHECKED BY UM
DATE January 11, 2008

TITLE
The Madeira School

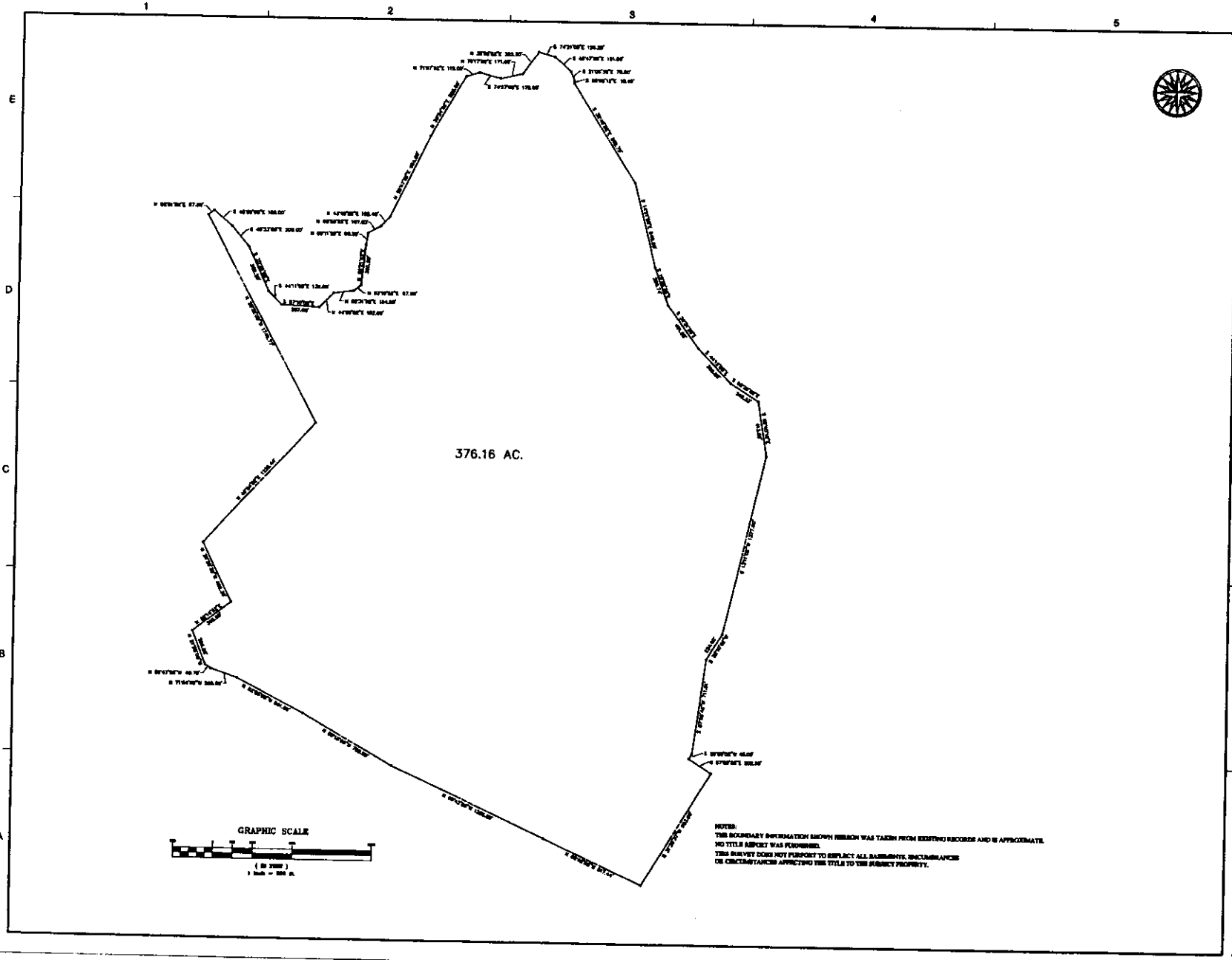
Existing / Proposed Residences

PROJECT NO.

3

SHEET NO. 3 of 16

M-10675



NOTES:
THE BOUNDARY INFORMATION SHOWN HEREON WAS TAKEN FROM EXISTING RECORDS AND IS APPROXIMATE.
NO TITLE REPORT WAS FURNISHED.
THIS SURVEY DOES NOT PURPORT TO REFLECT ALL EASEMENTS, ENCUMBRANCES OR CIRCUMSTANCES AFFECTING THE TITLE TO THE SUBJECT PROPERTY.

Dewberry

Dewberry & Davis LLC

THE MADEIRA SCHOOL

SPECIAL EXCEPTION AMENDMENT PLAT

DRANESVILLE DISTRICT
FAIRFAX COUNTY, VIRGINIA

SEAL

4-4-08

NEW PLAN

SCALE

No.	DATE	BY	Description
1	04.04.08	JMC	

REVISIONS

DRAWN BY JMC
APPROVED BY
CHECKED BY LAM
DATE January 11, 2008

TITLE
The Madeira School

Special Exception Amendment

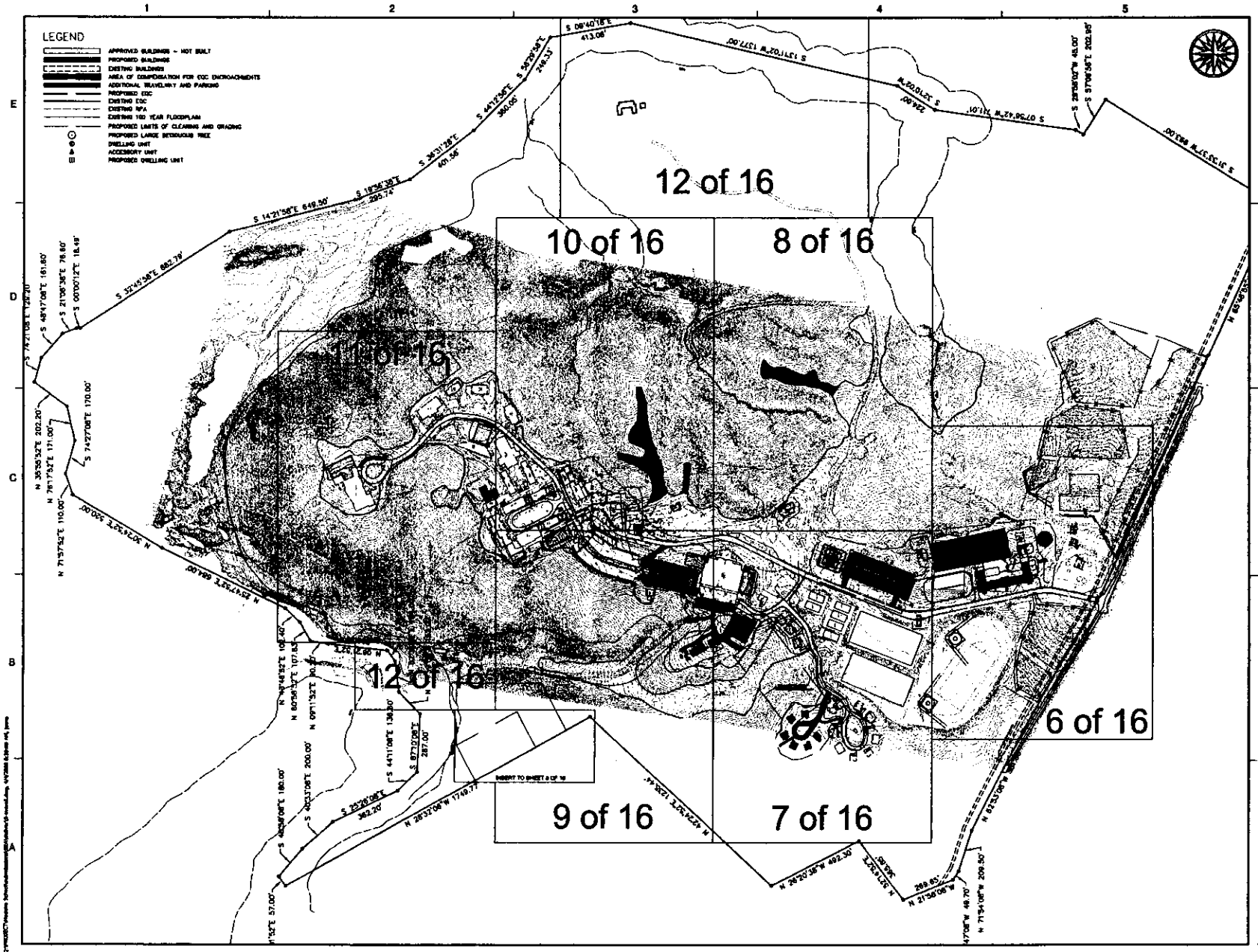
Property Boundary

PROJECT NO.

4

SHEET NO. 4 of 10

M-10673



Dewberry

Dewberry & Davis LLC

THE MADEIRA SCHOOL

SPECIAL EXCEPTION AMENDMENT PLAT

DRANESVILLE DISTRICT
FAIRFAX COUNTY, VIRGINIA

No.	DATE	BY	Description
1	04.04.08	JMC	

DRAWN BY JMC
APPROVED BY
CHECKED BY LAM
DATE January 11, 2008

TITLE
The Madeira School

Special Exception Amendment
Overall

PROJECT NO.

5

SHEET NO. 5 OF 16

M-10673

MATCH TO SHEET 7 OF 16

MATCH TO SHEET 8 OF 16

GEORGETOWN PIKE, RT. 193

ROW VARIES

LEGEND

- APPROVED BUILDINGS – NOT BUILT
- PROPOSED BUILDINGS
- EXISTING BUILDINGS
- AREA OF COMPENSATION FOR EQC ENCROACHMENTS
- ADDITIONAL TRAVELWAY AND PARKING
- PROPOSED EQC
- EXISTING EQC
- PROPOSED LIMITS OF CLEARING AND GRADING
- PROPOSED LARGE DECIDUOUS TREE
- EXISTING DWELLING UNIT
- ACCESSORY UNIT
- PROPOSED DWELLING UNIT

Dewberry

THE MADEIRA SCHOOL

SPECIAL EXCEPTION AMENDMENT PLAT

DRANESVILLE DISTRICT
FAIRFAX COUNTY, VIRGINIA

SEAL

COMMONWEALTH OF VIRGINIA
CLEMENT CHARLES CHIARAMONTE
LIC. No. 3012
4-4-08
PROFESSIONAL ENGINEER

REV PLAN

SCALE
0' 50' 100'

No.	DATE	BY	Description
1	04-04-08	JMC	

REVISIONS

DRAWN BY JMC
APPROVED BY
CHECKED BY LAM
DATE January 11, 2008

TITLE
The Madeira School

Special Exception Amendment Plat

PROJECT NO.

6

SHEET NO. 6 OF 16

M-10873

MATCH TO SHEET 9 OF 16

MATCH TO SHEET 8 OF 16

MATCH TO SHEET 6 OF 16

LEGEND

- APPROVED BUILDINGS – NOT BUILT
- PROPOSED BUILDINGS
- EXISTING BUILDINGS
- AREA OF COMPENSATION FOR EQC ENCROACHMENTS
- ADDITIONAL TRAVELWAY AND PARKING
- PROPOSED EQC
- EXISTING EQC
- PROPOSED LIMITS OF CLEARING AND GRADING
- PROPOSED LARGE DECIDUOUS TREE
- DWELLING UNIT
- ACCESSORY UNIT
- PROPOSED DWELLING UNIT

Dewberry

THE MADEIRA SCHOOL

SPECIAL EXCEPTION AMENDMENT PLAT

DRANESVILLE DISTRICT
FAIRFAX COUNTY, VIRGINIA

SEAL

SITE PLAN

SCALE

No.	DATE	BY	Description
1	04.04.08	JMC	

REVISIONS

DRAWN BY JMC

APPROVED BY

CHECKED BY LAM

DATE January 11, 2008

TITLE The Madeira School

Special Exception Amendment Plat

PROJECT NO.

7

SHEET NO. 7 of 16

M-10573

MATCH TO SHEET 10 OF 16

MATCH TO SHEET 7 OF 16

MATCH TO SHEET 6 OF 16

EXISTING EOC

23,490 sf

TO MEYER HOUSE

RPA

LEGEND

- APPROVED BUILDINGS – NOT BUILT
- PROPOSED BUILDINGS
- EXISTING BUILDINGS
- AREA OF COMPENSATION FOR EOC ENCROACHMENTS
- ADDITIONAL TRAVELWAY AND PARKING
- PROPOSED EOC
- EXISTING EOC
- PROPOSED LIMITS OF CLEARING AND GRADING
- PROPOSED LARGE DECIDUOUS TREE
- EXISTING DWELLING UNIT
- ACCESSORY UNIT
- PROPOSED DWELLING UNIT

Dewberry

Dewberry & Davis LLC

THE MADEIRA SCHOOL

SPECIAL EXCEPTION AMENDMENT PLAT

DRANESVILLE DISTRICT
FAIRFAX COUNTY, VIRGINIA

SEAL

COMMONWEALTH OF VIRGINIA
CHRISTOPHER CHARLES COLLEDGE
LIC. No. 0910
4-4-08
PROFESSIONAL ENGINEER

KEY PLAN

SCALE

0' 50' 100'

No.	DATE	BY	Description
1	04.04.08	JMC	

REVISIONS

DRAWN BY JMC

APPROVED BY

CHECKED BY LAH

DATE January 11, 2008

TITLE
The Madeira School

Special Exception
Amendment Plat

PROJECT NO.

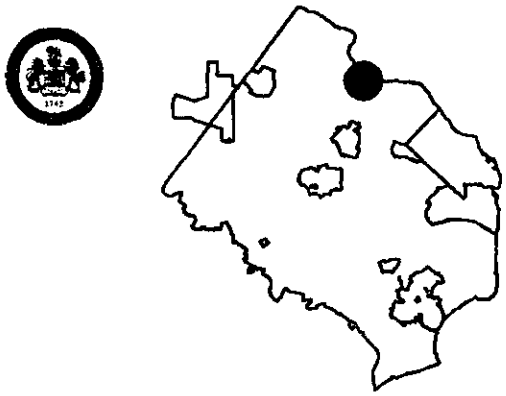
8

SHEET NO. 8 of 16

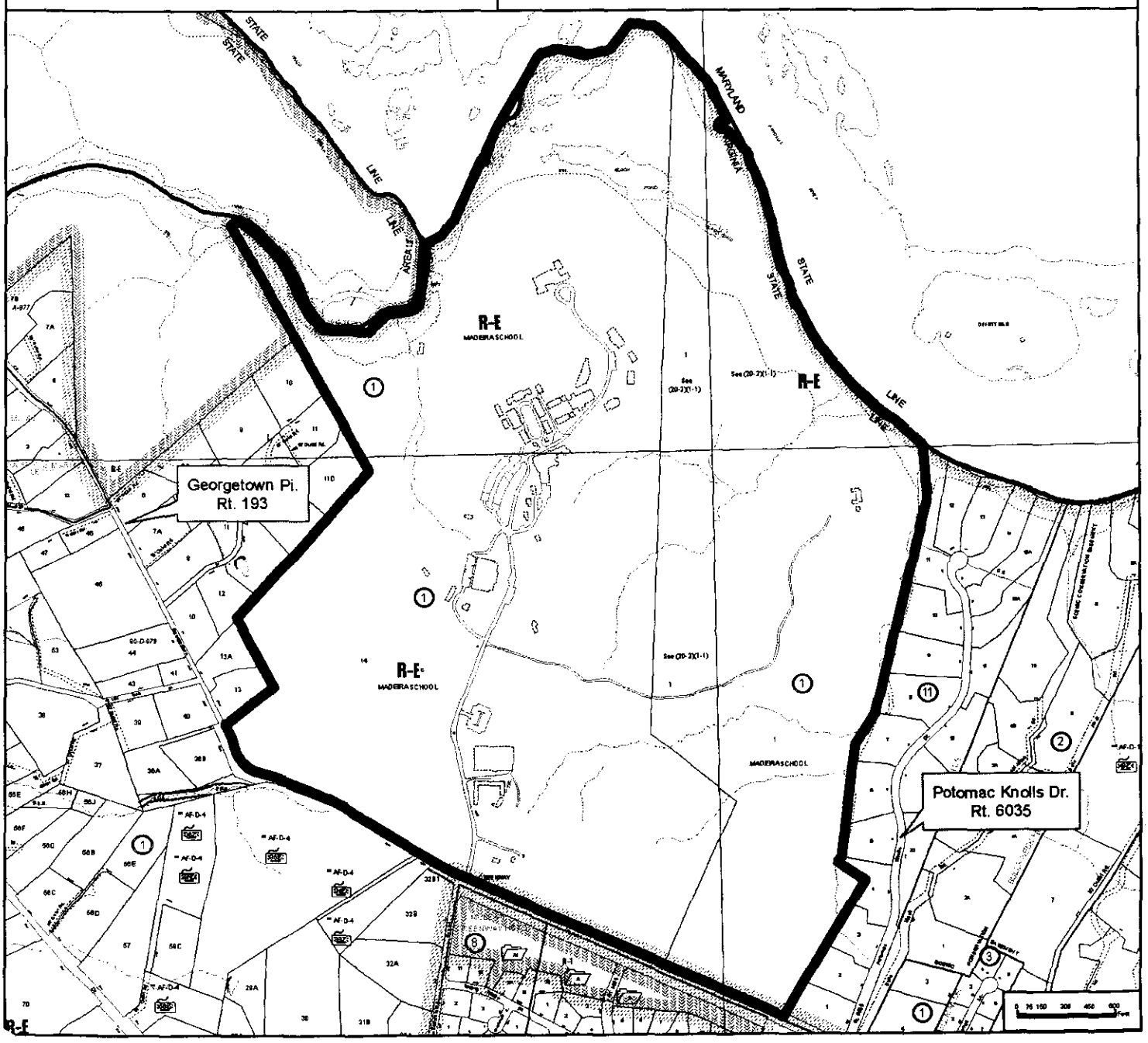
M-10873

Special Exception Amendment

SEA 83-D -030-08



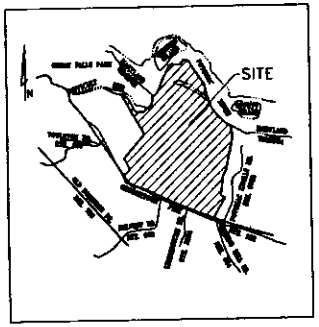
Applicant:	THE MADEIRA SCHOOL, INC.
Accepted:	02/05/2008
Proposed:	AMEND SE 83-D-030 PREVIOUSLY APPROVED FOR PRIVATE SCHOOL OF GENERAL EDUCATION TO PERMIT SITE MODIFICATIONS
Area:	371.16 AC OF LAND; DISTRICT - DRANESVILLE
Zoning Dist Sect:	03-0E04
Art 9 Group and Use:	3-11
Located:	8328 & 8134 GEORGETOWN PIKE
Zoning:	R- E
Plan Area:	2,
Overlay Dist:	
Map Ref Num:	020-1- /01/ /0014 020-2- /01/ /0001



THE MADEIRA SCHOOL

Dranesville District Fairfax County, Virginia

Special Exception Amendment Plat



VICINITY MAP
SCALE : 1" = 2,000'

Applicant:
The Madeira School
8328 Georgetown Pike
McLean, VA 22102

Sheet Index

1. COVER SHEET
2. NOTES & TABULATION / SOILS MAP / ANGLE OF BULK PLANE
3. EXISTING / PROPOSED RESIDENCES
4. PROPERTY BOUNDARY
5. OVERALL SPECIAL EXCEPTION AMENDMENT PLAT
6-12. SPECIAL EXCEPTION AMENDMENT PLAT
13. PARKING AND TRAVEL WAYS
14. EXISTING VEGETATION MAP
15. STORMWATER MANAGEMENT
16. STORMWATER MANAGEMENT

The Madeira School
Special Exception Amendment Plat
SEA-D-030-8

Dewberry

Dewberry & Davis LLC

Rev. April 4, 2008
January 11, 2008

M-10673

NOTES:

1. THIS SPECIAL EXCEPTION AMENDMENT APPLICATION IS TO PERMIT THE FURTHER IMPLEMENTATION OF MADEIRA SCHOOL'S MASTER PLAN OF ULTIMATE DEVELOPMENT AS PREVIOUSLY APPROVED BY THE BOARD OF SUPERVISORS. PROPOSED IMPROVEMENTS INCLUDE THE REPLACEMENT AND RELOCATION OF THE EXISTING WASTEWATER TREATMENT PLANT (WWTP), AN INCREASE IN MAXIMUM ENROLLMENT FROM 320 TO 360 STUDENTS, INCREASE THE MAXIMUM NUMBER OF EMPLOYEES AT ANY ONE TIME FROM 105 TO 160, THE REPLACEMENT OF THE HORSE STABLE AND ARENA, THE RELOCATION OF A NEW FACILITIES MANAGEMENT BUILDING, A REARRANGEMENT AND ADDITION TO THE PADDOCK AREA TO INCLUDE THE ADDITION OF AN EXERCISE RING, THE ADDITION OF ONE DORMITORY AND THE DELETION OF TWO APPROVED RESIDENTIAL WINGS ATTACHED TO THE EXISTING BUILDING LOCATED AT THE OVAL. FURTHER, SIX OF THE APPROVED FACULTY HOUSING UNITS WILL BE REMOVED AND ANOTHER FIVE UNITS WILL BE RELOCATED NEAR THE EXISTING HOUSING COMMUNITY. ALSO, TWO ADDITIONAL UNITS ARE PROPOSED FOR THE STABLE CARETAKERS. THESE PROPOSED USES ARE ACCESSORY TO THE EXISTING PRIVATE SCHOOL OF GENERAL EDUCATION WITH AN ENROLLMENT OF MORE THAN 100 STUDENTS DAILY. ADAPTIVE REUSE AND EXPANSION OF EXISTING FACILITIES IS ALSO PROPOSED AS PART OF THIS APPLICATION. FOR PURPOSES OF THIS APPLICATION, ALL PREVIOUSLY APPROVED STRUCTURES THAT HAVE NOT YET BEEN CONSTRUCTED ARE DEEMED TO BE APPROVED PURSUANT TO THE PREVIOUS APPROVAL.

2. FOR THE PURPOSE OF THIS SPECIAL EXCEPTION AMENDMENT APPLICATION, A DWELLING UNIT, AS SHOWN HEREON, IS A RESIDENCE FOR SCHOOL FACULTY AND/OR STAFF. AN ACCESSORY UNIT IS A UNIT WITHIN AN EXISTING OR PROPOSED BUILDING TO HOUSE ADULTS WHO SUPERVISE AND OVERSEE THE DORMITORY ACTIVITY AND TWO SUCH UNITS ARE FOR THE STABLE CARETAKERS. ALSO, ONE UNIT FOR THE CARETAKER OF THE FACILITIES MANAGEMENT BUILDING.

3. THE PROPERTY THAT IS THE SUBJECT OF THIS APPLICATION IS IDENTIFIED ON THE FAIRFAX COUNTY ZONING MAP AS 20-1 ((1)) 14 AND 20-2 ((1)) 1 AND IS LOCATED IN THE R-E DISTRICT.

4. THE BOUNDARY INFORMATION SHOWN HEREON IS FROM EXISTING RECORDS. DEWBERRY AND DAVIS ASSUMES NO RESPONSIBILITIES FOR DESIGN OR CONSTRUCTION CHANGES CAUSED BY INACCURACIES IN THE BOUNDARY INFORMATION SHOWN HEREON.

5. GIVEN THE FACT THAT THE TOTAL SITE AREA IS 376.16 ACRES, A WAIVER OF DEPICTING THE TOPOGRAPHY HAS BEEN PREVIOUSLY APPROVED ON PORTIONS OF THE SITE THAT ARE NEITHER DEVELOPED NOR THE SUBJECT OF ANY PROPOSED IMPROVEMENTS. A REAFFIRMATION OF THAT WAIVER IS HEREBY REQUESTED.

THE TOPOGRAPHY SHOWN ON THAT PORTION OF THE PROPERTY THAT IS DEVELOPED AND/OR ADDITIONAL DEVELOPMENT IS PROPOSED IS AT TWO (2) FOOT CONTOUR INTERVALS FROM AERIAL PHOTOGRAPHY AND FIELD RUN VERIFICATION AND ENHANCEMENT BY DEWBERRY & DAVIS LLC.

6. THE MINIMUM YARD REQUIREMENTS SET FORTH IN THE R-E DISTRICT REGULATIONS OF THE ZONING ORDINANCE FOR OTHER STRUCTURES ARE AS FOLLOWS:

FRONT YARD: CONTROLLED BY A 35° ANGLE OF BULK PLANE, BUT NOT LESS THAN 50 FEET

SIDE YARD: CONTROLLED BY A 45° ANGLE OF BULK PLANE, BUT NOT LESS THAN 20 FEET

REAR YARD: CONTROLLED BY A 45° ANGLE OF BULK PLANE, BUT NOT LESS THAN 25 FEET

7. WATER AND SANITARY SEWER IS PROVIDED BY EXISTING APPROVED PRIVATE ON-SITE WASTE WATER TREATMENT PLANT (WWTP). ONE PURPOSE OF THIS SEA IS THE REPLACEMENT AND RELOCATION OF THE WWTP. PUBLIC WATER HAS BEEN BROUGHT TO THE SITE TO SUPPLEMENT AND ENHANCE THE EXISTING WATER SYSTEM.

8. THE EXISTING STRUCTURES WERE CONSTRUCTED BETWEEN 1930 AND 2006, AND WILL BE RETAINED.

9. THERE ARE NO SIGNS, LIGHTED OR NON-LIGHTED, THAT CAN BE SEEN FROM PROPERTIES ADJACENT TO OR OFF-SITE OF THE SCHOOL CAMPUS.

10. STORMWATER MANAGEMENT WILL BE PROVIDED BY TWO UNDERGROUND FACILITIES IN ACCORDANCE WITH CURRENT PUBLIC FACILITY MANUAL STANDARDS. HOWEVER, BASED ON THE INSIGNIFICANT INCREASE IN RUNOFF BEING GENERATED FROM THE PROPOSED PROJECT, A WAIVER OF NORMAL STORMWATER MANAGEMENT REQUIREMENTS WILL BE SUBMITTED TO THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES. BEST MANAGEMENT PRACTICES (BMP) WILL BE PROVIDED FOR THE PROPOSED HOUSING THROUGH THE USE OF OPEN SPACE CREDITS, IN ACCORDANCE WITH CURRENT PUBLIC FACILITIES MANUAL STANDARDS.

THERE ARE SEVERAL OUTFALLS FOR THE SITE, ALL OF WHICH ULTIMATELY DRAIN TO THE POTOMAC RIVER, A MAJOR FLOODPLAIN WITH A DRAINAGE AREA 100 TIMES THAT OF THE SITE. FIELD INSPECTION SHOWS THAT THESE OUTFALLS ARE VEGETATED, STABLE WITH DEFINED BED AND BANKS. DUE TO THE MINIMAL INCREASE IN IMPERVIOUS AREA TO ANY SINGLE OUTFALL WITH THE PROPOSED DEVELOPMENT, IT IS ASSUMED THAT THE OUFALLS WILL BE ADEQUATE TO CONVEY THE FLOW TO THE 100 YEAR FLOODPLAIN OF THE POTOMAC RIVER. THE OUTFALLS ARE WITHIN THE LIMITS OF THE MADEIRA SCHOOL PROPERTY. DOCUMENTATION FOR THE ADEQUACY OF THE OUTFALLS WILL BE PROVIDED AT THE TIME OF FINAL SITE PLAN.

11. THE ADOPTED COMPREHENSIVE PLAN IDENTIFIES A COUNTYWIDE TRAIL ALONG THE FRONTAGE OF THE SUBJECT PROPERTY CONTIGUOUS TO GEORGETOWN PIKE. HOWEVER, A WAIVER OF THE REQUIREMENT TO CONSTRUCT THE TRAIL (WAIVER NO. 011425) WAS APPROVED BY THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT ON MARCH 14, 1991. AS A CONDITION OF THAT WAIVER, THE MADEIRA SCHOOL DEDICATED A 13-FOOT WIDE PUBLIC ACCESS EASEMENT FOR FUTURE TRAIL CONSTRUCTION. A REAFFIRMATION OF THAT WAIVER IS HEREBY REQUESTED.

THE ADOPTED COMPREHENSIVE PLAN ALSO IDENTIFIES A STREAM VALLEY TRAIL ALONG THE POTOMAC RIVER FRONTAGE. A WAIVER OF THIS REQUIREMENT IS REQUESTED.

12. PURSUANT TO PAR. 4 OF SECT. 13-104 AND PAR. 3 OF SECT. 13-304, EXISTING VEGETATION, AS WELL AS EXISTING TOPOGRAPHY, IS TO BE USED TO SATISFY THE TRANSITIONAL SCREENING REQUIREMENTS OF THE ZONING ORDINANCE. FURTHER, AS PROVIDED FOR IN PAR. 12 OF SECT. 13-304 OF THE ZONING ORDINANCE, A WAIVER OF THE BARRIER REQUIREMENTS WAS APPROVED IN CONJUNCTION WITH THE PREVIOUS SEA APPROVAL, THEREFORE, A REAFFIRMATION OF THOSE WAIVERS IS HEREBY REQUESTED.

13. A STATEMENT WHICH CONFIRMS THE OWNERSHIP OF THE PROPERTY AND THE NATURE OF THE APPLICANT'S INTEREST IN THE SAME IS CONTAINED ON THE AFFIDAVIT AND OTHER APPLICATION MATERIALS TO BE PROVIDED SEPARATELY.

14. THE EXACT LOCATION OF THE DRIVEWAYS, SIDEWALKS AND PARKING AREAS ARE PRELIMINARY AND SCHEMATIC AND ARE NOT TO BE CONSIDERED FINAL. THEY ARE SUBJECT TO ADJUSTMENT AND REFINEMENT WITH FINAL ENGINEERING AND DESIGN AND AS LONG AS SUCH CHANGES ARE IN SUBSTANTIAL CONFORMANCE WITH THE SPECIAL EXCEPTION PLAT.

15. THE FOOTPRINTS OF THE STRUCTURES SHOWN HEREON MAY BE MODIFIED IN ACCORDANCE WITH THE PROVISIONS OF PAR. 4 OF SECT. 9-004 OF THE ZONING ORDINANCE SO LONG AS THE OPEN SPACE REPRESENTED IN THE TABULATION AND THE DIMENSIONS TO THE PERIPHERAL LOT LINES ARE NOT DIMINISHED. THE SIZE AND SHAPE OF THE BUILDINGS ARE PRELIMINARY AND MAY VARY, AND THE EXACT LOCATIONS OF THE BUILDINGS MAY CHANGE AS A RESULT OF FINAL ENGINEERING, ARCHITECTURAL DESIGN AND/OR FINAL DEVELOPMENT PROGRAM REFINEMENTS AS LONG AS THEY ARE IN SUBSTANTIAL CONFORMANCE WITH THE SPECIAL EXCEPTION PLAT.

16. THE GENERAL AREA SERVED BY THE PROPOSED USE IS THE WASHINGTON METROPOLITAN AREA, PRIMARILY THE VIRGINIA AND MARYLAND SUBURBS. DESPITE THE MINOR INCREASE IN THE MAXIMUM NUMBER OF STUDENTS (32) AND STAFF (4), THE TRAFFIC IMPACT WILL NOT CHANGE AS A RESULT. GEORGETOWN PIKE OPERATES AT ADEQUATE LEVEL OF SERVICE DURING THE SCHOOL'S PEAK HOURS. ALSO, APPROXIMATELY ONE-HALF OF THE PROPOSED INCREASE IN STUDENTS WOULD BE BOARDING AND ADDITIONAL ON CAMPUS FACULTY HOUSING IS PROPOSED AS PART OF THIS APPLICATION. OVERALL, THE TRAFFIC IMPACT WILL NOT CHANGE FROM WHAT IT IS CURRENTLY.

17. PARKING WILL BE PROVIDED IN ACCORDANCE WITH ARTICLE 11 OF THE ZONING ORDINANCE. THE NUMBER OF PARKING SPACES MAY BE ADJUSTED IN ACCORDANCE WITH NOTE 14 ABOVE.

18. THE LIMITS OF CLEARING AND GRADING SHOWN HEREON SHOULD BE CONSIDERED APPROXIMATE AND ARE SUBJECT TO MINOR MODIFICATION AT FINAL ENGINEERING.

19. ARCHITECTURAL SKETCHES OF THE PROPOSED BUILDINGS ARE NOT AVAILABLE AT THIS TIME.

20. AT THIS TIME, THE ANTICIPATED PHASING OF THE STABLE AND ARENA AREA IS CONCEPTUAL. THE EXISTING STABLE WOULD BE DEMOLISHED AND REPLACED WITH THE PROPOSED STABLES, FOLLOWED BY THE DEMOLITION OF THE EXISTING ARENA AND CONSTRUCTION OF THE PROPOSED ARENA. NO FURTHER DETAIL IS AVAILABLE AT THIS TIME.

21. WITH THE EXCEPTION OF TWO ABOVE GROUND GASOLINE TANKS FOR THE EXCLUSIVE USE OF MADEIRA SCHOOL STAFF VEHICLES AND NATURAL GAS AND FUEL OIL TO HEAT THE BUILDINGS, TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO HAZARDOUS OR TOXIC SUBSTANCES STORED ON THE PROPERTY. FURTHER, THE PROPOSED USE WILL NOT GENERATE, UTILIZE, STORE, TREAT OR DISPOSE OF SUCH SUBSTANCES ON THE SUBJECT PROPERTY.

22. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO GRAVES LOCATED ON THE SUBJECT PROPERTY.

23. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO UTILITY EASEMENTS HAVING A WIDTH OF TWENTY-FIVE (25) FEET OR MORE LOCATED ON THE SUBJECT PROPERTY.

24. THE STATEMENTS AND ADDITIONAL INFORMATION REQUIRED BY THE PROVISIONS OF SECT. 9-011 OF THE ZONING ORDINANCE ARE FURNISHED IN A SEPARATE ASSOCIATED DOCUMENT.

25. TO THE BEST OF OUR KNOWLEDGE, EXCEPT FOR THE WAIVERS AND MODIFICATIONS MENTIONED ABOVE, THE PROPOSED DEVELOPMENT OF THE SUBJECT PROPERTY CONFORMS TO ALL CURRENT APPLICABLE LAND DEVELOPMENT ORDINANCES, REGULATIONS AND ADOPTED STANDARDS.

TABULATION:

TOTAL SITE AREA .... 376.16 AC
EXISTING/PROPOSED ZONING .... RE

CURRENTLY APPROVED GROSS FLOOR AREA .... 526,158 ± SF
PROPOSED GROSS FLOOR AREA .... 22,392 ± SF*
TOTAL GROSS FLOOR AREA .... 548,550 ± SF**

TOTAL NUMBER OF DWELLING UNITS AT COMPLETION OF ALL PHASES OF THE PROPOSED DEVELOPMENT 38

MAXIMUM FLOOR AREA RATIO 0.15
PROPOSED FLOOR AREA RATIO 0.033

MAXIMUM HEIGHT .... 50 FT
NUMBER OF STORIES 4

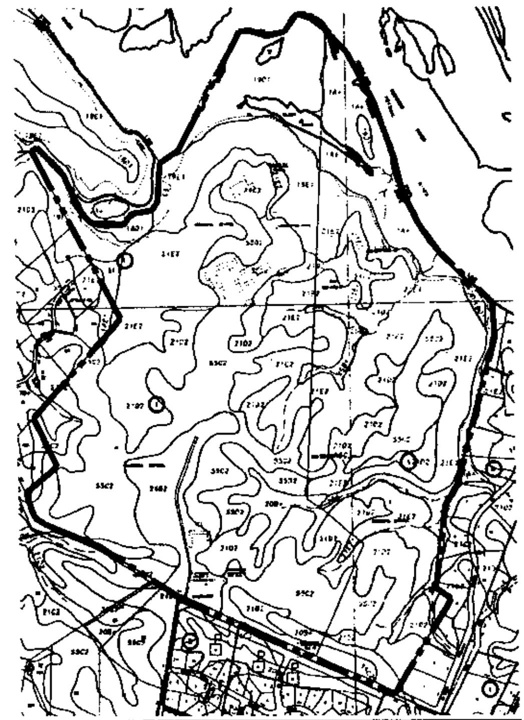
PARKING SPACES REQUIRED 166
(0.3 SPACE/STUDENT x 360 STUDENTS +
2 SPACES/SINGLE FAMILY DETACHED DWELLING UNIT x 29 SFD)
PARKING SPACES PROVIDED 467
EXISTING PARKING SPACES 154
PROPOSED PARKING SPACES 313

AREA OF ENCROACHMENT INTO THE EQC .... 42,615± SF
AREA OF COMPENSATION FOR ENCROACHMENT INTO THE EQC .... 71,946± SF

OPEN SPACE REQUIRED (0%) .... NONE
OPEN SPACE PROVIDED (85%) .... 336.54± AC

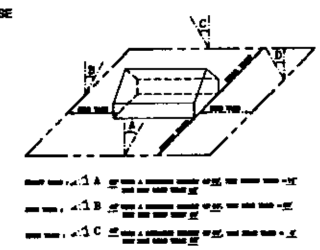
* SEE DETAILED BREAKDOWN OF CHANGES IN GROSS FLOOR AREA ON THE SHEET.
** INCLUDES GROSS FLOOR AREA OF EXISTING AND PROPOSED DWELLING UNITS

	Approved		Proposed		Delta
Maintenance Facility		7,000.00		10,000.00	3,000.00
Arena		39,293.00		53,200.00	13,907.00
Stables		11,720.00		25,896.00	14,176.00
Main Bldg. Additions		11,691.00		9,000.00	(2,691.00)
Dwelling Units	(11DU'S)	33,000.00	(9 DU'S)	27,000.00	(6,000.00)
Total		102,704.00		125,096.00	+ 22,392.00



SOILS MAP
SCALE: 1" = 500'

SOILS LEGEND
1A+ MIXED ALLUVIAL LAND
2A+ CHEWACLA SILT LOAM
18D1 ROCKY LAND (ACIDIC ROCK), HILLY PHASE
18E1 ROCKY LAND (ACIDIC ROCK), STEEP PHASE
19D1 VERY ROCKY LAND (ACIDIC ROCK), HILLY PHASE
19E1 VERY ROCKY LAND (ACIDIC ROCK), STEEP PHASE
20B+ MEADOWVILLE SILT LOAM
21C2 MANOR SILT LOAM, ROLLING PHASE
21D2 MANOR SILT LOAM, HILLY PHASE
21E2 MANOR SILT LOAM, STEEP PHASE
24B2 ELIOAK SILT LOAM, UNDULATING PHASE
24C2 ELIOAK SILT LOAM, ROLLING PHASE
55C2 GLENELG SILT LOAM, ROLLING PHASE
55D2 GLENELG SILT LOAM, HILLY PHASE



ANGLE OF BULK PLANE

Dewberry

THE MADEIRA SCHOOL
SPECIAL EXCEPTION AMENDMENT PLAT
DRANESVILLE DISTRICT
FAIRFAX COUNTY, VIRGINIA

No.	DATE	BY	Description
1	04.04.08	JAC	

DRAWN BY JAC
CHECKED BY LPS
DATE January 11, 2008

The Madeira School
Notes & Tabulations

SHEET NO. 2 — 2 OF 18
M-10873

MATCH TO SHEET 12 OF 16

EXISTING CONSERVATION EASEMENT

CONSERVATION ESMT

MATCH TO SHEET 11 OF 16

MATCH TO SHEET 10 OF 16

MATCH TO SHEET 7 OF 16

EXISTING CONSERVATION EASEMENT

INSERT TO SHEET 9 OF 16
SCALE 1"=50'

EXISTING EQC

PROPOSED EQC

PROPOSED WASTE WATER TREATMENT PLANT

PROPOSED DRIVEWAY

LEGEND

- APPROVED BUILDINGS – NOT BUILT
- PROPOSED BUILDINGS
- EXISTING BUILDINGS
- AREA OF COMPENSATION FOR EQC ENCROACHMENTS
- ADDITIONAL TRAVELWAY AND PARKING
- PROPOSED EQC
- EXISTING EQC
- PROPOSED LIMITS OF CLEARING AND GRADING
- PROPOSED LARGE DECIDUOUS TREE
- EXISTING DWELLING UNIT
- ACCESSORY UNIT
- PROPOSED DWELLING UNIT

Dewberry

Dewberry & Davis LLC

THE MADEIRA SCHOOL

SPECIAL EXCEPTION AMENDMENT PLAT

DRANESVILLE DISTRICT
FAIRFAX COUNTY, VIRGINIA

SEAL

COMMONWEALTH OF VIRGINIA
CHERRY CHRIS CELLEY
Lic. No. 39172
4-4-08
PROFESSIONAL ENGINEER

REV PLAN

SCALE

No.	DATE	BY	Description
1	04.04.08	JMC	

REMARKS

DRAWN BY JMC

APPROVED BY

CHECKED BY LAM

DATE January 11, 2008

TITLE
The Madeira School

Special Exception
Amendment Plat

PROJECT NO.

9

SHEET NO. 9 of 16

M-10673

MATCH TO SHEET 10 OF 16

MATCH TO SHEET 8 OF 16

MATCH TO SHEET 11 OF 16

MATCH TO SHEET 7 OF 16

EXISTING EOC

PROPOSED EOC

44,058 ±

4,363 ±

3224'± to property line

3117'± to property line

3100'± to property line

2986'± to property line

2903'± to property line

2840'± to property line

2750'± to property line

2687'± to property line

2353'± to property line

2362'± to property line

2316'± to property line

2243'± to property line

LEGEND

- APPROVED BUILDINGS – NOT BUILT
- PROPOSED BUILDINGS
- EXISTING BUILDINGS
- AREA OF COMPENSATION FOR EOC ENCROACHMENTS
- ADDITIONAL TRAVELWAY AND PARKING
- PROPOSED EOC
- EXISTING EOC
- PROPOSED LIMITS OF CLEARING AND GRADING
- PROPOSED LARGE DECIDUOUS TREE
- EXISTING DWELLING UNIT
- ACCESSORY UNIT
- PROPOSED DWELLING UNIT

Dewberry

Dewberry & Davis LLC

THE MADEIRA SCHOOL

SPECIAL EXCEPTION AMENDMENT PLAT

DRANESVILLE DISTRICT

FAIRFAX COUNTY, VIRGINIA

SEAL

CERTIFICATE OF ACCURACY

Christopher Gerald S. Gallagher

Lic. No. 2842

4-4-06

PROFESSIONAL SERVICES

KEY PLAN

SCALE

0' 50' 100'

No.	DATE	BY	Description
1	04.04.06	JMC	

REVISIONS

DRAWN BY JMC

APPROVED BY

CHECKED BY LMI

DATE January 11, 2006

TITLE

The Madeira School

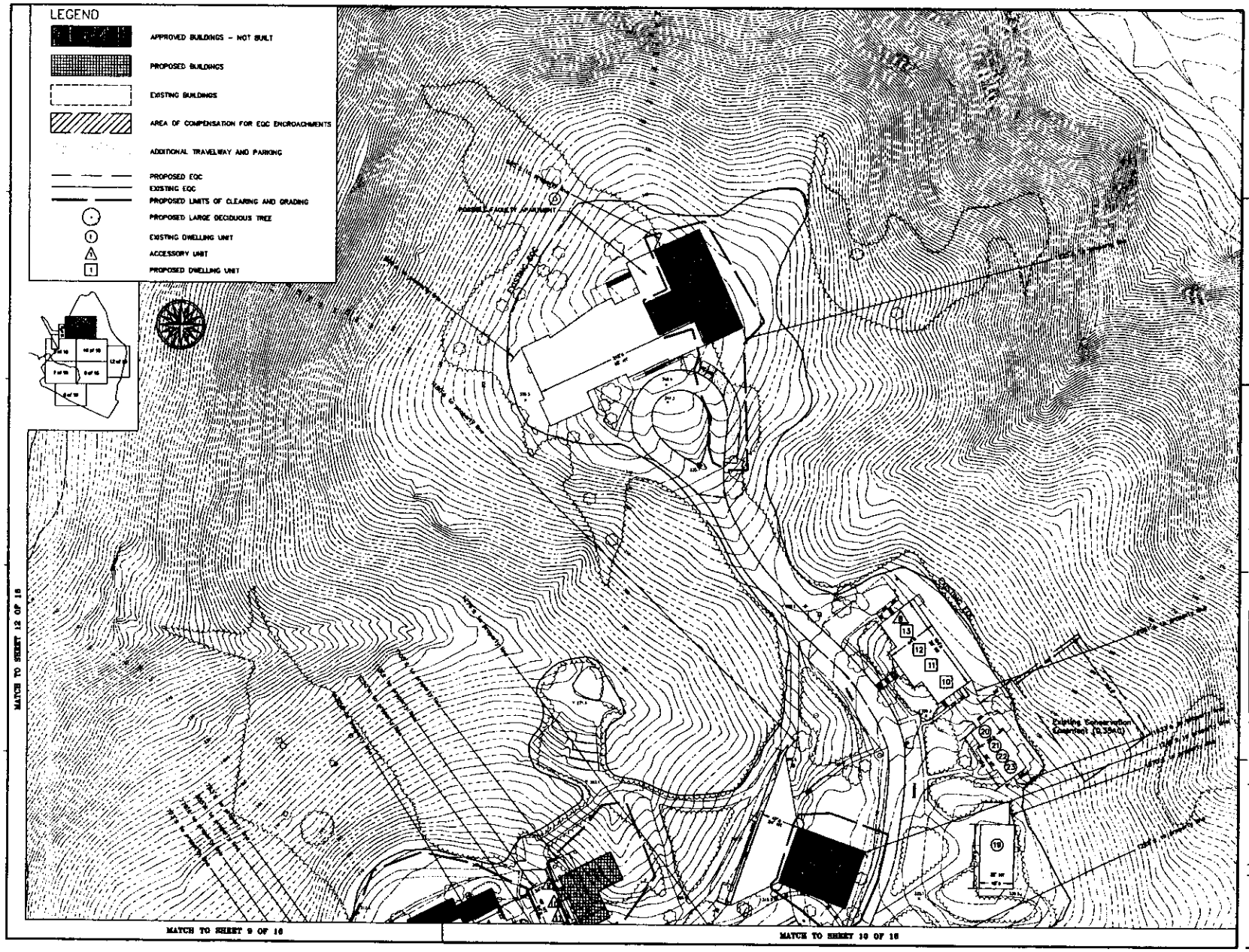
Special Exception Amendment Plat

PROJECT NO.

10

SHEET NO. 10 OF 16

M-10673



Dewberry

Dewberry & Davis LLC

THE MADEIRA SCHOOL

SPECIAL EXCEPTION AMENDMENT PLAT

DRANESVILLE DISTRICT
FAIRFAX COUNTY, VIRGINIA

SEAL

REV PLAN

SCALE

No.	DATE	BY	Description
1	04.04.08	JMC	

REVISIONS

DRAWN BY JMC

APPROVED BY

CHECKED BY LAM

DATE January 11, 2008

TITLE
The Madeira School

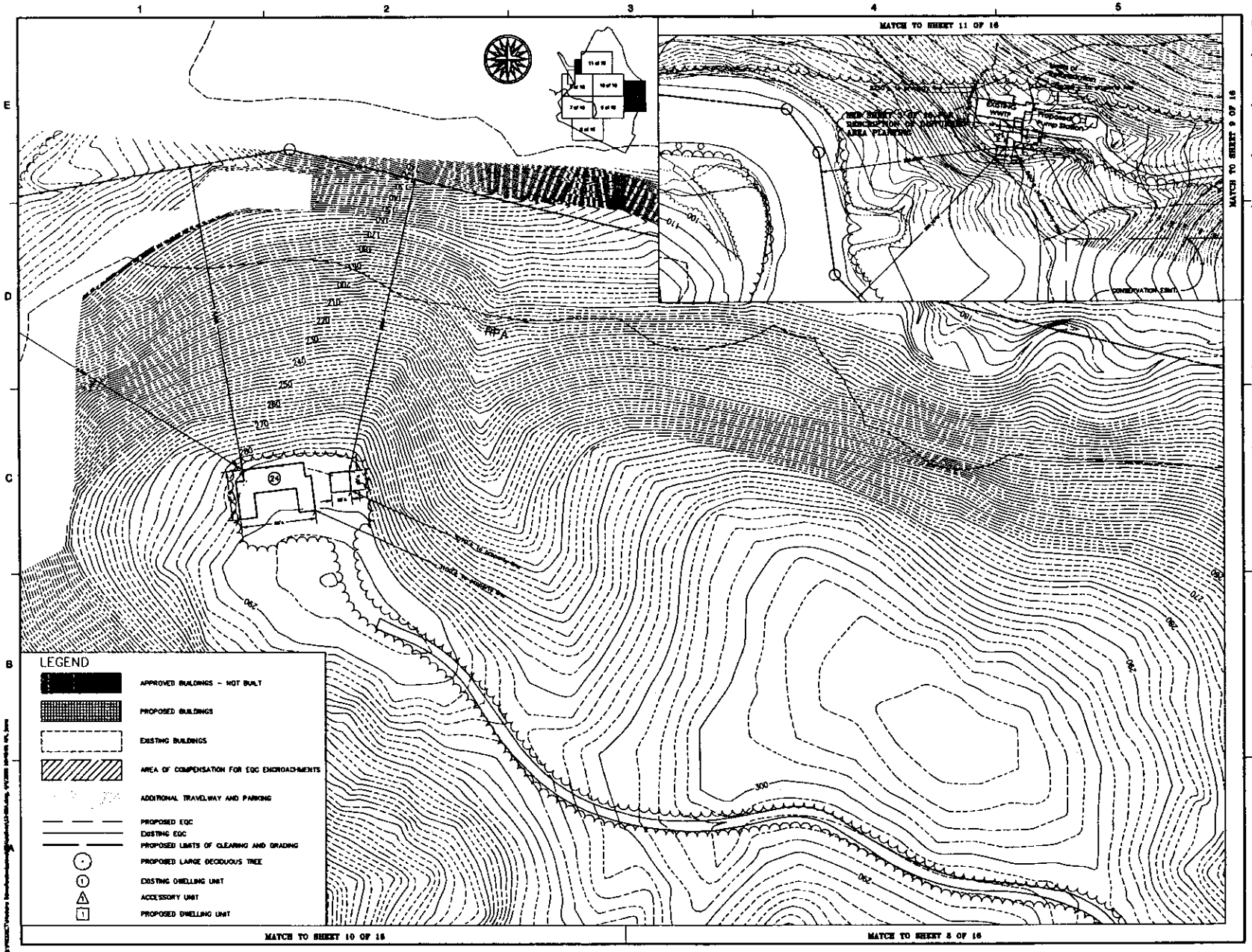
Special Exception Amendment Plat

PROJECT NO.

11

SHEET NO. 11 of 16

M-10673



Dewberry

Dewberry & Davis LLC

THE MADEIRA SCHOOL

SPECIAL EXCEPTION AMENDMENT PLAT

BRANDERMILL DISTRICT
HENRICO COUNTY, VIRGINIA

SEAL

Commonwealth of Virginia
Christopher Charles Gallagher
Lic. No. 2910
4-4-06
Professional Engineer

SITE PLAN

SCALE

0' 50' 100'

No.	DATE	BY	Description
1	04.04.06	JMC	

REVISIONS

DRAWN BY JMC
APPROVED BY
CHECKED BY LAN
DATE January 11, 2006

TITLE
The Madeira School

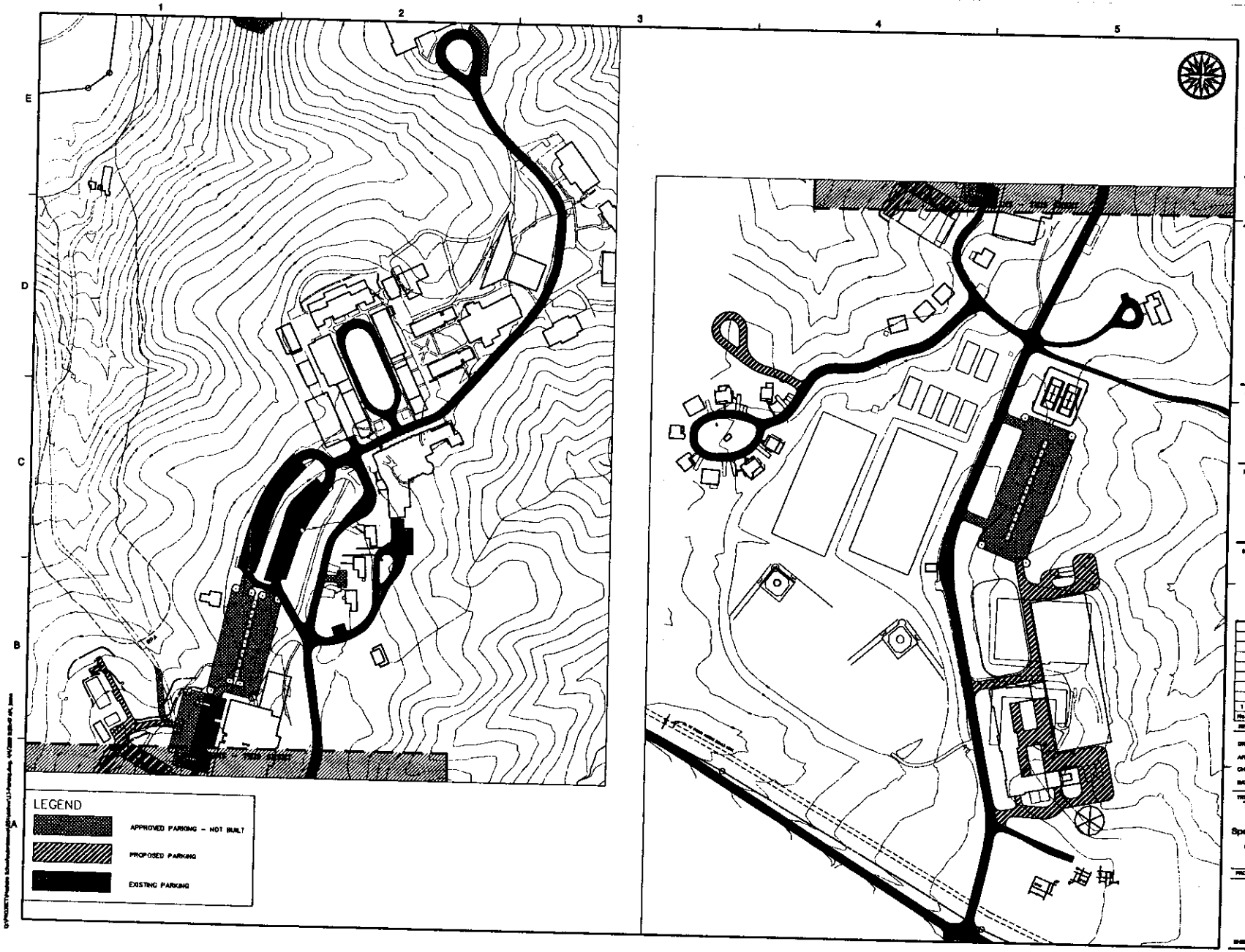
Special Exception Amendment Plat

PROJECT NO.

12

SHEET NO. 12 OF 16

M-10873



Dewberry

THE MADEIRA SCHOOL

SPECIAL EXCEPTION AMENDMENT

PLAT

DRANESVILLE DISTRICT
FAIRFAX COUNTY, VIRGINIA

SEAL

KEY PLAN

SCALE

0' 100' 200'

No.	DATE	BY	Description
1	04.04.09	JMC	

REVISIONS

DRAWN BY JMC

APPROVED BY

CHECKED BY LAM

DATE January 11, 2009

TITLE
The Madeira School

Special Exception Amendment
Parking and Travel Ways

PROJECT NO.

13

SHEET NO. 13 of 18

M-10873

EXISTING VEGETATION MAP COVER TYPE SUMMARY

	Cover Type	Primary Species	Successional Stage	Condition	Acreage	Comments
A	Maintained Grassland	n/a	n/a	n/a	73.79±ac.	Area contains academic buildings, dormitories, residences, and athletic fields
B	Upland Forest	Tulip Poplar, Pine, Maple, Oak	Sub-climax	Generally good	263.17±ac.	Mature forest with an understory of Dogwood, Holly, and Mountain Laurel.
C	Lowland Forest	Hickory, Maple	Sub-climax	Generally good	39.20±ac.	Mature forest adjacent to Potomac River. Area includes the Black Pond and the Yellow Pond.
				Total Area	376.16±ac.	

Dewberry

Dewberry & Davis LLC

THE MADEIRA SCHOOL

SPECIAL EXCEPTION AMENDMENT PLAT

DRANESVILLE DISTRICT
FAIRFAX COUNTY, VIRGINIA

SEAL

Commonwealth of Virginia
Jeffrey A. Clark
Lic. No. 044019
Professional Engineer

REV PLAN

SCALE

No.	DATE	BY	Description
1	04.04.08	JMC	

REMARKS

DRAWN BY JMC

APPROVED BY

CHECKED BY LAN

DATE January 11, 2008

TITLE
The Madeira School

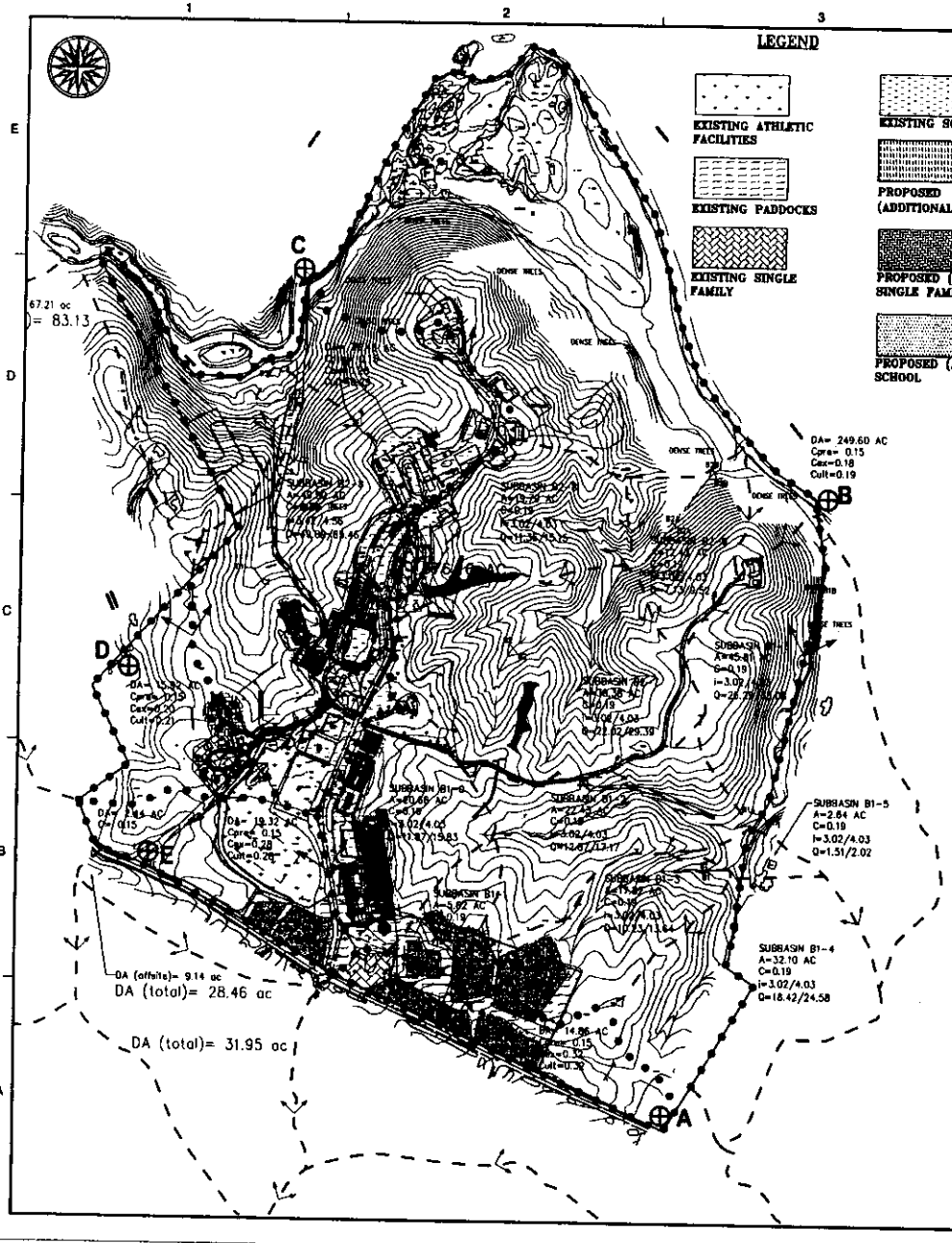
Existing Vegetation Map

PROJECT NO.

14

SHEET NO. 14 of 18

M-10873



Madeira School SWM Outfall Narrative

The 374 acre Madeira School property is located at the mouth of the Difficult Run watershed. The northern border of the property is formed by the Potomac River. Generally, the property is heavily wooded and steeply sloped (averaging 25% in places) with the exception of the recently located school area. Existing SWM facilities include an undersized detention facility located behind the athletic facility (Outfall C) and several Conservation Easements scattered throughout the site although most have been segregated along the northeast property line adjacent to the Washington Woods on the Potomac subdivision.

There are 5 primary outfalls for the property:

A. Outfall A (14.86 ac) is located in the northeast corner of the property. This outfall is approximately two dozen pedestrian (horse grazing pen) in contempt to good condition and was field heavily wooded. Runoff leaving the site via this outfall only through a swale (wooded) and culvert below Georgetown Pike (Rt. 193). This route proceeds approximately about 2 miles an unnamed tributary of the Spring Hill Road culvert. This tributary drainage therefore including a significantly sensitive stream that eventually turns into Difficult Run. Difficult Run discharges to the Potomac approximately 2000' east of the site.

B. Outfall B is located at the northeast corner of the property and represents the most downstream point of the Potomac River immediately adjacent to the property. Approximately two thirds (348.6 ac) of the school property drains through the property further through the Black Pond or unnamed drainage/tributary located on-site to the Potomac River. The bulk of this outfall is densely wooded with steep slopes. A small portion of the school and paddock areas is included in this outfall.

C. Outfall C (76.48 ac) is located in the northeast corner of the site where Difficult Run discharges to the Potomac River and represents the portion of the site that drains to Difficult Run. Much of this outfall is directed through a small unnamed drainage located on-site. The bulk of the school facilities are located in this outfall. Other than the school facilities the outfall is heavily wooded and steeply sloped.

D. Outfall D (55.92 ac) is located along the western property line adjacent to the Washington Woods on the Potomac subdivision. This outfall is a drainage swale directed to the SWM pond located in the Washington Woods subdivision. The outfall is generally undeveloped in existing conditions and steeply wooded. The Washington Woods SWM facility discharges to an unnamed tributary which eventually joins Difficult Run just west of the site.

E. Outfall E (10.32 ac) is located in the southwest corner of the site. This outfall is mostly wooded with moderate slopes although it does contain a horse paddock in moderate to good condition and an athletic field in good condition. Runoff from this outfall is conveyed through a culvert under Georgetown Pike (Rt. 193) to an unnamed tributary to Dusky Run. Dusky Run discharges to Difficult Run approximately 2200' upstream (west) of the site.

Hydrology for the various outfalls is presented on this sheet. The total increase in runoff (post pre-dev) development projected for full development of the school program as outlined in this plan is 24 cfs for the 2-year storm and 139 cfs for the 10-year storm. These increases do not account for any detention that has (outlined athletic center) or may be provided. Outfall analysis has been performed assuming no detention in an effort to support the SWM detention waiver request. It should also be noted that the drainage area to each outfall has not been modified based on proposed (or ultimate) conditions as it is believed that the development program is generally possible within the outfalls as delineated, minor lateral diversions that may be necessary will be addressed during the detailed site plan preparation for that improvement. These lateral diversions will not compromise the overall outlined (Outfall Area/Potomac River) boundary.

Outfall A Analysis

The SEA proposes to modify the paddocks in this area in an effort to improve the existing land cover condition transitioning what is today grazing area in poor to moderate condition into grazing area in moderate to good condition. As indicated in the hydrology, there is no increase to runoff to this outfall. In fact it is believed that there will be a decrease following final improvements. A field inspection of this outfall has been performed to just downstream of the Spring Hill Road culvert (the extent of downstream review) and the outfall appears to be functioning properly; no downstream drainage complaints are on record for this area. No further analysis is being performed at this time given the limited changes to this outfall.

Outfall B Analysis

Several critical sections within the main natural channels (B1 and B2) have been provided to demonstrate adequate conveyance to the Potomac River. These channels have adequate capacities. The soil in these areas is believed to be a mixed alluvial (B1) and a silt loam (B2). These are generally heavily wooded areas; where the channels develop they appear to be mostly and relatively stable. Noticeable unlinings are estimated to be between 3.5-4 fps. The 2-year velocity in the sample sections ranges from 3.4-10.1 fps. The drainage area of the Potomac River at this site, specifically the most downstream point (as identified on the map) is approximately 11,000 sq mi (total Potomac River basin area). According to section 6-0203.20, where runoff from this site directly enters Difficult Run (the entirety of Outfall C empties about 1 mile of the mainstream) section or directly on the two mile natural channel), the drainage area is greater than 300 times the contributing area of the development site therefore this represents the termination point of downstream review.

Outfall C Analysis

Several critical sections have been provided for the natural channel conveying the bulk of the runoff from this outfall to Difficult Run. Sections have been located downstream of the bulk of the school runoff contribution. These sections demonstrate adequate capacity. Soils in this area are believed to be a silt loam transitioning to a rocky land where the channel nears Difficult Run. The permissible velocity is estimated to be between 3.5-5.5 fps. The 2-year velocity ranges from 5.4-6.1 fps. The drainage area to Difficult Run is 59 square miles or 37,120 acres. According to section 6-0203.20, where runoff from this site directly enters Difficult Run (the entirety of Outfall C empties about 1mile of the mainstream "finger" or via the wooded natural channel), the drainage area is greater than 300 times the contributing area of the development site (37,120 ac > 7,040 ac= 300 * 24.4ac) therefore this represents the termination point of downstream review.

Outfall D Analysis

A typical section has been provided at the site boundary where runoff exits the site onto the adjacent Washington Woods on the Potomac subdivision. This water is conveyed to an adjacent stormwater management facility. Discharge from the SWM facility is conveyed via an unnamed natural channel to Difficult Run (the extent of downstream review). A field inspection of this outfall has been performed and it appears to be functioning properly; there are no downstream drainage complaints on file. Additional analysis for this particular outfall (including surveyed cross sections and more detailed information on the offsite SWM facility) will be provided as part of the site plan preparation for the individual improvements in this outfall.

Outfall E Analysis

The SEA proposes to modify the paddocks in this area in an effort to improve the existing land cover condition similar to Outfall A. As indicated in the hydrology, there is no increase to runoff to this outfall. In fact it is believed that there will be a decrease following final improvements. A field inspection of the outfall has been performed to just downstream of the Georgetown Pike culvert (the extent of downstream review) and the outfall appears to be functioning properly; no downstream drainage complaints are on record for this area. No further analysis is being performed at this time given the limited changes to this outfall.

It is the opinion of the engineer based on field inspection and overall positivity to the offsite outfall that the outfalls are adequate. Given the very steep slopes it is expected that the velocities are somewhat high however it should be noted that they do not substantially exceed permissible velocities in any one outfall and in fact generally fall within a reasonable range. Additional analysis will be provided within the respective outfalls as part of the final site plan submittal for improvements in those watersheds.

SWM Narrative

SWM in the form of quantity and quality is required for the further development of the 374 acre Madeira School property.

All stormwater quality control requirements will be met through the use of conservation measures. It is estimated, based on the below computation, that an additional 2.5+/- acres of conservation measures will be required to accommodate the proposed (ultimate) improvements. The exact area and location of the area will be determined during the detailed site plan process for those improvements. Sufficient land exists on the property to accommodate this requirement.

Conservation Removal Required:
1.63 acres SF Residential @ 0.5
1.48 acres School Facilities @ 0.4
1.58 acres Pasture/Paddocks @ 0.0
A= 5.15 acres, Cav= 0.24
new provided via bmp system= 100% efficiency, BMP requirement = 40%
Area of Conservation Input = A * 0.24= 2.06 acres

A review of stormwater management quantity control requirements has been submitted as part of this application. Given the site's proximity to Difficult Run and the Potomac River, the minimal increase in runoff projected for the ultimate improvements (139 cfs/374 ac = 0.37 cfs/ac for the 10-year and 24 cfs/374 ac= 0.24 cfs/ac for the 2-year) and the pre-development conditions (steep and sparsely distributed), the environmentally sensitive nature of the site (RPA and floodplains), and the shallow/slow nature of the outfalls, it is the opinion of the engineer that detention requirements should be waived.

Madeira School SWM and Outfall Analysis

Pre-Development

Outfall	DA	C	t_c (min)	i_2 (in/hr)	i_{10} (in/hr)	Q_2 (cfs)	Q_{10} (cfs)
A	14.86	0.15	10	3.9	6.1	8.66	13.37
B	348.6	0.15	30	3.02	4.65	158.07	243.69
C	76.48	0.16	30	3.02	4.65	36.92	56.92
D	55.92	0.16	15	3.9	6.1	34.21	52.76
E	10.32	0.19	10	3.9	6.1	7.39	11.39
Totals	506.18					245.25	378.14
Average						0.48	0.75

Existing

Outfall	DA	C	t_c (min)	i_2 (in/hr)	i_{10} (in/hr)	Q_2 (cfs)	Q_{10} (cfs)
A	14.86	0.15	10	3.9	6.1	8.66	14.28
B	348.6	0.16	30	3.02	4.65	158.46	261.40
C	76.48	0.16	30	3.02	4.65	36.92	60.92
D	55.92	0.20	15	3.9	6.1	43.42	71.64
E	10.32	0.20	10	3.9	6.1	7.99	13.18
Totals	506.18					255.45	421.42
Average						0.50	0.83

Ultimate

Outfall	DA	C	t_c (min)	i_2 (in/hr)	i_{10} (in/hr)	Q_2 (cfs)	Q_{10} (cfs)
A	14.86	0.15	10	3.9	6.1	8.66	14.28
B	348.6	0.16	30	3.02	4.65	158.33	261.13
C	76.48	0.20	30	3.02	4.65	46.40	76.60
D	55.92	0.21	15	3.9	6.1	45.64	75.34
E	10.32	0.20	10	3.9	6.1	7.99	13.18
Totals	506.18					267.02	440.53
Average						0.53	0.87
Add-ons						16.77	14.39
Add-ons						98.13	118.61

Dewberry

Dewberry & Davis LLC

THE MADEIRA SCHOOL
SPECIAL EXCEPTION AMENDMENT
PLAT
DRANESVILLE DISTRICT
FAIRFAX COUNTY, VIRGINIA

SEAL

KEY PLAN

SCALE
0' 300' 600'

No.	Date	BY	Description
1	04.04.08	JMC	

REVISIONS

DRAWN BY JMC
APPROVED BY
CHECKED BY LAW
DATE January 11, 2008

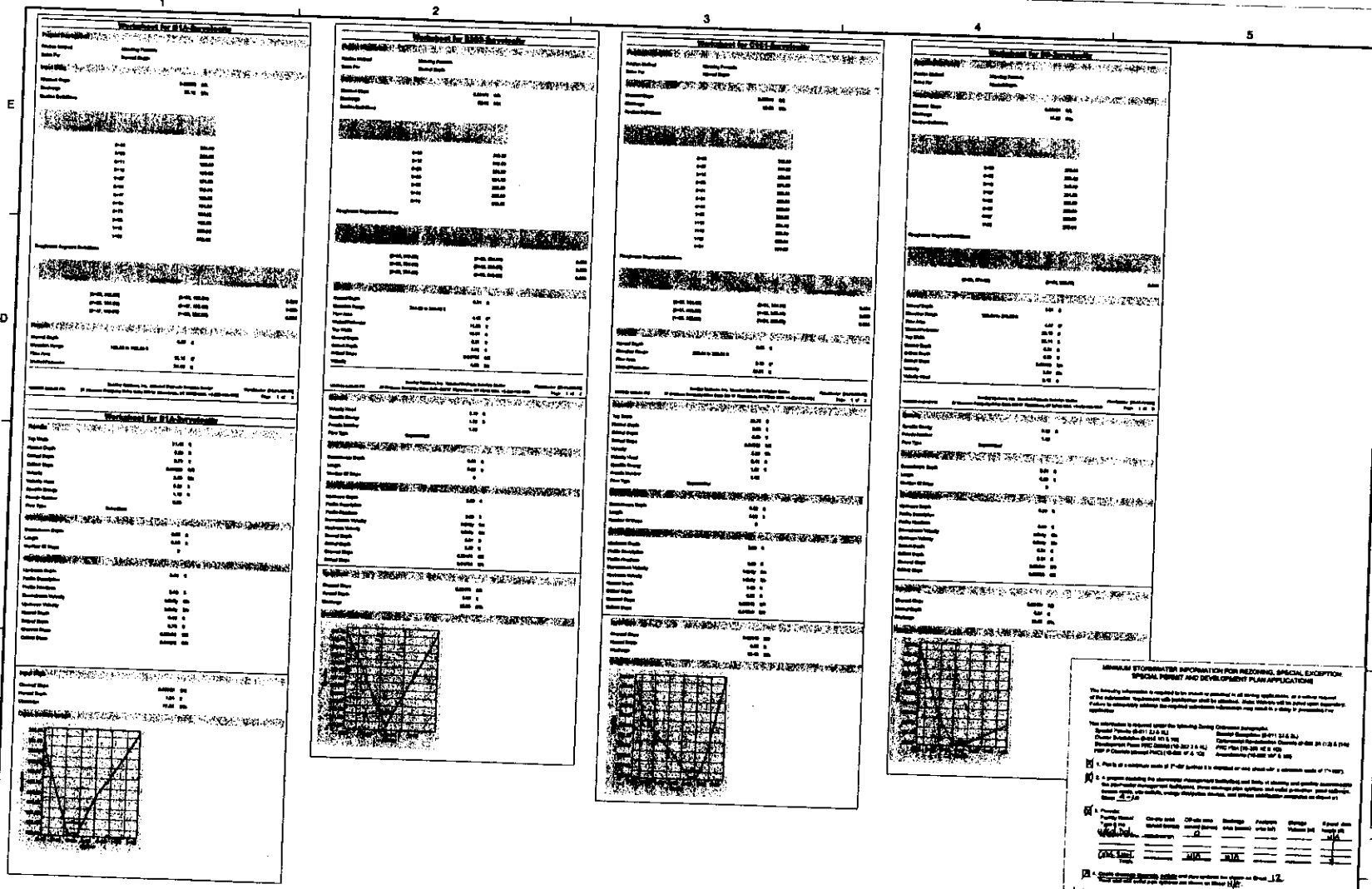
TITLE
The Madeira School
Special Exception Amendment
EXISTING DIVIDES

PROJECT NO.

15

SHEET NO. 15 OF 16

M-10673



MINIMUM STORMWATER INFORMATION FOR REZONING, SPECIAL EXCEPTION, SPECIAL PERMIT AND DEVELOPMENT PLAN APPLICATIONS

Dewberry

Dewberry & Davis LLC

THE MADEIRA SCHOOL

SPECIAL EXCEPTION AMENDMENT

PLAT

DRANESVILLE DISTRICT

FAIRFAX COUNTY, VIRGINIA

No.	DATE	BY	Description
1	01.04.08	JMC	

REVISIONS

DRAWN BY JMC

APPROVED BY

DESIGNED BY LKB

DATE January 11, 2008

TITLE

The Madeira School

Special Exception Amendment

PROPOSED DIVIDEB

PROJECT NO.

16

SHEET NO. 16 of 16

M-10673

A GLOSSARY OF TERMS FREQUENTLY USED IN STAFF REPORTS WILL BE FOUND AT THE BACK OF THIS REPORT

DESCRIPTION OF THE APPLICATION

The applicant, The Madeira School, Inc., is requesting approval of an amendment to SE 83-D-030 to gain zoning approval to allow the replacement of the existing private wastewater treatment plant in a new location in response to a Consent Order issued by the Virginia Department of Environmental Quality. The applicant is also seeking approval of several changes to the previously approved expansion of the facilities of the school based on a long-term plan of redevelopment; a minor increase the number of students from 338 to 360 (currently of the 317 enrolled students, 164 are boarding students); and in the number of staff/faculty members from 105 to 109. As a result of the proposed amendment, the overall gross floor area (GFA) for the 371.16-acre site will increase from 526,158 square feet to 548,550 square feet, an increase of 22,392 square feet, resulting in a minor increase in the overall floor area ratio (FAR) to 0.033 from 0.032. The existing facilities at the school include housing for faculty and staff, which, since this housing is an accessory use to the school, is included in the gross floor area of the school. Eighty-five percent (85%) of the property will remain as open space. The following is a listing of the proposed changes to the previously approved expansion of facilities:

- Restoration of the site of the existing wastewater treatment plan which will still house a pumping station;
- The replacement of one of more of the athletic fields with artificial turf;
- Relocation of the previously approved but unconstructed new maintenance facility (7,000 SF) to near the proposed new sewage treatment plant;
- A new single dormitory building (9,000 SF) which would connect to the east side of an existing annex/dorm facility, in lieu of the previous approval for two wings on existing dormitories;
- A new horse exercising facility, stable building, outdoor arena, indoor riding ring and staff living quarters (totaling 25,896 SF)
- Upgrades to the existing riding paddock along the south of the subject property; and,
- A reduction in the number of single-family detached residences from eight to six and relocation of these six (6) single-family detached residences reflecting the new location for the wastewater treatment facility and maintenance building.

Waivers and Modifications

The applicant is requesting approval of the following waivers and modifications:

- A modification of the 25-foot wide transitional screening requirement along the western, eastern, and southern property lines to that shown on the SEA Plat.

- A modification of the barrier requirement along the western, eastern, and southern property lines to that shown on the SEA Plat.
- The reaffirmation of the previously approved modification of the Major Regional Trail System requirement along Georgetown Pike reflecting the previously granted waiver of construction and the previously paid escrow of $89,000 for future construction; and,
- A waiver of the Stream Valley Trail requirement along the Potomac River and Difficult Run stream, citing the safety of the students.

Copies of the Proposed Development Conditions, the applicant's affidavit, and the applicant's statements regarding the application are provided in Appendices 1, 2 and 3 respectively. Appendix 4 includes a memo from the applicant's agent address trail along the Potomac River. Appendix 5 includes the portion of the adopted Trails Map affecting the application property and the immediate environs. Appendix 6 includes a copy of the Clerk to the Board's letter regarding the approval of SEA 83-D-030-07, which includes the development conditions and Appendix 7 includes a reduction of the Special Exception Amendment Plat (SEA Plat) referenced by those conditions.

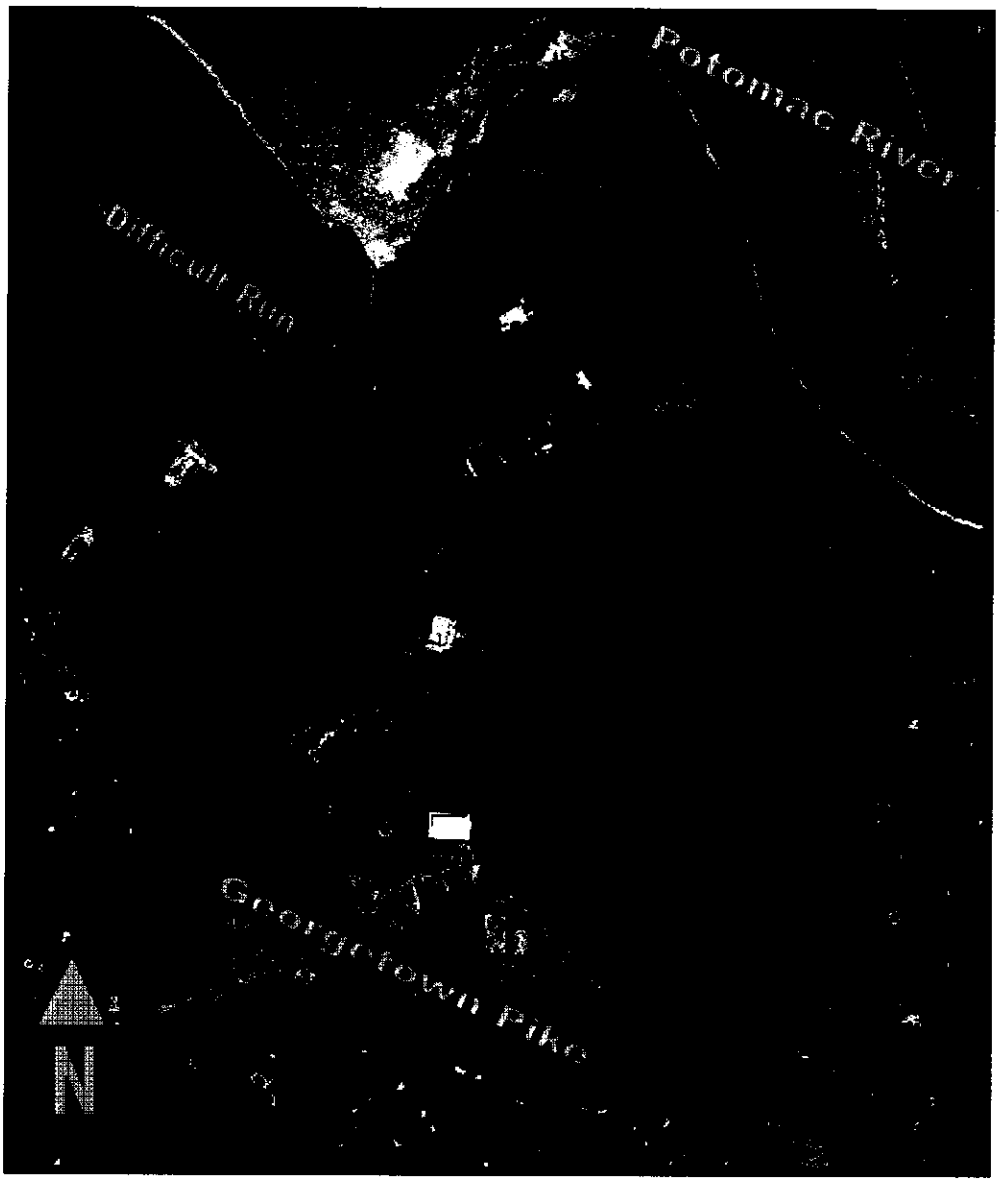
LOCATION AND CHARACTER

The subject property is zoned R-E (Residential Estate District). The site contains 371.16 acres, and borders onto Georgetown Pike to its south, the Potomac River to its west and north, the Potomac Knolls single-family detached residences to its east, and a portion of the Difficult Run stream, Great Falls National Park, and the Potomac Woods single-family detached residences to its west.

Direction	Use	Zoning	Plan Map
North	Potomac River	N/A	Waterway in Maryland
South	Single-Family Detached Dwellings	R-1	Residential, .2 -.5 du/ac
East	Single-Family Detached Dwellings	R-E	Residential, .2 -.5 du/ac
West	Public Park and Single-Family Detached Dwellings	R-E	Public Park and Residential, .2 -.5 du/ac

The Madeira School is composed of a variety of buildings, primarily clustered near the center of the campus, which serve as a girls' boarding and day school for grades 9 through 12. An internal, private, north-south road serves as the vehicular spine for the site, and provides access to/from Georgetown Pike. The campus is characterized by large areas of grassy open space and adjacent densely wooded areas. The vast majority of the site is undeveloped (336+/- acres) and includes extensive areas of floodplain and adjacent steep slopes along Difficult Run and the Potomac River that is classified as Environmental Quality Corridor (EQC).

The current campus includes a horse stable, riding paddocks and associated pastures, athletic fields, sports center and tennis courts, residences/dorms for a portion of the staff/faculty/students, student/dining/art center, library, health center, chapel/theatre, administrative building, a number of surface parking lots/spaces (totaling 154 spaces), maintenance facilities, and a waste water treatment plant. The most prominent feature of this site is its location at the confluence of Difficult Run and the Potomac River. The property extends for approximately 1,400 feet along Difficult Run with parkland associated with Great Falls National Park located on the opposite shore of Difficult Run. The property also includes approximately 4,800 feet of riverfront property. The opposite shore is national parkland located in Maryland. This site is especially prominent because the school sits on the bluff located within a bend in the river.



BACKGROUND

Application	BOS Date	Use	BOS Action
SE 83-D-030	6/6/1983	Addition of a chapel, auditorium and dining hall.	Approve
SEA 83-D-030-1	6/25/1984	Additions to classrooms and dormitories.	Approve
SEA 83-D-030-2	10/19/1987	Reconstruction of an historic log house.	Approve
SEA 83-D-030-3	4/30/1990	Construction of a new gymnasium and improved parking area. Conversion of an existing gymnasium into a library and conversion of existing library into classrooms.	Approve
SEA 83-D-030-4	7/27/1992	Construction of a new building to provide four (4) residential units with an associated parking area.	Approve
SEA 83-D-030-5	4/8/1996	Construction of four (4) single family detached residences for faculty.	Approve
SEA 83-D-030-6	4/29/1999	Construction of four (4) single family detached residences for faculty.	Approve
SEA 83-D-030-7	5/20/2002	Construction of additional parking, expansion of the Student Center, additions to the main administration building and chapel building, new dormitories and single-family detached residences, guardhouse, maintenance facility, stable, outdoor pool and tennis courts.	Approve

The approved Development Conditions for SEA 83-D-030-7 are included in Appendix 6 and supersede all previous development conditions. The records regarding the previous approvals are on file with the Department of Planning and Zoning.

COMPREHENSIVE PLAN PROVISIONS

Plan Area: Area II
Planning District: McLean Planning District
Planning Sector: Spring Hill Community Planning Sector (M6)
Plan Map: Governmental, Institutional and Public Facilities Uses

Site specific text is not included in the Comprehensive Plan.

ANALYSIS

Special Exception Amendment (SEA) Plat (Copy at the front of the staff report)

Title of SEA Plat:	The Madeira School
Prepared By:	Dewberry & Davis
Original and Revision Dates:	January 11, 2008, as revised through April 4, 2008

The SEA Plat consists of sixteen (16) sheets showing the following information:

	SEA Plat – The Madeira School
Sheet 1	Cover Sheet, Vicinity Maps, Index, and Applicant Name
Sheet 2	Notes, Tabulations, Soils Map, and Angle of Bulk Plane
Sheet 3	Detail Summary of Existing/Proposed Units, Detail Summary of Accessory Units, Reforestation for Existing WWTP Demotion, and Possible Plant Palette for Reforestation
Sheet 4	Property Boundary (with Bearing and Distances)
Sheet 5	Overall Special Exception Plat (Existing and Proposed)
Sheet 6-12	Details Sheets (1" – 50' scale)
Sheet 13	Parking and Travelway [Existing, Approved (Not Built), and Proposed]
Sheet 14	Existing Vegetation Map and Cover Type Summary Table
Sheet 15	Existing Divides Map, SEA Outfall Narrative, SWM Narrative, and SEA SWM and Outfall Analysis
Sheet 16	Proposed Divide Calculations

The following features are depicted on the SEA Plat:

- *Floor Area Ratio (FAR):* The Madeira School is presently approved for 526,158 SF (which includes existing and previously approved dwelling units), or a FAR of 0.032. The applicant's proposal calls for an increase of 22,392 SF, or 548,550 SF total, and a FAR of 0.033. The R-E District permits a maximum FAR of 0.20 for public uses and 0.15 for uses other than residential or public.

- *Proposed Facilities*: The applicant is proposing the following new facilities:

  - *Horse Exercising Facility, Stable Building, Outdoor Arena, Indoor Riding Ring, Living Quarters, and Paddock Upgrades*: In place of adding 11,720 SF onto the existing stables and indoor riding ring as previously approved, the applicant is now proposing to demolish all of the existing horse-riding facilities and construct 25,896 SF worth of new horse-related facilities, to include: a new horse exercising facility (maximum height of 22 ft.), stable building (26 ft. height), two (2) stable living quarters (24 ft. height), outdoor arena, and indoor riding ring (36 ft. height). The new construction is in the same general location as the existing facilities. The proposed improvements would also include the regrading of the existing and nearby riding paddocks.

  - *Dormitory Building for Students*: Instead of building two (2) separate dormitory wings along the east and west of the existing Administration Building, the applicant is now proposing a single dormitory building (maximum of 40 ft. height) which would connect to the east side of an existing annex/dorm facility.

  - *Wastewater Treatment Plant*: The State Water Control Board, in conjunction with the Virginia Department of Environmental Quality (DEQ), has issued a Consent Special Order to The Madeira School to bring the site's wastewater treatment plant into compliance with the current sanitary sewer system regulations no later than 2010. The applicant has proposed to demolish the existing wastewater plant, which was built in 1948, and to rebuild a "*...new, more efficient and environmentally friendly plant closer to the center of the campus...*". As the subject site's existing gravity-fed piping/drainage system, which leads to the current wastewater treatment plant, is secure and in-place, the applicant would be adding a pumping station near the existing plant in order to send the wastewater uphill to the proposed wastewater treatment plant. The new plant would be located outside of the EQC and the school proposes to restore and replant the demolished wastewater treatment plant in accordance with the Chesapeake Bay Preservation Act requirements.

- *Residential Structures/Uses:* The subject property contains twenty-four (24) existing residential units for faculty and staff, which are considered accessory uses to the primary use of the private school of general education. Per the previous Special Exception Amendment (SEA 83-D-030-07), the school had approved (but has not yet constructed) eight (8) additional single-family residential units. The school is now proposing to reduce the number of additional single-family residential units to six (6). The existing residential units consist of 8 single-family residences, eleven (11) within other school buildings dwelling units, composed of nine (9) within the dormitories, and two (2) proposed stable units. There would be a total of 30 residential units accessory to the private school when the additional six units are constructed. As noted above, faculty/staff housing at a private-school is accessory to the primary use and is included in the gross floor area of the private school and the calculation of FAR.

- *Number of Students/Staff/Faculty:* The Madeira School is proposing to increase the number of students from 338 to 360, and to increase the number of staff/faculty members (at any one time) from 105 to 109. The current student enrollment is 317 students, with approximately 164 boarding and 153 day students, and there are approximately 44 faculty members and 97 staff members.

- *Access, Internal Circulation, and Parking*: The subject site's driveway along Georgetown Pike serves as the school's only vehicular access entrance/exit point. The internal, privately-owned driveway winds south-north from Georgetown Pike to the chapel/theatre building along the Potomac River. All other existing or proposed driveways and parking areas within the site run-off or connect directly to this main driveway/spine road. The existing site has 154 off-street parking spaces and, with the proposed improvements and increase in student enrollment, will be required to provide 166 off-street parking spaces (a difference of 12 required spaces). Notwithstanding, per previous SEA submittals, the applicant is approved for a maximum of 467 parking spaces (313 of which currently remain undeveloped). The only new parking areas/driveway improvements associated with this application will include a new driveway/parking area for the proposed maintenance facility and adjoining wastewater treatment plant, a new driveway/parking area for the proposed horse stable, indoor/outdoor arena, and exercising facility, and a new (loop road) driveway for the proposed six (6) single-family detached residences.

- *Environmental Quality Corridor:* The SEA Plat (Sheet 5 of 16) shows that the campus property remains as largely undeveloped open space with the portions of the Environmental Quality Corridors (EQCs) associated with the Potomac River and Difficult Run remaining largely undisturbed. As with the previously approved Special Exception Amendment (SEA 83-D-030-07), the SEA Plat includes two areas of EQC, where existing facilities are to be expanded, totaling approximately an acre in size. The SEA Plat includes compensation areas for the EQC areas proposed to be disturbed, totaling approximately 1.65 acres, and located in portions of the site that are undisturbed.

- *Open Space*: The applicant is preserving approximately 85% (336.54 acres) of the subject property for open space, with the majority of the open space consisting of undisturbed areas covered with mature forests on steep slopes.

- *Trails:* A waiver of the requirement to construct a trail along Georgetown Pike was approved in 1991. In addition, the school has contributed $89,000 toward the future construction of this trail, as required pursuant to the development conditions for SEA 83-D-030-7. The Statement of Justification (Appendix 3) and the SEA Plat include a request for reaffirmation of the waiver of the trail requirement along the Potomac River, citing concerns for the safety of the students at the school. The applicant's agent, has provided a legal analysis that states that the provision of the trail along the Potomac River does not have any nexus with the pending special exception request (see Appendix 4).

- *Stormwater Management*: Aside from the center of the subject property, which includes most of the school-related structures and functions, most of the site is heavily wooded and steeply sloped. The school campus, which is located at the mouth of the Difficult Run watershed and fronts onto the Potomac River, has existing stormwater management and Best Management Practices (SWM/BMP) facilities throughout the site, to include an underground detention facility and several Conservation Easements that preserve the existing mature forest areas as a BMP measure. The applicant has indicated that all stormwater quality control requirements will be met and addressed during the site plan process through the use of conservation easements, and that an additional 2.5+/- acres of conservation easements will be required to accommodate the proposed improvements. The applicant has requested a waiver of the stormwater management quantity control requirements as part of this application.

Land Use Analysis

The subject property is identified on the Comprehensive Land Use Plan as Public Facilities, Governmental and Institutional. The existing use is compatible with that designation. With the exception of the trails issues, which are addressed elsewhere in this report, there are no land use issues associated with this request.

Environmental Analysis (Appendix 8)

The subject property is located at the confluence of Difficult Run and the Potomac River. Extensive areas of Environmental Quality Corridors (EQCs) and some smaller areas of Resource Protection Area (RPA) are designated on the property.

Issue: EQC Encroachment/Water Quality

Per previous Special Exception approvals upon the subject property, various intrusions into areas previously designated as EQC were permitted in exchange for upland areas that are not designated EQC areas. Similarly, the applicant is requesting that the EQC areas which will be encroached upon and lost as a result of application (42,615 SF), be permitted in exchange for newly designated EQC areas (71,940 SF, labeled as "*Area of Compensation for EQC Encroachments*"). The would-be compromised EQC area is comprised of the upper portions of steeply sloping areas, well away from the stream channels, while the newly designated EQC areas are comprised of some uplands at the top of steeply sloping areas in other portions of the site.

There are no intrusions into 100-year floodplains, wetlands or other more sensitive areas resulting from this mitigation. The primary area of concern for the current application is the existing wastewater treatment facility, which will be removed and replaced as part of this application. The existing facility is located entirely within the EQC for a portion of Difficult Run. The applicants have been asked to provide a commitment to restore this area once the old facility has been

removed and the new pumping station is installed to move the effluent to the location of the new wastewater treatment facility.

Resolution:

The applicants have agreed to provide restoration of this area consistent with the provisions of the Chesapeake Bay Preservation Ordinance (CBPO). The current SEA Plat references the replanting requirements contained in the CBPO and identifies a possible plant palette for this area that appears to meet this requirement. Any final determination regarding the consistency of this element of the proposed development with the Chesapeake Bay Preservation Ordinance will be made by staff in the Department of Public Works and Environmental Services (DPWES), Urban Forestry Management Division (UFMD).

Urban Forest Management Division Analysis (Appendix 9)

The site is approximately 375 acres and is primarily forested with an upland hardwood mix of varying degrees of maturity. The property borders the Potomac River and includes the associated bottomland hardwood forest and steep slopes. The area around the entrance to site from Georgetown Pike is cleared with athletic fields, horse paddocks, tennis courts and associated parking. The developed areas of site include school buildings, dormitories, dwellings and associated streets, trails and parking with mature trees and various landscaping trees and vegetation located throughout the developed area. The site contains an RPA and EQC. The EQC appears to contain the majority of the undeveloped portions of the site. Some development is proposed or has occurred within the EQC and two large areas outside the original EQC have been identified as compensation areas.

Issue: Reforestation Plan

The narrative states that the existing wastewater treatment plant will be removed from the EQC and that this area will be restored and replanted. A reforestation plan for the area of the EQC where the existing wastewater treatment plant is to be demolished shall be submitted concurrently with the first and all subsequent site plan submissions for review and approval in writing by the UFMD, and shall be implemented as approved, and as field verified by UFMD. The plan shall contain an appropriate size, quantity, quality and selection, of species based on existing and proposed site conditions to restore the area to a native forest cover type. The reforestation plan shall be based on the requirements for RPA restoration in the Chesapeake Bay Preservation Ordinance and shall include, but not be limited to, the following:

- Plant list detailing species, sizes, quantities and stock type of trees and other vegetation to be planted;
- Soil treatments and amendments, if necessary;
- Mulching specifications;
- Methods of installation;

- Maintenance;
- Mortality threshold;
- Monitoring; and
- Replacement schedule.

Resolution:

Staff has added a proposed development condition to address this issue.

Issue: Proposed Limits of Clearing and Grading

The proposed limits of clearing and grading are adjacent to mature forest stands and individual trees worthy of preservation in many areas of the site. At the time of site plan submission, the applicant shall submit a Tree Preservation Plan prepared by a certified arborist or landscape architect with experience in the preparation of tree preservation plans. In addition to the Tree Preservation Plan, the applicant shall also provide/address the following items (*abridged*): a tree survey; management practices for the protection of understory plant materials, leaf litter and soil conditions found in areas to be left undisturbed; utility installation coordination between the County and applicant; monitoring requirements to ensure that inappropriate activities such as the storage of construction materials, dumping of construction debris, and traffic by construction equipment and personnel do not occur within these areas; restoration of plant materials, leaf litter and soil conditions; limitation on the type and use of larger motorized equipment unless reviewed and approved in writing by UFMD; and, root pruning, mulching, tree protection fencing, and signage protection provisions, etc.

Resolution:

Staff has added a proposed development condition to address this issue.

Transportation Analysis (Appendix 10)

Issue: Trip Generation

To better understand the likely impact of the applicant's proposal to include a proposed 6.5% increase in enrollment (22 students) and an increase in staff from 105 to 109; a trip count was conducted to determine the number of trips generated by the site during the typical weekday - AM peak and PM peak hours. A trip count was requested so the traffic impact of this particular school and its mix of boarding and day students as well as staff that lives on site could be more accurately assessed.

The applicant provided an intersection analysis from Wells + Associates, Inc., taken on May 8, 2008, that captured the traffic counts from southbound Madeira Road, northbound Bellview Road, and eastbound/westbound Georgetown Pike.

That analysis indicates that the school's morning peak hour is between 7:00 to 8:00 am, in which 169 vehicle trips are entering the school from eastbound/ westbound Georgetown Pike and northbound Bellview Drive, and 98 trips are leaving the school via southbound Madeira Drive. The incoming trips equates to roughly one trip per two students (or about one trip per day student). Georgetown Pike has an eastbound/westbound total of 1,469 trips during this hour. The analysis also indicates that the school's afternoon peak hour is between 3:30 to 4:30 pm, in which 65 vehicle trips are entering the school from eastbound/westbound Georgetown Pike and northbound Bellview Drive, and 115 trips are leaving the school via southbound Madeira Drive. The outbound trips are roughly one trip per three students (or about one trip per 1.5 day students). Georgetown Pike has an eastbound/westbound total of 1,384 trips during this hour. According to the applicant,"*(t)herefore, with the requested increase in the enrollment of 22 students, we believe this would add approximately 11 incoming trips during the School's morning peak hour and would add approximately 7 outbound trips during the School's afternoon peak hour.*"

Further expansion of the Madeira School beyond this request, resulting in any significant increased trip generation, will require that the applicant fully address the impacts of the increased traffic, including the realignment of the site entrance with Bellview Road, the construction of a left turn lane on Georgetown Pike at the site entrance and construction of a right turn lane into the realigned entrance.

Nevertheless, Sight distance to the east and west of the site's entrance, along Georgetown Pike, is obstructed by existing vegetation which staff recommends should be removed to comply with sight distance requirements.

Resolution:

A proposed development condition to address the issue associated with the obstructions at the existing entrance to the school.

Issue: Horse-Related Events

The proposed horse arenas (indoor/outdoor) and stable facilities should be reserved for school-related activities, rather than events that cater to the public at large, in order to prevent an increase in traffic entering the site.

Resolution:

Staff has added a proposed development condition to address this concern.

Fairfax County Park Authority (Appendix 11)

The Madeira site is located near the conjunction of several planned trails that are included on the County Trails Plan. Each of these three trails run along portions of the application property:

- The Georgetown Pike Trail and the Potomac Heritage National Scenic Trail which run along the school's southern boundary that abuts Georgetown Pike;
- A stream valley trail along Difficult Run to the west; and,
- A stream valley trail along the subject property's entire Potomac River frontage to the north.

When constructed, these three trails will connect to the portion of the Cross County trail along Difficult Run and with the trails within Great Falls Park. The trails link along the river downstream of Difficult Run does not currently exist and would cross several private residential lots immediately below the Madeira School. The links in the combined Georgetown Pike Trail/Potomac Heritage Trail on either side of the application property have not been constructed.

As noted above, construction of the Major Paved Trail and a Natural Surface or Stone Dust Trail along the subject property's entire southern frontage along Georgetown Pike was previously waived in 1991 and a 12-foot wide trail easement along Georgetown Pike was granted by the school. With the approval of SEA 82-D-030-7, the school was required to provide an $89,000 payment in lieu of constructing the trail along that road. Those development conditions allow the County to use those funds to provide an upon the subject property (or, as an option of the County, at an alternative location).

Issue: Access Easements for Potomac River Trail and the Difficult Run Trail

Included in Appendix 11, is a listing of a number of Plan policies with regard to Trails. In addition, Sect. 17-201, of the Zoning Ordinance includes trails shown on the adopted Comprehensive Plan as required improvements to be installed with the projects requiring approval of a site plan.

Staff recommends that the applicant dedicate a 20-foot wide trail easement to the Fairfax County Park Authority along the Potomac River and Difficult Run, as shown on the approved County Trails Plan. No trail should be constructed until such time as access is granted to the properties between the Madeira School site and Scott's Run Nature Preserve. The exact location of the trail easement would be determined by the Park Authority Trails Coordinator.

Resolution:

Due to security concerns related to the safety of the students on the campus, the school has declined to provide the requested trail easement and has requested a waiver of this requirement. Included in Appendix 4 is a memorandum from the applicant's agent which notes that there needs to be a rational nexus between the condition imposed and the impacts associated with the applicant's request. Staff acknowledges that the precedents cited in the memorandum are applicable in this instance and that given the limited nature of this application, a nexus between the requirement for the trail along the river and this request is problematic. Further, as noted above, the trail link along the Potomac River

downstream of the application property is not in place and would cross private property and the Potomac Heritage Trail is planned to follow Georgetown Pike, not the river, thereby providing the envisioned continuous trail without the link along the river. While the imposition of a condition requiring the trail easement may be appropriate with a future application and when the link of this trail downstream of the application property is being implemented, staff recommends that the requested waiver be granted in this instance with this particular application.

Stormwater Analysis (Appendix 12)

A stormwater detention waiver has been submitted and will be addressed during the site plan review process. While similar requests have been approved on this site, this waiver request will have to meet the current requirements of the Public Facilities Manual. The applicant proposes to meet the water quality control requirements through conservation easements on the extensive open space on the property. The SWM facilities shall be maintained by the owners and they will be required to execute the Stormwater Maintenance Agreement with the County.

ZONING ORDINANCE PROVISIONS (Appendix 13)

The Zoning Ordinance provides standards for construction of both residential structures and non-residential structures in the R-3 District Bulk Standards. The standards that apply to non-residential structures have been used to determine the requirements for the proposed school structures.

Bulk Standards (Non- Residential Uses in the R-E District)		
Standard	**Required**	**Provided**
Lot Size	75,000 SF minimum	371.16 Acres
Lot Width	200 ft. minimum	Approx. 3,900 ft.
Maximum Building Height	60 feet maximum	50 feet maximum
Front Yard	55° ABP/>50 ft.	Approx. 150 ft.
Side Yard	45° ABP/>20 ft.	Approx. 368 ft.
Rear Yard	45° ABP/>25 ft.	Approx. 460 ft.
Floor Area Ratio	0.15 FAR	0.033 FAR
Open Space	No Minimum	Approx. 85% (336.54 acres)
Parking Spaces	166	467
Loading Spaces	2	2

Transitional Screening Required		
Direction	**Standard**	**Provided**
North (Potomac River)	None required	Min. of 400 ft. of existing deciduous and evergreen vegetation
South (Single-Family Detached)	TS-1 (25. ft. wide)	Min. of 0 to 500 ft. of existing deciduous and evergreen vegetation**
East (Single-Family Detached)	TS-1 (25. ft. wide)	Min. of 500 ft. of existing deciduous and evergreen vegetation**
West (Single-Family Detached)	TS-1 (25. ft. wide)	Min. of 500 to 600 ft. of existing deciduous and evergreen vegetation**

* Waiver Requested
** Modification Requested

Barrier Requirements		
Direction	**Standard**	**Provided**
North (Potomac River)	None required	None Provided
South (Single-Family Detached)	Barrier D, E, or F*	30-inch tall white, 2-rail fence *
East (Single-Family Detached)	Barrier D, E, or F	None Provided*
West (Single-Family Detached)	Barrier D, E, or F	None Provided*

* Barrier D is a 42-48 inch chain link fence; Barrier E is a 6 foot wall of brick or architectural block; Barrier F is a 6 foot high solid wood fence.
** Waiver/Modification Requested

WAIVERS AND MODIFICATIONS

Waiver: Barrier **Basis**: Par. 12, Sect. 13-304

This paragraph states: "The Director may waive or modify the barrier requirements where the topography of the lot providing the transitional screening and the lot being protected would not be effective." The site's topography contains significant changes in elevation, which would,

in staff's opinion, nullify the effect of barriers on the site. Staff believes that this existing vegetation and topography of the site minimizes adverse impacts and provides an effective screen of the proposed structures from existing residential uses adjoining the school's property. Therefore, staff supports the approval of the barrier waivers along all boundaries which are consistent with those previously approved by the Board of Supervisors pursuant to SEA 83-D-030-7.

Modification: Transitional Screening **Basis**: Par. 3, Sect. 13-304

Paragraph 3 states: "Transitional Screening may be modified where the building, a barrier and/or the land between that building and the property line has been specifically designed to minimize adverse impact through the combination of architecture and landscaping techniques." As noted, the subject property is composed of 336.54 acres (85%) of open space, with most of the existing and proposed development located within the center of the 371.16 acre site. The property includes a significant amount of existing vegetation, approximately 600 feet of dense forest growth, around the site's periphery. Along the Potomac River and Difficult Run frontages, the floodplain and adjacent steep slopes are preserved. Along Georgetown Pike and adjacent to the residential properties, the land consists of fields, forested lands, and/or riding paddocks. Further, the majority of the structures cannot be seen from off-site, except along Georgetown Pike where the horse riding facilities are located and have a rural appearance. For the same reasons that staff supports the requested barrier waivers, staff also supports the requested modifications to the transitional screening requirements.

Waiver: Trails

See comments under the Park Authority Analysis above.

Special Exception Requirements (See Appendix 13)

- Additional Standards for Private Schools of General Education and Private Schools of Special Education (Sect. 9-310)
- Category 3 Standards (Sect. 9-304)
- Special Exception General Standards (Sect. 9-006)

Additional Standards for Private Schools of General Education and Private Schools of Special Education (Sect. 9-310)

Par. 1 addresses providing adequate useable outdoor recreation space for the students at a rate of 430 sq. ft. per child in grades 4-12. This paragraph also includes specifications for useable outdoor recreation space: that the area not be covered by buildings or required off-street parking areas; that the area is located outside the required front yard, that the area be developable as outdoor

recreation spaces; and that the area comprise no more than 80 percent of the combined total area of the required front and side yards. As illustrated in the descriptions of the campus above, staff has concluded that the Madeira School meets this standard. Par. 2 addresses the minimum lot size requirements, which are satisfied by this application. Finally, Par. 3 requires that such schools conform with the standards regarding the type of street and the provision of adequate pick up and delivery of all persons on the site contained in Sect. 9-309 and notes that schools are subject to the provisions of Chapter 30 of the County Code or Title 63.1, Chapter 10 of the Code of Virginia. With regard to the type of street, Georgetown Pike (Rt. 193) is an arterial street, which is deemed to be adequate to accommodate the number of students at the Madeira School. The pick up and delivery of persons on the site occurs within the campus and adequate areas are available for that purpose.

Category 3 Standards (Sect. 9-304)

Par. 1 applies to public uses and is not applicable in this instance. Paragraphs 2 and 3 require compliance with the lot size and bulk requirements of the applicable zoning district, which as demonstrated in the Bulk Standards chart above are satisfied. Par. 4. addresses the performance standards contained in Article 14, Performance Standards. The portion of this article that is relevant to this application is Part 9, Outdoor Lighting Standards, primarily illumination of the outdoor recreation fields. The applicant has confirmed that the existing facilities, ball fields, horse riding ring and tennis and other courts, are not currently lit. The application did not include a sports illumination plan for any of the outdoor recreation facility and the proposed development conditions would prohibit illuminating those facilities. All other lighting on the property, such as parking lots, security lighting, building lighting, etc. will have to conform with the standards outlined in Part 9, which includes grandfathering provisions with regard to existing fixtures. Par. 5 notes that these approvals are subject to the provisions of Article 17, Site Plans.

Special Exception General Standards (Sect. 9-006)

General Standard Number 1 states that "the proposed use at the specified location shall be in harmony with the adopted comprehensive plan." As noted under Land Use Analysis above, the Plan Map shows this property to be institutional. Further, there is no site specific text addressing the use of this application property. Staff has concluded that the application is in harmony with the land use recommendations of the adopted comprehensive plan. The recommendations of the Trails Plan with regard to a trail along Georgetown Pike are addressed by the existing 12-foot wide easement along that roadway and the escrow of $89,000 for the future construction of the trail. The applicant has declined to provide an easement or construction of the trail link shown on the Trails Plan along the Potomac River or a connection between this future trail and the planned trail along Georgetown Pike citing the safety of the students and the lack of connections across Difficult Run or along the river to Scott's Run Nature Preserve.

General Standard Number 2 requires that the proposed use be in harmony with the purpose and intent of the applicable zoning district regulations. The purpose and intent of the R-E District is to "...promote agricultural uses and low density residential uses; to allow other selected uses which are compatible open and rural character of the district." Staff has concluded that the existing school and the proposed changes satisfy this standard.

General Standard Number 3 requires that the proposed use be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the comprehensive plan. As illustrated by the description of the existing improvements, the proposed improvements, the extensive open space, preserved mature woodlands and the discussion of the requested modifications of transitional screening and waiver of the barrier requirements, staff has concluded that this standard has been satisfied in this instance.

General Standard 4 states that the vehicular and pedestrian traffic associated with the proposed use not be hazardous or conflict with existing or anticipated traffic in the neighborhood. As noted in the Transportation Analysis, staff has concluded that the existing school and the minor increase in students and staff proposed at this time generally meets this standard with two stipulations. First, the existing vegetation that interferes with sight distance at the entrance should be removed (this is addressed by a proposed development condition in Appendix 1). Second, any additional increase in the enrollment and/or staff may trigger the need to install turn lanes at the school's entrance on Georgetown Pike to reduce conflicts at that point.

General Standard 5 notes that the provisions of Article 13 regarding parking lot landscaping, transitional screening and barriers are applicable. As discussed above, these standards are met.

General Standard 6 requires that open space be provided in accordance with the requirements of the applicable zoning district. Eighty-five percent of the application property is open space through the provisions of the R-E District do not specify an open space requirement. The overall floor area ratio of non-residential uses is limited to 0.15; the proposed FAR is 0.033.

General Standard 7 addresses utilities, drainage, parking, loading and other facilities necessary for a proposed use. As noted in the Statement of Justification contained in Appendix 3, one of the primary purposes of this proposal to amend the previous approvals for this existing private school is to allow the construction of a new private sewage treatment plan in a new location outside of the EQC and RPA associated with Difficult Run. The new facility is required to meet the provisions of a consent order imposed by the Virginia Department of Environmental Quality. Adequate drainage is addressed by provisions of the Public Facilities (PFM) which will have to be met at the time of site plan approval. As illustrated on the tabulations, there will be sufficient parking and loading to comply with the requirements of the Zoning Ordinance. Staff has concluded that this standard has been satisfied.

General Standard 8 addresses signage, noting that all signage associated with the proposed facility must meet the provisions of Article 12, Signs. This amendment application does not proposed to change the signage at the site.

CONCLUSIONS AND RECOMMENDATIONS

Conclusions:

As noted in the applicant's Statement of Justification, this application was filed to obtain County approval of an amended special exception for this existing private school of general education to allow Madeira School to implement the provisions of a Consent Order with the Virginia Department of Environmental Quality requiring that the existing private sewage treatment be upgraded. The application proposes to remove the existing treatment plant, construct a new wastewater treatment plant in a location outside of the EQC and RPA, while utilizing the site of the existing plant for a pumping facility. The application also proposed to re-configure some of the facilities, including faculty and staff housing in response to the relocated facility, relocate previously approved dormitory facilities and gain approval for construction of a new horse riding facility. The application also requests approval to increase the number of students by 22 students, from 338 to 360; and increase the number of staff by 4 from 105 to 109.

It is staff's conclusion that the application with the proposed development conditions contained in Appendix 1 is in harmony with the Comprehensive Plan and the standards set forth within the zoning ordinance. For these reasons, staff does support approval of this application. However, it should be noted, that when the school proposes a larger expansion, the trails easements and turning lanes on Georgetown Pike may be requirements of approval.

Recommendations:

Staff recommends that SEA 83-D-030-8 be approved, subject to development conditions consistent with those contained in Appendix 1.

Staff recommends approval of a modification of the transitional screening requirement along all boundaries to that shown on the SEA Plat.

Staff recommends approval of a modification of the barrier requirement along the all boundaries to that shown on the SEA Plat.

Staff recommends reaffirmation of the waiver of the trail requirement along Georgetown Pike as depicted on the SEA Plat.

Staff further recommends that the requested waiver of the trail requirement along the Potomac River.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

The approval of this special exception amendment does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

APPENDICES

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Memo from David Houston, Shaw Pittman entitled, "*Conditioning Approval of The Madeira School's Special Exception Application on the Granting of a Trail Easement and/or Construction of a Trail*"
5. Portion of the Adopted Trails Plan Map addressing the application property
6. Clerk to the Board letter regarding the Approval of SEA 83-D-030-7, which includes the Development Conditions
7. SEA Plat for SEA 83-D-030-7
8. Environmental Analysis
9. Urban Forest Management Analysis
10. Transportation Analysis
11. Park Authority Analysis
12. Stormwater Analysis (Environmental and Site Review Division, DPWES)
13. Selected Excerpts from the Zoning Ordinance
14. Glossary of Terms

APPENDIX 1

PROPOSED DEVELOPMENT CONDITIONS

SEA 83-D-030-8

June 12, 2008

If it is the intent of the Board of Supervisors to approve SEA 83-D-030-8 located at Tax Map 20-1 ((1)) 14 and 20-2 ((1)) 001 (8328 Georgetown Pike) to allow a private school of general education to Allow the replacement of the existing private sewage treatment plant pursuant to an consent special order issued by the Virginia Department of Environmental Quality; relocation of previously approved dormitory facilities, faculty housing and service building; improvement of other existing facilities, including but not limited to the stable and riding area; with an Increase in the number of students (from 338 to 360) and faculty/staff (from 105 to 109) pursuant to Sect. 3-E04 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions. These development conditions incorporate and supersede all previous development conditions. Previously approved conditions or those with minor modifications are marked with an asterisk (*).

1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.

2. Site Plan: This Special Exception Amendment is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this Special Exception Amendment shall be in substantial conformance with the approved Special Exception Amendment Plat **entitled The Madeira School and prepared by Dewberry and Davis which is dated January 11, 2008 as revised through April 4, 2008 (SEA Plat),** and these conditions. Minor modifications to the approved Special Exception Amendment may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.

3. *Limits of Clearing and Grading: The limits of clearing and grading shown on the Special Exception Amendment Plat are to be considered approximate and are subject to final utility location and engineering design. If additional clearing and grading within the EQC is required to accommodate the placement of the four (4) homes or necessary utilities, installation shall occur in the least disruptive manner possible, as determined by the Urban Forestry Management Division, Department of Public Works and Environmental Services "(DPWES)". However, the four (4) dwelling unit structures, or any stormwater management pond, as may be required by the Director, DPWES, must be located entirely outside EQC boundaries and in substantial conformance with this SEA.

4. *Enrollment and Staff: Maximum daily enrollment shall not exceed three-hundred-thirty-eight (360) students. Faculty and staff shall not exceed one-hundred-nine (109) on site at any one time.

5. *Parking: The total number of parking spaces required shall be provided as determined by the Director, DPWES. Parking lot landscaping as required by Article 13 shall also be provided.

6. *Erosion and Sediment Control: Erosion and sediment control measures shall be installed at all stages of construction to achieve greater erosion and sediment control than that achieved by the minimum design standards set forth in the Public Facilities Manual and the Virginia Erosion and Sediment Control Handbook, as determined by the Director, DPWES.

7. *Faculty and Staff Housing: The number of residences, consisting of single family detached dwellings and multi-family units, as defined by the Fairfax County Zoning Ordinance shall be limited to a maximum of thirty-eight. Use of these structures shall be for faculty, staff and their families only. In addition, there may be a maximum of 11 accessory units located in dorms and the stable/horse barn, which are provided to residents who have work responsibilities in those buildings.

8. *Non-RUP: No individual housing unit shall be occupied until a valid Non-Residential-Use Permit (Non-RUP) has been granted. No Non-Residential-Use Permit (Non-RUP) shall be issued until the individual unit is served by approved sewage disposal and water supply systems, as determined by the Director, DPWES.

9. *Stormwater Management and Best Management Practices: Stormwater management facilities and best management practices shall be provided in accordance with the requirements of the Public Facilities Manage as required by the Director, DPWES. This condition shall not preclude the approval of any waivers of these requirements that satisfy the provisions for such waivers.

10. *Route 193: Right-of-way along Route 193 which has been previously reserved pursuant to site plan wavier for the future widening of that roadway shall be dedicated upon demand of either Fairfax County or the Virginia Department of Transportation in fee simple. Further, the applicant shall grant temporary construction easements to Fairfax County or the Virginia Department of Transportation required with the improvements to Route 193. The public access easement which has been granted pursuant to a site plan waiver for trail construction shall be retained.

11. *Potomac Heritage National Scenic Trail/Georgetown Pike Trail: The Applicant has contributed $89,000 for the purpose of construction the Comprehensive Plan Trail along Georgetown Pike, at a location to the determined in the future by the County and agreeable to the Applicant, or on alternative location in the general vicinity of the subject property. The trail shall be constructed as a major trail as outlined on the Trails Plan and shall be constructed of stone dust. (The payment

has been made by the applicant). If the trail is constructed as currently depicted on the Trails Plan, the trail shall be constructed generally in the location of the existing trail easement; provided, however, for security reasons, the trail may, after consultation with the County, be relocated closer to Georgetown Pike right-of-way. If the cost of the trail is less than $89,000, as determined by the County, all unused funds shall be returned to the Applicant.

12. Tree Preservation Plan:

a. The Applicant shall submit a tree preservation plan as part of the public improvement plan/site plan submission(s) for this site. The tree preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and shall be subject to the review and approval of Urban Forest Management Division ("UFMD"). The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees 6 inches in diameter and greater that are located up to 25 feet to either side of the limits of clearing and grading shown on the SEA Plat. At a minimum, the tree preservation plan shall provide for the preservation of those areas shown for tree preservation on the SEA Plat. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

b. All tree preservation-related work occurring in or adjacent to tree preservation areas shall be accomplished in a manner that minimizes damage to vegetation to be preserved, including any woody, herbaceous or vine plant species that occurs in the lower canopy environment, and to the existing top soil and leaf litter layers that provide nourishment and protection to that vegetation. Removal of any vegetation, if any, or soil disturbance in tree preservation areas, including the removal of plant species that may be perceived as noxious or invasive, such as poison ivy, greenbrier, multi-floral rose, etc. shall be subject to the review and approval of UFMD. The use of equipment in tree preservation areas will be limited to hand-operated equipment such as chainsaw, wheel barrows, rake and shovels. Any work that requires the use of equipment, such as skid loaders, tractors, trucks, stump-grinders, etc., or any accessory or attachment connected to this type of equipment shall not occur unless pre-approved by UFMD.

c. The Applicant shall retain the services of a certified arborist or landscape architect, and shall have the limits of clearing and grading in the areas of tree preservation marked with a continuous line of flagging prior to the walk-through meeting with the UFMD to be held prior to any clearing and grading.

During the tree preservation walk-through meeting, the Applicant's certified arborist or landscape architect shall walk such limits of clearing and grading with an UFMD representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees within the preservation areas that are identified specifically by UFMD in writing as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.

d. The limits of clearing and grading as shown on the SEA Plat shall be strictly adhered to, subject to allowances for the installation of fences, utilities and/or trails as determined necessary by the Director of DPWES. If it is determined necessary to install fences, utilities and/or trails in areas protected by the limits of clearing and grading as shown on the SEA Plat, they shall be located in the least disruptive manner necessary as determined by UFMD. A replanting plan shall be developed and implemented, subject to approval by UFMD for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities

e. All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees, shall be erected at the limits of clearing and. All tree protection fencing shall be installed after the tree preservation walk-through meeting described above but prior to any clearing and grading activities. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist and UFMD, and accomplished in a manner that does not harm existing vegetation that is to be preserved. At least ten (10) days prior to the commencement of any clearing or grading activities adjacent to the tree preservation areas, but subsequent to the installation of the tree protection devices, the UFMD shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by UFMD.

f. The Applicant shall root prune, as needed to comply with the tree preservation requirements of these development conditions. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the respective public improvement/site plan submission. The details for these treatments shall be reviewed and approved by UFMD, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following: (1) root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches; (2) root pruning shall take place prior to any clearing and grading; (3) root pruning shall be conducted with the supervision of a certified arborist; and (4) a UFMD representative shall be informed when all root pruning and tree protection fence installation is complete.

g. During any clearing or tree/vegetation removal in the areas adjacent to the tree preservation areas, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by UFMD. The Applicant shall retain the services of a certified arborist or landscape architect to monitor on-site all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation conditions, and UFMD approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by UFMD.

13. Reforestation: A reforestation plan for the area of the EQC where the existing wastewater treatment plant is to be demolished shall be submitted concurrently with the first and all subsequent site plan submissions for review and approval in writing by the Urban Forest Management Division (UFMD), Fairfax County Department of Public Works and Environmental Services (DPWES), and shall be implemented as approved, and as field verified by UFMD. The plan shall contain an appropriate size, quantity, quality and selection, of species based on existing and proposed site conditions to restore the area to a native forest cover type. The reforestation plan shall be based on the requirements for RPA restoration in the Chesapeake Bay Preservation Ordinance and shall include, but not be limited to, the following:

- Plant list detailing species, sizes, quantities and stock type of trees and other vegetation to be planted;
- Soil treatments and amendments if necessary;
- Mulching specifications;
- Methods of installation;
- Maintenance;
- Mortality threshold;
- Monitoring, and
- Replacement schedule.

14. Sight Distance: Prior to approval of the next site plan or minor site plan, the Applicant shall demonstrate that all obstacles within the required sight distance at the site's entrance from Georgetown Pike (Rt. 193) have been removed to the satisfaction of the Director, DPWES and the Fairfax County Department of Transportation.

15. Horse Riding Facility: The horse riding facility shall be utilized only for events related to activities at the school. The horse riding facility shall not be used for events for the general public, even if those events are sponsored by the school. To the extent that such activities may be allowed pursuant to Part 8, Temporary Special Permits of Article 8, Special Permits subject to the review and approval of the Fairfax County Department of Transportation (FCDOT), who may request additional information regarding the traffic impacts of the Temporary Special Permit (TSP). The Applicant shall meet with the FCDOT a minimum of 30 days prior to the submission of the Temporary Special Permit application to the Department of Planning and Zoning (DPZ) in accordance with the provisions of Article 8 (the Temporary Special Permit application is required to be submitted a minimum of three weeks prior to the event).

16. Outdoor Recreation Fields and Courts: The outdoor recreation fields, athletic courts and other athletic courts shall not be lighted for play; this condition shall not preclude the installation of security lighting.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be itself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception Amendment shall not be valid until this has been accomplished.

The approval of this special exception does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

Pursuant to Sect. 9-015 of the Zoning Ordinance, this Special Exception Amendment shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

SPECIAL EXCEPTION AFFIDAVIT

DATE: May 20, 2008
(enter date affidavit is notarized)

I, David S. Houston, Agent for Applicant, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) [ ] applicant
[✓] applicant's authorized agent listed in Par. 1(a) below

99075 a

in Application No.(s): SEA 83-D-030-08
(enter County-assigned application number(s), e.g. SE 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS,** and **LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS,** and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(**NOTE:** All relationships to the application listed above in **BOLD** print are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	**ADDRESS** (enter number, street, city, state, and zip code)	**RELATIONSHIP(S)** (enter applicable relationships listed in **BOLD** above)
The Madeira School, Inc. Agents: Elisabeth (nmi) Griffith H. Braughn Taylor Ed (nmi) Hamer	8328 Georgetown Pike McLean, VA 22102	Title Owner/Applicant Tax Map 20-1-((1))-14 Tax Map 20-2-((1))-1
Dewberry & Davis LLC Agents: Lawrence A. McDermott Philip G. Yates Glen (nmi) Faunce Timothy C. Culleiton, P.E. John William Ewing, P.E. Janice M. Cena	8401 Arlington Boulevard Fairfax, VA 22301	Engineers/Planners/Agents for Title Owner/Applicant
Pillsbury Winthrop Shaw Pittman, LLP Agents: David S. Houston, Esq. Melanie M. Reilly, Esq. C. Lee Lowder, Jr., Esq. Katherine (nmi) Calloway, Paralegal (Former)	1650 Tysons Boulevard, Suite 1400 McLean, VA 22102	Attorney/Agents for Title Owner/Applicant

(check if applicable) [✓] There are more relationships to be listed and Par. 1(a) is continued on a "Special Exception Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

99075 a

Special Exception Attachment to Par. 1(a)

DATE: May 20, 2008
(enter date affidavit is notarized)

for Application No. (s): SEA 83-D-030-08
(enter County-assigned application number (s))

(**NOTE**: All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel (s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	**ADDRESS** (enter number, street, city, state, and zip code)	**RELATIONSHIP(S)** (enter applicable relationships listed in **BOLD** above)
WW Associates, Inc. Agents: Jason A. Clark Herbert F. White, III	P.O. Box 4119 Lynchburg, VA 24502	Engineer (Wastewater)/Agents for Title Owner/Applicant
M. J. Wells & Associates, LLC Agents: Robin L. Antonucci William F. Johnson	1420 Spring Hill Road, Suite 600 McLean, VA 22102	Transportation Consultant/Agents for Title Owner/Applicant

(check if applicable) [ ] There are more relationships to be listed and Par. 1(a) is continued further on a "Special Exception Attachment to Par. 1(a)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: May 20, 2008
(enter date affidavit is notarized)

99075a

for Application No. (s): SEA 83-D-030-08
(enter County-assigned application number(s))

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(**NOTE**: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES,** and **REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name and number, street, city, state, and zip code)

The Madeira School, Inc.
8328 Georgetown Pike
McLean, VA 22102-1200

A Virginia non-stock corporation

DESCRIPTION OF CORPORATION: (check one statement)

[✓] There are 10 or less shareholders, and all of the shareholders are listed below.

[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.

[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial and last name)

Perry Carpenter Wheelock, President	CeCe (nmi) Davenport, Director	Laura Walton Hirschfeld, Director
H. Braughn Taylor, Treasurer	Katharine Beal Davis, Director	Terry (nmi) Huffington, Director
Gail (nmi) Slingluff, Secretary	Arthur T. Dean, Director	Priscilla Payne Hurd, Director Emerita
Elizabeth (nmi) Alexander, Director	Frances von Stade Downing, Director	Jane (nmi) Lawson-Bell, Director
Richard J. Andreano, Director	Alice Ayres Edmonds, Director	C. Reed Montague, Director
Sarah Pettit Daignault, Director	Elisabeth (nmi) Griffith, Dir., Headmistress	Nancy Miller Montgomery, Director
Kimberly Williamson Darden, Director	Robert K. Harriman, Director	Misti (nmi) Mukherjee, Director

(check if applicable) [✓] There is more corporation information and Par. 1(b) is continued on a "Special Exception Affidavit Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. ***In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.*** Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Special Exception Attachment to Par. 1(b)

DATE: May 20, 2008
(enter date affidavit is notarized)

99075a

for Application No. (s): SEA 83-D-030-08
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

The Madeira School, Inc. (cont.)

DESCRIPTION OF CORPORATION: (check one statement)

[ ] There are 10 or less shareholders, and all of the shareholders are listed below.
[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Lori E. Parker, Director
Clark (nmi) Ragsdale, Director
Mary Cosby Rinehart, Director
Nancy (nmi) Rosebush, Director
Jennifer (nmi) Shakeshaft, Dir., Secretary
Betsy Licht Turner, Director
Thomas (nmi) Vandeveer, Director
Linda Clark Waterman, Director
Daniel Wellington, Director, Vice-President
Ann M. Deegan, Director, Assist. Treasurer
Benton (nmi) Burroughs, Jr., Director

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Dewberry & Davis LLC
8401 Arlington Boulevard
Fairfax, VA 22031

DESCRIPTION OF CORPORATION: (check one statement)

[✓] There are 10 or less shareholders, and all of the shareholders are listed below.
[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

The Dewberry Companies LC	Member
Dennis M. Couture	Member
James L. Beight	Member

(check if applicable) [✓] There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)

99075a

DATE: May 20, 2008
(enter date affidavit is notarized)

for Application No. (s): SEA 83-D-030-08
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
The Dewberry Companies LC
8401 Arlington Boulevard
Fairfax, VA 22031

DESCRIPTION OF CORPORATION: (check one statement)

[✓] There are 10 or less shareholders, and all of the shareholders are listed below.
[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Sidney O. Dewberry	Member
Barry K. Dewberry	Member
Karen S. Grand Pre	Member
Michael S. Dewberry	Member
Thomas L. Dewberry	Member

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Barbara M. Rossotti S Corporation
2300 N Street, NW
Washington, DC 20037

DESCRIPTION OF CORPORATION: (check one statement)

[✓] There are 10 or less shareholders, and all of the shareholders are listed below.
[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)
Barbara M. Rossotti Sole Shareholder

(check if applicable) [✓] There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)

DATE: May 20, 2008
(enter date affidavit is notarized)

99075a

for Application No. (s): SEA 83-D-030-08
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

WW Associates, Inc.
P.O. Box 4119
Lynchburg, VA 24502

DESCRIPTION OF CORPORATION: (check one statement)

[✓] There are 10 or less shareholders, and all of the shareholders are listed below.
[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Jason A. Clark
David M. Jensen
Douglas J. March
Earl W. Mottley
Herbert F. White, III

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
M.J. Wells & Associates, LLC
1420 Spring Hill Road, Suite 600
McLean, VA 22102

DESCRIPTION OF CORPORATION: (check one statement)

[✓] There are 10 or less shareholders, and all of the shareholders are listed below.
[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)
M.J. Wells & Associates, Inc., Sole Member

(check if applicable) [✓] There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)

DATE: May 20, 2008
(enter date affidavit is notarized)

99075a

for Application No. (s): SEA 83-D-030-08
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

M.J. Wells & Associates, Inc.
1420 Spring Hill Road, Suite 600
McLean, VA 22102

DESCRIPTION OF CORPORATION: (check one statement)

[✓] There are 10 or less shareholders, and all of the shareholders are listed below.
[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

M.J. Wells & Associates, Inc. Employee Stock Ownership Trust. All employees are eligible plan participants; however, no one employee owns more than 1% of any class of stock.

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

[ ] There are 10 or less shareholders, and all of the shareholders are listed below.
[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

(check if applicable) [ ] There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: May 20, 2008
(enter date affidavit is notarized)

99075a

for Application No. (s): SEA 83-D-030-08
(enter County-assigned application number(s))

1(c). The following constitutes a listing*** of all of the **PARTNERS,** both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, and number, street, city, state, and zip code)
Pillsbury Winthrop Shaw Pittman, LLP
1650 Tysons Boulevard, Suite 1400
McLean, VA 22102

(check if applicable) [✓] The above-listed partnership has no limited partners·

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner)**

Akiyama, Shinya (nmi)
Akiyama, Takeo (nmi)
Alberg, James L.
Anderson, David L. (Former)
Antonoff, Rick B.
Anthoine, Robert (nmi)
Askey, Elizabeth P.
Atkins, William P.
Azim-Khan, Rafi (nmi)
Baer, Gregor C. (Former)
Ball, Christopher R.
Banks, Michael C.
Barat, Scott E.
Barbarosh, Craig A.
Barr, Michael R.
Barufka, Jack S.
Baum, Deborah B.
Baxter, David S.
Bebb, Richard S.
Becker, Craig A.
Becker, Stephan E.
Benton, Gary L.
Blaylock, Richard L.
Blum, Brian M.
Bodor, Brian R.
Bonano, William E.
Bornstein, Ronald E.
Boro, Jr., Albert J.
Borovas, George (nmi)
Boulanger, Carol S.
Bowers, William C.
Brand, Dulcie D.
Brennan, Kerry A.
Bristol, Craig J. (Former)
Brodie, Frederick A.
Brownell, Eileen L.
Buerger, Christian A.
Buffington, Kimberly L.
Burke, Carol M.
Burke, Donovan W.
Burke, William L.
Burks, Sylvia K.
Burns, Timothy P.
Callan, Terrence A.
Campbell, Thomas A.
Cannon, Jr., Anthon S.

(check if applicable) [✓] There is more partnership information and Par. 1(c) is continued on a "Special Exception Affidavit Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. ***In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.*** Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Special Exception Attachment to Par. 1(c)

99075a

DATE: May 20, 2008
(enter date affidavit is notarized)

for Application No. (s): SEA 83-D-030-08
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

Pillsbury Winthrop Shaw Pittman, LLP
1650 Tysons Boulevard, Suite 1400
McLean, VA 22102

(check if applicable) [✓] The above-listed partnership has no limited partners·

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g., **General Partner, Limited Partner, or General and Limited Partner**)

Carlin, Norman F.
Carr, Donald A.
Carter, Lee C.
Cartmell III, Nathaniel M.
Cate, Jan H.
Cawley, Jr., Thomas A.
Chaffin, Thomas F.
Chan, Joseph W. K.
Charles, David J.
Chason, Craig E.
Chudy, James T.
Clemons, Howard L.
Cohen, Richard G.
Coleman, C. Payson
Collins, Bryan P.
Cranston, Mary B.
Crichlow, David A.
Croutch, Barbara L.
Crowley, Leo T.
Culwell, J. Todd
Cynamon, David J.
Danielson, Mark J.
Davis, R.J.
deButts, Thomas M.
del Calvo, Jorge A.
Delaney, Jeffrey J.
Delling, Anthony R.
Demarco, A. John
deRidder, Craig A.
Devine, Patrick J.
Dine, Karen B.
Divola, Julie A.
Donaldson, Richard C.
Dottori, Mario F.
Dougan, Hugh M.
Downs, Gary P.
Dwyer, Maureen Ellen
Dyer, Aaron S.
Easton, John F.
Eckland, Todd W.
Ehlers, Wesley C. J.
Eigner, Richard M.
Eisner, Sheri Flame (Former)
Elliott, Mark E.
Engel, John (nmi)
English, Jerone J.
Epling, Richard L.
Epting, John T.
Ericson, Bruce A.
Farabee, David R.
Farley, Mark L.
Feola, Phil (nmi)
Fielder, Simon (Former)
Finkel, Evan (nmi)
Finnegan, Michael J.
Fischer, Nancy A.
Fishman, Eric (nmi)
Flanagan, Sarah G.
Flanders, Edward (nmi)
Fleming, Ronald A.
Flick, Scott R.
Fong, Kevin M.
Franklin, Richard S.
Freeman, William (nmi)
Frost, Claudia Wilson
Fry, Elizabeth H. W.
Furbush, David M.
Galeno, Maria T.
Garrett, K. Michael
Gassman, Barry K.
Gaston, Jeremy J.
Grossman, Andrew B.
Gatto, James G.
Gaukler, Paul A.
Glassie, Jefferson Caffery
Gould, Jay B.
Granneman, Vernon H.
Graves, Anna M.
Gray, Robert W. (Former)
Green, Blaine I.
Grenfell, John M.
Grill, Jeffrey B.
Grosser, James M.
Grossman, Andrew B.
Gump, Thomas K.
Haley, George P.
Hallsten, Michelle R.
Hannusch, Laura E.
Hansen, John T.
Harrell, Jeffrey S.
Harrington, Clifford M.
Harrison, Ellen (nmi)
Harvey, Sheila M.
Hasson, Kirke M.
Hayutin, David L.
Hellerer, Mark R.
Hernandez, E. Rico
Herr, Robert C.
Hess, Adam R.
Hicks, J. Portis (Former)
Hill, Thomas C.
Hindus, Michael S.
Hird, Mike (nmi)
Hodges, Sue J.
Hoehn, Marla A.

(check if applicable) [✓] There is more partnership information and Par. 1(c) is continued further on a "Special Exception Attachment to Par. 1(c)" form.

Special Exception Attachment to Par. 1(c)

DATE: May 20, 2008
(enter date affidavit is notarized)

99075a

for Application No. (s): SEA 83-D-030-08
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

Pillsbury Winthrop Shaw Pittman, LLP
1650 Tysons Boulevard, Suite 1400
McLean, VA 22102

(check if applicable) [✓] The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g., **General Partner, Limited Partner, or General and Limited Partner)**

Hoenig, Lawrence L.
Hoffman, Jean-Paul G.
Hollaway, William R.
Hopmann, David E.
Horsch, Rachel B.
Horton, William L.
Houston, David S.
Hovey, Justin D.
Huang, Annie H.
Hunt, Peter J.
Huss, William R.
Hutchings, Jeffrey D.
Huttler, Stephen B.
Hyatt, Clifford C.
Iwanaga, Yuji (nmi)
Jacobs, Bruce D.
Jacobs, Jerald A.
Jaffer, David H.
Jakopin, David A.
James, Robert A.
Jensen, John E.
Johnson, Greg L.
Kaile, Davina K.
Kass, Michael J.
Kearns, Christine N.
Kee, Terry M.
Kendall, Joseph E.
Keyko, David G.
Kilpatrick, Donald G.
Kim, Hakkyun (nmi)
Kirkpatrick, Richard L.
Knight, Jeffrey A.
Koeninger, David M.
Konvisser, Joshua B.
Kramer, Kevin T.
Kremer, Eric A.
Kurz, William C. F.
La Prade, Jennie L.
Lamarre, David R.
Lamb, Daniel G.
Landy, Charles J.
Latham, Laura K.
Laukenmann, Chris B.
Lawson, Kurt (nmi) (Former)
Lehrenbaum, Warren U.
Leopold Tilley, Allison M.
Lewis, David R.
Licht, Laura K. (Former)
Liebeskind, Richard (nmi)
Lindley, David M.
Lippitt, Raymond F.
Little, Jr., Jack E. (Former)
Lo, Josephine S.
Logan, David M. (Former)
Lombardi, Gabriella A.
Loran, III, Thomas V.
Lowell, Frederick K.
Lynch Flick, Lauren (nmi)
Lynch, Courtney M.
MacLean, Matthew J.
Maggio, Rick (nmi)
Main, David C.
Maller, Brant K.
Mann, Kimberly V.
Margolis, Daniel R.
Marshall, Patrick C.
Masetti, Jim (nmi)
Mason, Miles S.
Matsubara, Kerne H. O.
Matus, Wayne C.
Mauel, John G.
McCall, Jennifer Jordan
McClennan, Jennifer Patience (Former)
McDiarmid, Bruce W.
McDonald, John M.
McKay, Jack (nmi)
McNevin, Christopher J.
Meltzer, Steven L.
Menotti, David E.
Metzger, Robert S.
Miller, David L.
Miller, Jr., J. Gregg
Miller, William C.
Milonas, E. Leo
Minnes, Frederick D.
Minnick, M. David
Modisette, Ruth (nmi)
Moeller, Elizabeth Vella
Moon, Alexander P.
Moran, Theresa G.
Morrissey, Richard (nmi)
Morton, Thomas D.
Murphy, Michael (nmi)
Nara, Fusae (nmi)
Newman, Dana P.
Nishawala, Vipul Natwarlal
Niver, Margaret M.
Nuchi, Lior O.
O'Connor, Eileen J.
O'Donnell, Thomas P.
O'Neill, Jr., John H.
Odgers, Richard W.
Odrich, David G.
Oser, Aaron M.
Otterbeck, Charlotta (nmi)
Owens, F. Joseph

(check if applicable) [✓] There is more partnership information and Par. 1(c) is continued further on a "Special Exception Attachment to Par. 1(c)" form.

Special Exception Attachment to Par. 1(c)

DATE: May 20, 2008
(enter date affidavit is notarized)

99075a

for Application No. (s): SEA 83-D-030-08
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

Pillsbury Winthrop Shaw Pittman, LLP
1650 Tysons Boulevard, Suite 1400
McLean, VA 22102

(check if applicable) [✓] The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g., **General Partner, Limited Partner, or General and Limited Partner)**

Pacelli, Albert P.
Park, JiJi (nmi)
Park, Marina H. (Former)
Patay, Christopher H.
Patrikis, Ernest T.
Peck, Rodney R.
Peppers, Jerry P.
Perron, Edward A.
Peterson, Charles H.
Petkovic, Denis (nmi)
Phelps, Robert C.
Pickens, Scott E. (Former)
Pickrell, Greg L.
Pierson, Stanley F.
Pittman, Steuart L. (Former)
Pivnick, Scott J.
Plotz, Thomas J.
Polidora, Roxane A.
Pope, Marcia L.
Potter, Patrick J.
Poulos, John S.
Pozzerle, Sergio A.
Prince, Allison Carney
Prioleau, Florence W.
Pritchard, John F.
Quinn, Kenneth P.
Rhinelander, John B. (Former)
Richards, Glenn S.
Richardson, Christine L.
Richer, Diane Shapiro
Rishwain, James M.
Robbins, Robert B.
Robertson, Peter D.
Robinson, Walter J.
Roethe, James N.
Rogers, George M. (Former)
Romanow, Josh (nmi)
Rosegay, Margaret N.
Rosenfeld, Richard M.
Ross, Jeffrey S.
Ross, Jerry W.
Rossotti, Barbara M.
Rusmisel, Stephen R.
Scheuneman, Christine A.
Schlaefer, Cindy V.
Schmeltzer, Kathryn R.
Schoknecht, Kim T.
Schultis, Lawrence A.
Schumaecker, Michael P.
Seff, James M.
Segal, Richard M.
Serota, Susan P.
Shaikh, Ayaz R.
Shapiro, Daryl M.
Sieglitz, Frank E.
Silberg, Jay E.
Sirilla, George M.
Slattery, Robert V.
Snyder, David R.
Snyder, Glenn Q.
Sommer, Scott A.
Sorenson, Jacob R.
Soukup, Lynn A.
Sparks, Jr., Thomas E.
Spear, Robin L.
Spjut, Robert J.
Stanton, David L.
Steel, Michael J.
Stein, Jane W.
Stein, Sheryl E.
Strong, Andrew L.
Stubbs, Sam (nmi)
Sullivan, Robert E.
Swartz, Matthew (nmi)
Sweigart, Raymond L.
Taber, Kenneth W.
Thomas, Tom C.
Thoren-Peden, Deborah S.
Tiffany, Joseph R.
Tippetts, David R.
Toering, Rick A.
Tomaszczuk, Alex D.
Travieso-Diaz, Matias F.
Tribble, Douglas R.
Tummonds, Paul (nmi)
Van Buskirk, Ronald E.
Van Over, C. Joel
Vejvoda, Charles H.
Vesely, Jeffrey M.
Wainwright, C. Brian
Wall, Christopher R.
Wallan, Robert L.
Waller, William S.
Warden, Philip S.
Weber, Paula M.
Webster, Benjamin L.
Webster, Jan H.
Weinstein, David B. (Former)
Weinstock, Robert N.
Westberg, Robert M.
Wetherell, John R.
White, Blair W.
White, Mark N.
White, Wendelin A.
Whitlock, Wayne M.
Whitney, Jonathan B.
Wilkins, James H.

(check if applicable) [✓] There is more partnership information and Par. 1(c) is continued further on a "Special Exception Attachment to Par. 1(c)" form.

Special Exception Attachment to Par. 1(c)

99075a

DATE: May 20, 2008
(enter date affidavit is notarized)

for Application No. (s): SEA 83-D-030-08
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

Pillsbury Winthrop Shaw Pittman, LLP
1650 Tysons Boulevard, Suite 1400
McLean, VA 22102

(check if applicable) [✓] The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g., **General Partner, Limited Partner, or General and Limited Partner**)

Williams, Linda C.
Wise, Roger R.
Wolff, D. Craig
Wong, Brian M.
Wong, Stanton D.
Wright, Tim (nmi)
Wurzburg, Stephen M.
Yablon, Jeffery L.
Yaghmaie, Bo (nmi)
Yasuda, Hisayo (nmi)
Yates, Angela M.
Young, Patricia F.
Zahler, Robert E.
Zaitlen, Richard H.
Zaragoza, Richard R.
Zuckerman, Jeffrey R.

These are the only partners in the Pillsbury Winthrop Shaw Pittman firm.

(check if applicable) [ ] There is more partnership information and Par. 1(c) is continued further on a "Special Exception Attachment to Par. 1(c)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: May 20, 2008
(enter date affidavit is notarized)

99075a

for Application No. (s): SEA 83-D-030-08
(enter County-assigned application number(s))

1(d). One of the following boxes **must** be checked:

[ ] In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER,** or **LESSEE*** of the land:

[✓] Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER,** or **LESSEE*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (**NOTE**: If answer is none, enter "**NONE**" on the line below.)
None

(check if applicable) [ ] There are more interests to be listed and Par. 2 is continued on a "Special Exception Attachment to Par. 2" form.

Application No.(s): SEA 83-D-030-08

(county-assigned application number(s), to be entered by County Staff)

SPECIAL EXCEPTION AFFIDAVIT

DATE: May 20, 2008 99075a

(enter date affidavit is notarized)

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than $100, singularly or in the aggregate, with any of those listed in Par. 1 above.
EXCEPT AS FOLLOWS: (**NOTE**: If answer is none, enter "**NONE**" on line below.)

David L. Miller, partner of Pillsbury Winthrop Shaw Pittman, LLP, donated in excess of $100.00 to John W. Foust, Dranesville District Supervisor, within the 12 month period that commenced July 29, 2007.

NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [ ] There are more disclosures to be listed and Par. 3 is continued on a "Special Exception Attachment to Par. 3" form.

4. **That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.**

WITNESS the following signature:

(check one) [ ] Applicant [✓] Applicant's Authorized Agent

David S. Houston, Esquire, Agent for Applicant

(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 20 day of May 20 08, in the State/Comm. of Virginia, County/City of Fairfax.

Debra S Cavanaugh
Notary Public

My commission expires: August 31, 2010

Registration No: 7012050

FORM SEA-1 Updated (7/1/06)

The Madeira School

Special Exception Amendment Application

Revised Statement of Justification

May 22, 2008

I. Introduction

This Category 3 Special Exception Amendment Application (the "Application"), filed on behalf of The Madeira School, Inc. (the "School"), located at 8328 Georgetown Pike and identified as Fairfax County Tax Map Parcels 20-1-((1))-14 and 20-2-((1))-1 (the "Property"), requests permission to alter some of the previously approved campus modifications that were approved by Fairfax County (the "County") in 2002 as part of the School's Campus Master Plan (the "Master Plan"). Specifically, improvements to the School in conformance with its Master Plan objectives will include replacing and relocating the wastewater treatment plant; construction of a new stable, indoor riding ring and horse exerciser facility; re-grading of existing equestrian paddocks; construction of a new dormitory structure (in lieu of additions to an existing building); relocation of the previously approved but not yet constructed facilities building; relocation of previously approved but not yet constructed faculty housing units; a slight reduction in the number of single family detached faculty residences on the campus; and resurfacing one or more athletic fields with artificial turf. In addition, as a result of interior renovations and reconfiguration of existing buildings, the School requests an increase in its maximum enrollment to 360 students and an increase in the maximum number of employees at any one time to 109. Previous zoning approvals permit a maximum enrollment of 338 students and a maximum number of employees of 105.

II. Background

Founded in 1906 by Lucy Madeira, The Madeira School is a private school of general education for young women. It has been located on approximately 375 acres overlooking the Potomac River in Virginia since 1931 when the campus was moved from Washington, D.C. Today, the School has grown to become home to about 512 persons, including students, faculty, administrators, grounds staff, coaches, counselors and families. Currently, student enrollment at Madeira is approximately 317 students (about 164 boarding and 153 day students), and there are approximately 44 faculty members and approximately 97 staff members.

The first Special Exception for the School was approved in 1969 and has been amended over the years to permit additions to the School's facilities. Seven subsequent amendments have been approved for continued improvement to the School. SEA 83-D-030, approved on June 6, 1983, permitted the addition of a campus chapel, auditorium and dining hall. The following year, on June 25, 1984, SEA 83-D-030-1 allowed additions to classrooms and dormitories. SEA 83-D-030-2, approved October 19, 1987, granted the School approval to reconstruct an historic log cabin on the Property. Construction of a new gymnasium and parking area, as well as the reuse of the former gymnasium as a library, followed by the conversion of the former library into classrooms, was permitted by approval of SEA 83-D-030-3 on April 30, 1990. SEA 83-D-030-4, approved on July 27, 1992, allowed the construction of four residential units and associated

parking areas. SEA 83-D-030-5, approved on April 8, 1996, allowed the construction of four single-family detached residences for School faculty. SEA 83-D-030-6, approved on June 7, 1999, permitted the construction of four additional single-family detached dwellings with associated parking and utilities. Finally, with SEA 83-D-030-7, approved on May 20, 2002, the Board of Supervisors endorsed the Madeira School Master Plan, and approved a variety of projects including the construction of eleven new faculty single-family detached dwelling units, a new student center and dining hall building, an additional dormitory, the expansion of an existing administrative and dormitory building, construction of a new maintenance facilities building and the building of new athletic facilities (an outdoor swimming pool, indoor squash courts and a new riding stable). At the present time, only the new student center and dining hall has been constructed, but other interior renovation projects are ongoing.

III. Proposed Modifications and Improvements

The following is a list of the specific modifications and improvements for which the School is seeking approval as part of this application:

- The existing wastewater treatment plant ("plant") is outdated and the State Water Control Board ("Control Board"), in conjunction with the Virginia Department of Environmental Quality ("DEQ"), informed the School that the plant must be brought into compliance with current sanitary system regulations. Attached hereto as Exhibit A is a copy of the Control Board's Consent Special Order, dated March 17, 2006. The Control Board mandated this plant to be operational no later than 2010. To remedy these deficiencies, and due to the age of the existing plant (constructed in 1948), the School proposes to build a new, more efficient and environmentally friendly plant closer to the center of the campus and to replace the current plant with a pumping station which will bring sewage to the new plant for treatment. The new plant will have minimum disruption to the existing drainage systems and existing vegetation while bringing the wastewater treatment into compliance with the Control Board and DEQ mandates. In fact, the location of the proposed plant is outside of the Environmental Quality Corridor ("EQC"). When the existing plant (located within the EQC) is replaced, the School will remove the existing plant and restore and replant the affected area in accordance with the Chesapeake Bay Preservation Act requirements.

- Rather than add two separate wings to an existing building, as already approved by the County, the School proposes to construct a single dormitory building with the same or less square footage as the total from the previously-approved building extensions.

- In lieu of the previously approved 7,000 square feet facility management building, the School plans to build a new facilities management building with approximately 10,000 square feet of floor area. The location of the proposed building has moved to facilitate deliveries and improve internal campus traffic circulation. The new location is also closer to existing utilities which will reduce the amount of land disturbance.

- A single upgraded stable building will replace the current stable facility, and the existing riding paddocks will be re-graded and improved to remedy an erosion problem. An enclosed horse exercising facility is being proposed near the existing paddocks. A new

indoor riding ring will be included as part of the stable building to replace the current indoor ring.

- One or more of the grass multi-purpose athletic fields will be replaced with artificial turf. The proposed turf will be a state-of-the-art surface that will allow clean and efficient drainage and runoff. As the County itself has experienced at Poplar Tree Park, Mason District Park and South Run District Park, synthetic fields require less maintenance, may be used much sooner after a rainstorm and hold up to continued use during the hottest months of the year.

- Reduce the number of single family residences previously approved on the campus from 11 dwelling units to 9 dwelling units.

- Increase the number of parking spaces for the students, facility and staff to that as shown on the plat.

- Increase the maximum enrollment from 338 students to 360 students. The School has determined that the increase can be supported as a result of the renovation of existing buildings on the campus which accommodate an increase in the number of dorm rooms. While the School does not currently operate at maximum capacity, the flexibility to have a small increase in the number of students and staff will assist in future enrollment campaigns.

IV. Type and Hours of Operation

The School is a private school of general education for girls from grades nine through twelve. Special Exception Case No. SEA 83-D-030-6, approved by the Board of Supervisors on June 7, 1999, permitted a maximum enrollment of 338 students and 105 faculty and staff members at any one time. The general area served by the School will continue to be primarily the Washington, D.C. metropolitan area and primarily the Virginia and Maryland suburbs. The School operates yearly academic sessions from September through June and summer day camps from mid-June to mid-August. During times of the year when the school and day camp are not in session, the school remains open for administrative work.

The typical hours of operation for classroom instruction are 7:45 a.m. until 3:30 p.m., Monday through Friday. However, on a regular basis, after-school activities, such as clubs and athletic events, occur until approximately 6:00 p.m. In addition, due to the fact that over half of the students board, the School operates on a twenty-four (24) hour, seven (7) day a week basis to accommodate their housing needs.

V. Wastewater Treatment Plant Replacement

The School owns and operates an existing plant, subject to DEQ Permit No. VA0024121, which was issued on May 8, 2003. The existing plant was originally constructed in 1948, and was last upgraded in 1996. The plant only serves the School. Unfortunately, due the plant's age, it does not meet the current, more stringent, requirements for wastewater treatment which have been enacted over the last ten (10) years. The School has worked closely with DEQ since the

issuance of the permit to bring the plant into compliance. However, the long term solution is either to build a new plant that incorporates the latest technologies or to connect to the existing County sewer system.

The option to connect to the existing County sewer system is not feasible because the School is not located within an approved sewer service area of the County. The nearest trunk line is approximately one mile away. Seeking permission to connect to this line would be both politically and economically unfeasible. Easements would be required through many private properties, and construction on or near Georgetown Pike would be problematic due to the road's historic byway designation.

The proposed plant located on the School's campus has been recognized by the Control Board and DEQ as the preferred alternative. The Consent Special Order includes a timetable for completion of the project. The advantages of the proposed plant are as follows:

- it will be designed and constructed using state-of-the-art technology that will improve the environment;
- it will not be located within an EQC area that is not spatially constrained (as the current plant is);
- it will not be visible from Georgetown Pike or from any adjacent property;
- it will be located in an area that allows for easier access for maintenance;
- it will be located in an area that has better soils and slopes, and will require less land disturbance;
- it will not result in the reduction of any screening, buffers, landscaping or open space on the School's campus; and
- the closure and removal of the existing outdated plant will allow the School to restore and reforest the land where it is currently located with native species, although a small pumping station will be required in the general vicinity of the existing plant.

The School has coordinated the proposed wastewater treatment plant with both the Zoning Administration Division and the Zoning Evaluation Division of the Department of Planning and Zoning to confirm that it is an accessory use. Specifically, the plant will be clearly subordinate to the principal use (i.e., a private school of general education) in terms of use, purpose and area. The plant will only serve the School and will not be available for connection by any properties located off campus. The plant is necessary for the comfort, convenience and necessity of the students, faculty, administration and other employees of the School. Finally, the plant will be located on the same lot as the principal use.

VI. Estimated Traffic Impact

Despite the fact that a small increase in enrollment and the number of employees is proposed, it is expected that there will be only a de minimus increase or change in the trip

generation and the distribution of trips throughout the day. The Office of Transportation has confirmed that a Traffic Impact Analysis pursuant to Section 15.2-2222.1 of the Code of Virginia and Chapter 527 of the 2006 Acts of Assembly is not required with this application due to the low new trip generation resulting from the increase.

VII. Description of Building Façade and Architecture

Although architectural sketches of the proposed building improvements are not yet available, new construction and renovations to existing campus buildings will be compatible with the current architectural features and high quality of materials present at the School.

VIII. Hazardous and Toxic Substances

With the exception of two above-ground gasoline tanks used exclusively for the School's staff vehicles and natural gas and fuel oil used to heat school buildings, to the best of the School's knowledge, there are no hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4, and 355, the Virginia Department of Environmental Quality Hazardous Waste Management Regulations, and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280, that will be generated, utilized, stored, treated, or disposed of on the property.

IX. Existing and Requested Waivers

A waiver of the requirement to construct a trail (Waiver No. 011423) along Georgetown Pike was previously approved for the School on March 14, 1991. A reaffirmation of this waiver is hereby requested. The School has previously granted an easement for a trail along the road and the location is depicted on the Special Exception Plat. This trail is identified as the Potomac Heritage National Scenic Trail on the Countywide Trails Plan. Further, the School previously contributed $89,000 for construction of a trail either on the Property or, at the option of the County, at an alternative location (pursuant to Development Condition No. 12 of SEA 83-D-030-7).

The Comprehensive Plan also identifies a stream valley trail along the Potomac River frontage. The School requests a waiver of this requirement because of the serious safety issues associated with having a girls boarding school and the School's desire to preserve the pristine environment. The School's primary responsibility must be the safety of its students and it can not permit strangers from coming onto the Property. Hikers have other trail alternatives and may currently hike along the riverfront on the nearby federally owned Great Falls Park property. Further, any trail built in this location would endanger the native species and be an intrusion on the wild life patterns. The proposed location of a trail along the Potomac River would be difficult to navigate because of steep embankments and uneven surfaces. The School believes that there is no reasonable nexus between requiring the trail and any burdens potentially imposed because of this application.

The School requests reaffirmation of the previously granted waivers and modifications to the transitional screening and barrier requirements. Pursuant to Par. 4 of Sect. 13-104, existing vegetation, as well as the existing topography, shall be used to satisfy the transitional screening requirements of the Zoning Ordinance. With respect to the changes to the Master Plan proposed

herein, the closest new building (i.e., the stable) will still be located approximately 300 feet from the property line and over 400 feet from the nearest structure. None of the proposed changes will adversely affect the aesthetic condition of the School with adjacent properties or adversely affect visibility from Georgetown Pike. In addition, and in accordance with Par. 12 of Sect. 13-304 of the Zoning Ordinance concerning the existing topography, a reaffirmation of the waiver of the barrier requirement is requested. Existing barriers and the separation distance between the School's buildings and activities from adjacent properties further justify this request.

X. Conformance with the Comprehensive Plan and Zoning Ordinance

With the exception of the above-stated waivers, the proposed improvements on the grounds of the School are in harmony with the Fairfax County Comprehensive Plan and consistent with the goals and objectives of the Madeira School Master Plan. Also, the proposed improvements to the School property conform to all applicable regulations and standards for development under provisions of the Fairfax County Zoning Ordinance for a Category 3 Special Exception Amendment.

For all of the aforementioned reasons, The Madeira School respectfully requests the Staff and Planning Commission to endorse, and the Board of Supervisors to approve, this request for a Special Exception Application Amendment.

Respectfully submitted,

Pillsbury Winthrop Shaw Pittman, LLP

By: _____
David S. Houston
Attorney for the Applicant

Attachment:

Exhibit A – State Water Control Board Consent Special Order

400603007v6

COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

Northern Virginia Regional Office
13901 Crown Court
Woodbridge, VA 22193-1453
(703) 583-3800 *fax* (703) 583-3801
www.deq.state.va.us

Robert G. Burnley
Director

Jeffery A. Steers
Regional Director

STATE WATER CONTROL BOARD ENFORCEMENT ACTION

A SPECIAL ORDER BY CONSENT

ISSUED TO

THE MADEIRA SCHOOL, INCORPORATED

FOR THE

THE MADEIRA SCHOOL WASTEWATER TREATMENT PLANT

(VPDES Permit No. VA0024121)

SECTION A: Purpose

This is a Consent Special Order issued under the authority of Va. Code § 62.1-44.15 (8a and 8d) and 10.1-1185, between the State Water Control Board and The Madeira School, Incorporated regarding The Madeira School Wastewater Treatment Plant, for the purpose of resolving certain violations of environmental laws and regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meanings assigned to them below:

1. "Va. Code" means the Code of Virginia (1950), as amended.

2. "Board" means the State Water Control Board, a permanent citizens' board of the Commonwealth of Virginia as described in Va. Code § 62.1-44.7 and 10.1-1184.

3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.

4. "Director" means the Director of the Department of Environmental Quality.

5. "Order" means this document, also known as a Consent Special Order.

6. "Madeira" means The Madeira School, Incorporated.

7. "School" means The Madeira School.

8. "WWTP" means Wastewater Treatment Plant.

9. "ESS" means Environmental Systems Service, Limited.

10. "NVRO" means the Northern Virginia Regional Office of the Department.

11. "Permit" means Virginia Pollutant Discharge Elimination Permit System (VPDES) Permit No. VA0024121.

12. "BOD_5" means Biological Oxygen Demand after 5 days at 21° C.

13. "TSS" means Total Suspended Solids.

SECTION C: Findings of Facts and Conclusions of Law

1. Madeira owns and operates The Madeira School WWTP located in Fairfax County, Virginia and is subject to Permit No. VA0024121, which was issued on May 8, 2003, and expires on May 7, 2008.

2. Pursuant to the Permit, the School discharges wastewater to an unnamed tributary of Difficult Run, which is located in the Potomac Basin.

3. The Board has evidence to indicate that Madeira violated Va. Code § 62.1-44.5, 9 VAC 25-31-50, and Part I.A.1.b. of the Permit. The violations are referenced in the following items, including Warning Letters ("WLs") and Notices of Violation ("NOVs"):

   - WL No. W2004-02-N-1001, dated February 10, 2004, citing violations of the Permit in December 2003, including: exceedence of the weekly concentration average maximum limit for BOD_5 and exceedence of the weekly concentration average maximum limit for Ammonia as Nitrogen.

   - WL No. W2004-03-N-1001, dated March 8, 2004, citing violations of the Permit in January 2004, including: exceedence of the monthly concentration average limit for BOD_5 and exceedence of the weekly concentration average maximum limit for BOD_5.

   - WL No. W2004-04-N-1002, dated April 5, 2004, citing violations of the Permit in February 2004, including: the late submittals of the monthly concentration average value and the weekly concentration average maximum values for Dissolved Copper, due February 10, 2004 and received on March 25, 2004.

- The March 2004 exceedence of the weekly concentration average maximum limit for BOD_5.

- The April 2004 exceedence of the weekly concentration average maximum limit for Ammonia as Nitrogen.

- NOV No. W2004-07-N-0002, dated July 13, 2004, citing a violation of the Permit in May 2004; exceedence of the weekly concentration average maximum limit for Ammonia as Nitrogen.

- The November 2004 exceedence of the weekly concentration average maximum limit for Ammonia as Nitrogen.

- The January 2005 exceedence of the monthly concentration average limit for BOD_5 and exceedence of the weekly concentration average maximum limit for BOD_5.

- WL No. W2005-04-N-1001, dated April 12, 2005, citing violations of the Permit in February 2005, including: exceedence of the weekly concentration average maximum limit for BOD_5, exceedence of the monthly concentration average limit for BOD_5, and exceedence of the weekly concentration average maximum limit for Instantaneous Maximum Residual Chlorine.

- WL No. W2005-05-N-1002, dated May 16, 2005, citing violations of the Permit in March 2005, including: exceedence of the weekly concentration average maximum limit for BOD_5 and exceedence of the monthly concentration average limit for BOD_5.

- WL No. W2005-06N-1002, dated June 13, 2005, citing violations of the Permit in April 2005, including: exceedence of the weekly concentration average maximum limit for BOD_5, exceedence of the monthly concentration average limit for BOD_5, exceedence of the weekly concentration average maximum limit for TSS, exceedence of the monthly concentration average limit for TSS, exceedence of the weekly quantity average limit for BOD_5, and exceedence of the monthly quantity average limit for BOD_5.

- WL No. W2005-07-N-1010, dated July 6, 2005, citing violations of the Permit in May 2005, including: exceedence of the weekly concentration average maximum limit for Total Residual Chlorine (after dechlorination) and exceedence of the weekly concentration maximum average limit for Total Residual Chlorine (after dechlorination).

4. Although the WWTP was upgraded in 1996, its attached growth system of trickling filters is often inadequate to effectively treat the wastewater generated by this full-service boarding school. Fixed film treatment systems such as trickling filters do not

allow for total removal of Ammonia as Nitrogen and the break-point chlorination system currently used is often ineffective at removing the remaining ammonia, and adds excessive amounts of chlorine. The grease from the dining hall waste also interferes with the removal of BOD and Ammonia. TSS violations result from problems with the secondary clarifier, such as the inadequate slope of the tank bottom.

5. On September 9, 2004, a meeting was held between DEQ, Madeira, and ESS, consultant to Madeira, to discuss compliance issues.

6. As a follow-up to the September 9, 2004 meeting, DEQ received a letter from ESS on October 8, 2004, stating that ESS would contract with an engineering firm within 30 days to conduct an evaluation of the WWTP.

7. DEQ received the engineering report from ESS dated January 19, 2005 and received on January 21, 2005. The report presented recommendations for both short- and long-term improvements. Recommendations for short-term improvements included: upgrading the tablet-style dechlorination chemical feed system to a liquid sodium bisulfite feed system, providing new secondary clarifier sludge pumps for consistent sludge removal and improved treatment efficiency, and installation of a septic tank or grease interceptor to prevent the release of grease and oils produced from food preparation facilities into the sewer system. Recommendations for long-term improvements included: the construction of a new wastewater treatment facility using a Sequencing Batch Reactor and hooking up to the Fairfax County sewer using a pump station and force main.

8. DEQ called ESS on August 8, 2005 and requested a letter summarizing the actions taken since the January 2005 engineering study was submitted.

9. In response to the August 8, 2005 call, DEQ received a letter from ESS on August 16, 2005 that stated that Madeira was moving ahead with engineering recommendations and that WW Associates had submitted plans to DEQ for review.

10. At a meeting on October 5, 2005, ESS explained that the long-term recommendations of building a new plant or connecting to the county sewer were still being considered, and Madeira was prepared to move forward with the short-term recommendations. Madeira already began the installation of a grease trap at the dining hall to provide some improved treatment. DEQ asked ESS to submit a plan and schedule that incorporated both the short- and long-term recommendations to be included in a Consent Order.

11. DEQ received the requested plan on October 19, 2005, and it has been incorporated into Appendix A of this Order. The plan also included information of a large grease trap concurrently being installed at the dining hall to prevent grease from entering the treatment system.

12. DEQ met with Madeira and ESS again on December 19, 2005 and discussed further changes to the schedule in Appendix A. Among other things, these changes considered the spatially-constrained location of the facility, and the federal requirement for an Environmental Impact Statement, as Fairfax County sewer connection will likely be through National Park Service land.

SECTION D: Agreement and Order

Accordingly, the Board, by virtue of its authority granted in Va. Code § 62.1-44.15 (8a) and (8d), orders Madeira, and Madeira agrees to pay a civil charge of $8,120.00 within 30 days of the effective date of the Order, and to perform the actions described in Appendix A and Appendix B of this Order in settlement of the violations cited in this Order.

Payment of civil charges shall be by check, certified check, money order, or cashier's check payable to "Treasurer of Virginia" and shall include Madeira's federal identification number. Payment shall be sent to:

Receipts Control
Department of Environmental Quality
Post Office Box 10150
Richmond, Virginia 23240

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of Madeira, for good cause shown by Madeira, or on its own motion after notice and opportunity to be heard.

2. This Order addresses and resolves those violations specifically identified herein, including those matters described in Section C.3. of this Order. This Order shall not preclude the Board or Director from taking any action authorized by law, including, but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the Facility as may be authorized by law; and/or (3) taking subsequent action to enforce the terms of this Order. This Order shall not preclude appropriate enforcement actions by other federal, state, or local regulatory authorities for matters not addressed herein.

3. For purposes of this Order and subsequent actions with respect to this Order, Madeira admits the jurisdictional allegations, factual findings, and conclusions of law contained herein.

4. Madeira declares it has received fair and due process under the Virginia Administrative Process Act, Code §§ 2.2-4000 *et seq.*, and the State Water Control Law, and waives the right to any hearing or other administrative

proceeding authorized or required by law or regulation and to judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to enforce this Order.

5. Failure by Madeira to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive or bar the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.

6. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.

7. Madeira shall be responsible for failing to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other occurrence, including delays in receiving timely responses or approvals from outside agencies beyond the reasonable control of Madeira, such as the National Park Service and Fairfax County. Madeira must show that such circumstances resulting in noncompliance were beyond its control and not due to a lack of good faith or diligence on its part. Madeira shall notify the Director of NVRO in writing when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of this Order. Such notice shall set forth:

   a. the reasons for the delay or noncompliance;

   b. the projected duration of such delay or noncompliance;

   c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and

   d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

   Failure to so notify the Regional Director within 24 hours of learning of any condition listed above, which Madeira intends to assert will result in the impossibility of compliance, shall constitute a waiver of any claim of inability to comply with a requirement of this Order.

8. This Order is binding on the parties hereto, their successors in interest, designees, and assigns, jointly and severally.

9. This Order shall become effective upon execution by both the Director or his designee and Madeira. Notwithstanding the foregoing, Madeira agrees to be bound by any compliance date that proceeds the effective date of this Order.

10. This Order shall continue in effect until the Director or the Board terminates this Order in his or its sole discretion upon 30 days' written notice to Madeira. Termination of this Order, or of any obligation imposed in this Order, shall not operate to relieve Madeira from its obligation to comply with any statute, regulation, Permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

11. By its signature below, Madeira voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 17th day of MARCH, 2006.

Director
Department of Environmental Quality

The Madeira School, Incorporated voluntarily agrees to the issuance of this Order.

By: Braughn Taylor, Treasurer

Date: Jan. 13, 2006

Commonwealth of Virginia
City/County of MCLEAN

The foregoing document was signed and acknowledged before me this 13TH day of JAN, 2006, by JR. TAYLOR (name) who is TREASURER (title) of The Madeira School, Incorporated, on behalf of said corporation.

Notary Public

My commission expires: OCT/31/09

APPENDIX A
SCHEDULE OF COMPLIANCE

Madeira shall:

1. By January 31, 2006, select a contractor to provide services related to short-term improvements.

2. By August 1, 2006, complete construction related to short-term improvements and submit a request for a Certificate to Operate (CTO) to the DEQ Office of Wastewater Engineering (OWE).

3. By March 1, 2006, select engineering and environmental consulting firms to conduct design and environmental studies related to long-term improvements.

4. By April 1, 2006, begin appropriate studies, which might include an Environmental Impact Study, to determine if connection to Fairfax County is possible, or if onsite wastewater treatment will be required.

5. By March 1, 2007, complete study and submit results and decision to DEQ to either connect to Fairfax County or construct a new treatment plant.

6. By May 1, 2007, begin the project design related to the long-term improvement.

7. By February 1, 2008, submit plans and specifications to OWE for county connection or new plant construction.

8. Within 12 months of the date of DEQ approval of design plans and specifications, identify and secure funding for construction, and notify DEQ that funding has been secured.

9. Within 30 days of Item 8, solicit contractor bid proposals.

10. Within 30 days of Item 9, award the construction contract for treatment plant or sewer line connection to Fairfax County.

11. Within 18 months of the date of DEQ approval of plans and specifications, complete sewer line connection or treatment plant and submit a request for a CTO to OWE.

12. Within 60 days of Item 11, gain full permit compliance.

13. Operate the WWTP in a workman-like manner in order to produce the best quality effluent of which the WWTP is capable during implementation of this schedule.

APPENDIX B

INTERIM EFFLUENT LIMITATION AND MONITORING REQUIREMENT

THE MADEIRA SCHOOL WASTEWATER TREATMENT PLANT

During the period beginning with the effective date of the Order and lasting until completion of the corrective action referenced in Appendix A, Madeira shall monitor and limit the discharge from the WWTP in accordance with VPDES Permit No. VA0024121, except as specified below.

PARAMETER	DISCHARGE LIMITATION	MONITORING REQUIREMENT	
	Monthly Average	Frequency	Sample Type
Ammonia, as N	6.8 mg/L	1/W	4H-C

mg/L = Milligrams per Liter

1/W = Once every week

4H-C = A flow proportional composite sample collected manually or automatically, and discretely or continuously, for the entire discharge of the monitored four-hour period. Where discrete sampling is employed, the permittee shall collect a minimum of four aliquots for compositing. Discrete sampling may be flow proportioned either by varying the time interval between each aliquot or the volume of each aliquot. Time composite samples consisting of a minimum of four grab samples obtained at hourly or smaller intervals may be collected where the permittee demonstrates that the discharge flow rate (gallons per minute) does not vary by ≥10% or more during the monitored discharge.

May 16, 2008

Mr. John W. Foust
Dranesville District Supervisor
Fairfax County Board of Supervisors
McLean Governmental Center
1437 Balls Hill Road
McLean, Virginia 22101

Re: **SEA Application 83-D-030-08 – The Madeira School**

Dear Supervisor Foust:

Thank you for meeting with me and Madeira's CFO and legal counsel on April 29, 2008. I know our debate about the proposed trails along the Potomac River and/or our western (and now eastern) borders with our neighbors will continue and likely intensify throughout the zoning process.

Madeira is not opposed to trails, but we put greater value on preserving the natural environment and protecting our students and community.

Indeed, Madeira has already done more to support the Countywide Trails Plan than any other property owner along Georgetown Pike. As you know, in 1991, as a condition of an earlier site plan approval, Madeira granted a trail easement along our Georgetown Pike frontage, on the location shown on the Countrywide Trails Plan and identified as the Potomac Heritage Trail.

In 2002, again as a condition of an SEA approval, we "contributed" $90,000, the cost of constructing that trail/bike path, with the understanding that we would not be required to absorb any additional costs.

Once again Madeira has asked permission from Fairfax County to replace an aging waste water treatment plant and move it to a new location out of the environmental quality corridor, such location not previously designated on the Campus Master Plan approved in 2002. That shift in location prompted changes in the location of buildings previously approved. In order for us to get the treatment plant approved, you and Board of Supervisors Chairman Gerry Connolly are pressing for additional easements, without hearing our concerns.

There are many reasons to oppose trails along the river or our borders with our neighbors.

- Conservationists would cite the fragmentation of a pristine environment, the disruption of archeological sites, the danger to rare native species, and intrusion on wild life patterns. Just a year ago, the Potomac Nature Conservancy proposed an easement, to safeguard those same areas from disturbance, including hikers.

- Practical people would question the impracticality and expense of building and maintaining such a trail. There are no connections from the proposed river trail from Scotts Run or towards Great Falls Park (which would not only need permission but would require review under the National Environmental Policy Act). The feasibility of constructing a trail on such fragile topography has yet to be determined and would undoubtedly be an engineering challenge, perhaps requiring heavy equipment, which would cause additional damage. Moving the path farther inland, through the woods, only increases the danger to native species and human occupants.

- Anyone concerned about public safety would protest this plan. There is no way to protect hikers, our neighbors or Madeira School students, faculty, staff, their families and summer campers from risk. Personnel at Great Falls Park admit the difficulty they have patrolling paths with a staff of rangers and park police, and an increase of illegal fires and vandalism. Just last week on the Appalachian Trail, two hikers were shot by a man who had previously been convicted of murdering two other hikers. Madeira has a small, unarmed security staff charged with keeping the core campus safe. We do currently prosecute all trespassers and, since the 1980s, have won more than 700 trespassing convictions out of 895 cases. Those individuals not charged received warnings. I am alarmed that any community leader would suggest that a school be less vigilant in this era of random acts of madness.

- Lawyers would make the case that demanding the School to provide trails is unrelated to our original request and is, therefore, illegal. While we recognize the County could legally acquire the area for the trails through its powers of eminent domain, at least the School would receive just compensation. We would hope that you and our County leadership would take such a course of action only if it was simultaneously acquiring easements from all of the other property owners.

Madeira has been an excellent steward of our 376 acre property for 77 years, since moving to Virginia from Dupont Circle in 1931. We have also been good neighbors, providing access to our campus for police and firefighter training and graduation ceremonies. In addition, the School serves as a base for river search-and-rescue and as a medivac response site for the surrounding area.

We had intended to work with County zoning staff as our Special Exception Application moved through the approval process, until your May 9 email alert to trail advocates made our disagreement public. It was in your alert sent to me by a concerned parent that I first learned the County is now requesting a trail along the School's eastern border. Staff has never notified us about this new eastern option – only that the western option was no longer being considered. I wish we could have counted on your open-mindedness and neutrality rather than your opposition on this issue, at least until you had had an opportunity to reflect on all the arguments.

In our continuing effort to keep our neighbors well informed, Madeira is inviting them and others to a briefing on Monday, June 2, at 6:30 p.m. on campus. Please let me know if you or a staff member would like to attend.

Sincerely,

Betsy Griffith

Elisabeth Griffith, Ph.D.
Headmistress

pillsbury

Pillsbury Winthrop Shaw Pittman LLP
1650 Tysons Boulevard | McLean, VA 22102-4859 | tel 703.770.7900 | fax 703.770.7901

MEMORANDUM

To: The Madeira School

From: David Houston
Lee Lowder

Date: April 29, 2008

Re: Conditioning Approval of The Madeira School's Special Exception Application on the Granting of a Trail Easement and/or Construction of a Trail

Issue:

Does Fairfax County (the "County") have the right or authority to condition its approval of the School's Special Exception request (the "SE") on the School granting the County a trail easement and/or requiring the School to construct the trail (the "Trail Requirement")?

Answer:

No, the County's requirement would violate established case law from the Supreme Court of the United States (the "USSC") and the Supreme Court of Virginia (the "SCV") because there is no reasonable nexus between the Trail Requirement and any burdens potentially imposed because of the SE approval. Furthermore, the School's property is, to its knowledge, in compliance with all applicable zoning ordinances and regulations and also is in harmony with the County's Comprehensive Plan.

Discussion:

The Trail Requirement Condition Is Unconstitutional Because There Is No Nexus Between The Trail Requirement And The Burdens Imposed By The Permit Request

The Nollan Case:

In the seminal case on this issue, the USSC held that there must be an "essential nexus" between an exaction required as a condition for approval for land development and the actual burdens imposed by such land development. Nollan v. California Coastal Commission, 483 U.S. 825, 837 (1987).

In Nollan, James and Marilyn Nollan, as the property owner, requested a coastal development permit to raze a small bungalow on their oceanfront property and replace it with a larger three-bedroom home. Nollan, 483 U.S. at 828. The California Coastal Commission (the "Commission") approved the Nollan's permit request on the condition that they convey a public access easement across the part of the beach that was on the Nollan's property. Id. The Nollan's argued "that the condition could not be imposed absent evidence that their proposed development would have a direct adverse impact on public access to the beach." Id. The Commission responded that the new home "would increase blockage of the view of the ocean" and thus discourage people from walking on the beach. Id.

The USSC stated that if the Commission required the Nollan's to establish an easement across their property, such an act would have been a taking that required just compensation to the Nollans. Id. at 831. The right to exclude others from your property is "one of the most essential sticks in the bundle of property rights that are commonly characterized as property." Id. (citing Loretto v. Teleprompter Manhattan CATV Corp., 458 U.S. 419, 433 (1982) (quoting Kaiser Aetna v. United States, 444 U.S. 164, 176 (1979))). Furthermore, an access easement "where individuals are given a permanent and continuous right" to traverse another's property is equivalent to a "permanent physical occupation" even though no person or object is permanently stationed upon the premises. Nollan, 483 U.S. at 832. The Commission could not bypass the requirements for a taking by making the public access easement a condition to the Nollan's development permit approval, unless such easement would help mitigate the burden the permit would impose if approved by the Commission. Id. at 837-38.

Certainly, local governments can enact land use regulations that advance legitimate state interests, and can deny development permit or special exception requests that interfere with those state interests. Id. at 834-35. In lieu of a denial, the Commission could also approve a coastal development permit on a condition that helps advance the legitimate state interest that could be the basis for a denial. Id. at 836. However, if the condition for approval of the permit is unrelated to a legitimate state interest that could be the basis for a denial of the permit, then such condition is unconstitutional. Id. at 837.

In short, Nollan holds that a local government cannot impose a condition upon a request for property development if there is no connection between the condition imposed and the potential burdens created by the property owner's request.[1]

---

[1] The USSC revisited Nollan in Dolan v. City of Tigard, where the USSC created a second prong to the test. Dolan v. City of Tigard, 512 U.S. 374 (1994). The USSC held that not only must there be a nexus between any exactions imposed by the city and the burdens imposed by the development, but there must be a "rough proportionality . . . both in nature and extent" between the exaction and the burdens imposed by the development. Id. at 391. As no connection can even be established between the condition required and the burdens imposed by the SE, this memorandum does not address the second prong of the test found in Dolan regarding whether the

(... continued)

The Cupp Case:

In Cupp v. Board of Supervisors of Fairfax County, the SCV held that an exaction by a county as a condition to approval of a special exception was not constitutional under the Commonwealth's constitution if that exaction bore no relation to the burdens imposed by the special exception. Cupp v. Board of Supervisors of Fairfax County, 227 Va. 580 (1984).

Blair and Dorothy Cupp had requested a special exception to permit them to modify the layout of the Wolf Trap Nursery, which they owned. Id. at 584. The Cupp's modification was not expected to generate any additional traffic or traffic hazards on Route 7, the adjacent highway. Id. at 594. The Board of Supervisors of Fairfax County (the "Board") approved the Cupp's requested modifications on the condition that the Cupp's construct a right turn lane into their property and dedicate a right-of-way on their property for the future expansion of Route 7. Id. at 585. A witness for the Board admitted, however, that the "dedication and construction requirements were not imposed because of any problem generated by the Cupp property, but because of general conditions prevailing along Route 7." Id. at 594.

The SCV looked to one of its prior cases, where it held that a local government could not as a condition to a property owner developing its property require such property owner to dedicate a portion of their land for a highway if "the need for such highway is substantially generated by public traffic demands rather than by the proposed development." Id. at 595 (quoting Bd. Sup. James City County v. Rowe, 216 Va. 128, 138-39 (1975)). "The right to grant special exceptions 'under suitable regulations and safeguards' does not imply the power to require a citizen to turn land over to the county and build roads for the benefit of the public." Cupp, 227 Va. at 595. The SCV held that the Board's dedication and construction requirements "were unrelated to any problem generated by the [Cupp's] use of the subject property" and, therefore, could not be imposed by the Board. Id. at 594-96. Such an imposition by the Board would be a violation of the takings clause of the Constitution of Virginia.[2] Id.

Application To The School's Facts:

The School proposes to make minor adjustments to the Campus Master Plan that was approved by the County in 2002. Some of the adjustments are (1) replacing the existing wastewater treatment plant, (2) increasing the size of the approved new facilities management building from 7,000 square feet to approximately 10,000 square feet, and (3) increasing the maximum amount of students from 338 to 360, and the number of employees from 105 to 109.

(... continued)
County has established the necessary degree and extent of connection between the condition required and the burdens imposed.

[2] Cupp remains good law and has not been revisited since the SCV handed down its initial ruling.

In addition, the School wishes to reduce the number of approved single family residences from 11 to 9.

Staff from the Fairfax County Park Authority, the Trails and Sidewalks Committee and the Trail Planner with the Department of Planning and Zoning (collectively, the "Trail Proponents"), are seeking to secure easements and/or to construct additional hiking trails in the Dranesville District area along Georgetown Pike and along the Potomac River. In this SE application, the Trail Proponents are currently advocating a hiking trail that would run along that portion of the School's property line that is contiguous with the Potomac River (the "Trail")[3]. For the Trail to be constructed, the School would need to grant a permanent trail easement for the construction and use of the Trail (the "Trail Easement"), which the Trail Proponents are lobbying the Board to require as part of the SE. Any attempt, however, by the County to condition approval of the SE upon the School granting the Trail Easement and/or constructing the Trail would be unconstitutional under Nollan and Cupp.

The Trail Easement would provide continuous access to people across the School's property, thus preventing the School from exercising their right to exclude others from the Schools property and removing one of the "essential sticks" in the School's bundle of property rights. Just as a taking would have occurred in Nollan if the Commission required the Nollans to grant an easement, so to would it be a taking, for which just compensation would be required, for the School to be forced to grant the Trail Easement. Therefore, the County cannot use the Trail Requirement as a condition for approval of the SE solely for the purpose of avoiding the compensation requirement of a taking. Nollan, 483 U.S. at 841.

In order for the Trail Requirement to be a constitutional condition to the approval of the SE, the Trail Requirement must advance a legitimate state interest that would be burdened or threatened by approval of the SE. See Nollan, 483 U.S. at 837; Cupp, 227 Va. at 594. In the School's case, however, no "essential nexus" exists between the Trail Requirement and any burdens or problems that would arise from the County approving the SE. Implementation of the modifications in the SE create no burdens on the surrounding properties. The increase in maximum enrollment by 22 students is not likely to create any traffic burden, given that many of the additional students will be boarding at the School. In addition, replacing the existing wastewater treatment plant would actually be an environmental improvement for the area. As stated above, the County approved the Campus Master Plan in 2002, and the SE proposes only minor modifications of the proposals already approved by the County. Just as in Nollan, there were no burdens imposed by the Nollan's constructing a new home that justified the beach easement, there are likewise no burdens imposed by the SE that would justify, or are connected to, the Trail Requirement.

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[3] The School previously conveyed a trail easement to the County along the southern boundary (Georgetown Pike) and escrowed funds for future construction.

The Trail Requirement Condition Is Not Permissible Because The School's Property Remains In Harmony With The Comprehensive Plan Even After The Modifications Under The SE.

The County's Comprehensive Plan does contemplate acquiring rights to land for the construction of connection trails to the County's various parks and to maintain as much green space as possible. See Fairfax County, Va., Comprehensive Plan, (last amended, June 20, 2005), Parks and Recreation. Some of the County's stated goals in the Comprehensive Plan are, among other things,

> "(1) to protect and preserve environmentally sensitive land, habitat connectivity, and water resources . . ., [and] (2) to provide opportunities for residents, workers and visitors to pursue leisure activities in safe, accessible, and enjoyable parks and community recreational facilities." Id.

To help accomplish goal (2) above, the County desires to "work cooperatively" with land owners to establish connecting trails between parks and "encourage non-motorized access." Id.

The County implements the goals and plans of its Comprehensive Plan in the County Zoning Ordinance, which states that for a special exception to be approved, the proposed modification must be in harmony with the Comprehensive Plan. Fairfax County, Va., Zoning Ordinance, § 9.006 (as amended, March 3, 2008). Furthermore, the County "may impose such conditions . . . upon the proposed use as it may deem necessary . . . to secure compliance with the provisions of . . . the comprehensive plan." Id. at § 9.007.

The School's facilities are a model for seamlessly blending in with the natural landscape that surrounds it, and a majority of the School's 376+ acres remain undeveloped and in a natural condition. The School's proposed modifications do not alter or modify the natural ambiance that currently permeates and enhances the School's property, nor do such modifications disrupt or affect the current parks adjacent to, or the natural surroundings of, the School. The School's property now is and, after the modifications, will continue to be in complete harmony with the Comprehensive Plan.

Construction of the Trail over the Trail Easement actually causes the School's property to be less in harmony with the Comprehensive Plan than the proposed modifications would under the SE. To construct the Trail in the location being proposed would require the destruction and removal of a significant portion of the natural habitat on the School's northern property line. In addition, in order for the Trail to connect to the Great Falls Park's existing trails toward the northwest corner of the School's property, a bridge would be required, which would further disrupt the natural environmental settings currently existing on the School's property.

The Trail Requirement Condition Cannot Be Required Even Though The Trail Is Contemplated By The Comprehensive Plan.

In Cupp, the County could not require the Cupps to dedicate a portion of their land for the expansion of Route 7 in exchange for the right to develop such land even though the expansion of Route 7 was contemplated by the zoning ordinance and the Comprehensive Plan, unless there was some connection between the burdens caused by the development and the road improvements. Cupp, 227 Va. at 585. In addition, Nollan held that easements and conveyances contemplated by a comprehensive plan are "simply an expression . . . [that] the public interest will be served by [such easements and conveyances]." Nollan, 483 U.S. at 841. If it wishes, a local government can "advance" its comprehensive plan by exercising its right of eminent domain, but cannot advance its comprehensive plan through the special exception process if the special exception requests are unrelated to the interests under the comprehensive plan. Id. Likewise, even though the County's Comprehensive Plan does contemplate that the Trail will converse over a portion of the School's property, the County cannot pursuant to Cupp or Nollan cause the School to dedicate their land for the Trail unless the SE creates some burden or problem that the Trail Requirement, as a condition to approval of the SE, would ameliorate. As shown earlier, requiring the School to dedicate an easement for the Trail or to construct the Trail on the remote edges of its property bears no connection with mitigating any alleged issues related to the School not being in harmony with the Comprehensive Plan. Therefore, the County cannot make the Trail Requirement a condition for approval of the SE even though such dedication is contemplated by the Comprehensive Plan.

The School's Safety Concerns Outweigh Any Alleged Benefits Of Placing The Trail On The School's Property.

Safety concerns for the School's girls are paramount and should mitigate against the Trail Requirement.[4] It would be unwise to jeopardize the safety of over 350 teenaged girls by providing even more direct and open access to the campus. To provide such access could directly facilitate additional attacks on the students and staff. In addition, if constructed at the proposed location, the Trail would require the School to provide even more security measures than currently exists to account for the additional strangers that would be accessing the School's property on a daily basis.

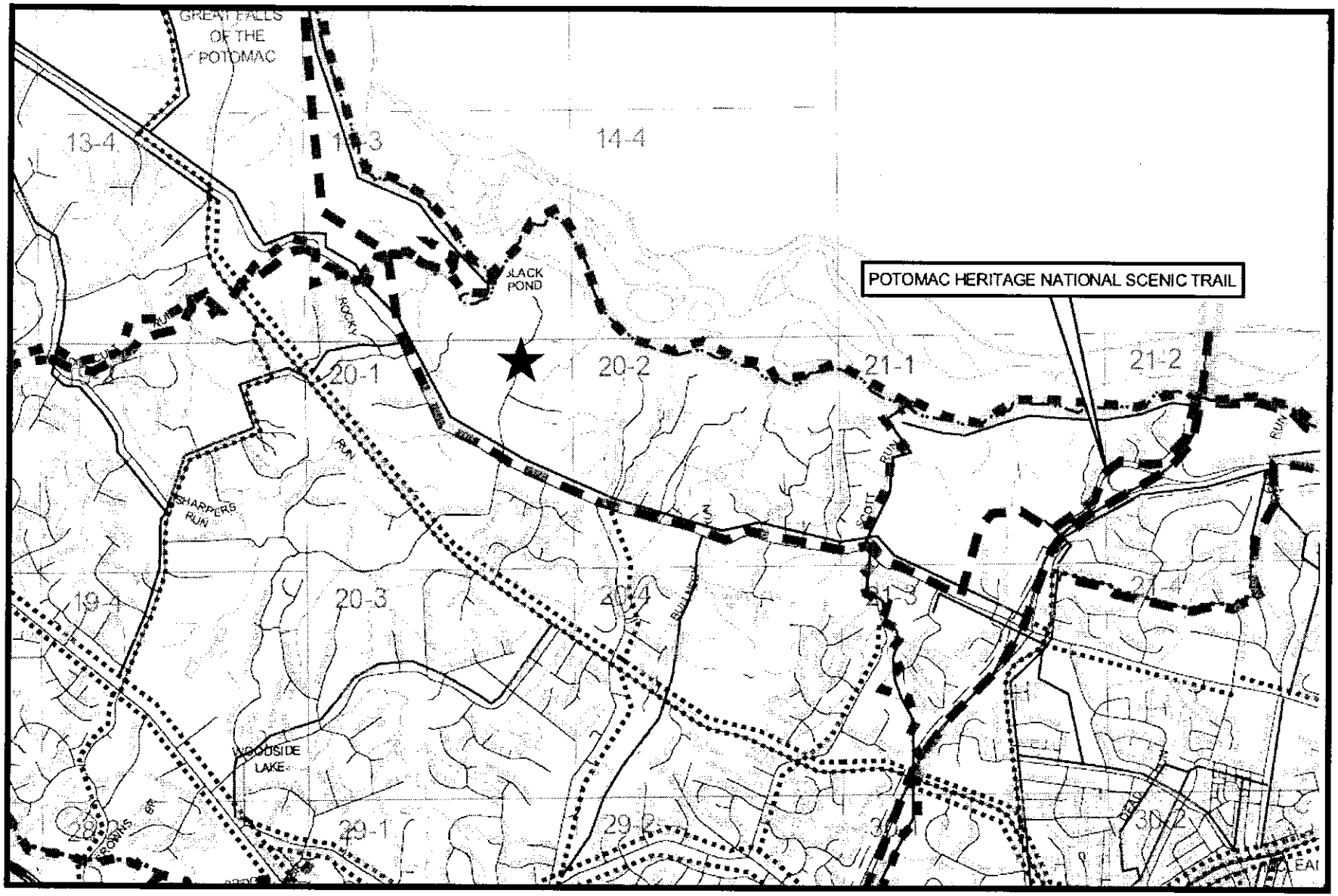
[4] Over 30 years ago, one of the School's students was assaulted and another was murdered on the School's property by the same trespasser. The perpetrator accessed the School's property and apprehended his victims through its western property line, which is the same area of the proposed location of the Trail. The School continues to prosecute trespassers to this day.

Existing Conditions, As Well As Viable Alternatives, Mitigate Against The Trail Requirement.

The proposed location of the Trail along the Potomac River is difficult to navigate, with steep embankments and uneven surfaces, and would be difficult to construct and maintain. In addition, if constructed in the proposed location, the Trail would have no connection to trails to the east, and would come to a dead-end at the end of the School's property line, creating even more of a security risk for the School. The Trail Requirement becomes more unnecessary considering the hundreds of undeveloped acres in other locations along the Georgetown Pike corridor that would not jeopardize the safety of so many young girls nor have the same potential construction issues as the proposed location. Current trails already exist nearby to the west of the School at Great Falls Park that connect with trails along the Potomac River. Utilizing these existing trails provide ample opportunity for hikers to enjoy the Great Falls Park and the hundreds of undeveloped acres existing along the Georgetown Pike corridor.

Conclusion

Fairfax County's efforts to require the School to grant the Trail Easement as a condition to approval of the SE would not be permissible under either Nollan or Cupp, nor the major decisions that have followed these landmark cases. Furthermore, the proposed modifications under the SE will not negatively disrupt the natural surroundings of the School, or otherwise cause the School's property to not be in harmony with the County's Comprehensive Plan, and, given the safety concerns for the School and its students, utilizing available alternatives would be a more prudent option.


GREAT FALLS
OF THE
POTOMAC
13-4
14-4
POTOMAC HERITAGE NATIONAL SCENIC TRAIL
20-1
20-2
21-1
21-2
ROCKY
RUN
SHARPERS
RUN
19-4
20-3
21-4
WOODSIDE
LAKE
29-1
29-2
30-2

Major Regional Trail System (See Note 2 below)

Onroad Bike Routes

Major Paved Trail (See Note 3 below)

Minor Paved Trail (See Note 3 below)

Minor Paved Trail with parallel

Natural Surface or Stone Dust Trail (See Note 4 below)

Natural Surface or Stone Dust Trail (See Note 4 below)

Stream Valley Trail

Trails in Other Jurisdictions

Rail Transit Stations

- METRO
- VRE

Notes:

1) Other areas with specific streetscaping and trail requirements may exist which are not shown on this map. For Streetscaping & Trail requirements, please refer to appropriate Area Plan documents.

2) Major Regional Trail System includes Interstate Route One Bikeway, Cross County Trail and trails along I-495, I-66, DAAR, Fairfax County Parkway, Franconia-Springfield Parkway, Southern Railroad (South County East-West Trail), George Washington Memorial Parkway, Washington and Old Dominion Regional Park, Bull Run, Occoquan River and Potomac River. The Major Regional Trail System is Major Paved Trails with the exception of Interstate Route One Bikeway, South County East-West Trail, Cross County Trail, and those trails along Bull Run, Occoquan River and Potomac River, where surface materials vary from Paved, Natural Surface to Stonedust. The Northern Virginia Regional Park Authority will determine the type of trail along the Occoquan River and Bull Run.

3) Major Paved Trail (asphalt or concrete) is 8' or more in width.
Minor Paved Trail (asphalt or concrete) varies from 4' to 7'-11".

4) Stone Dust Trail or Natural Surface Trail is typically 6' to 8' in width.

FAIRFAX COUNTY

VIRGINIA

APPENDIX 6

12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035-0072

Telephone: 703-324-3151
FAX: 703-324-3926
TTY: 703-324-3903

June 5, 2002

David S. Houston, Esquire
Shaw Pittman LLP
1650 Tysons Boulevard
McLean, Virginia 22102-4859

RE: Special Exception Amendment Application
Number SEA 83-D-030-7

Dear Mr. Houston:

At a regular meeting of the Board of Supervisors held on May 20, 2002, the Board approved Special Exception Amendment Application Number SEA 83-D-030-7 in the name of The Madeira School, Incorporated, located at 8328 Georgetown Pike, Tax Map 20-1 ((1)) 14, and 20-2 ((1)) 1, to allow additional facilities and faculty/staff housing at a private school of general education pursuant to Section 3-E04 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions. These development conditions incorporate and supersede all previous conditions. Previously approved conditions or those with minor modifications are marked with an asterisk (*).

1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.

2. This Special Exception Amendment is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this Special Exception Amendment shall be in substantial conformance with the approved Special Exception Amendment Plat **entitled Madeira Special Exception Amendment Plat and prepared by Dewberry and Davis which is dated August 5, 2001 as revised through April 5, 2002,** and these conditions. Minor modifications to the approved Special Exception Amendment may be permitted pursuant to Paragraph 4 of Section 9-004 of the Zoning Ordinance.

3. The limits of clearing and grading shown on the Special Exception Amendment Plat are to be strictly conformed to during all phases of plan approval and construction on the site. The new sanitary sewer lateral shall follow the existing roadway where it is to be located outside of the limits of clearing and grading. There shall be no clearing or grading within the Environmental Quality Corridor, which shall remain as undisturbed open space, except in the specific areas identified on the Special Exception Amendment Plat.

*4. Maximum daily enrollment shall not exceed three-hundred-thirty-eight (338) students. Faculty and staff shall not exceed one-hundred-five (105) on site at any one time.

*5. The total number of parking spaces required shall be provided as determined by the Director, DPWES. The parking areas shall be located as shown on the Special Exception Amendment Plat.

*6. Erosion and sediment control measures shall be installed at all stages of construction to achieve greater erosion and sediment control than that achieved by the minimum design standards set forth in the Public Facilities Manual and the Virginia Erosion and Sediment Control Handbook, as determined by the Director, DPWES.

*7. A total of forty-one (41) faculty and staff dwelling units may be located on the application property as shown on the Special Exception Amendment Plat. Use of these dwelling units shall be for faculty and staff only. In addition, there may be a total of six (6) residences for dorm counselors and one residence within the stable.

* 8. No individual dwelling unit shall be occupied until a valid Non-Residential-Use Permit (Non-RUP) for the dwelling unit has been granted. No Non-Residential-Use Permit (Non-RUP) shall be issued until the individual unit is served by approved sewage disposal and water supply systems, as determined by the Director, DPWES.

9. Stormwater management facilities and best management practices shall be provided in accordance with the requirements of the Public Facilities Manual as required by the Director, DPWES. This condition shall not preclude the approval of any waivers of these requirements that satisfy the provisions for such waivers.

10. Right-of-way along Route 193 which has been previously reserved pursuant to site plan waivers for the future widening of that roadway shall be dedicated upon demand of either Fairfax County or the Virginia Department of Transportation in fee simple. Further, the applicant shall grant temporary construction easements to Fairfax County or the Virginia Department of Transportation required with improvements to Route 193. The public access easement which has been granted pursuant to a site plan waiver for trail construction shall be retained.

11. The access drive to the loading area for the Student Center may be reconfigured as shown in Exhibit A attached hereto, provided that the reconfigured drive does not encroach on the 'Area of Compensation for EQC Encroachments' or the 'Proposed EQC shown on the Special Exception Amendment Plat referenced in Condition Number 2.

12. The applicant shall contribute $89,000 to the County for the purpose of constructing the Comprehensive Plan trail on the subject property, at a location to be determined in the future by the County and agreeable to the applicant, or at an alternative location in the general vicinity of the subject property. The trail shall be 6 to 8 feet in width and shall be constructed of stone dust.

    The Applicant shall make the contribution in the form of annual installments of $15,000 each with the final payment of $14,000. The first payment shall be made at the time of site plan approval for the first new building project on the subject property. Subsequent payments shall be made on the anniversary of the first payment. In no event shall the total of $89,000 be received later than July 1, 2008. The Applicant reserves the right to construct the trail itself at the chosen location, an, if it chooses such option, all funds shall be refunded to the Applicant.

    If the trail is constructed as currently depicted on the countywide Trails Plan, the trail shall be constructed generally in the location of the existing trail easement; provided, however, for security reasons, the Applicant shall have the right, in consultation with the County, to relocated the existing easement to a location closer to the Georgetown Pike right-of-way.

    At the option of the County, and after July 1, 2008, the funds may be allocated to another segment of the trail along Georgetown Pike, and this option shall meet the requirement for a trail along Georgetown Pike on the property for the improvements specified in this application.

    If the cost of the trail at any of the locations referenced above is less than $89,000, as determined by the County, all unused funds shall be refunded to the Applicant.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be itself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception Amendment shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this Special Exception Amendment shall automatically expire, without notice, thirty (30) months after the date of approval unless one of the improvements shown on the Special Exception Amendment Plat, including the water line extension, has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the Special Exception Amendment request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

The Board also modified the transitional screening and barrier requirements as shown on the Special Exception Plat.

If you have questions regarding the expiration of this Special Exception Amendment or filing a request for additional time they should be directed to the Zoning Evaluation Division in the Department of Planning and Zoning at 703-324-1290. The mailing address for the Zoning Evaluation Division is Suite 801, 12055 Government Center Parkway, Fairfax, Virginia 22035.

Sincerely,

Nancy Vehrs

Nancy Vehrs
Clerk to the Board of Supervisors

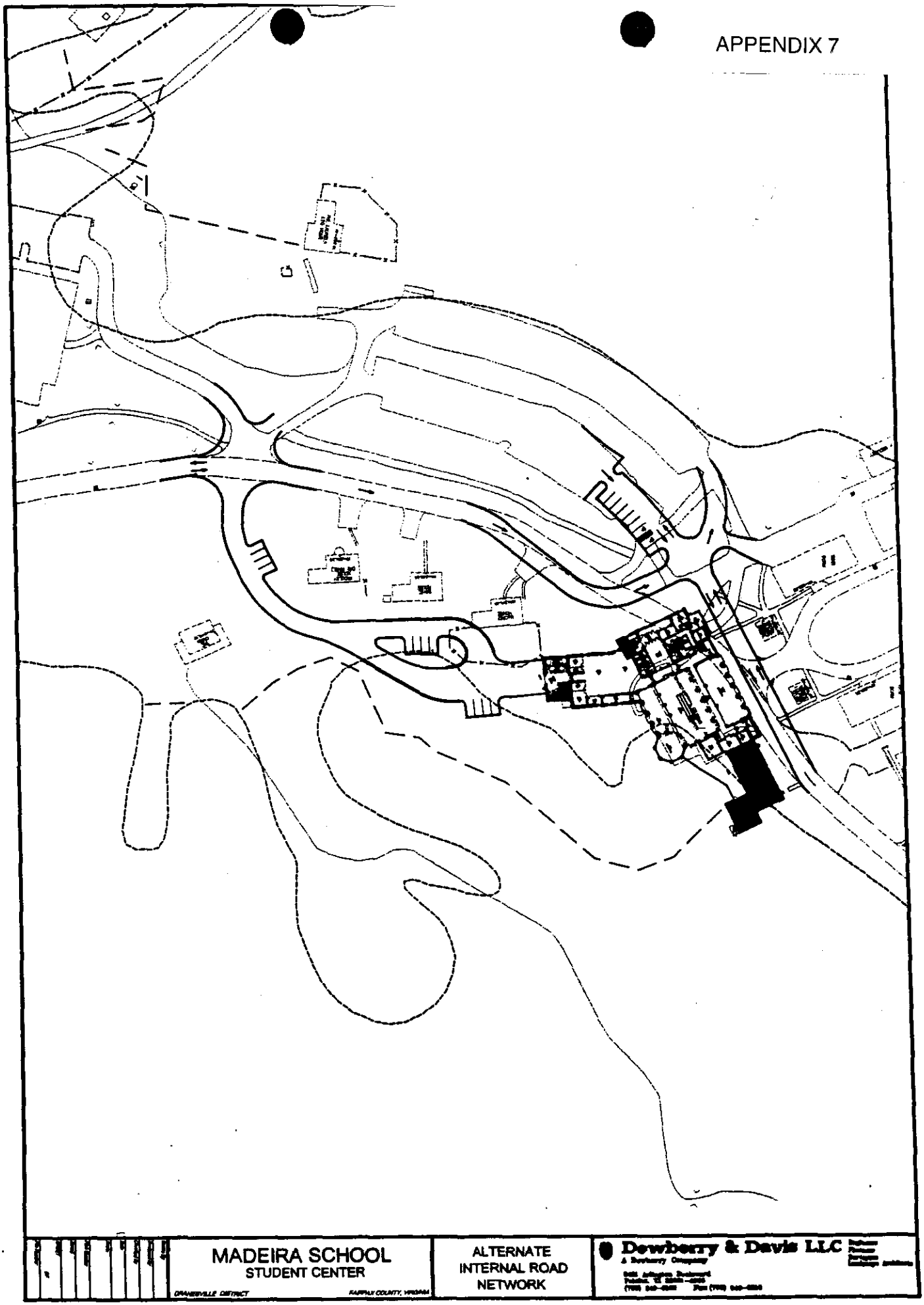
NV/ns
Attachment
cc: Chairman Katherine K. Hanley
Supervisor - Dranesville District
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration
Michael R. Congleton, Deputy Zoning Administrator
John Crouch, Assistant Chief, PPRB, DPZ
Audrey Clark, Director, BPRD, DPWES
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ
Angela K. Rodeheaver, Section Chief, Trnsprt'n. Planning Div.,
Charles Strunk, Project Planning Section, Department of Transportation
Michelle A. Brickner, Director, Site Development Services, DPWES
DPWES – Bonds & Agreements
Department of Highways, VDOT
Land Acqu. & Planning Div., Park Authority
District Planning Commissioner

RECEIVED
Department of Planning & Zoning

JUN 1 0 2002

Zoning Evaluation Division

APPENDIX 7



MADEIRA SCHOOL
STUDENT CENTER

DRANESVILLE DISTRICT FAIRFAX COUNTY, VIRGINIA

ALTERNATE
INTERNAL ROAD
NETWORK

Dewberry & Davis LLC
A Dewberry Company

County of Fairfax, Virginia

MEMORANDUM

DATE: April 30, 2008

TO: Regina Coyle, Director
Zoning Evaluation Division, DPZ

FROM: Pamela G. Nee, Chief
Environment and Development Review Branch, DPZ

SUBJECT: **ENVIRONMENTAL ADDENDUM** for: **SEA 83-D-030-08**
Madeira School

This memorandum, prepared by John R. Bell, includes citations from the Comprehensive Plan that list and explain environmental policies for this property. The citations are followed by a discussion of environmental concerns, including a description of potential impacts that may result from the proposed development as depicted on the special exception amendment plat dated January 11, 2008, as revised through April 4, 2008. Possible solutions to remedy identified environmental impacts are suggested. Other solutions may be acceptable, provided that they achieve the desired degree of mitigation and are also compatible with Plan policies.

COMPREHENSIVE PLAN CITATIONS:

In the Fairfax County Comprehensive Plan, Policy Plan, 2007 Edition, Environment section as amended through February 25, 2008 on page 6 through 10, the Plan states:

"The core of Fairfax County's Environmental Quality Corridor (EQC) system is its stream valleys. Streams provide habitat for aquatic species and are an integral component of stream valley habitat systems. Streams also serve to replenish water sources that may ultimately provide drinking water and are places of natural beauty, that provide recreational and aesthetic opportunities, contributing to the quality of life in Fairfax County. Much of the County's parkland consists of stream valley parks, and much of the County's existing and planned trail system is located near streams. Land use and development activities have the potential to degrade the ecological quality of streams through the direct transport of pathogens and pollutants, as well as through hydrologic changes that can alter the character of flow in streams, resulting in alterations to stream morphology (e.g., stream bank erosion). The protection and restoration of the ecological quality of streams is important to the conservation of ecological resources in Fairfax County. Therefore, efforts to minimize adverse impacts of land use and development on the County's streams should be pursued. . . .

Objective 2: **Prevent and reduce pollution of surface and groundwater resources. Protect and restore the ecological integrity of streams in Fairfax County. . . .**

Policy d. Preserve the integrity and the scenic and recreational value of stream valley EQCs when locating and designing storm water detention and BMP facilities. In general, such facilities should not be provided within stream valley EQCs unless they are designed to provide regional benefit or unless the EQCs have been significantly degraded. When facilities within the EQC are appropriate, encourage the construction of facilities that minimize clearing and grading, such as embankment-only ponds, or facilities that are otherwise designed to maximize pollutant removal while protecting, enhancing, and/or restoring the ecological integrity of the EQC. . . .

Development proposals should implement best management practices to reduce runoff pollution and other impacts. Preferred practices include: those which recharge groundwater when such recharge will not degrade groundwater quality; those which preserve as much undisturbed open space as possible; and, those which contribute to ecological diversity by the creation of wetlands or other habitat enhancing BMPs, consistent with State guidelines and regulations.

Proposals that include the use or storage of hazardous materials should provide adequate containment facilities, monitoring, and spill prevention strategies to protect surface and groundwater resources consistent with State regulations. Site investigations and remedial actions, as appropriate, should be pursued to ensure that site contamination on or near properties subject to development proposals will not present unacceptable health or environmental risks.

Programs to improve water quality in the Potomac River/Estuary, and Chesapeake Bay will continue to have significant impacts on planning and development in Fairfax County. There is abundant evidence that water quality and the marine environment in the Bay are deteriorating, and that this deterioration is the result of land use activities throughout the watershed.

In order to protect the Chesapeake Bay and other waters of Virginia from degradation resulting from runoff pollution, the Commonwealth has enacted regulations requiring localities within Tidewater Virginia (including Fairfax County) to designate "Chesapeake Bay Preservation Areas", within which land uses are either restricted or water quality measures must be provided. Fairfax County has adopted a Chesapeake Bay Preservation Ordinance pursuant to these regulations.

The more restrictive type of Chesapeake Bay Preservation Area is known as the "Resource Protection Area (RPA)." With a few exceptions (e.g. water wells, recreation, infrastructure improvements, "water dependent" activities, and redevelopment), new development is prohibited in these areas. In Fairfax County, RPAs include the following features:

- water bodies with perennial flow;
- tidal wetlands;
- tidal shores;
- nontidal wetlands contiguous with and connected by surface flow to tidal wetlands or water bodies with perennial flow;
- a buffer area not less than 100 feet in width around the above features; and
- as part of the buffer area, any land within a major floodplain.

The other, less sensitive category of land in the Preservation Areas is called the "Resource Management Area (RMA)." Development is permitted in RMAs as long as it meets water quality goals and performance criteria for these areas. These goals and criteria include stormwater management standards, maintenance requirements and reserve capacity for on-site sewage disposal facilities, erosion and sediment control requirements, demonstration of attainment of wetlands permits, and conservation plans for agricultural activities. In Fairfax County, RMAs include any area that is not designated as an RPA.

Objective 3: **Protect the Potomac Estuary and the Chesapeake Bay from the avoidable impacts of land use activities in Fairfax County.**

Policy a. Ensure that new development and redevelopment complies with the County's Chesapeake Bay Preservation Ordinance, as applied to Chesapeake Bay Preservation Areas adopted by the Board of Supervisors"

In the Fairfax County Comprehensive Plan, Policy Plan, 2007 Edition, Environment section as amended through February 25, 2008 on page 14-15, the Plan states:

"**Objective 9:** **Identify, protect and enhance an integrated network of ecologically valuable land and surface waters for present and future residents of Fairfax County.**

Policy a: For ecological resource conservation, identify, protect and restore an Environmental Quality Corridor system (EQC). Lands may be included within the EQC system if they can achieve any of the following purposes:

- Habitat Quality: The land has a desirable or scarce habitat type, or one could be readily restored, or the land hosts a species of special interest.

- "Connectedness": This segment of open space could become a part of a corridor to facilitate the movement of wildlife.

- Aesthetics: This land could become part of a green belt separating land uses, providing passive recreational opportunities to people.

- Pollution Reduction Capabilities: Preservation of this land would result in significant reductions to nonpoint source water pollution, and/or, micro climate control, and/or reductions in noise.

The core of the EQC system will be the County's stream valleys. Additions to the stream valleys should be selected to augment the habitats and buffers provided by the stream valleys, and to add representative elements of the landscapes that are not represented within stream valleys. The stream valley component of the EQC system shall include the following elements:

- All 100 year flood plains as defined by the Zoning Ordinance;

- All areas of 15% or greater slopes adjacent to the flood plain, or if no flood plain is present, 15% or greater slopes that begin within 50 feet of the stream channel;

- All wetlands connected to the stream valleys; and

- All the land within a corridor defined by a boundary line which is 50 feet plus 4 additional feet for each % slope measured perpendicular to the stream bank. The % slope used in the calculation will be the average slope measured within 110 feet of a stream channel or, if a flood plain is present, between the flood plain boundary and a point fifty feet up slope from the flood plain. This measurement should be taken at fifty foot intervals beginning at the downstream boundary of any stream valley on or adjacent to a property under evaluation.

Modifications to the boundaries so delineated may be appropriate if the area designated does not benefit habitat quality, connectedness, aesthetics, or pollution reduction as described above. In addition, some intrusions that serve a public purpose such as unavoidable public infrastructure easements and rights of way are appropriate. Such intrusions should be minimized and occur perpendicular to the corridor's alignment, if practical."

In the Fairfax County Comprehensive Plan, Policy Plan, 2007 Edition, Environment section as amended through February 25, 2008, on page 16, the Plan states:

"**Objective 10: Conserve and restore tree cover on developed and developing sites. Provide tree cover on sites where it is absent prior to development.**

Policy a: Protect or restore the maximum amount of tree cover on developed and developing sites consistent with planned land use and good silvicultural practices.

Policy b: Require new tree plantings on developing sites which were not forested prior to development and on public rights of way."

ENVIRONMENTAL ANALYSIS:

This section characterizes the environmental concerns raised by an evaluation of this site and the proposed land use. Solutions are suggested to remedy the concerns that have been identified by staff. There may be other acceptable solutions. Particular emphasis is given to opportunities provided by this application to conserve the county's remaining natural amenities.

Water Quality

Issue:

The subject property is located at the confluence of Difficult Run and the Potomac River. Extensive areas of Environmental Quality Corridors (EQC's) and some smaller areas of Resource Protection Area (RPA) are designated on the property. As a result of past actions, some intrusions were permitted into areas previously designated as EQC in exchange for some upland area. The EQC area which will be lost is comprised of the upper portions of steeply sloping areas well away from the stream channels. The newly designated EQC areas are comprised of some uplands at the top of steeply sloping areas in other portions of the site. The new EQC area is roughly twice the size of the area being lost for new development. There are no intrusions into 100-year floodplains, wetlands or other more sensitive areas resulting from this mitigation. The primary area of concern for the current application is the existing wastewater treatment facility, which will be removed and replaced as part of this application. The existing facility is located entirely within the EQC for a portion of Difficult Run. The applicants have been asked to provide a commitment to restore this area once the old facility has been removed.

Resolution:

The applicants have agreed to provide restoration of this area consistent with the provisions of the Chesapeake Bay Preservation Ordinance. The current special exception plat does contain a planting schedule for this area that appears to meet this requirement. Any final determination regarding the consistency of this element of the proposed development with the Chesapeake Bay Preservation Ordinance will be made by staff in the Department of Public Works and Environmental Services, Urban Forestry Management Branch.

PGN:JRB

County of Fairfax, Virginia

MEMORANDUM

April 22, 2008

TO: Jack Thompson, Senior Staff Coordinator
Zoning Evaluation Division, DPZ

FROM: Heather Finch, Urban Forester II HAF
Forest Conservation Branch, DPWES

RECEIVED
Department of Planning & Zoning
APR 24 2008
Zoning Evaluation Division

SUBJECT: The Madeira School, SEA 83-D-030-08

This review is based upon a resubmission of the Application for a Special Exception Amendment for the Madeira School, received by the Urban Forest Management Division on April 8, 2008.

Site Description:

The site is approximately 375 acres and is primarily forested with an upland hardwood mix of varying degrees of maturity. The property borders the Potomac River and includes the associated bottomland hardwood forest and steep slopes. The area around the entrance to site from Georgetown Pike is cleared with athletic fields, horse paddocks, tennis courts and associated parking. The developed areas of site include school buildings, dormitories, dwellings and associated streets, trails and parking with mature trees and various landscaping trees and vegetation located throughout the developed area. The site contains an RPA and EQC. The EQC appears to contain the majority of the undeveloped portions of the site. Some development is proposed or has occurred within the EQC and two large areas outside the original EQC have been identified as compensation areas.

1. **Comment:** The narrative states that the existing wastewater treatment plant will be removed from the EQC and the affected area will be restored and replanted.

   Recommendation: A reforestation plan for the area of the EQC where the existing wastewater treatment plant is to be demolished shall be submitted concurrently with the first and all subsequent site plan submissions for review and approval in writing by the Urban Forest Management Division (UFMD), Fairfax County Department of Public Works and Environmental Services (DPWES), and shall be implemented as approved, and as field verified by UFMD. The plan shall contain an appropriate size, quantity, quality and selection, of species based on existing and proposed site conditions to restore the area to a native forest cover type. The reforestation plan shall be based on the requirements for RPA restoration in the Chesapeake Bay Preservation Ordinance and shall include, but not be limited to, the following:

Department of Public Works and Environmental Services
Land Development Services, Urban Forest Management Division
12055 Government Center Parkway, Suite 518
Fairfax, Virginia 22035-5503
Phone 703-324-1770, TTY: 703-324-1877, Fax: 703-803-7769
www.fairfaxcounty.gov/dpwes

- plant list detailing species, sizes, quantities and stock type of trees and other vegetation to be planted
- soil treatments and amendments if necessary
- mulching specifications
- methods of installation
- maintenance
- mortality threshold
- monitoring
- replacement schedule

2. **Comment:** The proposed limits of clearing and grading are adjacent to mature forest stands and individual trees worthy of preservation in many areas of the site.

   Recommendation: At the time of site plan submission, the applicant shall submit a Tree Preservation Plan prepared by a certified arborist or landscape architect with experience in the preparation of tree preservation plans. The Tree Preservation Plan shall include the following:

   A tree survey that identifies the trunk location, species, size, crown spread and condition analysis rating for all individual and groups of trees to be preserved, as well as all on and off-site trees, living or dead with trunks 10 inches in diameter and greater (measured at 4 ½ -feet from the base of the trunk or as otherwise allowed in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture) located within 25 of the approved limits of clearing and grading to be reviewed by the Urban Forest Management Division.

   As part of the site plan, the applicant shall provide management practices for the protection of understory plant materials, leaf litter and soil conditions found in areas to be left undisturbed, subject to the approval of the Urban Forest Management Division.

   The applicant shall actively monitor the site to ensure that inappropriate activities such as the storage of construction materials, dumping of construction debris, and traffic by construction equipment and personnel do not occur within these areas. The applicant shall restore understory plant materials, leaf litter and soil conditions to the satisfaction of UFMD if these are found to be damaged, removed or altered in manner not allowed in writing by the Urban Forest Management Division.

   If it becomes necessary to install utilities determined necessary by DPWES within areas to be left undisturbed, they shall be located and installed in the least disruptive manner possible as determined by UFMD in coordination with the Environmental and Site Review Division, DPWES. In addition, the applicant shall develop and implement a replanting plan for the portions of protected areas disturbed for utility installation taking into account planting restrictions imposed by utility easement agreements.

Any work occurring in or adjacent to the areas to be left undisturbed, such as root pruning, instillation of tree protection fencing and silt control devices, removal of trash, or plant debris, or extraction of trees designated to be removed shall be performed in a manner that minimizes damage to any tree, shrub, herbaceous, or vine plant species that grows in the lower canopy environment; and minimizes impacts to the existing top soil and leaf litter layers that provide nourishment and protection to that vegetation, all as approved by UFMD. The use of power equipment in these areas shall be limited to small hand-operated equipment such as chainsaws. Any work that requires the use of larger motorized equipment such as, but not limited to, tree transplanting spades, skid loaders, tractors, trucks, stump-grinders, or any accessory or attachment connected to such equipment shall not occur unless reviewed and approved in writing by UFMD.

The applicant shall (1) root prune the roots of trees to be preserved that may be damaged during clearing, demolition, grade changes, utility installation and/or the installation of retaining walls; (2) mulch to a minimum depth of 3 inches within the areas to be left undisturbed where soil conditions are poor, lacking leaf litter or prone to soil erosion; and (3) then provide tree protection fencing approved by the Urban Forest Management Division (UFMD), Fairfax County Department of Public Works and Environmental Services ("DPWES"), where deemed necessary by UFMD. The areas that will be root pruned and mulched shall be clearly identified on the Tree Preservation Plan. All treatments for such trees and vegetation shall be clearly specified, labeled, and detailed on the erosion and sediment control sheets and demolition plan sheets of the site plan submission. The details for these treatments shall be included in the Tree Preservation Plan and shall be subject to the review and approved of UFMD.

All root pruning and mulching work shall be performed in a manner that protects adjacent trees and vegetation that are required to be preserved and may include, but not be limited to, the following:

- Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
- Root pruning shall take place prior to any clearing and grading and/or demolition of structures.
- Root pruning shall not sever or significantly damage structural or compression roots in a manner that may compromise the structural integrity of trees or the ability of the root system to provide anchorage for the above ground portions of the trees.
- Root pruning shall be conducted with the on-site supervision of a certified arborist.
- Tree protection fencing shall be installed immediately after root pruning, and shall be positioned directly in the root pruning trench and backfilled for stability, or just outside the trench within the disturbed area.
- Immediately after the phase II E&S activities are complete, mulch shall be applied at a depth of 3 inches within designated areas without the use of motorized equipment.

- Mulch shall consist of (specify mulch type) wood chips, shredded hardwood and/or pine bark mulch. Hay or straw mulch shall not be used within tree preservation areas.
- UFMD, DPWES shall be informed in writing when all root pruning and tree protection fence installation is complete.

All individual trees to be preserved and all areas designated to be left undisturbed shall be protected by tree protection fencing and signage as set forth below. Tree protection fencing shall be erected at the drip line of individual trees to be preserved and at the limits of clearing and grading, and shall be shown on the demolition and phase I and II erosion and sediment control sheets.

- four foot high, 14 gauge welded wire attached to 6 foot steel posts driven 18 inches into the ground and placed no further than 10 feet apart (see attached detail); or,
- super silt fence as may be approved by UFMD to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees.

All tree protection fencing shall be installed prior to Phase II clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist or landscape architect and accomplished in a manner that does not harm existing vegetation that is required to be preserved. At least three days prior to the commencement of any clearing, grading, or demolition activities and prior to the installation of tree protection fencing, UFMD shall be notified in writing and given the opportunity to inspect the site to assure that all individual trees to be preserved and all areas to be left undisturbed have been correctly delineated. UFMD shall provide written notice to the applicant as to whether or not the areas have been delineated correctly. If it is determined by UFMD that the areas are not delineated correctly, no grading or construction activities shall occur on the subject property until the delineation is corrected and field verified by UFMD.

The applicant shall provide signs that identify and help protect all areas to be left undisturbed. These signs will be highly visible, posted in appropriate locations along the limits of clearing and grading, and attached to the tree protection fencing. Under no circumstances will the signs be nailed or in any manner attached to the trees or vegetation within the areas to left undisturbed.

Please contact me at 703-324-1770 if you have any questions or concerns.

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HAF/
UFMID #: 134460

cc: RA File
DPZ File

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County of Fairfax, Virginia

MEMORANDUM

DATE: May 13, 2008

TO: Regina Coyle, Director
Zoning Evaluation Division, DPZ

FROM: Angela Kadar Rodeheaver, Chief
Site Analysis Section, DOT

FILE: 3-5(SE 83-D-030)

SUBJECT: ADDENDUM: SE 83-D-030-08; The Madeira School Inc.
Land Identification Map: 20-1-((1))-14 and 20-2-((1))-01

This department has reviewed the special exception plat revised through April 4, 2008 and traffic data through May 12, 2008. We have the following comments:

- Sight distance east and west of the site's entrance along Georgetown Pike is obstructed by existing vegetation. The applicant should remove the obstructions to comply with sight distance requirements.
- The proposed horse arena should be reserved for school-related uses rather than public events so as to prevent an increase in traffic entering the site.
- All previously approved conditions should be reaffirmed.
- The applicant has provided existing trip counts for the site as requested by FCDOT. Further expansion of the Madiera School resulting in increased trip generation will require that the applicant fully address the transportation comments provided at the time of the 2002 review, which include the construction of a left turn lane on Georgetown Pike at the site entrance, construction of a right turn lane or increase in the current taper length on Georgetown Pike at the site entrance, and realignment of the site entrance with Bellview Road.

cc: Michelle Brickner, Director, Office of Site Development Services, Department of Public Works and Environmental Services

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12055 Government Center Parkway, Suite 1034
Fairfax, VA 22035-5500
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FCDOT
Serving Fairfax County for 25 Years and More

County of Fairfax, Virginia

MEMORANDUM

DATE: April 25, 2008

TO: Regina Coyle, Director
Zoning Evaluation Division, DPZ

FROM: Angela Kadar Rodeheaver, Chief
Site Analysis Section, DOT

FILE: 3-5(SE 83-D-030)

SUBJECT: SE 83-D-030-08; The Madeira School Inc.
Land Identification Map: 20-1-((1))-14 and 20-2-((1))-01

This department has reviewed the special exception plat revised through April 4, 2008. We have the following comments:

- Sight distance east and west of the site's entrance along Georgetown Pike is obstructed by existing vegetation. The applicant should remove the obstructions to comply with sight distance requirements.
- To better understand the likely impact of the applicant's proposal, a trip count should be conducted to determine the number of trips generated by the site during the typical weekday, AM peak, and PM peak hours.
- The proposed horse arena should be reserved for school-related uses rather than public events so as to prevent an increase in traffic entering the site.
- All previously approved conditions should be reaffirmed.
- Further expansion of the Madiera School resulting in increased trip generation will require that the applicant fully address the transportation comments provided at the time of the 2002 review, which include the construction of a left turn lane on Georgetown Pike at the site entrance, construction of a right turn lane or increase in the current taper length on Georgetown Pike at the site entrance, and realignment of the site entrance with Bellview Road.

cc: Michelle Brickner, Director, Office of Site Development Services, Department of Public Works and Environmental Services

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TO: Regina M. Coyle, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Sandy Stallman, Manager
Park Planning Branch

DATE: April 28, 2008

SUBJECT: SEA 83-D-030-08, Madeira School
Tax Map Number(s): 20-1 ((1)) 14; 20-2 ((1)) 1

BACKGROUND

The Park Authority staff has reviewed the proposed Development Plan dated April 4, 2008 for the above referenced application.

As part of standard development plan review, the Park Authority staff has reviewed the approved County Trails Plan for any planned trails that may be located along the applicant site. The Park Authority has the responsibility to review trails opportunities that connect to existing trail segments or have stream valley trail segments. This County Trails Plan shows a proposed trail connection along the Potomac River on the Madeira site to the existing Cross County Trail/PHNST within Great Falls Park and a stream valley trail section is shown on the plan for Difficult Run at this site.

The Madeira site forms a connecting point for three trails. These trails are: The Georgetown Pike Trail, The Cross County/Potomac Heritage National Scenic Trail and a stream valley trail along Difficult Run.

In 2001 the school consented to and provided a 12' access easement across the entire Georgetown Pike frontage. This easement allows for future development of the trail along this section of the proposed Georgetown Pike Trail. (5158-SP-01, Trail Waiver request # 011423)

The Difficult Run Stream Valley Trail section has been provided by others on the northern portion of the stream. No additional sections for this trail are recommended from this site.

The planned Cross County/Potomac Heritage National Scenic Trail segment is shown on the County Trails plan as located along the Potomac River including the entire river frontage for the school site. In past applications the Park Authority has requested, per the County Trails Plan, an access easement along the Potomac River to allow for future construction of this trail section. The school has consistently rejected this trail alignment based on security concerns.

COMPREHENSIVE PLAN CITATIONS

FAIRFAX COUNTY COMPREHENSIVE PLAN, 2007 Edition AREA II Area Plan Overview, Amended through 1-27-2003 **Introduction Page 17**

Trails

"Fairfax County has a comprehensive countywide trails system which supports pedestrian, bicycle and equestrian usage and provides both transportation and recreational benefits. The overall trails system is planned to ultimately connect major activity centers and key destination points to establish desirable recreational corridors. The countywide trails plan map is published at the scale of 1 inch to 4,000 feet (1":4000') and is depicted on Figure 2 in the Transportation component of the Policy Plan.

The trails system is being constructed primarily through site plan requirements associated with development activity, as part of new road improvement projects, or with County funds. This process dictates that the ultimate network be constructed segment-by-segment and that the public be aware of trail requirements and planned routes".

Park Planning and Development (The Policy Plan, Parks and Recreation Objective 1, p. 4)

"Objective 1: Identify and serve current and future park and recreation needs through an integrated park system that provides open space, recreational services and facilities, and stewardship of natural and cultural resources."

Policy e: "Enhance existing park experiences and resource protection opportunities through acquisition of lands adjacent to existing parkland, wherever feasible."

Policy f: "Extend public investments in parkland acquisition and park development through a combination of public/private mechanisms, such as voluntary dedication and/or donation of land, fee simple purchase, negotiated agreements, and other appropriate means."

Policy g: "Land acquisition for public park use should be guided by the Parkland Acquisition Criteria included in the Standards and Criteria for Establishment of Park and Recreation Facilities (Appendix 2) to adequately [illegible]

Policy h: "Encourage private landowners to preserve open space and protect ecological and cultural resources though the use of conservation easements, land use valuation, and other land use options, incentives and programs."

Policy i: "Acquire those Environmental Quality Corridors (EQC) segments needed to connect and complete the public stream valley network and trail systems. Where land acquisition may not be feasible or desirable, work to obtain use of privately-owned resources through voluntary means such as conservation easements and cooperative agreements."

Park Services and Development (The Policy Plan, Parks and Recreation Objective 6, p. 8)

"Objective 6: Ensure the mitigation of adverse impacts to park and recreation facilities and service levels caused by growth and land development through the provision of proffers, conditions, contributions, commitments, and land dedication."

"Policy b: To implement Policy a. above, ... land development should include provisions for contributions, or dedication, to the Park Authority of usable parkland and facilities, public trails, development of recreational facilities on private open space, and/or provision of improvements at existing nearby park facilities."

Policy d: "Develop a regional and integrated open space and greenway system and provide mutually supportive recreation opportunities in cooperation with other public park agencies."

RECOMMENDATIONS

Trails:

In accordance with Plan policies cited, the applicant should dedicate a minimum 20' trail easement to the Fairfax County Park Authority along the Potomac River as shown on the approved County Trails Plan. No trail should be constructed until such time as access is granted to the properties between the Madeira School site and Scott's Run.

The exact location of the trail connection will be determined by the Park Authority Trails Coordinator. Please have the applicant contact Trails Coordinator, Jenny Pate (703) 324-8726, to schedule a site visit regarding the trail location.

FCPA Reviewer: Pat S. Rosend
DPZ Coordinator: John Thompson

County of Fairfax, Virginia

MEMORANDUM

DATE: APR 14 2008

TO: Jack Thompson, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Qayyum Khan, Chief Stormwater Engineer QK
Stormwater and Soil Section
Environmental and Site Review Division
Land Development Services
Department of Public Works and Environmental Services

SUBJECT: Special Exception Amendment Application, SEA 83-D-030-08, The Madeira School, Inc., Plan Dated April 4, 2008, LDS Project #5158-ZONAV-001-A-1, Tax Map #020-1-01-0014 and 020-2-01-0002, Dranesville District

We have reviewed the subject application and offer the following comments related to Stormwater Management (SWM):

Chesapeake Bay Preservation Ordinance
There is Resource Protection on the site.

Floodplain
There is floodplain on the site.

SWM
The applicant states that a request for a stormwater detention waiver has been submitted. The The water quality control requirements will be met by use of conservation easements.

The SWM facilities shall be maintained by the owners and they will be required to execute the Stormwater Maintenance Agreement with the County.

If further assistance is desired, please contact me at 703-324-1720.

QK/mw

cc: Craig Carinci, Director, Stormwater Planning Division, DPWES
Zoning Application Files

Department of Public Works and Environmental Services
Land Development Services, Environmental and Site Review Division
12055 Government Center Parkway, Suite 535
Fairfax, Virginia 22035-5503
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Dewberry

8401 Arlington Boulevard
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October 19, 2007

Mrs. Regina Coyle, Director
Fairfax County, Department of
Zoning Evaluation
12055 Government Center Parkway
Fairfax, VA 22035-5504

RECEIVED
Department of Planning & Zoning
OCT 22 2007
Zoning Evaluation Division

Re: Madeira School
Request for Waiver of Stormwater Management

Dear Mrs. Coyle:

On behalf of our client, Madeira School, and in accordance with the Fairfax County Public Facilities Manual (PFM) Section 6-0301.3, we hereby request a waiver of the PFM requirements of Stormwater Management Detention for the proposed development at the Madeira School. The project site is located in the Draineville District, referenced on Fairfax County Tax Map 20-1 ((1)) parcel 14 and 20-2 ((1)) parcel 1, and sits immediately south of Potomac Knolls Road in an area zoned RE.

Justification for waiving the detention requirements for the 376 acre site include:

- The 100 year floodplain of the Potomac River abuts the site to the North. All the runoff from the site drains either directly or indirectly to the 100 year floodplain of the Potomac River. This major floodplain per County definition is regulated by major detention structures and has a contributing drainage so large such that onsite detention would have no measurable effect on the Potomac River and a waiver of onsite detention is justified.
- The site is mostly wooded with mature trees and steep slopes (including EQC) throughout a majority of the site. To grade out an extended detention dry pond (the other means of detention) would require a fairly large area of disturbance and would require the removal of many mature trees which aid in preventing erosion of the steep slopes.

Stormwater management quality requirements for the redevelopment of the site will be addressed through the use of open space dedication. If this waiver is denied and the ponds shown on the SEA are required, the adequacy of the outfalls for the pond will be addressed at final site plan.

We trust that the stated justifications above are sufficient to warrant a waiver of onsite detention. Should you have any questions or need additional information, do not hesitate to contact me at (703) 849-0226.

Sincerely,
Dewberry & Davis LLC

Glen Faunce
Project Manager

SELECTED EXCERPTS FROM THE ZONING ORDINANCE

ARTICLE 9

SPECIAL EXCEPTIONS

PART 0 9-000 GENERAL PROVISIONS

9-001 Purpose and Intent

There are certain uses, like those regulated by special permit, which by their nature or design can have an undue impact upon or be incompatible with other uses of land. In addition, there are times when standards and regulations specified for certain uses allowed within a given district should be allowed to be modified, within limitations, in the interest of sound development. These uses or modifications as described may be allowed to locate within given designated zoning districts under the controls, limitations, and regulations of a special exception.

The Board of Supervisors may approve a special exception under the provisions of this Article when it is concluded that the proposed use complies with all specified standards and that such use will be compatible with existing or planned development in the general area. In addition, in approving a special exception, the Board may stipulate such conditions and restrictions, including but not limited to those specifically contained herein, to ensure that the use will be compatible with the neighborhood in which it is proposed to be located. Where such cannot be accomplished or it is determined that the use is not in accordance with all applicable standards of this Ordinance, the Board shall deny the special exception.

9-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special exception uses, all such uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.

2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.

3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures,

walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.

4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.

5. In addition to the standards which may be set forth in this Article for a particular category or use, the Board shall require landscaping and screening in accordance with the provisions of Article 13.

6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.

7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.

8. Signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance.

PART 3 9-300 CATEGORY 3 QUASI-PUBLIC USES

9-301 Category 3 Special Exception Uses

11. Private schools of general education.

9-304 Standards for all Category 3 Uses

In addition to the general standards set forth in Sect. 006 above, all Category 3 special exception uses shall satisfy the following standards:

1. For public uses, it shall be concluded that the proposed location of the special exception use is necessary for the rendering of efficient governmental services to residents of properties within the general area of the location.

2. Except as may be qualified in the following Sections, all uses shall comply with the lot size requirements of the zoning district in which located.

3. Except as may be qualified in the following Sections, all uses shall comply with the bulk regulations of the zoning district in which located; however, subject to the provisions of Sect. 9-607, the maximum building height for a Category 3 use may be increased.

4. All uses shall comply with the performance standards specified for the zoning district in which located, including the submission of a sports illumination plan as may be required by Part 9 of Article 14.

5. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.

ARTICLE 17

SITE PLANS

PART 2 17-200 REQUIRED IMPROVEMENTS

17-201 Improvements To Be Provided

In furtherance of the purposes of this Ordinance and to assure the public safety and general welfare and except as provided for in the Commercial Revitalization District provisions, no site plan or minor site plan shall be approved unless the Director is assured that the following improvements either exist or will be made or the Director has established that the requirement for the improvements may be modified or waived, based on information provided by the applicant, and a determination by the Director that such improvements are unnecessary, and such modification or waiver will not adversely affect other required improvements and compliance with all other applicable requirements. The Director may attach conditions to any such modification or waiver to assure that the results of the modification or waiver will be in accordance with the purpose and intent of this Part:

1. Construction of pedestrian walkways so that occupants/patrons may walk on the same from building to building or store to store within the site and to adjacent sites. Wherever possible, connection shall be made to walkways in adjacent developments.

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

OUTDOOR RECREATION/SPORTS FACILITY PLAYING FIELD/COURT: The outdoor playing field/court portion of outdoor recreation/sports facilities shall include, but not be limited to, baseball/softball diamonds, soccer, field hockey, football and lacrosse fields, basketball, volleyball or tennis courts, skating rinks,

horse riding rings or show areas, running tracks, swimming pools, golf driving ranges, golf courses, miniature golf courses, go-cart tracks or baseball hitting and archery ranges. The outdoor recreation/sports facility playing field/court area shall not include parking lots, administrative offices, restrooms, ticket sales, concession stands, bleachers or other spectator viewing areas, and other such related facilities.

GLOSSARY

This Glossary is provided to assist the public in understanding
the staff evaluation and analysis of development proposals.
It should not be construed as representing legal definitions.
Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan
or Public Facilities Manual for additional information.

ABANDONMENT: Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

ACCESSORY DWELLING UNIT (OR APARTMENT): A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT: Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

AGRICULTURAL AND FORESTAL DISTRICTS: A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

BARRIER: A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

BEST MANAGEMENT PRACTICES (BMPs): Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

BUFFER: Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

CHESAPEAKE BAY PRESERVATION ORDINANCE: Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

CLUSTER DEVELOPMENT: Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

COUNTY 2232 REVIEW PROCESS: A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

dBA: The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBA value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

DENSITY: Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

DENSITY BONUS: An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

DEVELOPMENT CONDITIONS: Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

DEVELOPMENT PLAN: A graphic representation which depicts the nature and character of the development proposed for a specific land area: information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is s submission requirement for rezoning to the PRC District. A GENERALIZED DEVELOPMENT PLAN (GDP) is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A CONCEPTUAL DEVELOPMENT PLAN (CDP) is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A FINAL DEVELOPMENT PLAN (FDP) is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

EASEMENT: A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

ENVIRONMENTAL QUALITY CORRIDORS (EQCs): An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

ERODIBLE SOILS: Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

FLOODPLAIN: Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

FLOOR AREA RATIO (FAR): An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

FUNCTIONAL CLASSIFICATION: A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

GEOTECHNICAL REVIEW: An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

HYDROCARBON RUNOFF: Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

IMPERVIOUS SURFACE: Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

INFILL: Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

INTENSITY: The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

Ldn: Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

LEVEL OF SERVICE (LOS): An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

MARINE CLAY SOILS: Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

OPEN SPACE: That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may be function as a buffer between land uses or for scenic, environmental, or recreational purposes.

OPEN SPACE EASEMENT: An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

P DISTRICT: A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

PROFFER: A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

PUBLIC FACILITIES MANUAL (PFM): A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

RESOURCE MANAGEMENT AREA (RMA): That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

RESOURCE PROTECTION AREA (RPA): That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

SITE PLAN: A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP): Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

STORMWATER MANAGEMENT: Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

SUBDIVISION PLAT: The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

TRANSPORTATION DEMAND MANAGEMENT (TDM): Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS: This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggared work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

URBAN DESIGN: An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

VACATION: Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

VARIANCE: An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

WETLANDS: Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

TIDAL WETLANDS: Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

Abbreviations Commonly Used in Staff Reports

A&F	Agricultural & Forestal District
ADU	Affordable Dwelling Unit
ARB	Architectural Review Board
BMP	Best Management Practices
BOS	Board of Supervisors
BZA	Board of Zoning Appeals
COG	Council of Governments
CBC	Community Business Center
CDP	Conceptual Development Plan
CRD	Commercial Revitalization District
DOT	Department of Transportation
DP	Development Plan
DPWES	Department of Public Works and Environmental Services
DPZ	Department of Planning and Zoning
DU/AC	Dwelling Units Per Acre
EQC	Environmental Quality Corridor
FAR	Floor Area Ratio
FDP	Final Development Plan
GDP	Generalized Development Plan
GFA	Gross Floor Area
HC	Highway Corridor Overlay District
HCD	Housing and Community Development
LOS	Level of Service
Non-RUP	Non-Residential Use Permit
OSDS	Office of Site Development Services, DPWES
PCA	Proffered Condition Amendment
PD	Planning Division
PDC	Planned Development Commercial
PDH	Planned Development Housing
PFM	Public Facilities Manual
PRC	Planned Residential Community
RC	Residential-Conservation
RE	Residential Estate
RMA	Resource Management Area
RPA	Resource Protection Area
RUP	Residential Use Permit
RZ	Rezoning
SE	Special Exception
SEA	Special Exception Amendment
SP	Special Permit
TDM	Transportation Demand Management
TMA	Transportation Management Association
TSA	Transit Station Area
TSM	Transportation System Management
UP & DD	Utilities Planning and Design Division, DPWES
VC	Variance
VDOT	Virginia Dept. of Transportation
VPD	Vehicles Per Day
VPH	Vehicles per Hour
WMATA	Washington Metropolitan Area Transit Authority
WS	Water Supply Protection Overlay District
ZAD	Zoning Administration Division, DPZ
ZED	Zoning Evaluation Division, DPZ
ZPRB	Zoning Permit Review Branch