



# County of Fairfax, Virginia

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

March 25, 2009

Lynne J. Strobel  
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.  
2200 Clarendon Boulevard, 13<sup>th</sup> Floor  
Arlington, Virginia 22201

RE: Special Exception Amendment Application SEA 78-L-074-06  
(Concurrent with Rezoning Application RZ 2008-LE-002)

Dear Ms. Strobel:

At a regular meeting of the Board of Supervisors held on March 9, 2009, the Board approved Special Exception Amendment Application SEA 78-L-074-06 in the name of Hilltop Sand and Gravel Company, Inc. The subject property is located on the east side of Beulah Street, approximately 1,000 feet north of its intersection with Telegraph Road, on approximately 64.78 acres of land zoned R-1, I-3, and NR in the Lee District [Tax Map 100-1 ((1)) 9 pt.]. The Board's action amends Special Exception Application SE 78-L-074, previously approved for a landfill to permit reduction of land area, continuation of existing landfill, to establish quasi-public recreation facilities in the future, and associated modifications to site design and development conditions pursuant to Section 3-104 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

## General Conditions

1. This Special Exception Amendment is granted for the location indicated in the application and is not transferable to other land.
2. This Special Exception Amendment (SEA) is granted for the location and uses outlined in the application as amended by these conditions.
3. This SEA 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 SEA shall be in conformance with the approved Special Exception Amendment Plat (the "SEA Plat") prepared by Dewberry & Davis, which is dated February 11, 2008, as revised through December 16, 2008, and these conditions. Minor modifications to the approved special exception amendment may be permitted pursuant to Par. 4 of Section 9-004 of the Zoning Ordinance.

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**Office of the Clerk to the Board of Supervisors**

12000 Government Center Parkway, Suite 533

Fairfax, Virginia 22035

Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903

Email: [clerktothebos@fairfaxcounty.gov](mailto:clerktothebos@fairfaxcounty.gov)

<http://www.fairfaxcounty.gov/bosclerk>

4. The existing single family detached dwelling unit in the northwestern corner of the property may continue to be used as a residence. Upon such time as the residential use is ceased, the residential building, other building and man-made structures and improvements (such as, but not limited to, sheds, clothes lines, driveways, patios, etc.) shall be removed and the disturbed land stabilized in accordance with the recommendations of the Urban Forestry Division as determined at the time of the issuance of the building permit to allow the demolition of the structure.
5. Construction of recreational facilities as depicted on the SEA Plat shall not take place until:
  - The Geotechnical Review Board (GRB) has determined that any residual post-construction settlement will not affect the appearance or structural integrity of the proposed improvements; and
  - The Fire and Rescue Department and/or DPWES has determined that the nature and extent of the generation and escape of combustible gases and potential fire hazards of the constituent material, considering its state of decomposition, has been provided for adequately and will not create an unsafe or hazardous condition in or around any of said proposed improvements.
  - The Approval of the Closure Certification by the Virginia Department of Environmental Quality (DEQ). A copy of the Closure Certification shall be provided to the Director, DPWES.

#### Conditions on the Operation of the Landfill

6. Until ceased as described herein, the landfill operations previously approved pursuant to SEA 78-L-074-05 may continue in full force and effect on reduced landfill area comprised of 35.86 acres.
7. A copy of the Closure Plan approved by DEQ shall be provided to the Department of Planning and Zoning (DPZ), the Division of Solid Waste Disposal and Resource Recovery (DSWDRR) of the DPWES and a copy of the approved Closure Plan shall be maintained on-site and made available. Amended versions of the Closure Plan shall be submitted to the above mentioned agencies as revisions occur and with any subsequent site plan submissions.
8. The applicant shall operate the landfill in conformance with all sections of Virginia Code (VAC) applicable to the proposed landfill operations. There shall be NO FUTURE EXPANSION of the landfill, beyond that outlined by the SEA Plat.

9. The fill volume of the landfill prior to the installation of final cover, vegetation, and "structures" as shown on the SEA Plat, shall not exceed the proposed final fill volume of 8.95 million cubic yards. The Applicant shall cease accepting construction and demolition debris when the final fill level is reached or prior to public occupancy of the proposed grocery store proposed on the CDP/FDP for RZ 2008-MD-003 or by April 1, 2013, whichever occurs first.
10. The landfill shall receive only construction/demolition debris materials, as defined in Section 104 of the County Code and as deemed permissible by Federal, State and County regulations. Unacceptable landfill materials shall be prohibited on-site in accordance with the facility's Unauthorized Waste Control Plan as required by DEQ.
11. Waste materials shall not be burned nor allowed to be burned at the site.
12. A licensed operator of the landfill shall provide the Director of DPWES a copy of the Annual Groundwater Monitoring Report at the same time it is submitted to DEQ. The Director of DPWES shall be notified within thirty (30) days if the landfill exceeds any of the facility's approved Groundwater Protection Standards.
13. Elevation certifications signed and sealed by a Virginia licensed land surveyor or professional engineer shall be provided to the Director of DPWES annually by the licensed operator of the landfill. The certification shall include a statement verifying whether the landfill elevations are at or below the approved elevations approved pursuant to this special exception amendment.
14. Dredge soils may be deposited at the landfill so long as the dredge soils entering the site meet the DEQ definition of acceptable waste for Construction and Demolition Debris landfills.
15. The control of decomposition gases from the landfill shall be monitored through the implementation of a Gas Monitoring and Management Plan in accordance with Virginia's Solid Waste Management Regulations. A gas collection system shall be installed per the DEQ approved Closure Plan. All proposed recreational structures shall be open air, self-venting construction in order to prevent the buildup of landfill gases. Any closed structures shall be locked to prohibit public access.
16. The height of the landfill shall not exceed the elevations depicted by the proposed topography on the SEA Plat, except for (i) any temporary berms which may be required by the Director for visual screening or noise attenuation; (ii) to provide adequate drainage from the center of the landfill; and (iii) temporary soil stockpiles for accelerating landfill

settlement prior to construction of the recreation improvements; and (iv) final grading as may be approved in conjunction with the Closure Plan.

17. An Emergency Contingency Plan has been prepared and implemented in accordance with Virginia's Solid Waste Management Regulations and a list of the landfill's equipment operators and their telephone numbers shall be made available to the County's Emergency Operations Center and kept current by the landfill operator.
18. Prior to the implementation of condition Number 9, no construction and demolition debris shall be accepted except between the hours of 7:00 a.m. to 5:00 p.m. Monday through Friday and between 7:00 a.m. and 12:00 p.m. (noon) on Saturdays. In no case shall landfill operations begin until the commencement of the normal business hours listed above. With prior approval from the Director of DPWES, or his designated agent, the applicant may operate until 5:00 p.m. on Saturday on an emergency basis. This approval shall not be granted more than ten times per calendar year. In the event of a significant community emergency, as determined by the County Executive, the landfill may temporarily operate outside of normal business hours if so notified in writing.
19. Per Sect. 9-205 of the Zoning Ordinance, the site shall be made available to the Director of DPWES or his representatives in preparation for the annual report to the Board of Supervisors. As a result of the annual inspection, the Director of DPWES may recommend additional restrictions and limitations on the use to the Board.
20. A fee of fifty cents (\$0.50) per truck load will be collected from each truck carrying construction debris entering the Hilltop Landfill. This fund will be equally distributed for use in the development of Lee District Park and acquisition and restoration of Huntley Plantation. There will be no limitation on the amount collected for this fund. This fee shall be tied to a yearly escalator based on the Consumer Price Index.
21. Sound levels emanating from the site shall not exceed those applicable levels specified in Chapter 108, Noise, of the County Code.

Buffering, Landscaping and Screening Condition

22. Landscaping shall be provided as shown on the SEA Plat. All landscaping shall be maintained in good health by the applicant. Any landscaping materials that should die shall be replaced by the operator/applicant within six months (weather permitting as determined by Urban Forestry Management).
23. Final cover material shall be provided in accordance with DEQ design requirements as approved in the Closure Plan.

Transportation Conditions

24. Effective dust control measures shall be installed and maintained by the operator of the landfill. At a minimum, these measures shall include the full-time availability of a water tank truck and sweeper truck on-site.

Park Conditions

25. The proposed park is for active and passive recreation. All park improvements shall be provided by the applicant as depicted on the SEA Plat and shall be constructed to Fairfax County Park Authority (FCPA) standards in consultation with FCPA staff.
26. Public access easements shall be provided over all trails and those on-site park facilities intended for public access as depicted on the SEA Plat. A cooperative agreement shall be developed between FCPA and the applicant regarding liability.
27. A maintenance and liability agreement to govern park related uses shall be established between the applicant and FCPA prior to any portions of the property being made accessible to the public for park purposes.
28. Should the proposed recreation facilities be operated by the Fairfax County Park Authority and it is determined that 2232 approval is required, said approval shall be obtained by the Park Authority prior to the facilities being opened and operated by the Park Authority.
29. Subject to the review and approval of the Park Authority and FCDOT, bicycle racks that provide parking for 20 bicycles shall be included.
30. A four foot tall chain-link fence, vinyl coated, shall be provided along the boundary between the landfill and Hilltop Village Center prior to the issuance of the first Non-Residential Use Permit (Non-RUP) for that shopping center. This fence may be removed as part of the closure activities of the landfill.
31. Submission and approval of a site plan prepared in accordance with the provisions of Article 17, is required prior to the implementation of the recreational facilities. The site plan will be submitted upon submission of the landfill closure certification to DEQ. Any plan submitted pursuant to this SEA shall be in substantial conformance with the approved SEA Plat. Minor modifications to the approved Special Exception may be permitted pursuant to Par. 4 of Section 9-004 of the Zoning Ordinance.

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 himself responsible for obtaining the required

Non-Residential Use Permit through established procedures, and this Special Exception 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 Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the landfill entrance has been relocated and an initial Non-RUP obtained for the relocated landfill office. The recreational uses shown on the SEA Plat shall be established or construction has commenced and been diligently prosecuted within five (5) years from the date of approval. 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.

**The Board also:**

- Waived the transitional screening yard and barrier requirements along all boundaries of the landfill to that depicted on the GDP/SEA Plat.
- Approved the construction of the proffered recreational facilities and the proposed parking lot on the closed landfill sooner than 20 years after closure of the landfill, pursuant to Paragraph 9 of Section 9-205 of the Zoning Ordinance.

Sincerely,



Nancy Vehrs  
Clerk to the Board of Supervisors  
NV/dms

Cc: Chairman Sharon Bulova  
Supervisor Jeffrey McKay, Lee District  
Janet Coldsmith, Director, Real Estate Division. Dept. of Tax Administration  
Regina Coyle, Director, Zoning Evaluation Division, DPZ  
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning  
Angela K. Rodeheaver, Section Chief, Transportation. Planning Division  
Ellen Gallagher, Capital Projects and Operations Div., Dept. of Transportation  
Ken Williams, Plans & Document Control, ESRD, DPWES  
Department of Highways-VDOT  
Sandy Stallman, Park Planning Branch Manager, FCPA  
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division  
District Planning Commissioner  
Barbara J. Lippa, Executive Director, Planning Commission  
Karyn Mooreland, Chief Capital Projects Sections, Dept. of Transportation



COUNTY OF FAIRFAX  
 Department of Planning and Zoning  
 Zoning Evaluation Division  
 12055 Government Center Parkway, Suite 801  
 Fairfax, VA 22035 (703) 324-1290, TTY 711  
[www.fairfaxcounty.gov/dpz/zoning/applications](http://www.fairfaxcounty.gov/dpz/zoning/applications)

APPLICATION No: SEA 78-L-074-06  
 (Staff will assign)

99527  
 RECEIVED  
 Department of Planning & Zoning  
 MAR 18 2008

**APPLICATION FOR A SPECIAL EXCEPTION**  
 (PLEASE TYPE or PRINT IN BLACK INK)

<b>APPLICANT</b>	<b>NAME</b> Hilltop Sand and Gravel Comapny, Inc.	
	<b>MAILING ADDRESS</b> 7950 Telegraph Road Alexandria, Virginia 22315	
	<b>PHONE HOME</b> ( ) <b>WORK</b> ( )	
	<b>PHONE MOBILE</b> ( )	
<b>PROPERTY INFORMATION</b>	<b>PROPERTY ADDRESS</b> Parcel 9 - 7950 Telegraph Road	
	<b>TAX MAP NO.</b> 100-1 ((1)) 9 pt.	<b>SIZE (ACRES/SQ FT)</b> Approximately 43.40 acres
	<b>ZONING DISTRICT</b> I-3 and R-1	<b>MAGISTERIAL DISTRICT</b> Lee
	<b>PROPOSED ZONING IF CONCURRENT WITH REZONING APPLICATION:</b> R-1	
	<b>ZONING ORDINANCE SECTION</b> 9-202, 9-303	
<b>SPECIAL EXCEPTION REQUEST INFORMATION</b>	<b>PROPOSED USE</b> Amendment to SE 78-L-074 to permit a reduction in land area for an existing construction and demolition debris landfill; an increase in the amount of permitted fill; and establishment of quasi-public recreation facilities.	
	<b>NAME</b> Lynne J. Strobel, Agent	
<b>AGENT/CONTACT INFORMATION</b>	<b>MAILING ADDRESS</b> Walsh, Colucci, Lubeley, Emrich & Walsh, P.C. 2200 Clarendon Blvd., 13th Floor Arlington, Virginia 22201	
	<b>PHONE HOME</b> ( ) <b>WORK</b> ( )	
	<b>PHONE MOBILE</b> ( )	
	<b>MAILING</b> Send all correspondence to (check one): <input type="checkbox"/> Applicant -or- <input checked="" type="checkbox"/> Agent/Contact 3/28/08 72	

The name(s) and addresses of owner(s) of record shall be provided on the affidavit form attached and made part of this application. The undersigned has the power to authorize and does hereby authorize Fairfax County staff representatives on official business to enter the subject property as necessary to process the application.

Lynne J. Strobel, Agent

TYPE/PRINT NAME OF APPLICANT/AGENT

SIGNATURE OF APPLICANT/AGENT

*Lynne J. Strobel*

SEA 2008-0050

DO NOT WRITE IN THIS SPACE

Date Application accepted: 3/25/08

Application Fee Paid: \$5,295.00

*Virginia Ruffner*