



**APPLICATION ACCEPTED:** April 2, 2009  
**APPLICATION AMENDED:** June 4, 2010  
**PLANNING COMMISSION:** July 15, 2010  
**BOARD OF SUPERVISORS:** July 27, 2010 @ 3:30 pm

# County of Fairfax, Virginia

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June 30, 2010

## STAFF REPORT

**SPECIAL EXCEPTION APPLICATION SEA 82-C-116**  
**RPA Encroachment Exception # 5234-WRPA-002-1**

### HUNTER MILL DISTRICT

**APPLICANT:** Cellco Partnership d/b/a Verizon Wireless

**ZONING:** R-E

**PARCEL(S):** 27-2 ((1)) 13

**ACREAGE:** 10.33 acres

**PLAN MAP:** .5-1 du/ac and Public Parks

**SE CATEGORY:** Category 1: Telecommunications Facility  
Category 6: Use in a Floodplain and Increase in Building Height  
CBPO Section 118-6-9: RPA Encroachment

**PROPOSAL:** Telecommunications Facility in excess of 12 ft in height, to be located in the floodplain

### STAFF RECOMMENDATIONS:

Staff recommends approval of SEA 82-C-116, subject to the proposed development conditions in Appendix 1.

Staff recommends approval of RPA Encroachment Exception #5234-WRPA-002-1, subject to the development conditions contained in Attachment A of Appendix 1.

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S. Zottl

It should be noted that it is not the intent of staff to recommend that the Board, in imposing any development conditions, 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.

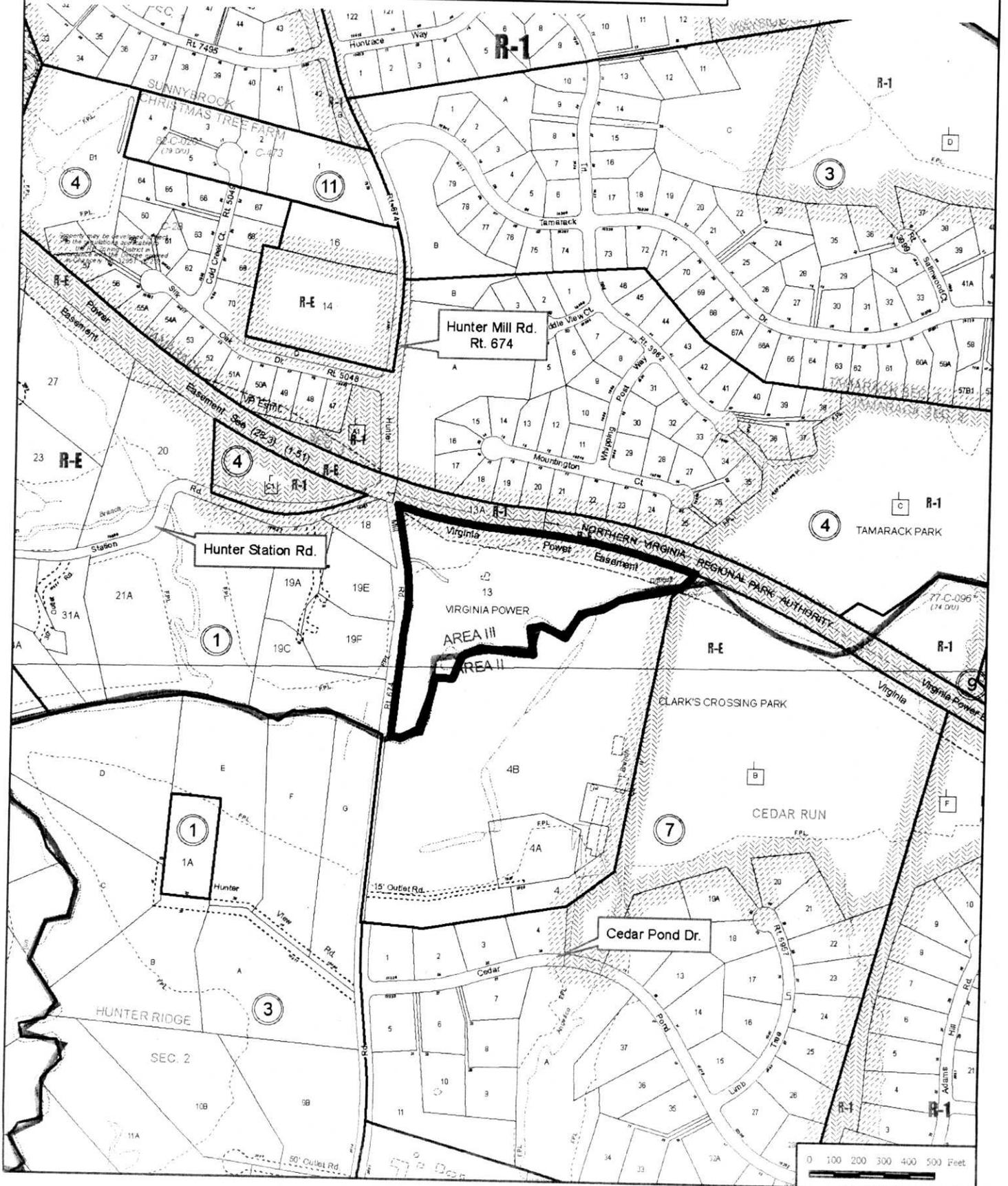
*O:\sbatti\SEA\SEA 82-C-116 Hunter Mill\Staff Report Cover.doc*



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 82-C -116



# verizonwireless

# cricket

communications

SITE NAME:  
**LAWYERS ROAD SITE**  
 SITE ADDRESS:  
 1977 HUNTER MILL ROAD, VIENNA, VA 22182-2804  
 (FAIRFAX COUNTY)  
 SPECIAL EXCEPTION

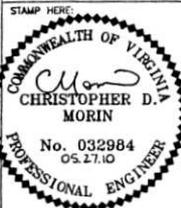
**verizonwireless**  
 9000 JUNCTION DRIVE  
 ANNAPOLIS JUNCTION, MD  
 20701

THESE DRAWINGS ARE FOR THE ACCOMPANYING SPECIFICATION AS INSTRUMENTS OF SERVICE, & THE EXCLUSIVE PROPERTY OF VERIZON/CRICKET AND THEIR USE AND PUBLICATION SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY ARE PREPARED. REUSE, REPRODUCTION OR PUBLICATION BY ANY METHOD, IN WHOLE OR IN PART, IS PROHIBITED EXCEPT BY WRITTEN PERMISSION FROM VERIZON/CRICKET. TITLE TO THESE PLANS AND/OR SPECIFICATIONS SHALL REMAIN WITH VERIZON/CRICKET WITHOUT PREJUDICE AND LEGAL CONTACT WITH THEM SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF ACCEPTANCE OF THESE RESTRICTIONS.

**BC**  
 architects  
 engineers  
 5608 COLUMBIA PIKE, SUITE 101  
 FALLS CHURCH, VA 22041-2868  
 (TEL) 703-871-8000, (FAX) 703-871-6300

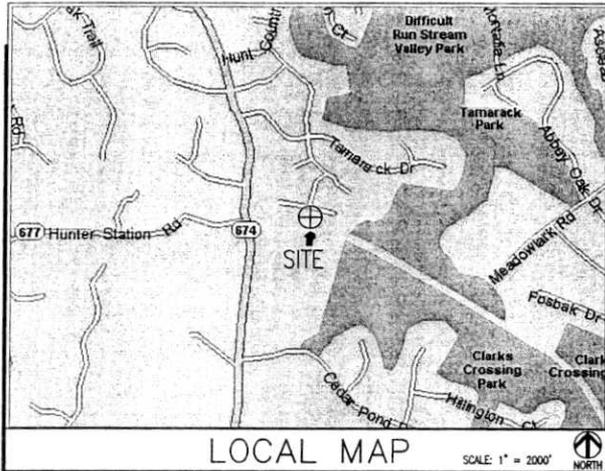
REVISION			
NO.	DESCRIPTION	BY	DATE
1	FEY COMMENTS	DR	09-22-08
2	MOV CRICKET	DR	07-24-09
3			
4			
5			

SITE NAME:  
**LAWYERS ROAD**  
 SITE ADDRESS:  
 1977 HUNTER MILL ROAD  
 VIENNA, VA 22182-2804  
 FAIRFAX COUNTY



DRAWN BY:	DR
CHECKED BY:	COM
DATE DRAWN:	04-10-08
SUBMISSION:	SPECIAL EXCEPTION

SHEET TITLE:	
<b>TITLE SHEET, VICINITY MAP AND GENERAL INFORMATION</b>	
SHEET NUMBER:	REV. #
T-1	2



REV. NO.	DESCRIPTION	BY	DATE	REV. NO.	DESCRIPTION	BY	DATE
1	FAIRFAX COMMENTS	DR	09-22-08	5	MOVED CRICKET	AGT	04-05-10
2	FAIRFAX COMMENTS	DR	01-15-09	6	ANTENNA INFO	AGT	04-19-10
3	ADDED CRICKET	AGT	06-10-09	7	SE COMMENTS	DR	05-25-10
4	MOVED CRICKET	AGT	07-24-09	8			

**ARCHITECT AND ELECTRICAL ENGINEER:**  
 BC ARCHITECTS ENGINEERS, PLC  
 5608 COLUMBIA PIKE, SUITE 101  
 FALLS CHURCH, VA 22041  
 TEL: (703) 871-6000 CONTACT: BRIAN QUINN  
 FAX: (703) 871-6300 PROJECT MANAGER

**SURVEYOR:**  
 PRECISION MEASUREMENTS, INC.  
 2116 GARNET RD. SUITE B-5  
 RICHMOND, VA 23230  
 TEL: (804) 340-5229 CONTACT: BRIAN LONG  
 FAX: (804) 340-5228

**SOIL ENGINEER:**  
 -

**STRUCTURAL ENGINEER:**  
 BC ARCHITECTS ENGINEERS, PLC  
 5608 COLUMBIA PIKE, SUITE 101  
 FALLS CHURCH, VA 22041  
 TEL: (703) 871-6000 CONTACT: CHRIS MORIN  
 FAX: (703) 871-6300 PROJECT MANAGER

**UTILITIES:**  
**POWER COMPANY:**  
 COMPANY NAME: VA DOMINION POWER  
 CONTACT: CUSTOMER SERVICE  
 TEL: (888) 867-3000  
 FAX: -

**CONSULTING TEAM**

**SITE NAME:**  
 LAWYERS ROAD  
**SITE NUMBER:**  
 -  
**SITE ADDRESS:**  
 1977 HUNTER MILL ROAD,  
 VIENNA, VA 22182-2804  
**APPLICANT:**  
 VERIZON WIRELESS  
 9000 JUNCTION DRIVE  
 ANNAPOLIS JUNCTION, MD 20701  
 CONTACT: JOSEPH JOYCE  
 TEL: (301) 512-2438

**LAND OWNER:**  
 VA POWER  
 120 THREGEAR STREET  
 RICHMOND, VA 23219  
 CONTACT: PAUL FEILEY  
 TEL: (804) 819-2454

**APPLICANT'S ATTORNEY:**  
 VENABLE LLP  
 8010 TOWER CRESCENT DRIVE  
 SUITE 300  
 VIENNA, VA 22182  
 CONTACT: F. W. STEARNS

**PROJECT DESCRIPTION:**  
 AMEND SE 82-C-116 PREVIOUSLY APPROVED FOR ELECTRIC SUBSTATION, TRANSFORMER AND DISTRIBUTION CENTER, PARTIALLY WITHIN THE FLOODPLAIN TO PERMIT TELECOMMUNICATION FACILITIES AND USES ON RAISED PLATFORMS IN THE FLOODPLAIN

**ADA COMPLIANCE:**  
 FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION

**PROJECT DATA:**  
 ZONING: RE  
 TAX MAP REFERENCE: 0272010013  
 JURISDICTION: FAIRFAX COUNTY

**GEOGRAPHIC COORDINATES**  
 LATITUDE (NAD 83): 39° 55' 54.8556"  
 LONGITUDE (NAD 83): 77° 18' 06.8194"  
 2C GROUND ELEVATION (NAVD 86): 222' AMSL

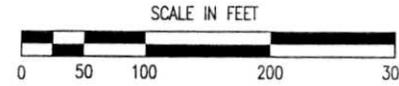
**CODE DATA:**  
 CODE: IBC 2006 NEC 2006

**PROJECT SUMMARY**

SHEET NUMBER:	DESCRIPTION:
T-1	TITLE SHEET, VICINITY MAP AND GENERAL INFORMATION SURVEY
C-1	
A-1	SITE PLAN
A-2	ENLARGED SITE PLAN
A-3	ELEVATION VIEW
L-1	LANDSCAPE PLAN

**SHEET INDEX**

PLOT BY: BCDRAWN; DATE: 04/10/08; TIME: 11:30; SCALE: 1:2000; SHEET: 1 OF 1; PROJECT: 08-001; DRAWING: 08-001-T-1.dwg



THESE DRAWINGS AND/OR THE ACCOMPANYING SPECIFICATIONS AS INSTRUMENTS OF SERVICE, ARE THE EXCLUSIVE PROPERTY OF VERIZON/CORCKETT AND THEIR USE AND PUBLICATION SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY ARE PREPARED. REUSE, REPRODUCTION OR PUBLICATION BY ANY METHOD, IN WHOLE OR IN PART, IS PROHIBITED EXCEPT BY WRITTEN PERMISSION FROM VERIZON/CORCKETT. TITLE TO THESE PLANS AND/OR SPECIFICATIONS SHALL REMAIN WITH VERIZON/CORCKETT WITHOUT PREJUDICE AND WITHOUT CONTACT WITH THEM SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF ACCEPTANCE OF THESE RESTRICTIONS.

**BC**  
 architects  
 engineers  
 5808 COLUMBIA PIKE, SUITE 101  
 FALLS CHURCH, VA 22041-2848  
 (703) 763-6710 FAX (703) 763-6711-8000

REVISION		
NO.	DESCRIPTION	BY DATE
1	EX COMMENTS	DR 02-22-08

SITE NAME:  
**LAWYERS ROAD**  
 SITE ADDRESS:  
 1977 HUNTER MILL ROAD  
 VIENNA, VA 22184-2804  
 FAIRFAX COUNTY



DRAWN BY:	DR
CHECKED BY:	COM
DATE DRAWN:	02-12-08
SUBMISSION:	SPECIAL EXCEPTION

SHEET TITLE:  
**SURVEY**

SHEET NUMBER:	REV. #
<b>C-1</b>	<b>1</b>

- FIELD SURVEY DATE: APRIL 24, 2006/FEB. 15, 2008
- VERTICAL DATUM: NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88)
- HORIZONTAL DATUM: NORTH AMERICAN DATUM OF 1983 (NAD 83)
- CENTER OF EXISTING TOWER:  
 LATITUDE: N 38°55'54.8556"  
 LONGITUDE: W 077°18'06.6194"  
 GROUND ELEVATION: 222  
 HEIGHT OF EXISTING POLE: 128'±
- OWNER: DOMINION VIRGINIA POWER
- APPLICANT: VERIZON WIRELESS
- JURISDICTION: FAIRFAX COUNTY
- ZONING: RE PARCEL AREA: 10.3355 ACRES
- MAGISTERIAL DISTRICT: HUNTER MILL
- TAX PARCEL: 0272 01 0013
- TITLE REFERENCE: D.B. 5540, PG. 1414
- ELEVATIONS AND COORDINATES SHOWN HEREON ARE DERIVED FROM SUB-METER ACCURACY GPS.
- THIS PARCEL APPEARS TO BE LOCATED IN ZONE "X" AS DEFINED ON F.I.R.M. 515525 0050 DATED MARCH 5, 1990
- THE EXISTENCE OF TIDAL AND NON-TIDAL WETLANDS WAS NOT INVESTIGATED DURING THE COURSE OF THIS SURVEY.
- PROPERTY LINE INFORMATION SHOWN HEREON IS BASED ON DEEDS AND MAPS OF RECORD AND TAX MAP INFORMATION. THIS SURVEY DOES NOT CONSTITUTE A BOUNDARY SURVEY. THE PROPERTY SHOWN HEREON IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	608.02'	187.49'	188.74'	S 01°19'40" E	17°40'03"
C2	2815.00'	643.38'	641.86'	S 76°56'29" E	13°05'34"
C3	2915.00'	509.04'	508.39'	N 78°29'12" W	10°30'19"

PAUL ICKE  
 D.B. 8764, PG. 1543  
 T.M. 0274 01 0004B  
 ZONED RE

**SURVEY**

11/17/07 - T-100/ 24'x36' - T-50/



TRUE NORTH

**SIGNS**

- (1) EXISTING SHELTER IDENTIFICATION SIGN APPROXIMATELY 14'x24", UNLT.

**STRUCTURES**

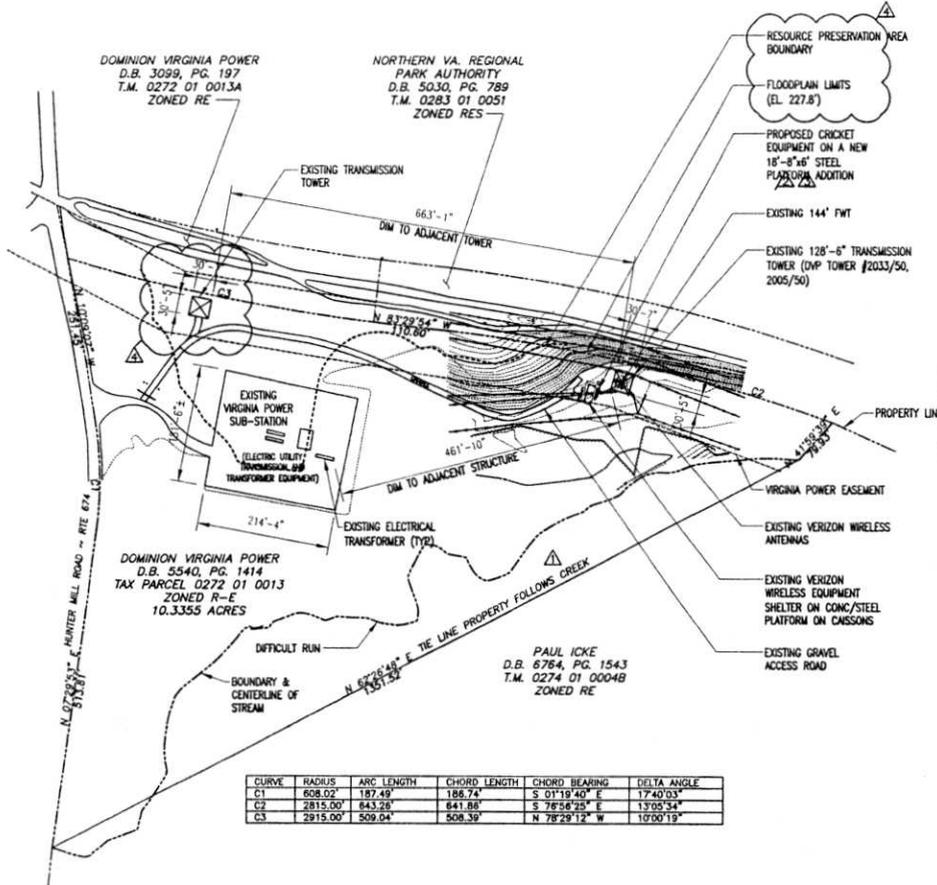
- EXISTING ELECTRIC UTILITY TRANSFORMER AND DISTRIBUTION EQUIPMENT WITHIN SUBSTATION COMPOUND.
- (1) EXISTING 39'-4"x30'-9" ELECTRIC UTILITY TRANSMISSION TOWER.
- (1) EXISTING 30'-5"x30'-7" ELECTRIC UTILITY TRANSMISSION TOWER - OVERALL HEIGHT = 128'-6" AGL.
- (1) EXISTING 11'-10"x30'-1" WIRELESS TELECOMMUNICATIONS EQUIPMENT SHELTER ON 17'-9"x34'-10" RAISED CONCRETE PLATFORM - OVERALL HEIGHT = 22'-8" AGL.

**PARKING**

- ONE EXISTING PARKING SPACE ADJACENT TO EXISTING TELECOMMUNICATIONS PLATFORM - 66'-9"± FROM NEAREST ADJACENT PROPERTY LINE.

**FLOODPLAIN**

- FLOODPLAIN DELINEATION SHOWN IS PER PLAN #5234-FP-01 TITLE "FLOODPLAIN STUDY ON DIFFICULT RUN BASIN" OF 03/21/83.
- WITHIN FLOODPLAIN - EXISTING 11'-10"x30'-1" WIRELESS TELECOMMUNICATIONS EQUIPMENT SHELTER ON 17'-9"x34'-10" RAISED CONCRETE PLATFORM ON (S) 36" CONCRETE PILLARS.
- WITHIN FLOODPLAIN - EXISTING 30'-5"x30'-7" ELECTRIC UTILITY TRANSMISSION TOWER.
- PARTLY WITHIN FLOODPLAIN - EXISTING ELECTRIC UTILITY TRANSFORMER AND DISTRIBUTION EQUIPMENT WITHIN SUBSTATION COMPOUND.



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	608.02'	187.49'	186.74'	S 01°19'40" E	17°40'03"
C2	2815.00'	843.26'	841.88'	S 78°56'25" E	13°05'54"
C3	2915.00'	509.64'	508.39'	N 78°29'12" W	10°00'19"

**NOTES:**

1. THERE ARE NO SANITARY SEWERS OR WATER FACILITIES.
2. THERE ARE NO KNOWN GRAVES, OBJECTS OR STRUCTURES MARKING A BURIAL SITE.
3. APPLICANT WILL APPLY FOR THE DUSTLESS SURFACE WAIVER THAT WAS APPROVED FOR THE SITE IN SEPTEMBER 2001 AND HAS SINCE EXPIRED.
4. APPLICANT WILL RE-APPLY FOR THE RIGHT OF WAY DEDICATION THAT WAS APPROVED ON DECEMBER 19, 2001 AND HAS SINCE EXPIRED.
5. APPLICANT WILL APPLY FOR A STORM WATER DETENTION WAIVER.
6. APPLICANT WILL APPLY FOR A TRANSITIONAL SCREENING WAIVER MODIFICATION.
7. APPLICANT HAS AN APPROVED WAIVER IN THE SUBMISSION REQUIREMENTS TO AMEND SE82-C-116.
8. APPLICANT IS NOT CHANGING EXISTING MEANS OF INGRESS OR EGRESS AND THERE WILL NOT BE ANY ROAD IMPROVEMENTS.
9. SWM CHECKLIST IS INCLUDED WITH APPLICATION.
10. APPLICANT WILL APPLY FOR A WATER QUALITY CONTROL WAIVER IF THERE IS NOT ENOUGH LAND AREA TO MEET SWP REQUIREMENTS.
11. RESOURCE PRESERVATION AREA BOUNDARY INDICATED IS A SITE SPECIFIC DETERMINATION - #234-RPA-001-1, CURRENTLY UNDER REVIEW BY FAIRFAX COUNTY.
12. THERE IS NO PROPOSED GRADING, CUT OR FILL.

**OUTFALL NARRATIVE:**

STORMWATER RUNOFF FROM THIS PROPERTY OUTFALLS INTO EXISTING FLOOD PLAN FOR DIFFICULT RUN (DETERMINED BY U.S.G.S. AND ADOPTED BY THE BOARD OF SUPERVISORS IN JANUARY OF 1983). IT IS THE OPINION OF THE SUBMITTING ENGINEER THAT NO ADVERSE EFFECTS ARE CREATED DOWN STREAM FROM THE PROPERTY.

**FLOODING AND EROSION:**

THERE ARE NO KNOWN EXISTING AND NO ANTICIPATED FLOODING PROBLEMS BOTH IN THE AREA OF THE APPLICATION AND AT AREAS UPSTREAM AND DOWNSTREAM FROM THE PROPERTY. THE PROPOSED CRICKET PLATFORM WILL RESULT IN A NET REDUCTION OF BUILT VOLUME WITHIN THE FLOODPLAIN. AN EXISTING METAL-GRADE PLATFORM WILL BE RELOCATED ABOVE THE FLOOD ELEVATION AND WILL BE REUSED AS THE CRICKET EQUIPMENT PLATFORM. THERE IS STREAM BANK EROSION AT DIFFICULT RUN.

**PERMITS STATEMENT:**

NO ADDITIONAL FEDERAL AND/OR STATE PERMITS ARE REQUIRED.

**FLOODPROOFING:**

THIS IS TO CERTIFY THAT THE PROPOSED FACILITY IS STRUCTURALLY DESIGNED TO BE FLOODPROOFED AND HAS BEEN DESIGNED TO BE IN COMPLIANCE WITH ALL COUNTY, STATE AND FEDERAL REQUIREMENTS WILL BE PROVIDED. THERE ARE NO FLOODPROOFING REQUIREMENTS FOR ELECTRICAL, MECHANICAL, PLUMBING, WATER AND SANITARY FACILITIES CONNECTED WITH THE USE. A SIGNED AND SEALED LETTER OF THIS SAME STATEMENT WILL BE PROVIDED.

**FLOOD INSURANCE:**

APPLICANT IS AWARE THAT FLOOD INSURANCE MAY BE REQUIRED BY THE APPLICANT'S LENDING INSTITUTION AND THAT THE FLOOD INSURANCE RATES MAY INCREASE BECAUSE OF INCREASES IN RISKS TO LIFE AND PROPERTY. A LETTER OF THIS SAME STATEMENT, SIGNED BY APPLICANT, WILL BE PROVIDED.

verizonwireless

9000 JUNCTION DRIVE  
ANNAPOLIS JUNCTION, MD  
20701

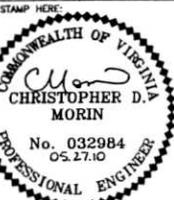
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**BC**  
architects  
engineers

5639 COLUMBIA PIKE, SUITE 101  
FALLS CHURCH, VA 22041-1988  
(TEL) 703-871-8000 (FAX) 703-871-8300

REVISION		
NO.	DESCRIPTION BY	DATE
▲	ADDED CRICKET	08-10-09
▲	MOVED CRICKET	07-24-09
▲	MOVED CRICKET	04-29-10
▲	SEE COMMENTS	08-22-10

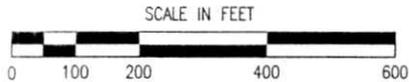
SITE NAME:  
**LAWYERS  
ROAD**  
SITE ADDRESS:  
1977 HUNTER MILL ROAD  
VIENNA, VA 22182-2804  
FAIRFAX COUNTY



DRAWN BY:	DR
CHECKED BY:	CDM
DATE DRAWN:	04-10-08
SUBMISSION:	SPECIAL EXCEPTION
SHEET TITLE:	

SITE PLAN

SHEET NUMBER:	REV. #
A-1	4



11'x17' - T-200  
24'x36' - T-100

SITE PLAN

1

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**BC**  
 architects  
 engineers

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REVISION

NO.	DESCRIPTION	BY	DATE
1	FEED COMMENTS	DR	08-22-08
2	FEED COMMENTS	DR	02-02-09
3	ADDED CRICKET	ACL	06-10-09
4	MOVED CRICKET	ACL	07-24-09
5	MOVED CRICKET	ACL	04-06-10
6	FEED COMMENTS	DR	06-25-10

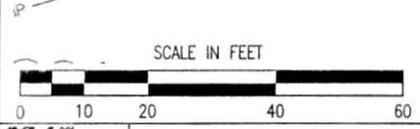
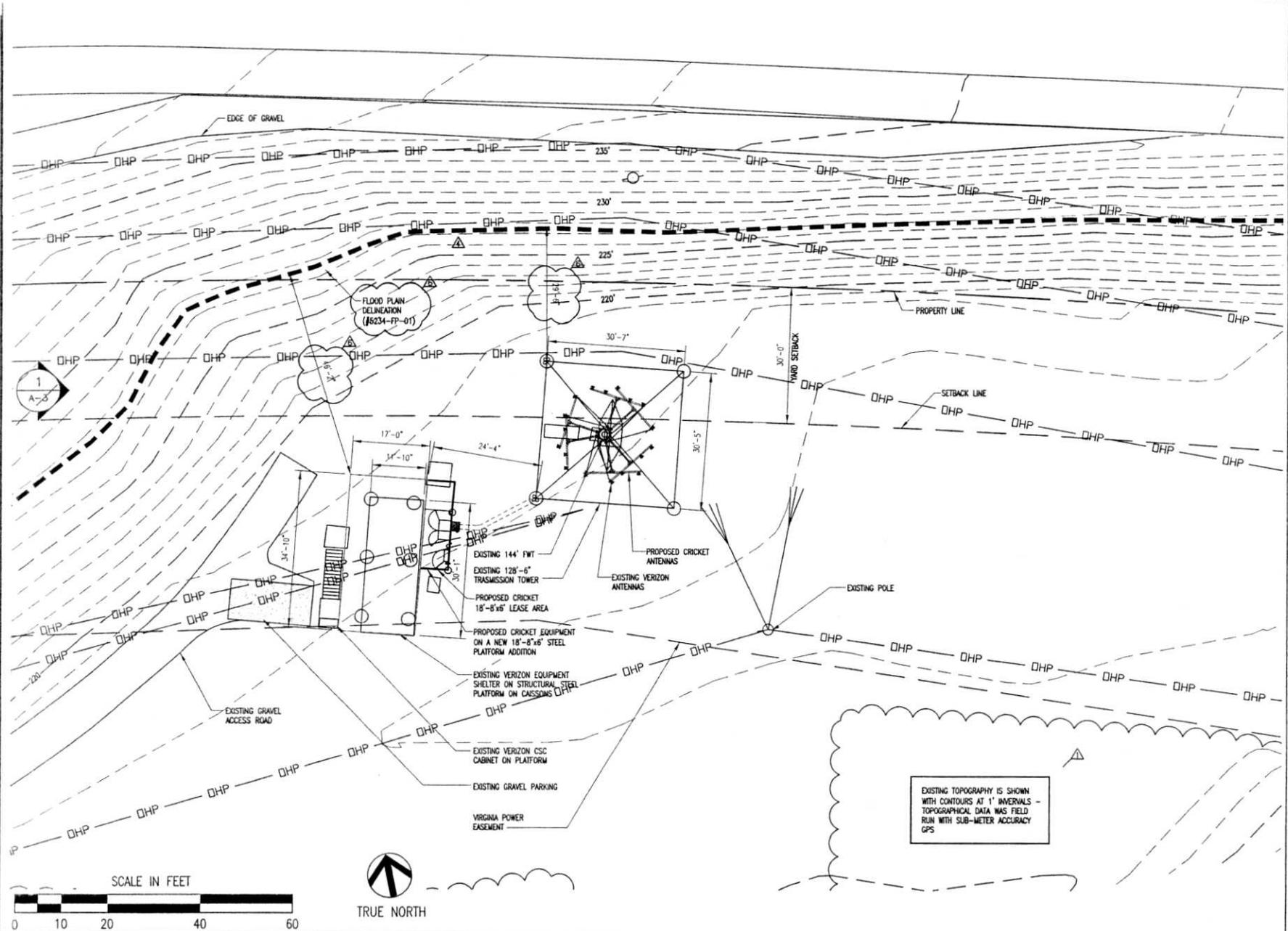
SITE NAME:  
**LAWYERS ROAD**  
 SITE ADDRESS:  
 1977 HUNTER MILL ROAD  
 VIENNA, VA 22182-2804  
 FAIRFAX COUNTY



DRAWN BY:	DR
CHECKED BY:	COM
DATE DRAWN:	04-10-08
SUBMISSION:	SPECIAL EXCEPTION
SHEET TITLE:	

ENLARGED SITE PLAN

SHEET NUMBER:	A-2	REV. #	6
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ENLARGED SITE PLAN

DATE: 08-22-10 11:17 AM  
 DRAWN BY: DR  
 CHECKED BY: COM  
 DATE DRAWN: 04-10-08  
 SUBMISSION: SPECIAL EXCEPTION  
 SHEET TITLE: ENLARGED SITE PLAN  
 SHEET NUMBER: A-2  
 REV. #: 6

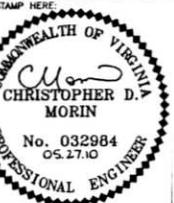
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 (TEL) 703-871-6000, (FAX) 703-871-6300

REVISION

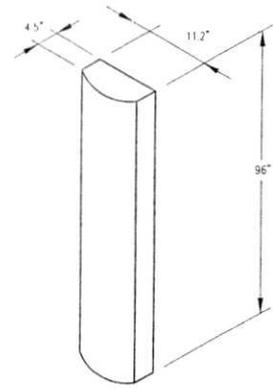
NO.	DESCRIPTION	BY	DATE
1	ADDED CRICKET	AST	06-10-09
2	MOVED CRICKET	AST	07-24-09
3	MOVED CRICKET	AST	04-05-10
4	ANTENNA INFO	AST	04-19-10
5	SEE COMMENTS	DR	05-25-10

SITE NAME:  
**LAWYERS ROAD**  
 SITE ADDRESS:  
 1977 HUNTER MILL ROAD  
 VIENNA, VA 22182-2804  
 FAIRFAX COUNTY

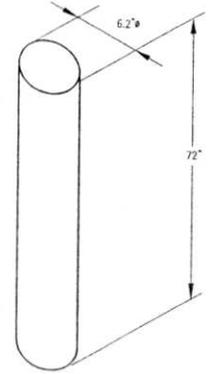


DRAWN BY:	DR
CHECKED BY:	COM
DATE DRAWN:	04-10-08
SUBMISSION:	SPECIAL EXCEPTION
SHEET TITLE:	

ELEVATION	
SHEET NUMBER:	REV. #
A-3	4



PROPOSED VERIZON ANTENNA



PROPOSED CRICKET ANTENNA

EXISTING VERIZON WIRELESS ANTENNAS - (6)  
 EXISTING 48\"/>

EXISTING 144' FWT  
 TOP OF EXISTING FWT  
 ELEV. 144.5' AGL

TOP OF EXISTING TOWER  
 ELEV. 128.5' AGL

EXISTING 128'-6\"/>

(3) NEW & (3) FUTURE CRICKET ANTENNAS, (6) TOTAL - (2) PER SECTOR, FURNISHED BY CRICKET, INSTALLED BY DOMINION

EXISTING SHRUBS AT BICYCLE TRAIL  
 GRAVEL PATH  
 APPROX CENTERLINE OF WOOD TRAIL  
 LINE OF EXIST GRADE

PROPOSED CRICKET EQUIPMENT ON STEEL PLATFORM ADDITION  
 EXISTING VERIZON WIRELESS EQUIPMENT SHELTER

TOP OF ROOF  
 ELEV. 240.7'

FINISH FLOOR  
 ELEV. 228.7'

FLOODPLAIN  
 ELEV. 227.80'

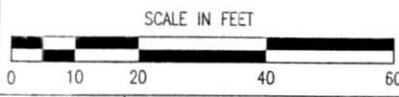
EXISTING GROUND @ TOWER  
 ELEV. 218'±

EXISTING VERIZON CSC CABINET

EXISTING WTL STAIR AND LANDING

EXISTING CONC PLATFORM ON CONC CAISSONS

NOTE: FLOODPLAIN ELEVATION INDICATED IS PER PLAN #5234-FP-01, TITLED "FLOODPLAIN STUDY ON DIFFICULT RUN BASIN".



11'-10 1/2\"/>
 24'-1 3/8\"/>

EAST ELEVATION



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

**DESCRIPTION OF THE APPLICATION**

The applicant, Cellco Partnership d/b/a Verizon Wireless, is requesting a Special Exception Amendment to allow the following:

- An existing telecommunications facility, which was constructed in error in the floodplain and exceeds the height limitations of the Zoning Ordinance, to remain; and,
- An extension of the existing platform in order for another telecommunications carrier to co-locate. This cabinet is proposed to be attached to the existing platform; no new construction is proposed.

The applicant has also requested an RPA Encroachment Exception for the existing and proposed telecommunications equipment and the existing maintenance access driveway.

**LOCATION AND CHARACTER**

The 10.33 acre site is located at 1977 Hunter Mill Road and is developed with a Virginia Electric and Power Company (VEPCO) substation, a telecommunications facility, and transmission towers and lines operated by Dominion Virginia Power. The site is immediately adjacent to the W&OD Trail, which runs along the northern portion of the property. The site is vegetated, but contains a high degree of invasive species. The site is accessed via a gravel driveway off of Hunter Mill Road. Generally speaking, the site slopes to the south; the structures are completely within the floodplain.

<b>SURROUNDING AREA DESCRIPTION</b>			
<b>Direction</b>	<b>Use</b>	<b>Zoning</b>	<b>Plan</b>
<b>North</b>	W&OD Trail; Residential, single family detached	R-1	Residential; .5-1 du/ac
<b>South</b>	Private Open Space	R-E	Public Park
<b>East</b>	Clark's Crossing Park	R-E	Public Park
<b>West</b>	Residential, single family detached	R-E	Residential; .5-1 du/ac

## **BACKGROUND**

On January 31, 1983, the Board of Supervisors approved SE 82-C-116 for an electric substation, transformer, and distribution center located partially within a floodplain. The final location approved was based on a balance between the environmental concerns on the site and the concerns of the adjacent residential community.

In February, 1997, AT&T applied for and was granted a "Feature Shown" on the Dominion Virginia Power (DVP) tower which is west of the tower included in this application (DVP tower number 2033). The tower to the west is outside the RPA and floodplain boundaries.

In September 1997, Verizon was approved for a "Feature Shown" on Tower 2033. This facility showed an antenna mounted on an existing tower and an equipment shelter at the base; however, the drawings in the staff report and application were from the AT&T Site Plan, and did not accurately reflect the existing site conditions. As a result, RPA and floodplain issues were not considered or addressed in that staff report. In March 2002, a minor site plan was approved for the Verizon cabinets that did not take into account the RPA, floodplain, or the height of the proposed shelter. In order to keep the equipment above the floodplain level, the equipment shelter was installed on caissons (pillars) that are 11 feet above the grade, bringing the total height to approximately 23 feet above grade. Section 2-514 (1) I of the Zoning Ordinance requires that an equipment shelter for telecommunication facilities not exceed 12 feet in height.

In 2007, a 2232 application for the subject property was submitted. It was at this time that the zoning violations for the structure located in the floodplain and the excess height were discovered. When Verizon submitted a 2232 amendment application to allow the structure to remain, they were notified that an SEA would be required.

## **COMPREHENSIVE PLAN PROVISIONS**

**Plan Area:** Area III

**Planning District:** Upper Potomac Planning District

**Planning Sector:** UP5: Reston Community Planning Sector

**Plan Map:** .5-1 du/ac and Public Parks

**Plan Text:**

Fairfax County Comprehensive Plan, 2007 Edition, Area III, Upper Potomac Planning District as amended through March 9, 2010, Reston Community Planning Sector, page 130, states:

"The Reston Community Planning Sector is largely developed as stable residential neighborhoods. Infill development in these neighborhoods should be of a compatible use, type and intensity in accordance with the guidance provided by the Policy Plan under Land Use Objectives 8 and 14."

Additional relevant Plan text may be found in Appendix 4.

## ANALYSIS

**Special Exception Plat** (Copy at front of staff report)

**Title of SEA Plat:** Verizon Wireless Lawyers Road Site

**Prepared By:** BC Architects

**Original and Revision Dates:** April 10, 2008 as revised through May 25, 2010.

### Plat Description

The SE Plat consists of 6 sheets.

**Sheet 1(T-1)** contains a locator map, contact information, and sheet index

**Sheet 2 (C-1)** is the site survey and existing conditions

**Sheet 3 (A-1)** shows the proposed site layout

**Sheet 4 (A-2)** shows an enlarged plan of the site layout

**Sheet 5 (A-3)** contains site elevations

**Sheets 6 (L-1)** shows the proposed landscaping

### Description of Proposal

**Telecommunications cabinet:** The existing equipment structure is 17 feet by 34 feet, stands approximately 23 feet above grade, and is located on the northeastern portion of the property. This structure, as outlined in the background section, has been on the property for nearly ten years. The applicant is proposing to add an additional carrier to this already existing structure, and the proposed equipment would be placed on the eastern side of the structure, but would be attached so that no equipment would be placed on the ground. This cantilever style of addition is such that it will not add impervious surface to the application area.

**Access:** Access to the site is currently obtained through a gravel access driveway off of Hunter Mill Road. The structures are unmanned, and adequate parking and turn-around space for service vehicles is provided.

**Landscaping:** The applicant was conditioned to provide supplemental screening and buffering with the original special exception request. That landscaping was installed, and over twenty years has grown to be quite dense. However, the presence of extensive invasive plant material on this site, particularly in the location between the equipment shed and the W&OD Trail, threatens to destroy the high-quality, native vegetation that does exist and provides screening to the adjacent residential communities and the visitors of the W&OD Trail. In order to address the issue of landscaping in this particular area, staff has included a development condition requiring the applicant to submit an invasive vegetation removal plan and landscape plan for review and approval by Urban Forest Management (UFM.)

**Land Use Analysis** (Appendix 4)

The previous SEA plat proposed a new equipment shelter on a steel platform in the Environmental Quality Corridor (EQC)/100-year floodplain/Resource Protection Area (RPA) to accommodate the new Cricket antennas co-located on an existing tower owned by Dominion Virginia Power. In its August 3, 2009 report, staff did not support the placement of a new platform for the equipment shelter in the EQC/floodplain. In addition, staff noted that the identification of the EQC and RPA had not been included on all sheets of the plan as had the 100-year floodplain. The current application and plan have been modified to eliminate the new equipment shelter within the EQC through the proposed co-location of the requested equipment on the existing platform. The current revised Special Exception Amendment plat depicts the approximate location of the 100-year floodplain, the EQC and the RPA.

By modifying the request to eliminate a new platform in the 100-year floodplain/EQC, this application is now consistent with the Comprehensive Plan's EQC policy.

**Urban Forestry Analysis** (Appendix 5)

**Issue:** Significant quantities of autumn olive and Japanese honeysuckle exist on the site, specifically between the access road to the existing equipment sheds and the W&OD trail. These species exhibit a high degree of invasiveness. Areas of invasive vegetation are noted on the landscape plan as Transitional Screening 3. Invasive vegetation is not accepted as transitional screening; the landscape buffer is within the transmission line easement held by VA Dominion Power.

**Resolution:** Staff has included a development condition which requires the applicant to submit an invasive vegetation removal plan and a replanting landscape plan for the area in discussion, subject to review and approval by UFM and SWM to ensure the planting is done in conformance with the CBPO. The applicant will also be required to coordinate with VA Dominion Power. Staff believes this issue is addressed.

**Transportation Analysis** (Appendix 6)

The Department of Transportation has no issues with this application.

**Stormwater Analysis (DPWES)** (Appendix 7)

**Issue:** The existing telecommunications equipment was built under a minor site plan that was approved in error. The equipment was shown within the RPA, yet no encroachment exception was approved. A General Resource Protection Area Encroachment Exception is required under the Chesapeake Bay Preservation Act. The applicant submitted the required RPA Encroachment request on March 31, 2010, #5234-WRPA-002-01, and also submitted a Water Quality Impact

Assessment, #5234-WQIA-001-1. A staff report recommending approval for those two requests is attached to this report- see Appendix 8a.

There is a portion of the existing access driveway that is in the RPA, and since this was not constructed as part of an approved development plan, it can not be considered an allowed use within the RPA. The applicant did include this portion in both the RPA Encroachment and WQIA submittals.

**Issue:** Either water quality controls or an approved waiver is required. A 40% phosphorous removal rate is required for development in the RPA. No controls have been identified on the plat, and none were included in the minor site plan, nor was a waiver granted.

**Resolution:** The RPA Encroachment Exception notes that further buffer creation or water quality control facilities on the site are constrained by the overhead electrical wires. Prior to development plan approval, the applicant will need to dedicate floodplain and storm drain easements; dedicate easements in combination with quality controls; or seek a waiver. This issue is still being discussed with SWM, but staff believes there are options available and, therefore, this issue will be addressed further at site plan.

**Issue:** Review of the initial submission noted that there are improvements proposed within a major floodplain, and the elevations from the Floodplain Study completed with the original Special Exception should be used. The approved Floodplain Study should also be cited as the source of the boundary; it also should be clarified on plans which floodplain elevation is correct, and the required floodplain information should be added to the plat.

**Resolution:** The applicant has revised the plat to reference the Floodplain Study and has added the requested floodplain information. This issue is addressed.

**Issue:** Initial review also noted that stormwater detention or an approved waiver will likely be required. The applicant states a detention waiver will be pursued; DPWES has noted that a waiver is likely to be granted. DPWES also noted that the stormwater runoff calculations provided appear to be out of date and should be removed from the plat.

**Resolution:** The applicant removed the calculations as requested. If a waiver of stormwater detention is not granted, the applicant will need to provide the appropriate stormwater management facilities in substantial conformance with the Special Exception Plat or may be required to submit a Special Exception Amendment.

## ZONING ORDINANCE PROVISIONS

This application is for a Category 1 Special Exception; these uses do not have to comply with the lot size requirements or the bulk regulations set forth for the zoning district in which located.

**Limitations on Mobile and Land-Based Telecommunication Facilities (Sect. 2-514.I)**

This section of the Ordinance limits the height of unmanned equipment cabinets or structures to twelve (12) feet when located on the ground. A modification of this section is requested in order to allow the existing structure, which was built 23 feet high in order to locate it out of the floodplain elevation, to remain.

**Other Zoning Ordinance Requirements:****Special Exception Requirements (Appendix 8)**

General Special Exception Standards (Sect. 9-006)

Standards for All Category 1 Uses (Sect. 9-104)

Provisions for Uses in a Floodplain (Sect. 9-606)

***General Special Exception Standards (Sect. 9-006)***

Par. 1 requires that the proposed use be in harmony with the Comprehensive Plan. The subject parcel is designated for low-density residential use and Public Parks. Staff is of the opinion that this project is in harmony with the Comprehensive Plan and the Environmental Policies of the plan, as there is no further encroachment into the floodplain. This standard has been met.

Par. 2 requires that the proposed use be in harmony with the purpose and intent of the applicable zoning district regulations. The intent and purpose of the R-E District is to promote agricultural uses and low density residential uses; to allow other selected uses which are compatible with the open and rural character of the district; and otherwise to implement the stated purpose and intent of this Ordinance. The proposal is to allow the existing structure to remain and to co-locate another cabinet on the existing platform, which does not increase density or negatively impact the rural character of the property. Staff is of the opinion that this standard has been met.

Par. 3 requires that the proposed use be harmonious with and not adversely affect the use or development of neighboring properties in accordance with applicable zoning district regulations and the adopted Comprehensive Plan. It further states that 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. The properties adjacent to the subject parcel are zoned R-1 and R-E with plan designations residential and Public Park. This proposal to allow a telecommunications facility to remain in the floodplain is compatible with the uses of the surrounding properties. In addition, the removal of invasive plants on the property will prevent their spread onto adjacent properties and will protect off-site vegetation from further encroachment. Staff believes this standard has been met.

Par. 4 states that 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. Due to the unmanned nature of this facility, staff is of the opinion that this project will pose no conflicts to the existing neighborhood traffic and that this standard has been met.

Par. 5 states that, in addition to the standards which may be set forth in this Article for a particular category or use, the Board may require landscaping and screening in accordance with the provisions of Article 13. A landscape plan will be required by the proposed development conditions.

Par. 6 states that open space should be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located. The R-E Zoning District does not have an open space requirement; this standard is not applicable.

Par. 7 states that 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. A service vehicle parking and turn-around area has been provided. Therefore, this standard is met.

Par. 8 states that 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. This project has been conditioned to comply with Article 12 of the Zoning Ordinance. Therefore, as conditioned, Staff is of the opinion that this standard has been met.

***Standards for all Category 1 Uses (Sect. 9-104)***

1. Category 1 special exception uses shall not have to comply with the lot size requirements or the bulk regulations set forth for the zoning district in which located.
2. No land or building in any district other than the I-5 and I-6 District shall be used for the storage of materials or equipment, or for the repair or servicing of vehicles or equipment, or for the parking of vehicles except those needed by employees connected with the operation of the immediate facility. No storage of materials or equipment is proposed as part of this application. No equipment repair operations will take place on the site, other than routine maintenance for the telecommunications facility. This standard is addressed.
3. If the proposed location of a Category 1 use is in an R district, there shall be a finding that there is no alternative site available for such use in a C or I district within 500 feet of the proposed location; except that in the case of electric transformer stations and telecommunication central offices, there shall be a finding that there is no alternative site available in a C or I district within a distance of one (1) mile, unless there is a substantial showing that it is impossible for satisfactory service to

be rendered from an available location in such C or I district. The existing facility was approved by a "Feature Shown" review and through a minor site plan almost ten years ago.

4. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans. Staff has included a development condition to address this standard.

***Provisions for Uses in a Floodplain (Sect. 9-606)***

The Board may approve a special exception for the establishment of a use in a floodplain in accordance with the provisions of Part 9 of Article 2.

Staff has determined that the requested application meets the requirements of Part 9 of Article 2 as follows:

Standard 1 states that except as may be permitted by Par. 6 and 7 of Sect. 903, any new construction, substantial improvements, or other development, including fill, when combined with all other existing, anticipated and planned development, shall not increase the water surface elevation above the 100-year flood level upstream and downstream, calculated in accordance with the provisions of the Public Facilities Manual. No fill is proposed as part of this application, which is within the Difficult Run floodplain. As directed by DPWES, the applicant will need to dedicate floodplain and storm drain easements before a development plan is approved, provide easements in combination with controls, or seek a waiver. As such, this standard is satisfied.

Standard 2 states that except as may be permitted by Par. 8 of Sect. 903, the lowest elevation of the lowest floor of any proposed dwelling shall be eighteen (18) inches or greater above the water-surface elevation of the 100-year flood level (which is 10 feet) calculated in accordance with the provisions of the Public Facilities Manual. No dwellings are proposed as part of this application, and the existing platform was raised to be above the floodplain level.

Standard 3 states that all uses shall be subject to the provisions of Par. 1 of Sect. 602, which states that notwithstanding the provisions of Sect. 601, no building shall be erected on any land and no change shall be made in the existing contours of any land, including any change in the course, width or elevation of any natural or other drainage channel, in any manner that will obstruct, interfere with, or change the drainage of such land, taking into account land development that may take place in the vicinity under the provisions of this Ordinance, without providing adequate drainage in connection therewith as determined by the Director in accordance with the provisions of the Public Facilities Manual. The telecommunications facility already exists on the site, and the proposed addition will be cantilevered over the ground. There is no increase in impervious surface, and no change in grading will be required.

Standard 4 states that no structure or substantial improvement to any existing structure shall be allowed unless adequate floodproofing as defined in the Public Facilities Manual is provided. When the existing structure was constructed, due to its location in the floodplain, it was placed onto pillars to raise the height. The applicant has certified that the facility is structurally designed to be floodproofed and has been to be in compliance with all County, State, and Federal requirements. This standard is addressed.

Standard 5 states that to the extent possible, stable vegetation shall be protected and maintained in the floodplain. The subject property, which is almost entirely in the floodplain, contains invasive plant vegetation. Staff has included a development condition which requires the applicant to submit an invasive vegetation removal plan and a replanting plan, subject to DPWES approval. With the implementation of this proposed development condition, this area will be transformed into a healthy environment for high-quality vegetation to thrive. Therefore, this standard has been satisfied.

Standard 6 states that there shall be no storage of herbicides, pesticides, or toxic or hazardous substances as set forth in Title 40, Code of Federal Regulations, Parts 116.4 and 261.30 et seq., in a floodplain. A development condition to this effect has been proposed to reinforce the federal requirements; therefore, this standard has been satisfied.

Standard 7 states that for uses other than those enumerated in Par. 2 and 3 of Sect. 903, the applicant shall demonstrate to the satisfaction of the approving authority the extent to which: there are no other feasible options available to achieve the proposed use; the proposal is the least disruptive option to the floodplain; and the proposal meets the environmental goals and objectives of the adopted comprehensive plan for the subject property. Staff believes the applicant has demonstrated the least disruptive location for the cabinet addition, as no physical disruption to the floodplain will be required. Staff does not believe this facility will have adverse impacts. This standard has been satisfied.

Standard 8 states that nothing herein shall be deemed to prohibit the refurbishing, refinishing, repair, reconstruction or other such improvements of the structure for an existing use provided such improvements are done in conformance with the Virginia Uniform Statewide Building Code and Article 15 of this Ordinance. The applicant is not proposing to do any of the above; therefore, this standard is not applicable.

Standard 9 states that nothing herein shall be deemed to preclude public uses and public improvements performed by or at the direction of the County. This standard is noted.

Standard 10 states that notwithstanding the minimum yard requirements specified by Sect. 415 above, dwellings and additions thereto proposed for location in a floodplain may be permitted subject to the provisions of this Part and Chapter 118 of

The Code. As the proposed use does not include dwellings, this standard is not applicable.

Standard 11 states that all uses and activities shall be subject to the provisions of the Chesapeake Bay Preservation Ordinance, Chapter 118 of The Code. As stated above, this standard is satisfied with the request for an RPA Encroachment Exception.

Standard 12 states that when as-built floor elevations are required by federal regulations or the Virginia Uniform Statewide Building Code for any structure, such elevations shall be submitted to the County on a standard Federal Emergency Management Agency (FEMA) Elevation Certificate prior to approval of the final inspection. If a non-residential building is being floodproofed, then a FEMA Floodproofing Certificate shall be completed. A development condition has been included requiring a FEMA Floodproofing Certificate to be completed. This standard is addressed.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusions**

Staff concludes that the subject application is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions.

### **Recommendation**

Staff recommends approval of SEA 82-C-116. If it is the intent of the Board of Supervisors to approve the application, staff recommends such approval be subject to development conditions consistent with those found in Appendix 1 of this report.

Staff recommends approval of RPA Encroachment Exception #5234-WRPA-002-1, subject to the development conditions contained in Attachment A of Appendix 1.

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

The approval of this special exception 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 recommendations of staff; it does not reflect the position of the Board of Supervisors.

## **APPENDICES**

1. Proposed Development Conditions
  - 1a. RPA Encroachment Exception and Conditions
2. Affidavit
3. Statement of Justification
4. Conditions approved with SE 82-C-116
5. Environmental Analysis and Comprehensive Plan Citations
6. UFM Memo
7. Transportation Analysis
8. Stormwater Analysis (DPWES)
  - 8a. RPA Encroachment Exception Staff Report
9. Applicable Zoning Ordinance Provisions
10. Glossary of Terms

**PROPOSED DEVELOPMENT CONDITIONS****SEA 82-C-116****June 30, 2010**

If it is the intent of the Board of Supervisors to approve SEA 82-C-116 located at Tax Map 27-2 ((1)) 13 to amend SE 82-C-116 previously approved for an electric substation, transformer, and distribution center partially within a floodplain pursuant to Sect. 03-0E04 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 shall supersede previous development conditions for the area subject to this application. Conditions which are substantively the same and which have been carried forward from the previous application are indicated 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 granted for only the purpose(s) and/or use(s) indicated on the special exception plat approved with this application, as qualified by these development conditions which supersede all previous special exception conditions.\*
3. This Special Exception Amendment is subject to the provisions of Article 17, Site Plans, as may be determined by Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in conformance with the approved Special Exception Amendment plat entitled "Verizon Wireless Lawyers Road Site," prepared by BC Architects, dated April 10, 2008 as revised through May 25, 2010, consisting of six sheets, and these conditions.
4. Right-of-way up to thirty (30) feet from the centerline of Hunter Mill Road along the entire Hunter Mill Road frontage of the site shall be dedicated to the Board of Supervisors, in fee simple, at the time of site plan approval or within sixty days upon demand by DPWES or VDOT, whichever occurs first. Density credit for such dedication shall be retained by the site.\*
5. The applicant shall submit an invasive vegetation removal plan and landscape plan for review and approval by DPWES, Urban Forest Management Division, and the Stormwater Management Division for the removal and control of invasive vegetation in the area between the access road to the existing equipment shed and the W&OD Trail/Gravel Horse Path. Invasive vegetation shall be replaced with a 50-ft. landscape buffer of appropriate screening, including trees and shrubs, to meet the requirements of Transitional Screening 3. The proposed landscape plan shall be submitted and approved prior to the

issuance of a Non-RUP. The proposed plan shall also be approved by Dominion Virginia Power, in whose transmission line easement the required screening yard is located.

6. If a stormwater management detention waiver is not granted by DPWES, the applicant shall provide stormwater management to the satisfaction of DPWES in substantial conformance with the SEA Plat.
7. Signage on the property shall be in conformance with Article 12 of the Zoning Ordinance.
8. There shall be no storage of herbicides, pesticides, or toxic or hazardous substances as set forth in Title 40, Code of Federal Regulations, Parts 116.4 and 261.30 et seq., in the floodplain.
9. The applicant shall submit a FEMA Floodproofing Certificate prior to the issuance of a Non-RUP.
10. A hold harmless agreement will be provided by the applicant/owner prior to any plan or permit approval. \*
11. Activity on the property shall be in conformance with the Development Conditions associated with the RPA Encroachment Exception # 5234-WRPA-002-1, as outlined in Attachment A.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

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.

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 use has been established as evidenced by the issuance of a new Non-Residential Use Permit (Non-RUP). The Board of Supervisors may grant additional time to establish the use 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.

## PROPOSED DEVELOPMENT CONDITIONS

5234-WRPA-002-1

June 21, 2010

If it is the intent of the Board of Supervisors to approve Resource Protection Area (RPA) Encroachment Exception #5234-WRPA-002-1 for the property located at 1977 Hunter Mill Road (Tax Map #027-2-01-0013) to allow encroachment in the RPA pursuant to Section 118-6-9 of the Fairfax County Chesapeake Bay Preservation Ordinance (CBPO), staff recommends that the Board condition the approval by requiring conformance with the following conditions:

1. This RPA Encroachment Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This RPA Encroachment Exception is granted only for the purposes, structures or uses indicated on the plat approved with the application, as qualified by these development conditions.
3. Any plan submitted pursuant to this RPA Exception shall be in substantial conformance with the approved plat entitled *Water Quality Impact Assessment Map - Mitigation Plan - Lawyers Cell Site* prepared by Williamsburg Environmental Group, Inc., dated March 29, 2010, and these conditions.
4. In order that the land disturbed within the RPA can be considered to be the minimum necessary to afford relief for the proposed construction, indigenous vegetation shall be preserved to the maximum extent possible, the limits of clearing and grading must be clearly shown on any development plan, and adequate access and areas for stockpiles must be included. Any development plan will be subject to approval by the Department of Public Works and Environmental Services (DPWES). The limits of clearing and grading must be strictly observed and enforced. Any encroachment into, and/or disturbance of, the RPA not shown on the approved plan will be considered a violation of the CBPO and is subject to the penalties of CBPO Article 9.
5. Buffer areas of 4995 square feet and 1661 square feet as depicted on the approved plat entitled *Water Quality Impact Assessment Map - Mitigation Plan -- Lawyers Cell Site* shall be revegetated generally consistent with the specification in CBPO Section 118-3-3(f). These areas shall be protected with a Reforestation Easement.
6. A Floodplain and Storm Drainage Easement shall be dedicated on this parcel and shall include all the area within the 100-year floodplain.

7. The maintenance access driveway shall be maintained in accordance with its Maintenance Agreement recorded by Deed in the Land Records of Fairfax County, Virginia, in Deed Book 5540 at Page 1414.
8. The maintenance access road shall not exceed its current area of 5550 square feet.
9. The applicant shall remove trash and debris from the RPA on this property.
10. Remove the 5.5' x 2.5' concrete pad at the base of the platform stairs which will be removed when the platform is raised.

**SPECIAL EXCEPTION AFFIDAVIT**DATE: June 14, 2010  
(enter date affidavit is notarized)I, Frank W. Stearns, Esq., 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      1042204in Application No.(s): SEA 86-C-116  
(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.)

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Cellco Partnership d/b/a VerizonWireless Brain A. Stover - Agent	9000 Junction Drive Annapolis Junction, MD 20701	Applicant/Lessee for TaxMap No. 027-2((1))0013
Dominion Resources, Inc. f/k/a Virginia Electric and Power Company d/b/a Dominion Virginia Power	120 Tredegar Street Richmond, VA 22314	Owner of Tax Map No. 027-2((1))0013
Donohue & Stearns, PLC Frank W. Stearns Edward L. Donohue M. Colleen Canovas	801 North Fairfax Street Suite 209 Alexandria, VA 22314	Attorneys/Agents Attorney/Agent Attorney/Agent Attorney/Agent

(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).

**Special Exception Attachment to Par. 1(a)**

DATE: June 14, 2010  
(enter date affidavit is notarized)

1042206

for Application No. (s): SEA 86-C-116  
(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.)

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Washington, D. C. SMSA Limited Partnership d/b/a Verizon Wireless	9000 Junction Drive Annapolish Junction, MD 20701	<b>Former Applicant/Lessee for Tax Map No. 027-2((1))0013</b>
Venable LLP David R. Lasso Kwasi X. Bosompem	8010 Towers Crescent Drive Suite 300 Vienna, VA 22182	<b>Former Attorneys/Agents Former Attorney/Agent Former Urban Planner/Agent</b>

(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: June 14, 2010
(enter date affidavit is notarized)

10422015

for Application No. (s): SEA 86-C-116
(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)

Bell Atlantic Mobile Systems, Inc.
One Verizon Way
Basking Ridge, NJ 07920-1097

DESCRIPTION OF CORPORATION: (check one statement)

- [X] 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)

Bell Atlantic Global Wireless Inc.
NYNEX Corporation

(check if applicable) [X] 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: June 14, 2010  
(enter date affidavit is notarized)

1042206

for Application No. (s): SEA 86-C-116  
(enter County-assigned application number (s))

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

Bell Atlantic Global Wireless Inc.  
1320 North Court House Rd.  
9th Floor  
Arlington, VA 22201

**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)

Verizon Investments, Inc.

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

NYNEX Corporation  
140 West Street  
New York, NY 10007

**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)

Verizon Communications, Inc.

(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: June 14, 2010  
(enter date affidavit is notarized)

1042206

for Application No. (s): SEA 86-C-116  
(enter County-assigned application number (s))

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

Verizon Communications, Inc.  
140 West Street  
New York, NY 10007

**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)

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

Verizon Investments, Inc.  
390 Washington Street  
Wilmington, DE 19802

**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)

Verizon Communications, Inc.

(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: June 14, 2010  
(enter date affidavit is notarized)

1042205

for Application No. (s): SEA 86-C-116  
(enter County-assigned application number (s))

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

GTE Wireless Incorporated  
One Verizon Way  
Basking, NJ 07920-1097

**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)

Vodafone Americas, Inc.  
GTE Corporation

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

Vodafone Americas, Inc.  
Denver Place, South Tower  
999 18th Street, Suite 1750  
Denver, CO 80202

**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)

Vodafone Group, Plc

(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: June 14, 2010  
(enter date affidavit is notarized)

1042206

for Application No. (s): SEA 86-C-116  
(enter County-assigned application number (s))

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

GTE Corporation  
140 West Street  
New York, NY 10007

**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)

Verizon Communications, Inc.  
NYNEX Corporation  
Bell Atlantic Global Wireless, Inc.

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

JV PartnerCo LLC  
Denver Place, South Tower  
999 18th Street, Suite 1750  
Denver, CO 80202

**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)

Vodafone Americas, Inc.

(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: June 14, 2010  
(enter date affidavit is notarized)

104 2206

for Application No. (s): SEA 86-C-116  
(enter County-assigned application number (s))

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

Vodafone Group, Plc  
The Connection, Vodafone House  
Newbury, Berkshire  
United Kingdom

**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)

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

Vodafone Holdings, LLC  
Denver Place, South Tower  
999 18th Street, Suite 1750  
Denver, CO 80202

**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)

Vodafone Americas, Inc.

(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: June 14, 2010  
(enter date affidavit is notarized)

1042206

for Application No. (s): SEA 86-C-116  
(enter County-assigned application number (s))

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

Dominion Resources, Inc. f/k/a Virginia Electric and Power Company, d/b/a Dominion Virginia Power  
120 Tredegar Street  
Richmond, VA 23219

**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)

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

Donohue & Stearns, PLC  
801 North Fairfax Street  
Alexandria, VA 22314

**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)

Edward L. Donohue  
Frank W. Stearns

(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: June 14, 2010  
(enter date affidavit is notarized)

1042201

for Application No. (s): SEA 86-C-116  
(enter County-assigned application number (s))

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

Former Corporation for the Applicant/Lessee  
AT Delaware II, LLC  
180 Washington Valley Road  
Bedminster, NJ 07921

**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)

Celco Partnership (sole member)

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

Former Corporation for the Applicant/Lessee  
Bell Atlantic Mobile Systems of Northern New Jersey, Inc.  
1095 Avenue of the Americas  
New York, NY 10036

**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 Attachment to Par. 1(b)**

DATE: June 14, 2010  
(enter date affidavit is notarized)

1042206

for Application No. (s): SEA 86-C-116  
(enter County-assigned application number (s))

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

Former Corporation for the Applicant/Lessee  
Bell Atlantic Personal Communications, Inc.  
1095 Avenue of teh Americas  
New York, NY 10036

**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)

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

Former Corporation of the Applicant/Lessee  
NYNEX PCS, Inc.  
1095 Avenue of the Americas  
New York, NY 10036

**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 Attachment to Par. 1(b)**

DATE: June 14, 2010  
(enter date affidavit is notarized)

1042204

for Application No. (s): SEA 86-C-116  
(enter County-assigned application number (s))

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

Former Corporation for the Applicant/Lessee  
Metro Mobile CTS of Charlotte, Inc.  
1095 Avenue of the Americas  
New York, NY 10036

**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)

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

Former Corporation for the Applicant/Lessee  
GTE Wireless of Ohio Incorporated  
1095 Avenue of the Americas  
New York, NY 10036

**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 Attachment to Par. 1(b)**

DATE: June 14, 2010  
(enter date affidavit is notarized)

104 2206

for Application No. (s): SEA 86-C-116  
(enter County-assigned application number (s))

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

Former Corporation for the Applicant/Lessee  
GTE Consumer Services Incorporated  
1095 Avenue of the Americas  
New York, NY 10036

**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)

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

Former Corporation for the Applicant/Lessee  
Air Touch PCS Holdings, Inc.  
2999 Oak Road, M-S - 1025  
Walnut Creek, CA 94596

**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: \_\_\_\_\_  
(enter date affidavit is notarized)

1042206

for Application No. (s): SEA 86-C-116  
(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)  
Cellco Partnership d/b/a Verizon Wireless  
One Verizon Way  
Basking Ridge, NJ 07920-1097

(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)

Bell Atlantic Mobile Systems, Inc.	General Partner
GTE Wireless Incorporated	General Partner
PCS Nucleus, L.P.	General Partner
JV PartnerCo, LLC	General Partner

(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)**

DATE: \_\_\_\_\_  
(enter date affidavit is notarized)

1042206

for Application No. (s): SEA 86-C-116  
(enter County-assigned application number (s))

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

PCS Nucleus, L.P.  
Denver Place, South Tower  
999 18th Street, Suite 1750  
Denver, CO 80202

(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)**

Vodafone Holdings, LLC	General Partner
Vodafone Americas, Inc.	General Partner
Former Partner	
Air Touch PCS Holdings, Inc.	General Partner

(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: June 14, 2010  
(enter date affidavit is notarized)

1042206

for Application No. (s): SEA 86-C-116  
(enter County-assigned application number (s))

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

Former Partnership of Applicant/Lessee  
Washington, D.C. SMSA Limited Partnership d/b/a Verizon Wireless  
180 Washington Valley Road  
Bedminister, NJ 07921

(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)**

AT Delaware II, LLC Limited Partner  
(owns 1% of Washington D. C. SMSA  
Limited Partnership d/b/a Verizon Wireless)

Cellco Partnership General Partner

(check if applicable) [X] 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: June 14, 2010  
(enter date affidavit is notarized)

1042206

for Application No. (s): SEA 86-C-116  
(enter County-assigned application number (s))

**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)  
Former Partner of Applicant/Lessee Washington D. C. SMSA Limited Partnership d/b/a Verizon Wireless  
Cellco Partnership  
180 Washington Valley Road  
Bedmininster, NJ 07921

(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)**

NYNEX PCS, Inc.	General Partner
Bell Atlantic Cellular Holdings, L.P.	General Partner
PCSCO Partnership	General Partner
GTE Wireless Incorporated	General Partner
GTE Wireless of Ohio Incorporated	General Partner
GTE Consumer Services Incorporated	General Partner
PCS Nucleus, L.P.	General Partner
JV Partnerco, LLC	General Partner

(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: June 14, 2010  
(enter date affidavit is notarized)

1042200

for Application No. (s): SEA 86-C-116  
(enter County-assigned application number (s))

**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)  
Former Partnership of the Applicant/Lessee  
PCSCO Partnership  
1095 Avenue of the Americas  
New York, NY 10036

(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)**

- |   |                 |
|---|-----------------|
| Bell Atlantic Cellular Holdings, L.P.       | General Partner |
| NYNEX PCS, Inc.                             | General Partner |
| Metro Mobile CTS of Charlotte, Inc.         | General Partner |
| Bell Atlantic Personal Communications, Inc. | General Partner |

(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: June 14, 2010

(enter date affidavit is notarized)

1042206

for Application No. (s): SEA 86-C-116

(enter County-assigned application number (s))

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

Venable LLP - Former Attorneys/Agents  
 8010 Towers Crescent Drive  
 Suite 300  
 Vienna, Virginia 22182

(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**)

Adams, David G.	Ciatto, Frank A.	Fales, Lisa Jose
Adducci, Steven A.	Cirulnick, Arthur E.	Faley, Kevin O.
Albrecht, Ralph P.	Cividanes, Emilio W.	Farnum, David
Ames, Robert G.	Civiletti, Benjamin R.	Ferrell, Michael J.
Anderson, Lars E.	Clancy, Patrick L.	Flack, Brian L.
Aragon, Rebecca M.	Cohen, Rory M.	Flyer, Michael R.
Atlas, Harry I.	Colaizzi, Roger A.	Foley, Danielle R.
Auberger, Marcia A.	Constantine, George E.	France, Thomas W.
Ayres, Jeffrey P.	Cook, Bryson L.	Frerichs, Herbert D. Jr.
Baader, Michael J.	Cooke, Lawrence H. II	Gaarder, Christina L.
Babayi, Robert	Cooney, John F.	Gallagher, Stephen K.
Bailey, Claude E.	Coston, William D.	Garfinkel, Michael
Baker, Constance N.	Craig, Ashley	Garinther, Geoffrey R.
Baldrige, J. Douglas	Cross, Gregory A.	Garrote, Nora E.
Barnes, Jeffrey A.	Cumbie, James E.	Gately, Caroline Petro
Baskin, Maurice	Currie, Andrew J.	Geis, Robert H. Jr.
Bayh, Birch E. Jr.	Curtin, Peter J.	Gendron, Andrew
Beaty, John B.	Daley, Henry J.	Gesner, Lawrence H.
Beeman, E. Ray	Davis, Michael C.	Gill, Gregory M.
Bechamps, Anne-Therese	Deal, Jill B.	Glancz, Ronald R.
Blinken, Sally G.	Debolt, Paul A.	Glasgow, Paul T.
Block, Joseph G.	Deeley, C. Carey Jr.	Glynn, Edward F. Jr.
Block, Sondra H.	DeLong, Stephanie L.	Goewey, David W.
Bolger, Robert J.	Devaney, William H.	Gollin, Michael A.
Borkowski, George M.	Dolan, William D. III	Gonya, Jeffrey K.
Boyle, Edward Patrick	Donovan, William J.	Goodman, Leonard S.
Braker, Gregory S.	Dunbar, James A.	Gorry, Timothy J.
Brandenstein, Henry F. Jr.	Dunn, Jeffrey A.	Gottlieb, Robert G.
Bronstein, John D.	Dvorak, James P. Jr.	Gray, James E.
Bruton, Jennifer	Edlavitch, Susan T.	Green, Douglas H.
Bryan, Sally R.	Eichen, Jeffrey L.	Grunberg, Nancy R.
Buckley, Richard D.	Elling, Terry L.	Guben, Jan K.
Burdett, James R.	Emhoff, Douglas C.	Haddaway, Keith G.
Burnley, James H. IV	Esty, JoAnna M.	Hailey, Gary D.
Burton, Robert A.	Evans, Edward S. III	Hamel, W. Warren
Bushnaq, Darek S.	Fales, Lisa Jose	Hanks, James J. Jr.
Callari, Carollynn H.G.	Faley, Kevin O.	Hardway, Kathleen S.
Calvert, Walter R.	Farnum, David	Hardy, John D. Jr.
Capute, Courtney G.	Ferrell, Michael J.	Harrison, Mark B.
Christner, Wallace E.	Flack, Brian L.	Harrison, Todd 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: June 14, 2010  
(enter date affidavit is notarized)

1042205

for Application No. (s): SEA 86-C-116  
(enter County-assigned application number (s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)Venable LLP - Former Attorneys/Agents  
8010 Towers Crescent Drive  
Suite 300  
Vienna, Virginia 22182(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)**

Harting, Marta D.	Landry, Brock R.	Parvis, Peter P.
Hauptman, Gregory B.	Leber, Michael A.	Pass, Caryn G.
Heard, C. Stephen Jr.	Lee, Tony S.	Pate, Christopher
Heubeck, David J.	LeMoult, Brendan J.	Pavlick, John J.
Heyward, Peter E.	Lenz, Norman	Pearson, Rebecca E.
Hill, Jon-Jamison	Levy, David M.	Petruzzelli, Julie A.
Hill, M. King III	Lewis-Eng, Claudia A.	Powers, Richard E. Jr.
Hobbs, Ann S.	Lingan, Thomas M.	Price, Andrew D.
Hoeg, A. Everett III	Lombard, Rebecca Goldsmith	Prisbe, John T.
Hoffman, Kenneth R.	Lynyak, Joseph T. III	Quinn, Thomas H.
Hoffman, Robert A.	MacWilliams, Michael B.	Racine, Karl A.
Hommer, J. Scott III	Madden, Michael K.	Radowich, Jeffrey J.
Horn, Todd J.	Madden, Thomas J.	Ramirez, Ted L.
Horowitz, Philip M.	Mallon, Colleen M.	Reno, Russell R. Jr.
Howard, John B.	Marshall, Stephen E.	Rice, David E.
Hughes, Elizabeth R.	McCann, Clifton E.	Richard, Julie
Ingis, Stuart P.	McCauley, John	Ritchie, George F.
Jackson, Linda M.	McDonald, Douglas B.	Roberts, Theodore F.
Jacoby, Aaron	McGowan, Patricia	Robinson, Michael W.
Johnson, Thora A.	McLaughlin, Matthew T.	Rodriguez, Maria E.
Johnson, Treazure R.	Mellott, Christopher R.	Rose, Jason
Johnston, George W.	Meyer, David C.	Rosenthal, Seth A.
Jolly, Bruce O. Jr.	Meyer, Lindsay B.	Rothschild, Lowell M.
Joyce, Frederick M.	Miles, Ralph	Rudd, Christopher L.
Kaminski, Jeffri A.	Milliken, John G.	Sangiamo, Dino S.
Kaplun, Paul T.	Mirviss, Mitchell Y.	Sartori, Michael A.
Karceski, David	Moore, Jerry A. III	Satterthwaite, Janet F.
Katz, Lawrence A.	Morton, Charles J. Jr.	Schatzow, Michael
Kaufman, Joshua J.	Moylan, Daniel P.	Schlaff, Barbara E.
Kelly, Thomas J. Jr.	Murmane, Matthew T.	Schiffer, Michael D.
Kemp, Paul F.	Newlon, Jeanne L.	Schmelter, Joseph C.
Kettel, David	Nifosi, Dana C.	Schwalb, Brian L.
Killefer, Campbell	Nordwind, William R.	Sega, A. Christopher
Kinberg, Robert	O'Brien, Andrea I.	Sergent, Randolph S.
Kirchanski, Stefan J.	O'Connor, Brian J.	Shea, James L.
Knowles, Jeffrey D.	O'Neill, John J. Jr.	Sharpe, Ralph E.
Kolkin, Mitchell	Olchyk, Samuel	Shelton, Robert A.
Kroupa, Sharon A.	Ossi, Gregory J.	Shepherd, Kevin L.
Kurzweil, Jeffrey	O'Toole, Edmund M.	Shepherd, Raymond V. III
Lalle, A. Wayne Jr.	Parker, Bruce R.	Sherman, Davis V.R.

(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: June 14, 2010  
(enter date affidavit is notarized)

1042204

for Application No. (s): SEA 86-C-116  
(enter County-assigned application number (s))

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

Venable LLP - Former Attorneys/Agents  
8010 Towers Crescent Drive  
Suite 300  
Vienna, Virginia 22182

(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)**

- |                          |                       |
|--------------------------|-----------------------|
| Sherman, Michael D.      | Wilkins, Robert L.    |
| Shull, Joe A.            | Williams, Samantha M. |
| Singh, Jagpreet          | Wilson, D. Edward Jr. |
| Slaughter, Kenneth S.    | Wood, Sheryl Robinson |
| Smith, David S.          | Wright, Damon W.D.    |
| Smith, Edward A.         | Wright, James D.      |
| Smith, Herbert G. II     | Yurow, M. Jay         |
| Smith, Robert G.         | Zemil, Brian A.       |
| Spira, Samuel R.         | Zink, John H. III     |
| Starr, Judson W.         | Zinkham, W. Robert    |
| Stearns, Frank W.        | Zottola, A.J.         |
| Steinman, Melissa L.     |                       |
| Strachan, Nell B.        |                       |
| Strain, Paul F.          |                       |
| Strand, Margaret         |                       |
| Stierhoff, John R.       |                       |
| Stuart III, Colbern C.   |                       |
| Sweeney, Mary Rosewin    |                       |
| Tancredi, Lisa B.        |                       |
| Tavares, Lisa A.         |                       |
| Taylor, Ronald W.        |                       |
| Tenenbaum, Jeffrey S.    |                       |
| Thompson, Craig A.       |                       |
| Trcanor, Gerard          |                       |
| Troup, James U.          |                       |
| Tucker, Stefan F.        |                       |
| Vecchio, Mark S.         |                       |
| Volner, Ian D.           |                       |
| Volpe, Michael J.        |                       |
| Wagner, Martha Jo        |                       |
| Waldman, Robert L.       |                       |
| Walsh, William L. Jr.    |                       |
| Warner, David R.         |                       |
| Washburne, Thomas D. Jr. |                       |
| Wasserman, Richard L.    |                       |
| Webb, G. Stewart Jr.     |                       |
| Weissman, William R.     |                       |
| Wender, Edward L.        |                       |
| Whitwell, Ben D.         |                       |
| Wilhelm, John 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 AFFIDAVIT

DATE: June 14, 2010  
(enter date affidavit is notarized)

1042206

for Application No. (s): SEA 86-C-116  
(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:

[X] 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 86-C-114  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL EXCEPTION AFFIDAVIT**

DATE: June 14, 2010  
(enter date affidavit is notarized)

1042205

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.)

During the twelve month period prior to the public hearing before the Planning Commission, Frank W. Stearns, Esq. as a former partner in the law firm of Venable LLP, made contributions on behalf of Venable, LLP in excess of \$100 to Supervisors John C. Cook and Pat Herryty. Venable LLP is not a party to this application. Frank W. Stearns, currently a partner with Donohue & Stearns, PLC the Attorney/Agent for the Applicant, made a personal contribution in excess of \$100 to Pat Herryty.

**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  
Frank W. Stearns, Esq. Agent for Applicant  
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 14th day of June 2010, in the State/Comm. of Virginia County/City of Accomack.

My commission expires: 12/31/2014

Kimberly Patterson  
Notary Public



## STATEMENT OF JUSTIFICATION

Cellco Partnership d/b/a Verizon Wireless ("Verizon") and Cricket Communication Application for a Special Exception and Feature Shown Determination for the Telecommunication Facility at 1977 Hunter Mill Rd, Tax Map 027-2 ((1)) 0013, Fairfax County

### INTRODUCTION

The Verizon telecommunication facility located at the above address has six (6) antenna mounted on an existing tower and an equipment shelter at the base. The facility was approved for up to nine (9) panel antenna on September 25, 1997 (FS H97-54) with an equipment shelter. The equipment shelter was installed on pillars which are 11' above the grade. The equipment shelter itself is a 360 square foot pre-fabricated building, 12' in height which is in compliance with the Fairfax County Comprehensive Plan ("Plan"). However the equipment shelter is considered to be above the 12' height limit of the Zoning Ordinance because it is on pillars. The antenna are on a 144' Fort Worth Pole located within a VEPCO transmission tower. Verizon is requesting a Special Exception to allow the additional eleven (11) feet of height from the pillars underneath the equipment shelter and to allow an unmanned structure in the flood plain. Verizon would also request a new Feature Shown determination to allow panel antenna up to eight (8) feet with the maximum number being nine (9).

Additionally, Cricket Communications ("Cricket") requests a Feature Shown determination and Special Exception approval to add six (6) panel antenna at the 123' level with equipment cabinets on an extension of the Verizon equipment platform as shown on the Site Plan.

### LOCATION

This site is located at 1977 Hunter Mill Road, Vienna in Fairfax County; between Cedar Point Drive and Tamarack Drive, Tax Map 027-2 ((1)) 0013 ("Property"). The parcel is zoned RE and has an existing Virginia Power Sub Station and transmission towers in addition to the Verizon telecommunication facility. The parcel is approximately 10.3355 acres.

### COMPREHENSIVE PLAN IMPLICATIONS

The Verizon application in 1997 (FS H97-54) was in accordance with the Plan guidelines for Commercial Wireless Facilities. The facility as a whole meets the goals, objectives and policies of the Plan and is in compliance with the public safety requirements and is without risk to the adjacent properties. The equipment shelter itself is also in compliance with the Plan with regards to color, lighting, materials and

architecture. A Special Exception is needed because the equipment shelter platform was raised above grade eleven (11) feet to avoid potential flood damage. Cricket's proposed platform is eleven (11) feet high with the equipment cabinets adding another fifty-five (55) inches. Cricket's installation is being affixed to Verizon's platform; accordingly Special Exception approval for Cricket's installation is needed as well.

### **ZONING IMPLICATION**

Section 2-514(1)(I) of the Fairfax County Zoning Ordinance ("Zoning Ordinance") requires that a equipment shelter for telecommunication facilities not exceed 12' in height. The parcel is in a flood plain and for protection of the computer equipment the twelve (12) feet high building was raised eleven (11) feet above grade on the pillars. Cricket to have its equipment above potential flood impact will install its cabinets at eleven (11) feet above ground on the Verizon platform. Section 2-904 of the Zoning Ordinance requires a Special Exception for the unmanned structure to be allowed to remain in a flood plain.

### **JUSTIFICATION OF THE APPLICATION**

The nature and design of the raised equipment shelter and platform, although above the height limit allowed by right, does not have any undue adverse impact on adjacent properties. The equipment and platform structure are located on a 10.3355 acre parcel and are lower than and several hundred feet from, the homes adjacent to the parcel. There have been no problems with impediment of flood waters or erosion upstream or downstream for the approximately ten (10) years the Verizon structure has been on the Application Property. Cricket's attachment to the existing Verizon structure will not be an obstruction to water movement either.

Both Applicants are aware and acknowledge that flood insurance may be required and insurance rates may be increased because of increased risks to life and property.

### **VERIZON WIRELESS SITES IN THE VICINITY**

Verizon currently has active sites in the vicinity that work in connection with this telecommunication facility. Cricket is building out its network and this site is needed for coverage. This site provides reliable coverage for the Verizon customers in the areas of Hunter Mill Rd. and Lawyers Rd. and the same for Cricket's future customers.

**IMPACT ON ADJOINING COMMUNITIES AND PROPERTIES**

The traffic to the Site for routine maintenance is only once every other month or more frequently if emergency repairs are needed per Applicant. There are no employees at the site and the facilities have no impact on traffic. The telecommunications facilities emit no offensive odors, harmful emissions, or electrical interference into the surrounding areas.

Verizon and Cricket therefore requests this Special Exception be approved based on the rationale stated above. The Verizon telecommunications facility has been operational for almost ten (10) years and has not been detrimental to the community. If you have any questions or need further information regarding this application, please do not hesitate to contact the undersigned at (703) 760-1956, [fwstearns@venable.com](mailto:fwstearns@venable.com).

VENABLE LLP

By: \_\_\_\_\_  
Frank W. Stearns, Agent for the Applicant

Date: \_\_\_\_\_



COMMONWEALTH OF VIRGINIA  
 COUNTY OF FAIRFAX

4100 CHAIN BRIDGE ROAD  
 FAIRFAX, VIRGINIA 22030



February 2, 1983

Mr. Randolph W. Church, Jr.  
 4069 Chain Bridge Road  
 Fairfax, Virginia 22030

Re: Special Exception  
 Number SE 82-C-116

Dear Mr. Church:

At a regular meeting of the Board of Supervisors held on January 31, 1983, the Board approved Special Exception Number SE 82-C-116, in the name of Virginia Electric and Power Company (VEPCO), located as Tax Map 27-2((1))13; 27-4((1))13; and 28-3((1))pt.51 for use as an electric substation, transformer and distribution center partially within the floodplain pursuant to Sections 3-E04, 7-707 and 9-601 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

1. This Special Exception is granted for the location indicated in the application and is not transferable to other land.
2. This Special Exception is granted for the building and uses indicated on the plats submitted with the application only.
3. A copy of this Special Exception SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during hours of operation of the permitted use.
4. A revised site plan will be submitted for approval in accordance with the provisions of Article 17 unless the requirement is waived by the Director of the Department of Environmental Management. The revised site plan will satisfy Ordinance requirements for parking, landscaping and screening.
5. Right-of-way will be dedicated to thirty (30) feet from the centerline along the Hunter Mill Road frontage of the site.
6. A landscaped revised plan, planted with evergreen trees 10 feet in height at the time of planting will be provided on the north, northwest sides of the substation.
7. Screening to satisfy the Department of Environmental Management requirements will be provided for the substation and parking lot along the southern and western boundaries of the substation.

February 2, 1983

Virginia Electric and Power Company  
(VEPCO)

8. A floodplain study including an as-built survey showing actual grading in the 100 year floodplain will be provided to the satisfaction of the Director of the Department of Environmental Management.
9. A hold harmless agreement will be provided by the applicant/owner prior to any plan or permit approval.

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 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.

Under Section 9-014 of the Zoning Ordinance, this Special Exception shall automatically expire, without notice, eighteen (18) months after the effective date of the Special Exception unless the activity authorized has been established, or unless construction has commenced, or unless an extension is granted by the Board of Supervisors because of the occurrence of conditions unforeseen at the time of granting the Special Exception. A request for extension should be justified in writing, and should be filed with the Zoning Administrator not less than thirty (30) days prior to the expiration date.

If you have any questions concerning this Special Exception, please give me a call.

Very truly yours,



Ethel Wilcox Register, CMC  
Clerk to the Board of Supervisors

EWR/vlt

cc: Mr. Patteson  
Mr. Knowlton  
Mr. Covington  
✓ Mr. Sandhu  
Mr. Ted Austell, III  
Assistant to the County Executive



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** May 17, 2010

**TO:** Regina Coyle, Director  
Zoning Evaluation Division, DPZ

David B. Marshall, Chief  
Facilities Planning Branch, DPZ

**FROM:** Pamela G. Nee, Chief *P#h*  
Environment and Development Review Branch, DPZ

**SUBJECT:** Environmental Assessment Addendum: SEA 82-C-116 and FS-H09-22  
Washington, D.C. SMSA Limited

This addendum, prepared by Mary Ann Welton, is based on staff's review of the proposed Special Exception Amendment (SEA) plan dated April 10, 2008 and revised through April 19, 2010. The July 22, 2009 revised SEA plan proposed a new equipment shelter on a steel platform in the Environmental Quality Corridor (EQC)/100-year floodplain/Resource Protection Area (RPA) to accommodate the new Cricket antennas co-located on an existing tower owned by Dominion Virginia Power. In its August 3, 2009 report, staff did not support the placement of a new platform for the equipment shelter in the EQC/floodplain. In addition, staff noted that the identification of the EQC and RPA had not been included on all sheets of the plan as had the 100-year floodplain. The current application and plan have been modified to eliminate the new equipment shelter within the EQC through the proposed co-location of the requested equipment on an existing Verizon platform. While the current revised Special Exception Amendment plan depicts the approximate location of 100-year floodplain, the EQC and RPA should also be identified on the plan, as staff had previously requested.

By changing the request to eliminate a new platform in the 100-year floodplain/EQC, this application is now consistent with the Comprehensive Plan's EQC policy.

PGN: MAW

Department of Planning and Zoning  
Planning Division  
12055 Government Center Parkway, Suite 730  
Fairfax, Virginia 22035-5509  
Phone 703-324-1380  
Fax 703-324-3056  
[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)





# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** August 3, 2009

**TO:** Regina Coyle, Director  
Zoning Evaluation Division, DPZ

David B. Marshall, Chief  
Facilities Planning Branch, DPZ

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

**SUBJECT:** Environmental Assessment: SEA 82-C-116 and FS-H09-22  
Washington, D.C. SMSA Limited

This memorandum, prepared by Mary Ann Welton, includes citations from the Comprehensive Plan that list and explain environmental policies for this property. Plan citations are followed by a discussion of concerns including a description of potential impacts that may result from the proposed revised Special Exception Amendment (SEA) Plat dated July 24, 2009. Possible solutions to remedy identified issues are suggested. Other solutions may be acceptable, provided that they achieve the desired degree of mitigation and are in harmony with Plan policies.

### COMPREHENSIVE PLAN CITATIONS:

The Comprehensive Plan is the basis for the evaluation of this application. The assessment of the proposal for conformity with the environmental recommendations of the Comprehensive Plan is guided by the following citations from the Plan:

Fairfax County Comprehensive Plan, 2007 Edition, Policy Plan, Environment, as amended through February 25, 2008, on pages 7-9, the Plan states:

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

Policy j. Regulate land use activities to protect surface and groundwater resources. . . .

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

**“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. . . .”

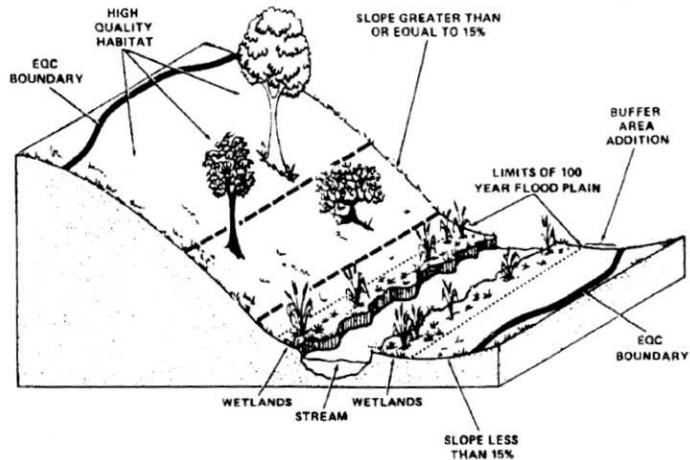
Fairfax County Comprehensive Plan, 2007 Edition, Policy Plan, Environment, as amended through February 25, 2008, on pages 14-15, the Plan states:

**“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). (See Figure 4.) 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 (See Figure 4):



A TYPICAL ENVIRONMENTAL QUALITY CORRIDOR

Source: Fairfax County Office of Comprehensive Planning

FIGURE 4

- 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.

Preservation should be achieved through dedication to the Fairfax County Park Authority, if such dedication is in the public interest. Otherwise, EQC land should remain in private ownership in

separate undeveloped lots with appropriate commitments for preservation. The use of protective easements as a means of preservation should be considered. . . ”

Fairfax County Comprehensive Plan, 2007 Edition, Policy Plan, Environment, 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 development. 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.

This application seeks approval to amend a previously approved telecommunications facility by Verizon Wireless for the following:

- ◆ to allow an existing equipment shelter on pillars to remain in the floodplain;
- ◆ to allow an existing equipment shelter on pillars raised 11 feet above the grade to remain; and
- ◆ to allow Cricket Communications to co-locate 6 panel antennas on the existing tower and to build a new equipment shelter measuring 10’x 15’ x 11’ on pillars in the floodplain.

### **Environmental Quality Corridor (EQC), Resource Protection Area (RPA) and Floodplain:**

Except for a small portion in the northwest corner, the subject property is located within a floodplain associated with the Difficult Run stream valley. The limits of the Resource Protection Area and Environmental Quality Corridor are coterminous with the floodplain. A map which accompanied the original public facility review (case number: FS-H97-54) for this site depicted the pole and equipment shelter outside the floodplain. Staff concluded that the equipment shelter would be located outside the floodplain. However, the cited pole number in the original public facility review corresponded to an existing pole in the floodplain and the associated equipment shelter was subsequently built in the floodplain. This existing equipment shelter is now being reviewed under this current special exception amendment application concurrent with a feature shown determination request. If the original application had correctly depicted the equipment shelter in the floodplain, environmental planning staff would have reviewed and objected to this

location as the use would not have conformed to the Comprehensive Plan policy to preserve and protect the environmental quality corridor. Staff does not oppose the current request to keep the equipment shelter in the floodplain on pillars raised 11 feet above the grade as the existing use does not present any new environmental issues. However, the applicant should label the boundary of the floodplain as depicted on the site plan, sheet number A-1, as also EQC and RPA. The applicant will need to comply with water quality control requirements of the County's Chesapeake Bay Preservation Ordinance and the floodplain requirements of the Zoning Ordinance as administered by the Department of Public Works and Environmental Services.

Regarding the request to co-locate a new carrier, staff does not support the location of the proposed equipment shelter as it would encroach into the EQC and would be in conflict with Comprehensive Plan guidance to protect EQCs. The applicant should locate the equipment shelter outside the EQC.

**Stormwater Management /Adequate Outfall:** No water quality controls are identified on the plan. The consultant for the applicant indicates that the site drains into the Difficult Run floodplain. The applicant is encouraged to consider some type of stormwater management measures to address water quality and quantity control requirements in the event that a waiver is not granted. SWM/BMP facilities and waivers of SWM/BMP requirements, as well as outfall adequacy, are subject to review and approval by the Department of Public Works and Environmental Services.

#### **COUNTYWIDE TRAILS MAP:**

The Countywide Trails Plan depicts an onroad bike lane along the property's Hunter Mill Road frontage, a minor paved trail with parallel natural surface or stone dust trail along the of the property's northern boundary adjacent to the W& OD and a stream valley trail along the property's southern boundary which is adjacent to an unnamed tributary of Difficult Run.

PGN: MAW

## UP5 RESTON COMMUNITY PLANNING SECTOR

### CHARACTER

Reston has its own Master Plan because the community was planned and developed as one of the nation's landmark new towns, beginning in the 1960s. It is located between Tysons Corner and the Washington Dulles International Airport along the Dulles Airport Access Road and extends as far north as Route 7 and as far south as Stuart Mill Road. With its planned development almost complete, Reston is comprised of 7,100 acres and may ultimately be the home of more than 60,000 people. This new town is designed around the concept of clustering the community into five "villages," each with its own village center. These centers provide for neighborhood-serving retail, office, and social needs.

The community is focused around the Town Center, an urban concentration of high-density housing, offices and cultural facilities. Substantial office development has occurred in recent years along the Dulles Airport Access Road, increasing development pressure both within and adjacent to the community. (This area is further addressed in the Reston-Herndon Suburban Center.) An integral part of the Reston Plan is the lower density residential development located on Reston's periphery, buffering adjacent areas from the higher density development in Reston.

Reston offers a wide range of housing, including high-rise apartments, garden apartments, townhouses, and single-family detached and semi-detached homes. The majority of dwellings in this sector were built after 1975. There are approximately 1,300 low- and moderate-income units in Reston. This housing includes units for the elderly which are found mostly in the village centers. There is scattered new and older residential development outside Reston. Generally these areas are planned to maintain a low density residential character, including areas along Route 7.

Lake Anne Village and Bowman Distillery are significant heritage resources listed in the Fairfax County Inventory of Historic Sites. A list and map of heritage resources are included in the Upper Potomac Planning District Overview section, Figures 4, 5 and 6. Additional historic sites in this sector are also included in the inventory. Bowman Distillery is also listed in the Virginia Landmarks Register and the National Register of Historic Places. Lake Anne Village is protected by a County Historic Overlay District.

### CONCEPT FOR FUTURE DEVELOPMENT

The Concept for Future Development recommends that the Reston Community Planning Sector be designated as primarily Suburban Neighborhoods. A portion of the Reston-Herndon Suburban Center is located in the sector and is discussed in a separate section of the Upper Potomac Planning District portion of the Area III Plan.

### RECOMMENDATIONS

#### Land Use

The Reston Community Planning Sector is largely developed as stable residential neighborhoods. Infill development in these neighborhoods should be of a compatible use, type

and intensity in accordance with the guidance provided by the Policy Plan under Land Use Objectives 8 and 14.

Where substantial parcel consolidation is specified, it is intended that such consolidations will provide for projects that function in a well-defined, efficient manner and provide for the development of unconsolidated parcels in conformance with the Area Plan.

Figure 38 indicates the geographic location of land use recommendations for this sector. Where recommendations are not shown on the General Locator Map, it is so noted.

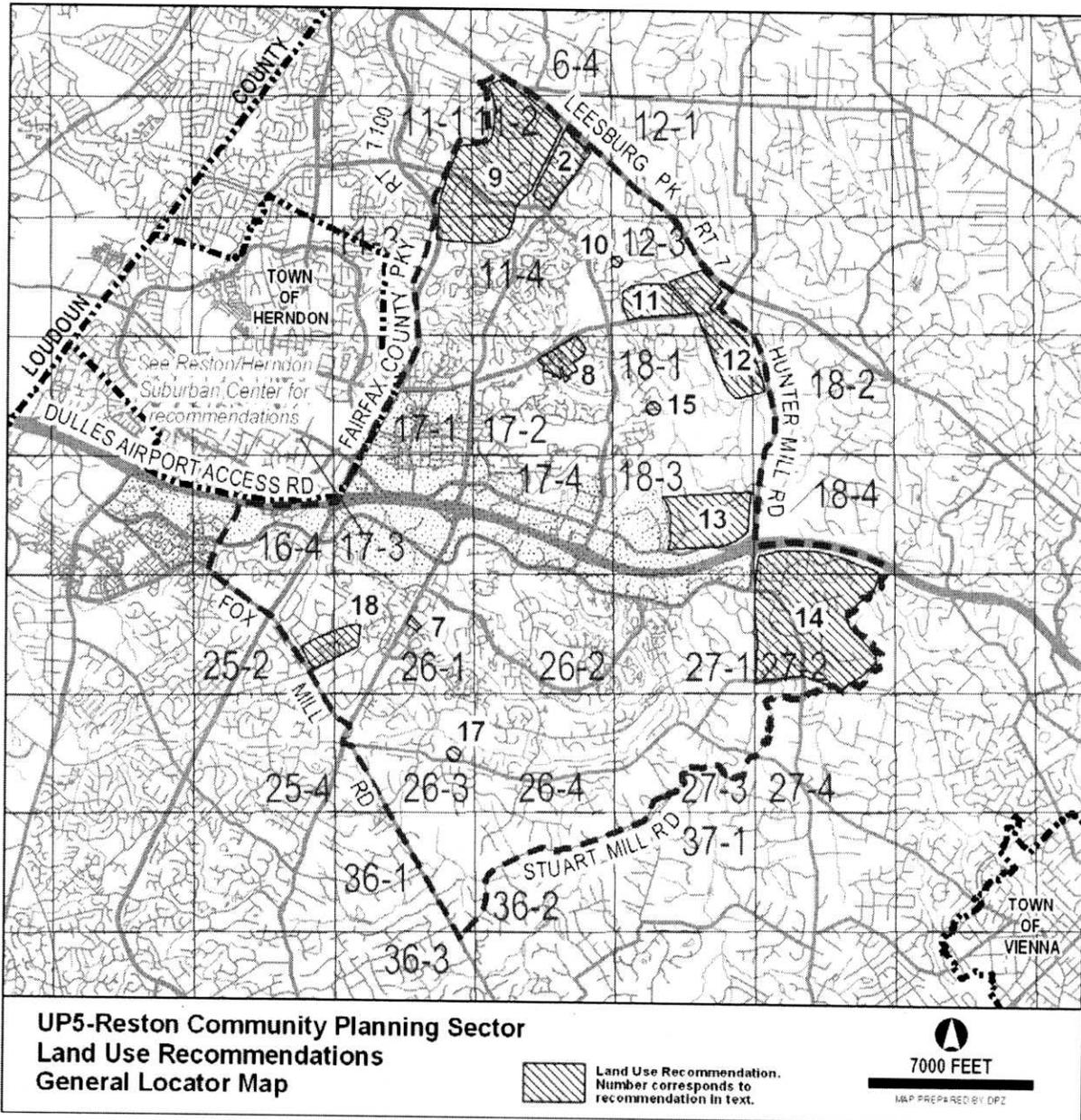
#### **Land Within the Planned Community of Reston**

1. Incorporate the Reston Master Plans (Land Use Plan, Community Facilities Plan and Transportation Plan)\*, adopted on July 18, 1962, and as subsequently amended, by reference in the Area Plan and on the composite map. (See Figures 39, 40 and 41). On the periphery where development is not committed by zoning, land should be developed at a density no greater than one dwelling unit per acre. Density should be tiered so that it decreases from the center toward the boundary (within Reston). [Not shown]

\*NOTE: The Reston Master Plan has its own program of time-phased development, which shall be the guide for development in Reston.

2. In the northern section of Reston the following policies should apply:
  - a. The land located between the planned EQC [Environmental Quality Corridor], Reston Parkway, Wiehle Avenue and the Reston boundary is planned for medium density residential use, as shown on the Reston Master Plan Land Use Plan, with the condition that a vegetated buffer be provided adjacent to low density single family detached residential uses along Reston Avenue.
  - b. It may be appropriate for Tax Map 11-2((1))46, in the northeast quadrant of Wiehle Avenue and Reston Avenue, to be incorporated into the residential planned community of Reston if the following conditions are met:
    - development on this parcel should be limited to single family detached units at a density range of three to four units per acre;
    - existing mature trees on the site should be preserved to the maximum extent possible;
    - the vegetated buffer called for in (a.) above should remain between the development located on parcel 46 and the medium density residential development to the east; and
    - the utility easement that abuts parcel 46 to the north should serve as the line of demarcation between Reston and the adjacent low density development.

Finally, if this parcel is not incorporated into Reston, it remains planned for .5 to 1 dwelling unit per acre.



**FIGURE 38**



# County of Fairfax, Virginia

## MEMORANDUM

June 22, 2009

**TO:** Suzie Zottl, Staff Coordinator  
Zoning Evaluation Division, DPZ

**FROM:** Hugh Whitehead, Urban Forester II *HCW*  
Forest Conservation Branch, DPWES

**SUBJECT:** 1977 Hunter Mill Road, SEA 82-C-116

I have reviewed the above referenced Special Exception Amendment, stamped as received by the County on June 16, 2009. The following comments and recommendations, which were raised during review of the previous submission, have not been adequately addressed...

- Comment:** Significant quantities of autumn olive (*Elaeagnus umbellata*) and Japanese honeysuckle (*Lonicera japonica*) exist on the site, between the access road to the existing and proposed equipment sheds and the W&OD bridle path. These species exhibit a high degree of invasiveness as designated in a cooperative study between DCR and the VA Native Plant Society, and disrupt/suppress native plants and plant communities in the area.

[http://www.dcr.virginia.gov/natural\\_heritage/documents/rankinv.pdf](http://www.dcr.virginia.gov/natural_heritage/documents/rankinv.pdf)

Areas of invasive vegetation are noted on the landscape plan provided with this application as a "50-ft. deep landscape buffer per Fairfax Zoning Ordinance – Transitional Screening 3." Invasive vegetation is not accepted for transitional screening. The landscape buffer is within the transmission line easement held by Dominion VA Power.

**Recommendation:** Condition the approval of this SEA on a commitment to submit a plan, for review and approval by Urban Forest Management Division, DPWES, to remove and control the spread of invasive vegetation on the site, and provide planting to satisfy the requirement for transitional screening. Recommended text is as follows:

"The Applicant shall submit an invasive vegetation removal plan and landscape plan for review and approval by DPWES, Urban Forest Management Division, for the removal and control of invasive vegetation in the area between the access road to the existing and proposed equipment sheds and the W&OD trail and gravel horse path. Invasive vegetation shall be replaced with a 50-ft. landscape buffer of appropriate screening trees and shrubs to meet the requirements of transitional screening 3. In addition, the proposed landscape plan



1977 Hunter Mill Road  
SEA 82-C-116  
June 22, 2009  
Page 2 of 2

shall be approved by Dominion Virginia Power, in whose transmission line easement the required screening yard is located.”

If there are any questions, please contact me at (703)324-1770.

HCW/  
UFMID #: 145322

cc: RA File  
DPZ File





# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** June 23, 2009

**TO:** Regina Coyle  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** Angela Kadar Rodeheaver *AKR*  
Site Analysis Section  
Department of Transportation

**FILE:** 3-5 (SE 82-C-116)

**SUBJECT:** Transportation Impact

**REFERENCE:** SEA 82-C-116 - Washington, DC SMSA Limited Partnership d/b/a  
Verizon Wireless, 1977 Hunter Mill Road  
Traffic Zone: 1722  
Land Identification Map: 27-2 ((1)) 13

Transmitted herewith are the comments from the Department of Transportation with respect to the referenced application. These comments are based on plats made available to this office dated April 10, 2008, and revised through June 11, 2009. The applicant (Verizon) has a telecommunication facility located at the above address with antenna mounted on an existing Virginia Power transmission tower and an equipment shelter at the base. The equipment shelter was installed on pillars which are 11 feet above the grade and, therefore, is considered to be above the 12-foot height limit permitted in the Zoning Ordinance. Verizon is requesting a Special Exception to allow the additional 11 feet of height from the pillars underneath the equipment shelter and to allow an unmanned structure in the flood plain. Additionally, Cricket Communications wishes to obtain Special Exception approval to add six panel antennas and an equipment cabinet on a new 10' by 15' by 11' steel platform installed in the flood plain.

This department has no transportation issues with this application.

AKR/LAH/lah



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** May 12, 2010

**TO:** Suzianne Zottl, Staff Coordinator  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** Beth Forbes, Stormwater Engineer *BF*  
Environmental and Site Review Division  
Department of Public Works and Environmental Services

**SUBJECT:** Special Exception Amendment Application #SEA 82-C-116, Washington DC  
SMSA LTD, 1977 Hunter Mill Road, Special Exception Plat dated April 5, 2010,  
LDS Project #5234-ZONA-001-3, Tax Map #27-2-01-0013, Hunter Mill District

We have reviewed the subject application and offer the following stormwater management comments.

Chesapeake Bay Preservation Ordinance (CBPO)

There is 1993 Resource Protection Area (RPA) on this parcel. The RPA boundary must be depicted on the plat and its source must be noted (ZO 9-011 paragraph 2.M). An RPA delineation was submitted for this property on March 1, 2010, and is currently under review.

The existing telecommunications equipment was built under a minor site plan which was approved in error. The equipment was shown within the RPA yet no encroachment exception was approved. A General Resource Protection Area Encroachment Exception is required under CBPO Section 118-6-9 for the new platform and to correct the 2002 approval error. A request for the encroachment exception was received on March 31, 2010, #5234-WRPA-002-1. A Water Quality Impact Assessment, #5234-WQ-001-1, was also received on that date. A staff report recommending approval is being drafted.

An access driveway to the telecommunications facility located completely outside the RPA was approved under Minor Site Plan #5234-MSP-001-2 in 2002. During construction, a portion of the driveway was constructed within the RPA. Since the driveway was not constructed as specified in an approved development plan, it cannot be considered an allowed use within the RPA. An encroachment exception request is necessary for the driveway. The portions of the driveway within the RPA have been included in the encroachment exception request and water quality impact assessment.

Water quality control, or an approved waiver, is required (PFM 6-0401.2A). A 40% phosphorus removal rate is required for development in the RPA. No controls have been identified on the plat. Water quality controls were not included in the minor site plan nor was a waiver granted.



### Floodplain

There are improvements proposed within a major floodplain. Floodplain limits are depicted on the plat. Since a floodplain study was approved for the original Special Exception (#5234-FP-001-2 approved March 21, 1983), the elevation from that study should be used and not an approximate elevation (ZO 2-904, paragraph 2.A(6)). The approved floodplain study should be cited as the source of the boundary and not county maps (§ paragraph 2.A(1)). The approximate floodplain elevation is stated to be 227.8 feet on Sheet A-1, yet on Sheet A-2 the floodplain boundary is depicted in the vicinity of the equipment area near the 223-foot contour.

The elevation of the proposed Cricket platform should be noted (ZO 2-904, paragraph 2.A(7)). It appears as if it might be at the same elevation as the of the existing platform. The distance of the structures from the floodplain boundary must be specified (§ paragraph 2.A(6)). Information about, and the elevation of, the telecommunications equipment located under the antennas must be provided. A statement quantifying any proposed cut or fill areas should be included (§ paragraph 2.A(4)).

The applicant must also provide the following:

- a written statement regarding any existing or anticipated problems of flooding or erosion in the area of the application and upstream and downstream from the property (ZO 2-904, paragraph 2.B(1)),
- a written statement whether additional Federal and/or State permits are required (§ paragraph 2.B(2)),
- a statement certifying all floodproofing proposed, and indicating its compliance with all County, State, and Federal requirements. This certification must be signed, sealed, and indicate the address of the certifying professional and it must cover all structural, electrical, mechanical, plumbing, water and sanitary facilities connected with the use (§ paragraph 2.C(2)), and
- an acknowledgement, signed by the applicant, that the applicant is aware that flood insurance may be required by the applicant's lending institution and that the flood insurance rates may increase because of the increases in risks to life and property (§ paragraph 2.C(3)).

### Downstream Drainage Complaints

There are no downstream drainage complaints on file.

### Stormwater Detention

Detention or an approved waiver will be required (PFM 6-0301.3). The applicant states a detention waiver will be pursued. A waiver is likely to be granted. A waiver of stormwater detention, #14423-WSWD-001-1, was approved on July 3, 2001, for the telecommunications equipment and driveway constructed under the minor site plan.

The stormwater runoff calculations provided on Sheet A-1 seem to be copied from the original Special Exception. Since the telecommunications equipment and its access road were not a part of the submittal, these calculations are out of date and should be deleted from the plat.

### Site Outfall

An adequate outfall statement has been provided.

Please contact me at 703-324-1720 if you require additional information.

BF/

cc: Craig Carinci, Director, Stormwater Planning Division  
Jeremiah Stonefield, Chief, Stormwater & Geotechnical Section, ESRD, DPWES  
Zoning Application File



# County of Fairfax, Virginia

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

**JUNE 21, 2010**

## **DEPARTMENT OF PUBLIC WORKS & ENVIRONMENTAL SERVICES**

### **ENVIRONMENTAL & SITE REVIEW DIVISION**

#### **STAFF REPORT**

#### **RESOURCE PROTECTION AREA ENCROACHMENT EXCEPTION #5234-WRPA-002-1 & WATER QUALITY IMPACT ASSESSMENT #5234-WQ-001-1**

In conjunction with Special Exception Amendment #SEA 82-C-116

#### **HUNTER MILL DISTRICT**

**APPLICANT:** Verizon Wireless

**PROPERTY OWNER:** Virginia Electric and Power Company (VEPCO)

**PROJECT LOCATION:** 1977 Hunter Mill Road

**TAX MAP REFERENCE:** 27-2-01-0013

**APPLICATION FILED:** March 30, 2010

**APPLICATION ACCEPTED:** April 13, 2010

**WATERSHED:** Difficult Run

**RPA EXCEPTION REQUEST:** General Resource Protection Area (RPA)  
Encroachment Request, Chesapeake Bay Preservation  
Ordinance (CBPO) Section 118-6-9

**PROPOSAL:** Exception to allow encroachment into the 1993 RPA  
for existing and proposed telecommunications  
equipment and an existing maintenance access  
driveway

**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  
Phone 703-324-1720 • TTY 711 • FAX 703-324-8359



**LOT SIZE:** 10.33 acres

**ENCROACHMENT AREA REQUESTED:** 0.14 acres

**PUBLIC HEARING:** General RPA Encroachment Requests under CBPO Section 118-6-9 associated with a Special Exception Amendment Applications (SEA) require approval by the Board of Supervisors through a public hearing held conjunction with the public hearing for the SEA per procedures of CBPO Section 118-6-3(d).

**DESCRIPTION:** In 2002, a minor site plan was approved the construction of a telecommunications facility within the RPA without an exception. Review of a zoning action for additional telecommunications equipment at the site brought the error in the minor site plan's approval plan to light.

**BACKGROUND:** The installation of telecommunications equipment on this property was approved in error under Minor Site Plan #5234-MSP-001-2 on March 25, 2002. An RPA encroachment exception should have been granted before the minor site plan was approved. At the time, CBPO provisions would have allowed administrative approval by staff. In 2003, the CBPO was amended and, since then, a public hearing is required as part of the encroachment exception process.

As a part of the original minor site plan's approval process, a Waiver of Stormwater Detention #14423-WSWD-001-1 was approved on July 3, 2001. Also, Dustless Surface Waiver #14426-WDSW-001-1 for the maintenance access driveway was approved on September 11, 2001.

The VEPCO Substation on this property was completed on September 15, 1986, and predates the CBPO.

A Floodplain Study for this property, #5234-FP-001-2, was approved March 21, 1983.

A Resource Protection Area Delineation Study, #5234-RPA-001-1, was submitted on March 1, 2010, and is currently under review.

**DOCUMENTS AND  
CORRESPONDENCE:**

The following information is part of this application:

- RPA Encroachment Exception Application dated March 30, 2010 (Attachment B)
- Water Quality Impact Assessment and RPA Encroachment Exception Justification Statement including photos and a soils map dated March, 2010 (Attachment C)
- *Water Quality Impact Assessment Map - Mitigation Plan - Lawyers Cell Site* prepared by Williamsburg Environmental Group, Inc., dated March 29, 2010 (Attachment D)
- DPWES letter accepting the RPA Encroachment Exception Request #5234-WRPA-002-1 and Water Quality Impact Assessment (WQIA) #5234-WQ-001-1 dated April 13, 2010 (Attachment E)

**ANALYSIS:**

During a review of SEA 82-C-116, the pending zoning action request for a use in the floodplain, it was discovered that existing telecommunication equipment had been constructed in 2002 within a 1993 RPA without an approved encroachment exception.

The approval process to construct telecommunications equipment on the site was started in 2001 when the first submittal of the design drawings and other associated waivers were submitted for review. Comments on the first submission included the requirement to show the boundary of the RPA on the drawings. Since the telecommunications equipment was proposed for an area within a major floodplain, and major floodplains are a component of the RPA, it was clear that the equipment had been proposed within the RPA.

Although the county-mapped RPA boundary was added to the revised drawings, the required RPA encroachment exception request was not submitted. Encroachment exceptions were handled administratively prior to November 18, 2003. The minor site plan was approved in error on March 25, 2002, without an approved encroachment exception. An encroachment exception for 690 square feet of existing telecommunications equipment must be approved to rectify the error before any additional approvals can be granted.

New antennas are been proposed to be constructed at the site. A larger equipment platform and a buried cable, connecting the equipment and the antennas, have also been proposed. The antennas and the cable will not increase the site's imperviousness. The equipment platform will be constructed with an open, steel grate. The increase in imperviousness surfaces from the new equipment cabinets on this platform will not exceed 10 square feet.

On the approved minor site plan, the maintenance access driveway was depicted to be constructed in an alignment that was outside of the county-mapped RPA. During construction, a portion of the driveway was realigned and extended into the county-mapped RPA. At the time, site-specific field-reviewed RPA delineations were not required. Depicting the county-mapped boundary on drawings was sufficient. With the recent site-specific delineation, additional area of the driveway is now also within the RPA. A total of 5550 square feet of compacted gravel driveway is within the RPA as delineated in RPA Delineation Study #5234-RPA-001.

Driveways are an allowed use in the RPA provided that there are no reasonable alternatives to the alignment, the design is optimized to minimize encroachment, the design meets the CBPO criteria including a WQIA, and the driveway is reviewed in conjunction with a development plan (CBPO 118-2-1(d)).

Since the alignment on the approved minor site plan was outside the RPA, yet the driveway was constructed inside the RPA, the alignment was not reviewed in conjunction with a development plan. An encroachment exception is required for 5550 square feet of compacted gravel driveway constructed for access to the telecommunications equipment.

An encroachment exception for a total of 6240 square feet (0.14 acres) of impervious area has been requested.

**REQUIRED FINDINGS:**

General RPA Encroachment Exceptions may be granted only upon the findings listed in CBPO Section 118-6-6 and the additional finding in CBPO

Section 118-6-9. It is the opinion of County staff that the required findings, as discussed below, have been satisfied with this application.

- The exception to the criteria is the minimum necessary to afford relief.

Only 10 square feet of new impervious surfaces will be constructed within the RPA.

Reconstructing the existing maintenance access driveway to a location outside of the RPA would cause more damage the RPA than the existing conditions.

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

There have been no other similarly situated applications.

- The exception is in harmony with the purpose and intent of the CBPO and is not of substantial detriment to water quality.

The application represents the configuration with the least impact to the RPA.

- The exception request is not based upon conditions or circumstances that are self-created or self-imposed.

Mobile and Land-Based Telecommunications Services Objective #42 of the Fairfax County Comprehensive Plan directs wireless facilities to existing power towers.

- Reasonable and appropriate conditions are imposed, as warranted, that will prevent the allowed activity from causing a degradation of water quality.

The proposed Development Conditions, dated June 21, 2010, are included in Attachment A and specify water quality related improvements

including, but not limited to, the proposed RPA buffer restoration area which is located between the encroachments and the stream in order to intercept and filter the stormwater runoff.

- General RPA Encroachment Exception requests pursuant to CBPO 118-6-9 are subject to the additional finding that the water quality benefits resulting from the proposed facility or improvement exceed the associated water quality detriments.

The total RPA buffer restoration areas are 7% larger than the encroachment area. Further buffer creation or water quality control facilities on the site are constrained by the overhead electrical wires. Floodplain and Storm Drain easement dedication will be required before development plan approval.

**STAFF RECOMMENDATION:** Staff recommends approval of 5234-WRPA-002-1 and 5234-WQ-001-1 and recommends that the approval be subject to the Development Conditions dated June 21, 2010, listed in Appendix A.

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

It should be further noted that the content of this report reflects the analysis and recommendations of the staff; it does not reflect the position of the Board of Supervisors. For further information, contact the Environmental and Facilities Review Division, Office of Land Development Services, Department of Public Works and Environmental Services, 12055 Government Center Parkway, Suite 535, Fairfax, Virginia 22035-5505, 703-324-1720.

**PROPOSED DEVELOPMENT CONDITIONS**

**5234-WRPA-002-1**

**June 21, 2010**

If it is the intent of the Board of Supervisors to approve Resource Protection Area (RPA) Encroachment Exception #5234-WRPA-002-1 for the property located at 1977 Hunter Mill Road (Tax Map #027-2-01-0013) to allow encroachment in the RPA pursuant to Section 118-6-9 of the Fairfax County Chesapeake Bay Preservation Ordinance (CBPO), staff recommends that the Board condition the approval by requiring conformance with the following conditions:

1. This RPA Encroachment Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This RPA Encroachment Exception is granted only for the purposes, structures or uses indicated on the plat approved with the application, as qualified by these development conditions.
3. Any plan submitted pursuant to this RPA Exception shall be in substantial conformance with the approved plat entitled *Water Quality Impact Assessment Map - Mitigation Plan - Lawyers Cell Site* prepared by Williamsburg Environmental Group, Inc., dated March 29, 2010, and these conditions.
4. In order that the land disturbed within the RPA can be considered to be the minimum necessary to afford relief for the proposed construction, indigenous vegetation shall be preserved to the maximum extent possible, the limits of clearing and grading must be clearly shown on any development plan, and adequate access and areas for stockpiles must be included. Any development plan will be subject to approval by the Department of Public Works and Environmental Services (DPWES). The limits of clearing and grading must be strictly observed and enforced. Any encroachment into, and/or disturbance of, the RPA not shown on the approved plan will be considered a violation of the CBPO and is subject to the penalties of CBPO Article 9.
5. Buffer areas of 4995 square feet and 1661 square feet as depicted on the approved plat entitled *Water Quality Impact Assessment Map - Mitigation Plan - Lawyers Cell Site* shall be revegetated generally consistent with the specification in CBPO Section 118-3-3(f). These areas shall be protected with a Reforestation Easement.
6. A Floodplain and Storm Drainage Easement shall be dedicated on this parcel and shall include all the area within the 100-year floodplain.

7. The maintenance access driveway shall be maintained in accordance with its Maintenance Agreement recorded by Deed in the Land Records of Fairfax County, Virginia, in Deed Book 5540 at Page 1414.
8. The maintenance access road shall not exceed its current area of 5550 square feet.
9. The applicant shall remove trash and debris from the RPA on this property.
10. Remove the 5.5' x 2.5' concrete pad at the base of the platform stairs which will be removed when the platform is raised.

5234-WRPA-002-1

Attachment B

5234-WQ-001-1

**APPLICATION FORM****For Resource Protection Area (RPA) Encroachment Exceptions**Pursuant to Article 6 of the Chesapeake Bay Preservation Ordinance (**Public Hearing Required**)**Part 1 Property Information**

Property Owner	Virginia Electric and Power Company
Property Address	1977 Hunter Mill Road, Vienna, VA 22182
Property Description (Lot #, Subdivision, etc.)	Lot 13
Project Name	Lawyers Road Site
Tax Map Number	0272-01-0013
Magisterial District	Hunter Mill

**Part 2 Exception Type**

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

**Part 3 General Description of Exception Request**

Property Area (acres or sq. ft.): 10.33 AC.	Disturbed Area in RPA (ac. or sq. ft.): 10,133 sq. ft.	Impervious Area within RPA (ac. or sq. ft.): 5,403 sq. ft.
Brief Description of Project and RPA Encroachment	Proposed telecommunication facility and uses on a raised platform within the RPA. Project area already contains 6,285 sq. ft. of impervious area within the RPA from previous establishment of telecommunication structure and gravel access road.	

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

SE and/or RZ application No.: SE A2-C-116

Date submitted: \_\_\_\_\_

## Part 4

## Submission Checklist

✓	118-6-5(a)	Four (4) copies of this <i>application form</i> , completed and signed by the applicant.
✓	118-6-5(b)	Four (4) copies of a <i>Water Quality Impact Assessment (WQIA)</i> . The WQIA may be submitted with the application as a combined document.
✓	118-6-5(c)	Fourteen (14) copies of a <i>plat</i> which meets the submission requirements of Zoning Ordinance Section 9-011, paragraph 2. In addition, four (4) letter size copies of the plat that are suitable for reproduction and distribution.
✓	118-6-5(d)	<i>Photographs</i> of the property showing existing structures, terrain and vegetation
✓	118-6-5(e)	Four (4) copies of a <i>map identifying classification of soil types</i> , at a scale of one inch equals five hundred feet (1" = 500'), covering an area at least 500 feet beyond the perimeter of the proposed development.
✓	118-6-5(f)	A <i>statement of justification</i> which addresses how the proposed development complies with the factors set forth in Sections 118-6-6(a) through (f). (See Part 5 below).
		A List of property owners, with addresses, to be notified (minimum of 5). Include all properties abutting, immediately across the street from, and within 500 feet of the subject property (including all properties which lie in adjacent municipalities). In addition, the name and address of a Homeowners or Civic Association that is within the immediate area that will be notified.
	118-6-3(c)	OR:
✓	118-6-3(d)	If the exception is associated with a RZ or SE, the notification shall be conducted concurrently with the RZ or SE notification, and the public hearing will be conducted by the Board of Supervisors. Provide a list of owners, with addresses, to be notified in accordance with Zoning Ordinance Article 18 instead of CBPO Section 118-6-3(c).
	104-1-3(d)(8)(C), 101-2-10(a)(4), and 112-17-109.4.C	Application Fees (must be paid at the time of submission of the application):
		Exception request fee: \$160 per lot (not to exceed \$690) for individual lots; \$690 for subdivisions or site plans. <b>690.00</b>
		WQIA fee (if submitted as a combined document): \$340 for single lot, \$1,300 for subdivision or site plan. <b>+ 1,300.00</b>
		A public hearing is required for all exceptions under Article 6. There is an additional fee of \$345 per exception request. <b>+ \$345.00</b>
		<b>Total Fee: (minimum fee is \$500, maximum is \$2,335) \$ 2,335.00</b>

**Part 5****Statement of Justification**

Address, at a minimum, the items listed below and the additional criteria or conditions for the specific exception. Provide a detailed description of the project and the encroachment into the RPA.

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

**Part 6**

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

Owner: Virginia Electric and Power Company (please print)  
Address: 10th Floor P.O. Box 26666 Richmond, VA 23261

Agent: Andrew S. Hendricks, P.G. (please print)  
Company: Geo-Technology Associates, Inc.  
Address: 43760 Trade Center Place, Suite 110 Sterling, VA 20166

Telephone: 703-478-0055 Facsimile: 703-478-0137

Signed:  (Owner/Agent) Date: 3/30/2010

Submit to: Plan and Document Control, Land Development Services, DPWES, County of Fairfax  
12055 Government Center Parkway, Suite 506, FAIRFAX VA 22035-5503

**Lawyers Road Site  
Water Quality Impact Assessment**  
Map #: 0272-01-0013  
Hunter Mill District  
Fairfax County, Virginia

Project Location:

1977 Hunter Mill Road  
Vienna, VA 22182

Applicant:

---

CELLCO Partnership d/b/a/ Verizon Wireless  
9000 Junction Dr.  
Annapolis Junction, MD 20701

Property Owner:

Dominion Virginia Power Co.  
10th Floor P.O. Box 26666 Richmond, VA 23261

Prepared by:

Williamsburg Environmental Group, Inc.  
13921 Park Center Road, Suite 160  
Herndon, Virginia 20171  
(703) 437-3096  
Fax: (703) 437-6920

MARCH 2010

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Map Pocket A – WQIA Map – Existing Conditions

Map Pocket B – RPA Impact Assessment

Map Pocket C – Mitigation Plan

### **Executive Summary**

Williamsburg Environmental Group, Inc. (WEG) has been retained by the applicant, CELLCO Partnership d/b/a/ Verizon Wireless, to prepare the necessary support documentation for previously approved telecommunication facilities and proposed telecommunication facilities, a previously approved gravel access road and uses on a raised platform within the Resource Protection Area (RPA). The project is located at 1977 Hunter Mill Road, Fairfax County, Virginia (Figure 1-1 and 1-2). This Water Quality Impact Assessment (WQIA) represents the required assessment of the potential environmental impacts to lands resulting from the project and proposed mitigation measures.

This WQIA is for all telecommunication disturbances on the site, not just the new equipment being proposed. The previous disturbances in the RPA were completed under Minor Site Plan #5234-MSP-001-2 that was approved in error in 2002. An encroachment exception should have been approved before the minor site plan was approved; therefore this WQIA application is required to correct the error and also to provide for the installation of new equipment on the existing structure. Please note that even though this WQIA discusses the entire property, it is specifically addressing the access road between the existing asphalt drive and the telecommunication facilities (Approximate Project Area).

---

This project meets the requirements of a "General RPA Encroachment", Chesapeake Bay Preservation Ordinance (CBPO) Section 118-6-9. The previous disturbances, which include the Verizon telecommunication structure and portion of the gravel access road, created 5,403 sq. ft. of impervious area within the RPA. The new disturbances associated with the Cricket telecommunication structure will not create any additional impervious area within the RPA. The new telecommunication shelter for Cricket will be built on top of the existing Verizon shelter. There will only be temporary disturbances to the RPA to install underground coaxial cables between the existing Verizon shelter and existing electrical transmission tower. Onsite mitigation is proposed and buffer revegetation areas are proposed to be planted per CBPO Section 118-3-3(f).

## **1.0 GENERAL SITE ASSESSMENT**

The property is situated east of Hunter Mill Road (Route 674), and south of the Washington and Old Dominion (W&OD) Trail, and can be accessed via the Virginia Power Substation entrance road off of Hunter Mill Road. The property is located within the Difficult Run Watershed, immediately adjacent to Difficult Run, which flows along the southern property boundary.

The ±10.33-acre property is owned by Virginia Dominion Power and recorded in Deed Book 05540 at Page 1414. Virginia Dominion Power has owned the property since 1981 and the land use of the property has been for electric utilities, transmission right-of-way and Substation uses.

A site-specific RPA boundary delineation has been completed and submitted to Fairfax County for review (plan number 005234-RPA-001-1). The site-specific (Field Verified) RPA boundary is delineated on the attached WQIA graphics and shows that nearly the entire property is contained within the RPA buffer, which is approximately 84% of the total lot. In addition, the property contains numerous utility easements and overhead power lines that connect to the existing Substation. These easements are maintained on a regular basis to protect the infrastructure. The primary existing utility easement is the Virginia Power easement along the northern property line, which is also the area where a majority of the RPA encroachments occur.

---

## **2.0 WATER QUALITY IMPACT ASSESSMENT COMPONENTS**

### **2.1 EXISTING TOPOGRAPHY/SOILS/HYDROLOGY/VEGETATION**

The existing topography, soils, and hydrology of the site and immediately adjacent land were evaluated using published information and onsite investigations. The topography for the site is generally flat across a majority of the floodplain, with some steep slopes that elevate the existing Substation above the floodplain elevation, and steep slopes along the northern property line adjacent to the W&OD Trail. The adjacent lands primarily consist of the W&OD Trail and existing single family homes to the north. Adjacent lands to the south and east have similar topography and drainage characteristics, and land use to the west is primarily residential.

The Soil Survey for Fairfax County maps three predominant soil types (Codorus silt loam – 29A, Codorus and Hatboro soils – 30A and Wheaton-Glenelg complex – 105D) within the approximate project area. The hydrologic classification of the mapped soil groups are C, C, and D/B,

respectively. Slopes for Codorus silt and Cordorus and Hatboro soils are in the 0 to 2% range, and slopes for the Wheaton-Glenelg complex are within the 15 to 25% range.

The eastern portion of the project area is located within a 100-year floodplain and the western portion is located outside of the floodplain. A majority of the floodplain was delineated as jurisdictional wetland areas that are connected to Difficult Run, a perennial stream that flows west to south along the southern property boundary. The field verified RPA buffer is based upon the wetland areas. In addition, a small tributary stream was delineated parallel to Hunter Mill Road, of which a portion was identified as perennial. Therefore, the RPA buffer was extended up this tributary to the point of perennial flow.

There is an existing Virginia Power Substation located on the property, south of the project area. Overhead power lines originating from the Substation cross through the project area along the southern limits, continuing into the existing Virginia Power easement.

A majority of the floodplain wetlands are forested with the exception of the areas that are maintained within existing utility easements and underneath overhead power lines. The project area consists primarily of maintained open area due to existing utility easements, with approximately 6,038 sq. ft. of existing forested area, and 2,988 sq. ft. of scrub/shrub area. Small amounts of invasive species were noted within these areas. The project area is approximately 60,149 sq. ft., of which approximately 33,113 sq. ft. is within the Virginia Power utility easement, approximately 45,680 sq. ft. is within the RPA and contains approximately 9,845 sq. ft. of wetlands. The project area also contains existing VEPCO transmission towers, which were in place prior to 2001.

## 2.2 IMPACTS OF PROPOSED DEVELOPMENT

*(A) Display and describe the location and nature of the proposed encroachment into and/or impacts to the RPA:*

To the best of our knowledge, the following features were added to the project area after 2002, which will be considered to be "Previous Impacts" to the RPA. These features include: the existing Verizon Wireless equipment shelter on concrete/steel platform on caissons, existing Verizon antennas, and portion of the gravel access road. The only exception is that a portion of the gravel access road had been built prior to 2002 (see attached "WQIA Map – Existing Conditions" sheet 1 of 3 for physical description). The "Proposed

Impacts” to the RPA include: the proposed Cricket Equipment Shelter on the existing Verizon shelter platform, underground coaxial cables, and proposed Cricket antennas placed on existing electrical transmission tower. These areas are displayed on the attached map titled “WQIA Map – RPA Impact Assessment”, sheet 2 of 3.

*(B) Provide justification for the proposed encroachment into and/or impacts to the RPA:*

The justifications for the RPA encroachments are: the development activities have not changed the drainage pattern of the site, there are existing electrical and transmission uses on the property, the previous and proposed impacts in the RPA primarily overlap the footprint of the allowed existing utility uses and easements, the impervious area does not exceed 18%, and there are negligible disturbances to existing natural vegetation. In addition, the Fairfax County Comprehensive Plan, Policy Plan, Utilities, Mobile and Land-Based Telecommunications Services Objective 42 Policy (a) directs location of wireless facilities on to existing power towers.

*(C) Describe the extent and nature of any proposed disturbance or disruption of wetlands:*

Based upon the wetland delineation of the property and the proposed approximate project area limits there will be no disturbances or disruptions of wetlands.

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

RPA mitigation will consist of the establishment of a 6,656 square foot buffer, which is greater than the square footage of impervious area caused by the encroachments into the RPA. The buffer areas will be located down slope of the proposed encroachment areas. These areas will be planted with trees and shrubs and mulched. The proposed planted buffer will improve the existing wooded area by adding native understory vegetation and canopy trees.

The buffer plantings will follow the guidance of the CBPO Section 118-3-3(f), and the required plantings are as follows:

- 15 Overstory Trees (based on density of 100 overstory trees per acre)
- 30 Understory Trees (based on density of 200 understory trees per acre)
- 163 Shrubs (based on density of 1,089 shrubs per acre)

*(E) Demonstrate the extent to which the proposed activity will comply with all applicable performance criteria of the CBPO:*

To the extent possible, Previous and Proposed Impacts have been located within previously disturbed areas and within existing Virginia Power easements. The ±12-foot wide gravel access road is the minimum width necessary to provide access to the telecommunication facilities. The location of the gravel access road allowed for minimal land disturbance by following the existing topography. No indigenous vegetation will be impacted due to proposed RPA encroachments and no additional gravel road improvements or parking areas are proposed within the RPA. Any proposed land disturbing activity that exceeds 2,500 sq. ft. shall comply with the requirements of Chapter 104 of the Fairfax County Code.

*(F) Provide any other information deemed by the Director to be necessary to evaluate potential water quality impacts of the proposed activity:*

The applicant is proposing buffer mitigation areas that are approximately 20% larger than the total impervious area added within the RPA area, in order to provide additional water quality benefits.

---

### **3.0 STATEMENT OF JUSTIFICATION**

Section 118-6-6 of the CBPO requires that the following items be addressed as part of the exception request. The applicable performance criteria are met and discussed below.

*(A) The requested exception to the criteria is the minimum necessary to afford relief.*

No more land shall be disturbed than is necessary to provide for construction of the telecommunication shelters and access road. The attached plan shows the minimum amount of width required to provide access, which reduces the overall amount of disturbance. In addition, indigenous vegetation will be preserved to the maximum extent possible.

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

No special privileges will be granted to the applicant, in order to address the Previous and/or Proposed Impacts within the RPA. The applicant will minimize encroachment within the RPA and has located telecommunication facilities within existing utility easements that were already in place prior to 2002. Therefore, no indigenous vegetation will be affected by the project.

In addition, the Fairfax County Comprehensive Plan, Policy Plan, Utilities, Mobile and Land-Based Telecommunications Services Objective 42 Policy (a) directs location of wireless facilities on to existing power towers.

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

The exception request is in harmony with the CBPO and will not cause substantial detriment to water quality. The Previous and Proposed Impacts to the RPA have been located within existing utility easements and existing disturbed areas to the greatest extent possible. No wetlands will be disturbed by the project. Buffer replanting is proposed and the area of buffer planting is larger than the RPA encroachment area.

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

The exception request is not based on self-created conditions; rather the request is based upon minimizing disturbances within the RPA and keeping the Previous and Proposed Impacts within areas that were previously disturbed and/or within existing utility easements. To the extent possible, existing infrastructure that was in place prior to 2002 is being utilized to support the telecommunication facilities. In addition, the Fairfax County Comprehensive Plan, Policy Plan, Utilities, Mobile and Land-Based Telecommunications Services Objective 42 Policy (a) directs location of wireless facilities on to existing power towers.

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

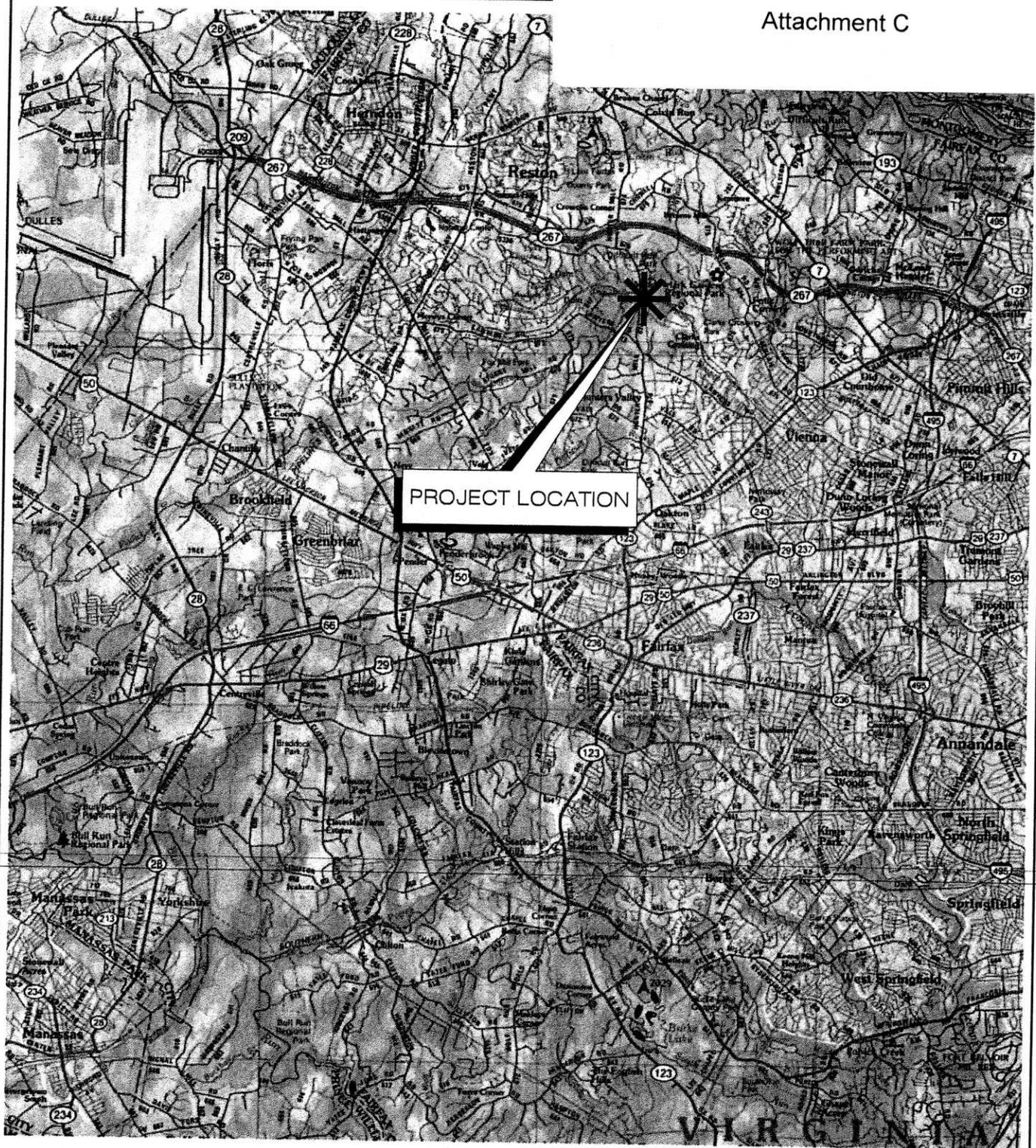
The applicant will utilize all necessary and required erosion and sediment control measures during construction to ensure that construction disturbances are maintained within the defined work area.

#### **4.0 WASTEWATER ELEMENT**

There is no wastewater treatment component associated with this project.

#### **5.0 CONCLUSION**

The goal of the WQIA is to ensure protection of RPAs consistent with the goals, objectives and requirements of the CBPO. This WQIA consisted of a general project description, description of RPA encroachments, photographs of the site, statement of justification, site drawings and mitigation for the RPA encroachment. This project meets the requirements of a "General RPA Encroachment", CBPO Section 118-6-9. The previous disturbances, which include the Verizon telecommunication structure and portion of the gravel access road, created 5,403 sq. ft. of impervious area within the RPA. The new disturbances associated with the Cricket telecommunication structure will not create any additional impervious area within the RPA. The new telecommunication shelter for Cricket will be built on top of the existing Verizon shelter. There will only be temporary disturbances to the RPA to install underground coaxial cables between the existing Verizon shelter and existing electrical transmission tower. The applicant is proposing buffer revegetation areas that are approximately 20% larger in area than the total impervious impact area within the RPA, in order to provide additional water quality benefits. Revegetation areas will be planted per CBPO Section 118-3-3(f).



PROJECT LOCATION



2.4 MILES 1.2 0 MILES 2.4 MILES

SCALE: 1 INCH = 2.4 MILES



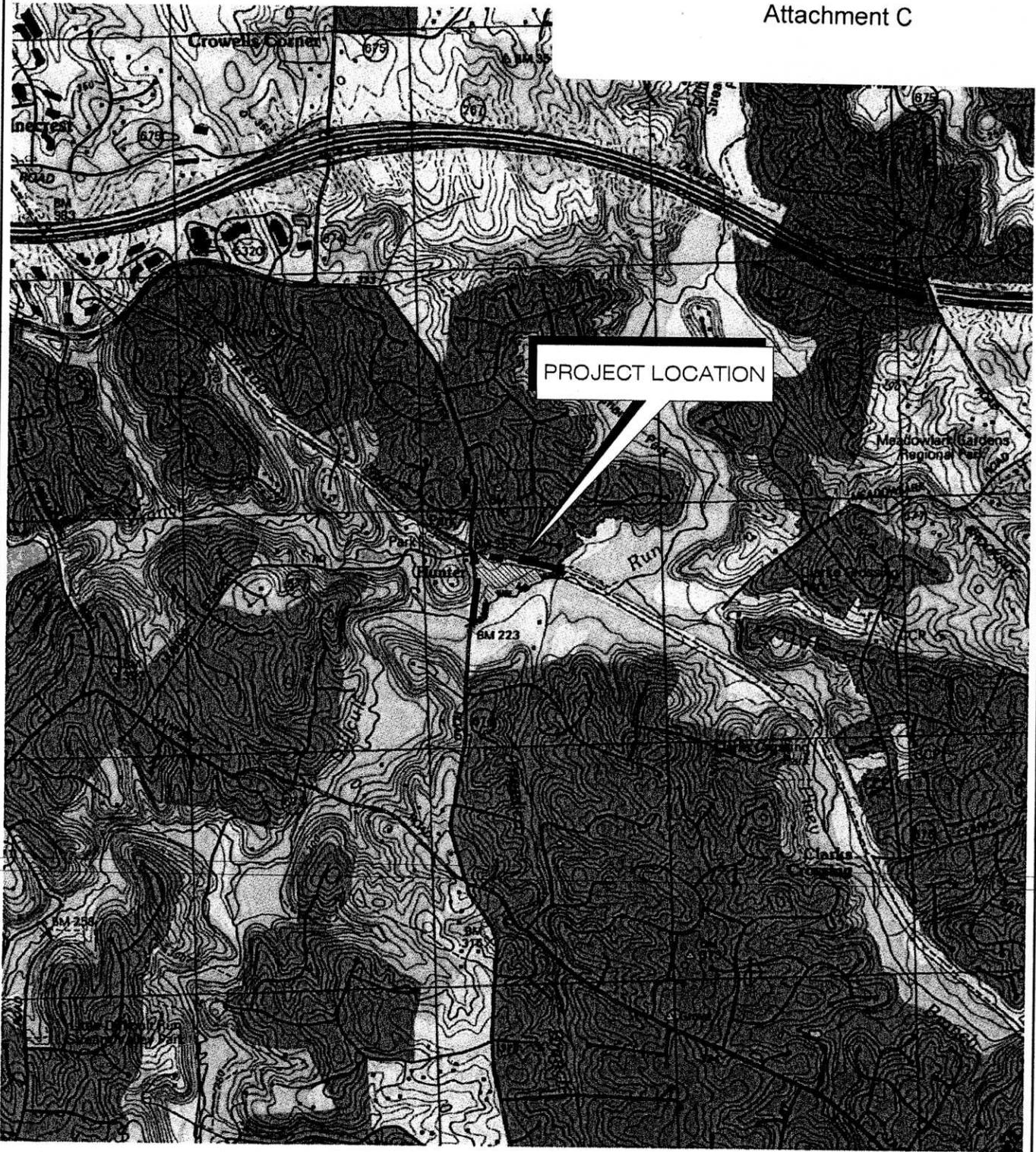
**WILLIAMSBURG  
ENVIRONMENTAL  
GROUP, INC.**

FIGURE 1-1  
**PROJECT VICINITY MAP**  
LAWYERS CELL SITE

SOURCE: VIRGINIA ATLAS AND GAZETTEER,  
DeLORME MAPPING CO., 1995.

FAIRFAX CO., VA

JANUARY 2010



SCALE: 1 INCH = 2000 FEET

LATITUDE: 38° 55' 53.11" N  
LONGITUDE: 77° 18' 13.43" W

SOURCE: USGS 7.5 MINUTE SERIES TOPOGRAPHIC MAP,  
VIENNA, VA QUADRANGLE(S), 1994



**WILLIAMSBURG  
ENVIRONMENTAL  
GROUP, INC.**

**FIGURE 1-2  
PROJECT LOCATION MAP  
LAWYERS CELL SITE**

FAIRFAX CO., VA

JANUARY 2010

**APPENDIX A – Site Photographs**



Photostation: #1

Photo Date: 12/14/09

Orientation: South

Description: View of existing equipment building and proposed site of additional structure. Both are located within the Resource Protection Area.

Photographer:

Chris Plummer, WEG



Photostation: #2

Photo Date: 12/14/09

Orientation: South

Description: View of transmission tower located within the Resource Protection Area.

Photographer:

Chris Plummer, WEG



Photostation: #3

Photo Date: 12/14/09

Orientation: South

Description: View of existing transmission structures and proposed location of additional structure, all located within the Resource Protection Area.

Photographer:

Chris Plummer, WEG



Photostation: #4

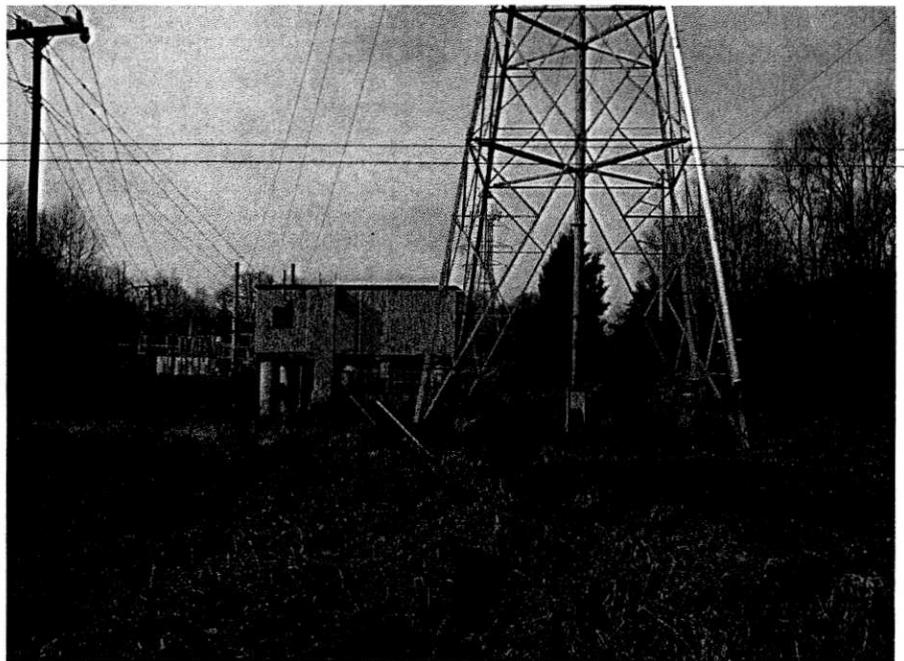
Photo Date: 12/14/09

Orientation: West

Description: View of existing transmission structures, all located within the Resource Protection Area.

Photographer:

Chris Plummer, WEG



Photostation: #5

Photo Date: 12/14/09

Orientation: Northeast

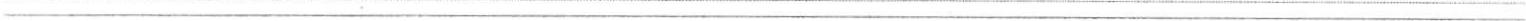
Description: View of gravel access road, which travels in and out of the Resource Protection Area through the study area.

Photographer:

Chris Plummer, WEG

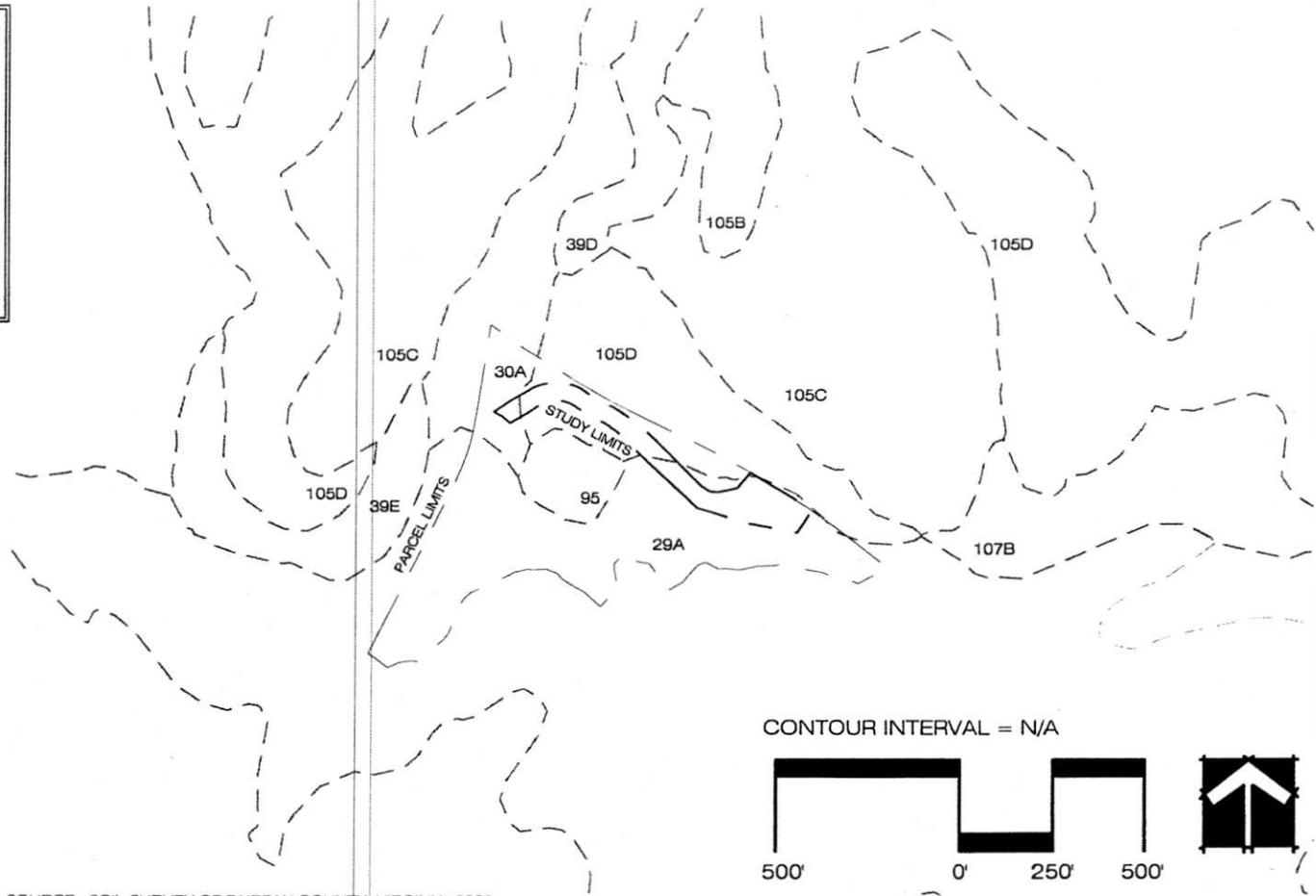


**APPENDIX B – Soils Map**



**LEGEND:**

-  STUDY LIMITS
-  PARCEL LIMITS
-  SOIL BOUNDARY
-  SOIL TYPE



SOURCE: SOIL SURVEY OF FAIRFAX COUNTY, VIRGINIA, 2008

**SOILS CHARACTERISTICS**

MAP SYMBOL	HYDROLOGIC SOIL GROUP	SOIL NAME	SOIL SLOPES	PERMEABILITY (MICRO M/SEC)	DEPTH TO HIGH WATER TABLE (FT) (UPPER LIMIT/LOWER LIMIT)
29A	C (HYDRIC INCLUSIONS)	CODORUS SILT LOAM	0-2%	4.00-141.00	0.8-2.0/>6.0
30A	C (HYDRIC INCLUSIONS)	CODORUS AND HATBORO SOILS	0-2%	4.00-141.00/4.00-14.00	0.8-2.0/>6.0 - 0.0-1.5/>6.0
39D	D	GLENELG SILT LOAM	15-25%	4.00-14.00	N/A
39E	B	GLENELG SILT LOAM	25-45%	4.00-14.00	N/A
95	---	URBAN LAND	N/A	N/A	N/A
105B	D/B	WHEATON-GLENELG COMPLEX	2-7%	0.42-4.00/4.00-14.00	N/A
105C	D/B	WHEATON-GLENELG COMPLEX	7-15%	0.42-4.00/4.00-14.00	N/A
105D	D/B	WHEATON-GLENELG COMPLEX	15-25%	0.42-4.00/4.00-14.00	N/A
107B	D/B	WHEATON-MEADOWVILLE COMPLEX	2-7%	0.42-4.00/4.00-42.00	N/A - 3.4-6.0/>6.0

Attachment C



13221 Park Center Road  
Suite 100 Virginia 20171  
(703) 437-3368

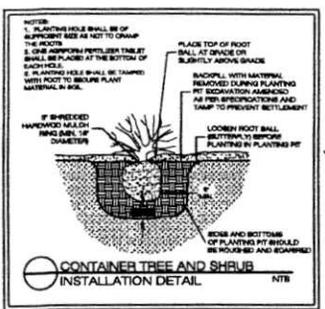
8708 Station Run Blvd  
Suite 105  
Virginia 22025  
(800) 371-3474

Environmental Consultants  
WILLIAMSBURG ENVIRONMENTAL GROUP, INC.

**SOILS MAP**  
**LAWYERS CELL SITE**  
**FAIRFAX COUNTY, VIRGINIA**

DATE: JANUARY 6, 2010  
JOB NUMBER: 4333  
SCALE: 1 INCH = 300 FEET  
SOURCE: BASE MAP PROVIDED BY  
EG CONSULTANTS

D:\43004\4303 - Lawyers Call Site\Ecology\Deliverables\WQIA\4303 - WQIA update.dwg



**WQIA MITIGATION PLAN**

TOTAL STUDY AREA	80,148 SQ. FT.
IMPACT AREA WITHIN RPA	8,408 SQ. FT.
PROPOSED MITIGATION AREA	8,958 SQ. FT.

**MITIGATION OF RPA ENCROACHMENT/IMPACTS**  
 THE APPLICANT HAS ALREADY PROPOSED A FIFTY (50) FOOT LANDSCAPE BUFFER PER THE FAIRFAX ZONING ORDINANCE - TRANSITIONAL SCREENING 3. TO MITIGATE IMPACTS TO THE RPA, BOTH PROPOSED AND EXISTING, THE APPLICANT IS PROPOSING TO REESTABLISH RIPARIAN BUFFER WITHIN THE RPA IN TWO AREAS ALONG THE SOUTHERN EDGE OF THE STUDY LIMITS. THESE AREAS WILL BE PLANTED PER THE REQUIREMENTS OF SECTION 118-3-9F.

**PROPOSED WQIA MITIGATION PLANTING SCHEDULE**

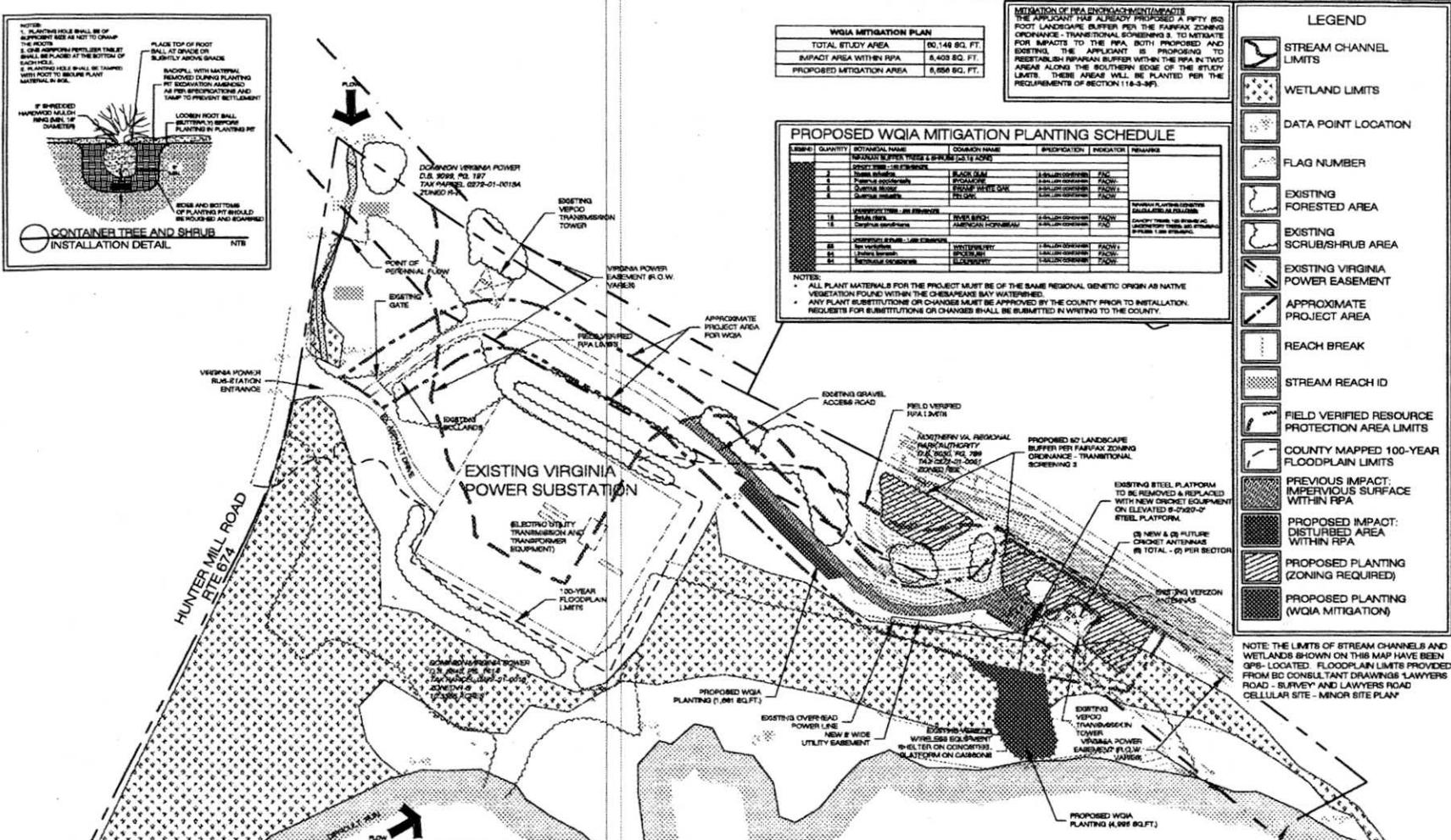
LINE#	QUANTITY	BOTANICAL NAME	COMMON NAME	PROPAGATION	INDICATOR	REMARKS
1	100	SPONTANEOUS LIME SHRUB	SPONTANEOUS LIME SHRUB	FIELD VERIFIED	FACT1	
2	100	FRANKLIN'S SPINDLE	FRANKLIN'S SPINDLE	FIELD VERIFIED	FACT1	
3	100	SMOOTH BARKED DOGWOOD	SMOOTH BARKED DOGWOOD	FIELD VERIFIED	FACT1	
4	100	SMOOTH BARKED DOGWOOD	SMOOTH BARKED DOGWOOD	FIELD VERIFIED	FACT1	
5	100	SMOOTH BARKED DOGWOOD	SMOOTH BARKED DOGWOOD	FIELD VERIFIED	FACT1	
6	100	SMOOTH BARKED DOGWOOD	SMOOTH BARKED DOGWOOD	FIELD VERIFIED	FACT1	
7	100	SMOOTH BARKED DOGWOOD	SMOOTH BARKED DOGWOOD	FIELD VERIFIED	FACT1	
8	100	SMOOTH BARKED DOGWOOD	SMOOTH BARKED DOGWOOD	FIELD VERIFIED	FACT1	
9	100	SMOOTH BARKED DOGWOOD	SMOOTH BARKED DOGWOOD	FIELD VERIFIED	FACT1	
10	100	SMOOTH BARKED DOGWOOD	SMOOTH BARKED DOGWOOD	FIELD VERIFIED	FACT1	
11	100	SMOOTH BARKED DOGWOOD	SMOOTH BARKED DOGWOOD	FIELD VERIFIED	FACT1	
12	100	SMOOTH BARKED DOGWOOD	SMOOTH BARKED DOGWOOD	FIELD VERIFIED	FACT1	
13	100	SMOOTH BARKED DOGWOOD	SMOOTH BARKED DOGWOOD	FIELD VERIFIED	FACT1	
14	100	SMOOTH BARKED DOGWOOD	SMOOTH BARKED DOGWOOD	FIELD VERIFIED	FACT1	
15	100	SMOOTH BARKED DOGWOOD	SMOOTH BARKED DOGWOOD	FIELD VERIFIED	FACT1	
16	100	SMOOTH BARKED DOGWOOD	SMOOTH BARKED DOGWOOD	FIELD VERIFIED	FACT1	
17	100	SMOOTH BARKED DOGWOOD	SMOOTH BARKED DOGWOOD	FIELD VERIFIED	FACT1	
18	100	SMOOTH BARKED DOGWOOD	SMOOTH BARKED DOGWOOD	FIELD VERIFIED	FACT1	
19	100	SMOOTH BARKED DOGWOOD	SMOOTH BARKED DOGWOOD	FIELD VERIFIED	FACT1	
20	100	SMOOTH BARKED DOGWOOD	SMOOTH BARKED DOGWOOD	FIELD VERIFIED	FACT1	
21	100	SMOOTH BARKED DOGWOOD	SMOOTH BARKED DOGWOOD	FIELD VERIFIED	FACT1	
22	100	SMOOTH BARKED DOGWOOD	SMOOTH BARKED DOGWOOD	FIELD VERIFIED	FACT1	
23	100	SMOOTH BARKED DOGWOOD	SMOOTH BARKED DOGWOOD	FIELD VERIFIED	FACT1	
24	100	SMOOTH BARKED DOGWOOD	SMOOTH BARKED DOGWOOD	FIELD VERIFIED	FACT1	
25	100	SMOOTH BARKED DOGWOOD	SMOOTH BARKED DOGWOOD	FIELD VERIFIED	FACT1	
26	100	SMOOTH BARKED DOGWOOD	SMOOTH BARKED DOGWOOD	FIELD VERIFIED	FACT1	
27	100	SMOOTH BARKED DOGWOOD	SMOOTH BARKED DOGWOOD	FIELD VERIFIED	FACT1	
28	100	SMOOTH BARKED DOGWOOD	SMOOTH BARKED DOGWOOD	FIELD VERIFIED	FACT1	
29	100	SMOOTH BARKED DOGWOOD	SMOOTH BARKED DOGWOOD	FIELD VERIFIED	FACT1	
30	100	SMOOTH BARKED DOGWOOD	SMOOTH BARKED DOGWOOD	FIELD VERIFIED	FACT1	

**NOTES:**  
 1. ALL PLANT MATERIALS FOR THE PROJECT MUST BE OF THE SAME REGIONAL GENETIC ORIGIN AS NATIVE VEGETATION FOUND WITHIN THE CHESAPEAKE BAY WATERSHED.  
 2. ANY PLANT SUBSTITUTIONS OR CHANGES MUST BE APPROVED BY THE COUNTY PRIOR TO INSTALLATION. REQUESTS FOR SUBSTITUTIONS OR CHANGES SHALL BE SUBMITTED IN WRITING TO THE COUNTY.

**LEGEND**

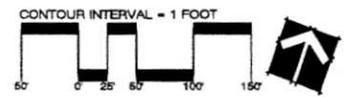
- STREAM CHANNEL LIMITS
- WETLAND LIMITS
- DATA POINT LOCATION
- FLAG NUMBER
- EXISTING FORESTED AREA
- EXISTING SCRUBS/SHRUB AREA
- EXISTING VIRGINIA POWER EASEMENT
- APPROXIMATE PROJECT AREA
- REACH BREAK
- STREAM REACH ID
- FIELD VERIFIED RESOURCE PROTECTION AREA LIMITS
- COUNTY MAPPED 100-YEAR FLOODPLAIN LIMITS
- PREVIOUS IMPACT: IMPERVIOUS SURFACE WITHIN RPA
- PROPOSED IMPACT: DISTURBED AREA WITHIN RPA
- PROPOSED PLANTING (ZONING REQUIRED)
- PROPOSED PLANTING (WQIA MITIGATION)

NOTE: THE LIMITS OF STREAM CHANNELS AND WETLANDS SHOWN ON THIS MAP HAVE BEEN GPS-LOCATED. FLOODPLAIN LIMITS PROVIDED FROM BC CONSULTANT DRAWINGS LAWYERS ROAD - SURVEY AND LAWYERS ROAD CELLULAR SITE - MINOR SITE PLAN



- PLANTING SCHEDULE**
1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR LAYOUT OF ALL WORK COVERED UNDER THESE PLANS.
  2. ALL PLANT MATERIAL, UNLESS OTHERWISE SPECIFIED, SHALL BE UNIFORMLY BRANDED AND HAVE A WOODRICE ROOT SYSTEM. PLANT MATERIAL SHALL BE HEALTHY, VIGOROUS, AND FREE FROM DEFECTS, DISEASE, INSECT FEED DAMAGE, AND ALL FORMS OF INFESTATION. ALL PLANT MATERIAL SHALL BE FRESH, FREE FROM TRANSPORT SHOCK OR VISIBLE WILT. PLANTS DRESSED UNHEALTHY WILL BE REJECTED.
  3. ALL PLANT MATERIAL SHALL MEET THE MINIMUM SPECIFICATIONS AND STANDARDS DESCRIBED IN THE CURRENT ISSUE OF "THE AMERICAN STANDARD FOR NURSERY STOCK," PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN, 1260 I STREET, N.W., SUITE 805, WASHINGTON, D.C. 20005.
  4. ALL CONTAINER STOCK SHALL HAVE BEEN PROPAGATED IN A CONTAINER LONG ENOUGH FOR THE ROOT SYSTEM TO HAVE DEVELOPED SUFFICIENTLY TO HOLD THE SOIL. CONTAINER STOCK WITH POORLY DEVELOPED ROOT SYSTEMS WILL NOT BE ACCEPTED.
  5. PLANTS WILL BE PREPARED FOR SHIPMENT IN A MANNER THAT WILL NOT CAUSE DAMAGE TO THE BARK, BRUISES, RANCHES, ITEMS, OR OVERALL SHAPE OF THE STOCK. CONTAINER GROWN PLANTS WILL BE TRANSPORTED IN THE CONTAINERS IN WHICH THEY HAVE BEEN GROWN.
  6. PLANTS NOT INSTALLED ON THE DAY OF ARRIVAL ON SITE SHALL BE STORED AND PROTECTED BY THE CONTRACTOR. OUTSIDE STORAGE AREAS WILL BE SHADDED AND PROTECTED FROM THE WIND AND SUN. PLANTS STORED ON SITE SHALL BE PROTECTED FROM ANY DRYING AT ALL TIMES BY COVERING THE BARKS OR ROOTS WITH MOIST SANDWICH, WET BURLAP, WOOD CHIPS, BRICKS, BARK, BRUSH, OR OTHER SHADY AND MOIST MATERIAL.
  7. NO SUBSTITUTIONS IN SIZE OR VARIETY OF PLANT MATERIAL SHALL OCCUR WITHOUT THE PRIOR APPROVAL OF THE OWNER OR OWNERS AGENT.
  8. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS IN THE FIELD AND NOTIFY THE OWNER OR OWNERS AGENT OF ANY VARIANCE FROM PLAN.
  9. NO PLANTING SHALL OCCUR WHEN THE SOIL IS FROZEN.
  10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY HERBICIDE PROTECTION NEEDED TO ATTAIN SPECIFIED SURVIVAL RATES.
  11. WOODY PLANT SPECIES WILL NOT BE PLANTED IN SHADE-SPOTS "SHOVED", BUT RATHER, SHALL BE MIXED AND PLANTED RANDOMLY.
- PLANTING REQUIREMENTS**
1. HOLES FOR INDIVIDUAL PLANTINGS SHALL BE EXCAVATED TO PROVIDE VERTICAL SIDES AND FLAT BOTTOMS. ALL PLANTING HOLES SHALL HAVE ROUGHED, SCAMPED SIDES AND BOTTOMS.
  2. THE CONTRACTOR SHALL APPLY ONE (1) TEN GRAM AGRIFORM FOREST STARTER TABLET TO EACH PLANT AS PER MANUFACTURERS DIRECTIONS ON LABEL AT TIME OF PLANTING.
  3. CONTAINERIZED PLANTS SHALL BE SET IN THE PLANTING PIT AT THE PROPER DEPTH ON TAMPED SOIL. SOIL REMOVED FROM THE PLANTING PIT AND AMENDED AS PER SPECIFICATIONS SHALL THEN BE FILLED AROUND THE ROOTS AND TAMPED.
  4. THE CONTRACTOR SHALL RESTORE DISTURBED AREAS TO INDICATED GRASS GRADINGS AS DETERMINED BY THE INSTALLATION OF THESE.

SCALE: 1/8" = 1'-0"  
 DATE: 07/14/2004  
 DRAWN BY: JLD



**WATER QUALITY IMPACT ASSESSMENT**  
**MAP - MITIGATION PLAN**  
**LAWYERS CELL SITE**  
**HUNTER MILL DISTRICT**  
**FAIRFAX COUNTY, VIRGINIA**

10000 North Center Road  
 Suite 200  
 Fairfax, Virginia 22031  
 (703) 261-1000  
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# County of Fairfax, Virginia

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

APR 13 2010

Andrew S. Hendricks, P.G.  
Geo-Technology Associates, Inc.  
Suite 110  
43760 Trade Center Place  
Sterling, Virginia 20166

Subject: Virginia Electric and Power Company, 1977 Hunter Mill Road, Special Exception Amendment #SEA 82-C-116, Tax Map #027-2-01-0013, Hunter Mill District

Reference: Resource Protection Area Encroachment Exception Request #5234-WRPA-002-1 and Water Quality Impact Assessment #5234-WQ-001-1

Dear Mr. Hendricks:

We have received a Resource Protection Area (RPA) encroachment request accompanied by a Water Quality Impact Assessment (WQIA) as an application package under Chesapeake Bay Preservation Ordinance (CBPO) Section 118-6-9 to permit encroachment into the RPA on the subject site for telecommunications equipment. The application package has been determined to be complete.

In accordance with CBPO 118-6-1(d), the application package and staff report will be forwarded to the Board of Supervisors for a concurrent public hearing with the subject Special Exception Amendment application. The Department of Planning and Zoning will inform you of the public hearing date for your application.

A list of nearby properties has been submitted as required by CBPO 118-6-3(c). Since this request will be heard by the Board of Supervisors in conjunction with Special Exception Amendment, the notification list required by the Department of Planning and Zoning for that application will supersede the CBPO notification requirements.

A request for a Resource Protection Area Delineation approval, #5234-RPA-001-1, has already been received. The delineation study is currently under review by the Environmental and Site Review Division (ESRD).

Please note that any change, modification, addition, amendment or addendum to the referenced project application must also be submitted to this agency for review. Failure to provide revised copies in a timely manner may result in deferral of the public hearing.

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  
Phone 703-324-1720 • TTY 711 • FAX 703-324-8359



Andrew S. Hendricks, P.G.  
RPA Encroachment Exception Request#5234-WRPA-002-1  
and Water Quality Impact Assessment #5234-WQ-001-1  
Page 2 of 2

If you have any questions or require additional information, please contact Beth Forbes,  
Stormwater Engineer, Stormwater and Geotechnical Section, ESRD, at 703-324-1720 or  
Beth.Forbes@fairfaxcounty.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeremiah Stonefield". The signature is fluid and cursive, with a large initial "J" and "S".

Jeremiah Stonefield, Chief  
Stormwater and Geotechnical Section (ESRD)

JBS/mw

cc: Suzianne Zottl, Staff Coordinator, Zoning Evaluation Division, DPZ  
Craig Carinci, Director, Stormwater Planning Division, DPWES  
Shahab Baig, Chief Site Review Engineer, ESRD West, DPWES  
Beth Forbes, Stormwater Engineer, Stormwater and Geotechnical Section, ESRD, DPWES  
Exception File

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## FAIRFAX COUNTY ZONING ORDINANCE

- (7) Include the addition of any building or additions to buildings except that accessory structures clearly subordinate to the use, and minor additions to buildings may be permitted, provided that:
    - (a) the sum total of all such structures or additions shall not exceed the greater of 500 square feet of gross floor area, or five (5) percent of the approved gross floor area up to a maximum of 2500 square feet of gross floor area; and
    - (b) the maximum permitted FAR for the zoning district shall not be exceeded.
- C. For all approved special exception uses, any request for an addition shall require the provision of written notice by the requester in accordance with the following:
- (1) the notice shall include the letter of request with all attachments as submitted to the Zoning Administrator, a statement that the request has been submitted, and where to call for additional information; and
  - (2) the notice shall be sent to the last known address of the owners, as shown in the real estate assessment files of the Department of Tax Administration, of all property abutting and across the street from the site, or portion thereof, which is the subject of the request, and shall be delivered by hand or sent by certified mail, return receipt requested.

The request for an addition submitted to the Zoning Administrator shall include: an affidavit from the requester affirming that the required notice has been provided in accordance with the above; the date that the notice was delivered or sent; the names and addresses of all persons notified; and the Tax Map references for all parcels notified. No request for an addition shall be considered by the Zoning Administrator unless the affidavit has been provided in accordance with this paragraph.

When it is determined by the Zoning Administrator that a modification is not in substantial conformance with the approved special exception, such modification shall require the approval of an amendment to the special exception in accordance with Sect. 014 below or a new special exception.

**9-005 Establishment of Categories**

For purposes of applying specific conditions upon certain types of special exception uses, and for allowing special exception uses to be established only in those zoning districts which are appropriate areas for such uses, all special exception uses are divided into categories of associated or related uses, as hereinafter set forth in this Article 9.

**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:

## SPECIAL EXCEPTIONS

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.

### **9-007 Conditions and Restrictions**

In addition to those standards set forth in this Article, the Board, in approving a special exception, may impose such conditions and restrictions upon the proposed use as it may deem necessary in the public interest to secure compliance with the provisions of this Ordinance and to protect the viability of the implementation of the adopted comprehensive plan. Such conditions or restrictions may include but need not be limited to a time limitation on the length of the exception in accordance with the provisions of Sect. 008 below and may require the posting of a guarantee or bond in a reasonable amount by the applicant.

### **9-008 Time Limitations, Extensions, Renewals**

In addition to the time limits set forth in this Article, the Board may require, as a condition of the approval of any special exception, that it shall be approved for a specified period of time; that it may be subsequently extended for a designated period by the Zoning Administrator; or that it may be periodically renewed by the Board. The procedure of granting an extension or renewal shall be as presented in Sections 012 and 014 below.

## FAIRFAX COUNTY ZONING ORDINANCE

2. Category 1 uses may be allowed by special exception in the following districts:

R-A District: Limited to uses 5, 6, 7 and 8

All other R Districts: All uses

All C Districts: All uses

I-I District: Limited to use 4

I-1, I-2 Districts: All uses

I-3, I-4, I-5, I-6 Districts: Limited to uses 3 and 8

### 9-103

#### **Additional Submission Requirements**

In addition to the submission requirements set forth in Sect. 011 above, all applications for Category 1 uses shall be accompanied by the following items:

1. Four (4) copies of a map showing the utility system of which the proposed use will be an integral part, together with a written statement outlining the functional relationship of the proposed use to the utility system.
2. Four (4) copies of a statement, prepared by a certified engineer, giving the exact technical reasons for selecting the particular site as the location for the proposed facility and certifying that the proposed use will meet the performance standards of the district in which located.

### 9-104

#### **Standards for all Category 1 Uses**

In addition to the general standards set forth in Sect. 006 above, all Category 1 special exception uses shall satisfy the following standards:

1. Category 1 special exception uses shall not have to comply with the lot size requirements or the bulk regulations set forth for the zoning district in which located.
2. No land or building in any district other than the I-5 and I-6 District shall be used for the storage of materials or equipment, or for the repair or servicing of vehicles or equipment, or for the parking of vehicles except those needed by employees connected with the operation of the immediate facility.
3. If the proposed location of a Category 1 use is in an R district, there shall be a finding that there is no alternative site available for such use in a C or I district within 500 feet of the proposed location; except that in the case of electric transformer stations and telecommunication central offices, there shall be a finding that there is no alternative site available in a C or I district within a distance of one (1) mile, unless there is a substantial showing that it is impossible for satisfactory service to be rendered from an available location in such C or I district.
4. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.

## FAIRFAX COUNTY ZONING ORDINANCE

18. Outdoor storage in association with warehousing establishments in the Sully Historic Overlay District.
19. Modifications/waivers/increases and uses in a Commercial Revitalization District.
20. Reduction of yard requirements for the reconstruction of certain single family detached dwellings that are destroyed by casualty.
21. Containment structures associated with outdoor recreation/sports facility playing fields/courts and golf courses.
22. Modification of minimum yard requirements for certain existing structures and uses.
23. Provisions for modifying shape factor limitations.
24. Modification of grade for single family detached dwelling.

### **9-602 Additional Submission Requirements**

In addition to the submission requirements set forth in Sect. 011 above, all applications for a Category 6 special exception shall be accompanied by such submission items as may be required by the provisions of this Ordinance or as may be required by the Board for a particular special exception.

**9-603 (Deleted by Amendment #95-283, Adopted October 30, 1995, Effective October 31, 1995 at 12:01 AM)**

**9-604 (Deleted by Amendment #82-64, adopted August 2, 1982)**

**9-605 (Deleted by Amendment #82-64, adopted August 2, 1982)**

### **9-606 Provisions for Uses in a Floodplain**

The Board may approve a special exception for the establishment of a use in a floodplain in accordance with the provisions of Part 9 of Article 2.

### **9-607 Provisions for Approving an Increase in Building Heights**

As set forth in the C-3, C-4, C-6, C-7, C-8, C-9, I-1, I-2, I-3, I-4, I-5, I-6 and Sully Historic Overlay Districts, and as applicable to all Group 3, Institutional Uses and Category 3, Quasi-Public Uses, the Board may approve a special exception for an increase in height above the maximum building height regulations specified for the zoning district or a given use, but only in accordance with the following provisions:

1. An increase in height may be approved only where such will be in harmony with the policies embodied in the adopted comprehensive plan.

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