



APPLICATION ACCEPTED: August 15, 2013
PLANNING COMMISSION: February 6, 2013
BOARD OF SUPERVISORS: TBD

County of Fairfax, Virginia

January 23, 2013

STAFF REPORT

APPLICATION SE 2013-MV-015

MOUNT VERNON DISTRICT

APPLICANT: Albert Gagliardi

ZONING: R-E: Residential Estate District

PARCEL: 117-2 ((2)) 59

LOCATION: 10820 Anita Drive

SITE ACREAGE: 22,412 square feet (0.51 acres)

PLAN MAP: Residential: 1 dwelling unit per 5-10 acres

SPECIAL EXCEPTION CATEGORY: Category 6 – Uses in a Floodplain

PROPOSAL: To retroactively permit the dispersal of 196 cubic yards of fill over 5,850 square feet in a floodplain

STAFF RECOMMENDATIONS:

Staff recommends approval of SE 2013-MV-015, subject to the proposed conditions listed in Appendix 1.

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

It should be 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.

Nick Rogers, AICP

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



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

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.



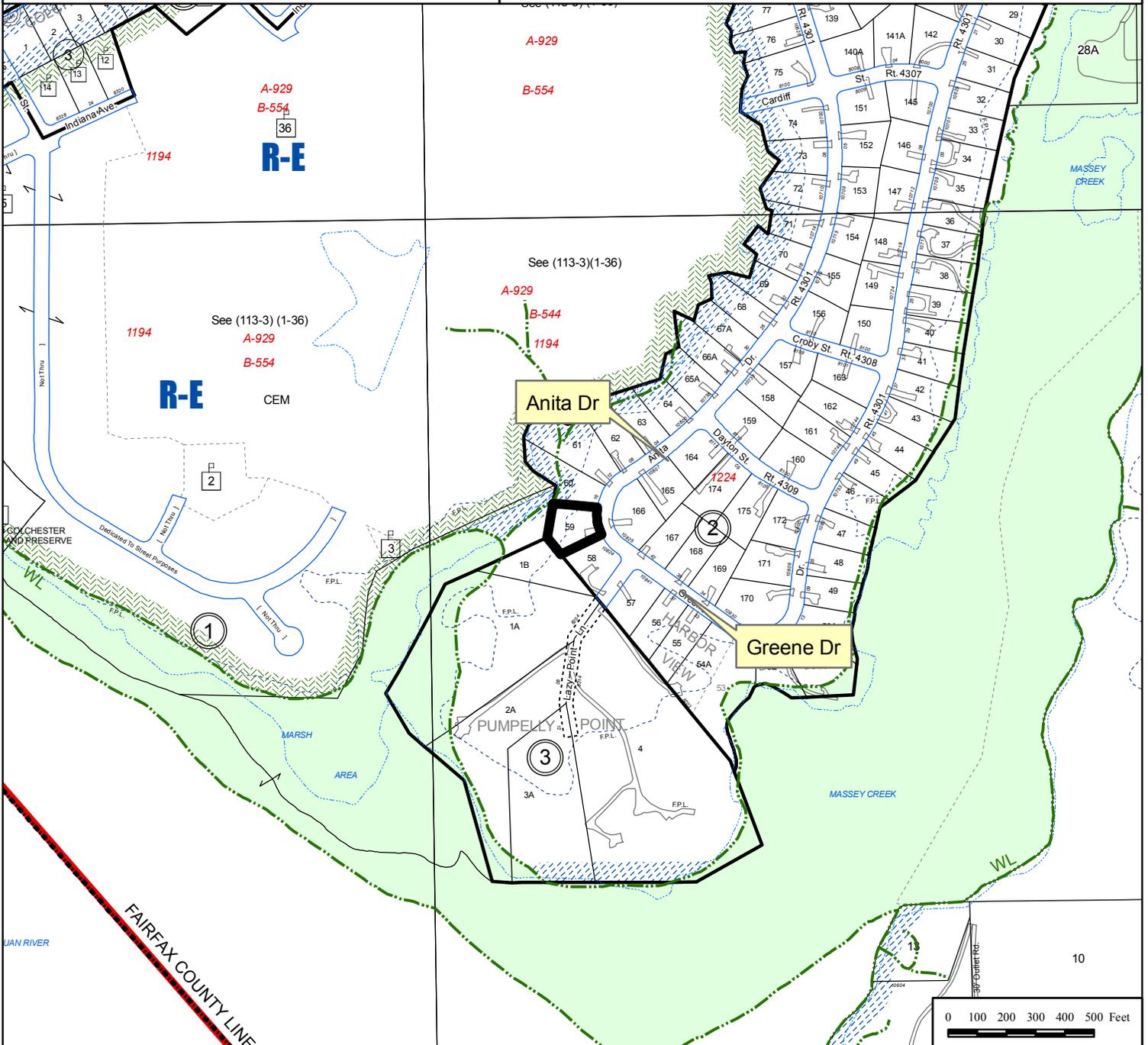
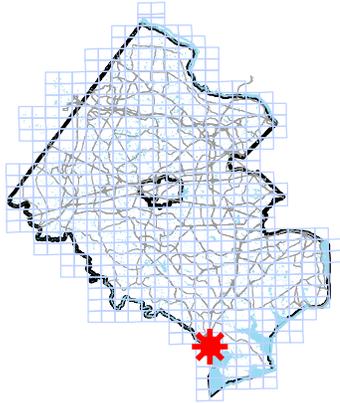
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

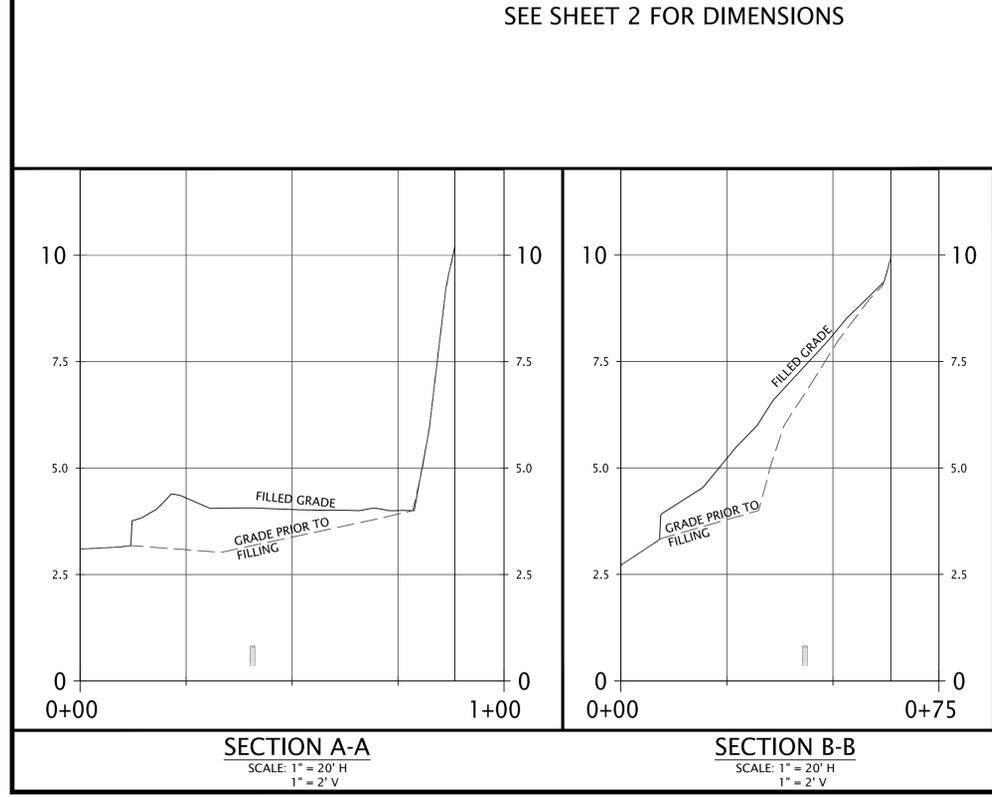
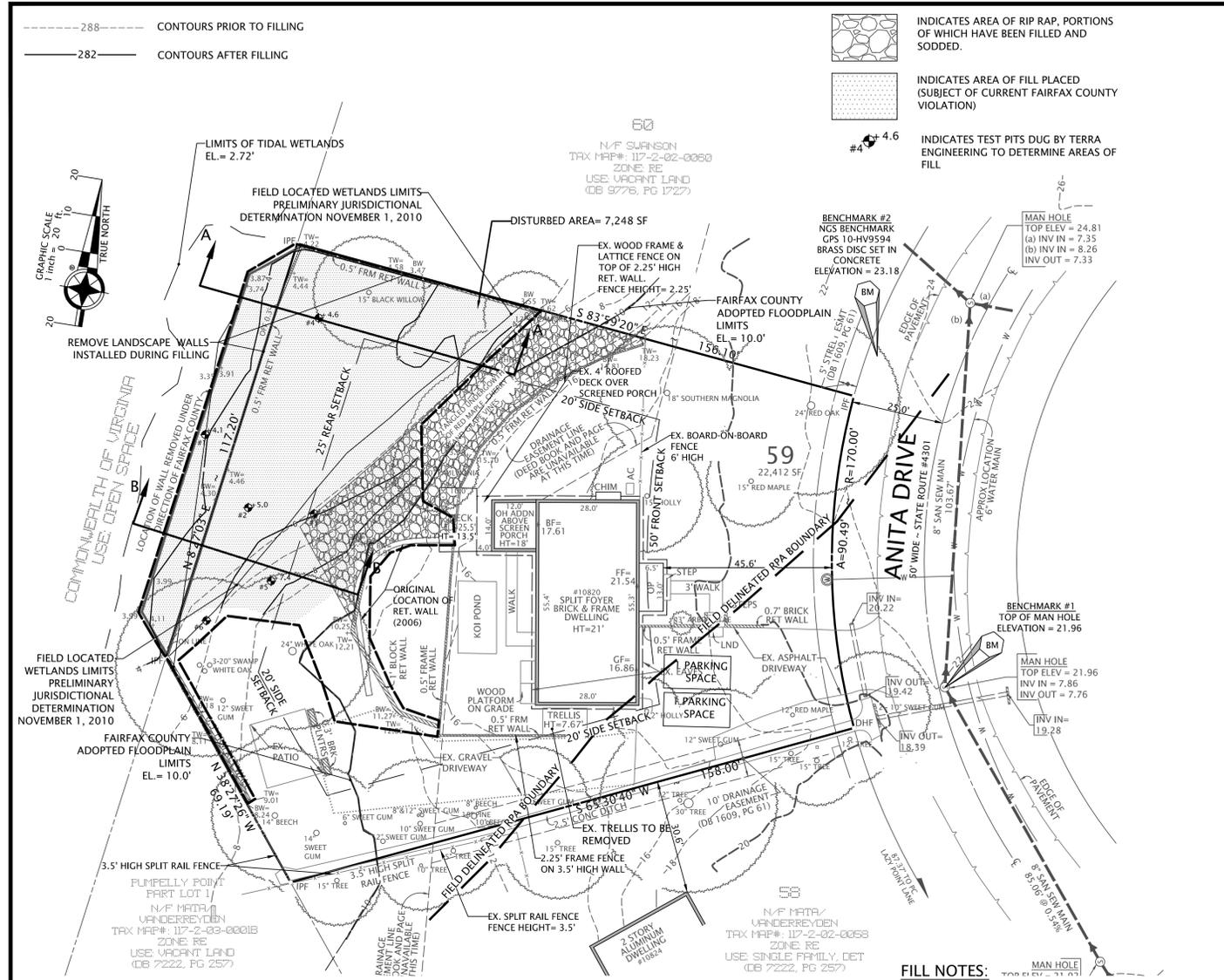
Special Exception

SE 2013-MV-015

Applicant: ALBERT GAGLIARDI
Accepted: 08/15/2013
Proposed: USES IN A FLOODPLAIN
Area: 22412 SF OF LAND; DISTRICT - MOUNT VERNON

Zoning Dist Sect: 02-0904
Art 9 Group and Use: 6-2
Located: 10820 ANITA DRIVE, LORTON, VA 22079
Zoning: R- E
Plan Area: 4,
Overlay Dist:
Map Ref Num: 117-2- /02/ /0059





FILL NOTES:

PLEASE SEE SHEET #4 FOR BORING LOGS AND LETTER FROM THE GEOTECHNICAL ENGINEER. AS STATED IN THAT LETTER IN THE AREA AT AND ABOVE THE LIMITS OF RIP-RAP SHOWN ON THE 2006 HOUSE LOCATION SURVEY SHOWS TWO DIFFERENT TYPES OF FILL. IT IS THE OPINION OF THIS OFFICE THAT THE CURRENT OWNER ONLY PLACED THE TOP LAYER OF FILL. THIS OPINION IS BASED ON COMMUNICATION WITH THE OWNER, RECORD DOCUMENTS, OUR FIELD VISIT AND HISTORICAL AERIAL PHOTOGRAPHS.

THE EXPLORATION OF FILL WAS ALL CONDUCTED BELOW THE 10' CONTOUR WHICH IS THE FAIRFAX COUNTY BOARD OF SUPERVISORS ADOPTED 100 YEAR FLOODPLAIN ELEVATION. IT IS OUR OPINION THAT ALL OF THE FILL AND DISTURBANCE OUTSIDE OF ACCESS OCCURRED WITHIN THE 100 YEAR FLOODPLAIN. IT ALSO APPEARS THAT THE TEN FOOT CONTOUR WAS UNCHANGED.

VOLUME OF FILL: 196 CUBIC YARDS
 AREA COVERED BY FILL: 5,850 SQUARE FEET

WETLAND NOTES:

IT IS OUR OPINION THAT THE WETLANDS LIMITS GENERALLY FOLLOW THE LIMITS OF THE FLAGGING SHOWN ABOVE. THE WETLANDS, IN OUR OPINION GENERALLY FOLLOW THE 3.5' CONTOUR. THE ACOE HAS ISSUED A PRELIMINARY JURISDICTIONAL DETERMINATION BASED UPON OUR DELINEATION.

VOLUME OF FILL OVER WETLANDS: 144 CUBIC YARDS
 AREA OF DISTURBED WETLANDS: 4,488 SQUARE FEET (0.10 AC)
 FALLS UNDER NWP 18

EXISTING STRUCTURE INFORMATION

DWELLING CONSTRUCTED: 1974
 HEIGHT: 21'

PORTICO ADDED IN 2000 UNDER PERMIT #0031580860. PERMIT DRAWING SHOWS THE EXISTING 45.1' SETBACK. ZONING AND SITE PERMITS APPROVED, 11/10/00
 BUILDING APPROVAL: 12/11/00

12'x14' SUNROOM AND 4'x14' DECK APPROVED UNDER PERMIT #00158131000
 ZONING APPROVAL: 6/6/00
 SITE PERMITS APPROVAL: 6/13/00
 BUILDING APPROVAL: 6/16/00

EXISTING STRUCTURE INFORMATION

SHED CONSTRUCTED: ACTUAL DATE UNKNOWN, 11.7x10 PORTION PRE 2000, ADDITION TO SHED, BETWEEN 2000 AND 2006.
 HEIGHT: 10.5'

- NOTES:**
- THE PROPERTY DELINEATED HEREON IS SHOWN ON TAX MAP 117-2-02-0059 AND IS ZONED RE (RES ESTATE 1 DU/2AC)
 - OWNER: ALBERT GAGLIARDI & YVONNE BUCHOLTZ
 10820 ANITA DRIVE
 LORTON, VIRGINIA 22079
 DB. 18377, PG. 1645
 - NO TITLE REPORT FURNISHED.
 - THIS PROPERTY IS SUBJECT TO RESTRICTIONS OF RECORD.
 - THIS PROPERTY IS LOCATED WITHIN A RESOURCE PROTECTION AREA.
 - FENCES ARE FRAME UNLESS NOTED.
 - TOTAL AREA = 22,412 SQUARE FEET OR 0.51 ACRES.
 - NO BUILDINGS ARE PROPOSED WITH THIS APPLICATION.
 - THIS SITE IS SERVED BY PUBLIC WATER AND SEWER.
 - THE EXISTING RESIDENCE IS IN EXCESS OF 1.5' ABOVE THE 100 YEAR FLOODPLAIN.
 - THERE ARE WETLANDS LOCATED ON THIS SITE AS DELINEATED BY THIS OFFICE. THE ARMY CORPS OF ENGINEERS HAS ISSUED A PRELIMINARY JURISDICTIONAL DETERMINATION (#2010-02539) FOR THIS SITE. ALL FEDERAL AND STATE PERMITS SHALL BE OBTAINED PRIOR TO ANY FURTHER WORK REQUIRED AS CONDITIONS OF THIS SPECIAL EXCEPTION.
 - TOPOGRAPHIC AND BOUNDARY WAS PREPARED BY DOMINION SURVEYORS. TOPOGRAPHIC INFORMATION IS FIELD RUN AND CORRELATED TO NVGD 29 DATUM.
 - 100 YEAR FLOODPLAIN ELEVATION AS ADOPTED BY THE FAIRFAX COUNTY BOARD OF SUPERVISORS IS 10.0'. THE 100 YEAR FLOODPLAIN ELEVATION PER FEMA FIRM PANEL 51059C0390E, EFFECTIVE SEPTEMBER 17, 2010 IS 9.0'. THE SITE LIES WITHIN ZONES X AND AE.
 - A HOLD HARMLESS AGREEMENT SHALL BE EXECUTED WITH FAIRFAX COUNTY FOR ALL ADVERSE EFFECTS WHICH MAY ARISE AS A RESULT OF THE PREVIOUSLY DONE WITHIN THE FLOODPLAIN.
 - THERE IS NO ADVERSE IMPACT TO DOWNSTREAM DRAINAGE.
 - THERE SHALL BE NO STORAGE OF HERBICIDES, PESTICIDES, OR TOXIC HAZARDOUS SUBSTANCES AS SET FORTH IN TITLE 40, CODE OF FEDERAL REGULATIONS, PARTS 116.4 AND 261.30 ET SEQ. ON THE PROPERTY WITHIN THE FLOODPLAIN.
 - THERE ARE NO KNOWN GRAVES, OBJECTS, OR STRUCTURES MARKING A PLACE OF BURIAL ON THIS SITE.
 - NO FLOODING WILL OCCUR ON ADJACENT PROPERTIES DUE TO RUNOFF ON THIS PROPERTY.
 - THERE IS NO TRAIL REQUIREMENT ALONG THE FRONTAGE OF THIS SITE.
 - TWO OFF STREET PARKING SPACES ARE PROVIDED ON THE EXISTING DRIVEWAY.
 - THIS SITE DOES NOT CONTAIN ANY KNOWN MAJOR UNDERGROUND UTILITY EASEMENTS OR UTILITY EASEMENTS 25 FEET OR GREATER IN WIDTH.
 - NO MORE LAND SHALL BE DISTURBED THAN IS NECESSARY TO SATISFY THE CONDITIONS OF THIS SPECIAL EXCEPTION.
 - STORM WATER DETENTION IS NOT REQUIRED FOR THIS DEVELOPMENT.
 - THE TOPOGRAPHY AND IMPROVEMENTS SHOWN HEREON REPRESENT THE FIELD CONDITION. NO FURTHER LAND IS PROPOSED TO BE DISTURBED.
 - A WATER QUALITY IMPACT ASSESSMENT HAS BEEN PREPARED AND SUBMITTED TO FAIRFAX COUNTY DPW&ES TO SATISFY THE REQUIREMENTS OF THE RPA DISTURBANCE.
 - THE EXISTING DWELLING IS GREATER THAN 15' FROM THE 100 YEAR FLOODPLAIN. THE LOWEST FLOOR ELEVATION IS 17.61' - MORE THAN 18 INCHES ABOVE THE 100 YEAR FLOODPLAIN ELEVATION. THE EXISTING OVERHEAD ADDITION IS LESS THAN 15' FROM THE 100 YEAR FLOODPLAIN BUT IS ALLOWED SINCE THE DWELLING WAS BUILT PRIOR TO 1978.

OUTFALL NARRATIVE:

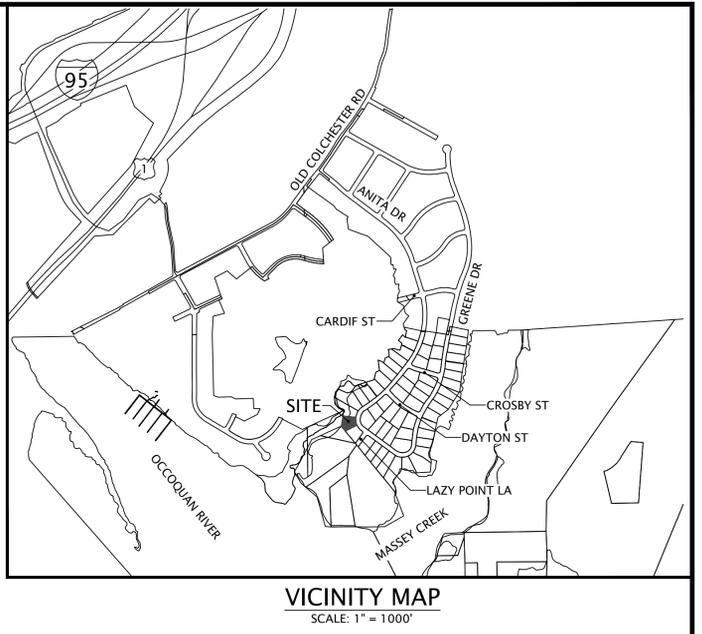
THE STORMWATER RUNOFF FROM THIS PROPERTY HONORS NATURAL DRAINAGE DIVIDES AND REMAINED UNCHANGED AFTER THE FILL HAD BEEN PLACED. THE RUNOFF FROM THE REAR YARD AND MOST OF THE FRONT YARD CONTINUES TO SHEET FLOW TO THE UNNAMED TRIBUTARY TO THE OCCOQUAN RIVER. A PORTION OF THE FRONT YARD/DRIVEWAY DRAINS TO THE CONCRETE DITCH ON THE SOUTHERN PROPERTY LINE THAT DISCHARGES TO THE TRIBUTARY.

PER PFM SECTION 6-0202.6 DISCHARGES MAY CONTINUE AS LONG AS THEY ARE NOT CONCENTRATED AND THERE IS NO INCREASE FROM PREDEVELOPMENT FLOWS. THE FILLING OPERATIONS DID NOT INCREASE IMPERVIOUS AREA IN EITHER OF THE OUTFALLS.

PER PFM SECTION 6-0203(B) THE OUTFALLS FOR THIS PROJECT EACH DISCHARGE DIRECTLY TO THE FLOODPLAIN OF THE OCCOQUAN AND POTOMAC RIVERS - A DRAINAGE SHED GREATER THAN 100 TIMES THE AREA OF THE SITE. THEREFORE NO ADDITIONAL ANALYSIS IS NECESSARY. IN MY OPINION, THE WORK DONE WILL NOT ADVERSELY IMPACT ANY ADJACENT OR DOWNSTREAM PROPERTIES AND OUTFALL FOR THIS PROJECT IS ADEQUATE.

STORMWATER MANAGEMENT NARRATIVE:

THERE WAS NO INCREASE IN IMPERVIOUS AREA ASSOCIATED WITH THE WORK DONE SUBJECT TO THIS PLAN. NO STORMWATER DETENTION IS REQUIRED. STORMWATER QUALITY WILL BE MET THROUGH A WAIVER REQUEST. STRUCTURAL BMPs ARE NOT FEASIBLE ON THIS LOT DUE TO RESOURCE PROTECTION AREA. IF REQUIRED, ADDITIONAL PLANTING BUFFER WILL BE PLANTED AS PART OF THE ROUGH GRADING PLAN TO COMPENSATE.



EXISTING VEGETATION STATEMENT

TO THE BEST OF OUR KNOWLEDGE, NO TREES OR OTHER SIGNIFICANT WOODY VEGETATION WAS REMOVED DURING THE LAND DISTURBING ACTIVITIES.

DEVELOPMENT NARRATIVE

THIS SPECIAL EXCEPTION PLAT HAS BEEN PREPARED IN RESPONSE TO A NOTICE OF VIOLATION AND SUBSEQUENT COURT SENTENCING. THE PLAT SHOWS THE PROPERTY AFTER WORK WAS COMPLETE AND THE SITE WAS STABILIZED. THE SCOPE OF WORK PERFORMED INCLUDED REMOVAL OF INVASIVE VEGETATION AND OTHER UNDESIRABLE VEGETATION. ADDITIONALLY FILL WAS ADDED IN AN EFFORT TO CORRECT AN EROSION PROBLEM AND PONDING IN THE LOW LYING AREAS. THE EXISTING SLOPE (A PORTION OF WHICH WAS RIP-RAP) RECEIVED SOME FILL, WITH MORE FILL BEING PLACED IN THE LOW-LYING PORTION OF THE SITE IN AN EFFORT TO CORRECT AN EROSION ISSUE AND PERCEIVED DRAINAGE PROBLEM. SEVERAL SMALL TIMBER LANDSCAPE WALLS WERE INSTALLED AND THEN PARTIALLY REMOVED. THE REST OF THESE SMALL WALLS ARE PROPOSED TO BE REMOVED SO THAT THE PROJECT WILL RESULT IN NO NET INCREASE IN IMPERVIOUS AREA.

IN ADDITION TO THE WORK DONE WITHIN THE FLOODPLAIN AN EXISTING RETAINING WALL WAS REPLACED WITH A NEW WALL WHICH IS OUTSIDE OF THE 100 YEAR FLOODPLAIN AND THUS OUTSIDE THE SCOPE OF THIS SUBMISSION. THE RPA DISTURBANCE CAUSED BY THIS WALL AND THE FILL WILL BE ADDRESSED IN THE WATER QUALITY IMPACT ASSESSMENT SUBMITTED TO THE FAIRFAX COUNTY DPW&ES. OTHER THAN THE REMOVAL OF THE SMALL WALL AND THE ESTABLISHMENT OF THE PLANTING BUFFERS, NO FURTHER WORK IS PROPOSED BY THIS PLAN OUTSIDE OF RPA BUFFER PLANTING.

SPECIAL EXCEPTION PLAT
 LOT 59
HARBOR VIEW
 (DEED BOOK 1609, PAGE 61)
 MOUNT VERNON DISTRICT
 FAIRFAX COUNTY, VIRGINIA
 SCALE: 1" = 20' JANUARY 5, 2011

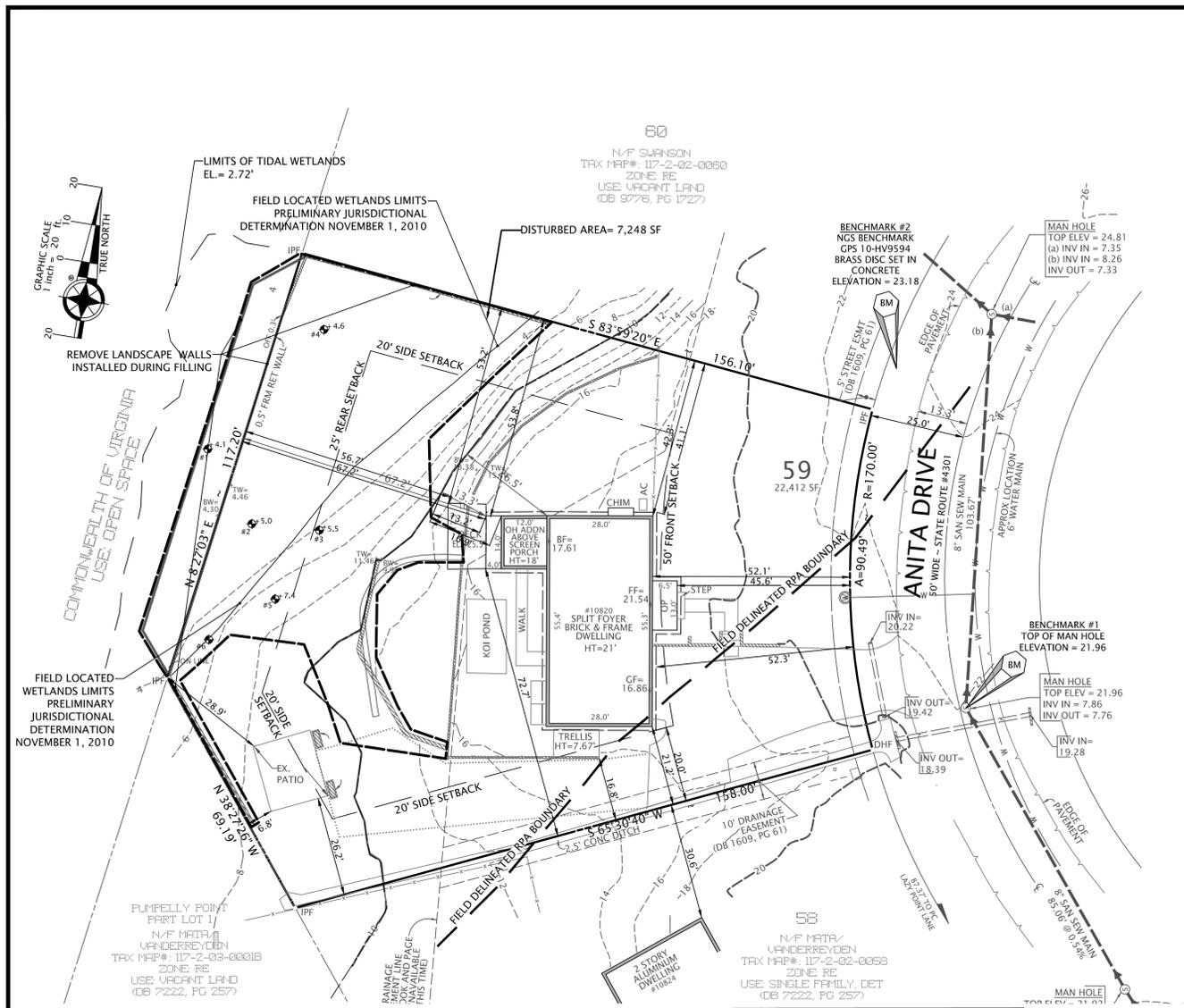
No.	DESCRIPTION	REVIEW BY:	APPROVED	DATE

REVISION APPROVED BY DIVISION OF DESIGN REVIEW

DOMINION Surveyors Inc.
 Karl E. Schwartz
 Lic. No. 035253
 PROFESSIONAL ENGINEER

8808-H PEAR TREE VILLAGE COURT
 ALEXANDRIA, VIRGINIA 22309
 703-619-6555
 FAX 703-799-6412

SHEET 1 OF 4 6031710 67-09



EXISTING STRUCTURE INFORMATION

DWELLING CONSTRUCTED: 1974
 HEIGHT: 21'
 DWELLING TO REMAIN

PORTICO ADDED IN 2000 UNDER PERMIT #0031580860.
 PERMIT DRAWING SHOWS THE EXISTING 45.1' SETBACK.
 ZONING AND SITE PERMITS APPROVED: 11/10/00
 BUILDING APPROVAL: 12/11/00
 PORTICO TO REMAIN

12'x14' SUNROOM AND 4'x14' DECK APPROVED UNDER PERMIT #0158131000
 ZONING APPROVAL: 6/6/00
 SITE PERMITS APPROVAL: 6/13/00
 BUILDING APPROVAL: 6/16/00

16'x14' SCREENED PORCH UNDER ADDITION. ADDITION IS CONSTRUCTED LIKE A COVERED DECK - ATTACHED TO HOUSE AND SUPPORTED BY WOOD COLUMNS. AT SOME POINT AFTER THE ADDITION WAS BUILT, THE PREVIOUS OWNER ENCLOSED THE AREA UNDER THE ADDITION AND 4' DECK WITH PLYWOOD AND WINDOW SCREENING. NOT INCLUDED IN PERMIT.

10'x17' DECK: CONSTRUCTION DATE UNKNOWN
 NO PERMIT FOUND
 CONSTRUCTED SOMETIME BETWEEN 2002 AND FEBRUARY 2006 PER AERIAL PHOTOGRAPHY.

SHED: CONSTRUCTION DATE UNKNOWN
 NO PERMIT FOUND
 11.7'x10' PORTION PRE 2000, ADDITION TO SHED, BETWEEN 2000 AND 2006 PER AERIAL PHOTOGRAPHY
 HEIGHT: 10.5'

COVERED KOI POND: COSTRUCTION DATE UNKNOWN
 CONSTRUCTED PRIOR TO 2006. AREA IS WITHIN SHADOWS ON MOST AERIAL PHOTOGRAPHS. WAS IN PLACE APRIL, 2006.

TRELLIS: CONSTRUCTION DATE UNKNOWN
 NO PERMIT FOUND
 CONSTRUCTED PRIOR TO 2002 PER AERIAL PHOTOGRAPHY
 TRELLIS IS TO BE REMOVED

TIDAL WETLAND NOTES:

THE WETLANDS ON THIS PROJECT WERE DELINEATED USING THE 1987 ARMY CORPS OF ENGINEERS DELINEATION MANUAL WITH THE ATLANTIC AND GULF COASTAL REGIONAL SUPPLEMENT (VERSION 2) AS REQUIRED BY THE ARMY CORPS OF ENGINEERS. THEIR ACCEPTANCE OF THE METHODOLOGY FOR THE NON-TIDAL WETLAND IS SHOWN BELOW.

THE DETERMINATION AS TO WHETHER THERE ARE TIDAL WETLANDS ON THE SITE IS DETERMINED BASED ON TIDAL ELEVATIONS AND THE PRESENCE OF INDICATOR PLANT SPECIES. THE INDICATOR PLANTS ARE LISTED IN THE COUNTY WETLANDS CODE AND AT LEAST ONE OF THESE SPECIES WAS FOUND. BECAUSE THE INDICATOR SPECIES WAS FOUND, THE BOUNDARY OF THE TIDAL WETLANDS ARE 1.5 TIMES THE TIDAL RANGE AT THAT LOCATION. USING NOAA TIDE DATA, THE TIDAL RANGE AT OUR SITE IS BETWEEN -0.0148 (MEAN LOW WATER) AND 1.7898 (MEAN HIGH WATER); A DIFFERENCE OF 1.80. MULTIPLYING BY 1.80 BY 1.5 YIELDS THE ELEVATION OF 2.72' THAT SERVES AS THE LEGAL BOUNDARY OF THE TIDAL WETLANDS. BASED ON OUR EXPLORATION, NO PART OF THE DISTURBANCE OCCURRED AT AN ELEVATION BELOW 2.72'.

DEPARTMENT OF THE ARMY
 NORFOLK DISTRICT CORPS OF ENGINEERS
 FORT NORFOLK, 803 FRONT STREET
 NORFOLK, VIRGINIA 23510-1096



REPLY TO ATTENTION: July 6, 2011

Northern Virginia Regulatory Section
 NAO-2010-02539 (Lot 59, Harbor View)

Albert Gagliardi
 10820 Anita Drive
 Lorton, Virginia 22079

Dear Mr. Gagliardi:

This is in regard to your Department of the Army after-the-fact permit application number NAO-2010-02539 to impact approximately 0.10 of acre of jurisdictional wetlands for the purpose of stabilization to provide private property protection and to prevent further erosion. The work involved the installation of fill. The project site is located at 10820 Anita Drive, along an unnamed tributary to the Occoquan River, near its confluence with Massey Creek, in Lorton, Virginia, in Fairfax County. The proposed work is detailed on the drawings (on file at Corps) titled "Lot 59, Harbor View" and dated January 7, 2010.

Your proposed work as outlined above satisfies the criteria contained in the Corps Nationwide Permit Number 18 (attached). The Corps Nationwide Permits were published in the March 12, 2007, Federal Register notice (72 FR 47) and the regulations governing their use can be found in 33 CFR 330 published in Volume 56, Number 226 of the Federal Register dated November 22, 1991.

Authorization of this nationwide permit is contingent upon the following project specific condition:

1. Strictly adhere to local and state best management practices and erosion and sedimentation control laws and regulations.

Provided the Nationwide Permit General Conditions (enclosed) are met, an individual Department of the Army Permit will not be required. In addition, the Virginia Department of Environmental Quality has provided \$401 Water Quality Certification for Nationwide Permit Number 18. However, a permit may be required from the Virginia Marine Resources Commission and/or your local wetlands board, and this verification is not valid until you obtain their approval, if necessary. This authorization does not relieve your responsibility to comply with local requirements pursuant to the Chesapeake Bay Preservation Act (CBPA), nor does it supersede local government authority and responsibilities pursuant to the Act. You should contact your local government before you begin work to find out how the CBPA applies to your project.

Enclosed is a "Compliance Certification" form, which must be signed and returned within 30 days of completion of the project, including any mitigation if required. Your signature on this form certifies that you have completed the work in accordance with the terms and conditions of the Nationwide Permit Program.

This verification is valid until the NWP is modified, reissued, or revoked. All of the existing NWPs are scheduled to be modified, reissued, or revoked prior to March 18, 2012. It is incumbent upon you to remain informed of changes to the NWPs. We will issue a public notice when the NWPs are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have twelve (12) months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this nationwide permit unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 330.4(e) and 33 CFR 330.5 (c) or (d). Project specific conditions listed in this letter continue to remain in effect after the NWP verification expires, unless the district engineer removes those conditions. Activities completed under the authorization of an NWP which was in effect at the time the activity was completed continue to be authorized by that NWP.

If you have any questions, please contact Ms. Theresta Crockett-Augustine in the Northern Virginia Field Office at 18139 Triangle Plaza, Suite 213, Dumfries, Virginia 22026, (703) 221-9736 or theresta.m.crockett-augustine@usace.army.mil

Sincerely,

 Nicholas L. Kouchar
 Chief, Northern Virginia
 Regulatory Section

Enclosure

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

FEB -2 2011

Karl Schwartz, P.E.
 Dominion Surveyors Inc.
 8808 H Pear Tree Village Court
 Alexandria, Virginia 22309

Subject: Harbor View Lot 59, Project # 4205-WBMP-001-1, Tax Map #117-2-02-0059, Mount Vernon District

Reference: Water Quality Control Waiver # 4205-WBMP-001-1

Dear Mr. Schwartz:

The referenced water quality control waiver has been received and reviewed for consistency with the Chesapeake Bay Preservation Ordinance (CBPO). The Director has determined that:

- The requested waiver to the criteria is the minimum necessary to afford relief.
- Granting the waiver will not confer upon the applicant any special privileges that are denied by the CBPO to other property owners who are subject to its provisions and who are similarly situated.
- The waiver request is in harmony with the purpose and intent of the CBPO and is not of substantial detriment to water quality.
- The waiver request is not based upon conditions or circumstances that are self-created or self-imposed.
- Reasonable and appropriate conditions are proposed that will prevent the allowed activity from causing a degradation of water quality.

Therefore, your request to waive the water quality control requirement of the CBPO on the subject site is hereby approved, subject to the following conditions:

- Establishment of a vegetated buffer area, consistent with the criteria of the CBPO Section 118.3-30), of at least 1930 contiguous square feet located in the lower portions of the site. The buffer area shall consist of at least 5 overstory trees, 9 understory trees, 48 shrubs, and groundcovers within a mulch bed. Plant materials shall be randomly placed to achieve a

Karl Schwartz, P.E.
 Water Quality Control Waiver # 4205-WBMP-001-1
 Page 2 of 2

relatively even spacing throughout the buffer. All plants shall be native species to the degree practical and adaptable to site conditions.

- A "super" silt fence shall be installed along the lower clearing and grading limits for this lot.
- No more land shall be disturbed than is necessary to provide for the single-family dwelling.
- Indigenous vegetation shall be preserved to the maximum extent possible.

This waiver in no way relieves you of any other CBPO requirement or any County drainage requirement, including adequacy of outfall, pro-rata share payments, etc.

This waiver shall automatically expire, without notice, 24 months after the date of this letter, unless the subject plan has been approved.

Please ensure that a copy of this letter is made a part of the subject plan.

If further assistance is desired, please contact Denis A. Hannan, Code Specialist II, Environmental and Site Review Division (ESRD) East, at 703-324-1720.

Sincerely,

Gursikhan Sidhu
 Chief Site Review Engineer
 ESRD East

GSS/dah

cc: Craig Carinci, Director, Stormwater Planning Division, DPWES
 Chuck Craft, Environmental and Facilities Inspections Division, DPWES
 Jeremiah Stonefield, Chief, Stormwater and Geotechnical Section, ESRD East, DPWES
 Denis A. Hannan, Code Specialist II, ESRD East, DPWES
 Waiver File

Department of Public Works and Environmental Services
 Land Development Services, Environmental and Site Review Division
 12055 Government Center Parkway, Suite 335
 Fairfax, Virginia 22035-5303
 Phone 703-324-1720 • TTY 711 • FAX 703-324-8359



EXISTING STRUCTURE SETBACK & DIMENSION EXHIBIT

LOT 59
HARBOR VIEW
 (DEED BOOK 1609, PAGE 61)
 MOUNT VERNON DISTRICT
 FAIRFAX COUNTY, VIRGINIA
 SCALE: 1" = 20' JANUARY 5, 2011

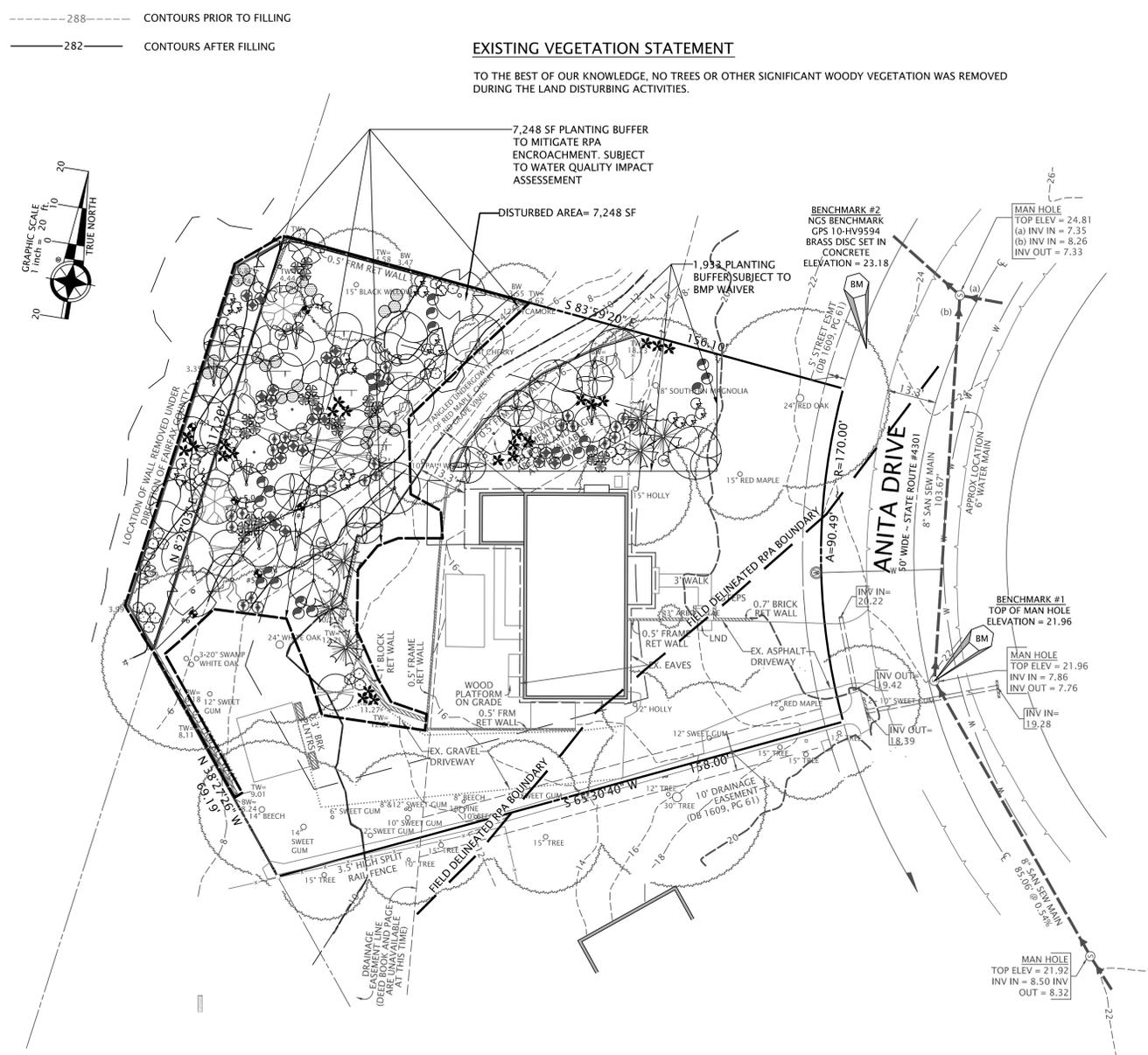
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Karl E. Schwartz
 Lic. No. 035253

8808-H PEAR TREE VILLAGE COURT
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 703-619-6555
 FAX 703-799-6412

SHEET 2 OF 4 6031710 67-09



EXISTING VEGETATION STATEMENT

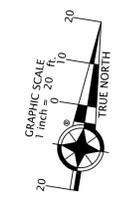
TO THE BEST OF OUR KNOWLEDGE, NO TREES OR OTHER SIGNIFICANT WOODY VEGETATION WAS REMOVED DURING THE LAND DISTURBING ACTIVITIES.

7,248 SF PLANTING BUFFER TO MITIGATE RPA ENCROACHMENT. SUBJECT TO WATER QUALITY IMPACT ASSESSMENT

DISTURBED AREA= 7,248 SF

1,933 PLANTING BUFFER SUBJECT TO BMP WAIVER

---288--- CONTOURS PRIOR TO FILLING
 ---282--- CONTOURS AFTER FILLING



PROPOSED PLANTINGS

THE PLANTINGS SHOWN ON THIS PLAN ARE THE EXPECTED MITIGATION MEASURES REQUIRED BY THE RESOURCE PROTECTION AREA (RPA) AND THE IMPERVIOUS AREA WAIVER. THE PLANTINGS SHOWN HEREON ARE SUBJECT TO APPROVAL OF THE WATER QUALITY IMPACT ASSESSMENT AND GRADING PLAN TO BE REVIEWED AND APPROVED SEPARATELY BY THE DPW&ES STAFF.

THE 7,248 DISTURBED AREA IS ENTIRELY WITHIN THE RPA AND SHALL BE MITIGATED BY PLANTING A BUFFER EQUAL IN SIZE TO THE DISTURBED AREA. THE PLAN SHOWS 17 OVERSTORY TREES, 34 UNDERSTORY TREES, AND 186 SHRUBS.

THE SITE EXPERIENCED NO INCREASE IN IMPERVIOUS AREA WITH THE WORK PERFORMED AS PART OF THE VIOLATION. HOWEVER, BECAUSE THIS WORK EXCEEDED 2,500 SF, REQUIRES A GRADING PLAN, AND EXCEEDS 18% IMPERVIOUS AREA A TEN PERCENT REDUCTION IN PHOSPHORUS DISCHARGE IS REQUIRED. HOWEVER, THE ENTIRE SITE IS WITHIN AN RPA AND THEREFORE STRUCTURAL BMP MEASURE ARE NOT ALLOWED. A WAIVER WILL BE REQUESTED DURING THE GRADING PLAN PHASE OF THE PERMIT PROCESS. THE MITIGATION PROPOSED TO SATISFY THE WAIVER REQUIREMENTS IS A PLANTING BUFFER OF 1,933 SF. THE BUFFER AREA CONSISTS OF 4 OVERSTORY TREES, 8 UNDERSTORY TREES, AND 44 SHRUBS.

PER SECTION 118-3-3(f) OF THE CPBO, THE HOMEOWNER, MAY ELECT TO PLANT SEEDLINGS INSTEAD OF NURSERY STOCK. IF THE HOMEOWNER ELECTS TO PLANT SEEDLINGS, THEY MUST BE AT TWICE THE DENSITY OF THE PLANTINGS SHOWN ON THIS PLAN.

THE PLANTING AREA SHALL HAVE 2" OF A LEAF BASED, ORGANIC COMPOST ADDED AND WORKED INTO THE SOIL. THE COPOSTS SHALL BE CERTIFIED 100% WEED FREE.

PLANTING REQUIRED FOR RPA DISTURBANCE

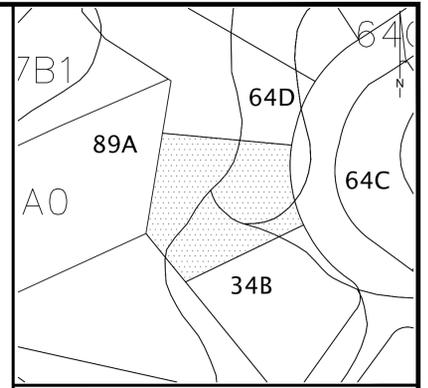
AREA OF DISTURBANCE= 7,248 SF (0.17 AC)
 PER 118-3-3(f) OF THE CPBO:
 100 OVERSTORY TREES PER ACRE
 200 UNDERSTORY TREES PER ACRE
 1089 SHRUBS PER ACRE
 0.17 AC x 100= 17 TREES
 0.17 AC x 200= 34 TREES
 0.17 AC x 1089= 186 SHRUBS

PLANTING REQUIRED FOR IMPERVIOUS AREA

AREA OF IMPERVIOUS AREA OVER 18%= 1,933 SF (0.04 AC)
 PER 118-3-3(f) OF THE CPBO:
 100 OVERSTORY TREES PER ACRE
 200 UNDERSTORY TREES PER ACRE
 1089 SHRUBS PER ACRE
 0.04 AC x 100= 4 TREES
 0.04 AC x 200= 8 TREES
 0.04 AC x 1089= 44 SHRUBS

PLANT LIST

	COMMON NAME	LATIN NAME	COUNT	10YR COVER	CALIPER	HEIGHT	REMARKS
	RED MAPLE	ACER RUBRUM	3	150	1"		B&B
	AMERICAN HORNBEAM	CARPINUS CAROLINIA	6	75	1"		B&B
	SERVICEBERRY	ALMELANCHIER CANADENSIS	6	75	1"		B&B
	EASTERN REDBUD	CERCIS CANADENSIS	6	75	1"		B&B
	WHITE FRINGE TREE	CHIONANTHUS VIRGINICUS	6	75	1"		B&B
	WILLOW OAK	QUERCUS PHELLOS	3	150	1"		B&B
	RIVER BIRCH	BETULA NIGRA	3	125	1"		B&B
	WHITE OAK	QUERCUS ALBA	6	150	1"		B&B
	RED OAK	QUERCUS RUBRUM	5	150	1"		B&B
	FLOWERING DOGWOOD	CORNUS FLORIDA	6	75	1"		B&B
	AMERICAN HOLLY	ILEX OPACA	6	75	1"		B&B
	SWEETBAY MAGNOLIA	MAGNOLIA VIRGINIANA	6	100	1"		B&B
	HIGHBUSH BLUEBERRY	VACCINIUM CORYMBOSUM	23			18"	CONT
	INKBERRY HOLLY	ILEX GLABRA	23			18"	CONT
	ARROWWOOD VIBURNUM	VIBURNUM DENTATUM	23			18"	CONT
	SWAMP AZALEA	RHODODENDRON VISCOSUM	23			18"	CONT
	SPICEBUSH	LINDERA BENZOIN	23			18"	CONT
	VIRGINIA SWEETSPIRE	ITEA VIRGINICA	23			18"	CONT
	SILKY DOGWOOD	CORNUS AMOMUM	23			18"	CONT
	WINTERBERRY HOLLY	ILEX VERTICILLATA	23			18"	CONT
	WITCH HAZEL	HAMAMELIS VIRGINIANA	23			18"	CONT
	BUTTON BUSH	CEPHALANTHUS OCCIDENTALIS	23			18"	CONT



SOIL MAP SCALE: 1" = 100'

SOIL ID	SERIES NAME	SUBSURF. DRAIN.	FOUNDN SUPPORT	EROSION POTENTIAL	PROB. CLASS
34B	WOODSTOWN	POOR	FAIR	LOW	B
64D	SILTY-CLAYEY SEDIMENTS	POOR	MARGINAL	HIGH	A
89A	TIDAL MARSH	POOR	POOR	LOW	A

LANDSCAPE PLAN
 LOT 59
HARBOR VIEW
 (DEED BOOK 1609, PAGE 61)
 MOUNT VERNON DISTRICT
 FAIRFAX COUNTY, VIRGINIA
 SCALE: 1" = 20' JANUARY 5, 2011

No.				
No.	DESCRIPTION	REVIEW BY:	APPROVED	DATE

REVISION APPROVED BY DIVISION OF DESIGN REVIEW



DOMINION Surveyors Inc.
 8808-H PEAR TREE VILLAGE COURT
 ALEXANDRIA, VIRGINIA 22309
 703-619-6555
 FAX 703-799-6412

P:\2006\0205\03\MACH\2006\031710\06\031710SE.dwg KARL 1/6/2014 8:43 AM

TEST BORING LOG



PROJECT		Harbor View, Lot 59		DEPTH TO: (feet)		TEST BORING ID: TP-1	
LOCATION		10820 Anita Drive		Time		Water	
CLIENT		Dominion Surveyors, Inc.		During		Cave-In	
TERRA Job No.		0901209G		at Comp		START DATE: 12-15-09	
EQUIP USED		AMS manual augers 4" dia. hollow stem		24 hrs.		COMPLETE DATE: 12-15-09	
OPERATOR		T Farabaugh		LOGGED BY		DATE: 12-15-09	

ELEVATION (feet)	DEPTH (feet)	MATERIAL DESCRIPTION	Sample Depth (ft)	DCP CPR (*)	Est SPT N-value	REMARKS
3.9	0.0	FILL - light brown clayey SAND (SC); loose; moist				
1.9	2.0	dark gray-brown sandy CLAY (CL/CH); soft; very moist				very dark organic matter; some roots encountered between 1-1.5 ft
-0.1	4.0	Terminated at 2.8 feet				

NOTES
(1) Ground surface elevations provided by Dominion Surveyors

* CPR - Cone Penetration Resistance - # blows required for a 15 lb. ring weight dropping 20 inches to drive a 1.5 inch 45 degree cone 1.75 inches. Vertical Scale: 1" = 5 ft. unless noted otherwise
Log Sheet No. 1

TEST BORING LOG



PROJECT		Harbor View, Lot 59		DEPTH TO: (feet)		TEST BORING ID: TP-2	
LOCATION		10820 Anita Drive		Time		Water	
CLIENT		Dominion Surveyors, Inc.		During		Cave-In	
TERRA Job No.		0901209G		at Comp		START DATE: 12-15-09	
EQUIP USED		AMS manual augers 4" dia. hollow stem		24 hrs.		COMPLETE DATE: 12-15-09	
OPERATOR		TF		LOGGED BY		DATE: 12-15-09	

ELEVATION (feet)	DEPTH (feet)	MATERIAL DESCRIPTION	Sample Depth (ft)	DCP CPR (*)	Est SPT N-value	REMARKS
4.9	0.0	FILL - brown clayey SAND (SC) mixed with organic matter; loose; moist				
2.9	2.0	FILL - olive brown clayey SAND (SC); medium dense; very moist				dark organics with small roots encountered between 2-2.5 ft
0.9	4.0	dark gray-brown sandy CLAY (CL/CH); soft; very moist				
	5.0	Terminated at 3.7 feet				

NOTES
(1) Ground surface elevations provided by Dominion Surveyors

* CPR - Cone Penetration Resistance - # blows required for a 15 lb. ring weight dropping 20 inches to drive a 1.5 inch 45 degree cone 1.75 inches. Vertical Scale: 1" = 5 ft. unless noted otherwise
Log Sheet No. 2

TEST BORING LOG



PROJECT		Harbor View, Lot 59		DEPTH TO: (feet)		TEST BORING ID: TP-3	
LOCATION		10820 Anita Drive		Time		Water	
CLIENT		Dominion Surveyors, Inc.		During		Cave-In	
TERRA Job No.		0901209G		at Comp		START DATE: 12-15-09	
EQUIP USED		AMS manual augers 4" dia. hollow stem		24 hrs.		COMPLETE DATE: 12-15-09	
OPERATOR		TF		LOGGED BY		DATE: 12-15-09	

ELEVATION (feet)	DEPTH (feet)	MATERIAL DESCRIPTION	Sample Depth (ft)	DCP CPR (*)	Est SPT N-value	REMARKS
6.8	0.0	FILL - light brown clayey SAND mixed with pieces of concrete; moist				
4.8	2.0	gray brown sandy CLAY (CL); soft; very moist (possible old FILL)				pieces of broken concrete encountered at 1-1.5 ft
2.8	4.0	Terminated at 2.5 feet				

NOTES
(1) Ground surface elevations provided by Dominion Surveyors

* CPR - Cone Penetration Resistance - # blows required for a 15 lb. ring weight dropping 20 inches to drive a 1.5 inch 45 degree cone 1.75 inches. Vertical Scale: 1" = 5 ft. unless noted otherwise
Log Sheet No. 3

December 31, 2009

Karl E. Schwartz, P.E.
Dominion Surveyors, Inc.
8808-H Pear Tree Village Ct
Alexandria, VA 22309

Re: Subsoil Evaluation of Man-placed FILL in RPA
HARBOR VIEW, LOT 59 (10820 Anita Drive)
TERRA Project No. 0901201G

Dear Mr. Schwartz:

TERRA Engineering Services, PLC has completed the authorized geotechnical services at the above referenced property. The primary objective of these services was to perform subsurface soil sampling to assist you in determining the extent of existing man-placed FILL in the backyard area. This letter report and attached boring logs are provided to summarize our findings and observations.

Manually-operated augers were used to perform test borings and collect soil samples. Groundwater levels were measured upon completion and prior to backfilling the boreholes with the auger cuttings. Detailed observations were recorded at each boring including soil description, estimated depth and thickness of each substrate, groundwater levels, and termination depths. All soil samples recovered during the exploration were visually classified on site based on texture and plasticity in accordance with ASTM Standard D2488, *Description and Identification of Soils - Visual-Manual Method* and the Unified Soil Classification System (USCS). The test borings were field-located based on visual observations.

Subsequent to the completion of our field work, your firm performed a field survey to provide the horizontal and vertical location of these borings as shown on the attached field logs.

While man-placed FILL was encountered at all six boring locations, we suspect some material was imported at separate time periods and from different borrow areas. The FILL encountered at TP-1, TP-2 and TP-4 has very similar visual characteristics indicative of a common borrow source. Groundwater seepage and a well-defined dark organic clay layer were encountered just below the FILL material and appears to have been placed more recently than the FILL identified at TP-3, TP-5 and TP-6. The fill material recovered from TP-3 also included pieces of broken concrete which was also observed on the up gradient slopes closer to the existing home.

Thank you for requesting TERRA services and please let me know if you have any questions related to this letter or attachments.

Sincerely,

TERRA Engineering Services, PLC

Timothy V. Farabaugh, P.E.
Manager

Attachments: Boring Logs TP-1 thru TP-6



TEST BORING LOG



PROJECT		Harbor View, Lot 59		DEPTH TO: (feet)		TEST BORING ID: TP-4	
LOCATION		10820 Anita Drive		Time		Water	
CLIENT		Dominion Surveyors, Inc.		During		Cave-In	
TERRA Job No.		0901209G		at Comp		START DATE: 12-15-09	
EQUIP USED		AMS manual augers 4" dia. hollow stem		24 hrs.		COMPLETE DATE: 12-15-09	
OPERATOR		TF		LOGGED BY		DATE: 12-15-09	

ELEVATION (feet)	DEPTH (feet)	MATERIAL DESCRIPTION	Sample Depth (ft)	DCP CPR (*)	Est SPT N-value	REMARKS
3.9	0.0	FILL - olive brown clayey SAND (SC); loose; very moist				
1.9	2.0	gray-brown silty CLAY (CL); soft; very moist				organic matter / roots encountered between 1.5-2.0 ft
-0.1	4.0	Terminated at 2.6 feet				

NOTES
(1) Ground surface elevations provided by Dominion Surveyors

* CPR - Cone Penetration Resistance - # blows required for a 15 lb. ring weight dropping 20 inches to drive a 1.5 inch 45 degree cone 1.75 inches. Vertical Scale: 1" = 5 ft. unless noted otherwise
Log Sheet No. 4

TEST BORING LOG



PROJECT		Harbor View, Lot 59		DEPTH TO: (feet)		TEST BORING ID: TP-5	
LOCATION		10820 Anita Drive		Time		Water	
CLIENT		Dominion Surveyors, Inc.		During		Cave-In	
TERRA Job No.		0901209G		at Comp		START DATE: 12-15-09	
EQUIP USED		AMS manual augers 4" dia. hollow stem		24 hrs.		COMPLETE DATE: 12-15-09	
OPERATOR		TF		LOGGED BY		DATE: 12-15-09	

ELEVATION (feet)	DEPTH (feet)	MATERIAL DESCRIPTION	Sample Depth (ft)	DCP CPR (*)	Est SPT N-value	REMARKS
9.5	0.0	FILL - yellow brown sandy CLAY (CL); stiff; moist				FILL appears to be different from the FILL material identified at TP-1, TP-2 and TP-4
7.5	2.0	light gray brown clayey SAND; medium dense; moist				
	4.0	Terminated at 2.4 feet				

NOTES
(1) Ground surface elevations provided by Dominion Surveyors

* CPR - Cone Penetration Resistance - # blows required for a 15 lb. ring weight dropping 20 inches to drive a 1.5 inch 45 degree cone 1.75 inches. Vertical Scale: 1" = 5 ft. unless noted otherwise
Log Sheet No. 5

TEST BORING LOG



PROJECT		Harbor View, Lot 59		DEPTH TO: (feet)		TEST BORING ID: TP-6	
LOCATION		10820 Anita Drive		Time		Water	
CLIENT		Dominion Surveyors, Inc.		During		Cave-In	
TERRA Job No.		0901209G		at Comp		START DATE: 12-15-09	
EQUIP USED		AMS manual augers 4" dia. hollow stem		24 hrs.		COMPLETE DATE: 12-15-09	
OPERATOR		TF		LOGGED BY		DATE: 12-15-09	

ELEVATION (feet)	DEPTH (feet)	MATERIAL DESCRIPTION	Sample Depth (ft)	DCP CPR (*)	Est SPT N-value	REMARKS
5.0	0.0	FILL - orange brown sandy CLAY (CL); stiff; moist				boring located between large tree and small 6" timber wall
3.0	2.0	gray brown clayey SAND; medium dense; moist				FILL appears to be different from the FILL material identified at TP-1, TP-2 and TP-4
	4.0	Terminated at 2 feet				

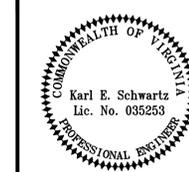
NOTES
(1) Ground surface elevations provided by Dominion Surveyors

* CPR - Cone Penetration Resistance - # blows required for a 15 lb. ring weight dropping 20 inches to drive a 1.5 inch 45 degree cone 1.75 inches. Vertical Scale: 1" = 5 ft. unless noted otherwise
Log Sheet No. 6

GEOTECHNICAL DATA
LOT 59
HARBOR VIEW
(DEED BOOK 1609, PAGE 61)
MOUNT VERNON DISTRICT
FAIRFAX COUNTY, VIRGINIA
SCALE: 1" = 20' JANUARY 5, 2011

No.	DESCRIPTION	REVIEW BY	APPROVED	DATE

REVISION APPROVED BY DIVISION OF DESIGN REVIEW



8808-H PEAR TREE VILLAGE COURT
ALEXANDRIA, VIRGINIA 22309
703-619-6555
FAX 703-799-6412

DESCRIPTION OF THE APPLICATION

The applicant, Albert Gagliardi, has requested the approval of a Special Exception (SE) to allow the deposition of approximately 196 cubic yards of fill material in a floodplain to remain. The fill consists of soil taken from a construction site that was dispersed across 5,850 square feet of the applicant's rear yard in order to create more usable area. The vast majority of the applicant's rear yard lies below the 100-year floodplain elevation for Bailey's Gut, a stream that outfalls near the subject property into the Occoquan River.

The catalyst for the applicant's request was two Notices of Violation issued simultaneously by the Department of Public Works and Environmental Services (DPWES). The first violation was issued because the applicant created a land disturbance in excess of 2,500 square feet without a permit or an approved conservation plan. This land disturbance resulted from depositing the fill and violated Fairfax County Code Chapter 104, which governs erosion and sediment control.

The second violation stemmed from the disturbance and subsequent removal of vegetation that took place within a Resource Protection Area (RPA¹). The applicant's entire rear yard lies within a RPA. Chapter 118 of the Fairfax County Code, the Chesapeake Bay Preservation Ordinance (CBPO), forbids land disturbance and vegetation removal unless the applicant has obtained an approved Water Quality Impact Assessment (WQIA).

The fill was dispersed throughout the rear yard; as such, the Zoning Ordinance classifies it as major fill because it covers more than 5,000 square feet². To exceed this maximum and clear the two violations, the applicant must obtain a Special Exception from the Board of Supervisors.

Should the Board of Supervisors approve the Special Exception, the applicant would need to submit a grading plan to DPWES for review showing the previously disturbed site contours, the existing grading, and the extent of the deposited fill in order to implement the SE. The applicant would also need to concurrently submit a WQIA to DPWES for review due to the disturbance that has occurred within the RPA. In the event that the applicant can satisfy the applicable provisions of the Zoning Ordinance and the Public Facilities Manual (PFM), DPWES would approve the grading plan and WQIA.

A reduced copy of the submitted Special Exception Plat is included at the beginning of this staff report. Copies of the proposed development conditions, applicant's statement of justification and the affidavit are included in Appendices 1, 2 and 3, respectively.

¹ The definition of an RPA is listed in the Glossary of Terms attached in Appendix 9.

² Par. 9 of Sect. 2-903 in the Zoning Ordinance allows site grading to properties which do not require major fill as a permitted use in a floodplain. However, the Ordinance defines major fill as any fill, regardless of amount, in an area greater than 5,000 square feet or any fill in excess of 278 cubic yards in an area of 5,000 square feet or less.

LOCATION AND CHARACTER

The subject property is located at 10820 Anita Drive, in the southeastern portion of the County. The property is approximately one mile south of Richmond Highway's interchange with Interstate 95 and approximately two-thirds of a mile across the Occoquan River from Prince William County. The headwaters of Bailey's Gut, a small tributary of the Occoquan, can be seen from the rear yard. Old Colchester Park and Preserve are located on the other side of Bailey's Gut (Figure 1).

The property has a 2,156 square foot dwelling that was constructed in 1974. At Anita Drive, the elevation is 22 feet above sea level. The elevation is relatively flat in the front yard, but drops to approximately 4 feet above sea level along the rear property boundary.

The 22,412 square foot site is well vegetated along the northern and southern property boundaries with large canopy trees. The applicant maintains about half of the disturbed area as turf grass, and has not maintained the other half (Figure 2). Within the unmaintained area is a 15-inch caliper black willow; no other shade trees are within the disturbed area.



Figure 1: The subject property (outlined in white) in relation to the adjacent dwellings, the Bailey's Gut stream, and Old Colchester Park and Preserve (Source – Fairfax County DPZ)

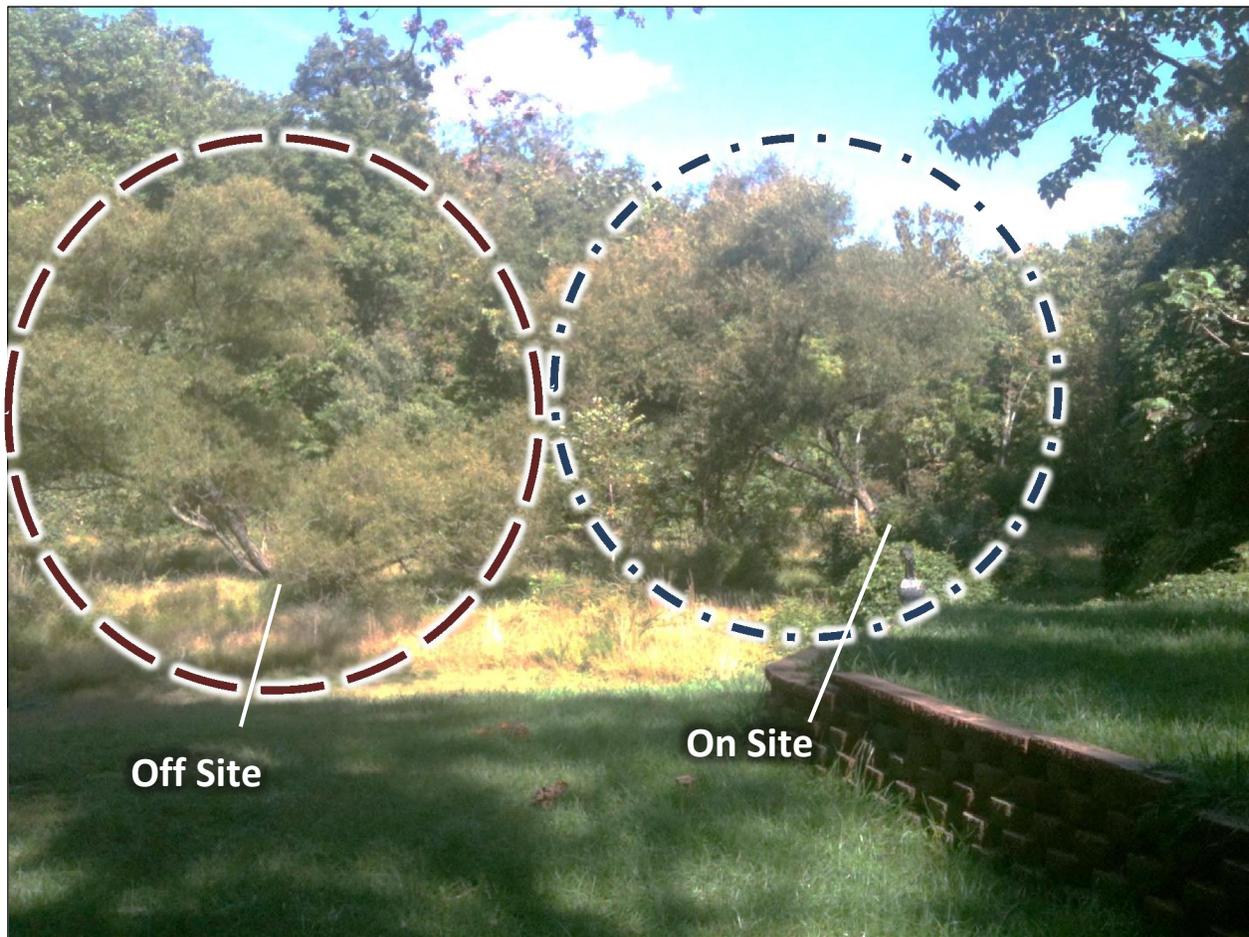


Figure 2: A view of a portion of the disturbed area. The applicant mows the portion located in the foreground below the brick retaining wall, while the vegetation beyond is located on the area that was disturbed. This area is unmaintained. The 15-foot tall black willow tree on the right is on the subject property, while the black willow of unknown height on the left is just off site. (Source – DPZ Site Visit in September, 2013)

BACKGROUND

On October 21, 2008, DPWES issued a Notice of Violation to the applicant after inspecting the subject property and discovering land disturbance activity in excess of 2,500 square feet without a permit and an approved conservation plan. The applicant has indicated in discussions with staff that he obtained surplus soil from a nearby construction site and distributed the soil himself in the rear yard to improve his house landscaping. The soil brought to the site was coupled with an effort to remove invasive vegetation in the floodplain and RPA, and to remove construction debris that was found in the soil near the house after the invasive vegetation was removed. According to the applicant, the construction debris consisted of broken cinder blocks and other cement waste. Figures 3 and 4 show the property conditions before and after the disturbance.



Figures 3 and 4: The top image was taken in 2007 prior to the land disturbance, and the bottom image is from 2009 showing how the site was altered. The black willow trees identified in Figure 2 are encircled for reference. (Source – Fairfax County Pictometry)

To clear the violation, the applicant was tasked with ceasing all land disturbance activity, installing erosion and sediment control measures to protect off-site properties, and seeding and mulching all denuded areas. The applicant was directed to retroactively submit and obtain the required land disturbance permit and conservation plan from Fairfax County. The applicant did not follow through with either of these directives, but did cease land disturbance.

DPWES also issued a Notice of RPA Violation on the same day for disturbing land and removing vegetation within a RPA. To clear this violation, the applicant was instructed in the notice letter by DPWES to retroactively submit a Water Quality Impact Assessment. WQIAs are required by the CBPO when any land disturbance, development, or redevelopment are proposed within a RPA, and must meet the applicable criteria outlined in Chapter 118 of the Fairfax County Code related to protecting the Chesapeake Bay.

The applicant submitted a WQIA for review on November 21, 2008. The WQIA consisted of a letter responding to the violations and describing the corrective measures taken by the applicant. These included the installation of 6-inch by 6-inch wooden beams at the property boundary along with seeding, sodding and mulching the disturbed areas. The applicant did not include the filing fee with the submission, which at the time was \$245. DPWES responded in writing to this submission on March 18, 2009, stating that the WQIA request as submitted could not be approved. The applicant had failed to describe or depict the disturbance that had been performed or the fill that had been deposited on site. The submission did not include a map showing the extent of the disturbance or a revegetation map. DPWES noted in their letter that the revegetation plan would need to meet the requirements outlined in §118-3-3(f) of the Fairfax County Chesapeake Bay Preservation Ordinance³. In addition, DPWES determined that the wooden beams were not an approved erosion and sediment control measure, and should be replaced with silt fencing. DPWES directed the applicant to resubmit the WQIA and to submit a floodplain letter of determination before any work within the floodplain limits were to begin.

The applicant did not resubmit the WQIA. DPWES staff continued to process the two violations, and the applicant was issued a warrant of arrest, but released on summons. The applicant appeared in General District Court at a hearing in September of 2009 associated with charges pertaining to the unresolved violations and was found guilty. Sentencing was scheduled for May 20, 2010, but the applicant was issued a continuance of the sentencing hearing on that date in an effort to give him additional time to clear the violations. Since this initial hearing, the applicant has had the sentencing continued an additional six times. Sentencing is now scheduled for June 19, 2014.

3 Section 118-3-3(f) of the County's Chesapeake Bay Preservation Ordinance gives specific criteria that need to be met when buffer areas need to be reestablished within RPAs. To comply fully with §118-3-3(f), that applicant would need to provide 100 overstory trees per acre of RPA on the site that was disturbed without the proper permits, 200 understory trees per acre of RPA that was disturbed improperly, and 1089 shrub plants per acre of RPA disturbed improperly.

The applicant filed a Special Exception for uses in a floodplain on January 20, 2011. The Special Exception was accepted for review on August 15, 2013. This delay in acceptance was the result of two lengthy periods of inactivity on the case: the first was from March 2011 to November 2011, and the second was from April 2012 to November 2012. During the time that the application spent in the acceptance process, Zoning Evaluation Division (ZED) staff issued six deficiency letters requesting additional information in order to complete the acceptance of the application.

The applicant simultaneously resubmitted a new Water Quality Impact Assessment on January 20, 2011. DPWES completed their review of this WQIA on March 28, 2011, and was prepared to issue an approval letter to the applicant. However, the WQIA's processing was suspended until the applicant submitted the balance of the application fee that had not been paid in full. To lift the administrative hold on this application, the applicant would need to submit the initial outstanding payment of \$245 along with an additional \$115 to cover fee increases adopted by the Board of Supervisors since the initial filing of the WQIA.

DESCRIPTION OF THE SPECIAL EXCEPTION PLAT

The applicant's SE Plat proposes no additional land disturbance activity on the site beyond the extent that was already disturbed. No building additions are proposed. The applicant would leave the 196 cubic yards in place that was the catalyst for the original violations. Prior to planting the landscaping required by the CBPO, the applicant would add a 2-inch layer of leaf-based, organic compost across the 7,248 square feet that was originally disturbed. The compost would be certified to be free of any weeds, and would be turned over into the soil through the act of planting the proposed landscaping.

Sheet 1: The Special Exception Plat's (SE Plat's) first sheet shows the topographic contours, existing dwelling, and property layout in relation to Anita Drive. This sheet identifies 7,248 square feet of disturbed area as well as the extent of the 5,850 square feet of land that was covered by the fill material. The 100-year floodplain line, Resource Protection Area boundary and tidal wetlands edge are all identified on the SE Plat. The tidal wetlands edge meanders near the property's western boundary near Bailey's Gut, but does not cross into the subject property, nor was any fill deposited within areas identified as tidal wetlands. Figure 5 displays these key features from Sheet 1 of the SE Plat.

Sheet 2: This sheet shows the existing dwelling and the required setbacks for properties zoned R-E. The sheet gives detailed information on when the dwelling and various improvements to the dwelling were made. The applicant has also included copies of two letters on Sheet 2:

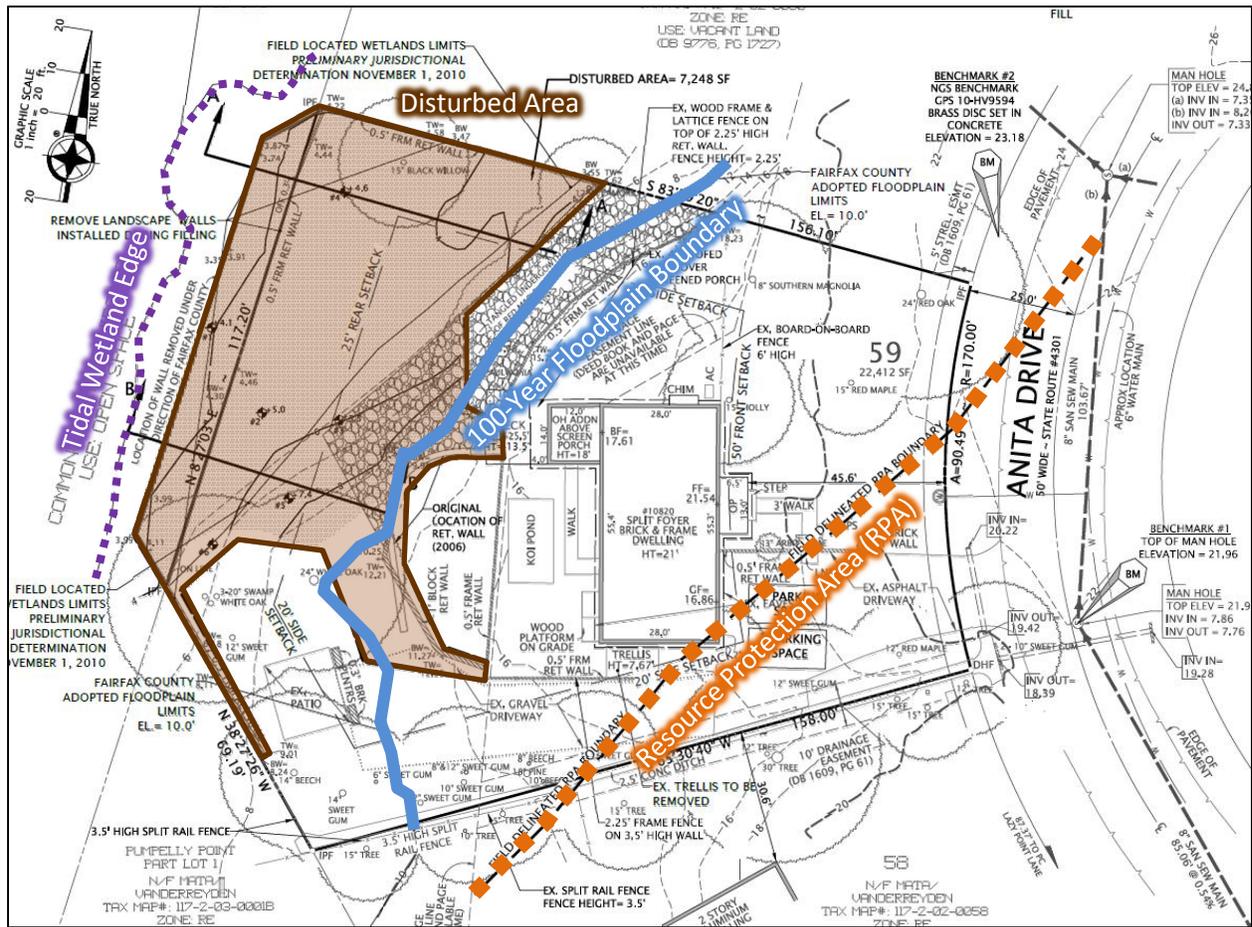


Figure 5: The SE Plat with delineations for the tidal wetland edge, 100-year floodplain, RPA, and disturbed area. (Source – Dominion Surveyors, Inc., 12/23/2013)

- The first is a request for a waiver of the water quality control requirement of the Chesapeake Bay Preservation Ordinance approved by DPWES on February 2, 2011. Water quality controls are otherwise known as Best Management Practice (BMP) facilities. According to DPWES, BMPs are required on residential properties when the applicant proposes to maintain more than 18% of the site in impervious cover. The site’s impervious cover includes the house, driveway, and rear patio that was formerly the floor of a rear yard shed demolished by the applicant in 2013. Given the need to comply with the planting requirements of §118-3-3(f) for water quality purposes, DPWES supported the applicant’s waiver request. DPWES’s approval letter states that the waiver expires 24 months from issuance unless a subject plan has been approved. Since no subject plan, such as a grading plan, was approved within the 24-month period, the existing waiver is not valid. If the Special Exception were approved, the applicant would need to resubmit the waiver request in conjunction with a grading plan and Water Quality Impact Assessment.

- The second letter is from the U.S. Army Corps of Engineers, which acknowledges the applicant’s request for retroactive approval to disturb 0.10 acres of wetlands “for the purpose of stabilization to provide private property protection and to prevent further erosion.” Although the Corp’s letter authorizes the work under the Corps’ Nationwide Permit Number 18, the letter explicitly directs the applicant to pursue any and all required permits from state and local agencies and to comply with local requirements pursuant to the Chesapeake Bay Preservation Act.

Sheet 3: The applicant’s landscape plan shows the species, general location, total count, and tree canopy coverage for the proposed on-site plantings. To comply with §118-3-3(f) of the CBPO, the applicant would need to plant 17 overstory trees, 34 understory trees, and 186 shrubs. The applicant’s landscape plan provides plantings in these amounts, and would disperse them throughout the 7,248 square foot area that was originally disturbed by the applicant (Figure 6). The sheet contains a note that gives the applicant the flexibility to plant seedlings instead of nursery stock at two times

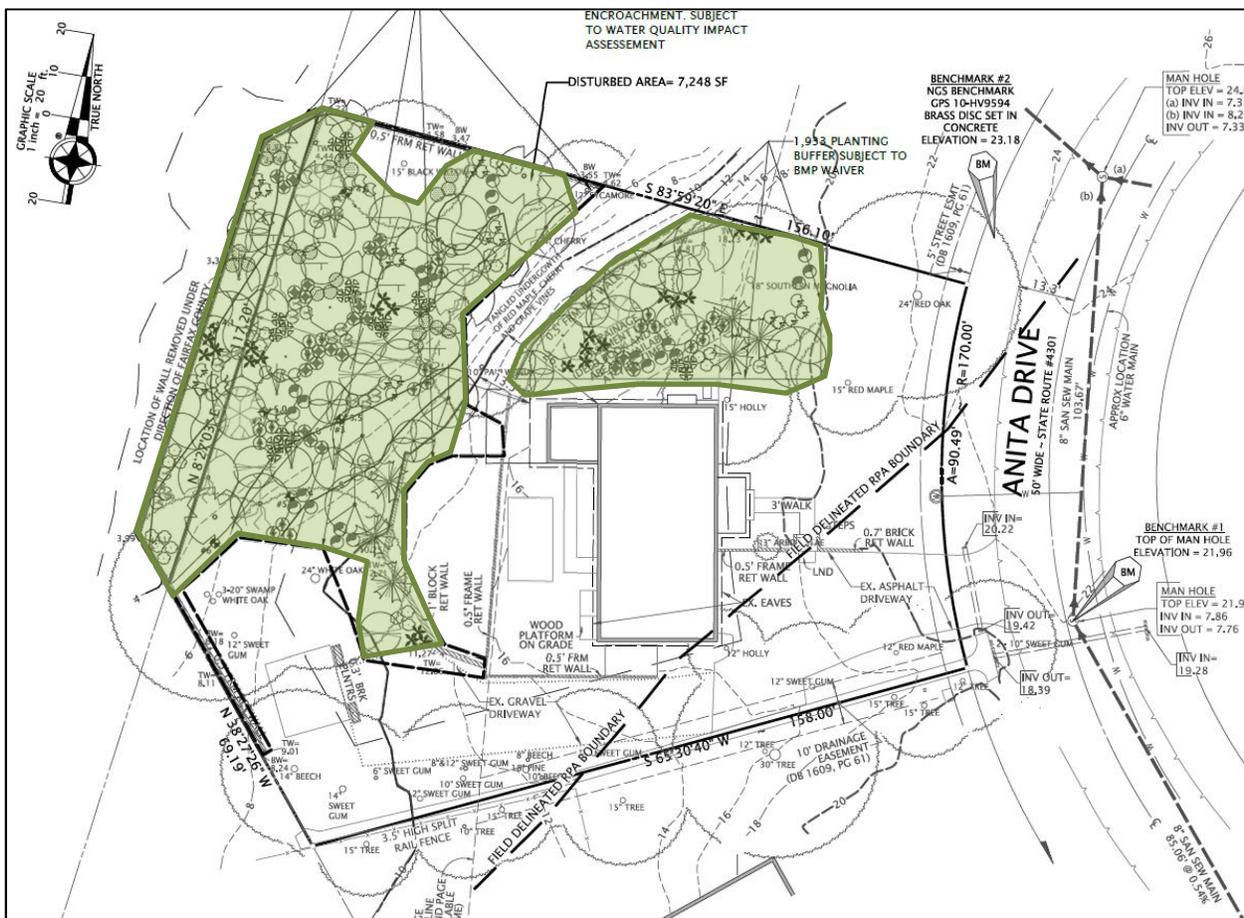


Figure 6: The landscape plan shows the areas to be planted with overstory trees, understory trees, and shrubs to comply with the CBPO (Source – Dominion Surveyors, Inc., 12/23/2013)

the density proposed in the landscape plan⁴. Finally, additional understory trees and shrubs are proposed for the area just north of the house that is outside of the disturbed area.

Sheet 4: The results of six test boring logs collected by the applicant's geotechnical engineer are displayed on the SE Plat's final sheet. The logs identify the depth of the fill material, the fill's general composition, and the elevation above sea level where the fill was first encountered. The logs distinguish between the depth and elevation where fill material was found and where the underlying parent material soils are found. The geotechnical analysis found fill material in all six test borings, but the fill material was not uniform amongst each boring. The analysis surmises that fill material was brought to the subject property "at separate time periods and from different borrow areas."

CONFORMANCE WITH THE COMPREHENSIVE PLAN

The Environment chapter of the Comprehensive Plan's Policy Plan cites a number of objectives pertaining to resource protection and conservation. Specifically, the Plan calls for the prevention and reduction of pollution to surface and groundwater resources, and to protect and restore the ecological integrity of Fairfax County. New development needs to avoid problem soil areas or employ engineering measures to protect existing and new structures from unstable soils (Appendix 4).

The Comprehensive Plan specifically mentions the Potomac Estuary and the Chesapeake Bay, noting that they are to be protected from impacts from avoidable land use activity. One of the policies associated with this objective is to ensure that new development and redevelopment complies with the County's Chesapeake Bay Preservation Ordinance⁵.

Additional objectives recommend the identification, protection, and enhancement of an integrated network of ecologically valuable land and surface waters for County residents. Tree cover is to be conserved and restored, particularly on sites where it was absent prior to development.

⁴ The Fairfax County Public Facilities Manual (PFM) allows the applicant to use seedlings to fulfill the CBPO planting requirements through planting a minimum of 25% of the disturbed area with trees at a two-inch minimum caliper and a minimum height of six inches for deciduous trees, and six to eight inches for evergreen trees (PFM 12-516.4). The remaining 75% of the disturbed area can either be filled out by the remaining required trees and shrubs, or be planted with one seedling for every 100 square feet of disturbed RPA and one shrub for every 40 square feet of disturbed RPA.

⁵ Fairfax County Comprehensive Plan, 2013 Edition, Policy Plan, Environment, as amended through February 12, 2013, p. 10

ANALYSIS

Use Limitations for Uses in a Floodplain (Sect. 2-905)

All permitted uses and all special exception uses in a floodplain shall be subject to the following provisions:

1. Except as may be permitted by Par. 6 and 7 of Sect. 903 above, 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.

The applicant's SE Plat has been reviewed by DPWES, who have verified that the fill that was deposited in the floodplain would not increase the water surface elevation above the 100-year flood level upstream and downstream. The 100-year flood level is based upon the backflow that would be created by the Potomac River at flood stage, which would rise to 10 feet above sea level. Although the majority of the fill was placed within the floodplain, it was dispersed across a wide area that did not get raised above the 100-year flood level. Soil elevations at the locations where the soil borings were conducted all range between 3.5 and 7.5 feet above sea level.

2. Except as may be permitted by Par. 8 of Sect. 903 above, the lowest elevation of the lowest floor of any proposed dwelling shall be eighteen inches or greater above the water-surface elevation of the 100-year flood level calculated in accordance with the provisions of the Public Facilities Manual.

The existing house is approximately 11 feet above the 100-year flood level, and would meet this standard.

3. All uses shall be subject to the provisions of Par. 1 of Sect. 602 above.

Part 1 of Sect. 2-602 states that 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.

Based on discussions of this matter with DPWES, the deposited fill would not change the drainage characteristics of the property. Since the 196 cubic yards of fill was evenly dispersed across 5,850 square feet of the subject property, no topographical changes were made that would obstruct, interfere with, or change the drainage patterns of water entering Bailey's Gut. The applicant's proposal meets this standard.

4. No structure or substantial improvement to any existing structure shall be allowed unless adequate floodproofing as defined in the Public Facilities Manual is provided.

The applicant's request does not include new construction or improvements to the existing structure. This standard is only applicable in cases where new construction would be proposed in the floodplain.

5. To the extent possible, stable vegetation shall be protected and maintained in the floodplain.

As seen in Figure 3, the existing landscaping in the floodplain portion of the applicant's property prior to disturbance consisted mostly of shrubs and low-lying plant material. Virtually all of this plant material was removed before the applicant deposited the construction site fill in the floodplain. The applicant contends that much of the vegetation that was removed was invasive species, but it is difficult for staff to verify this assessment of the previous plant material given that it was removed prior to inspection.

The applicant's landscape plan calls for trees and shrubs throughout the area that was disturbed, with the majority of these plants within the floodplain. The number and types of plants for the landscape plan were chosen to conform to §118-3-3(f) of the County's Chesapeake Bay Preservation Ordinance. In situations where land disturbance has occurred in a Resource Protection Area and the property owner did so without the proper permits, the CBPO requires the property owner to meet the specifications outlined in §118-3-3(f).

To better ensure the long-term viability of the proposed plantings, Urban Forest Management Division (UFMD) staff recommended that a 2-inch compost layer be spread throughout the area that was disturbed (Appendix 5). Applying the compost layer prior to planting would allow the compost to be intermingled with the fill material, which would increase the amount of natural nutrient material within the soil. Given the density of planting required by the Chesapeake Bay Preservation Ordinance, the compost will be mixed into virtually the entire disturbed area.

6. 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.

The applicant has given no indication to staff that these substances would be stored on the property.

7. For uses other than those enumerated in Par. 2 and 3 of Sect. 903 above, the applicant shall demonstrate to the satisfaction of the approving authority the extent to which:

A. There are no other feasible options available to achieve the proposed use; and,

- B. The proposal is the least disruptive option to the floodplain; and,*
- C. The proposal meets the environmental goals and objectives of the adopted comprehensive plan for the subject property.*

Staff was initially concerned about the soil characteristics of the fill material that was deposited on site. Knowing that the fill was obtained from a construction site, staff assumed that the pH level and nutrient load would be different from the parent soils beneath the fill. To examine the issue further, the applicant collected soil samples for testing by the Virginia Cooperative Extension's Soil Testing Laboratory at Virginia Tech (Appendix 6). The applicant collected an off-site sample of the natural soils and an on-site sample of the fill material.

The Fairfax County Park Authority's (FCPA's) Natural Resources Management and Protection Branch (NRMP) participated in the review of the soil samples. NRMP staff noted that soils in this part of Fairfax County are naturally acidic, as demonstrated by the 6.0 pH of the off-site soils sample. Although the fill material was more acidic with a 5.2 pH, the difference was not enough for staff to recommend a full-scale removal of the fill material. Removing the fill material would be disruptive to the floodplain, which has begun to regenerate since the applicant's disturbance.

To avoid any additional, unnecessary disruption in the floodplain, staff focused on identifying a group of plant species that would thrive in acidic soils within a floodplain environment. NRMP staff recommended minimal changes to the proposed species (Appendix 7), which the applicant made with a December 23rd resubmission of the Special Exception Plat. With the previously mentioned application of compost, coupled with species recommendations specific to the soils conditions found in the soils testing, staff concludes that this standard has been met.

8. 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's request would conform to this standard.

9. Nothing herein shall be deemed to preclude public uses and public improvements performed by or at the direction of the County.

No public uses have been proposed for the subject property.

10. 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.

Since the applicant has proposed no additions to the existing dwelling, this standard is satisfied.

11. All uses and activities shall be subject to the provisions of Chapter 118 of The Code.

Chapter 118 of the Fairfax County Code is the County's Chesapeake Bay Preservation Ordinance (CBPO). This ordinance defines how Resource Protection Areas are delineated, governs the land use activity permitted within them, and provides remedial requirements for unauthorized disturbance of RPAs. The CBPO requires a Water Quality Impact Assessment to be submitted for any land disturbance within an RPA, and is used to ensure that this disturbance meets the goals, objectives, and requirements of Chapter 118.

To receive retroactive approval for the fill to remain on site, the applicant needs to obtain an approved Water Quality Impact Assessment and an approved grading plan from DPWES (Appendix 8). Staff has recommended a development condition that would require the submission of a WQIA and grading plan within 30 days of the Board of Supervisors' adoption of the Special Exception. Once these two items are submitted for review to DPWES, this standard would be met.

12. 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 upon placement of the lowest floor, including basement and prior to further vertical construction. If a non-residential building is being floodproofed, then a FEMA Floodproofing Certificate shall be completed in addition to the Elevation Certificate. In the case of special exception uses, the Elevation Certificate shall show compliance with the approved special exception elevations.

Since the applicant has proposed no additions or modifications to the existing dwelling, this standard is satisfied. If the applicant were to trigger this use limitation in the future, he would be required to concurrently submit as-built floor elevations to DPWES using the required FEMA template.

13. The construction of all buildings and structures shall be subject to the requirements of the Virginia Uniform Statewide Building Code.

As noted previously, no new buildings or structures are proposed.

14. All recreational vehicles shall:

- A. Be on site for fewer than 180 consecutive days;*
- B. Be fully licensed and ready for highway use; or,*
- C. Meet the requirements of this Part and the Virginia Uniform Statewide Building Code for anchoring and elevation of manufactured homes.*

Should the applicant wish to store recreational vehicles on site, the applicant would need to conform to this standard.

15. All necessary permits shall be received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, as amended, 33 U.S.C. § 1334.

Since the fill was deposited above the tidal wetlands edge, the applicant does not need to obtain a Wetlands Permit from the Fairfax County Wetlands Board. As previously discussed, the applicant has already obtained clearance from the Army Corps of Engineers to proceed with the applicable local and state approval processes for retroactive approval to allow the fill to remain.

16. If any new construction, substantial improvements, or other development, including fill, when combined with all other existing, anticipated and planned development, results in change in the base flood elevation in any Special Flood Hazard Area (SFHA) depicted on the County's Flood Insurance Rate Map (FIRM), the applicant shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data to FEMA for a Letter of Map Revision, as soon as practicable but, not later than six (6) months after the date such information becomes available or the placement of fill, whichever comes first. If the projected increase in the base flood elevation is greater than one (1) foot, the applicant shall also obtain approval of a Conditional Letter of Map Revision from the Federal Insurance Administrator prior to the approval of construction.

As previously discussed, the fill deposited by the applicant did not exceed the 100-year flood elevation within the portions of the floodplain on the subject property. To ensure that the applicant continues to comply with this standard, staff has proposed a development condition that would require the applicant to notify the Federal Insurance Administrator of any future grading changes resulting from the deposited fill.

17. In riverine situations, adjacent communities and the Virginia Department of Conservation and Recreation shall be notified prior to any alteration or relocation of a watercourse depicted on the FIRM and copies of such notifications shall be submitted to the Federal Insurance Administrator. The flood carrying capacity within the altered or relocated portion of any watercourse shall be maintained.

As previously discussed, the nearby watercourses have not been altered or relocated as a result of the fill that has been deposited. Since the applicant's request would not alter or relocate these abutting watercourses, the applicant is in compliance with this standard.

In staff's opinion, the applicant's request satisfies all of the Use Limitations for Uses in a Floodplain.

General Special Exception Standards (Sect. 9-006)

All special exception uses shall satisfy the following general standards:

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

The Comprehensive Plan stresses that new development and redevelopment must comply with the County's Chesapeake Bay Preservation Ordinance (CBPO). The applicant would need to obtain approval of this Special Exception, then secure the approval of a grading plan and Water Quality Impact Assessment for full compliance with CBPO. Once these steps are completed, the applicant's request to allow the 196 cubic yards of fill to remain in the floodplain would be in conformance with the Comprehensive Plan.

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

The purpose and intent of the Zoning Ordinance's Floodplain Regulations are to provide for safety from floods and to protect against loss of life, health, or property from flood or other dangers. The regulations also work to preserve and protect floodplains in as natural a state as possible for the preservation of wildlife habitats, for the maintenance of the natural integrity and function of the streams, for the protection of water quality, and for the promotion of a zone for ground water recharge.

The development conditions proposed by staff would bolster the long-term viability of the proposed landscaping as well as infuse the fill material with natural plant material to help rebalance the pH levels. With these conditions, the applicant's request would be harmonious with 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.*

The fill that has been deposited in the floodplain would be harmonious with the adjacent properties upon the implementation of a grading plan and Water Quality Impact Assessment. The proposed plantings would increase the tree canopy of the site in a habitat zone adjacent to Old Colchester Park and Preserve. The additional landscaping would only be visible to the two residential properties to the north and south, and would not hinder or discourage their future use.

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.

Since the applicant's request would not affect pedestrian or vehicular traffic, this standard is not applicable.

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.

Article 13 of the Zoning Ordinance requires any addition or removal of vegetation within a Resource Protection Area to be subject to the provisions of Chapter 118 of the County Code, which is the Chesapeake Bay Preservation Ordinance. The applicant would need to comply with these regulations as part of a grading plan and Water Quality Impact Assessment. Obtaining approval from DPWES on those two items would bring the applicant's Special Exception in conformance with this standard.

Staff has included a development condition that would give Public Works staff the authority to review and approve the ultimate location and species of the proposed plantings. The applicant's landscape plan is intended to be a conceptual exhibit to show how the applicant intends to comply with the Chesapeake Bay Preservation Ordinance's buffer restoration requirements. The CBPO gives the Director of Public Works the flexibility to approve a Water Quality Impact Assessment that focuses the restoration in portions of the Resource Protection Area that would preserve key vistas, but maintain the minimum required number of plantings. Although staff recommends a development condition that requires future development of the site to conform to the SE Plat, it is important that DPWES has the latitude to require alternative layouts or species if there are more advantageous means of meeting the purpose and intent of the Chesapeake Bay Preservation Ordinance.

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

The Zoning Ordinance only specifies a minimum open space requirement for a parcel zoned R-E: Residential Estate when it is part of a cluster development. The subject property is not within a cluster subdivision.

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.

With no new construction, the applicant's proposal meets this standard.

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.*

The applicant has not incorporated any requests related to signs. All signs related to the proposed use shall be in accordance with the provisions of Article 12 of the Zoning Ordinance.

In staff's opinion, the applicant's request satisfies all of the General Special Exception Standards.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

By allowing the fill to remain on site, the regeneration of the subject property can continue naturally; the proposed compost and landscaping would enhance and bolster this regeneration. Staff would see the removal of the fill as a setback to the regeneration process. If service trucks were to be used in the fill's excavation and disposal, the fill's removal could also result in adverse impacts to the existing tree canopy on the applicant's property. The fill could also be inadvertently washed into nearby watercourses if the removal occurred during or just prior to a significant rain event. Based on the soils analysis obtained by the applicant and the commitments to a natural, long-term landscaped buffer, staff supports the applicant's approach to correcting the damage that was done to the property.

In staff's opinion, the proposal would conform to the Comprehensive Plan, and all applicable provisions of the Zoning Ordinance. With the subsequent approval of a grading plan and a Water Quality Impact Assessment, the applicant would meet the remediation standards in the Chesapeake Bay Preservation Ordinance and clear the violations dating back to 2008.

Since the waiver of a water quality control requirement has lapsed beyond its 24-month period of validity, the applicant would need to request this waiver again if the intent is to be absolved from this requirement of the CBPO. The applicant would also need to resubmit the WQIA showing landscaping that conforms to that shown on the SE Plat.

Recommendations

Staff recommends approval of SE 2013-MV-015, subject to the proposed conditions listed in Appendix 1.

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

It should be 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 does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

APPENDICES

1. Proposed Development Conditions
2. Applicant's Statement of Justification
3. Affidavit
4. Environmental Analysis
5. Urban Forest Management Analysis
6. Soils Report
7. Park Authority Analysis
8. Stormwater Management Analysis
9. Glossary of Terms

PROPOSED DEVELOPMENT CONDITIONS

SE 2013-MV-015

January 23, 2014

If it is the intent of the Board of Supervisors to approve SE 2013-MV-015, located at 10820 Anita Drive, Tax Map 117-2 ((2)) 59, for uses in a floodplain pursuant to Sect. 2-904 and 9-606 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions:

General

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Exception Plat approved with the application, as qualified by these development conditions. Notwithstanding the structures and uses indicated on the Special Exception Plat (SE Plat), the applicant may disturb land, demolish existing structures, and/or construct improvements on acreage that is within the Resource Protection Area (RPA) but outside of the 100-year floodplain without submitting a Special Exception Amendment application as long as the applicant obtains the approval of a Water Quality Impact Assessment (WQIA) and demonstrates to the Department of Public Works and Environmental Services (DPWES) that there shall be no adverse impact to the floodplain. The applicant may not allow any new structures or land disturbance to be constructed or extend into the floodplain without submitting and obtaining the approval of a Special Exception Amendment.
3. This Special Exception is subject to the provisions of Article 17, Site Plans as may be determined by DPWES. Any plan submitted pursuant to this Special Exception shall be in substantial conformance with the approved Special Exception Plat entitled "Special Exception | Lot 59 | Harbor View" prepared by Dominion Surveyors, Inc., which is dated January 5, 2011 and revised through December 23, 2013, and these conditions. Minor modifications to the approved Special Exception Amendment may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. Upon demonstration by the applicant that, despite diligent efforts or due to factors beyond the applicant's control, the applicant will be or has been delayed in the completion of one or more of the obligations or improvements required by these conditions beyond the timeframes set forth in these conditions, the Zoning Administrator may agree to a later date for the fulfillment/completion of such obligations or improvements, provided the applicant otherwise is in substantial conformance with these conditions.

5. Prior to the approval of a grading plan, site plan, or minor site plan, a Hold Harmless agreement shall be executed with the County for any adverse effects resulting from the location of the site within a floodplain area.
6. Within 30 days of this Special Exception's approval, the applicant shall submit a WQIA and a grading plan to DPWES for the improvements shown on the SE Plat. Within 6 months of this Special Exception's approval, the applicant shall obtain WQIA approval and grading plan approval from DPWES.
7. Concurrent with the first submission of any grading plan, site plan, or minor site plan, the applicant shall submit an additional copy of the plan to the Fairfax County Federal Emergency Management Agency (FEMA) Floodplain Administrator (Stormwater Planning Division) to determine whether the base flood elevation in any Special Flood Hazard Area (SFHA) depicted on the County's Flood Insurance Rate Map (FIRM) would be altered as a result of any new construction, substantial improvements, or other development shown on the plan, including fill. If the County FEMA Floodplain Administrator determines that the base flood elevation would be altered, the applicant shall submit technical or scientific data to FEMA for a Letter of Map Revision. If the projected increase in the base flood elevation is greater than one foot, the applicant shall also obtain approval of a Conditional Letter of Map Revision from the Federal Insurance Administrator prior to the approval of any construction. If the applicant is required to submit either a Letter of Map Revision and/or Conditional Letter of Map Revision as outlined above, the applicant shall submit a copy of the approval letter from FEMA to the Department of Planning and Zoning (DPZ).

Landscaping

8. Notwithstanding the landscaping shown on the Special Exception Plat, the location and species of the proposed plantings shall be subject to the review and approval of the Urban Forest Management Division (UFMD). The applicant's landscape plan shall provide a minimum of 85% of the plant material in native species. UFMD may approve a lower minimum percentage of native species if the applicant can demonstrate that limited product availability would unnecessarily delay the establishment of the landscaping. No plant species designated as highly invasive on the Virginia Department of Conservation and Recreation's (DCR's) Invasive Plant List may be included in the landscape plan.
9. The applicant shall include an invasive species removal plan with the WQIA and grading plan. This plan shall detail the applicant's strategy for removing any invasive species from the disturbed area identified on the SE Plat prior to new planting, and preventing the return of invasive species. In particular, efforts to eliminate hazards and manage invasive plants in forested areas shall be implemented in a careful manner that minimizes disruption to the vegetation and soil conditions present and proposed in the floodplain. The invasive species removal plan shall be reviewed and approved by UFMD per the standards set forth in the Public Facilities Manual (PFM) in conjunction with the WQIA and grading plan.
10. Due to the pervasive nature of and difficulty in eradicating Japanese stiltgrass (*Microstegium vimineum*), the applicant may elect to omit this species from those

identified for removal in the invasive species removal plan if it is found on the subject property.

11. Prior to planting the landscaping proposed on Sheet 3 of the SE Plat, the applicant shall apply a 2-inch layer of compost to the 7,248 square foot area shown on the SE Plat that was previously disturbed. The compost shall be leaf-based and originate from a provider who can certify that the compost is free of invasive species and weeds. No fertilizers or manures shall be applied to or incorporated into the compost. If deemed necessary by DPWES during the grading plan and WQIA review, the applicant shall provide erosion and sediment control measures to prevent compost from washing away from the site during a rain event per the standards set forth in the PFM. Such measures may include, but not be limited to, a wire-reinforced silt fence or other types of silt fencing.
12. If any matting is to be used for the proposed plantings, it shall be made of coir or straw as opposed to synthetic products to avoid any hazards to nearby wildlife.
13. Landscaping in the RPA shall be installed within 90 days of the WQIA approval unless the UFMD determines a later planting date is necessary to ensure the health of the landscaping.
14. Should any pesticides be used for invasive plant removal, the pesticides shall be administered by a Virginia Certified Pesticide Applicator. It shall be the applicant's and/or the Certified Pesticide Applicator's responsibility to secure any necessary permits for the use of pesticides and for application of pesticides in the RPA.
15. The applicant shall employ a Certified Arborist, Registered Consulting Arborist, or Certified Horticulturalist to manage and oversee the implementation of the landscape plan. The landscape consultant shall perform the following duties:
 - a) This landscape consultant shall visit the site and inspect the plant material for quality, establishment, and growth of the plants shown on the approved grading plan on a monthly basis for the first and second growing seasons and provide an update report to UFMD for each visit. The report shall assess the progress on the landscaping's establishment and growth and identify the presence of any invasive species. The growing season is defined as May 1-September 30 in a calendar year. Any dead plants or invasive species that are identified by the landscape consultant shall be replaced. The applicant and/or the landscape consultant shall follow the recommendations of UFMD in accordance with the PFM for how and when the replacement plants shall be reestablished.
 - b) The applicant and the landscape consultant shall schedule a site visit with a UFMD staff member during the third and fourth growing seasons beyond the first. In the event that UFMD determines that plant coverage has been reduced below 80% of that shown on the approved grading plan, the applicant shall provide replacement plants so that the plant coverage will be restored to the originally approved coverage requirement. The applicant shall follow the recommendations of UFMD in accordance with the PFM for how and when the replacement plants shall be reestablished, if needed.

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 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, 12 months after the date of approval unless, at a minimum, the use has been established or construction has commenced and been diligently prosecuted as evidenced by the issuance of an approval for a grading plan concurrent with a Water Quality Impact Assessment. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the Special Exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

It is the applicant's responsibility to show the proposed use complies with all Zoning Ordinance requirements related to the use, including how the proposed special exception is in conformance with the general standards and the specific category standards, as well as any additional standards for the particular special exception use.

It is my opinion that this application meets the requirements of Section 2-904(B) and applicable portions of section 2-905 of the zoning ordinance.

Section 2-904(B) requires that any existing or anticipated problems of flooding or erosion in the area of the application and upstream and downstream of the application property in addition to federal or state permits required. It is my opinion that there were no existing flooding or erosion problems on or near the application site. The fill was not placed in the main channel of the tributary and was not of a nature that will have any effect upon the 100 year floodplain. The 196 cubic yards is insignificant when compared to the enormous floodplain of the Potomac River.

The fill within the floodplain is 0.10 acres and therefore it is our opinion that the work complies with Army Corps of Engineers Nationwide Permit #18. A preconstruction notification (PCN) should have been filed. However, the Army Corps has provided a preliminary Jurisdictional Determination on the site, which in our opinion served as an alternative to the PCN. A Virginia Stormwater Management Program (VSMP) permit is required for any work over 2,500 SF. This permit will be applied as required. A grading permit and Water Quality Impact Assessment will be required to be approved as well.

Section 2-905(1): The 196 Cubic yards of fill does not significant affect the elevation of the 100 year flood plain onsite. The floodplain elevation is a backwater elevation of the Potomac River which is of such a large watershed that the this small area of fill will not impact the floodplain elevation.

Section 2-905(5): The fill placed within the floodplain was seeded with turf grass and is currently very stable and maintained as such. As part of the RPA disturbance, it is proposed that the entire fill area will be planted with Trees, shrubs and groundcovers, which will result in low maintenance soil stabilization.

Section 2-905(6): No storage of herbicides, pesticides, or toxic hazardous substances as set forth in Title 40, Code of Federal Regulations, Parts 116.4 and 261.30 et. Seq., will occur within the floodplain.

Section 2-905(7)(A): The was the desired lawn size of the applicant. The area was devoid of large trees and was unusable to the homeowner. This was the only area on site that was not landscaped to the owner's satisfaction.

Section 2-905(7)(B): The small amount of fill is not disruptive to the floodplain due to the large size of the floodplain. It is our opinion that leaving the fill within the floodplain, when coupled with the plantings to be required by the Water Quality Impact Assessment, will be the least disruptive option to the floodplain. This fill placed over the rip-rap area will allow plant material to grow in this area.

Section 2-905(7)(C): The plantings required by the Water Quality Impact Assessment will meet the environmental goals of the county. The area outside of the wetlands will be a large improvement environmentally over the turf grass and rip-rap that were there previously. It is our opinion that the fill over the wetlands may or may not be an improvement, but the large amount of plant material will at least be equally advantageous. As this area will remain unmowed, much of the existing wetlands vegetation will continue to grow through the fill. It was observed during the wetlands delineation that the filled area showed herbeaceous and seedling woody wetland vegetation growing up through the filled area. It is our opinion that the fill is not a significant enough detriment to water quality to require its removal. Between the RPA plantings and the natural vegetation that has already shown signs of revival, the area will meet the county's environmental objectives without removal of the fill material.

Section 2-905(7)(11): The Water Quality Impact Assessment and grading plan will bring the work already performed into conformance with Chapter 118 of The Code.



SPECIAL EXCEPTION AFFIDAVITDATE: September 13, 2013
(enter date affidavit is notarized)I, Roy R. Shannon, Jr., 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

122225

in Application No.(s): SE 2013-MV-015
(enter County-assigned application number(s), e.g. SE 88-V-001)

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Albert Gagliardi	10820 Anita Drive, Lorton, VA 22079	Title Owner/Applicant
Yvonne Bucholtz	10820 Anita Drive, Lorton, VA 22079	Title Owner
Roy R. Shannon, Jr.	201 N. Union St., Suite 230, Alexandria, VA 22314	Attorney/Agent
Mark J. Sullivan	201 N. Union St., Suite 230, Alexandria, VA 22314	Attorney/Agent
Rich Rosenthal Brincefield Manitta Dzubin & Kroeger, LLP	201 N. Union St., Suite 230, Alexnadria, VA 22314	Firm/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 AFFIDAVIT

DATE: September 13, 2013
(enter date affidavit is notarized)

12225

for Application No. (s): SE 2013-MV-015
(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)

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: September 13, 2013
(enter date affidavit is notarized)

12225

for Application No. (s): SE 2013-MV-015
(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)

Rich Rosenthal Brincefield Manitta Dzubin & Kroeger, LLP
201 N. Union St., Suite 230
Alexandria, VA 22314

(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)

- Lonni C. Rich Partner
Edward S. Rosenthal Partner
James C. Brincefield Partner
Lana M. Manitta Partner
Richard F. Dzubin Partner
Shannon L. Kroeger Partner
Roy R. Shannon, Jr. 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 AFFIDAVIT

DATE: September 13, 2013
(enter date affidavit is notarized)

12225

for Application No. (s): SE 2013-MV-015
(enter County-assigned application number(s))

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

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

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

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

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

NONE

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: September 13, 2013
(enter date affidavit is notarized)

12225

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.)

NONE

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

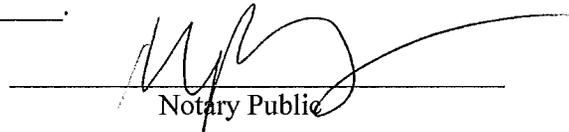


[x] Applicant's Authorized Agent

Roy R. Shannon, Jr. Esquire

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

Subscribed and sworn to before me this 13th day of September 20 13, in the State/Comm. of Virginia, County/City of Alexandria.


Notary Public

My commission expires: October 31st, 2017

Megan A. Petrilli
NOTARY PUBLIC
REG. #7537765
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES 10/31/2017



County of Fairfax, Virginia

MEMORANDUM

DATE: January 6, 2014

TO: Barbara Berlin, Director
Zoning Evaluation Division, DPZ

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

SUBJECT: ENVIRONMENTAL ASSESSMENT for: SE 2013-MV-015
Gagliardi

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 development as depicted on the revised special exception plan dated December 23, 2013. 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, 2013 Edition, Area IV, Lower Potomac Planning District, LP3-Mason Neck Community Planning Sector, as amended through April 9, 2013, page 180 states:

“1. This sector is planned for very low-density single-family residential use at up to .1 dwelling unit per acre. As an option, a density of up to .2 dwelling unit per acre may be appropriate if it is clustered and results in the preservation of EQC and other sensitive lands, provides substantial land in privately protected open space or public ownership, and contributes to maintaining the rural character of Mason Neck. Development at the baseline and optional levels should only occur where suitable soils allow for septic systems.

Most new development on Mason Neck will occur on lots of two acres or larger. On lots of this size it is possible to preserve features of ecological value and to minimize the impacts of development on wildlife and water quality. These practices are known collectively as minimum impact development techniques. New large lot development on Mason Neck should:

- Limit site disturbance for individual lots;
- Site homes on the least sensitive portion of each lot;
- Maintain open space in an undisturbed state or actively manage it to enhance habitat value;
- Link open space within lots to adjacent park land and EQCs;
- Minimize the amount of new impervious surface on individual lots;
- Discourage the building of fences and other barriers in identified wildlife corridors;
- Retain existing forest cover and encourage re-vegetation of cleared areas with native plant species that have a high value as a food source for desirable species of wildlife; and,
- Encourage the use of small on-lot bioretention facilities for stormwater management....”

Fairfax County Comprehensive Plan, 2013 Edition, Policy Plan, Environment, as amended through February 12, 2013, on pages 7 and 8 states:

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

Policy a. Maintain a best management practices (BMP) program for Fairfax County and ensure that new development and redevelopment complies with the County’s best management practice (BMP) requirements. . . .

Policy k. For new development and redevelopment, apply better site design and low impact development (LID) techniques such as those described below, and pursue commitments to reduce stormwater runoff volumes and peak flows, to increase groundwater recharge, and to increase preservation of undisturbed areas. In order to minimize the impacts that new development and redevelopment projects may have on the County’s streams, some or all of the following practices should be considered where not in conflict with land use compatibility objectives:

- Minimize the amount of impervious surface created.
- Site buildings to minimize impervious cover associated with driveways and parking areas and to encourage tree preservation. . . .
- Encourage cluster development when designed to maximize protection of ecologically valuable land. . . .
- Encourage fulfillment of tree cover requirements through tree preservation instead of replanting where existing tree cover permits. Commit to tree preservation thresholds that exceed the minimum Zoning Ordinance requirements.
- Where appropriate, use protective easements in areas outside of private residential lots as a mechanism to protect wooded areas and steep slopes. . . .
- Encourage the use of innovative BMPs and infiltration techniques of stormwater management where site conditions are appropriate, if consistent with County requirements.
- Apply nonstructural best management practices and bioengineering practices where site conditions are appropriate, if consistent with County requirements. ”

Fairfax County Comprehensive Plan, 2013 Edition, Policy Plan, Environment, as amended through February 12, 2013, on page 10 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. . . .”

The Fairfax County Comprehensive Plan Policy Plan, 2013 Edition, Environment section as amended through February 12, 2013, on page 12, states:

“Objective 6: Ensure that new development either avoids problem soil areas, or implements appropriate engineering measures to protect existing and new structures from unstable soils.

Policy a: Limit densities on slippage soils, and cluster development away from slopes and potential problem areas...”

Policy b: Require new development on problem soils to provide appropriate engineering measures to ensure against geotechnical hazards.”

Fairfax County Comprehensive Plan, 2013 Edition, Policy Plan, Environment, as amended through February 12, 2013, on page 14 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: Identify, protect and restore an Environmental Quality Corridor system (EQC)....”

Fairfax County Comprehensive Plan, 2013 Edition, Policy Plan, Environment, as amended through February 12, 2013, on page 18 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. . . .”

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.

Background: This application seeks after the fact approval for placement of approximately 196 cubic yards of fill spread over a 5,850 square foot area within the 100 year floodplain of the subject property located at 10820 Anita Drive. This property is situated adjacent to an unnamed tributary associated with Massey Creek and the Occoquan River. The applicant’s consulting engineer has calculated that tidal wetlands were not affected by this violation. The tidal wetland delineation is shown west of the property boundary at a distance ranging between approximately 7’–18’ west of the property line.

In 2008 the Department of Public Works and Environmental Services (DPWES) issued the property owner a notice of violation for land disturbance in excess of 2,500 square feet without a land disturbing permit and for removal of vegetation in the Resource Protection Area (RPA) which is a violation of the County’s Chesapeake Bay Preservation Ordinance (CBPO). The property owner filed two Water Quality Impact Assessments (WQIAs) with DPWES on two separate occasions in 2009 and in 2011 to correct the CBPO violation, but neither attempt resulted in approval. Ultimately the violation went to court and the property owner was found guilty.

This special exception application for fill in the floodplain seeks to demonstrate to the court the property owner's good faith effort to resolve all county ordinance violations on the property resulting from the 2008 land disturbance and placement of fill in the RPA as governed under the County's CBPO.

Environmental Quality Corridor (EQC), Resource Protection Area (RPA) and 100 year floodplain: The 22,412 square foot subject property is located on Mason Neck in the Mill Branch watershed. Except for a small portion of the lot on the southeastern corner, the majority of the lot is also within the RPA; however, the existing home was constructed in 1974 prior to the adoption of the County's CBPO. The backyard of the subject property where the land disturbance occurred and where fill was placed is identified as Environmental Quality Corridor (EQC) as defined under the Policy Plan of the Comprehensive Plan, Resource Protection Area (RPA) under the County's Chesapeake Bay Preservation Ordinance (CBPO) and 100 year floodplain under the County's Zoning Ordinance.

Because this violation occurred almost six years ago and the site has been stabilized for a significant majority of that time, staff has concluded that the area of original disturbance and fill placement should be restored with vegetative cover to meet the requirements of the CBPO. Such a vegetative restoration, if done properly and monitored for success, will restore some water quality function to the area of impact.

Soil Suitability: To ensure that the fill soil will support the plant palette recommended for the restoration, the applicant submitted a soil sample for analysis to the Virginia Cooperative Extension performed by the Virginia Tech Soil Testing Laboratory. The analysis was performed, dated December 5, 2013 with recommendations to amend the soil in a manner which would support the RPA vegetative restoration. Most importantly, it was recommended that the soils should be amended with organic plant matter to support the restoration. This recommendation and all recommendations made by the Urban Forestry Management Division (UFMD) of DPWES to ensure the success of the restoration should be followed and included in development conditions with approval for this application.

Harmony with the Comprehensive Plan

To ensure that this application is in harmony with the Comprehensive Plan policy,

- The applicant should secure approvals necessary for the completion of this restoration;
- The applicant should avoid the placement of any new impervious surface in the EQC/RPA and 100 year floodplain;
- The applicant should seek a qualified professional arborist or horticulturalist to oversee the restoration/planting process and this professional should monitor the site for a period of months to ensure immediate success and periodically over a period of several years to ensure success of the restoration over time.

PGN/MAW



County of Fairfax, Virginia

MEMORANDUM

DATE: January 8, 2014

TO: Nicholas Rogers, Staff Coordinator
Zoning Evaluation Division, DPZ

FROM: Jay Banks, Urban Forester II 
Forest Conservation Branch, DPWES

SUBJECT: Anita Property.SE 2013-MV-015

RE: Request to review Special Exception Plat

This review is based on the Application of a Special Exception Plat stamped "Received, Department of Planning and Zoning, December 23, 2013,"

The following comments are from my September 25, 2013 review of the first submission of the SE plat and were not adequately addressed.

1. **Comment:** Both the 15" red maple tree shown in the front yard and the 24" white oak tree shown in the rear yard are dead.

Recommendation: Both trees should be deleted from all appropriate sheets. Furthermore, the homeowner should be allowed to remove these trees so they do not present a risk to the property owner. The trees should be removed in a manner so as not to damage neighboring trees.

2. **Comment:** The total number of trees required for both the RPA disturbance and the impervious area is shown as 63 trees. Within the Plant List on sheet 3 of 4 there are only 62 trees listed.

Recommendation: Provide the correct number of trees per each category.

3. **Comment:** With this submission flowering dogwood is proposed in the Plant List, this tree is highly susceptible to life threatening diseases.

Recommendation: An alternative Category II tree should be selected or additional quantities of already proposed Category II trees may be added.



4. **Comment:** The 10-year canopy credit listed for sweetbay magnolia is incorrectly listed as 100 square feet for a 1 inch caliper tree. The correct square footage is 75.

Recommendation: Correctly list 75 square feet on the Plant List for sweetbay magnolia.

5. **Comment:** A groundcover plant has not been listed for planting within the disturbed area.

Recommendation: Provide an appropriate native ground cover and the quantities needed to cover the disturbed area.

JSB/

UFMDID #: 184661

cc: DPZ File

Virginia Cooperative Extension Soil Test Report

Appendix 6

Questions? Contact:
Stafford County Office
P.O. Box 339
Stafford, VA 22555-0339
540-658-8000

Virginia Tech Soil Testing Laboratory
145 Smyth Hall (0465)
Blacksburg, VA 24061
www.soiltest.vt.edu

SEE NOTES:
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10820 ANITA DR

LORTON, VA 22079

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KARL SCHWARTZ

SAMPLE HISTORY

Sample ID	Field ID	LAST CROP		LAST LIME APPLICATION		SOIL INFORMATION				
		Name	Yield	Months Prev.	Tons/Acre	SMU-1 %	SMU-2 %	SMU-3 %	Yield Estimate	Productivity Group
FILL1				18+						

LAB TEST RESULTS (see Note 1)

Analysis	P (lb/A)	K (lb/A)	Ca (lb/A)	Mg (lb/A)	Zn (ppm)	Mn (ppm)	Cu (ppm)	Fe (ppm)	B (ppm)	S.Salts (ppm)
Result	10	118	1009	268	2.2	5.1	0.9	35.0	0.1	
Rating	L+	M	M	VH	SUFF	SUFF	SUFF	SUFF	SUFF	

Analysis	Soil pH	Buffer Index	Est.-CEC (meq/100g)	Acidity (%)	Base Sat. (%)	Ca Sat. (%)	Mg Sat. (%)	K Sat. (%)	Organic Matter (%)
Result	5.2	5.97	6.3	40.4	59.7	39.8	17.5	2.4	

FERTILIZER AND LIMESTONE RECOMMENDATIONS

Crop: TREES. (246)

610. LIME RECOMMENDATIONS: Apply 13 pounds of agricultural limestone (ground or pulverized) per 100 square feet. If lime is not going to be mixed into the soil, make several small applications of up to 5 lbs each, at intervals of 1 to 6 months, until the full amount is applied.

261. FERTILIZER RECOMMENDATIONS: See Note 20.

990. We are trying to improve our service. PLEASE take a moment to complete our brief, anonymous customer survey at tinyurl.com/soiltestsurvey

991. Numbered notes are viewable at <http://www.soiltest.vt.edu/Files/publications.html>

Virginia Cooperative Extension Soil Test Report

Questions? Contact:
Stafford County Office
P.O. Box 339
Stafford, VA 22555-0339
540-658-8000

Virginia Tech Soil Testing Laboratory
145 Smyth Hall (0465)
Blacksburg, VA 24061
www.soiltest.vt.edu

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10820 ANITA DR

LORTON, VA 22079

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KARL SCHWARTZ

SAMPLE HISTORY

Sample ID	Field ID	LAST CROP		LAST LIME APPLICATION		SOIL INFORMATION				
		Name	Yield	Months Prev.	Tons/Acre	SMU-1 %	SMU-2 %	SMU-3 %	Yield Estimate	Productivity Group
NATIV				18+						

LAB TEST RESULTS (see Note 1)

Analysis	P (lb/A)	K (lb/A)	Ca (lb/A)	Mg (lb/A)	Zn (ppm)	Mn (ppm)	Cu (ppm)	Fe (ppm)	B (ppm)	S.Salts (ppm)
Result	8	97	2286	376	8.7	33.7	2.1	248.7	0.3	
Rating	L	M-	VH	VH	SUFF	SUFF	SUFF	SUFF	SUFF	

Analysis	Soil pH	Buffer Index	Est.-CEC (meq/100g)	Acidity (%)	Base Sat. (%)	Ca Sat. (%)	Mg Sat. (%)	K Sat. (%)	Organic Matter (%)
Result	6.0	6.01	9.7	23.9	76.1	58.9	16.0	1.3	

FERTILIZER AND LIMESTONE RECOMMENDATIONS

Crop: TREES. (246)

610. LIME RECOMMENDATIONS: Apply 12 pounds of agricultural limestone (ground or pulverized) per 100 square feet. If lime is not going to be mixed into the soil, make several small applications of up to 5 lbs each, at intervals of 1 to 6 months, until the full amount is applied.

261. FERTILIZER RECOMMENDATIONS: See Note 20.

990. We are trying to improve our service. PLEASE take a moment to complete our brief, anonymous customer survey at tinyurl.com/soiltestsurvey

991. Numbered notes are viewable at <http://www.soiltest.vt.edu/Files/publications.html>



FAIRFAX COUNTY PARK AUTHORITY



M E M O R A N D U M

TO: Barbara Berlin, AICP, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Sandy Stallman, AICP, Manager
Park Planning Branch, PDD *SS*

DATE: September 30, 2013

SUBJECT: SE 2013-MV-015, Harbor View
Tax Map Number: 117-2 ((2)) 59

BACKGROUND

The Park Authority staff has reviewed the proposed Special Exception Plan dated August 7, 2013, for the above referenced application. The plan shows removal of a small wall and installation of plantings on a 0.51-acre residential property zoned R-E in the Mount Vernon Supervisory and Lower Potomac Planning Districts.

COMPREHENSIVE PLAN GUIDANCE

The County Comprehensive Plan includes both general and specific guidance regarding parks and resources. The Policy Plan describes the need to mitigate adverse impacts to park and recreation facilities caused by growth and development; it also offers a variety of ways to offset those impacts, including contributions, land dedication, development of facilities, and others (Parks and Recreation, Objective 6, p.8). Resource protection is addressed in multiple objectives, focusing on protection, preservation, and sustainability of resources (Parks and Recreation Objectives 2 and 5, p.5-7).

ANALYSIS AND RECOMMENDATIONS

Natural Resources Impact:

The Park Authority owns and operates Old Colchester Park and Preserve (approximately 50 feet from the subject parcel) as well as manages the entirety of the stream area leading directly up to the applicant's property, per an agreement with the state.

Staff has reviewed the planting list (sheet #3) and notes it contains only native species; this is exactly as staff would recommend. All plants to be installed on the site should be of non-

invasive species to protect the environmental health of nearby parkland. Species should also ideally be native to this region of Virginia.

Staff recommends that the planting list (sheet #3) be modified slightly to account for the currently present native vegetation found in the local area. Specifically, those changes would include:

- The Sweet Peperbush (*Clethra alnifolia*) should be removed from the planting list as it is not commonly found in Fairfax County.
- Red Twig Dogwood (*Cornus stolonifera*) should be replaced with Silky Dogwood (*Cornus amomum*) as that is the more appropriate species for the local habitat of the area.
- If any of the species on this list prove to be difficult to acquire, the following species are also appropriate for the area and could be used: Elderberry (*Sambucus canadensis*), Smooth Alder (*Alnus serrulata*), Persimmon (*Diospyros virginiana*), and Arrowwood viburnum (*Viburnum dentatum*).

Finally, staff offers three resources regarding appropriate native species and determination of invasives. First, if there is a question as to whether a native species occurs in Fairfax County, the applicant should check the Digital Atlas of Virginia Flora at <http://vaplantatlas.org/> for clarification. Second, a list of invasive plant species for the state of Virginia can be found at the Virginia Department of Conservation & Recreation Division of Natural Heritage (DNH) website at http://www.dcr.virginia.gov/natural_heritage/documents/invlist.pdf. Third, for a list of native plant species see the section on the DNH website titled Native Plants for Conservation, Restoration, and Landscaping at: http://www.dcr.virginia.gov/natural_heritage/nativeplants.shtml.

Cultural Resources Impact:

The subject property was subjected to archival review. The parcel had moderate to high potential to contain Native American sites, however the property has been severely disturbed by previous construction and no significant resources are likely to have survived. As no additional ground disturbance is proposed in the current application, Park Authority staff has no cultural resource issues with the application. However, if Federal Permits are required, the applicant should consult with the Virginia Department of Historic Resources.

SUMMARY OF RECOMMENDATIONS

This section summarizes the recommendations included in the preceding analysis section. The analysis identified the following major issues:

- Ensure the planting list on sheet #3 continues to contain only native species
- Slightly modify the planting list as described above to account for the currently present native vegetation found in the local area
- If Federal Permits are required, consult with the Virginia Department of Historic Resources

Please note the Park Authority would like to review and comment on development conditions related to park and recreation issues. We request that draft and final development conditions be submitted to the assigned reviewer noted below for review and comment prior to completion of the staff report and prior to final Board of Supervisors approval.

FCPA Reviewer: Anna Bentley
DPZ Coordinator: Nick Rogers

Copy: Cindy Walsh, Director, Resource Management Division
Liz Crowell, Manager, Cultural Resource Management & Protection Section
Nick Rogers, DPZ Coordinator
Chron Binder
File Copy



County of Fairfax, Virginia

MEMORANDUM

DATE: January 3, 2014

TO: Nick Rogers, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Thakur Dhakal, P.E., Senior Engineer III *FPDhakal*
Site Development and Inspections Division
Department of Public Works and Environmental Services

SUBJECT: Special Exception Plat #SE 2013-MV-015; 10820 Anita Drive; SE Plat dated December 23, 2013; Mill Branch Watershed; LDS Project # 4205-ZONA-001-1; Tax Map #117-2-02-0059; Mount Vernon District

We have reviewed the subject plan and offer the following Stormwater management comments.

Chesapeake Bay Preservation Ordinance (CBPO)

Most part of the site is within a County mapped 1993 Resource Protection Area. The application indicates that there was an unauthorized disturbance within the limits of RPA. RPA delineation is required to accurately delineate the limits of RPA (LTI 08-12).

The disturbed area within the RPA shall be restored in accordance with CBPO 9-1.d and Water Quality Impact Assessment for the disturbance in RPA must be submitted in conjunction with special exception application and heard by the Board concurrently.

Special Exception Plan indicates that approximately 7,248 square feet was disturbed within RPA and 5,800 square feet of the floodplain was filled with approximately 198 cubic yard of imported material. It requires approval of a grading plan.

Floodplain

There are regulated floodplains on the site. A fill has been occurred within the limits of floodplain. However, the fill will not likely to have a significant impact on 100 year water surface elevation. But, the limits of 100 year floodplain shall be delineated and dedicated within a floodplain easement. Any change in floodplain limits shall be documented and coordinated with FEMA.

Department of Public Works and Environmental Services
Land Development Services

12055 Government Center Parkway, Suite 444
Fairfax, Virginia 22035-5503

Phone 703-324-1720 • TTY 703-324-1877 • FAX 703-324-8359

www.fairfaxcounty.gov/dpwes



Nick Rogers, Staff Coordinator
Special Exception Plat #SE 2013-MV-015; 10820 Anita Drive
LDS Project # 4205-ZONA-001-1
Page 2 of 2

A geotechnical investigation shall be conducted to determine the type, nature and amount of fill. The geotechnical report and recommendations shall be incorporated into future grading plans.

Downstream Drainage Complaints

There are no recent downstream flooding complaints on file.

Stormwater Detention

No Stormwater detention is applicable to this site.

Water Quality Control

This application does not propose any impervious area and no BMP are required for this project. However, the disturbance in RPA and floodplain must be mitigated by establishing a buffer. Details of the buffer have been provided on the plan. However, a separate Water Quality Impact Assessment shall be submitted and approved concurrently with SE.

Onsite Major Storm Drainage System and Overland Relief

Applicant needs show that no buildings will be flooded with a 100-year design flow. Grading around the house shall be provided such that the ground slopes away from the building.

Downstream Drainage System

Adequate outfall narrative has been provided.

Dam Breach

None of this property is within the dam breach inundation zone.

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

TD/

cc: Fred Rose, Chief, Watershed Planning & Assessment Branch, Stormwater Planning
Division, DPWES
Don Demetrius, Chief, Watershed Evaluation Branch, SPD, DPWES
Zoning Application File



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		