



APPLICATION ACCEPTED: May 20, 2013
APPLICATION AMENDED: November 8, 2013 & January 6, 2014
PLANNING COMMISSION: February 27, 2014
PLANNING COMMISSION DECISION-ONLY: April 3, 2014
BOARD OF SUPERVISORS: May 13, 2014 @4:30 P.M.

County of Fairfax, Virginia

APRIL 25, 2014

STAFF REPORT ADDENDUM II

SPECIAL EXCEPTION AMENDMENT SEA 80-L/V-061-02

MOUNT VERNON DISTRICT

APPLICANT: Furnace Associates, Inc.

ZONING: R-1 (Residential, 1 du/ac)

PARCELS: 113-1 ((1)) part 5, 7, 8
113-3 ((1)) 1, 2, 4

ACREAGE: 249.82 acres

INTENSITY: 8,800 square feet

PLAN MAP: Private Recreation and Private Open Space

SE CATEGORY: Landfill and Electrical Generating Facilities (Category 2),
Private Clubs (Radio Controlled Aircraft Field) (Category 3),
Baseball Hitting Range and Golf Driving Range (Category 5)

PROPOSAL: To amend SEA 80-L/V-061 to extend the landfill operation end date and to permit electrical generating facilities, a radio controlled aircraft field, a baseball hitting range, and/or golf driving range.

STAFF RECOMMENDATIONS:

Staff recommends approval of SEA 80-L/V-061-02, subject to the approval of the proposed development conditions contained in Appendix 2.

Mary Ann Tsai, AICP

Staff recommends approval of the following waivers and modifications:

- Modification of Par. 9 of Sect. 9-205 of the Zoning Ordinance to permit improvements less than 20 years after the termination of landfill operations, as determined by the Virginia Department of Environmental Quality;
- Waiver of Par. 11 of Sect. 11-102 of the Zoning Ordinance for a dustless surface;
- Waiver of the peripheral parking lot landscaping requirement pursuant to Par. 6 of Sect. 13-202 of the Zoning Ordinance;
- Waiver of the interior parking lot landscaping requirement pursuant to Par. 3 of Sect. 13-203 of the Zoning Ordinance;
- Modification of the transitional screening and waiver of the barrier requirements pursuant Sect. 13-305 of the Zoning Ordinance to permit the landscaping as shown on the SEA Plat;
- Waiver of Par. 2 of Sect. 17-201 of the Zoning Ordinance for an 8-foot wide major paved trail along the east side of Furnace Road; and
- Board of Supervisors' approval to permit off-site vehicular parking on Tax Map Parcels 113-1 ((1)) 12 and 13 for the Observation Point, pursuant to Sect. 11-102 of the Zoning Ordinance.

Staff recommends denial of the following requested waivers and modifications:

- Modification of the invasive species management plan requirement pursuant to Section 12-0404.2C of the Public Facilities Manual; and
- Modification of the submission requirements for a tree inventory and condition analysis pursuant to Section 12-0503.3 of the Public Facilities Manual.

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

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

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

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



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 Amendment

SEA 80-LV-061-02



Applicant:
Accepted:

FURNACE ASSOCIATES, INC.
01/06/2014- AMENDED 05/20/2013 11/08/2013

Proposed:

SEA to allow expanded operation of a construction debris landfill with no change in maximum elevation; green energy electrical generating facilities and quasi-public use - private club/public benefit associations - and/or golf driving range and/or outdoor baseball hitting range uses

Area:

249.82 AC OF LAND; DISTRICT - MOUNT VERNON

Zoning Dist Sect:

03-010403-010403-010403-010403-0104

Art 9 Group and Use:

2-01 2-03 5-39 3-07
3-07 5-37

Located:

10001, 10201, 10209, 10215, 10219 AND 10229 FURNACE ROAD, LORTON, VA 22079

Zoning:

R- 1

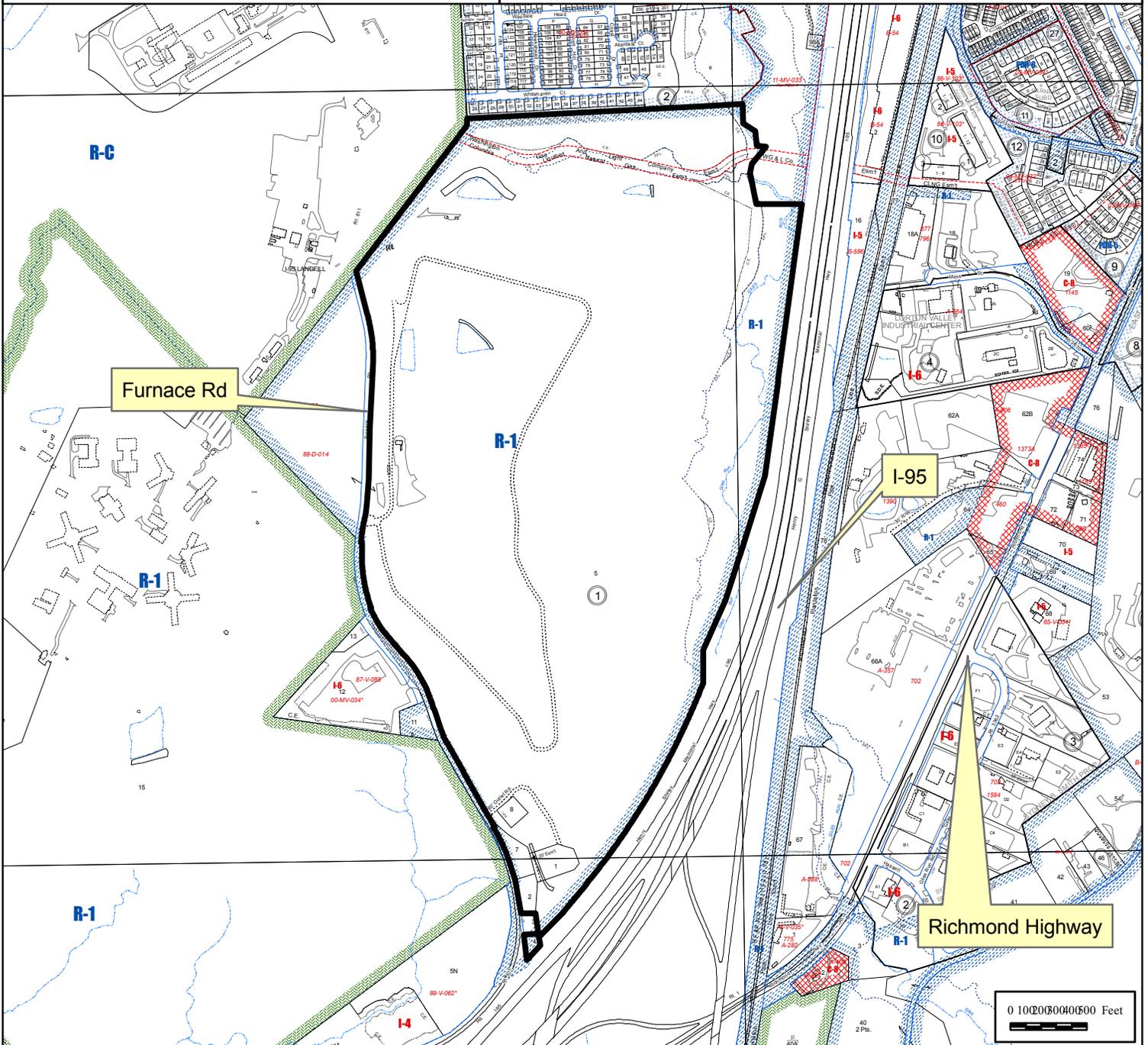
Plan Area:

4,

Overlay Dist:

Map Ref Num:

113-1- /01/ /0005 (partial) /01/ /0007 /01/ /0008
113-3- /01/ /0001 /01/ /0002 /01/ /0004



REASON FOR ADDENDUM II

On March 28, 2014, staff distributed to the Planning Commission revised development conditions for Special Exception Amendment SEA 80-L/V-061-02 to reflect the applicant's request to make minor revisions to the development conditions, to add Development Condition #60, and to amend the following proposed development conditions:

- Development Condition #12, to revise the final debris elevation for the existing construction demolition debris (CDD) landfill from 412 feet to 395 feet above sea level and to revise the closure date from December 31, 2040 to December 31, 2034.
- Development Condition #49, to revise the total monetary contribution to the Board of Supervisors from \$15 million to \$10 million and to revise the amount of the yearly payment installments from \$750,000 to \$500,000.

With the applicant's proposed change to the final debris elevation, a revised Special Exception Amendment (SEA) Plat was required to be submitted to reflect the change to the final debris elevation and its affect on the overall site. However, the revised Plat was not submitted prior to the Planning Commission's decision because the applicant indicated additional time was needed to revise the Plat to reflect the proposed changes. The applicant did, however, go over the likely changes to the Plat with staff and committed to providing a revised Plat within a week of the Planning Commission's April 3, 2014, meeting on the decision-only for this application. The revised Plat was timely submitted and the applicant submitted a revised statement of justification to reflect the proposed changes.

On April 3, 2014, the Planning Commission recommended approval of this application, subject to staff's proposed development conditions with the deletion of Development Condition #60. The Planning Commission's recommendation was coupled with six additional items for consideration by the Board of Supervisors (Board). Staff interpreted the Planning Commission's inclusion of these additional items as issues for staff and the applicant to address during the time between the Planning Commission's recommendation and the Board of Supervisors' public hearing on this application. However, in attempting to work with the applicant to address the six items, it is staff's understanding that the applicant interpreted the Planning Commission's consideration items as items for the Board's consideration and direction would then be given by the Board. This addendum contains staff's review of the revised SEA Plat and contains the six additional items recommended by the Planning Commission for consideration by the Board.

A redlined copy of the SEA Plat showing the revisions is provided as Appendix 1. Staff's proposed development conditions, the applicant's revised statement of justification, and the verbatim transcript of the decision-only from the Planning Commission's April 3, 2014, meeting, are provided as Appendices 2-4, respectively.

REVISION TO THE SPECIAL EXCEPTION AMENDMENT (SEA) PLAT

On April 9, 2014, the applicant submitted a revised SEA Plat entitled, "Lorton Green Energy Park and Debris Landfill," prepared by BC Consultants on March 22, 2013 and revised through April 4, 2014, consisting of 45 sheets. The SEA Plat was revised to show a proposed change to the final debris elevation from 412 feet to 395 feet above sea level, which also required minor changes to several sheets in the Plat. The following is a description of the changes to the Plat:

- Sheets 2, 10-13, 20, 29, 45: Revision to the Phase 5 final platform area on the top of the landfill to reflect a change from 412 feet above sea level to 395 feet and an increase to the platform area from approximately 40 acres to 50.2 acres. It is noted that the total potential area available to solar panels increases from approximately 50 acres (10 acre area in Phase 4 and the 40 acre platform area in Phase 5) to approximately 60 acres (10 acre area in Phase 4 and the 50 acre platform area in Phase 5).
- Sheets 3, 10-13, 45: Revision in the General Notes to reflect the new proposed final debris elevation height of 395 feet.
- Sheet 3: Revision to the angle of bulk plane to reflect the minimum yard requirement based on the new proposed final debris elevation height.
- Sheets 4, 6-11, 45: Addition of the height (10-30 feet) of the existing and proposed methane flares.
- Sheets 6-13, 26, 39-42: Change to the minimum width of the gravel access roads and temporary gravel access roads from 20 feet to 10 feet.
- Sheet 10: Revision to the Phase 5 platform area on top of the landfill to reflect the new final debris elevation of 395 feet and a decrease in the distance from the platform area to the property line. Staff notes that the location of the landfill is not proposed to be modified, but the setback from the edge of the platform area to the property line has changed due to the change in final debris elevation of the landfill. As such, the distance is being measured from a different location.
- Sheets 14 and 43: Revision to the curvature of the gravel access road leading to the Observation Point and outdoor baseball hitting range as a result of the change to the final debris elevation. On Sheet 14, the curve of the gravel access road is straighter adjacent to the outdoor baseball hitting range and on Sheet 43, the gravel access road is slightly curvier as a result of the change to the final debris elevation.
- Sheets 14 and 15: Revision in the Detail sections to reflect a 50.2 acre platform area at the top of the landfill and a decrease to the minimum width of the gravel access road, respectively.
- Sheet 20: Revision to the primary and intermediate side slope terrace plantings. With the change to the final debris elevation, the Phase 5 platform area on the top of the landfill becomes wider causing some plantings on the side slopes of the landfill to be relocated. Plantings have been relocated to the western slope and to the southeastern slope. There is no change to the total number of plantings (8,787) or to the 10-year tree canopy.

- Sheet 21: Revision to the northern transitional screening section in Details #2 and #3, which no longer show the existing vegetation in the 40 and 50-foot wide gas easements. There is existing vegetation in the two gas easements; however, gas companies typically remove vegetation that grows over their gas easement in order to prevent disturbance to the gas transmission line. As such, the applicant is no longer showing the existing vegetation on the Plat.

As described above, the change to the final debris elevation from 412 feet above sea level to 395 feet has minimal impact to the site, but such change affected several sheets in the Plat, which necessitated the revision to the Plat.

PLANNING COMMISSION RECOMMENDATION

As previously discussed, on April 3, 2014, the Planning Commission recommended approval of this application with deletion of Development Condition #60 and coupled with six additional items for consideration by the Board of Supervisors:

“The [Planning] Commission recognizes that although a consensus between the applicant and all citizens may not be possible, further refinements to staff’s proposed development conditions, in consultation with the applicant, County staff and the community, may further improve the application, and provide reassurances regarding potential impacts from the application. The Planning Commission recommends that specific items for the Board’s consideration should include the following...” [which are provided below as A-F].

Staff attempted to work with the applicant to address the Planning Commission’s additional items; however, the applicant indicated that such items were directed to the Board of Supervisors for their consideration and did not make additional revisions to the SEA Plat or propose revisions to the development conditions. In staff’s opinion, the Planning Commission provided clear direction that further refinements to staff’s proposed development conditions and/or the SEA Plat, in consultation with the applicant, may further improve the application and provide reassurances regarding potential impacts from the application. To that end, should the Board choose to consider the Planning Commission’s additional items, those items could be addressed through revisions to the SEA Plat and to the staff proposed development conditions.

A) That the Board consider deletion of the requirement [Development Condition 46 and elsewhere] that the applicant install wind turbines at this location, and instead require a commitment by the applicant to install other green energy technology of an appropriate and equivalent nature.

Three wind turbines are proposed in Phase 1 and up to 12 wind turbines are proposed in Phase 5 of the landfill development. The wind turbines are proposed to be a

maximum height of 180 feet, which exceeds the maximum permitted building height of 60 feet in the R-1 District. As discussed in the February 13, 2014, staff report, the Zoning Administrator determined that the three Phase 1 wind turbines may be considered accessory to the landfill use. The Zoning Administrator's determination was based on the applicant's demonstration that approximately 47% of wind turbine alternate current energy initially would be consumed by the landfill, and early in Phase 2, the landfill electrical consumption is expected to exceed the electricity produced by the three wind turbines proposed in Phase 1. As proposed, these three Phase 1 wind turbines would be able to be installed if the SEA is approved, as requested, and no further Board action would be required. However, the establishment of the proposed 12 wind turbines in Phase 5 would not be deemed an accessory use to the closed landfill operation, but would be an electrical generating facility and would be required to meet the bulk regulations of the zoning district, including the maximum building height.

Currently, the Zoning Ordinance does not provide for a modification or waiver to the bulk regulations for Category 2 Heavy Public Utility Uses; a variance approval by the Board of Zoning Appeals (BZA) would be needed to permit the Phase 5 wind turbines at the proposed height on the subject property. However, with renewable energy sources such as wind turbines becoming more prevalent, the Zoning Administrator has indicated that an amendment to the Zoning Ordinance to allow the Board of Supervisors to consider an increase in building height for Category 2 Heavy Public Utility Uses, as part of the special exception approval process, rather than through a variance application, would be a more appropriate mechanism to address similar requests going forward. Proposed Development Condition #46F would permit the 12 Phase 5 wind turbines after closure of the landfill, based on a future amendment to the Zoning Ordinance, or in the absence of such an amendment, a variance application would need to be submitted and approved by the BZA prior to installation of the 12 wind turbines. A future Zoning Ordinance Amendment could require an SEA to be approved to allow the waiver of the height. However, based on the current Zoning Ordinance, no additional action from the Board of Supervisors would be required.

Should the Board choose to consider deletion of the proposed wind turbines in Phase 1 and Phase 5, the Board should direct staff to work with the applicant to either revise the SEA Plat or to incorporate a condition that states irrespective of that shown on the Plat there shall be no wind turbines.

In addition, the Board would have to strike out reference to the wind turbines in the Preamble and in Development Conditions #4, 5, 48, 51, 56, and 58 and delete Development Conditions #47, 54, and 55 related to the wind turbines.

The Board and the applicant will also have to consider a new trigger for implementation of the Observation Point in Development Condition #51 and the timing of when the 5.2 acre private recreation area is provided in Development Condition #56.

Further, the Board and the applicant will have to consider reviewing the timing of the monetary contribution contained in Development Condition #52. Revisions to these three development conditions are required because the trigger for the conditions are proposed to be based on the Phase 1 wind turbines.

Should the Board choose to consider alternative on-site electrical generating facilities in lieu of the proposed wind turbines, the Board should direct staff to work with the applicant on such alternative. A revision to the SEA Plat would be required for staff review and revision to staff's proposed development conditions. Such revision to the SEA Plat may require a six to eight week deferral of the decision for submission of a revised SEA Plat, staff review, publication of a staff report addendum to reflect such revision, and the timely inclusion of the staff report addendum into the Board Package.

B) That the Board consider whether the applicant's \$500,000 annual contribution between 2019 and 2038 [as referenced in Development Condition 49] should be indexed to inflation of subject to cost of living increases, or some other incremental increases.

Should the Board accept the applicant's monetary contribution and consider indexing such contribution to inflation, the Board may want to consider requesting the applicant to propose a revision to Development Condition #49.

In addition, staff notes that the applicant's yearly monetary contribution of \$500,000 is proposed to continue three years after the closure of the landfill on December 31, 2034. Previously, with a closure date no later than December 31, 2040, the total monetary contribution would have been made to the Board prior to the closure of the landfill. The Board may want to consider requesting the applicant to accelerate such payment or to propose an alternative payment structure to ensure payment prior to the closure of the landfill.

C) That in addition to the potential meetings referenced in Development Condition 27, the Board consider a requirement that the applicant be required to designate an ombudsman or community liaison, with contact information available to the Supervisor's office and community, to facilitate prompt dialogue regarding citizen complaints, or fielding questions or concerns about the operations.

Development Condition #27 was previously approved in 2007, with the approval of SEA 80-L/V-061 and is proposed to be carried forward. Should the Board choose to request designation of an ombudsman or community liaison, the Board should direct staff and the applicant to revise Development Condition #27.

D) That the Board consider additional clarification of the applicant's long term responsibility for the structural integrity and stability of the solar panels or other structures installed on top of the landfill, including post-closure.

When Special Exception SE 80-L/V-061 was approved in 1981, Virginia did not require landfills to post a surety for closure and post-closure activities. This is no longer the case, as the Virginia Department of Environmental Quality (DEQ) currently requires owners/operators of landfills to provide financial assurance to Virginia that the owners/operators will follow through with the closure, post-closure care, and corrective action at their facilities (9VAC 20-70, et. seq.). Given that the state now requires a surety for closure and post-closure activities, with the approval of SEA 80-L/V-061 in 2007, the Board did not require a surety and bond for the landfill above and beyond what is typically required by the Department of Public Works and Environmental Services for landscaping and revegetation because of the duplication of the purpose for the surety/bond. Staff has proposed to carry forward an existing development condition (Development Condition #38) on cash, bond, or letter of credit to ensure that the approved landscaping and revegetation plans are completed and has not proposed to add an additional surety or bond to be provided.

DEQ requires a financial assurance in accordance with the Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities (9VAC20-70) to assure that owners and operators of permitted or unpermitted waste management facilities are financially responsible for the closure, post-closure care and corrective action at their facilities. The purpose of this financial assurance is to ensure that should the owner/operator of the landfill walk away, file bankruptcy, or for some reason cannot close the landfill or conduct post-closure activities, then DEQ will have the money available to complete the necessary closure and post-closure care activities at the landfill. For CDD landfills, post-closure activities generally last approximately 10 years. DEQ also determines the amount of financial assurance to be posted based on the cost estimate for all aspects of closing and conducting post-closure care. Once DEQ has approved the facility's certification of completion of closure and post-closure activities, the financial assurance is returned to the owner/operator. As such, this provides the assurance that the landfill will be left in a safe condition and in such a state that it can be used for development of the property in accordance with the adopted comprehensive plan.

As previously stated, Development Condition #38 is proposed to provide a surety/bond to ensure that the approved landscaping and revegetation plans are completed. In addition, Development Conditions #5 and 6 require additional review by DEQ and the County's Geotechnical Review Board, Department of Public Works and Environmental Services, and Fire and Rescue Department prior to installation of any Phase 5 or 6 uses for wind, solar, and/or active recreation uses.

However, Par. 5 of Sect. 9-205 of the Zoning Ordinance, Additional Standards for Landfills, states: "[t]he Board shall establish the amount, per acre and total, of surety and bond adequate to guarantee the planned restoration," which would permit the Board to impose an additional surety and bond, if the Board is so inclined. Should the Board choose to consider additional clarification of the applicant's long term responsibility for the structural integrity and stability of the solar panels or other

structures installed on top of the landfill, including post-closure period, it should direct staff to work with the applicant to provide additional clarification. Should the Board consider imposing an additional surety or bond, the Board should direct staff and the applicant to propose a development condition related to an additional financial assurance for closure and post-closure activities.

E) That the Board consider additional limitations on removal of vegetation or supplemental vegetation as may be determined by DPWES in the 5.2 acre private recreation area referenced in Development Condition 56, to reinforce the buffering in the direction of the Lorton Valley community to the north.

As previously described in the staff report, as part of the Phase 1 landfill operations, the applicant proposes to provide an approximately 5.2 acre private recreation area with amenities such as: a multi-purpose open space area, a dog park, a picnic area with picnic tables, and exercise stations, along the site's northern property line, adjacent to the Lorton Valley subdivision, for the sole use by the Lorton Valley Homeowners Association (LVHOA) residents and their guests. Such dedication would be provided upon acceptance by the LVHOA. Should the LVHOA accept the applicant's proposal, some removal of vegetation would be required for installation of the private recreation amenities. It is noted that an existing 50-foot wide transitional screening area is adjacent to the Lorton Valley subdivision and is proposed to remain and provides a vegetated buffer between Lorton Valley and the proposed 5.2 acre recreation area. If LVHOA declines the dedication, no vegetation would be removed and this area would not be disturbed.

Should the Board choose to consider additional limitations on removal of vegetation or supplemental vegetation in the 5.2 acre private recreation area, it should direct staff to work with the applicant to revise Development Condition #56.

F) That the Board consider whether the closure date could be sooner than 2034 [referenced in Development Condition 12 and 60], or the height of the final debris elevation be further reduced below 395 feet [referenced in Development Condition 12], or the height of the 70 foot berm [Development Condition 29] be reduced if determined to be structurally sound by all appropriate reviewing agencies.

The applicant has not proposed to modify the proposed closure date of the landfill on December 31, 2034, or to further lower the final debris elevation from 395 feet above sea level, or to lower the height of the berm from 70 feet. The change in the height of the berm and further change to the final debris elevation would require a revised SEA Plat for staff review and may require a six to eight week deferral of the decision for submission of a revised SEA Plat, staff review, publication of a staff report addendum to reflect such revision, and the timely inclusion of the staff report addendum into the Board Package. Should the Board choose to consider a closure date sooner than 2034, or further reduction to the height of the final debris elevation below 395 feet, or

reduction to the height of the 70 foot berm, it should direct staff to work with the applicant on these issues.

DEVELOPMENT CONDITION #60

As part of its recommendation of approval, the Planning Commission recommended deletion of Development Condition #60. The condition was added at the request of the applicant. However if the Board chooses to retain Development Condition #60, the Board should appoint a third party, which along with the Board, would enforce the restrictive covenant contained in the development condition. Or if the Board is so inclined, it could record a restrictive covenant that only names the Board as a beneficiary and does not make any provision for a third party beneficiary.

Development Condition #60 states:

60. Prior to approval of the first new site plan implementing new landfilling not previously approved prior to this SEA for all or any portion of the subject property, the property owner shall record or cause to be recorded among the land records of the Circuit Court of Fairfax County a restrictive covenant approved by the County Attorney and applicable to the subject property which obligates the owner of the subject property to cease all landfill disposal activities no later than December 31, 2034. Said restrictive covenant shall run to the benefit of, and be enforceable by both the Board of Supervisors and by a third party, as determined by the Board of Supervisors.

DEVELOPMENT CONDITION REVISIONS

Subsequent to the April 3, 2014, Planning Commission meeting, staff revised the proposed development conditions to reflect the following revisions:

- Development Condition #4 – Revision to the revised through date of the SEA Plat from February 20, 2014 to April 4, 2014.
- Development Condition #6 – Revision to clarify the review by the Geotechnical Review Board, the Department of Public Works and Environmental Services, and the Fire and Rescue Department.
- Development Condition #46 – Revision to reflect the proposed change to the closure date of the landfill from December 31, 2040 to December 31, 2034 and the change to the platform area on the top of the landfill from 40-acres to 50.2-acres.
- Development Condition #58 – Revision to the final platform area from 40-acres to 50.2 acres based on the proposed change to the final debris elevation.

BALLOON TEST

Subsequent to the Planning Commission's recommendation of approval for this application, on April 8, 2014, the Board directed the Department of Planning and Zoning to request the applicant perform a balloon test to determine the visual impact of their application from several vantage points above the proposed berm, completed height of the landfill, and the height of the proposed wind turbines on the landfill. Staff also was directed to work with Supervisor Hyland's office and the Chairman's office and to determine how the balloon test could be accomplished in a way that provides the best visual feedback to the community. Given the timing for the publication of the staff report addendum for inclusion in the Board Package, additional information on the balloon test will be provided on the Department of Planning and Zoning webpage at <http://www.fairfaxcounty.gov/dpz/furnaceassoc.htm>.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

The revised Special Exception Amendment Plat dated April 4, 2014, reflects the change to the final debris elevation from 412 feet above sea level to 395 feet, which also required minor changes to several sheets in the Plat. Such revisions did not have a significant impact to the overall site.

The Planning Commission's April 3, 2014, recommendation of approval was coupled with six additional items for consideration by the Board of Supervisors. As previously stated, staff interpreted the Planning Commission's inclusion of these items as items for staff and the applicant to address during the time between the Planning Commission's recommendation and the Board of Supervisors' public hearing on this application and the applicant's interpretation differs from staff's interpretation. Should the Board choose to consider the Planning Commission's additional items, it should direct staff to work with the applicant.

Recommendations

The staff analysis and staff recommendation contained in the staff report dated February 13, 2014, remain unchanged and is available at <http://ldsnet.fairfaxcounty.gov/ldsnet/ZAPSMMain.aspx?cde=SEA&seq=4184868>.

Staff maintains its recommendation of approval of Special Exception Amendment SEA 80-L/V-061-02 and of the staff proposed development conditions, which contains minor revisions, as described in this report, with or without the Board's consideration of the Planning Commission's additional items.

Staff recommends approval of the following waivers and modifications:

- Modification of Par. 9 of Sect. 9-205 of the Zoning Ordinance to permit improvements less than 20 years after the termination of landfill operations, as determined by the Virginia Department of Environmental Quality;
- Waiver of Par. 11 of Sect. 11-102 of the Zoning Ordinance for a dustless surface;
- Waiver of the peripheral parking lot landscaping requirement pursuant to Par. 6 of Sect. 13-202 of the Zoning Ordinance;
- Waiver of the interior parking lot landscaping requirement pursuant to Par. 3 of Sect. 13-203 of the Zoning Ordinance;
- Modification of the transitional screening and waiver of the barrier requirements pursuant Sect. 13-305 of the Zoning Ordinance to permit the landscaping as shown on the SEA Plat;
- Waiver of Par. 2 of Sect. 17-201 of the Zoning Ordinance for an 8-foot wide major paved trail along the east side of Furnace Road; and
- Board of Supervisors' approval to permit off-site vehicular parking on Tax Map Parcels 113-1 ((1)) 12 and 13 for the Observation Point, pursuant to Sect. 11-102 of the Zoning Ordinance.

Staff recommends denial of the following requested waivers and modifications:

- Modification of the invasive species management plan requirement pursuant to Section 12-0404.2C of the Public Facilities Manual; and
- Modification of the submission requirements for a tree inventory and condition analysis pursuant to Section 12-0503.3 of the Public Facilities Manual.

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

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

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

APPENDICES

1. Special Exception Amendment Plat
2. Proposed Development Conditions
3. Statement of Justification
4. Verbatim Transcript from Planning Commission decision-only, April 3, 2014

APR 09 2014

Zoning Evaluation Division

LORTON GREEN ENERGY PARK AND DEBRIS LANDFILL

SPECIAL EXCEPTION AMENDMENT PLAT

SEA 80-LV-061-2

FAIRFAX COUNTY, VIRGINIA

MARCH 22, 2013

REVISED MAY 14, 2013

REVISED SEPTEMBER 11, 2013

REVISED OCTOBER 7, 2013

REVISED NOVEMBER 1, 2013

REVISED DECEMBER, 10, 2013

REVISED JANUARY 22, 2014

REVISED FEBRUARY 20, 2014

REVISED APRIL 4, 2014

OWNER/APPLICANT

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Fax 703.378.0800

ATTORNEY/AGENT

HUNTON & WILLIAMS LLP
1751 Pinnacle Drive
Suite 1700
McLean, VA 22102
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Fax 703.714.7410

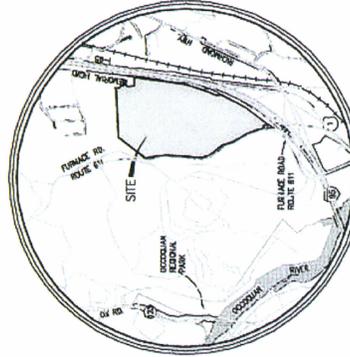
ENGINEER/LANDSCAPE ARCHITECT/PLANNER

THE BC CONSULTANTS
12600 Fair Lakes Circle
Suite 100
Fairfax, VA 22033
Telephone 703.449.8100
Fax 703.449.8108

ENGINEER/ENERGY CONSULTANTS

GEOSYNTEC CONSULTANTS
9211 Albortum Parkway
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Richmond, VA 23236
Telephone 804.767.2205
Fax 804.767.2182

BC Consultants
Planners, Architects, Surveyors, Landscape Architects
19800 Fair Lakes Circle, Suite 100, Fairfax, VA 22033
(703)449-8100 (703)449-8108 (Fax)
www.bcconsultants.com



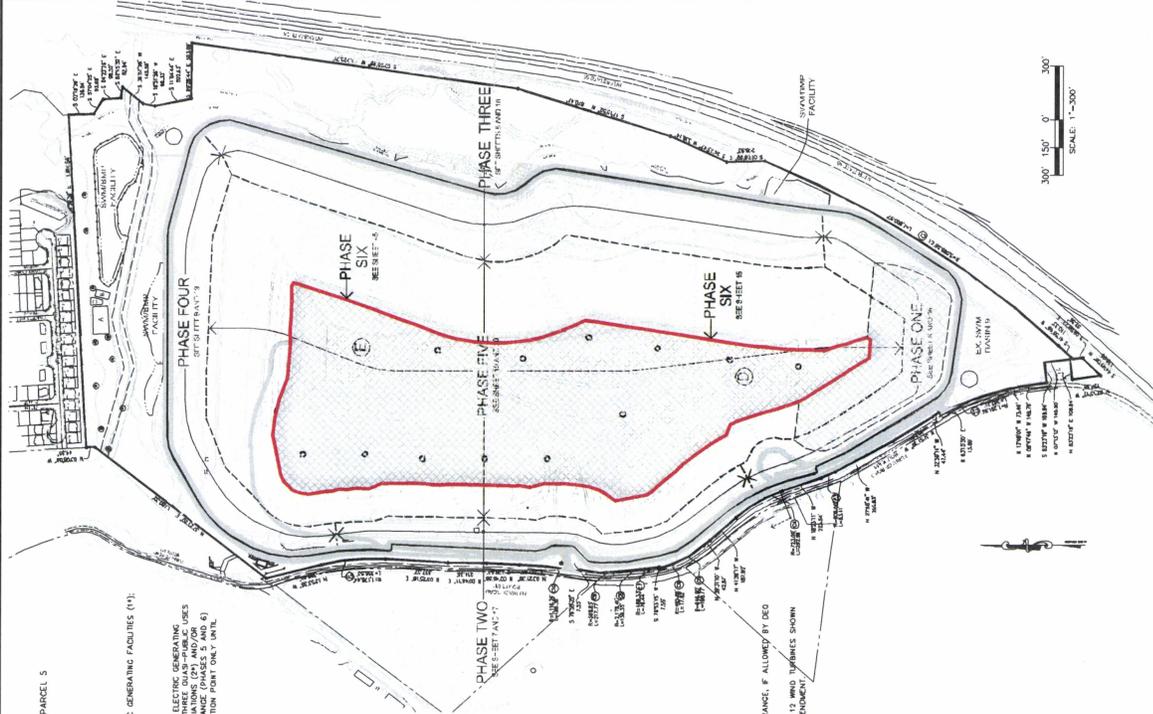
VICTORY MAP
SCALE: 1" = 2000'



SHEET INDEX

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28	OVERALL STORMWATER MANAGEMENT PLAN
29	OVERALL STORMWATER MANAGEMENT
30	STORMWATER MANAGEMENT POND 2
31	OUTFALL CROSS SECTIONS POND 2
32	STORMWATER MANAGEMENT POND 3
33	OUTFALL CROSS SECTIONS POND 3
34	STORMWATER MANAGEMENT POND 8
35	OUTFALL CROSS SECTIONS POND 8
36	STORMWATER MANAGEMENT POND 9
37	OUTFALL CROSS SECTIONS POND 9
38	OVERALL DRAINAGE AREA MAP
39	PHASE ONE LANDFILL OPERATIONS TRUCK TRAFFIC CIRCULATION
40	PHASE TWO LANDFILL OPERATIONS TRUCK TRAFFIC CIRCULATION
41	PHASE THREE LANDFILL OPERATIONS TRUCK TRAFFIC CIRCULATION
42	PHASE FOUR LANDFILL OPERATIONS TRUCK TRAFFIC CIRCULATION
43	PHASE FIVE LANDFILL OPERATIONS TRUCK TRAFFIC CIRCULATION
44	SIGHT DISTANCE
45	PHASE SIX - CATEGORY 3 AND ØR 5 END USES



SITE TABULATIONS:

PARCELS:

FAIRFAX COUNTY TAX ASSESSMENT MAPS:
 113-3 (11) PARCELS 1, 2 AND 4
 219.82 AC ± (10.882,058 ±) ± 1.6
 R-1
 DEBRIS LANDFILL

CATEGORY TWO DEBRIS LANDFILL AND ELECTRIC GENERATING FACILITIES (1):
 OBSERVATION POINT (1)

CATEGORY 2 DEBRIS LANDFILL AND ELECTRIC GENERATING FACILITIES (1):
 OBSERVATION POINT (1)

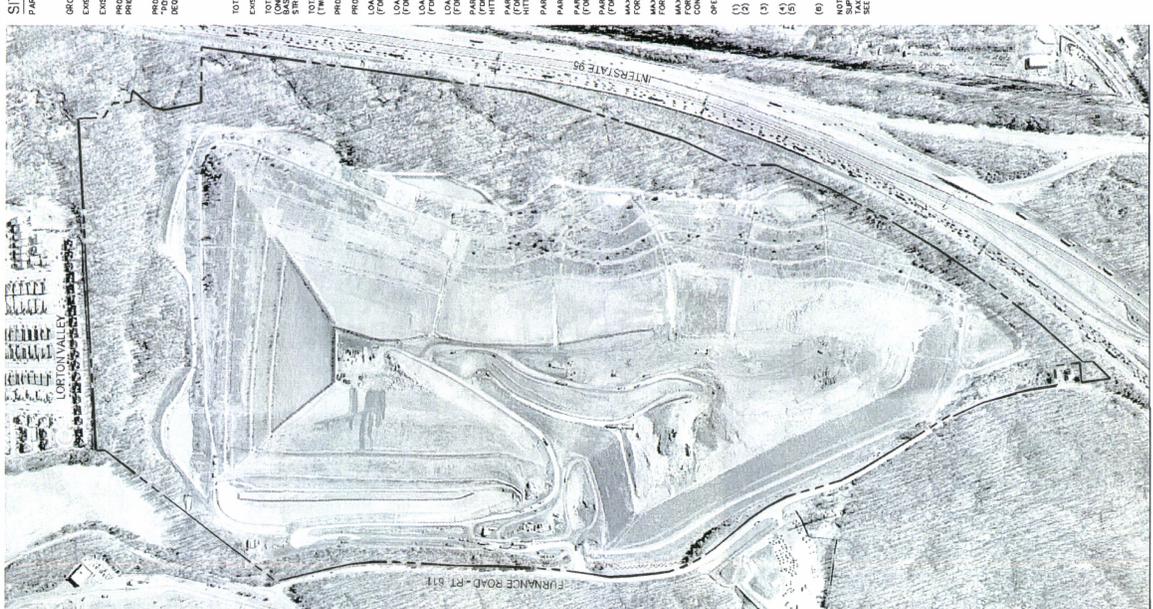
CATEGORY TWO DEBRIS LANDFILL AND ELECTRIC GENERATING FACILITIES (1):
 OBSERVATION POINT (1)

PHASE ONE (SEE SHEET 1)
 PHASE TWO (SEE SHEET 2)
 PHASE THREE (SEE SHEET 3)
 PHASE FOUR (SEE SHEET 4)
 PHASE FIVE (SEE SHEET 5)
 PHASE SIX (SEE SHEET 6)

NO.	DESCRIPTION	AREA (SQ. FT.)	AREA (AC. ±)
1	PHASE ONE (SEE SHEET 1)	1,300 ±	0.030 ±
2	PHASE TWO (SEE SHEET 2)	2,400 ±	0.055 ±
3	PHASE THREE (SEE SHEET 3)	2,400 ±	0.055 ±
4	PHASE FOUR (SEE SHEET 4)	2,400 ±	0.055 ±
5	PHASE FIVE (SEE SHEET 5)	2,400 ±	0.055 ±
6	PHASE SIX (SEE SHEET 6)	2,400 ±	0.055 ±

LEGEND:

- A APPROXIMATE LOCATION OF POTENTIAL MULTI-PURPOSE OPEN SPACE AREA
- B APPROXIMATE LOCATION OF POTENTIAL DOG PARK
- C APPROXIMATE LOCATION OF POTENTIAL EXERCISE STATIONS (BY APPLICANT/OWNER AND/OR OTHERS)
- D OBSERVATION POINT (PHASE 1 THROUGH 4)
- E OBSERVATION POINT (PHASE 5 THROUGH POST CLOSURE)





**SPECIAL EXCEPTION AMENDMENT
 SITE DETAILS
 LORTON GREEN ENERGY PARK & DEBRIS LANDFILL**

DESIGNED BY: CAD
 CHECKED BY: NS
 DATE: MARCH 22, 2013
 SCALE: AS SHOWN

REVISIONS
 REVISION 1-23-2014
 REVISION 2-20-2014
 REVISION 3-11-2013
 REVISION 4-1-2013
 REVISION 5-1-2013
 REVISION 6-1-2013
 REVISION 7-1-2013
 REVISION 8-1-2013
 REVISION 9-1-2013
 REVISION 10-1-2013
 REVISION 11-1-2013
 REVISION 12-1-2013
 REVISION 13-1-2013
 REVISION 14-1-2013

PROJECT NO. 08-17-081-02
 SHEET 14 OF 45
 CAD NAME: SETH DODD
 LAYOUT: DETAILS
 FILE NO. 08117-08-00



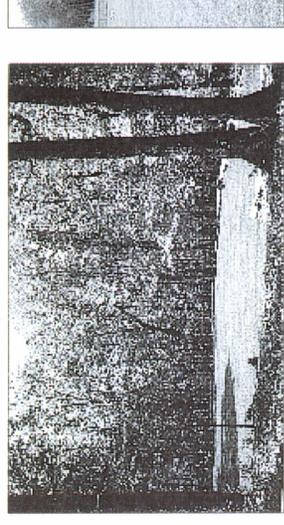
4 NATURAL SURFACE (EXISTING SOLI) TRAIL
 NO SCALE
 (MINIMUM 10' WIDE TRAIL)



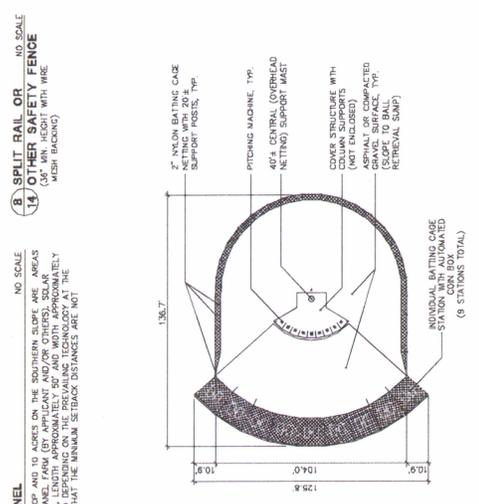
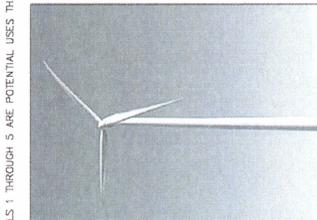
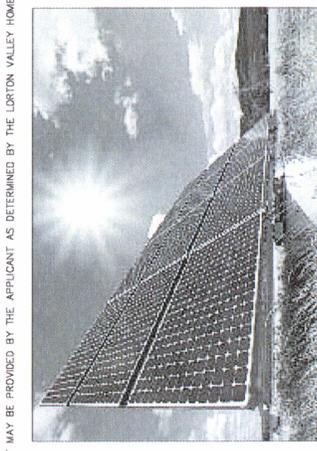
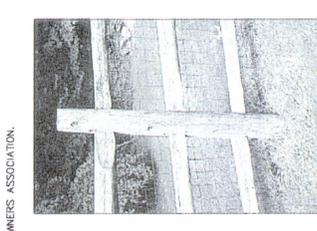
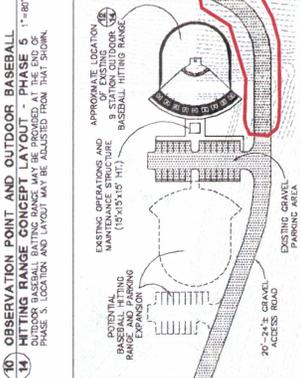
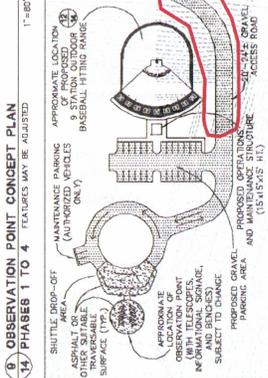
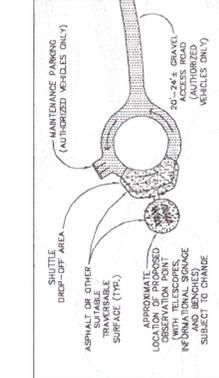
3 PICNIC AREA
 NO SCALE
 DESIGNATED AREA OR INDIVIDUAL PICNIC TABLES MAY BE LOCATED THROUGHOUT THE RECREATION AREA.



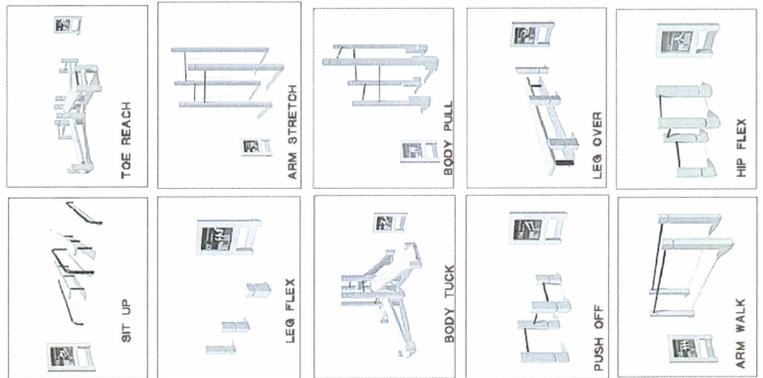
2 DOG PARK
 NO SCALE
 FENCED AREA APPROXIMATELY 2,625 sq. ft.



1 MULTI-PURPOSE OPEN SPACE
 NO SCALE
 DESIGNATED MULTI-PURPOSE OPEN SPACE AREA APPROXIMATELY 12,750 sq. ft.



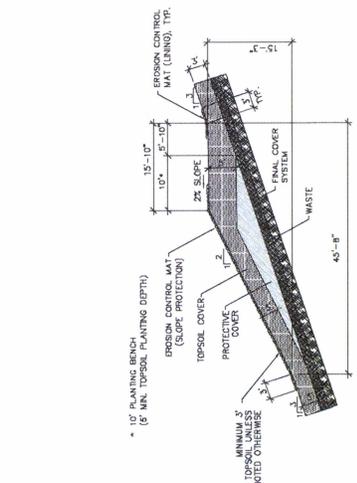
5 EXERCISE STATIONS
 NO SCALE
 AS MANUFACTURED BY COLUMBIA CASCO (OR AN APPROVED EQUAL). SEE PLAN FOR APPROXIMATE STATION LOCATIONS. ALL EQUIPMENT IS MADE FROM RECYCLED PLASTIC.



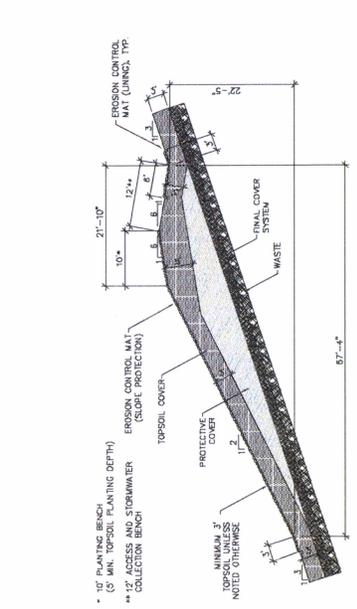
NOTE: DETAILS 1 THROUGH 5 ARE POTENTIAL USES THAT MAY BE PROVIDED BY THE APPLICANT AS DETERMINED BY THE LORTON VALLEY HOMEOWNERS ASSOCIATION.



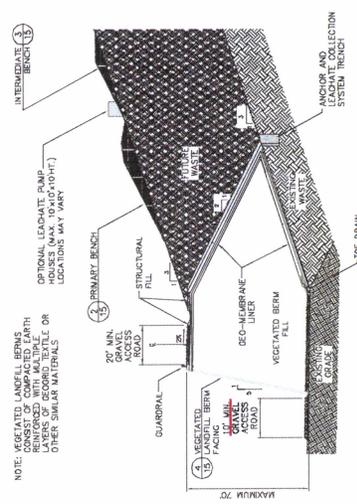
BC REVISIONS	REVISION 1-22-2014	REVISION 1-22-2014
REVISION 2-20-2014	REVISION 2-20-2014	REVISION 2-20-2014
REVISION 3-4-2014	REVISION 3-4-2014	REVISION 3-4-2014
REVISION 4-4-2014	REVISION 4-4-2014	REVISION 4-4-2014
REVISION 5-15-2014	REVISION 5-15-2014	REVISION 5-15-2014
REVISION 7-11-2014	REVISION 7-11-2014	REVISION 7-11-2014
REVISION 10-7-2014	REVISION 10-7-2014	REVISION 10-7-2014
REVISION 11-10-2014	REVISION 11-10-2014	REVISION 11-10-2014
REVISION 12-10-2014	REVISION 12-10-2014	REVISION 12-10-2014
DESIGNED BY: CAD	DATE: 11/20/14	SCALE: VERT. AS SHOWN
CHECKED BY: NS	DATE: 11/20/14	SCALE: VERT. AS SHOWN
DRAWN BY: NS	DATE: 11/20/14	SCALE: VERT. AS SHOWN
PROJECT NO. 14024	SHEET NO. 5A	DATE: 11/20/14
CAD NAME: SSI/DET	PROJECT NAME: LORTON GREEN ENERGY PARK & DEBRIS LANDFILL	DATE: 11/20/14
FILE NO. 14024-5A-03		



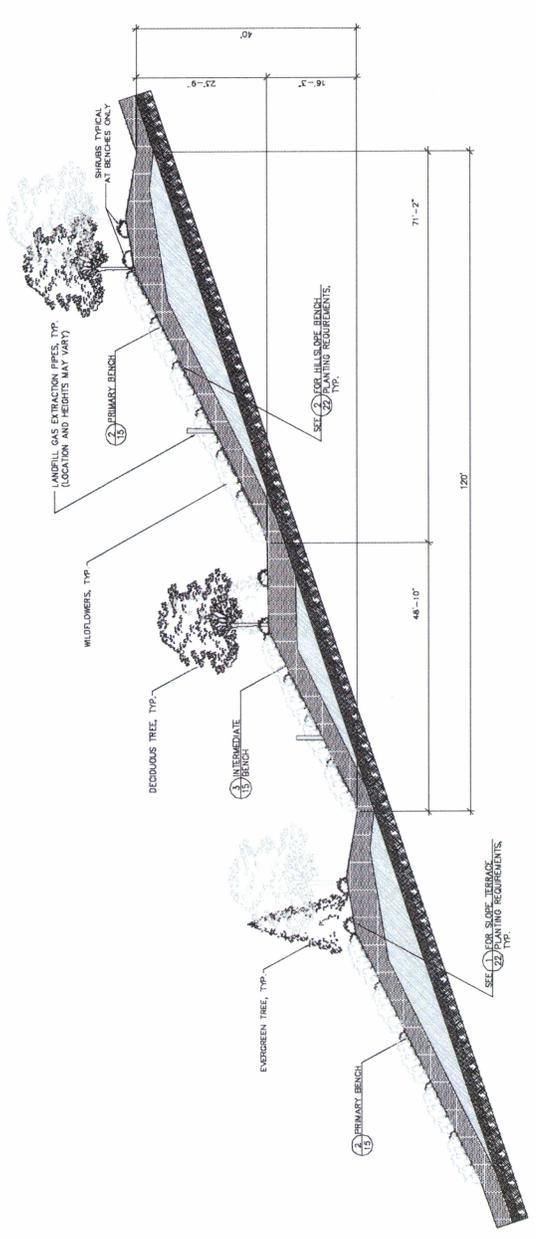
15 TYPICAL INTERMEDIATE BENCH
 SCALE: 1"=10'



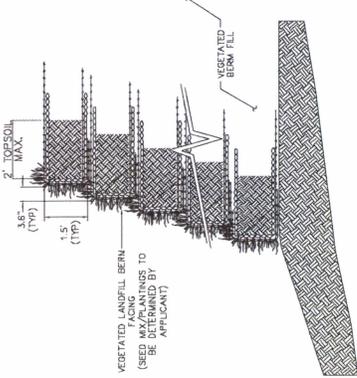
16 TYPICAL PRIMARY BENCH
 SCALE: 1"=10'



15 TYPICAL VEGETATED LANDFILL BERM SECTION
 NO SCALE



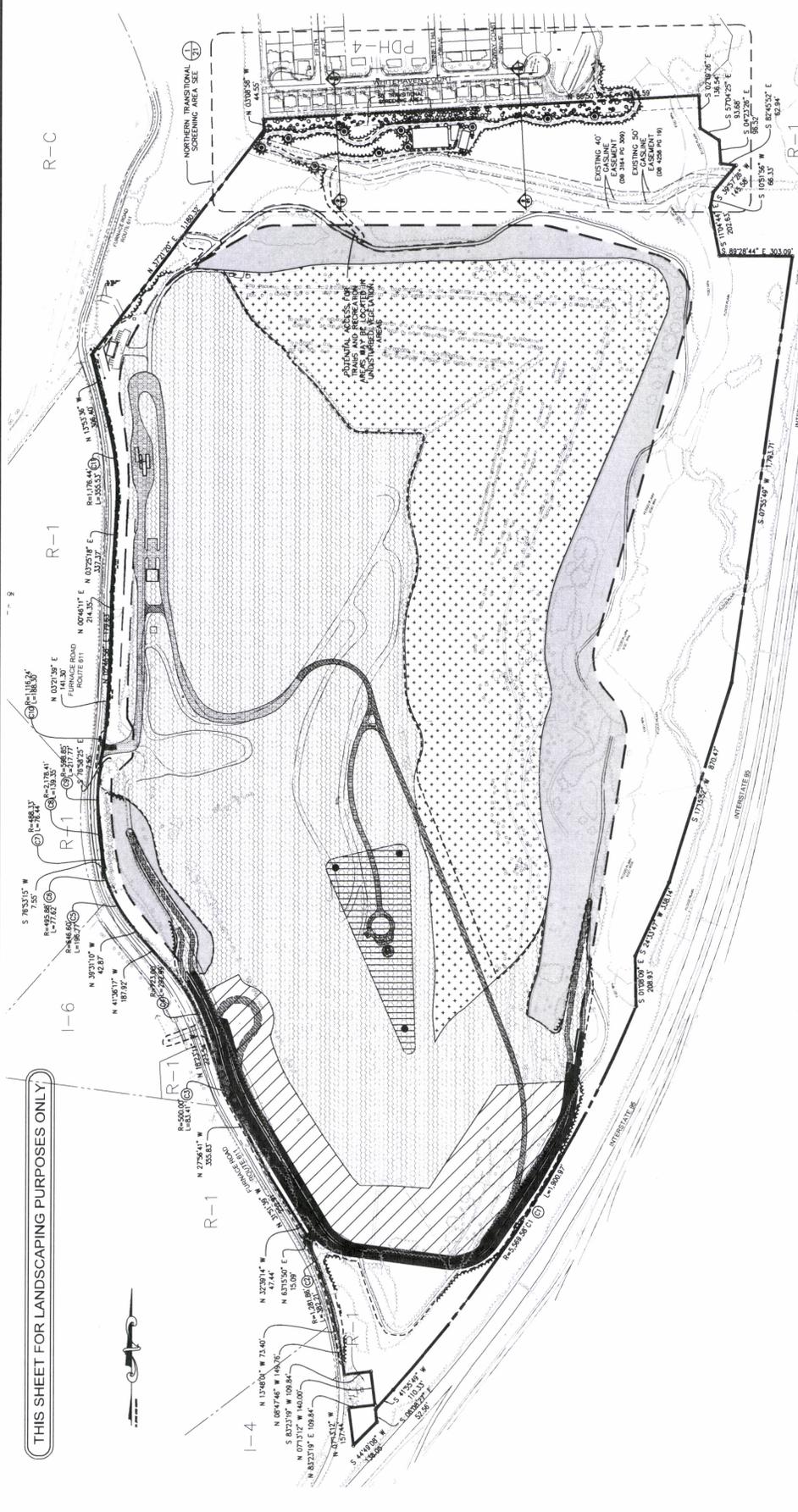
15 TYPICAL SIDE SLOPE TERRACE AND HILLSIDE SECTION
 SCALE: 1"=10'



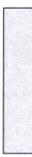
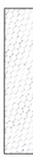
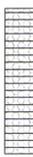
15 TYPICAL VEGETATED LANDFILL BERM FACING
 NO SCALE

NOTE: THE DETAILS SHOWN ON THIS SHEET MAY BE ADJUSTED BY THE APPLICANT/OWNER AND/OR OTHERS DURING THE SITE PLAN PHASE AND/OR VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) REVIEW PHASE PURSUANT TO ENGINEERING AND LANDSCAPING DESIGN REQUIREMENTS.

THIS SHEET FOR LANDSCAPING PURPOSES ONLY.



PHASE ONE LANDSCAPE AREAS:

-  UNDISTURBED VEGETATION (EXCEPT FOR BERM ACCESS ROADS AND RAMPS)
-  EXISTING VEGETATION PLUS PROPOSED EVERGREEN AND DECIDUOUS TREES, SHRUBS AND MULCHES
-  LANDFILL OPERATIONS AND PROPOSED INTERMEDIATE VEGETATIVE COVER
-  LANDFILL OPERATIONS AREA AND PROPOSED MULTIFLOWER LANDSCAPE AREA
-  PROPOSED PHASE ONE FINAL GAS WILDOUNDER LANDSCAPE AREA

-  APPROXIMATE LIMITS OF OPERATIONS AND LANDSCAPE AREAS
-  APPROXIMATE LOCATION OF PROPOSED PHASE ONE VEGETATED LANDFILL BERM
-  APPROXIMATE LIMITS OF CLEARING AND GRADING
-  EXISTING TREELINE
-  PROPOSED TREELINE
-  ENVIRONMENTAL QUALITY CORRIDOR / RESOURCE PROTECTION AREA (EQC/RAP)
-  FLOODPLAIN
-  EXISTING TREES
-  PROPOSED DECIDUOUS AND EVERGREEN TREES AND SHRUBS

NOTE: ALL OPERATIONS/LANDSCAPE AREAS AND FILL ELEVATIONS ARE APPROXIMATE DEPENDING ON FILL VOLUMES.

BC Consultants
 Planners - Engineers - Surveyors - Landscape Architects
 12800 First Lakes Office Suite 100, Fairfax, VA 22033
 (703) 448-8100 (703) 448-8108 (Fax)
 www.bccon.com



SPECIAL EXCEPTION AMENDMENT
PHASE ONE LANDSCAPE PLAN
LORTON GREEN ENERGY PARK & DEBRIS LANDFILL
 MOUNT VERMON DISTRICT
 FAIRFAX COUNTY, VIRGINIA

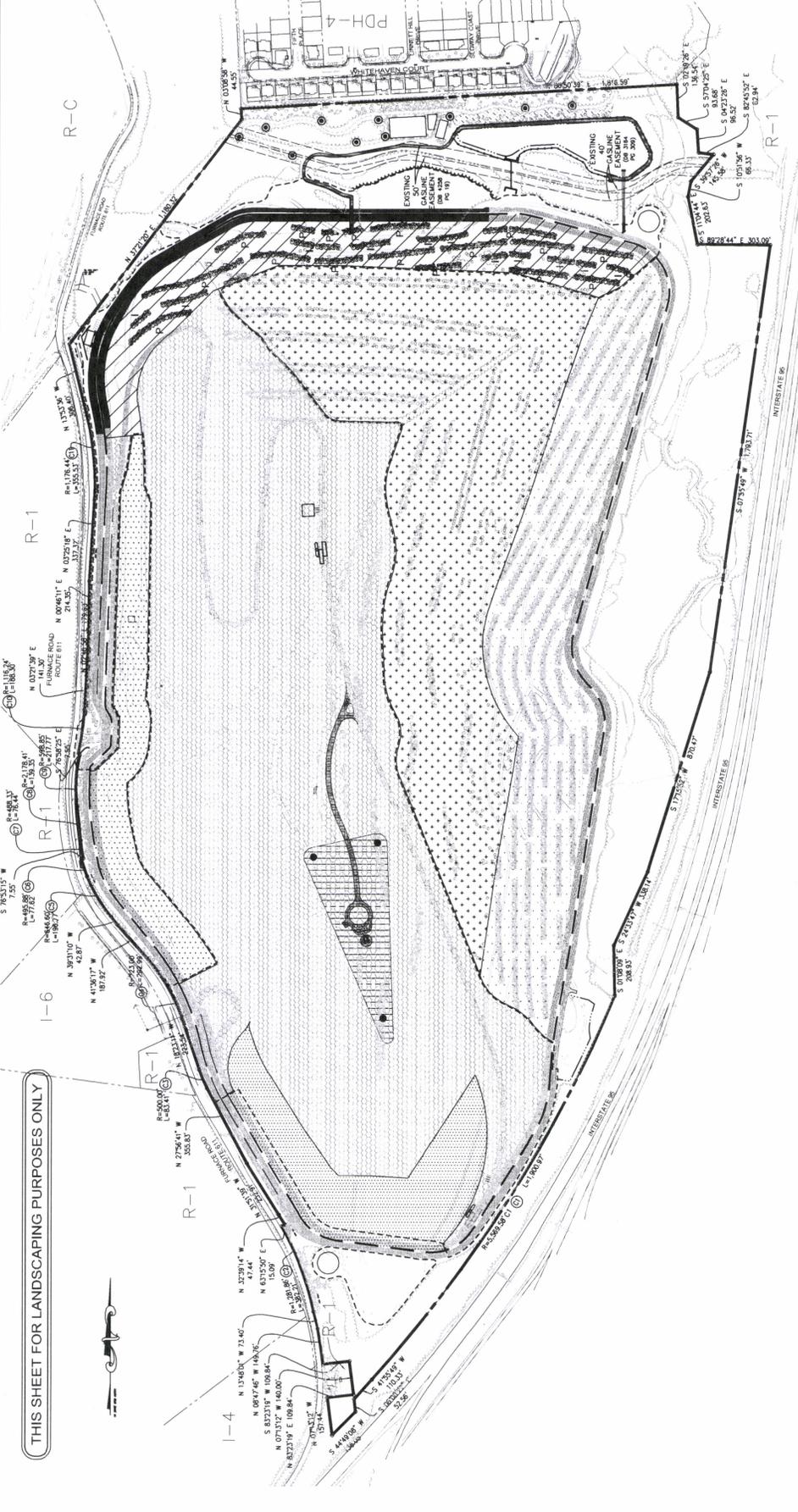
DESIGNED BY: PAR
 CHECKED BY: NB
 DATE: MARCH 22, 2013
 SCALE: WORK 1"=200'

REVISIONS
 NO. DATE BY
 1 11-1-2013
 2 10-7-2013
 3 10-23-2013
 4 5-14-2013
 5 1-22-2014

SHEET 16 OF 45
 CO. US 581, 581A, 581B, 581C
 CAD NAME: S&T\1750-PLAN-12
 LAYOUT: LSC-PH1
 FILE NO. 05117.08-00

MANASSAS, VIRGINIA 20109
 SUITE 201
 11230 WOODHILL LOOP
 FARMAN ASSOCIATES, INC.
 REVISIONS

THIS SHEET FOR LANDSCAPING PURPOSES ONLY



PHASE FOUR OPERATIONS AND LANDSCAPE AREAS:

- EXISTING EVERGREEN AND DECIDUOUS TREES, SHRUBS AND MULCHERS LANDSCAPE AREA
- EXISTING LANDFILL OPERATIONS AND INTERIOR LANDSCAPE AREAS
- EXISTING LANDFILL OPERATIONS AND MULCH LANDSCAPE AREA
- EXISTING PHASE ONE FINAL CAP MULCH LANDSCAPE AREA

- EXISTING PHASE TWO FINAL CAP LANDSCAPE AREA
- EXISTING PHASE THREE FINAL CAP LANDSCAPE AREA
- PROPOSED PHASE FOUR FINAL CAP MULCH LANDSCAPE AREA
- EXISTING TREELINE
- PROPOSED TREELINE

- EXISTING PHASE THREE PRIMARY AND INTERMEDIATE SLOPE TERRACE FLOORING
- PROPOSED PHASE FOUR PRIMARY SLOPE TERRACE
- PROPOSED PHASE FOUR INTERMEDIATE SLOPE TERRACE
- EXISTING DECIDUOUS AND EVERGREEN TREES AND/OR SHRUBS

APPROXIMATE LOCATION OF EXISTING PHASE ONE, TWO & THREE VEGETATED LANDFILL BERM

APPROXIMATE LOCATION OF PROPOSED PHASE FOUR VEGETATED LANDFILL BERM

APPROXIMATE LIMITS OF CLEARING AND GRADING

SCALE: 1"=200'

200' 100' 0' 200'

NOTE:
 1. ALL OPERATIONS AND LANDSCAPE AREAS AND FILL ELEVATIONS ARE ILLUSTRATIVE AND APPROXIMATE DEPENDING ON FILL VOLUME.
 2. SEE SHEET 9 FOR POTENTIAL PHASE FOUR SOLAR PANEL FARM

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 (703) 448-8100 (703) 448-8108 (FAX)
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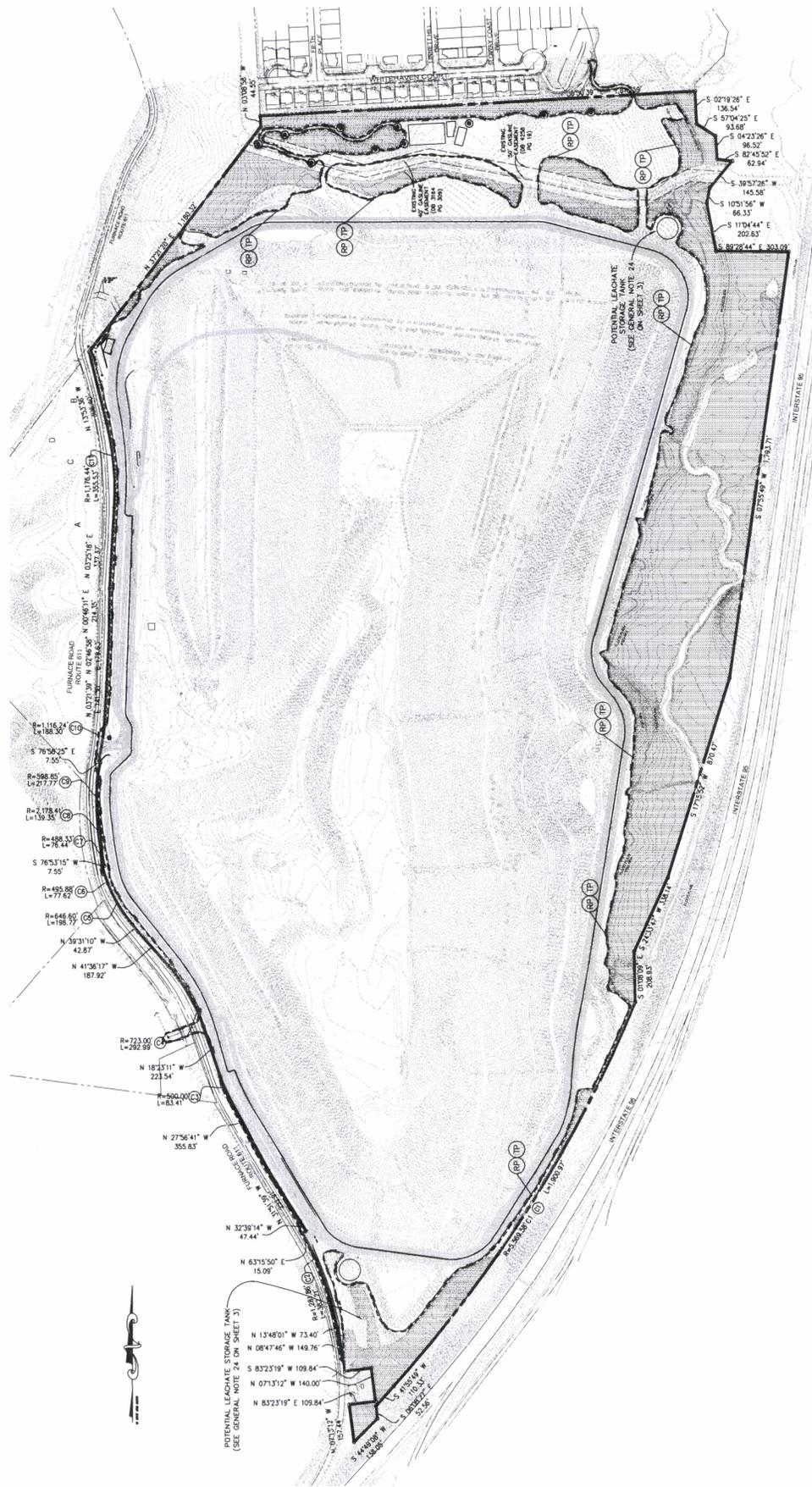


LORTON GREEN ENERGY PARK & DEBRIS LANDFILL
 SPECIAL EXCEPTION AMENDMENT
 PHASE FOUR LANDSCAPE PLAN
 MOUNT KERNON DISTRICT
 FAIRFAX COUNTY, VIRGINIA

DESIGNED BY: PLR	REVISIONS
CHECKED BY: NRB	REVISED 1-22-2014
DATE: MARCH 22, 2013	REVISED 1-22-2014
SCALE: 1"=200'	REVISED 1-22-2014
SCALE: 1"=200'	REVISED 1-22-2014
SHEET 19 OF 45	REVISED 1-22-2014
CAD NAME: S511735C-PH4	REVISED 1-22-2014
LAYOUT: LSC-PH4	REVISED 1-22-2014
FILE NO.: 05117_08-00	REVISED 1-22-2014



DESIGNED BY: PAR	MANASSAS, VIRGINIA 20109
DRAWN BY: CAD	MANASSAS, VIRGINIA 20109
CHECKED BY: NB	MANASSAS, VIRGINIA 20109
DATE: MARCH 22, 2013	
SCALE: 1"=200'	
SHEET: 24 OF 45	
CAD NAME: S5117P5-5	
LAYOUT: TREE PRESER (5)	
FILE NO: 05117-08-00	



SCALE: 1"=200'
 200' 100' 0' 200'

CERTIFIED ARBORIST
 International
 Association
 of Arboriculture
CERTIFIED ARBORIST
 Dennis Dale D...
 License No. 10154
 Expires 12/31/2015

PHASE FIVE TREE PRESERVATION PLAN:

- APPROXIMATE LIMITS OF CLEARING AND GRADING
- EXISTING TREE LINE
- PROPOSED TREE LINE
- POSSIBLE MULCH AREA
- POSSIBLE DEVELOPMENT (SHEAR TREE CANOPY CREDIT AREA)
- RP AND/OR TREE PROTECTION FENCE (TP)
- RP AND/OR TREE PROTECTION FENCE (TP)

SEE SHEET 25 FOR TREE PRESERVATION DETAILS AND NARRATIVE.

CHESAPEAKE BAY PRESERVATION ORDINANCE AND BMP NARRATIVE

CHAPTER 116-14 OF THE FAIRFAX COUNTY CODE DEFINES REDEVELOPMENT AS THE SUBSTANTIAL ALTERATION, REHABILITATION, OR CONSTRUCTION OF AN EXISTING INDUSTRIAL OR COMMERCIAL BUILDING OR OTHER STRUCTURE WHERE THERE IS NO NET INCREASE IN IMPERVIOUS AREA BY THE PROPOSED REDEVELOPMENT WITHIN AN AN RMA OF 20% OF THE EXISTING RMA. REDEVELOPMENT WITHIN AN RMA OF 20% OF THE EXISTING RMA IS SUBJECT TO THE CHESAPEAKE BAY PRESERVATION ORDINANCE. THIS SITE PLAN DOES NOT PROPOSE AN INCREASE IN IMPERVIOUS AREA, BUT DOES PROPOSE AN INCREASE IN IMPERVIOUS AREA FROM EXISTING CONDITIONS AS WELL AS THE CURRENT SEA PUBLIC PARK USE.

A TOTAL OF 37.25-ACRES OF PRIVATELY MAINTAINED OPEN SPACE HAVE BEEN PLACE WITHIN CONSERVATION EASEMENTS AND STORMWATER MANAGEMENT EASEMENTS ALONG THE NORTHERN AND EASTERN BOUNDARIES OF THE SITE. THE PROPOSED REDEVELOPMENT PROCESSES A STORMWATER MANAGEMENT POND AND SOME RECREATIONAL AMENITIES WITHIN THE EXISTING CONSERVATION EASEMENTS TO REPLACE THIS AREA IN KIND. THIS AREA WILL RECEIVE 100% PHOSPHORUS REMOVAL EFFICIENCY, THUS GIVING A TOTAL SITE GREATER THAN THE REQUIRED 10%. BMP REQUIREMENTS ARE MET PER PPM 64401.2B AND COUNTY CODE CHAPTER 116-14.

FOR THE REDEVELOPMENT OF ANY PROPERTY NOT CURRENTLY SERVED BY ONE OR MORE BMPs, THE REQUIRED REDUCTION IN PHOSPHORUS REMOVAL EFFICIENCY SHALL BE DETERMINED USING THE FORMULA IDENTIFIED IN PPM 64401.2B. BEST MANAGEMENT PRACTICES IN THE FORM OF CONSERVATION AND FLOODPLAIN PROTECTION SHALL BE REQUIRED TO MEET THE PHOSPHORUS REMOVAL REQUIREMENT. THIS SEA PROPOSES A CHANGE TO THE EXISTING CONSERVATION EASEMENTS TO MEET THE PHOSPHORUS REMOVAL REQUIREMENT. THE GREEN ENERGY PARK USE DOES NOT RESULT IN ANY MORE IMPERVIOUS AREA THAN THE PUBLIC PARK USE. IT IS THE OPINION OF THE ENGINEER THAT THE PROPOSED CONSERVATION EASEMENTS APPROVED SEA STILL "Adequately Serve" THE PROPERTY IN ACCORDANCE WITH CHAPTER 116 AND PPM 64401.2B.

PHOSPHORUS REMOVAL CALCULATIONS FOR REDEVELOPMENT SITES

PER PPM 64401.2B, THE REDEVELOPMENT OF ANY PROPERTY NOT CURRENTLY SERVED BY ONE OR MORE BMPs, THE REQUIRED REDUCTION IN PHOSPHORUS REMOVAL EFFICIENCY SHALL BE DETERMINED USING THE FORMULA IDENTIFIED IN PPM 64401.2B.

$$[1 - 0.9^{(C \times P \times 100)}] \times 100 = \% \text{ P Removal}$$

$$\frac{\text{Site Area} \times 248.88 \text{ Acres}}{\text{Type} \times 1.50} = \text{Impervious Area}$$

Site Area = 248.88 Acres
 Type = 1.50
 P Removal = 0.32
 P Removal = 0.32

% P Removal = $[1 - 0.9^{(0.32 \times 1)}] \times 100 = 31.62\%$ (Use 10%)
 required for site

BMP FACILITY DESIGN CALCULATIONS

TABLE 1. LIST ALL OF THE SUBAREAS AND % FACTORS USED IN THE BMP CALCULATIONS

SUBAREA DESIGNATION & DESCRIPTION	%	AREA (AC)
CE & FP	0.31	212.64
UT	0.31	212.64

TABLE 2. COMPUTE THE WEIGHTED AVERAGE % FACTOR FOR THE SITE

(A) AREA OF THE SITE	(B) TOTAL	(C) WEIGHTED AVERAGE % FACTOR
CE & FP	212.64	0.31
UT	212.64	0.31
(B) TOTAL	425.28	0.31

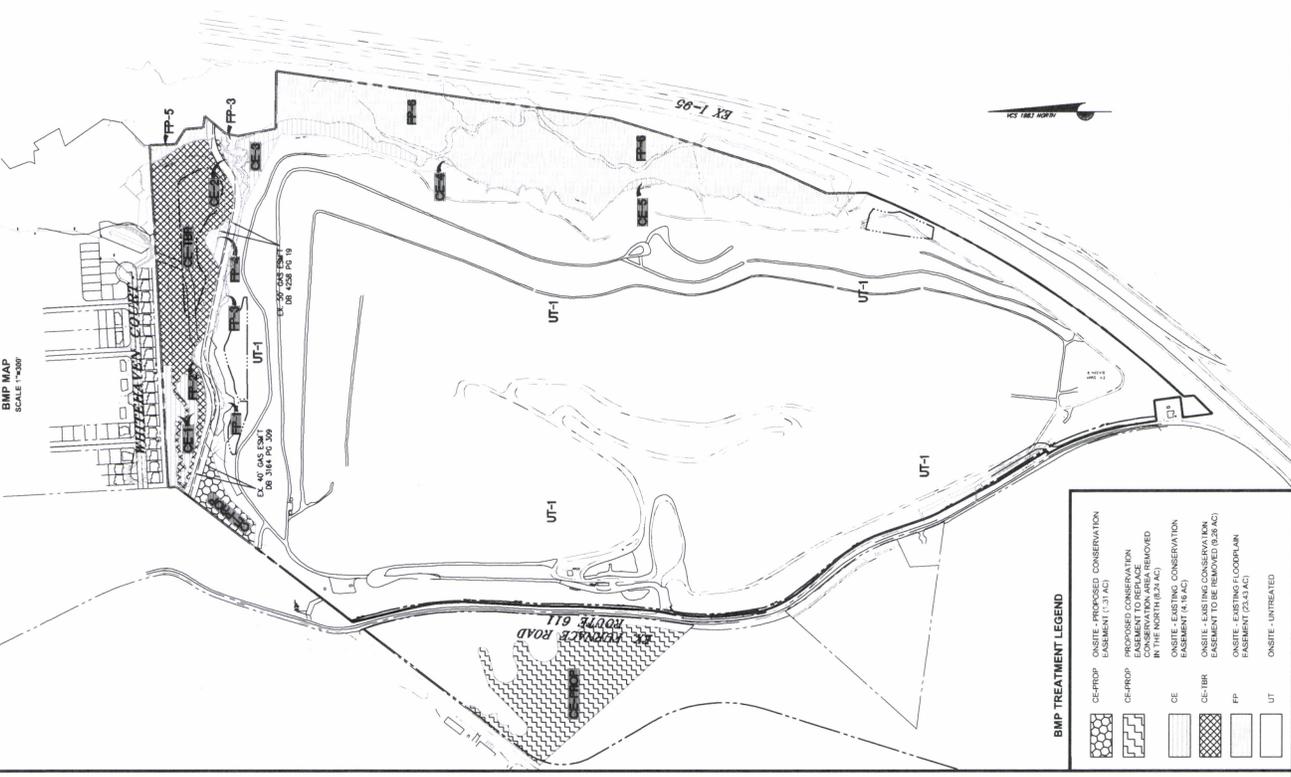
TABLE 3. COMPUTE THE TOTAL PHOSPHORUS REMOVAL FOR THE SITE

SUBAREA DESIGNATION	BMP TYPE	REMOVAL EFF (%)	AREA (AC)	PRODUCT
CE & FP	Conservation Easmt	100	212.64	10.00
UT	Unimproved	0	212.64	0.00
(B) TOTAL				10.00

TABLE 4. DETERMINE COMPLIANCE WITH PHOSPHORUS REMOVAL REQUIREMENT

(A) SELECT REQUIREMENT	(B) %	(C) %
(A) (FAIRFAX COUNTY WATER SUPPLY OVERLAY DISTRICT - 50%)	50.00	31.62
(B) (SITE REDEVELOPMENT - 100%)	100.00	31.62

NOTE:
 ALL STORMWATER MANAGEMENT AND BEST MANAGEMENT PRACTICES CALCULATIONS ARE APPLICABLE THROUGH PHASE 6.



BMP TREATMENT LEGEND

- CE-PROP: ON-SITE - PROPOSED CONSERVATION EASEMENT (1-31 AC)
- FP-PROP: PROPOSED CONSERVATION EASEMENT (1-31 AC)
- CE: ON-SITE - EXISTING CONSERVATION EASEMENT (4.16 AC)
- CE-18R: ON-SITE - EXISTING CONSERVATION EASEMENT TO BE REMOVED (0.30 AC)
- FP: ON-SITE - EXISTING FLOODPLAIN (0.00 AC)
- UT: ON-SITE - UNIMPROVED

BC Consultants
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 12600 Pitt Lakes Circle, Suite 100, Fairfax, VA 22033
 (703)448-8100 (703)448-8108 (Fax)
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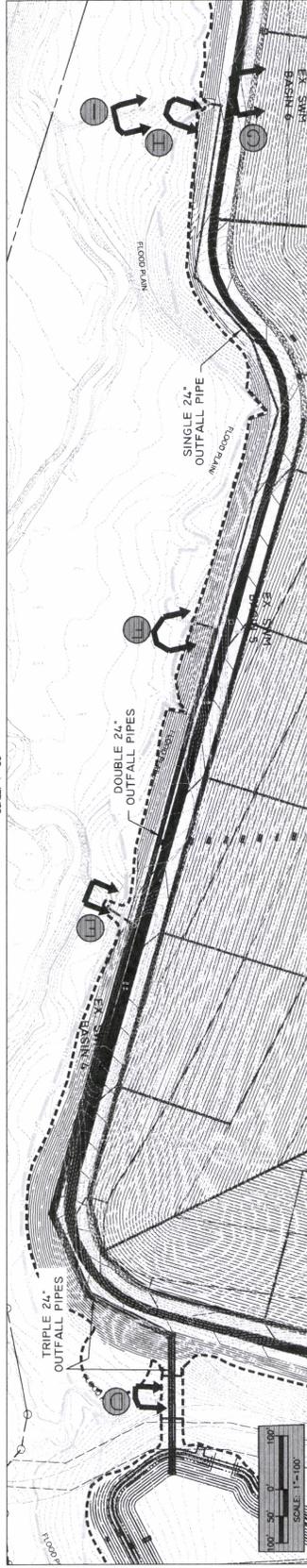


SPECIAL EXCEPTION AMENDMENT
BMP PLAN
LORTON GREEN ENERGY PARK & DEBRIS LANDFILL
 MOUNT VERNON DISTRICT
 FAIRFAX COUNTY, VIRGINIA

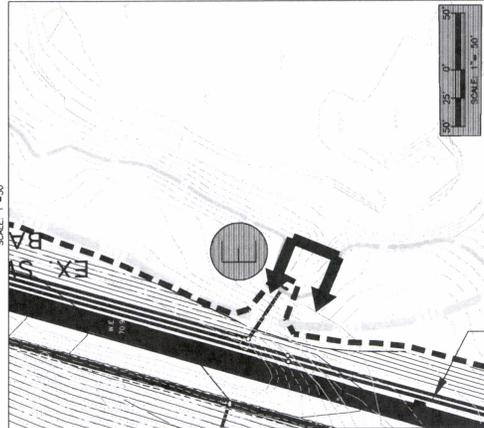
NO.	DATE	REVISIONS
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2	2-10-2014	REVISED 2-10-2014
3	3-11-2014	REVISED 3-11-2014
4	4-1-2014	REVISED 4-1-2014
5	11-10-2013	REVISED 11-10-2013
6	12-10-2013	REVISED 12-10-2013
7	1-20-2014	REVISED 1-20-2014
8	2-10-2014	REVISED 2-10-2014
9	3-10-2014	REVISED 3-10-2014
10	4-1-2014	REVISED 4-1-2014
11	11-10-2013	REVISED 11-10-2013
12	12-10-2013	REVISED 12-10-2013
13	1-20-2014	REVISED 1-20-2014
14	2-10-2014	REVISED 2-10-2014
15	3-10-2014	REVISED 3-10-2014
16	4-1-2014	REVISED 4-1-2014

DESIGNED BY: PLR
 CHECKED BY: NB
 DATE: MARCH 22, 2013
 SCALE: AS SHOWN
 SHEET 27 OF 45
 CO. NO. SEA-14-LA-061-2
 CAD NAME: SES17BMP
 LAYOUT: BMP
 FILE NO.: 05117-06-00

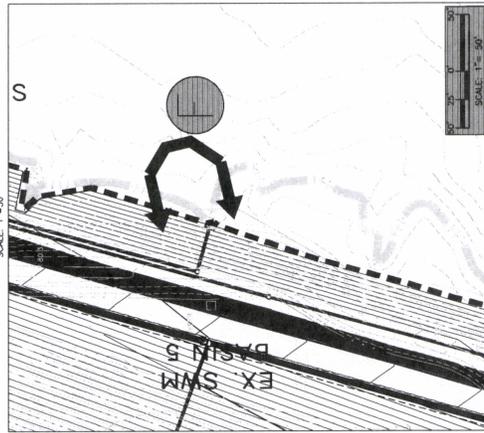
OUTFALL 4.5.&6. OVERALL CROSS-SECTION PLAN VIEW
SCALE: 1"=50'



OUTFALL 4. CROSS-SECTION PLAN VIEW
SCALE: 1"=50'



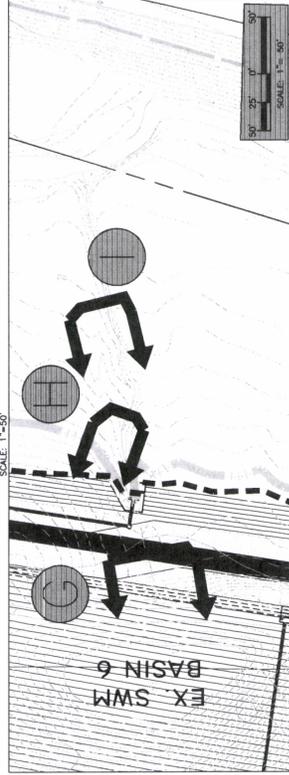
OUTFALL 5. CROSS-SECTION PLAN VIEW
SCALE: 1"=50'



NOTE:

ALL STORMWATER MANAGEMENT AND BEST MANAGEMENT PRACTICES CALCULATIONS ARE APPLICABLE THROUGH PHASE 6.

OUTFALL 6. CROSS-SECTION PLAN VIEW
SCALE: 1"=50'



OUTFALL 6

CROSS SECTION G-G	
72	SCALE: 1"=50'
70	SCALE: 1"=50'
68	SCALE: 1"=50'
66	SCALE: 1"=50'

CROSS SECTION H-H	
60	SCALE: 1"=50'
58	SCALE: 1"=50'
56	SCALE: 1"=50'
54	SCALE: 1"=50'

CROSS SECTION I-I	
52	SCALE: 1"=50'
50	SCALE: 1"=50'
48	SCALE: 1"=50'
46	SCALE: 1"=50'

OUTFALL 4

CROSS SECTION E-E	
64	SCALE: 1"=50'
62	SCALE: 1"=50'
60	SCALE: 1"=50'
58	SCALE: 1"=50'

OUTFALL 5

CROSS SECTION E-F	
64	SCALE: 1"=50'
62	SCALE: 1"=50'
60	SCALE: 1"=50'
58	SCALE: 1"=50'



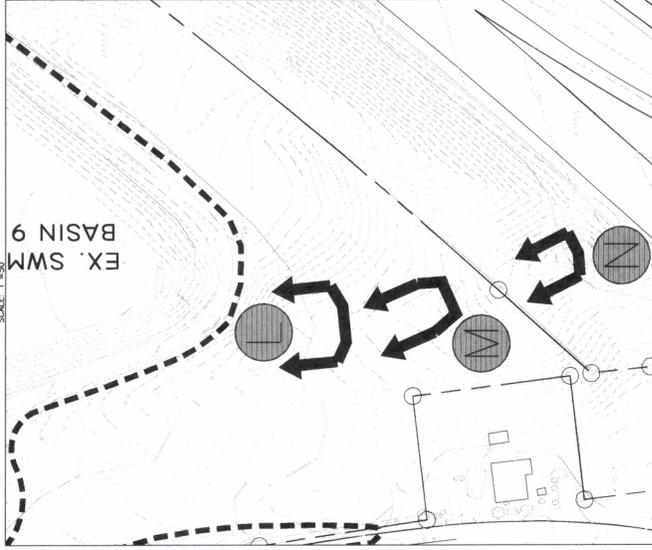
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REVISED 1-22-2014	DESIGNED BY: PAR
REVISED 2-20-2014	DRAWN BY: CAD
REVISED 3-11-2013	CHECKED BY: NB
REVISED 4-1-2013	DATE: MARCH 22, 2013
REVISED 5-11-2013	SCALE: 1"=50'
REVISED 9-11-2013	SCALE: 1"=50'
REVISED 11-11-2013	SCALE: 1"=50'
REVISED 12-10-2013	SCALE: 1"=50'
REVISED 1-10-2014	SCALE: 1"=50'

DESIGNED BY: PAR
DRAFTED BY: CAD
CHECKED BY: NB
DATE: MARCH 22, 2013
SCALE: 1"=50'

SHEET 33 OF 45
CO. NO. SEAN.601/VA-081-2
CAD NAME: SE5117SM3
LAYOUT: OUT14_5_6
FILE NO. 05117.08-00

NOTES:
1. SEE SHEET 38 FOR CROSS SECTION LOCATIONS AND OUTFALL NARRATIVE.

OUTFALL 9 CROSS SECTION PLAN VIEW
SCALE: 1"=50'



OUTFALL 9

CROSS SECTION L-L

174
172
170
168
SCALE: H: 1"=10' V: 1"=4'

CROSS SECTION M-M

166
164
162
160
SCALE: H: 1"=10' V: 1"=4'

CROSS SECTION N-N

154
152
150
148
SCALE: H: 1"=10' V: 1"=4'

NOTE:

ALL STORMWATER MANAGEMENT AND BEST MANAGEMENT PRACTICES CALCULATIONS ARE APPLICABLE THROUGH PHASE 6.

REVISIONS
NO. NO. DATE BY/CAUSE
1. 03/21/14 01/MSD/SEA OVERFLOW_BERM_SES11.dwg
LAYOUT: OUTF 9
CAD NAME: SES117S/M3
FILE NO.: 05117.08-00

BC Consultants
Planners • Engineers • Surveyors • Landscape Architects
12600 Fair Lakes Circle, Suite 100, Fairfax, VA 22033
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www.bccon.com



LORTON GREEN ENERGY PARK & DEBRIS LANDFILL
SPECIAL EXCEPTION AMENDMENT
OUTFALL CROSS SECTIONS POND 9

REVISIONS
NO. NO. DATE BY/CAUSE
1. 03/21/14 01/MSD/SEA OVERFLOW_BERM_SES11.dwg
LAYOUT: OUTF 9
CAD NAME: SES117S/M3
FILE NO.: 05117.08-00

DESIGNED BY: PAR
DRAFTED BY: CAD
CHECKED BY: NB
DATE: MARCH 22, 2013
SCALE: work as shown

REVISIONS
NO. NO. DATE BY/CAUSE
1. 03/21/14 01/MSD/SEA OVERFLOW_BERM_SES11.dwg
LAYOUT: OUTF 9
CAD NAME: SES117S/M3
FILE NO.: 05117.08-00

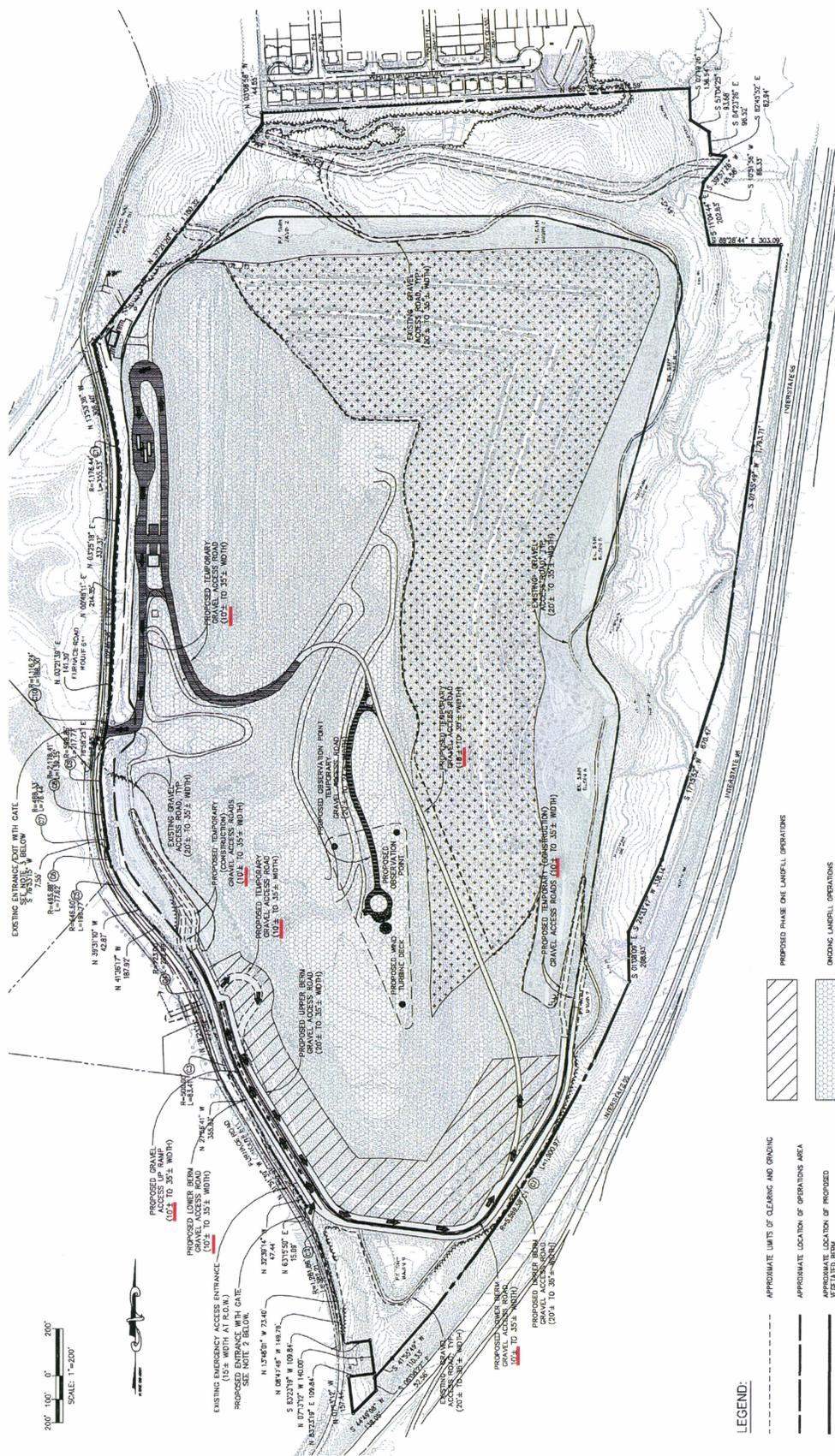
MOUNT VERMONT DISTRICT
FAYETTE COUNTY, VIRGINIA

REVISIONS
NO. NO. DATE BY/CAUSE
1. 03/21/14 01/MSD/SEA OVERFLOW_BERM_SES11.dwg
LAYOUT: OUTF 9
CAD NAME: SES117S/M3
FILE NO.: 05117.08-00



LORTON GREEN ENERGY PARK & DEBRIS LANDFILL
 PHASE ONE LANDFILL OPERATIONS TRUCK TRAFFIC CIRCULATION
 SPECIAL EXCEPTION AMENDMENT

DESIGNED BY: PH	DATE: MARCH 22, 2013
CHECKED BY: NB	SCALE: 1"=50'
DATE: MARCH 22, 2013	SHEET 39 OF 45
DESIGNED BY: PH	FILE NO. 05117-08-00
DATE: MARCH 22, 2013	
SCALE: 1"=50'	
SHEET 39 OF 45	
FILE NO. 05117-08-00	
CAD NAME: S531708-PH	
LAYOUT: PH	

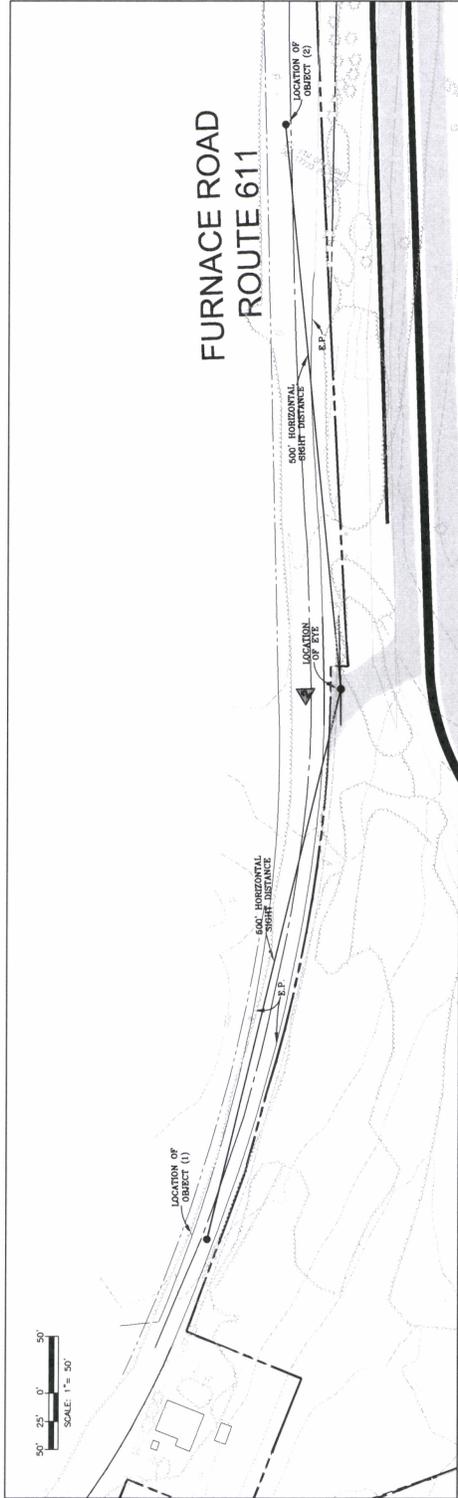


- LEGEND:**
- APPROXIMATE LIMITS OF CLEARING AND GRADING
 - APPROXIMATE LOCATION OF OPERATIONS AREA
 - APPROXIMATE LOCATION OF PROPOSED VEGETATED BERM
 - LANDFILL OPERATIONS TRAFFIC CIRCULATION (ONE WAY)
 - GRAVEL ACCESS RAMP (ONE WAY - 10% MAXIMUM SLOPE)
 - PROPOSED PHASE ONE LANDFILL OPERATIONS
 - ONGOING LANDFILL OPERATIONS
 - EXISTING VEGETATION/UNDISTURBED VEGETATION

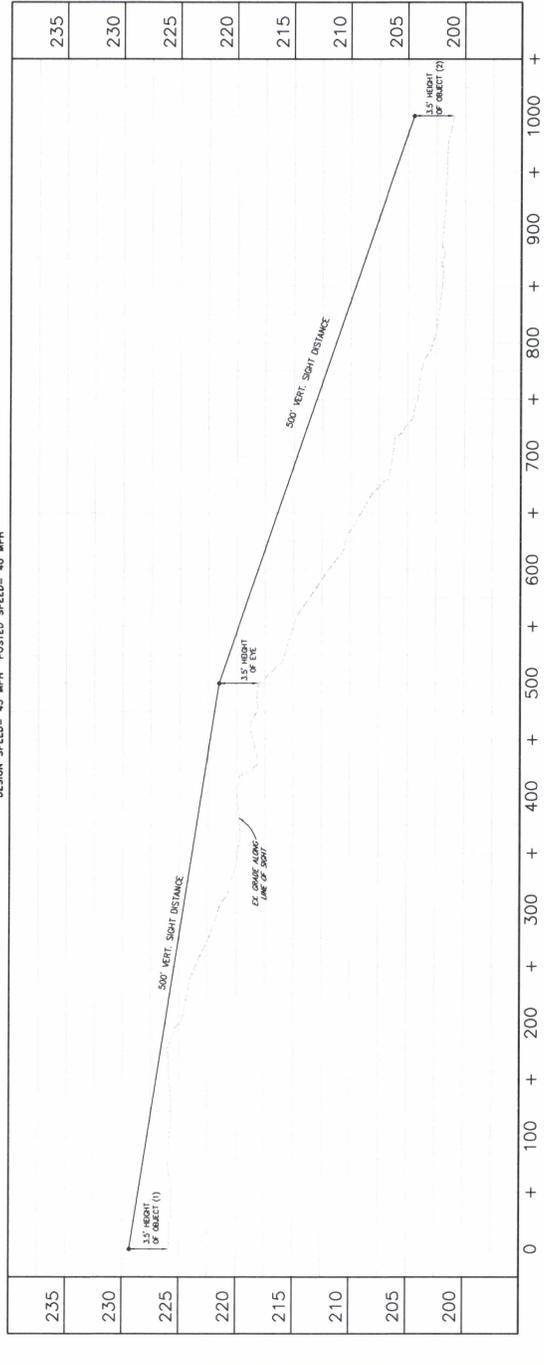
NOTE:

- THE APPROXIMATE LOCATIONS OF INTERNAL LANDFILL OPERATIONS ROADS AND LANDFILL SCALE HOUSES, SCALES, TIRE WASHERS, TRAILERS, ETC. ARE SHOWN ON THE PLAN. THE APPLICANT RESERVES THE RIGHT TO MOVE THESE HOUSES, SCALES, TIRE WASHERS, TRAILERS, ETC. WITHIN THE LIMITS OF THE VEGETATED BERM/OPERATIONS AREA DURING THE COURSE OF THE PHASE ONE OPERATIONS AND ALL SUBSEQUENT PHASES. PHASES MAY OCCUPY THE GENERAL SITE IS ON SHEET 38.
- VEHICULAR ACCESS AT THE SOUTHERN ENTRANCE IS SHORT TURN IN ONLY (NO EXIT) AND IS LIMITED TO TRUCKS ONLY.
- AT THE NORTHERN ENTRANCE LANDFILL OPERATIONS TRUCKS ARE LIMITED TO RIGHT TURN IN ONLY AND LEFT TURN OUT ONLY.

V:\projects\20050517\Eng\Curves\0517 Furnace rd.dwg - 4/20/14 2:58:52 PM



EX. FURNACE ROAD - ROUTE 611
 DESIGN SPEED= 45 MPH POSTED SPEED= 40 MPH



BC Consultants
 Planners - Engineers - Surveyors - Landscape Architects
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 (703)449-8100 (703)449-8108 (Fax)
 www.bccon.com



LORTON GREEN ENERGY PARK & DEBRIS LANDFILL
 SPECIAL EXCEPTION AMENDMENT
 SIGHT DISTANCE

DESIGNED BY: PLR
 DRAWN BY: CAD
 CHECKED BY: NB
 DATE: MARCH 22, 2013
 SCALE: 1"=50'
 SHEET: 44 OF 45
 CO. NO. SE-100-001-2
 CAD NAME: 0317-AUTODR
 LAYOUT: SIGHT
 FILE NO.: 0317.08-00

STAFF PROPOSED DEVELOPMENT CONDITIONS

SEA 80-L/V-061-02

[April 25, 2014](#)

If it is the intent of the Board of Supervisors (Board) to approve SEA 80-L/V-061-02 located at Tax Map Parcels 113-1 ((1)) part 5, 7, and 8 and 113-3 ((1)) 1, 2, and 4 (10201, 10209, 10215, 10219, and 10229 Furnace Road) to amend a special exception amendment previously approved for a landfill to permit modifications to the landfill and development conditions and the addition of electrical generating facilities (wind, solar, methane gas, and geothermal), radio controlled aircraft field, baseball hitting range(s), and golf driving range pursuant to Sections 3-104, 9-201, 9-301, and 9-501 of the Fairfax County Zoning Ordinance. Staff recommends that the Board condition the approval by requiring conformance with the following development conditions. These development conditions incorporate and supersede all previous development conditions. Previously approved conditions carried forward, some updated, are marked with an asterisk (*).

1. This Special Exception Amendment is granted for the location indicated in the application and is not transferable to other land.*
2. This Special Exception Amendment (SEA) is granted for the location and uses outlined in the application as amended by these conditions. A revised site plan incorporating these conditions shall be submitted to the Department of Public Works and Environmental Services (DPWES).*
3. A copy of this Special Exception Amendment shall be posted in a conspicuous place within the operations trailer and scale houses along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.*
4. Submission and approval of a site plan prepared in accordance with the provisions of Article 17, is required prior to the start of any landfilling activity approved as part of this Special Exception Amendment and for the proposed electrical generating facilities (wind, solar, methane, and geothermal), radio controlled aircraft field, baseball hitting range(s), and golf driving range. Any site plan submitted pursuant to this special exception amendment shall be in substantial conformance with the approved Special Exception Amendment Plat (SEA Plat) entitled "Lorton Green Energy Park and Debris Landfill," prepared by BC Consultants, Inc., dated March 22, 2013, as revised through ~~February 20, 2014~~[April 4, 2014](#), and these conditions. Minor modifications to the approved Special Exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.

5. Prior to site plan approval, the proposed landfill expansion to include the electrical generating facilities proposed in Phase 1, shall be submitted to the Geotechnical Review Board (GRB) for its review and approval. Any and all recommendations of the GRB within its purview shall be implemented; if these recommendations cannot be implemented in substantial conformance with the SEA Plat, this Special Exception Amendment shall be null and void. If the GRB determines that any portion of the review is outside of its purview, that portion shall be forwarded back to DPWES for review prior to site plan approval.

Prior to site plan approval for the solar panels proposed in Phase 4, the wind turbines and/or solar panels proposed in Phase 5, and for each of the proposed active recreational uses proposed in Phases 5 and 6 (radio controlled aircraft field, baseball hitting range(s), and golf driving range) each use shall require the review and approval by the Geotechnical Review Board (GRB). Any and all recommendations of the GRB within its purview shall be implemented. If these recommendations cannot be implemented for any of the above Phases 4-6 uses then that use shall not be permitted. If the GRB determines that any portion of the review is outside of its purview, that portion shall be forwarded back to DPWES for review prior to site plan approval.

6. No construction of the Phase 5 and Phase 6 active recreational facilities on top of the landfill, as depicted in the SEA Plat, shall take place until the applicant has been released from its post-closure monitoring and maintenance requirements by the Virginia Department of Environmental Quality (DEQ) ends and the following takes place:

- The GRB has [reviewed the recommendations of the applicant's design professionals that states](#) ~~determined~~ in writing that any residual post construction settlement will not affect the structural integrity of the proposed improvements; and
- DEQ, the County's Fire and Rescue Department and/or DPWES has ~~determined~~ [reviewed the recommendations of the applicant's design professionals that states](#) that the nature and extent of corrosion producing properties, the generation and escape of combustible gases and potential fire hazards of the constituent material, considering its state of decomposition, has been provided for adequately and will not create an unsafe or hazardous condition in or around any of said proposed improvements.

7. If any of the currently undisturbed areas of the landfill property along the northern and eastern portion of the site as depicted on the SEA Plat are proposed to be disturbed for any reason (including installation of utility lines, detention ponds, access roads, etc.), then, prior to any such disturbance, a tight interval (30-foot intervals between shovel tests) Phase I archaeological survey shall be performed prior to site plan approval for those areas proposed to be disturbed and not previously the subject of a Phase 1 archaeological survey using a scope of work approved by the Cultural Resource Management and Protection Section of the

Fairfax County Park Authority (FCPA). If any archaeological resources are found by the Phase I survey and are determined to be potentially significant and disturbance of these resources cannot be avoided, then a Phase II study shall be performed to assess the significance of such resources in the Phase I study area. If deemed necessary by FCPA, a Phase III data recovery shall be performed in accordance with a scope approved by the Cultural Resource Management and Protection Section, FCPA. Draft and final archaeological reports produced as a result of the Phase I, II, and/or III studies shall be submitted for the review and approval by the Cultural Resource Management and Protection Section of FCPA.*

8. Stormwater management and Best Management Practices (BMPs) for the subject property shall be provided as depicted on the SEA Plat and in conformance with the applicable Public Facilities Manual (PFM) standards, unless waived and/or modified by DPWES.*
9. If deemed necessary by DPWES during site plan review, a Water Quality Impact Assessment (WQIA) shall be provided for encroachments into the Resource Protection Area for the purpose of providing adequate outfall and/or redevelopment of the existing stormwater management facilities. Should any such encroachment be necessary, the limits of disturbance shall be no greater than that permitted by these development conditions, irrespective of that shown on the SEA Plat.*

Conditions on the Operation of the Landfill

10. Prior to site plan submission, a copy of the current Closure Plan (which addresses leachate control) approved by the Virginia Department of Environmental Quality (DEQ) shall be provided to the Department of Planning and Zoning (DPZ), the Solid Waste Program, DPWES and the Mount Vernon District Supervisor's office. A copy of the approved Closure Plan shall be maintained on-site and made available. Amended versions of the Closure Plan shall be submitted to the above mentioned agencies and offices as revisions occur and with any subsequent site plan submissions. In addition, the applicant shall initiate its Major Permit Amendment with DEQ. A letter confirming said initiation shall be provided to the above referenced agencies and office. A copy of the Major Permit Amendment shall be maintained on-site and be made available upon demand. A letter confirming subsequent amendments to said Major Permit Amendment shall be submitted to the above referenced agencies and office as revisions occur and with any subsequent site plan submissions.

If DEQ does not approve the Major Permit Amendment, then this SEA shall be null and void.

11. The landfill shall be operated in conformance with all sections of Virginia Administrative Code (VAC) applicable to the proposed landfill operations, except as waived or modified by DEQ.*

12. The height of the landfill prior to the installation of final cover (cap) of the landfill, vegetation, and "structures" as shown on the SEA Plat, shall not exceed the proposed final debris elevation, as shown on the SEA Plat. All landfill disposal activities shall cease when the final debris elevation of 395 feet above sea level is reached, or December 31, 2034, whichever occurs first. Such debris height across the landfill shall not exceed the elevations depicted by the proposed topography shown on the SEA Plat, except for (i) any temporary berms or temporary stockpiles that may be required or approved by DEQ or by the Director of DPWES for operational reasons, visual screening or noise attenuation or capping and (ii) to provide adequate drainage from the center of the landfill.*
13. The landfill shall receive only construction demolition debris materials, as defined in Section 104 of the County Code and as deemed permissible by Federal, State and County regulations. Unacceptable landfill materials shall be prohibited on-site in accordance with the implementation of the Unauthorized Waste Control Plan as required by Virginia's Solid Waste Management Regulations and approved by DEQ.
14. Waste materials shall not be burned nor allowed to be burned at the site.*
15. A liner system shall be installed in all landfill cells as required in accordance with Virginia Solid Waste Management Regulations.*
16. A tire wash system, including a wash rack/grate system to dislodge mud on truck tires, shall be provided as depicted on the SEA Plat in order to ensure that mud is not tracked from the landfill onto the surrounding roads. The tire wash system may move from its location as shown on the SEA Plat. However, the tire wash system shall be in a location that will wash truck tires prior to exit from the subject property. In the event that one of the access points to the subject property becomes an additional truck exit, that exit shall contain a tire wash system as described below. The tire wash system shall be maintained in accordance with the manufacturer's recommendations. Adequate resources (including spare parts) shall be maintained on-site in order to ensure that any needed repairs are made within a 24-hour period. To ensure that the truck tires remain clean after washing, a minimum of 400 feet of pavement shall be installed immediately after the tire wash and shall be followed by gravel between said pavement area and the exit at Furnace Road. In addition, "cattle guards" shall be employed to knock off mud and water in three locations: (i) before the tire wash; (ii) immediately after the tire wash; and (iii) at the landfill exit. Should the tire wash be inoperable, alternative (and equivalent) methods of removing mud from the tires shall be employed. Should said alternative methods be unavailable, no landfill materials shall be accepted until the tire wash is back in operation. Said new tire wash system shall be installed and in operation by December 31, 2014, unless DPWES determines that approval of a site plan revision or site plan amendment is necessary; then it shall be installed within six months after obtaining such approval.

17. Prior to landfilling in any new operational areas beyond those allowed pursuant to SEA 80-L/V-061, sediment basins meeting State and County regulations shall be provided in the Phase shown on the SEA Plat and maintained.*
18. All dikes, basins and stockpiles shall be seeded and mulched as soon as they are constructed.*
19. Litter shall be controlled by the use of litter fences at the top of the landfill on each side of the active debris dumping areas along the working face. Furthermore, a Litter Control program shall be prepared and implemented in accordance with Virginia's Solid Waste Management Regulations.*
20. A Groundwater Monitoring Program shall be prepared and implemented in accordance with Virginia's Solid Waste Management Regulations. A copy of all water test results, including groundwater, surface water and water quality, submitted to DEQ, shall also be submitted at the same time to the Fairfax County Health Department and the Solid Waste Program, DPWES. If, upon determination by DEQ and/or Fairfax County, any off-site private well is adversely affected by the landfill operation, the landfill owner will provide an adequate potable water supply to any affected property within 48 hours of being notified of such a determination.*
21. Dredge soils may be deposited at the landfill so long as the dredge soils entering the site meet the DEQ definition of acceptable waste for Construction and Demolition Debris landfills. Dredge soils from the Lake Barcroft Water District and from the Lorton Station Homeowners' Association, which meet the DEQ definition cited above, shall be accepted at the landfill at no cost. Dredge soils may be accepted after the cessation of landfill disposal activities and during the post-closure period in connection with landscaping improvements and installation of the final cap.*
22. The control of decomposition gases from the landfill shall be monitored through the implementation of a Gas Management Plan in accordance with Virginia's Solid Waste Management Regulations. A coarse aggregate gas collection layer with collection pipe and gas vents above breathing zones shall be installed as part of the cap in areas that are proposed for Phase 5 and Phase 6 recreational uses on top of the landfill, including parking areas, as reviewed and approved by DPWES. All proposed structures on top of the landfill shall be open air, self-venting construction in order to prevent the buildup of landfill gases. Any closed structures, such as the leachate pump houses, shall be locked to prohibit public access.*
23. Recycling of construction and demolition debris (and related materials) shall continue to be carried out on the landfill as an accessory use. Recycling shall include the sorting, separation, storing, and processing (such as chipping, crushing, augmenting) of debris and recyclable materials (including, without limitation, the sorting of cardboard, metal, wood and inert material).

24. A yearly contribution of \$60,000 shall be provided to the County for use by DPWES for public outreach and education associated with recycling activities applicable to construction and demolition debris. Contributions shall begin August 1, 2009, and shall continue annually until the cessation of landfill disposal activities.*
25. An Emergency Contingency Plan shall be prepared and implemented in accordance with Virginia's Solid Waste Management Regulations. A list of the landfill's equipment operators and their telephone numbers shall be made available to the County's Emergency Operations Center and kept current by the landfill operator.*
26. Landfill materials may be accepted and clearing or grading of any kind may take place on the site only between the hours of 7:00 A.M. to 5:30 P.M. Monday through Friday and between 7:00 A.M. and 3:00 PM on Saturdays. The landfill gates shall be permitted to open to customers at 5:30 A.M. Monday through Friday and at 6 A.M. on Saturdays to allow customers to queue on-site while waiting for landfill activities to commence. However, in no case shall landfill operations begin until the commencement of the normal business hours listed above. With prior approval from the Director of the Department of Public Works and Environmental Services, or his designated agent, the applicant may operate until 5:00 P.M. on Saturday on an emergency basis. This approval shall not be granted more than ten times per calendar year. In the event of a significant community emergency, as determined in writing by the County Executive, the landfill may temporarily operate outside of normal business hours.*
27. In an effort to solve mutual problems, the operator will work with, and will, as necessary, meet on a regular basis with the Mount Vernon Council and/or the South County Federation and/or any other groups (such as neighboring homeowner associations) as designated by the Mount Vernon District Supervisor.*
28. Per Sect. 9-205 of the Zoning Ordinance, the site shall be made available to the Director of DPWES or his representative in preparation of the annual report to the Board of Supervisors. As a result of the annual inspection, the Director of DPWES may recommend additional restrictions and limitations on the use to the Board.*
29. The vegetated landfill berm located around the perimeter of the landfill, as shown on Sheets 6-10 and 15 of the SEA Plat shall not exceed a height of 70 feet and shall be maintained by the applicant and/or landfill owner.

Buffering, Landscaping and Screening Conditions

30. Irrespective of the notation on the SEA Plat that says "approximate limits of clearing and grading," the limits of clearing and grading as depicted on the SEA Plat shall be strictly adhered to. No new waste (debris) placement activity shall

take place within 75 feet of the greater of the RPA or the 100-year floodplain of Giles Run. There shall be no disturbance within the RPA except in those limited areas depicted on the SEA Plat and/or as permitted under the Chesapeake Bay Preservation Ordinance.*

31. Notwithstanding the limitations of other development conditions, the applicant shall be permitted to encroach into the limits of clearing and grading and/or the RPA without an SEA in order to conduct environmental monitoring and/or remediation activities to ameliorate a potential environmental and/or public health hazard. Prior to the commencement of any such disturbance, the applicant shall obtain all necessary approvals from DPWES for the actions to be taken, and immediately following any such activities, shall restore the disturbed area to the extent required.*
32. All permanent berms located within buffer areas shall be landscaped to the satisfaction of the Urban Forest Management Division (UFMD), DPWES. The materials used and their separation shall be in conformance with the landscaping standards of Article 13 of the Zoning Ordinance as may be applicable and as determined and approved by UFMD.*
33. A 50-foot wide continuous transitional screening buffer of existing trees shall be maintained along the northern boundary of the site as depicted on Sheet 21 of the SEA Plat and subject to UFMD approval.*
34. Along the southern property boundary, i.e., from the southernmost point of the property to a point approximately: (i) 600 feet along the southwestern boundary and (ii) 800 feet along the southeastern boundary, a landscaped buffer of at least 100 feet shall be maintained. In any area along this boundary where a minimum of 100 feet of natural vegetation does not exist, additional landscaping shall be planted. The landscaping shall be designed to the satisfaction of UFMD, DPWES. The materials used and their separation shall comply with the landscaping standards of Article 13 of the Zoning Ordinance, as determined by UFMD, DPWES.*

Conditions for the Landscaping of the Property

35. A landscape plan for all phases shall be prepared and submitted for the review and approval by UFMD, DPWES as part of the site plan approval for the landfill use. The landscape plan shall provide for revegetation of the landfill as depicted on the SEA Plat and shall include suitable varieties of trees and shrubs to the satisfaction of and approval by UFMD, DPWES, consistent with that shown on the SEA Plat.*
36. Prior to site plan approval, an invasive species management plan shall be developed by the applicant's arborist for approval by UFMD in order to control non-native, invasive vegetation and promote the establishment of native species. This plan shall be reviewed and approved by UFMD, DPWES.*

37. All landscaping installed by the applicant shall be maintained in good health by the applicant. Any such landscaping that should die within the initial three growing seasons shall be replaced by the operator/applicant within the first growing season after its death, or as determined appropriate by UFMD.*
38. At the time of site plan approval cash, bond, or a letter of credit and payable to the County of Fairfax, in an amount determined by UFMD, DPWES, shall be posted to ensure that the approved landscaping and revegetation plans are completed.*
39. Landscape planting shall be installed according to the landscape plan for each phase as generally depicted on the SEA Plat. Landscaping in one phase may begin before the completion of any prior phase to facilitate ongoing landfill operations. An interim vegetative cover shall be provided in disturbed areas where active landfill operations are complete and an interim landfill cap has been installed for any given area regardless of phase. Final landscaping, according to the approved landscape plan, shall be provided at the beginning of the first full planting season following the installation of the final landfill cap, subject to review and approval by UFMD. Final cover material shall be provided in accordance with DEQ design requirements, as approved in the Major Permit Amendment. Additional soil shall be placed on top of the final cover in those locations where the planting of trees is to occur, subject to the review and approval by UFMD and DEQ.
40. Final landscaping of the landfill shall be completed within one year after the termination of landfilling operations on the property and completion of the full landfill cap.*

Transportation Conditions

41. Commercial truck traffic to and from the site shall enter the site only from the south. Commercial truck traffic shall be prohibited from making left turns into and right turns out of the landfill. The applicant shall retain its existing approved design at its main entrance and shall provide a similar restrictive design (as approved by the Virginia Department of Transportation) at its new southern entrance to accomplish this restriction. Signage shall be posted indicating the traffic restrictions at each of the site's entrances/exits. The operator shall inform all regular customers of these restrictions in writing at least twice a year.*
42. Right-of-way to 44 feet from the existing centerline along the site's Furnace Road frontage and any ancillary easements shall be reserved for dedication to the Board of Supervisors in fee simple without encumbrances at no cost as shown on the SEA Plat. This right-of-way shall be dedicated upon demand by Fairfax County and/or the Virginia Department of Transportation (VDOT). Should this right-of-way dedication be required prior to completion of landfill activities, the raised concrete island at the main entrance to the landfill shall be permitted to remain, subject to VDOT approval.

43. There shall be no access to the property for any landfilling purpose through the adjoining properties to the north. Pedestrian access shall not be permitted, except a trail connection to Lorton Valley may be provided in Phase 1 solely at the option of the Lorton Valley Homeowners Association, as depicted on the SEA Plat.
44. Effective dust and gravel control measures shall be installed and maintained by the operator of the landfill. At a minimum, these measures shall include the full-time availability of a water tank truck and sweeper vehicle on-site.*
45. As depicted on the SEA Plat, beginning at the end of Phase 1 of operations after the berm is completed in that area, a second right turn in-only lane shall be constructed by the applicant, as approved by VDOT, as a new southern entrance-only for truck traffic travelling north on Furnace Road. No left turn into nor exits from the landfill shall be permitted at this second/southern entrance.

Renewable Energy Program

46. The applicant shall establish a Green Energy Park (GEP) on portions of the landfill as generally shown on the SEA Plat. Said GEP shall consist of renewable energy generation facilities including wind, geothermal infrastructure and methane gas collection systems and potentially solar panels, as interim uses during both the landfill operations and post-closure periods, as described below:
 - A. The applicant shall erect three wind turbines by the end of Phase 1 (the Phase 1 wind turbines, as depicted on Sheet 6 of the SEA Plat). Each of the three wind turbines to be installed on-site by the applicant during Phase 1 shall be capable of producing at least one-quarter megawatt peak of electricity. The first turbine shall be installed no later than 18 months after all necessary Federal, Virginia, and Fairfax County approvals are obtained for the wind turbine, to include, but not limited to: (i) FAA and/or other Federal, State and County approvals; (ii) all requisite DEQ approvals, including the Major Permit Amendment; (iii) all requisite County approvals such as GRB, site plan, land development and structure permits, non-DEQ bonding, and Non-RUP, have been obtained; (iv) and any other approvals not noted for the wind turbines to operate on the landfill. The above referenced approvals are collectively referred to as Necessary Approvals. Necessary Approvals shall diligently be pursued by the applicant. The second and third turbines shall be installed within 36 months after having received all Necessary Approvals.

The applicant shall install an inverter or similar device in order to convert the electricity produced by the Phase 1 wind turbines from direct current to alternate current. During Phase 2 of development, at least 75% of electricity generated by the Phase 1 wind turbines after conversion to alternate current shall be consumed on-site by landfill facilities or activities.

Fifty percent of any revenue, in excess of 2.5 cents per kilowatt hour, the applicant receives from the sale of the electricity produced shall be contributed to the County of Fairfax (the County) within 30 days after receipt of such revenue. The applicant shall submit a quarterly report to DPWES documenting the electricity produced.

For any electricity produced by the Phase 1 wind turbines and consumed on-site, the applicant shall contribute to the County 50% of the price (over 2.5 cents) it would have paid to a third party provider for the 'electricity supply service' net of taxes and distribution charges.

The applicant shall construct a foundation for the Phase 1 wind turbines, the design for which shall be reviewed and approved by DEQ. The Phase 1 wind turbines shall be operated for their useful life or until the initiation of Phase 5 landfilling activities requires their removal.

- B. The applicant also shall install a methane gas recovery system within the landfill and shall deliver to the County, at a mutually agreed upon nearby location (such as Landfill Energy Systems, Inc.), methane gas sufficient to generate the equivalent of an average of two million kilowatt hours annually of electricity, with the intent that it will be used by the County to generate electricity sufficient for the normal operating needs of County-owned facility(ies) and/or for use by County-owned facilities as a fuel for operations, such as the Noman Cole Water Pollution Control Plant. The applicant shall pay the incremental cost, if any, of processing the methane gas so that it is suitable for combustion by industry-standard co-generation infrastructure. Delivery of the methane gas shall begin within 18 months of site plan, Non-RUP, and DEQ approvals for the SEA landfill expansion and continue until the cessation of landfill activities or until December 31, ~~2040~~2034, whichever occurs first. Should the applicant fail to provide sufficient methane gas to generate the 2 million kilowatt hours in any given calendar year, it must pay the County \$0.125 for each equivalent kilowatt of electricity that cannot be generated due to the unsupplied methane gas, up to a maximum payment of \$250,000 in any given calendar year. After ~~2040~~2034, the applicant shall provide to the County 50% of the methane gas that is recovered from the methane recovery system and will continue to do so each year until the DEQ post-closure period ends.
- C. Within 24 months after having received all necessary approvals for implementation of the SEA landfill expansion and approval of PCA 2000-MV-034 at Tax Map Parcel 113-1 ((1)) 12 and 13 (the PCA Property), as proposed, the applicant shall install a geothermal recovery infrastructure at the landfill with capacity to support 1 million square feet of building structure(s) and shall provide an access point for hook-up to such systems by the County on the boundary of the PCA Property. The

Applicant shall maintain the geothermal recovery infra-structure and related access point until the end of the DEQ post-closure period ends.

- D. As depicted on the SEA Plat, in Phase 4, the applicant shall create an approximately 10-acre platform within the southern portion of the operations area to facilitate the provision of solar panels by the applicant and/or others.
 - E. By the end of Phase 5, the applicant shall have established an approximately ~~40~~50.2-acre platform to facilitate future creation of a larger GEP, which may include the potential for up to 12 wind turbines (or wind infrastructure sufficient to produce at least 3 megawatt peak electric power capacity), solar panels (or solar conversion infrastructure sufficient to produce at least 7.5 megawatt peak electric power capacity) and/or more advanced technologies (referred to as the Full Green Energy Park "Full GEP") to be provided by public and/or private entities with the applicant's agreement.
 - F. Prior to establishment of the Phase 5 wind turbines, the applicant and/or others, as appropriate, shall file a variance request to allow the wind turbine to exceed the height limitation in the R-1 District or should the Board of Supervisors amend the Zoning Ordinance to permit an increase in height for Category 2 electrical generating facilities the applicant shall be subject to the approved Zoning Ordinance Amendment.
47. Wind turbines on the subject property shall not exceed 180 feet in height (to include the rotor blades) and shall be in general accordance with the maximum dimensions, as shown on Sheet 14 of the SEA Plat.
48. The following shall be paid by the applicant to the Fairfax County Board of Supervisors for the respective renewable energy generating facility not provided within the timeframe specified, in the following amounts in lieu of said facility: (i) \$1,000,000 for each Phase 1 wind turbine not installed within 4 years of necessary approvals for the landfill expansion; (ii) \$6,000,000 should the methane recovery system not be installed within 4 years of receiving the necessary approvals for the landfill expansion (while still being committed to pay \$250,000 or to supply two million kilowatt hours annually); and (iii) \$1,000,000 should the geothermal not be installed as approved by DEQ within 4 years of receiving the necessary approvals for the landfill expansion. In lieu of said payment penalty, the applicant may expend one or more of the penalty amounts on installation on-site of renewable energy technology other than that technology not timely provided, subject to a Board motion authorizing such expenditure and installation. Said funds shall be payable to Fairfax County with consideration toward local community needs in the Lorton/South County area and/or renewable energy infrastructure at County-owned property, as determined by the Board. The Zoning Administrator may grant extensions to the above penalty payment periods if it is determined that the applicant diligently has pursued said necessary

approvals.

Other Public Contributions by the Applicant

49. Subject to the receipt of the necessary approvals for the landfill expansion, the applicant has agreed to contribute \$10,000,000 to the Board in installments of \$500,000 each per year beginning no later than January 31, 2019, and ending no later than January 31, 2038. Said funds shall be payable to Fairfax County with consideration toward local community needs in the Lorton/South County area, as determined by the Board. These funds shall be in addition to the separate recreation contribution below and the other Green Energy Program expenditures and contributions to the County committed herein by this applicant.
50. In addition to the above contribution, the applicant shall contribute \$3,200,000 to the Fairfax County Park Authority no later than January 31, 2019, for use for recreational facilities in the Lorton/South County area subject to all necessary approvals for the landfill expansion.
51. As shown on Sheets 6 through 14 of the SEA Plat and subject to DEQ approval, an "Observation Point" shall be installed by the applicant during Phase 1 in the general location of the Phase 1 wind turbines and be open for visitors within 120 days after the three turbines begin operation. The Observation Point and an ancillary shuttle service shall only be available for controlled access and remain in operation until the DEQ post-closure period ends, in accordance with the following:
 - A. Access to the Observation Point shall be controlled solely by the applicant via shuttle service at no cost to visitors. The applicant may require that each visitor execute a liability waiver and release. Visitors shall park at the solar farm located on the contiguous PCA 2000-MV-034 property located at Tax Map Parcels 113-1((1)) 12 and 13 (PCA Property) and travel on-site via the applicant's shuttle service and escorted by the landowner up to the Observation Point.
 - B. The applicant shall provide a parking easement at the PCA Property for the duration of the operation of the off-site visitor parking/shuttle service area. The parking easement shall be recorded in the land records with a copy provided to DPWES.
 - C. Parking at the off-site parking area on the PCA Property shall only be permitted for the Observation Point visitors and shuttle service and for maintenance vehicles while providing maintenance to the electrical generating facilities at the PCA Property and to the PCA property.
 - D. The applicant shall provide for two established times (and duration) for tours each month from April 1 to November 30 and also allow a limited number of additional tours to be scheduled with ample notice. Each

regular and additional tour may require a minimum of five (5) and may be limited to no more than twenty (20) visitors to occur. The frequency of regularly scheduled tours may be reduced upon demonstration by the applicant to the Zoning Administrator to reflect actual demand and/or current weather conditions. The applicant may implement a pre-registration system.

- E. In addition to the above tours, the applicant shall collaborate with the County upon request by any member of the Board of Supervisors to host pre-scheduled community special events at the Observation Point. For each special event considered, the applicant shall determine whether the proposed scope, timing and number of participants may be accommodated in a safe manner that does not interfere with landfill and other operations, including the Green Energy Park. Scheduling shall be proposed through the applicant and shall be limited as to the number of special events (not to exceed three in any calendar year) and the number of participants at each, as determined by the applicant. Special events shall be restricted to the Observation Point area and occur only from April 15 to November 15, outside of landfill operating hours (unless otherwise agreed to by the applicant). The County shall be responsible for security and all other logistics. The events shall be consistent with the nature of a working landfill and the GEP, and shall not involve erection of tents or other structures, or involve food or alcohol. Each participant may be required to execute a release of liability in favor of the applicant and shall be transported to and from the site only in shuttle-type vehicles approved by the applicant and the applicant shall not be responsible to provide such transportation. The applicant, in its sole discretion, may decline or cancel proposed special events due to safety, inclement weather and/or other conditions or concerns related to landfill and other operations. The applicant shall attempt to accommodate such special events until the DEQ post-closure period ends.
- F. Outdoor style wooden bench seating shall be provided for up to 20 visitors, with a lectern at the head of the benches to provide for speakers.
- G. Tourist style telescopes (on posts) shall be provided at the east and west flanks of the Observation Point area. Actual location of each telescope could vary from edge of the seating area to ridges of the elevation.
- H. Information signs describing the "Green Energy Triangle," history of the area and local attractions shall be provided.
- I. The Observation Point shall be open for tours beginning during Phase 1 (as provided above) until the beginning of Phase 5, generally as depicted on the SEA Plat. At the beginning of Phase 5, when the Phase 1 wind turbines are removed (to permit filling and capping within the southern platform area), the Observation Point and its related features shall be

relocated northward, with the understanding that its location likely will need to be further moved as Phase 5 landfill operations and capping proceed toward closure. Thus, during Phase 5 there may be gaps and transition periods (not to exceed 18 months cumulatively) during which no Observation Point shall be available due to filling, settling and capping activities.

52. The applicant shall provide, within 12 months of having received all necessary approvals for the Phase 1 wind turbines, \$200,000 to the Board as a contribution toward an educational feature available to the public which describes the renewable energy operations on the applicant's properties as well as those renewable energy activities occurring on neighboring County land, and provides information on renewable energy.
53. The applicant shall provide to the County operational data (operating cost, productivity, weather and revenue information) equipment specifications, and maintenance data related to its renewable energy park on an annual basis over the GEP's operating life. Said data shall be available electronically for access and use by the general public and academic bodies, and for research.
54. The applicant's consultant shall prepare a study, consistent with U.S. Fish & Wildlife Service's Land-Based Wind Energy Guidelines (Guidelines), as amended, which provides a structured, scientific process for addressing wildlife conservation concerns at all stages of land-based wind energy development and examines migratory bird patterns, including endangered species. The Guidelines consist of 5 tiers and the applicant shall submit a report based on each tier to the Department of Planning and Zoning (DPZ) and to DPWES with Tiers 1-3 submitted, as applicable, prior to the issuance of the building permit for installation of the first Phase 1 wind turbine. Tiers 4-5 shall be submitted prior to the end of Phase 5. Should the 12 wind turbines be installed in Phase 5, the applicant or operator shall be subject to the Guidelines and shall submit reports in accordance with each of the five tiers.
55. The applicant shall demonstrate to DPZ what measures are being taken to mitigate the wind turbine's impact to birds and bats prior to the issuance of the building permit for installation of (i) the first Phase 1 wind turbine, and (ii) the first Phase 5 (full GEP) turbine. Such mitigation may include but are not limited to: smart siting, radar technology to detect when birds are approaching, raising the cut-in speed to 6 meters per second or higher, turning off the wind turbines at night, using lighting to minimize nighttime migratory bird collision, or other such means of mitigating impacts to birds and bats.

Recreational Uses

56. As generally depicted on Sheet 21 of the SEA Plat, in Phase 1 an approximately 5.2 acre private recreation area shall be provided by the applicant at the sole

option of the Lorton Valley Homeowners' Association (LVHOA) and made available for use solely by LVHOA residents and their guests; if provided, said private recreation area and land area shall be conveyed in fee simple to LVHOA. No later than one year after approval of the site plan related to the proposed landfill expansion, the applicant shall provide in writing to the LVHOA its proposal to convey the 5.2 acre private recreation area and amenities. The LVHOA shall have six months upon receipt of the applicant's letter to respond in writing to the applicant's proposed conveyance. If the LVHOA requires additional time, such additional time shall be mutually agreed upon by the applicant and LVHOA. In the event LVHOA chooses not to accept said private recreation area, then the recreation area shall not be constructed and this land shall not be conveyed, and shall remain in undisturbed open space. Regardless of conveyance, a 50-foot wide treed buffer shall be provided along the entire northern property boundary and consist of a combination of existing, mature trees and supplemental plantings shall be installed by the applicant and shall be subjected to a conservation easement prior to conveyance of the recreation area to LVHOA. Grading shall be permitted within this buffer area, as determined by UFMD, as necessary for installation of the adjacent natural surface trail and/or other improvements identified immediately below. Adjacent to this buffer area, a natural trail and any off-site trail connection, exercise stations along the trail, a multi-purpose open space area, a dog park, and/or picnic tables and 5.2 acres of private recreation area shall be provided by the applicant at the sole option of and if agreed to by the LVHOA at any time prior to installation of the third Phase 1 wind turbine.

57. As generally depicted on Sheets 10 and 14 of the SEA Plat, an outdoor baseball hitting range/cages may be provided during the Phase 5 DEQ post-closure period, if permitted by DEQ, or after the DEQ post-closure period ends. No outdoor lighting shall be permitted.
58. As generally depicted on Sheet 45 of the SEA Plat, and as approved by DPWES on separate site plan submission(s), active recreation uses consisting of baseball hitting range(s), a golf driving range and/or a radio controlled aircraft field may be provided by the applicant or lessee during Phase 6 of development either: (a) subsequent to cessation of the potential 12 wind turbines and/or solar panels on the ~~40~~50.2-acre platform or a portion thereof, or (b) upon the end of DEQ post-closure period. There shall be no outdoor lighting permitted for these uses.
59. If requested, the applicant shall assist with site preparation for a 2 to 3-acre area designated in Apple Orchard Recreation Area or in the vicinity of Laurel Hill Park, for community garden use. Site preparation shall be limited solely to clearing and grading no more than three acres of land to be used for such garden. The applicant shall not be responsible for any additional support (except as specifically provided below), including any road improvements or impervious surface improvements, construction of any structure or any other site improvements. In collaboration with the entity managing said community garden,

the applicant shall provide for use at the community garden throughout the landfill's operating life, from its recycling operation, reasonable amounts of recovered soils, crushed stone, mulch and other recovered materials to support garden activities. The applicant shall make a onetime contribution of \$50,000 to the entity managing the garden operation for the materials and fees related to creation of the garden if and when all County approvals have been secured by such entity to construct and operate the garden. As may be requested by such entity, the applicant shall provide soil testing on a one time basis for quality, composition, and drainage provided such testing occurs in conjunction with any testing the applicant carries out as part of its landfill site plan approval process. This development condition shall be null and void and the applicant shall not be bound to provide such support if the garden is not established prior to January 1, 2019.

60. Prior to approval of the first new site plan implementing new landfilling not previously approved prior to this SEA for all or any portion of the subject property, the property owner shall record or cause to be recorded among the land records of the Circuit Court of Fairfax County a restrictive covenant approved by the County Attorney and applicable to the subject property which obligates the owner of the subject property to cease all landfill disposal activities no later than December 31, 2034. Said restrictive covenant shall run to the benefit of, and be enforceable by both the Board of Supervisors and by a third party, as determined by the Board of Supervisors.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors (Board) unless and until adopted by the 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 responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception Amendment shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception amendment shall automatically expire, without notice, 48 months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception amendment. 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.

FURNACE ASSOCIATES, INC.
APPLICANT'S STATEMENT
SPECIAL EXCEPTION AMENDMENT SEA 80-L/V-061-2
Revised April 21, 2014

Pursuant to Sections 3-104, 9-201, 9-301 and 9-501 of the Zoning Ordinance, Furnace Associates, Inc. (alternatively, "**Furnace**" or the "**Applicant**") requests Fairfax County Board of Supervisors' (the "**Board**") approval to amend Special Exception Amendment SEA 80-L/V-061 ("**SEA-1**") on Fairfax County Tax Map Parcels 113-1-((1))-5(pt.), -7 and -8, and 113-3-((1))-1, -2 and -4 (the "**Property**" or "**Application Property**") to (i) establish renewable energy electric generation facilities including wind, solar, geothermal infrastructure and methane gas collection systems as "interim uses" to further the County's "Green Energy Triangle" initiative; (ii) extend the useful life of the existing construction debris landfill to continue land filling activities until December 31, 2034; (iii) reduce the maximum allowable debris elevation to no more than 395 feet; (iv) remove the previously-approved public park uses and facilities and the dedication requirement rescinded by the Fairfax County Park Authority Board (Park Authority Board and Staff collectively "**FCPA**") in March 2009; (v) entitle three alternative private, limited-access active recreation "end uses;" and (vi) create and operate an "Observation Point" as a private, controlled access accessory use. This landfill "Observation Point" would be accessed solely via shuttle service operated by the Applicant from visitor parking located on Furnace's adjacent I-6 zoned tract (Tax Map Parcels 113-1-((1))-12, -13) (the "**PCA Property**"), which is the subject of pending Proffered Condition Amendment PCA Application 2000-MV-034 (the "**PCA**").

The approximately 250-acre Property, zoned R-1, is occupied by a Construction Demolition Debris ("**CDD**") landfill which is classified as a "Category 2" Special Exception ("**SE**") use. A CDD landfill has been operated on the property since at least the 1970s, and ultimately in accordance with SE 80-L/V-061, approved on November 16, 1981 and amended by the Board in SEA-1 on January 8, 2007, subject to 56 development conditions. The landfill is inspected at least quarterly by the Virginia Department of Environmental Quality ("**DEQ**"). CDD landfills accept inert materials, such as concrete, rock, asphalt and glass, as well as scrap lumber, drywall, trees, brush, and other debris from construction sites and land clearing activities, as approved in the Property's DEQ waste permit. While no landfill may be permitted by DEQ without local government land use approval, no landfill use may be established without DEQ engineering review, approval, bonding requirements, operational limitations, environmental, monetary and reporting requirements, inspections and enforcement. No owner/operator of a DEQ permitted landfill can be released from its operational, maintenance, and monetary obligations until DEQ is satisfied, after typically ten (10) years of post-closure monitoring and inspections, that the landfill has completed settlement satisfactorily, the landfill cap is intact, and there is no existent environmental degradation or any indication thereof.

The Application Property generally is located between Interstate 95 and Furnace Road, south of Lorton Road and east of the County landfill, incinerator, and the Landfill Energy Systems ("**LES**") facility (formerly known as Michigan Co-Generation Systems, Inc.). In conjunction with this amendment application SEA 80-L/V-061-2 ("**SEA-2**"), Furnace has submitted a proposed, revised Plat dated March 22, 2013, as revised through April 4, 2014, consisting of 45 sheets and prepared by BC Consultants.

The Applicant also owns two tracts adjacent to the Property which never have been used for landfilling, approximately 9 acres and 17 acres in size, respectively, and located on the west side of Furnace Road outside the boundaries of the Application Property. Furnace had proposed to construct and dedicate passive public recreation uses on the 17-acre, R-1 zoned tract (Tax Map Parcel 113-1-((1))-5(pt.)) which is part of the landfill Tax Map Parcel, but is now proposing to contribute \$3.2M in lieu of that dedication in response to FCPA's specific request. Furnace is proposing to relinquish its already-entitled mixed waste reclamation use and instead to construct an extensive solar panel farm and other renewable energy generating infrastructure on the PCA Property contingent upon Board approval of SEA-2 and the PCA.

Two 2232 Applications also were filed with the Department of Planning Zoning for the wind turbine and solar panel electric generating facilities on the SEA-2 Property and the solar panels PCA Property. On April 3, 2014, the Planning Commission determined that the proposed solar and wind electrical generating facilities satisfy the location, character and extent criteria in Section 15.2-2232 of the Code of Virginia, as amended.

SEA-1 permits excavation, grading and filling associated with a CDD landfill, subject to 56 Development Conditions. SEA-1 Condition #12 limits the height of the landfill, prior to the installation of final cover, vegetation and structures, to a final waste fill elevation of 412 feet above sea level, and requires cessation of landfill operations on or before January 1, 2019 or upon reaching maximum height of fill, whichever occurs first. This Application requests approval to reduce the maximum waste elevation to 395 feet. SEA-1 allowed quasi-public park uses on the Property and required its dedication to the FCPA after completion of post-closure monitoring by DEQ. Subsequent to imposition of these conditions by both the FCPA and the Board, in March 2009 the FCPA determined that it would not accept the future dedication of "Overlook Ridge." FCPA's reversal negated the underlying understanding of all three parties that the public park use would be owned and operated by the FCPA and that the liability associated with public access for recreational purposes would be the FCPA's.

In SEA-2, the Applicant seeks approval to add a vegetated berm in order to develop a near-level approximately 50 acre platform by filling between the existing slope and that berm, and to extend the landfill's useful life to December 31, 2034. The Applicant also is requesting approval and committing to erect three initial wind turbines, create solar (on the PCA Property), all within Phase 1;" create renewable energy through electric generation facilities using wind, solar (on the PCA Property), methane (plus heat and cooling capability through geothermal facilities) all within Phase 1; and establish the near-level platform for future creation by others of a larger "Green Energy Park" which could include up to 12 wind turbines, up to 60 acres of solar panels, and/or more advanced technologies to be provided by public or other private entities with the Applicant's agreement.

In addition, after significant outreach with representatives of the Lorton Valley Homeowners Association located adjacent on the north to the Application Property, Furnace has committed to provide a recreation facility for use solely by Lorton Valley residents, to be conveyed to their HOA. This approximately 5.2 acre park and facilities would be provided as determined solely by the Lorton Valley HOA. Given the limited open space available within Lorton Valley, this park would provide a desirable, permanent amenity to Association residents

within walking distance of their homes. Should Lorton Valley elect to decline these facilities, they will not be provided and it will not be necessary to convey the land.

SEA-2 complies with the "General Standards" for all SE uses and with the "Additional Standards for the Category 2, 3 and 5 Uses" being requested.

A. Type of Operation.

The Applicant proposes continuation of the existing CDD landfill activities over a phased plan of development that includes an extensive landscape planting program, as proposed on SEA-2 Plat Sheets 16 through 25, to be implemented both during Phases and after cessation of landfill operations. The new, proposed interim and ultimate landscape planting designs will establish an attractive buffer with a forested appearance. The extensive amount of landscape plantings currently provided on the slopes of the landfill, as well as the additional landscaping proposed over five phases in SEA-2, has presented a unique challenge to establish and maintain; many lessons have been learned. The Urban Forestry Management Division ("UFMD") has been working closely with the Applicant's Arborist regarding adjustments to planting types and design as reflected in this SEA-2 Application, incorporating lessons learned over the past several years to determine which trees and shrubs have the highest survivability rate. These principles will be used to maximize the creation of tree canopy and greening of the landfill. Maintaining the health and survivability of the extensive amount of vegetation is in the best interest of all parties. The amount of planting proposed is unprecedented for a landfill, which is not conducive for landscaping due its size, steep slopes, wind impacts, and deer.

This proposed extension of the only CDD landfill in the region with a significant remaining useful life, to a closure date of December 31, 2034, is consistent with and fulfills the goals set forth in the Fairfax County Solid Waste Management Plan ("SWMP"). The SWMP identifies a significant shortfall in landfill capacity for CDD generated in the County; specifically, the SWMP cites a need for 18 to 21 million tons of disposal capacity through 2024 (the end of its study period). The SWMP recommends the projected shortfall be addressed through continued use/expansion of local landfills and/or encouraging a regional approach to CDD disposal. The Applicant's projection is confirmed by Joyce Doughty, Assistant Director of the Solid Waste Management Program, who in her memorandum to ZED Staff dated November 6, 2013, states that, "In general terms, the benefit of continued operation of the Lorton Landfill would be assured CDD disposal capacity for the next 27 years, offsetting the need for longer transport of up to 400,000 tons per year of material." There were two other CDD landfills in the County. One of these has closed since filing of this SEA-2. The other site's capacity is practically exhausted. Standing alone, it could handle the CDD demand from the County for less than one year as of its available capacity today. Long-term CDD disposal capacity is critical to the economic vitality, economic development, and revitalization goals of the County. The continued availability of Applicant's landfill is crucial to solving the County's anticipated near-term exhaustion of CDD capacity.

The Applicant proposes to create a vegetated berm around the perimeter of the landfill and to fill the space between this berm and the existing side slope to develop the landfill's capacity over five, overlapping phases of operation. Reinforcement material, consisting of a geo-synthetic such as a "geo-grid" (commonly high density polyethylene which is the same

material used in landfill liners), would be laid horizontally, adding strength and stability to the berm and requiring less earth material within a smaller footprint than a comparable earth-only berm. Facing materials also would include a geo-synthetic and be designed to promote vegetative growth. The vegetated berm and ground-level and upper-level access roads would be completed over five phases as depicted on Sheets 6 through 13 of the SEA-2 Plat. The Applicant also requests approval to add a southern "Right-In Only" access point, which would improve on-site queuing, filling and circulation patterns. As depicted on the Landscape Plans (Sheets 16 through 23 of the SEA-2 Plat), nearly 8,787 trees would be planted on primary and intermediate benches, mostly on the northern and eastern slopes of the landfill, with some on the western slope, by the completion of Phase 5. This would result in 4,276 more trees being planted on the landfill in SEA-2 than approved in SEA-1.

Instead of becoming merely a "closed landfill," this proposal creates a unique opportunity for renewable, green energy-producing facilities that functionally relate to the surrounding County infrastructure and provide environmental sustainability and economic benefits to the County. The Applicant proposes to locate a renewable or "Green Energy Park" on the landfill in accordance with the recommendations of the County's Energy Task Force (renamed the "Energy Alliance Task Force") and the broader, long-term sustainable energy goals established by the Board. One recommended goal of the Task Force was to establish a "Green Energy Triangle" as a transformational energy project in Lorton. In addition to installing and operating three wind turbines (Category 2 SE Electric Generating Facilities) during Phase 1 as "accessory uses" (the "**Initial Turbines**"), as well as geothermal and methane recovery facilities, the SEA-2 Plat provides in Phase 5 an approximately 50 acre platform (enabled by the vegetated berm) for the potential of up to 12 wind turbines and/or a 50 acre solar panel farm ("**Full GEP**"), which may be provided by the Applicant/Owner and/or others after landfill closure, subject to Board approval of a Zoning Ordinance Amendment to allow the 12 turbines. During Phase 4, the Applicant will also create a 10 acre area to accommodate additional solar infrastructure, for a total solar potential of 60 acres.

Each of the Initial Turbines to be installed on-site by the Applicant will be capable of producing at least one-quarter megawatt peak of electricity on that interim, southern portion of the platform as depicted on Sheet 6 of the SEA-2 Plat. The first turbine will be installed no later than 18 months after all necessary approvals for implementation of SEA-2, to include, but not limited to, (i) FAA and/or other Federal, State and County approvals of the wind turbines; (ii) all requisite DEQ approvals of the landfill, including the Major Permit Amendment; (iii) all requisite County approvals such as GRB, site plan, land development and structure permits, non-DEQ bonding, and Non-RUP, have been obtained (all collectively, Necessary Approvals). The second and third turbines will be installed within 36 months after having received all such approvals. Fifty percent of any revenue, in excess of 2.5 cents per Kilowatt-hour, the Applicant receives from the sale of the electricity produced by these Initial Turbines will be donated to the County. The Applicant shall share 50% of the net profit from any renewable energy sales related to the "Full" GEP (as defined in the proposed development conditions) wind and/or solar infrastructure on the landfill site.

The Applicant also will install a methane gas recovery system within the landfill and will deliver to the County methane sufficient to generate the equivalent of two million kilowatt hours annually of electricity, with the intent that it will be used by the County to generate electricity

sufficient (i) for the normal operating needs of County-owned facilities such as the former Lorton Workhouse site ("**Workhouse Arts Center**"), thereby reducing the financial burdens for that facility, or (ii) for use at some other County facility. Applicant will pay the cost of processing the methane gas so that it is suitable for combustion by industry standard co-generation infrastructure.

Additional, off-site proposals have been made by the Applicant in conjunction with this Application. The Applicant's I-6 PCA Property is already entitled for and operating a mixed waste reclamation use. The Applicant's business plan for the PCA Property is to accept the CDD currently accepted by the landfill, should the landfill cease operation on January 1, 2019 as required by SEA-1 Condition 12, sort and recycle that CDD, and continue to sort other mixed waste. Truck traffic currently entering the Applicant's landfill site is prohibited from approaching the site from Lorton Road, which is a major transportation artery for local residents. The PCA Property has no such restriction and has no required closure date. Cessation of landfill activity and redirection of related truck traffic to the PCA Property would result in a significant increase in truck traffic on Lorton Road and adjoining feeder roads. The mixed waste reclamation center would require, by its nature, that all material delivered to the site be transported out to end users or remote CDD landfills. This would increase the volume of truck traffic on neighboring roads (as opposed to the landfill use which does not require the transportation of CDD away from the site), and would require long distance transportation which would consume at least 34 million gallons of diesel fuel over a 22 year period and produce at least 377,000 tons of carbon dioxide equivalent. The benefit of these proposed revisions directly supports the County's objective to meet Clean Air Act National Ambient Air Quality Standards.

As proposed in the PCA, the Applicant is prepared to abandon this by-right "mixed waste reclamation" use and to erect a solar electric generating facility, complementary to green energy uses on the Property. Within 24 months after having received all Necessary Approvals for implementation of SEA-2, the Applicant will install and operate at least a one-half megawatt peak solar infrastructure on the PCA Property for distribution and sale on the electrical grid. All costs associated with the purchase, installation, operation, and electricity distribution of the solar infrastructure will be the responsibility of the Applicant. The infrastructure will be operated for its useful life, which is currently estimated to be 20 years. Fifty percent of any revenue, in excess of 2.5 cents per Kilowatt hour, the Applicant receives from the sale of the electricity produced by the solar infrastructure will be given to the County.

Remaining surface area on the I-6 site will allow for additional solar infrastructure, or other renewable energy operations, should the Applicant, or others with the Applicant's permission, elect to build out additional renewable energy capacity. Also on the PCA Property (see the PCA Application), the Applicant proposes to locate all visitor parking for the landfill "Observation Point." Access to the "Observation Point" would be strictly controlled by the property owner with limited access to the public, who would be required to sign liability waivers and releases and travel on-site in a shuttle from the PCA Property up to the "Observation Point."

Details for the Observation Point proposed to be established during Phase 1 and continue in several locations until DEQ release at the end of Phase 5, appear in the Applicant's Proposed Development Conditions. "Overlook Ridge," which was requested by the Applicant and the FCPA, and approved by the Board in January 2007, is proposed to be eliminated in this SEA-2

Application to reflect the FCPA's decision in March 2009 to reject dedication of the landfill site by ESI to the FCPA. SEA-2 continues to provide for open space and recreation facilities, but to be constructed in the north side buffer zone (which would be accessed from a trail connection to Lorton Valley) if requested by the Lorton Valley HOA.

The SEA also contemplates that funding will be provided for an educational feature at the Workhouse Arts Center or elsewhere, as determined by the County, that relates to the renewable energy activities both on the Applicant's sites as well as on the neighboring County property.

As shown on Plat Sheets 6 through 11 and Sheet 14, an "Observation Point" would be installed by the Applicant during Phase 1 in the general location of the Initial Turbines and be open for visitors when these three turbines begin operation. Outdoor style, wooden bench seating would be provided for up to approximately 20 visitors, with a lectern at the head of benches to provide for speakers. Tourist style telescopes (on posts) would be provided at the east and west flanks of the "Point" area. Actual location of each telescope could vary from edge of seating area to ridges of the elevation, in which case stone dust type trails would lead to the telescopes. Information signs describing the "Green Energy Triangle," history of the area, and local attractions would be provided. This initial Observation Point would exist from the end of Phase 1 until the beginning of Phase 5.

At the beginning of Phase 5, when the Initial Turbines are removed (to permit filling and capping of the southern area), the Observation Point and its related features would be relocated northward with the understanding that its exact location likely will need to be adjusted as Phase 5 landfill operations and capping proceed toward closure. Please note that, for public safety, during Phase 5 operations there would have to be a gap or transition periods (not to exceed 18 months cumulative) during which no Observation Point will be available due to filling, settling and capping of the 50-acre top platform. The Observation Point and shuttle service would continue through approximately 2044 and cease to exist upon release of the Applicant by DEQ from post-closure monitoring and maintenance of the landfill. A dustless surface waiver has been requested to provide access to this use, both for the initial gravel access road during Phases 1 through 4 and the subsequent gravel access proposed to be provided in Phase 5 through the post-closure period.

As depicted on Plat Sheets 6 through 10 and on Sheet 2 of the Generalized Development Plan Amendment ("**GDPA**") filed in the PCA (and described in the plat notes), access to this Observation Point would be controlled by the Applicant solely via shuttle and with the requirement that each visitor execute a liability waiver and release. Consequently, parking on the landfill for this accessory use would be for the shuttle, and periodic maintenance (one space combined). Visitors would park at the solar farm located on the PCA Property. Section 11-102 of the Zoning Ordinance allows offsite parking on a contiguous site under the same ownership, subject to compliance with certain conditions as may be approved by the Board.

As stated in its Proposed Development Conditions, the Applicant is committing to scheduled tours and will also allow a limited number of tours to be scheduled on demand with ample notice. Both the regular and on-demand tours would require a minimum and maximum number of visitors to go forward, and the frequency of regularly scheduled tours may be reduced to reflect actual demand. Scheduled day(s)/hours would enable the property owner to allow

visitors during the landfill's less busy operational timeframes. Applicant may implement a pre-registration system to better organize the groups in terms of numbers, special needs, obtaining executed waivers and releases, etc.

This CDD landfill currently accepts select volumes of dredged soils from lakes, ponds, and storm water management facilities in the County that are either publicly or privately maintained. (Certain of these dredged soils are accepted by the landfill for free, which saves the County significant costs.) Over time, such facilities accumulate sediment which, if not removed, will severely reduce their ability to function effectively, resulting in a serious threat to County and regional water quality and storm water capacity. Extending the closure date to 2034 will provide a long-term outlet for dredged soils produced in the County, a critical environmental need since there are no dredged soil treatment facilities in the County or the region.

This SEA-2 has evolved over the course of 24 months of extensive discussion and negotiation with the South County Federation Land Use Committee ("LUC") pursuing an alternative to the pre-empted Overlook Ridge, and simultaneous outreach with other community and countywide stakeholders. The Applicant committed to development of a Green Energy Park ("GEP") with four robust re-usable energy components – wind, solar, methane, and geo-thermal – plus certain additional revenue-generated contribution commitments. The LUC discussions came to a halt in late May 2012 despite leadership representations of support up to that time. At the Countywide level, a recommendation by the County Energy Task Force resulted in Board adoption of a Green Energy Triangle concept¹ for the immediate landfill area and commitments to establishment of a national model for the location of substantial green energy infrastructure components on public and private land in that area.

The SEA-2 Application proposes to implement a key component of the February 5, 2013 County Staff Report to the Board Environmental Committee recommending development of the Green Energy Triangle in Lorton. A key objective in this County staff recommendation, as noted in the Task Force report, is to rebrand the Lorton area. The Applicant's proposal further manifests the County Executive's FY 2014 report to the Board, which specifically cites the Green Energy Triangle as "leading to a re-branding of the Lorton area, changing its identity from being a site of the County's waste and debris disposal facilities to becoming a tangible expression of the County's renewable commitment". The Applicant's renewable energy program is a direct result of the work of the Task Force, the Board's Environmental Committee, and other Board policies.

¹ In a Motion on October 16, 2012, the Board enthusiastically and unanimously endorsed the Chairman's "Private Sector Green Energy Task Force" recommendations, stating a purpose of "*stimulating a transformational energy project*" and creating "*with the private sector, pilot projects to demonstrate the use of local alternative energy sources for small and large scale development. These projects should: a) Not require legislative changes, nor changes to county policy; b) Be revenue neutral for the county of have the potential for revenue generation and c) Could be initiated within 24 months. The Lorton Green Energy Triangle is a potential example.*"

The approval of SEA-2 would (i) avoid the increased truck traffic caused by the closure of the landfill that results from the need to transport all CDD out of the County to remote landfills; (ii) avoid the impact of unrecovered methane gas generated by both the Applicant's landfill and by the additional waste that will be transported to other CDD landfills in Virginia (which are not required to capture methane gas); and (iii) produce offsets to energy produced by fossil fuels due to the impact of energy produced by the solar and wind facilities. The combined benefit of the application to the environment is approximately 3.6 million tons of avoided greenhouse gases (equivalent of 28,000 medium size cars per year or 210,000 tons of CO₂ per year) which directly addresses the objectives called for in the County's adoption of the "Cool Counties" initiative.

In its "2013 Annual Report on the Environment" dated November 2013, the County's Environmental Quality Council ("EQAC") identifies key ways to reduce greenhouse gas emissions, including landfill gas to energy systems (pages 11-17)). In praising the work on a "Lorton Green Energy Triangle," the 2013 EQAC report states, "These cooperative planning and efforts to make more efficient use of existing energy sources and to create renewable energy within the county is commendable" (page 31-32). EQAC commends the County for recognizing the importance of reducing greenhouse gas emissions and promoting education and outreach programs (page 34). EQAC states on page 35 that it "strongly supports the continuation of work started by the Chair's Energy Task Force be continued through the Energy Alliance." This SEA-2 Application fulfills all of those goals.

Applicant's commitment to the LUC had been to the provision of the GEP infrastructure and other proposed amenities, some of it up front and the remainder through 2040, the proposed operational life of its landfill needed to support such an enormous expenditure. In late November 2012, the LUC requested that Applicant instead fund a Recreation Center at a cost, according to FCPA, of \$50M (including debt service through 2040). The Applicant responded with a proposal to provide a significant but revised GEP infrastructure "up front," with a payment of \$15M over time towards a specified community need.

As committed in this Applicant's Proposed Development Conditions, the Applicant will construct, during Phase I, wind, methane and geothermal infrastructure on the landfill, and solar on the PCA Property (on which it will relinquish its entitled mixed waste reclamation use); provide methane fuel to the County for the Workhouse Arts Center and/or other local County facility, over the operational life of the landfill, enabling to the County an avoided energy cost of approximately \$7 million; donate to the County 50% of the revenue, in excess of 2.5 cents per Kilowatt-hour, resulting from sale of electricity generated by the proposed Phase 1 wind and solar infrastructure; donate to the County 50% of the profit resulting from the sale of electricity generated by the Full GEP wind and solar infrastructures; provide educational features related to renewable energy at the Workhouse Arts Center or at such other location as agreed upon with the Applicant; at the specific request of FCPA; contribute \$3.2M to FCPA for recreational facilities in the Lorton Area, in lieu of Applicant's previous offer to dedicate a 17-acre parcel to the FCPA and provide recreational amenities on that parcel; and contribute \$10M towards a specified (as determined by the Board) local County/community need, in installments of \$500,000 per year beginning in 2019 and ending in 2038.

As referenced above, the total cash and energy value being contributed to the County, FCPA, and community exceeds \$25M, plus revenue sharing in electricity sales. The cost to the Applicant of the amenities and GEP infrastructure to be constructed exceeds \$15M. These numbers do not include (i) the value of the I-6 land and its entitled, unlimited mixed waste reclamation use Applicant is willing to forego, and (ii) the long-term benefit that the Applicant's green energy park as a cornerstone provides in the rebranding of the Lorton area as one of the most progressive communities in the region, if not in the nation.

On August 15, 2013, the Applicant filed with County Staff a "Feasibility Study for Renewable Energy Technologies" prepared by Geosyntec and dated August 17, 2011, with six follow-up analyses performed since 2011. Preliminary foundation design information for the turbine installation and a diagram were prepared by Geosyntec and filed with the County Zoning Evaluation Division on June 24, 2013. The difficulty of placing waste and capping around existing turbines is a major driver for dismantling the Initial Turbines before proceeding with the potential installation of 12 turbines potentially at the end of Phase 5. The Initial Turbines are located in an area of the landfill that will be inactive for a significant period while other landfill areas are filled, and that will be filled and capped after relocation of the Initial Turbines. The entire landfill will be filled to final height and fully capped before installation of the 12 turbines. Due to potential issues with differential settlement, proper foundation design is critical for any large structure installed on a landfill. The foundation design for wind turbines on top of a landfill will require either deep foundations (drilled shaft or piles, which penetrate the final cover) or shallow foundations (concrete rafts, which do not penetrate the cover). Design selection will be based on the settlement characteristics and bearing capacity of underlying cover, waste, and soil/rock properties at a site, and regulatory conditions governing cover penetrations. Note that to avoid excessive movement of the wind turbines and transmission of high dynamic forces to the tower and foundation during high winds, automatic breaking and cut-off systems are built into the turbines' control systems which stop operating if wind speeds exceed a predetermined level.

As requested by the Planning Staff, Phase 5 of the SEA-2 (Sheets 10 through 14) have been revised to add the potential for a Category 5 "outdoor baseball hitting range" use after landfill operations have ceased, beginning after DEQ Release. This active recreation use during the end of Phase 5 could be established before or coterminous with the potential wind turbines in Phase 5 and be operated by a lessee who would assume liability for private use on the landfill.

Phase 6 (Plat Sheet 45) seeks approval of alternative private active recreation uses which will consist of either a Category 5 outdoor baseball hitting range and/or private golf driving range and/or a Category 3 model aircraft field, or similar private club or benefit association uses. One, two or three of these uses would operate either: (a) subsequent to cessation of the "interim" Green Energy Program, if installed or (b) if the GEP is never implemented, upon release of the Applicant by DEQ from post-closure monitoring and maintenance of the landfill. The lessees would assume liability for private use on the closed landfill property.

B. Hours of Operation.

Landfill Operations (Phases 1 – 5): Monday through Friday 7:00 a.m. to 5:30 p.m. and Saturday 7:00 a.m. to 3:00 p.m., with continuation of certain limited exceptions as permitted under the SEA-1 Development Condition #27.

Outdoor Baseball Hitting Range (Phases 5/6):

April 1 to October 31: 4:00 PM – 10:00 PM Monday – Friday
10:00 AM – 10:00 PM Saturday & Sunday

Golf Driving Range (Phase 6):

All year round: 10:00 AM – 10:00 PM Sunday – Saturday

Model Airplane Flying Field - Private Club or Benefit Association (Phase 6):

April 1 to October 31: 9:00 AM – 8:00 PM Monday – Sunday
November 1 to March 31: 9:00 AM – 5:00 PM Monday – Sunday

C. Estimated Number of Patrons.

Landfill (Phases 1 - 5): No change from current and prior experience. The number of patrons varies with weather conditions, time of year and the prevailing economy, which directly impacts regional development activity and the amount of construction debris to be disposed.

Outdoor Baseball Hitting Range (Phase 5 end and possibly continuing and expanding in Phase 6): 125 patrons.

Golf Driving Range (Phase 6): 170 patrons.

Private Club or Benefit Association (Phase 6): 21 patrons.

There is little expectation all three will exist simultaneously.

D. Proposed Number of Employees.

Landfill (Phases 1 - 5): It is anticipated that there will be approximately 15 full-time equivalent employees working at the landfill during the operations time period.

Outdoor Baseball Hitting Range (Phase 5 end and possibly continuing and expanding in Phase 6): Two full-time equivalent.

Golf Driving Range (Phase 6): Two full-time equivalent.

Private Club or Benefit Association (Phase 6): One full-time equivalent.

There is little expectation all 3 will exist simultaneously.

E. Estimate of Traffic Impact of the Proposed Use.

No change to landfill operations is proposed, so there will be no change in related trip generation. As prepared by Wells + Associates, Inc., trip generation estimates associated with the proposed SEA-2 use are based on the 2011 load counts taken at the landfill truck scales and are as follows:

	Acres	Annual Loads	Average Daily Loads	Average Daily Trips
Existing Use	250	112,698	394	788
Proposed Use (estimated)	250	112,698	394	788
Net New Loads and Trips		0	0	0

FCDOT determined on July 31, 2012 that no Chapter 870 (formerly 527) study is required because no material increase in trip generation is projected.

Estimated traffic impact of the three alternative recreation uses would be relatively minimal, and would not occur until after landfilling activity has ceased. The following is based on ITE Trip Generation estimates:

Outdoor Baseball Hitting Range (Phase 5 end and possibly continuing and/or expanding in Phase 6): 220 Average Daily Trips.

Golf Driving Range (Phase 6): 341 Average Daily Trips.

Private Club or Benefit Association (Phase 6): 42 Average Daily Trips.

None of the three uses produces any material peak hour trips. There is little expectation all three will exist simultaneously.

F. Vicinity or General Area to be Served.

This is a regional CDD landfill which serves the entirety of Fairfax County.

G. Description of Building Façade and Architecture.

There are no architectural treatment considerations relevant to this Application. After creating the southern portion of the platform during Phase 1, the Applicant proposes to erect three (3) wind turbines (see SEA-2 Plat Sheet 6). Other minor "structures" consist of construction trailers, with all but one to be demolished or removed during the course of development. One permanent operations trailer with an associated parking lot will be located in the northwest corner of the property and remain subsequent to Phase 5 closure. Other facilities are leachate pump houses, gate houses and gates, portable scale houses, scales, and tire wash facilities which will be relocated on-site during phases as necessary when landfilling operations are adjusted over the five phases. These facility locations are identified by Phase on the SEA-2 Plat. Minimal structures as depicted on the SEA-2 Plat would be associated with the three proposed, alternative recreation uses described above.

H. Listing, If Known, of All Hazardous or Toxic Substances.

Hazardous and/or toxic substances currently stored and contained on-site are limited to products which are used for the general operation of the landfill, its equipment and vehicles. Methods for use and disposal shall adhere to County, State and/or Federal law.

I. Statement of Conformance with Applicable Ordinances, Regulations and Standards.

This Application shall comply with all applicable ordinances, regulations and standards, with the exception of requested waivers and modifications as outlined below and identified on the Plat. This Application shall comply with the "General Standards" for all Special Exceptions and with "Standards" for the Category 2 (Landfills and Electrical Generating Facilities), Category 3 (Quasi-Public Uses, Private Clubs and Public Benefit Associations) and Category 5 (Outdoor Baseball Hitting Ranges and Golf Driving Ranges) Special Exception uses set forth in the Zoning Ordinance. A detailed compliance analysis of the various "General Standards" and "Additional Standards" has been prepared by the Applicant and filed with County Staff on October 7, 2013.

The Applicant seeks a waiver of the dustless surface requirement for on-site roads, including for the initial gravel access road during Phases 1-4 and the subsequent gravel access proposed to be provided in Phase 5 through the post-closure period and for the Phase 6 active recreation uses. The upper and lower berm access roads also are proposed to be gravel. This waiver is appropriate given the unusually large site, the nature of the uses being proposed in the various phases and the fact that private vehicle access is strictly limited and controlled for landfill and for the other uses being proposed.

A waiver of the Countywide Trails Plan requirement for an eight-foot (8') wide trail along the east side of Furnace Road also is being requested. This waiver is appropriate due to the nature of the use, the lack of room between the right-of-way and the landfill berm, because such improvement would not connect to any portion of an established trail system, and a trail exists on the west side of Furnace Road along the frontage of Parcels 12 and 13.

As described in detail on the SEA Plat, the Applicant is requesting modifications of tree preservation requirements and of the transitional screening requirement and waiver of the barrier requirements in favor of those shown on the Special Exception Amendment Plat in accordance with Article 13, Section 13-305, subparagraphs -3, -5, -7, -11, -12 and -14, of the Zoning Ordinance. A minimum fifty foot-wide treed buffer shall be provided along the entire northern property boundary and consist of a combination of existing, mature trees and supplemental plantings which shall be installed and maintained by the Applicant in accordance with that shown on Plat Sheet 21. Minimal grading shall be permitted within this buffer area, as determined by the Urban Forestry Management Division, as necessary for installation of the below trail and/or other improvements. Adjacent to this buffer area, a natural trail and any off-site trail connection, exercise stations along the trail, a multi-purpose open space area, a dog park, and picnic tables shall be provided at the sole option of and to the extent determined by the Lorton Valley HOA. At the sole option of the Lorton Valley HOA, the recreation uses shown

may be eliminated or adjusted, provided that they do not encroach into the fifty foot wide buffer area.

Pursuant to Section 11-102 of the Zoning Ordinance, the Applicant also is requesting Board of Supervisors' approval of an off-site parking and shuttle access to the "Observation Point" which would be strictly controlled by the Applicant with the requirement that each visitor execute a liability waiver and release. Consequently, parking on the landfill for this accessory use would be minimal. Visitors would park and board a shuttle at the solar farm located on the PCA Property. Section 11-102 of the Zoning Ordinance allows offsite parking on a contiguous site under the same ownership, subject to compliance with conditions as may be approved by the Board.

Finally, as granted by the Board of Supervisors on January 8, 2007 in the previous SEA approval, a waiver of Paragraph 9 of Section 9-205 of the Zoning Ordinance is requested to permit improvements as depicted on the SEA-2 Plat which are proposed after termination of landfill operations and prior to DEQ release. These improvements would include all those shown on the Plat, such as the Observation Point, trailer, and green energy uses. A summary chart of requested waivers and modifications is included in this Application.



Francis A. McDermott
Attorney for Applicant

Planning Commission Meeting
April 3, 2014
Verbatim Excerpt

PCA 2000-MV-034/SEA 80-L/V-061-02/2232-V13-18/2232-V13-17 – FURNACE ASSOCIATES, INC.

Decision Only During Commission Matters
(Public Hearing held on February 27, 2014)

Commissioner Flanagan: Thank you, Mr. Chairman.

Chairman Murphy: Nice to see you with us this evening.

Commissioner Flanagan: Well it's nice to be here after having a few hours' sleep. But thank you, Mr. Chairman. First, I wish to thank the 56 citizens that signed up to speak and those that didn't sign up to speak, but stayed up anyway to speak and listen until 3:00 a.m. the next morning. And the reason for that is they recognize the huge long-term impact of this Special Exception Amendment that will be borne by the Lorton community. I think the 56 speakers set a record for the Planning Commission and I think we should all take note of the fact that this is a significant turnout by any community in Fairfax County. The decorum of the Lorton citizenry gave new meaning to why it's a good – it's to our good fortune to be an American. Their testimony presented new information, new viewpoints, and were supported with facts – facts that have been the basis for much post-hearing additional testimony and some changes to the application. Their testimony was a great help to we Commissioners in determining what we are sworn to do – make sure that all Special Exceptions are in harmony with the surrounding community with the Comprehensive Plan recommendations – and, third, with the Zoning Ordinance. I wish, however, that the Commission tonight was considering a compromise offered by the representatives of the Lorton community, who met with the applicant after the public hearing. Their compromise called for the certain closure of the landfill by the end of 2022 in order for the landfill to reach 412 feet; the elimination of the wind turbines' threat to wildlife; the elimination of the seven-story earth and berm wall threat to the adjacent RPA, floodplain, and Giles Run; and the alternate location of solar panes to the sites being served. In other words, instead of being a distance from the sites that will use the electrical energy, they would be moved, actually, to the sites where they would be using the electrical energy. I could have easily supported such a compromise. But that is not the application before us tonight for a decision. Instead, as you are aware, Furnace Associates has filed a Special Exception Amendment application – SEA 80-L/V-061-02 – seeking the expansion of their existing 250-acre construction demolition and debris landfill in Lorton and a continuation of its operation until the year 2034. The SE also seeks to add electrical generating facilities, a radio-controlled aircraft field – amateur, I mean a small aircraft field – hobby aircraft – a baseball hitting range, and a golf driving range to the site at the cessation of the landfill's operations. Concurrent with the SEA is a 2232-V13-18 for solar and wind electrical generating facilities on this 250-acre site. In addition, Furnace Associates have filed two applications that relate to its 9-acre property on the west site of Furnace Road. A Proffered Condition Amendment application, PCA 2000-MV-034, proposes the deletion of a proffered mixed-waste reclamation facility that's there now. The PCA application also proposes to permit solar electrical generating facilities as the proffered use for that property. Concurrent with the PCA 2000-MV-034 is

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another 2232 application – it's actually number 2232-V13-17 – for the establishment of a solar electrical generating facilities. To say that these applications have been contentious would be a serious understatement. The Commission held its public hearing on these applications on February 27, 2014, and that public hearing did not conclude until 3:00 a.m. on the following day. Subsequently, over 200 members of the South County Federation attended a meeting to discuss these applications. The majority of the South County community associations have vehemently opposed this application. The issue has hit home for many community residents, as they participated in striking a bargain with this same applicant in 2007 to have the landfill close by the end of 2018, only to now be faced with an application seeking a substantial expansion of the landfill coupled with the request for an extension of the landfill's operations until 2034. I would like to first address the centerpiece of the applicant's proposal – the SEA application. The existing landfill is located on property that is comprised of approximately 250 acres with a permitted overall height of 412 feet. However, this SE application proposes to reduce the maximum height to 395 feet from 412 and to expand the currently-approved 4-acre platform on top to more than 40 acres. The 40-acre plus platform, in turn, would necessitate the continued – the construction of a 70-foot high – which is the equivalent of a 7-story building – high earth and berm or wall extending two miles around the entire perimeter of the landfill. If the berm wall, which would be seven stories high, were to fail, it would undoubtedly spill onto the nearby RPA, floodplain, and the Giles Run Stream. In addition, homeowners in the nearby Lorton Valley subdivision would be severely impacted. The standards for approval of this SEA are set forth in Zoning Ordinance Section 9-006. In my opinion, this application clearly fails to satisfy two such standards. First, Section 9-006 states that the Special Exception uses must be in harmony with the Comprehensive Plan. The Plan recommendations for this area of the County specifically call for gateway site building design. Gateway uses are supposed to create a sense of place in the community and should embody and announce the fabric of the community. This area of South County is rich with history, notable architecture, and a strong sense of community. Over the last 10 years, this body has helped to define, redevelop, and morph the South County area from heavy industrial uses into a newly developed, vibrant, and engaged community. An even larger landfill does nothing to announce South County as a place worth even visiting and is inconsistent with our vision to turn the Lorton community into a beautiful "gem" in Fairfax County. Quite simply, it is difficult to conceive of any land use that is more inconsistent with the notion of a gateway than a mountainous debris landfill. In addition, the construction of the 40-acre plus platform and the 7-story vegetated berm is inconsistent with the stated goal of protecting the ecological integrity of the streams in the County, as set forth in Objective 2 in the Environmental Section of the Policy Plan and General Standard Number 3 in the Zoning Ordinance, Section 9-006. Second, pursuant to General Standard Number 3, a Special Exception use should not adversely affect the use or development of neighboring properties and, further, shall not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof – end of quote. We hear abundant evidence – we heard abundant evidence at the public hearing which supports the conclusion that the continued use of this site as a landfill through 2034 would, in fact, adversely affect the use of – the use or development of the neighboring properties, including those in Lorton Valley, Shirley Acres, Sanger Street, Laurel Hill Subdivisions, the Workhouse Cultural Arts Center, Laurel Hill parkland, the nationally recognized championship public golf course, and the future development of the adaptive re-use

site – that’s the old maximum security prison. Without question, this current SEA application generates a substantial number of adverse land uses, transportation, visual, and environmental impacts – which will only get worse if the proposed SEA is approved as that not – as not only adding seven – earth and wall, behind which trash will be piled upon existing landscaped mountain sides. At the present sides, there are two sides that are landscaped substantially. Further, there is no doubt in my mind that the proposed extension and expansion would hinder or discourage the continued revitalization of the South County community. I further recommend denial of the 2232 application for solar and wind electrical generating facilities on the existing landfill property. Again, these facilities are contrary to the provisions of the adopted Comprehensive Plan. Solar and wind facilities siding on top of a 395-foot tall mountain of debris, covering a 40-acre plus platform, does nothing to create a sense of place and is not a gateway use, as called for by the Comprehensive Plan. In addition, the facilities are poorly conceived. Among other things, there is no evidence that the wind conditions at this location are sufficient to generate enough electricity to support the installation cost of the wind turbines. Equally damaging to this application, the wind turbines would be a threat to the already threatened American bald eagle population that is, once again, resident in the Mason Neck area. This is not a mere apprehension of harm. Rather, staff from the US Fish and Wildlife Service have confirmed that it previously advised the applicant that this location was unsuitable for wind turbines due to the effect on the local and migrating natural wildlife. Interesting, the proposed development conditions also allow the applicant to buy out of the green energy components of this application for a sum that may very well be less than it will cost to build the improvements. I therefore have concluded that the location, character, and extent of the proposed solar and wind electrical generating facilities on the landfill property is not substantially in accord with the adopted Comprehensive Plan. Finally, we have – we also have a Proffered Condition Amendment application and a second 2232 application for the applicant – from the applicant, which proposes to eliminate the proffered recycling center on the applicant’s property on the west side of Furnace Road to allow for the construction of a solar electrical generating facility. The applicant indicated that it would move to withdraw the PCA application in the event that its current SEA application is denied. Accordingly, consistent with my findings as to the SEA application, I have concluded that we should deny the 2232 application for the west side of Furnace Road and recommend to the Board of Supervisors that it deny the Proffered Condition Amendment application to eliminate the recycling center. In summary, Mr. Chairman, there are more benefits to the County by denying than approving this application. Some in addition to those that I’ve noted above are: one, denial of the application will benefit Fairfax County by improving air quality when the landfill is capped, as recommended by the Planning Commission in 2006. The Sierra Club testimony states that methane gas is a potent contributor to global warming – 25 to 75 – to 72 percent more potent than carbon dioxide. And only 20 to 75 percent of the methane gas is ever captured by most landfills. So in other words, we have 80 to 25 percent freely escaping. The increase – increasing the production of greenhouse gases by expanding the landfill and delaying the capping to 2035 is contrary to the County air policy objective, number one. And two, denial will benefit Fairfax County by hastening recycling when the last landfill in Fairfax County is closed in 2018, as now wisely recommended by the Commission in 2006. The current Board of Supervisors solid waste management plan encourages recycling. It does not encourage landfill expansion. The County, the Virginia

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Department of Environmental Quality, and the EPA all consider landfills as a last resort and a dying industry as more debris is recycled. And three, denial will benefit Fairfax County by protecting a major Fairfax County asset and visitor attraction, the American bald eagle – one of our national symbols in addition to the American flag. Not to protect rare wildlife is contrary to the County Environmental Policy Objective 9. And four, denial will benefit Fairfax County by reducing the number of trucks with a Lorton destiny, as wisely recommended by the Planning Commission in 2006. To allow truck traffic for an additional 17 years, as requested, is contrary to Zoning Ordinance Section 9-006. Accordingly, Mr. Chairman, let me pull up here my motions. I seem to have lost my motions here. Okay – accordingly, Mr. Chairman, for these reasons and based on all of the evidence presented in the public hearings on these applications, I MOVE THAT THE PLANNING COMMISSION FIND THE SOLAR AND WIND ELECTRICAL GENERATING FACILITIES PROPOSED UNDER 2232-V13-18 DOES NOT SATISFY THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT, AS SPECIFIED IN SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*, AS AMENDED, AND IS NOT SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN. I ALSO MOVE THAT THE PLANNING COMMISSION DENY SEA 80-L/V-061-02.

Commissioner Sargeant: Mr. Chairman?

Chairman Murphy: Is there a second? Seconded by –

Commissioner Sargeant: Mr. Chairman, I would like to make a few comments to go with my second.

Chairman Murphy: Okay, seconded by Mr. Sargeant.

Commissioner Sargeant: Mr. Chairman, thank you very much. And let me begin by first of all acknowledging the applicant's participation in recent meetings with representatives of the South County community and business leadership. That goal was to determine whether additional dialog was possible. But at the end of the process, the two sides agreed to disagree. Now even with some recent modifications, this application is still not ready for our support and here are some reasons. The applicant had included a covenant at its own offering to – in development conditions that would have provided greater certainty requiring a closure date. I'm told that this evening that that development condition will be removed for other reasons that Commissioner Hart can elaborate. We should know that this issue has been – we should know, quite simply, that this issue closure and that kind of certainty had been addressed to the satisfaction of all parties. The lack of certainty here has certainly been one of the foundations of dispute in the South County area. The applicant has now agreed to lower the final height of the landfill from 412 to 395 feet. However, the applicant says the revised SEA Plat to reflect this change will not be ready until a week after tonight's decision. As staff noted in response to one of my questions earlier today, in general staff would review a revised plan along with revised conditions or proffers. In a question to staff regarding the amended development condition, I asked staff whether they still agree with the statement on page 19 of the staff report that the applicant has only committed to providing the methane gas and geothermal infrastructures and installation of

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three wind turbines in phase one. According to the staff response dated today, “The applicant has only committed to provide methane gas and geothermal infrastructure and installation of three wind turbines in phase one for the SEA site. The applicant has committed to provide solar on the adjacent PCA side.” This is one of those areas where we can provide better certainty and a better application. With regard to green energy, the applicant correctly notes the extension discussions and task force initiatives and leadership by the Board of Supervisors itself over time to promote alternative energy. And certainly, repurposing a landfill with green energy is not a unique or uncertain idea. We are likely to this – this concept go forward elsewhere as well as here. But in my response to whether the Board of Supervisors has approved any legislation to create a green energy triangle, staff responded today that they are not aware of any legislation to create a green energy triangle at this time. Yes, a green energy triangle can occur without legislation, but my question to gauge the Board’s current involvement and commitment at this time. Is it lost on anyone here that the County’s plan for green energy rests, perhaps, on a new bed of methane? At the end of the day, we should not forget that green energy and cash proffers may be the result of a landfill expansion and extension. We still have a 70-foot berm around the perimeter of the landfill and possibly until 2034 for landfilling activities. A better understanding about responsibility and liability for these structures and any public uses on this site are in the best interests of the County and its citizens. While the applicant’s consultants do provide expertise and assurance regarding the stability and longevity of the berm, the County would be better served to provide its own third-party scrutiny regarding the future of the proposed structure. One engineer said to me, “Nothing lasts forever.” So with this, Mr. Chairman, I second the motion to deny the SEA and 2232. Thank you.

Chairman Murphy: Further discussion of the motion? Mr. Hart.

Commissioner Hart: Thank you, Mr. Chairman. I agree with Commissioner Flanagan. This has been a contentious application and I would like to address, in part, why I think that happened and what we can do about it. I agree also that perhaps we can do better on this type of application. Never the less, I’ve reached a different conclusion than Mr. Flanagan regarding what our recommendation to the Board of Supervisors should be at this point. And earlier today, staff had circulated a series of motions – we received some motions last week – but I had circulated three motions today, the first of which would be what I think we should do on the SEA and the corresponding 2232. I’d like to address first why I think this particular application became so contentious and do so in an effort to try and extract from the land use decision some of the emotion – some of the emotional difficulties that we’ve had with this case. Several years ago, and I think there were four of us – Commissioner Lawrence, Commissioner de la Fe, Commissioner Murphy, and myself – voted on the previous iteration of the Special Exception, which was praised and celebrated at the time as a win/win situation. It was going to provide this overlook park. It was going to provide certainty as to the closure of the landfill in 2018. And it also importantly contained a provision regarding the applicant’s release from liability for the landfill – that it would be taken through – a dedication would be taken by the Park Authority. At the time, I think – I speak for myself, but I think my colleagues would agree – we did not know that the Park Authority might not end up taking the dedication. As it turned out, sometime after the approval, the Park Authority ultimately decided to not accept the dedication of the facility.

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That problem – that fiasco – has mushroomed into a lot of angst and complaints in the community, which I think contributed to the hostile reaction, at least, with the South County folks initially towards this application, the number of speakers we had, the length of the public hearing, the volume of the communications we've received, much of which communicates quite clearly anger over these disappointed expectations. That this was supposed to be a proffer, in fact it's been suggested to us by some that promises were broken or that the applicant should be held to these – to these promises or that there was a deal that the applicant somehow has broken. And from my perspective, that is absolutely not what happened. On a Special Exception, the applicant doesn't make promises. The Board of Supervisors, instead, imposes development conditions – the rules by which an application will be governed. What the Board of Supervisors is saying – we're approving this use, subject to the following terms. You will do this, this, this, and this. We found out, I think, as recently as last week if we – maybe we knew before or maybe I just didn't pick up on it – in one of the memoranda from staff, I learned I think for the first time that Development Condition 53, which was the key to the whole deal – which provided that at such time as the applicant was formally released from liability by DEQ, then some other things would happen. That would lead to the dedication of the facility as a public park. Well, we found out a few days ago – or at least I found out – that the County Attorney's office had never seen Development Condition 53 until long after the approval. And then this all blew up into something. I mentioned at the beginning that I had circulated some motions and the final motion, a follow-on motion, addresses my concern about what went wrong on this case and to make sure that this never happens again. And I hope it is something on which, no matter what our position is on the four applications in front of us tonight, that going forward we can agree on this and that something positive can come out of this. And with respect to the follow-on motion, I think it is susceptible – that this situation is susceptible of repetition because we have repeatedly planned for innovative parks in Tysons. I think we will expect them, perhaps, in Reston as well and perhaps in other places – where we're putting parks in unusual places – on top parking garages, on tops of buildings. And we need to make sure that, going forward, the Park Authority's decision-making process is integrated into the land use decision – that it's not separated – that we not approve something that's dependent on the Park Authority doing something and that the whole approval is contemplating this is going to turn into a park and the Park Authority is going to take it. And secondly, that the County Attorney's office be integrated into the process so that where there are situations where we are contemplating dedication of land for a park or acceptance of land for a park or acceptance of maintenance responsibility or a transfer of liability or something like that – that before this is voting on – before its approved – the County Attorney's office has had an opportunity to vet those development conditions, make sure we're all on the same sheet of music, that the condition is going to work, and that the deal that we contemplate is the deal that's going to happen. We'll get to that. Coming back to this particular application, I think if it hadn't been for the disappointed expectations about the failure of the previous package to work – to turn this into a park – to turn this into a situation where the applicant is being released from liability and the landfill is correspondingly closed in 2018 – it's a much easier case to resolve. I think that on a Special Exception, our function also is somewhat different. And it's different even still on a 2232. I would adopt, generally, for the purpose of the discussion – we don't want to be here until three in the morning again – the rationale in the staff report and staff's professional analysis regarding the provision in the Comprehensive Plan, the

provisions in the Zoning Ordinance, and whether the applications each, I'll say, fall within the strike zone. On a 2232 in particular, we see this on telecommunications and we see it sometimes on Park Authority applications. Sometimes any number of things could fall within that strike zone. Any number of things might meet the criteria of location, character, and extent whether we agree with them or not – whether they would be our first choice – whether we would choose to do it in that way. And on these, I think staff has correctly analyzed them. With respect to the Special Exception, also, I will address briefly – Commissioner Sargeant had addressed Development Condition Number 60, which I had deleted in the motion on the – or if we get – depending on what happens. If we get to my motions, I am deleting Development Condition 60, which was – which did two things. It established a covenant at the end that would run through the Board of Supervisors and to an unnamed third party. In general, it would certainly be possible for an applicant to agree to a private covenant, a private agreement, a side-agreement of some sort. It might even be appropriate in a rezoning case where an applicant is making proffers. Where they're making proffers, they're saying, "Please rezone our property and here's what we're going to do if you do that." But on a Special Exception, our function is somewhat different. The General Assembly has set up a system whereby we evaluate whether certain non-residential uses of special impact are appropriate in certain areas. And if they are – if they meet certain other criteria – what development conditions are appropriate to mitigate the impacts running from the use? Those might address things like lighting and noise and transportation and buffering, landscaping, that sort of thing. To the extent that a development condition was designed to require a covenant to run to the benefit of a private third party, it's not mitigating any impact at all. It's not landscaping. It's not buffering. It's not dealing with noise. The reason that's in there is going back to this first problem with what went wrong with the park. The concern that's been expressed is that the Board of Supervisors cannot be trusted and there needs to be someone – some guardian at the gate besides the Board of Supervisors – some private party to control the destiny of this property down the road. That's not something we've ever done. That's not something the General Assembly has authorized. We can't impose, as a development condition, a requirement on a private party that they give up property rights to somebody else where it's not mitigating an impact. It's dealing with some political problem or some other issue. And again, if some private agreement were to be worked out between the parties, that's fine. But we're not in the business of telling those people what to do. That's – that's the problem with Development Condition 60. Otherwise, I think staff has correctly analyzed each of the uses and imposed a very rigorous set of development conditions, which impose also extraordinary financial contributions and requirements on this applicant over a course of many years. The applications also, I think, are – I would say – are not perfect. And in my discussions with several of you, I think we were close to a consensus on some additional points. I had hoped very much, and I know that several of us did, that the committee that Commissioner Sargeant worked on – I think we appreciate the efforts by Commissioner Sargeant, Commissioner Flanagan, and the people who participated – to try and get a compromise – to try and get a consensus. And we hope to do that on most of our cases. It didn't work here for whatever reason. Nevertheless, the applicant had made voluntarily some changes to their proposal, which staff also supports – scaling it back someone, cutting six years off of their proposal – from 2040 to 2034 – reducing the height from 412 feet to 395 feet. I think there were several other points identified, sometimes simultaneously, by multiple commissioners on which we don't necessarily have a development

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condition. But at the same time, I think it is reasonable for us to look at these applications and say, "Yes, they fall within the strike zone." And the Board of Supervisors might have discretion to approve them. But at the same time, if the Board will work on these six items, they will be closer to a consensus. I think the application will be improved. I think with further discussions between staff and the applicant and the community – and the Board is sophisticated enough to do this – we can make this a better situation. We can road map for the Board how they get there. This is also, I think, an extraordinary application in terms of the time frame, as we've discussed briefly. The 2232 applications run out on Thursday. They are deemed approved as a matter of law if we take no action before then. The Board of Supervisors, theoretically, could extend them again. But there is no guarantee that they will. And we all know what happens in this building if there's a power outage, if there was a fire alarm, if there's a snowstorm again, and something happens – and even if the Board wanted to vote next week – if for some reason they don't, the applications are deemed approved. And we don't want to be in that situation. The Board has given us a deadline. I think we have done – we have rigorously vetted these applications. We have reviewed a great deal of material. Staff has been working day and night to try and digest all the stuff – answer all these questions. And I think in this extraordinary situation, we can identify for the Board suggestions for areas of improvement. And I've tried to do that. Rather than denying the whole thing – recognizing at the same time staff's careful analysis of this and the Board's commitment to any number of policies which are consistent with continuing to have a construction debris landfill within Fairfax County – whether that's for economic development purposes – whether it's for an industrial use continuing to contribute to the tax base – whether it's because we're going to need a place for construction debris for all the growth that's planned in Tysons and Reston and the revitalization areas. And if we don't have it here and the debris has to be shipped out of the County to somewhere in Maryland or Manassas or down the northern neck – wherever it's going, it's going to cost more and take longer – put more vehicles on the road for a longer period of time. And it frustrates, I think, our objectives for getting buildings to comply with, for example, LEED certification, which is going to require something like that. The Board will have the flexibility to determine these types of policy issues in that context. I think I would address, separately, when we get to the – if we get to the other motion – the particulars of that if there's a need for that. But where we are on the first – the SEA and the first 2232 – I think we shouldn't flat out deny it. I think what we should do is my motion, which recognizes that the applications fall within the strike zone, but identifies for the Board six points on which the Commission feels there could be improvement.

Commissioner de la Fe: Mr. Chairman, which motion are we talking about?

Commissioner Hart: I'm arguing why we shouldn't approve Mr. Flanagan's motion to deny the first – the SEA and the first 2232.

Commissioner de la Fe: You're talking about your motion. I haven't seen – you haven't made any motion.

Chairman Murphy: He's just giving you a preview.

Commissioner de la Fe: Oh – okay.

Commissioner Hart: I'm telling you why. Stay tuned we'll get there.

Chairman Murphy: Further discussion?

Commissioner Hart: Mr. Chairman, I had one more point.

Chairman Murphy: Okay.

Commissioner Hart: I wanted to address, also, the commitment to the future of Lorton. This is an issue with County – this is an application – these are applications with countywide implications. Lorton is an important part of the County and there was a lot of testimony about the history of Lorton or the problems with Lorton. We have had, I think – we are all aware of how Lorton was defined 20 or 30 years ago and perhaps by the major uses there. We had – overwhelming everything was the prison. We had the sewage plant, the landfill, the garbage incinerator, the quarry, Cinderbed Road, whatever else. We didn't have a lot of residential development. We didn't have a lot of investment and there were probably reasons for that. With the closure of the prison, however, Lorton got a second and a third look. And we've amended the Plan with the efforts of the Commission and some of the Commissioners participating in those planning activities. We have encouraged and seen a great deal of residential development. And I think Lorton is defined now by – not so much history – not so much the prison in the past – but the growth that we've seen in Lorton. And Lorton is recognized as a growth area. We anticipate there's going to be more growth in Lorton. And the Board has recognized that, which significant investments in schools and parks and public facilities and other things that are coming down the pike. The Lorton Arts Center – perhaps we've made a greater investment than we had intended. In any event, the Board is committed to Lorton. And the fact that an industrial use that's continuing, subject to rigorous development conditions is still there, is by no means an abandonment of the Lorton community or what it means. I think we should deny the – Commissioner Flanagan's motion and then we'll see what happens.

Chairman Murphy: Mr. Lawrence.

Commissioner Lawrence: Thank you, Mr. Chairman. Get my microphone on. I would like very much to go along with Commissioner Hart's proposals. And I do, in fact, plan to go along with the one that he has processed. I do agree that this kind of thing ought not to have happened in the first place and certainly ought not to happen again. However, I cannot agree to a motion for approval of this package, as presented to us tonight. I would like to say that I think we should start with a blank slate and the idea and understanding that the industrial use will, in fact, continue for an extended period of time – many years, that's what they're asking for. Now what do we do during that extended period of time? One of the things we can do is to assure ourselves as to the long-term stability of the mound of debris that they are building so that we don't run into liability problems later – and worse yet, functional problems with our energy generation system because the thing settled in the wrong way. Secondly, we will be able to hold close to the

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end of this extended period of operation, at a time of closure as that approaches, a design contest where we can look at the technology not as it is today, but as it will be decades from now. And we can build not a series of stove pipes with individual sources of energy, but a combination or hybrid of such sources. There is a plant now existing in Florida that's advertising itself on television, which is such a hybrid. They use solar steam rather than voltaic. Voltaic is 20 percent efficient – 20 percent. In the labs, they're now doubling that. It hasn't yet reached industrial capability, but we're talking decades. We have the time to do this right if what we want is green energy. Now absent that, I can't support the application as it's presented – not because of any expectation, but because of the – the merits and the flaws of what's within the four corners of the application. Let me illustrate my position with just a couple of examples. I believe that an acceptable land use application must meet two tests. First, a condition of necessity in that the application satisfies all applicable laws and regulations. Second, a condition of sufficiency in that the application is in conformance with the Comprehensive Plan and that, as a total package, the application provides for a balance between the impacts its approval creates and the public benefits offsetting and mitigating those impacts. I do not believe the Furnace Associates proposal presented for our vote tonight shows that required balance. I'll illustrate that with just a couple of examples. The application proposes wind turbines. The applicant's consultant pointed out in the report they – that conditions at the site are marginal for energy generation using this technology, as it stands today. And the most information I have seen from the Fish and Wildlife Service is that it's unlikely there is no threat to wildlife from the turbines. But the applicant insists they be a part of the package. Even though they commit only to three machines and also include provisions for a study on wildlife impact, providing a way to back out of the technology, but retain overall approval for the extension of operations as decided. Public benefit from this feature of the proposal would then consist of a one-time cash payment. In its proposal, the applicant envisions adding an additional layer to the mound of construction and demolition debris now to be seen at the site. Atop this second layer, large mounting pads for turbines and solar cells are to be put in place. The mass of the installed equipment plus the dynamic loads from wind effects will be transmitted through the debris mound through the pads and their pilots. A condition that has the potential to result in damage to the pads and the equipment and its output would be any significant uneven settling of the debris mound over time. The last proposed development conditions that I have seen included one to the effect that unless a written certification of the long-term stability of the debris mound after it is closed is given, no infrastructure will be build atop the mound. Again, the green energy concept would be lost. In attempting to judge how likely it is that the debris mound will be stable over time, it comes quickly to mind that the debris pile was not originally intended to be in and of itself a load-bearing platform. And there is, thus, no reason to think that compaction of the pile has been a routine over the years of its operation, whatever may be done to the second layer to be added. In at least two particulars then, the value to the public of this green energy proposal is open to question. But the applicant does not want to consider leaving out the wind turbines and does not want any further deferral time to get a solid picture on the long-term stability of the debris pile and its top hamper. We are asked to vote the proposal as a package up or down. As it is presented to us tonight, I will vote against it. Thank you Mr. Chairman.

Chairman Murphy: Ms. Hedetniemi.

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Commissioner Hedetniemi: Thank you Mr. Chairman. In the cacophony of the testimony that kept us here until 3:06 in the morning, one of the things that I remember most were the few people who spoke about the dream of green energy in this County. And the fact that we had the opportunity, if we could to be a leader and create something unusual and unique and valuable, but – Mr. – Commissioner Lawrence's point is very well-taken. I think Commissioner Hart made it also. In a number of years, we don't know what the technology is going to be. I don't think wind turbines are going to last – maybe in this situation – and maybe are not appropriate. But the green energy concept is something that I think we should not lose sight of. In some fashion or other, we should try to make it work on behalf of the County if nothing else.

Commissioner Migliaccio: Mr. Chairman?

Chairman Murphy: Mr. Migliaccio.

Commissioner Migliaccio: I'll try to be concise since we are on verbatim.

Chairman Murphy: We are on verbatim.

Commissioner Migliaccio: Yes.

Chairman Murphy: And I treasure every minute of it if our cacophony of our comments on the motion last as long as they have them, we will be here until 3:06 in the morning.

Commissioner Hedetniemi: You like that word.

Chairman Murphy: I love the word cacophony. Yes, go ahead. It's your turn for cacophony of the motion.

Commissioner Migliaccio: My goodness, the pressure. First, I would like to commend Mr. Flanagan and Mr. Sargeant for representing Mount Vernon in such a great manner on this application. Normally, as Lee and Mount Vernon, we go back and forth on items. But on this one – looking at it, it's not just a Mount Vernon issue. Looking at it, this application in my opinion has regional and countywide implications. And, therefore, it's not just a Mount Vernon issue. And, therefore, I am not able to support Commissioner Flanagan's denial tonight. Hopefully, we have a – Commissioner Hart's motion coming through, depending on what happens now on this vote. I hope by supporting a denial on these applications – it will allow on a vote on a compromise that can be sent to the Board. I feel it serves no purpose leaving this here to die or leaving this – these applications here for a deferral. It does no good. I think it needs to get to the next step. We need to have a vehicle to send this to the Board to let them work on it, to tweak it, to work around the edges. We as a Planning Commission work on the land use issues only. And that's what we're – that's our mission. All those other issues that we hear from South County – and they're very valid issues – those are more the political arena and those are more appropriately addressed at the Board level. And I think by providing a vehicle that may not be

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perfect, but sending it up to the Board would be the best in this – for these four applications.
Thank you Mr. Chairman.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion, as articulated by Mr. Flanagan to deny 2232-V13-18 and SEA 80-L/V-061-02, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioners: Nay.

Chairman Murphy: Motion – we'll have a division; Mr. Ulfelder.

Commissioner Ulfelder: Nay.

Chairman Murphy: Ms. Hedetniemi.

Commissioner Hedetniemi: Nay.

Chairman Murphy: Mr. Flanagan.

Commissioner Flanagan: Aye.

Chairman Murphy: Mr. Lawrence.

Commissioner Lawrence: Aye.

Chairman Murphy: Mr. de la Fe.

Commissioner de la Fe: Aye.

Chairman Murphy: Mr. Hart.

Commissioner Hart: Nay.

Chairman Murphy: Mr. Sargeant.

Commissioner Sargeant: Yes.

Chairman Murphy: Mr. Migliaccio.

Commissioner Migliaccio: Nay.

Chairman Murphy: Ms. Hurley.

Commissioner Hurley: Nay.

Chairman Murphy: And the Chair votes nay and the motion is defeated 6 to 4; Mr. Flanagan.

Commissioner Hart: You want me to go? Or he wants to do his other motion?

Chairman Murphy: You want to do your other – you want continuity here?

Commissioner Flanagan: As long as he had – we're on the SEA. We might as well hear his motion.

Chairman Murphy: Okay.

Commissioner Hart: Thank you, Mr. Chairman. What I would like to do, if I may, is read the motion. If there's a second, I would speak briefly to it. I MOVE THAT THE PLANNING COMMISSION FIND THE SOLAR AND WIND ELECTRICAL GENERATING FACILITIES PROPOSED UNDER 2232-V13-18 SATISFY THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT AS SPECIFIED IN SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*, AS AMENDED, AND ARE SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN. I FURTHER MOVE THAT THE PLANNING COMMISSION FIND THAT SEA 80-L/V-061-02 MEETS THE APPLICABLE LEGAL CRITERIA, SUBJECT TO STAFF'S PROPOSED DEVELOPMENT CONDITIONS WITH THE DELETION OF DEVELOPMENT CONDITION 60 FOR THE REASONS ARTICULATED IN THE STAFF REPORTS AND SUBSEQUENT MEMORANDA AND, THEREFORE, RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SPECIAL EXCEPTION AMENDMENT SEA 80-L/V-061-02, SUBJECT TO STAFF'S PROPOSED DEVELOPMENT CONDITIONS DATED MARCH 28, 2014, WITH THE FOLLOWING MODIFICATION: DELETE DEVELOPMENT CONDITION 60 IN ITS ENTIRETY. AND FURTHER, THAT THE COMMISSION'S RECOMMENDATION OF APPROVAL ON THE SPECIAL EXCEPTION IS COUPLED WITH THE FOLLOWING ADDITIONAL ITEMS FOR CONSIDERATION BY THE BOARD:

- THE COMMISSION RECOGNIZES THAT ALTHOUGH A CONSENSUS BETWEEN THE APPLICANT AND ALL CITIZENS MAY NOT BE POSSIBLE, FURTHER REFINEMENTS TO STAFF'S PROPOSED DEVELOPMENT CONDITIONS, IN CONSULTATION WITH THE APPLICANT, COUNTY STAFF AND THE COMMUNITY, MAY FURTHER IMPROVE THE APPLICATION, AND PROVIDE REASSURANCES REGARDING POTENTIAL IMPACTS FROM THE APPLICATION.

THE PLANNING COMMISSION RECOMMENDS THAT SPECIFIC TOPICS FOR THE BOARD'S CONSIDERATION SHOULD INCLUDE THE FOLLOWING:

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- A) THAT THE BOARD CONSIDER DELETION OF THE REQUIREMENT, DEVELOPMENT CONDITION 46 AND ELSEWHERE, THAT THE APPLICANT INSTALL WIND TURBINES AT THIS LOCATION AND INSTEAD REQUIRE A COMMITMENT BY THE APPLICANT TO INSTALL OTHER GREEN ENERGY TECHNOLOGY OF AN APPROPRIATE AND EQUIVALENT NATURE;
- B) THAT THE BOARD CONSIDER WHETHER THE APPLICANT'S \$500,000 ANNUAL CONTRIBUTIONS BETWEEN 2019 AND 2038, AS REFERENCED IN DEVELOPMENT CONDITION 49, SHOULD BE INDEXED TO INFLATION OR SUBJECT TO COST OF LIVING INCREASES, OR SOME OTHER INCREMENTAL INCREASES;
- C) THAT IN ADDITION TO THE POTENTIAL MEETINGS REFERENCED IN DEVELOPMENT CONDITION 27, THE BOARD CONSIDER A REQUIREMENT THAT THE APPLICANT BE REQUIRED TO DESIGNATE AN OMBUDSMAN OR COMMUNITY LIAISON WITH CONTACT INFORMATION AVAILABLE TO THE SUPERVISOR'S OFFICE AND COMMUNITY TO FACILITATE PROMPT DIALOGUE REGARDING CITIZEN COMPLAINTS OR FIELDING QUESTIONS OR CONCERNS ABOUT THE OPERATIONS;
- D) THAT THE BOARD CONSIDER ADDITIONAL CLARIFICATION OF THE APPLICANT'S LONG TERM RESPONSIBILITY FOR THE STRUCTURAL INTEGRITY AND STABILITY OF THE SOLAR PANELS OR OTHER STRUCTURES INSTALLED ON TOP OF THE LANDFILL, INCLUDING POST-CLOSURE;
- E) THAT THE BOARD CONSIDER ADDITIONAL LIMITATIONS ON REMOVAL OF VEGETATION, OR SUPPLEMENTAL VEGETATION AS MAY BE DETERMINED BY DPWES, IN THE 5.2-ACRE PRIVATE RECREATION AREA REFERENCED IN DEVELOPMENT CONDITION 56 TO REINFORCE THE BUFFERING IN THE DIRECTION OF THE LORTON VALLEY COMMUNITY TO THE NORTH;
- F) THAT THE BOARD CONSIDER WHETHER THE CLOSURE DATE COULD BE SOONER THAN 2034, REFERENCED IN DEVELOPMENT CONDITIONS 12 AND 60 – and that's a correction from the text that was sent out earlier – it's 12 rather than 11 – OR THE HEIGHT OF THE FINAL DEBRIS ELEVATION BE reduced – FURTHER REDUCED BELOW 395 FEET, REFERENCED IN DEVELOPMENT CONDITION 12 – that's another correction, it's 12 rather than 11 – OR THE HEIGHT OF THE 70 FOOT BERM, DEVELOPMENT CONDITION 29, BE REDUCED IF DETERMINED TO BE STRUCTURALLY SOUND BY ALL APPROPRIATE REVIEWING AGENCIES;
- AND FURTHER, THAT THE COMMISSION DOES NOT INTEND FOR THE ABOVE SUGGESTIONS FOR ADDITIONAL DISCUSSION TO RESTRICT OR LIMIT IN

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ANY WAY APPROPRIATE TOPICS TO BE CONSIDERED BY THE BOARD FOR POTENTIAL REVISIONS TO THE DEVELOPMENT CONDITIONS.

I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE WAIVERS AND MODIFICATIONS THAT WERE DISTRIBUTED TO YOU IN STAFF'S HANDOUT DATED MARCH 28, 2014 AND:

- DENIAL OF A MODIFICATION OF THE INVASIVE SPECIES MANAGEMENT PLAN REQUIREMENT, PURSUANT TO SECTION 12-0404.2C OF THE PUBLIC FACILITIES MANUAL; AND A
- DENIAL OF A MODIFICATION OF THE SUBMISSION REQUIREMENTS FOR A TREE INVENTORY AND CONDITION ANALYSIS, PURSUANT TO SECTION 12-0503.3 OF THE PUBLIC FACILITIES MANUAL.

Commissioner Hart: I won't read the waivers and modifications that are in the attachment. But, Mr. Chairman, if the Chair will indulge me –

Commissioner Migliaccio: Second.

Commissioner Hart: Well I haven't finished, please. I neglected to ask that – at the County Attorney's suggestion – to have Mr. McDermott acknowledge the staff – or excuse me, the applicant is in agreement with the development condition package and less devout to Condition 60. If he could just acknowledge that on the record and then I'm done.

Chairman Murphy: Mr. McDermott, please come down and identify yourself for the record.

Francis McDermott, Esquire, Hunton & Williams, LLP: Mr. Chairman, members of the Commission, my name is Frank McDermott. I'm the attorney for the applicant. And we have certainly negotiated and are agreeable to the conditions as you propose to be modified.

Commissioner Hart: Thank you. That's my motion.

Chairman Murphy: Seconded by Mr. Migliaccio –

William Mayland, Zoning Evaluation Division, Department of Planning and Zoning: Excuse me, Commissioner?

Chairman Murphy: Is there a discussion of the motion?

Commissioner Sargeant: Mr. Chairman?

Mr. Mayland: Mr. Chairman?

Chairman Murphy: Yes, Mr. Sargeant.

Mr. Mayland: Mr. Chairman.

Chairman Murphy: Hello. Sorry, wait a minute. Hold on.

Mr. Mayland: Sorry, the motion's modifications – they're actually DATED APRIL 3rd, not March 28th. Sorry, I think that was – I think it was an older version. So it was our mistake. But April 3rd is we distributed today.

Commissioner Hart: Oh, I didn't intentionally change it, but –

Mr. Mayland: So if we can just correct that.

Commissioner Hart: If that date is incorrect – the April 3rd motion for waivers and modifications is attached to the text of my motion and if the date should be April 3rd rather than March 28th that – yes that's correct.

Chairman Murphy: Okay, Mr. Sargeant.

Commissioner Sargeant: Thank you, Mr. Chairman. Commissioner Hart referenced specific, I think, staff comments related to this deletion of Development Condition 60. Staff comments? Are there specific written comments somewhere with regard to this particular deletion proposal? You referenced some staff – I believe you referenced some staff comments or something text with regard to the issue of deleting Development Condition 60.

Mr. Mayland: Condition Number 60 was a recent addition that was just distributed on March 28th.

Commissioner Sargeant: In his comments, he talked about – I think you referenced particular text or something related to deletion of Development Condition 60. Maybe it was extemporaneous.

Commissioner Hart: Is that a question for me?

Commissioner Sargeant: Yes.

Commissioner Hart: Mr. Chairman, if I could answer his question.

Chairman Murphy: Please.

Commissioner Hart: The staff reports and subsequent memoranda I'm referring to are the – the – we got staff reports at the beginning. We got an addendum. We've gotten many, many memoranda from staff. It's not – it's – it meets the applicable legal criteria, subject to this

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package – except for Development Condition 60 as staff has articulated. The staff reports are not about Development Condition 60. The staff reports are about the applicable criteria.

Commissioner Sargeant: That's fine. I wanted to clarify that because I wanted to make sure there was not something other, text-wise, that was not related to the deletion of this that we had not seen yet. So you saying there's nothing else relating to that text regarding the deletion? If it was, I just wanted it included in the record so we all had it to look at. But if there's nothing specific to text relating to the development – deletion of Development – that's fine.

Commissioner Hart: There's nothing that's not attorney/client privilege that we can – I mean, we can't put in memoranda from counsel so it is what it is.

Commissioner Sargeant: All right, thank you. Mr. Chairman, just real quickly – I think – I certainly appreciate the comments we've heard and the initiatives regarding this motion. I think speaking to Commissioner Hart's and even Commissioner Migliaccio's comments about this being a regional and Countywide issue – I agree very much with that. And I think that's one of the challenges we have here with the issues related to the current – the current application with regard to the specificity and the certainty of the development conditions. That won't change moving it to the Board. However, with that comment, we can only hope that that will improve.

Chairman Murphy: Is there further discussion of the motion? All those in –

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes, Mr. Hart.

Commissioner Hart: I didn't speak to it. I wanted to address one point that I didn't mention previously. With respect to Commissioner Lawrence's points – and I believe I had tried to incorporate in A and D the points that he had raised – specifically with reference to the structural stability of the pile and the berm. I believe that staff's conclusion, as supported by the applicant's technical submissions, confirm that the pile as a whole is more stable with the berm than without – and that the berm will be subject to rigorous and subsequent reviews by the Geotechnical Review Board, by the Department of Public Works and Environmental Services, and the Department of Environmental Quality. We're not really capable of – I'm not capable of doing a technical analysis of that sort of thing from a structural engineering standpoint. But I am satisfied that with the regulations that we have, this is going to be reviewed by multiple agencies who know what they're doing in a very rigorous way. But I will also call that out as an issue for the Board for further clarification, which I think would help reassure the citizens on that point. I've commented on the rest of it. I think it is more responsible for us to send a recommendation to the Board, seeing it the way it is and making these suggestions.

Commissioner Lawrence: Mr. Chairman?

Chairman Murphy: Mr. Flanagan? I mean Mr. Lawrence.

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Commissioner Lawrence: A brief reply. I thank you Commissioner Hart for including that. I was not as concerned with the berm, which was designed with a fudge-factor of two and I think is probably going to hold up, as I was with the porosity of the pile. So that when I talk about settlement, what I'm talking about is it yielding under the weight of these concrete pads after some period of time when the wind loading has been at work being transmitted through the thing. Maybe I didn't make myself clear, but that's what I had in mind. I wasn't talking about berm failure.

Commissioner: It – Mr. Chairman, if I may respond to that – the D is directed to the structures on the top – not the berm. I mean it may look at something with the berm also, but the point of D is dealing with the structural integrity and stability of the solar panels or other structures installed on the top. And that's what the Board can look at.

Commissioner Flanagan: Mr. Chairman?

Chairman Murphy: Mr. Flanagan.

Commissioner Flanagan: I'm not going to be able to support the motion, primarily because I think just from a political point-of-view – I think it's better always to move denial. I would've supported the considerations that Commissioner Hart brings up if they in amendment to my motion to deny. I think it's a stronger recommendation from the Planning Commission to the Board of Supervisors if it's a motion to deny with the investigation with all the subjects that he listed for his motion to approve. I wouldn't have had any objection if had amended my motion to attach them as considerations that he thought were worthwhile investigating after it gets over to the Board of Supervisors. So I – I'm just – so I'm – as it is right now without that consideration, I'm going to have to continue to object to the motion.

Chairman Murphy: Further discussion? All those in favor of the –

Mr. Mayland: Mr. Chairman? I'm sorry.

Chairman Murphy: I'm sorry.

Mr. Mayland: We were unclear if there was a second to Mr. Hart's motion.

Chairman Murphy: Yes, seconded by Mr. Migliaccio.

Commissioner Migliaccio: I seconded it.

Mr. Mayland: Okay, thank you very much.

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Chairman Murphy: Keep up straight over there, you know? Please. All right, all those in favor of the motion to recommend to the Board of Supervisors that they approve SEA 80-L/V-061-02 and 2232-V13-18, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioners: No.

Chairman Murphy: Motion carries. I believe we have the same division unless anyone changed his or her mind so it's approved 6 to 4. Mr. Flanagan. It's your turn.

Commissioner Flanagan: And that's again. Yes, thank you. Yes, Mr. Chairman, I also have a follow-on motion. I MOVE THAT THE PLANNING COMMISSION FIND THAT THE SOLAR ELECTRICAL GENERATING FACILITY PROPOSED UNDER 2232-V13-17 DOES NOT SATISFY THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT AS SPECIFIED IN SECTION 15.2-2232 OF THE *CODE OF VIRGINIA* AS AMENDED AND IS NOT SUBSTANTIALLY IN ACCORD WITH THE COMPREHENSIVE PLAN. AND I ALSO MOVE THAT THE PLANNING COMMISSION DENY PCA 2000-MV-034.

Commissioner Sargeant: Second.

Commissioner Flanagan: Do I have a second? Did I get a second?

Chairman Murphy: Yes, hold on just a minute. You were going on 2232-V –

Commissioner Flanagan: This is the PCA motion.

Chairman Murphy: Okay – 2000-MV-034.

Commissioner Flanagan: Yes.

Chairman Murphy: Okay, all right. I'm sorry. Okay, and the 2232-V13-17.

Commissioner Flanagan: That's right.

Chairman Murphy: Okay, all those in favor – seconded by –

Commissioner Flanagan: Mr. –

Commissioner Migliaccio: Mr. Sargeant.

Chairman Murphy: Mr. Sargeant, okay. All those in favor of that motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioners: Nay.

Chairman Murphy: Same division? The motion failed 6 to 4. Mr. Hart, your turn.

Commissioner Hart: Thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION FIND THAT THE SOLAR ELECTRICAL GENERATING FACILITY PROPOSED UNDER 2232-V13-17 SATISFIES THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT AS SPECIFIED IN SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*, AS AMENDED, AND IS SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PROFFERED CONDITION AMENDMENT PCA 2000-MV-034, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED FEBRUARY 10, 2014 AND CONTAINED IN APPENDIX 1 OF THE STAFF REPORT. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF PARAGRAPH 11 OF SECTION 11-102 OF THE ZONING ORDINANCE FOR A DUSTLESS SURFACE TO THAT SHOWN ON THE GENERALIZED DEVELOPMENT PLAN. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL TO PERMIT OFF-SITE VEHICULAR PARKING FOR THE OBSERVATION POINT FOR SPECIAL EXCEPTION AMENDMENT SEA 80-L/V-061-02, PURSUANT TO SECTION 11-102 OF THE ZONING ORDINANCE.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of the motion?

Commissioner Flanagan: Mr. Chairman?

Chairman Murphy: Yes, Mr. Flanagan.

Commissioner Flanagan: I'm not going to be able support the motion here because what this motion does is effectively – it takes away the one recycling piece of land that we have in Fairfax County. And I don't have any I – to my knowledge, there isn't an alternate site for recycling other than this particular site. So I think it violates the County's policy of encouraging recycling by taking away the one site that is now planned for recycling. I just – it just seems like we're going totally against our – the Policy Plan. I just – I can't believe that the Planning Commission is not going to support the Policy Plan.

Chairman Murphy: Okay, further discussion? Mr. Sargeant.

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Commissioner Sargeant: Thank you, Mr. Chairman. I think one of the things to which Commissioner Hart is referencing is the opportunity to help further spark the recycling component of construction debris industry. And you had that opportunity there to keep not only the business of traditional construction debris going forward for a number of years, but also to help further serve as a catalyst to get the recycling of construction debris as well. Certainly, the option of solar panels in this area – it's nine acres. It sounds fun and it would be fine – except that you could move those solar panels elsewhere and still continue with your recycling and address the traffic issues that are associated with that. So you had some opportunities, which – to Commissioner Flanagan's point – will probably be lost in the future. Thank you.

Chairman Murphy: Further discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve PCA 2000-MV-034 and 2232-V13-17, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioners: No.

Chairman Murphy: Motion carries – same division. Did anyone switch? Okay, motion carries. Thank you very much – 6-4.

Commissioner Hart: Mr. Chairman, one more.

Chairman Murphy: Is that it? Mr. Hart.

Commissioner Hart: Yes, I got one more.

Chairman Murphy: Okay.

Commissioner Hart: Unless Earl's got something.

Chairman Murphy: You got another one?

Commissioner Flanagan: No.

Chairman Murphy: Did you run out?

Commissioner Hart: Okay, thank you. I've got one more. Thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT DIRECT DEPARTMENT OF PLANNING AND ZONING STAFF – IN CONSULTATION WITH THE PLANNING COMMISSION, PARK AUTHORITY AND OFFICE OF THE COUNTY ATTORNEY, AS APPROPRIATE – TO EVALUATE AND

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REPORT BACK TO THE BOARD, WITH APPROPRIATE RECOMMENDATIONS ON THE FOLLOWING TOPICS, WITHIN 18 MONTHS:

- A) IN LAND USE APPLICATIONS INVOLVING THE CREATION OF A PUBLIC PARK, INCLUDING INNOVATIVE OR UNCONVENTIONAL LOCATIONS FOR PARK FACILITIES, SHOULD ADDITIONAL PROCEDURES OR PROTOCOLS BE IMPLEMENTED, SO AS TO BETTER INTEGRATE, INTO THE COUNTY'S LAND USE DECISION MAKING PROCESS, THE PARK AUTHORITY'S DECISIONS ON ACCEPTANCE OF DEDICATION, OR RESPONSIBILITY FOR MAINTENANCE OR LIABILITY, PRIOR TO ACTION BY THE PLANNING COMMISSION AND/OR BOARD OF SUPERVISORS?
- B) IN LAND USE APPLICATIONS INVOLVING THE CREATION OF A PUBLIC PARK, INCLUDING INNOVATIVE OR UNCONVENTIONAL LOCATIONS FOR PARK FACILITIES, SHOULD ADDITIONAL PROCEDURES OR PROTOCOLS BE IMPLEMENTED SO AS TO ENSURE THE OFFICE OF THE COUNTY ATTORNEY HAS AN APPROPRIATE OPPORTUNITY TO REVIEW PROPOSED LANGUAGE OF ANY DEVELOPMENT CONDITIONS OR PROFFERS, SPECIFICALLY INCLUDING PROVISIONS FOR CONVEYANCE, ACCEPTANCE, OR DEDICATION OF LAND OR ASSOCIATED RESPONSIBILITY FOR MAINTENANCE OR LIABILITY AND ANY CONDITIONS PRECEDENT, PRIOR TO ACTION BY THE PLANNING COMMISSION AND/OR BOARD OF SUPERVISORS?

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion of that motion?

Commissioner Sargeant: Mr. Chairman?

Commissioner de la Fe: Mr. Chairman?

Chairman Murphy: Mr. Sargeant, then Mr. de la Fe.

Commissioner Sargeant: If I could make a friendly amendment, just to add the words RECREATION FACILITIES as well – park and recreation.

Commissioner Hart: Where is that?

Commissioner Sargeant: You don't have it. That's why I would like to suggest putting it under – perhaps the second line, "Unconventional–" – in somewhere in here, I think you need to reference park and recreation facilities. That's what we've been working on for a number of months now.

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Commissioner Hart: If staff is okay with adding that – FOLLOWING PARK FACILITIES IN THE SECOND LINE OF A AND THE LINE OF B – Mr. Mayland. If staff's okay with that –

Chairman Murphy: You okay?

Mr. Mayland: No issue.

Commissioner Hart: Then I'm okay with that.

Chairman Murphy: All right. Further discussion?

Commissioner de la Fe: Yes.

Commissioner Flanagan: Yes.

Chairman Murphy: I'm sorry, Mr. de la Fe. And then Mr. Flanagan.

Commissioner de la Fe: I respect Commissioner Hart's intent with this. But frankly, what he is recommending be studied is what I as a district Planning Commissioner assume happens in any case. So I just think that we are reacting as government often does to study something that should not happen because it happened once and it will happen again – and whether we studied it to death or not. I just think we are reacting to one particular case and we probably will create another myriad of procedures that will fail once again and then we'll study it again. So I think we're just doing what government always does and that is react to a failure by creating a commission that will create procedures. Sorry, I'm – worked for the government for 45 years and that's what happens.

Chairman Murphy: I was going to say your government's showing.

Commissioner de la Fe: I know. I mean it's absurd. This should be happening and it's up to the local Planning Commissioner to make sure that it happens. And attorney's change, Park Authority Boards change, Board of Supervisors change, and Planning Commissioners change. And frankly, that's probably what happened here. And I – I don't agree that it was the Planning – the Park Authority's fault that this failed.

Chairman Murphy: Further discussion of the motion?

Commissioner Sargeant: Mr. Chairman.

Chairman Murphy: Yes, Mr. Flanagan.

Commissioner Flanagan: Thank you, Mr. Chairman. I too think this is a – sort of a feel good sort of a proposal here. I suppose it doesn't hurt. It doesn't do any harm, but I don't think we should be raising expectations. I would much prefer the previous suggestion about the covenant with the

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land. I think things of that sort are a much better way of gaining the ends that we're trying to achieve here. If there had been something of this sort done at the time that we had the agreement back in 2006, I think we wouldn't be in this pickle right now in my opinion. So and – I don't think this is – I don't disagree with Mr. – Commissioner Hart on this. This was a suggestion that came up in the – the idea of a covenant – using a covenant is a subject that came up in the group that studied it after the public hearing at the request of Chairman Bulova. In fact, I was the one who put it on the table at the group meeting. And it's – it was something that you can ask for and that the applicant could – this was voluntary. This was something that he – it wasn't required of him. It's something you can always bring up. And if the applicant is willing to do so, why you're that much ahead. So I – that was the only way the covenant got in there to begin with – because the applicant proposed putting it in there. So I don't understand why we're concerned about this covenant issue.

Chairman Murphy: Ms. Hedetniemi.

Commissioner Hedetniemi: At the risk of going on too long on this subject, I also was a fed. And I know that sometimes we tend to try to correct by adding more corrections and by becoming more involved. I would suggest possibly that the impact of this whole activity has been – has been noted and has been sufficiently concerning to a number of people that maybe we don't need to have a regulation – a motion, in effect, to accomplish what Commissioner Hart has raised as something that we need to be conscious of. And we just keep it in mind and make sure that we don't over-extend ourselves beyond what could have been a good process initially.

Chairman Murphy: Further discussion of the motion?

Commissioner Sargeant: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Sargeant: Probably – this mission is fine. It – to your point, it won't solve a great deal. It will focus on one component of what was a far more complex mismatch of timing and everything else. So I think, probably, a broader review would appropriate, but this is a fine start.

Chairman Murphy: Further discussion? All those in favor of the motion, as articulated by Mr. Hart –

Commissioner Hart: If I could –

Chairman Murphy: Almost articulated by Mr. Hart.

Commissioner Hart: To Commissioner de la Fe's point, I wasn't meaning to blame to Park Authority necessarily. I don't know where this went off the rails. I just know that it did. And thought it would reasonable –

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Commissioner de la Fe: You made it very clear in your statement that it was the Park Authority. You did. It's in the record.

Commissioner Hart: Everything I said – the Park Authority at the time of the approval, I thought, was on – and I thought all four of us thought that. Maybe everybody did – that the Park Authority was on board. We would never have done this if they were not going to do it after the fact this went wrong. We ought not be voting on things if their decision is subject to something else happening later. The Park Authority does an amazing job. They are the stewards of – they're perhaps the biggest landowner in the County. They're the stewards of many, many properties. And it may have been a reasonable decision in this instance –

Commissioner de la Fe: It was a different Park Authority Board.

Commissioner Hart: -to take a property that doesn't have – that it was an old landfill that maybe had liability. My problem is the process didn't work because we got left high and dry after the fact. Anyway, I don't mean to pass the blame on the Park Authority and I'm trying to make that clear.

Commissioner Migliaccio: Mr. Chairman?

Chairman Murphy: Mr. Migliaccio.

Commissioner Migliaccio: Mr. Hart, I know you were trying to end on a high note, as was everyone in here.

Commissioner Hart: I was. I thought – maybe in the middle.

Commissioner Migliaccio: Perhaps just withdrawing your motion and packing it up and let's go home.

Commissioner Hart: Let's see what happens.

Chairman Murphy: All those in favor of the motion as – I'm not going to ask if there's any more discussion, I guarantee you – all those in favor of the motion, as articulated by Mr. Hart, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Migliaccio: No.

Commissioner de la Fe: I abstain.

Chairman Murphy: Okay, the motion carries. Mr. Migliaccio votes no. Mr. de la Fe abstains.

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Commissioner Flanagan: Mr. Flanagan votes no.

Chairman Murphy: And Mr. Flanagan votes no.

Chairman Murphy: Okay. Just a couple words, if I may. As Chairman of the Planning Commission, it is my honor when there are an even number of Commissioners to be the swing vote. I did that for many reasons. Mathematically, if I didn't swing the way I swung, the motion would have failed anyway and we would be stuck with a hung jury at 5 to 5 because there are only 5 – 10 Commissioners present tonight. But I didn't really do – and I thought that would send a bad motion – message to the Board because I don't think anyone here would have been willing to change the numbers. And we could have been here until 3:15 Sunday night trying to figure out how we were going to get a 6 to 5 vote. Also, I am not in favor of sending to the Board of Supervisors, no matter how awesome the task, a recommendation without a recommendation. We don't do that. But I look at it more as a challenge to both the citizens and Mr. McDermott and the applicant. This is not a free pass for the applicant. And it's not a free pass for the citizens either. I don't know what the Board is going to do, but if you want the best deal possible – if the Board approves this – it is your time, both of you, to stop spinning your ties, work together, and come up with a meaningful compromise to present to the Board of Supervisors that they can act on with credibility and with what's best for Lorton and this County. Because I agree, this is not an MV application or an SP or a LE. It is a countywide application. It just happens to be in the Mount Vernon District. And I can remember back when – when I first started on the Planning Commission – and citizens from this area where you live now came to Elaine McConnell and me and said we're tired of living in an area that's known for a dump and a prison. What can you do about it? And lo and behold, Till Hazel came and said, "Let's do Crosspointe and I'll throw in a school." And that was really the first magnificent residential development Lorton had seen for years and years and years. And that kicked off, I believe, the residential development in that area of the County and what's gone on ever since. And I know their issues with what's going on with the dump and what's going on with this and that and the other thing on that parcel of land. But this is a time to work together. I want to thank Mr. Flanagan. He has done job at the tiller – sailing this ship again with some – on some rocky waters along with Mr. Sargeant and those other folks that served on the committee. I want to thank the staff, the backup singers who we didn't hear from this evening. And also, in particular, Mr. Mayland and Ms. Tsai. They have been tethered to bucking broncos for a long time and the ride ain't over yet. Because as this goes to the Board, and I think they're bringing some messages with them as to how not only the citizens but how the Planning Commission feels, that will be articulated when the Board of Supervisors gets together and find – find and determines what to do with this application – Mr. Flanagan.

Commissioner Flanagan: Thank you for allowing me to – to take the opportunity to thank the President of the South County Federation, the Vice President of the South County Federation, and the Chairman of the Land Use Committee who have come out this evening not to testify, but just to be sure that they fully understand the discussion that we have just now had. And so I really do thank them for being here this evening. That's Mr. – it's the three of those gentleman sitting back there.

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Chairman Murphy: Thank you guys.

Commissioners: Yes, thank you for coming.

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(The first motion failed to pass by a vote of 4-6. Commissioners Hart, Hedetniemi, Hurley, Migliaccio, Murphy, and Ulfelder voted in opposition. Commissioners Hall and Litzenberger were absent from the meeting.)

(The second motion carried by a vote of 6-4. Commissioners de la Fe, Flanagan, Lawrence, and Sargeant voted in opposition. Commissioners Hall and Litzenberger were absent from the meeting.)

(The third motion failed to pass by a vote of 4-6. Commissioners Hart, Hedetniemi, Hurley, Migliaccio, Murphy, and Ulfelder voted in opposition. Commissioners Hall and Litzenberger were absent from the meeting.)

(The fourth motion carried by a vote of 6-4. Commissioners de la Fe, Flanagan, Lawrence, and Sargeant voted in opposition. Commissioners Hall and Litzenberger were absent from the meeting.)

(The fifth motion carried by a vote of 7-2-1. Commissioners Flanagan and Migliaccio voted in opposition. Commissioner de la Fe abstained. Commissioners Hall and Litzenberger were absent from the meeting.)

JLC