



County of Fairfax, Virginia

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

RECEIVED
Department of Planning & Zoning

OCT 06 2015

Zoning Evaluation Division

June 3, 2015

John C. McGranahan, Jr.
Hunton & Williams LLP
1751 Pinnacle Drive, Suite 1700
McLean, VA 22102

RE: Proffered Condition Amendment Application PCA 1998-MV-032
(Concurrent with Proffered Condition Amendment Application PCA 1998-MV-033 and
Special Exception Amendment Application SEA 81-V-017-02)

Dear Mr. McGranahan:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on June 2, 2015, approving Proffered Condition Amendment Application PCA 1998-MV-032 in the name of Fairfax County Water Authority. The Board's action amends the proffers for Rezoning Application RZ 1998-MV-032 previously approved for a water purification facility to also permit a water storage, control, and pumping facility and associated modifications to proffers and site design. The subject property is located on the W. side of Ox Road at the terminus of Lorton Road, on approximately 129.01 acres of land zoned R-1 and NR, [Tax Map 106-4 ((1)) 56 A pt.], in the Mount Vernon District and is subject to the proffers dated November 4, 2014.

Sincerely,

Catherine A. Chianese
Clerk to the Board of Supervisors

Office of the Clerk to the Board of Supervisors
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035

Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903
Email: clerktothebos@fairfaxcounty.gov
<http://www.fairfaxcounty.gov/bosclerk>

Cc: Chairman Sharon Bulova
Supervisor Gerry Hyland, Mount Vernon District
Tim Shirocky, Acting Director, Real Estate Division, Dept. of Tax Administration
Barbara C. Berlin, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Michael Davis, Section Chief, Transportation Planning Division
Thomas Conry, Dept. Manager – GIS - Mapping/Overlay
Donald Stephens, Transportation Planning Division
Ken Williams, Plans & Document Control, ESRD, DPWES
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division
Jill Cooper, Executive Director, Planning Commission
Ajay Rawat, Coordinator, Facilities Planning/Fairfax County Public Schools
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at Fairfax, Virginia, on the 2nd day of June 2015, the following ordinance was adopted.

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROFFERED CONDITION AMENDMENT APPLICATION PCA 1998-MV-032
(Concurrent with Proffered Condition Amendment Application PCA 1998-MV-033
Application and Special Exception Amendment Application SEA 81-V-017-02)**

WHEREAS, Fairfax County Water Authority, filed in the proper form an application to amend the proffers for RZ 1998-MV-032 hereinafter described, by amending conditions proffered and accepted pursuant to Virginia Code Ann. 15.2-2303(a), and

WHEREAS, at a duly called public hearing the Planning Commission considered the application and the propriety of amending the Zoning Ordinance in accordance therewith, and thereafter did submit to this Board its recommendation, and

WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

NOW, THEREFORE, BE IT ORDAINED, that that certain parcel of land situated in the Mount Vernon District, and more particularly described as follows (see attached legal description): Be, and hereby is further restricted by the amended conditions proffered and accepted pursuant to Virginia Code Ann., 15.2-2303(a), which conditions are incorporated into the Zoning Ordinance as it affects said parcel, and

BE IT FURTHER ENACTED, that the boundaries of the Zoning Map heretofore adopted as a part of the Zoning Ordinance be, and they hereby are, amended in accordance with this enactment, and that said zoning map shall annotate and incorporate by reference the additional conditions governing said parcels.

GIVEN under my hand this 2nd day of June 2015.


Catherine A. Chianese
Clerk to the Board of Supervisors

FAIRFAX COUNTY WATER AUTHORITY
FREDERICK P. GRIFFITH, JR. WATER TREATMENT PLANT
PCA 1998-MV-032 and PCA 1998-MV-033
PROFFER STATEMENT

FEBRUARY 28, 2014

MAY 5, 2014

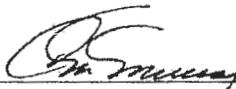
OCTOBER 3, 2014

NOVEMBER 4, 2014

Pursuant to Section 15.2-2303(A) of the Code of Virginia, as amended, and subject to the Fairfax County Board of Supervisors' (the "Board") approval of these Proffered Condition Amendment applications ("PCA") PCA 1998-MV-032 and PCA 1998-MV-033 (the "Applications"), the Fairfax County Water Authority (the "Applicant") for itself and its successors and assigns, hereby proffers that development of the property identified as Fairfax County Tax Map Parcel 106-4-((1))-56A (part) (collectively, the "Property"), containing approximately 134.55 acres, shall be in accordance with the following conditions if, and only if, the Applications are granted by the Board and in that case, the following conditions shall supersede and replace the previous proffers. In the event these Applications are denied, the proffers below shall immediately be null and void and the previous proffers dated December 1, 1998 shall remain in full force and effect.

1. Park and Recreational Uses. As set forth in the agreement dated February 22, 2006 between the Applicant and the Fairfax County Park Authority (the "Park Authority"), the Applicant shall provide an area in the northeast portion of the Property consisting of approximately 3 acres for park and recreational purposes until such time as this area is required for expansion of the Griffith Water Treatment Plant as shown on the Special Exception Plat dated November 4, 2014 ("SEA Plat"). Any park or recreational facilities constructed in such area shall be constructed, operated and maintained at no cost to the Applicant. The Applicant reserves the right to make any use of the designated area by providing the Park Authority with nine (9) months prior written notice as set forth in the agreement.
2. Severability and Future PCA/SEA/SP Applications. Portions of the land area subject to the Applications and SEA 81-V-017-02 as shown on the SEA Plat may be the subject of a separate SEA, Special Permit ("SP"), variance or other similar land use applications without requiring a future PCA or the joinder and/or consent of the owners of all portions of the Property, provided such application will not change or cause or require a change to the general layout, physical improvements and/or access to the Property. All existing land use approvals that are applicable to the portions of the Property not included in such PCA, SEA, SP, variance and/or other similar land use applications shall otherwise remain in full force and effect as to such portions of the Property.
3. Successors and Assigns. Each reference to the Applicant in this proffer statement shall include within its meaning and shall be binding upon, the Applicant's successors in interest and/or the developers of the Property or any portion of the Property.

FAIRFAX COUNTY WATER AUTHORITY
Applicant and Title Owner of
Tax Map Parcel 106-4-((1))-56A (part)

By: 
Name: Charles M. Murray
Title: General Manager

FAIRFAX COUNTY WATER AUTHORITY
RESOLUTION AUTHORIZING GENERAL MANAGER TO EXECUTE PROFFERS
IN PROFFERED CONDITION AMENDMENT APPLICATIONS
PCA 1998-MV-032 AND PCA 1998-MV-033 FOR THE
FREDERICK P. GRIFFITH JR. WATER TREATMENT PLANT

WHEREAS, RZ 1998-MV-032 and RZ 1998-MV-033, together with concurrent SEA 81-V-017 (the "Existing Approvals") were approved December 7, 1998, subject to approved proffers and development conditions, to allow the construction of the Griffith Water Treatment Plant and related improvements on a 247.84-acre portion of property described as Fairfax County Tax Map Parcel 106-4 ((1)) 56 (part) and 112-2 ((1)) 8 and 9 (the "Griffith Property"); and

WHEREAS, Fairfax Water has determined that existing water supply resources may be inadequate to meet regional demands beyond the year 2030; and

WHEREAS, Fairfax Water has determined that future regional water supply demands can be met, in part, by Fairfax Water's use of the property adjacent to the Griffith Property (the "Vulcan Property"), currently owned by Vulcan Construction Materials, LP, for future water storage purposes; and

WHEREAS, Fairfax Water previously authorized an amendment of the Existing Zoning Approvals, including a Proffered Condition Amendment and a Special Exception Amendment (the "Necessary Approvals"), to add the Vulcan Property to the application area and to permit its use for water storage; and

WHEREAS, prior to action on the Necessary Approvals by the Fairfax County Board of Supervisors, Fairfax Water will be required to submit a signed, combined Proffer Statement for both PCA 1998-MV-032 and PCA 1998-MV-033 (the "Proffer Statement"); and

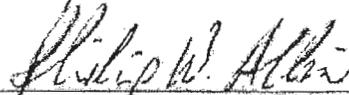
WHEREAS, the Proffer Statement will need to be signed by a representative of Fairfax Water on its behalf.

NOW, THEREFORE, on this 19th day of FEBRUARY, 2015, IT IS HEREBY RESOLVED,

that Fairfax Water does hereby authorize staff and counsel to negotiate the final language of the combined Proffer Statement, which shall be substantially consistent with the draft Proffer Statement attached hereto, as amended upon the advice of counsel in consultation with staff; and

FURTHER RESOLVED, that Fairfax Water also does hereby authorize its General Manager to review and sign the combined Proffer Statement, on its behalf.

This Resolution was adopted at the regular meeting of Fairfax Water by a vote of 9 ayes and 0 nays.


Philip W. Allin
Chairman


Frank R. Begovich
Secretary

SEAL

Commonwealth of Virginia



State Corporation Commission

CERTIFICATE OF FACT

I Certify the Following from the Records of the Commission:

That Fairfax County Water Authority is duly incorporated under the law of the Commonwealth of Virginia;

That the date of its incorporation is September 26, 1957; and

That the corporation is in existence in the Commonwealth of Virginia as of the date set forth below.

Nothing more is hereby certified.

*Signed and Sealed at Richmond on this Date:
January 22, 2015*



Joel H. Peck
Joel H. Peck, Clerk of the Commission



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

APPLICATION No: PCA 1998-MV-032

Concurrent w/ SEA 81-V-017-02
PCA 1998-MV-033

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JUL 09 2013

Zoning Evaluation Division

APPLICATION FOR A REZONING
 (PLEASE TYPE or PRINT IN BLACK INK)

PETITION

TO: THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA

I (We), Fairfax County Water Authority, the applicant (s) petition you to adopt an ordinance amending the Zoning Map of Fairfax County, Virginia, by reclassifying from the R-1 District to the R-1 District the property described below and outlined in red on the Zoning Section Sheet(s) accompanying and made part of this application.

APPLICATION TYPE(S): PCA (X) CDP () FDP () CDPA () FDPA ()

LEGAL DESCRIPTION:

Lot(s)	Block(s)	Subdivision	Deed Book	Page No.

TAX MAP DESCRIPTION:

106-4	((1))		56A(pt)	±129.01 Acres
Map No.	Double Circle No.	Single Circle No.	Parcel(s)/Lot(s) No.	Total Acreage

POSTAL ADDRESS OF PROPERTY:

9600 Ox Road, Lorton, VA 22079

ADVERTISING DISCRIPTION: (Example - North side of Lee Highway approx. 1000 feet west of its intersection with Newgate Blvd.)

<u>West side of Ox Road (Rt. 123) at the terminus of Lorton Road (Rt. 642)</u>	
PRESENT USE: <u>Water purification facility</u>	PROPOSED USE: <u>Water Purification Facility</u>
MAGISTERIAL DISTRICT: <u>Mt. Vernon</u>	OVERLAY DISTRICT (S): <u>N/A NR</u>

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

Fairfax County Water Authority, by Charles M. Murray

Type or Print Name
 8570 Executive Park Avenue
 Fairfax, VA 22031

Address

Charles M. Murray
 Signature of Applicant or Agent

(Work) _____ (Mobile) _____

Telephone Number
 John C. McGranahan, Jr., Esquire
 Hunton & Williams LLP
 1751 Pinnacle Drive, Suite 1700
 McLean, VA 22102 703-714-7464

Please provide name and telephone number of contact if different from above:

DO NOT WRITE BELOW THIS SPACE

Date application accepted: September 19, 2013

PCA 2013-0174

Fee Paid \$ -

11
Jerzina Ruffin

MPC
9/19/13

May, 2013

**DESCRIPTION OF
PART OF THE PROPERTY OF
FAIRFAX COUNTY WATER AUTHORITY
TM 106-4((1))PT. 56A
(PCA-1998-MV-032)**

RECEIVED
Department of Planning & Zoning

JUL 09 2013

Zoning Evaluation Division

**MOUNT VERNON DISTRICT
FAIRFAX COUNTY, VIRGINIA**

Beginning at a point on the westerly side of Ox Road (Route 123), said point also being the southeast corner of The Vision Presbyterian Church of Washington; thence with the westerly side of Ox Road the following 18 courses:

1. S24°42'13"E, 48.79 feet
2. S17°57'03"E, 61.45 feet
3. S25°54'51"E, 448.15 feet
4. S18°35'28"E, 187.85 feet
5. S18°20'45"E, 62.20 feet
6. S08°35'22"E, 186.43 feet
7. S02°10'52"E, 384.32 feet
8. S00°09'09"W, 131.30 feet
9. S03°03'04"E, 131.27 feet
10. S05°22'00"E, 131.51 feet
11. S15°26'45"E, 67.56 feet
12. S01°01'09"W, 65.69 feet
13. S01°12'52"E, 196.86 feet
14. S02°08'43"W, 220.30 feet
15. S02°20'36"E, 237.68 feet
16. S27°07'18"W, 80.42 feet
17. S09°29'51"E, 117.58 feet
18. S02°05'49"E, 134.89 feet

to a point being the northeasterly corner of the Fairfax County Water Authority (Tax Parcel 112-2 ((1)) 8), thence departing the westerly side of Ox Road and with the northerly and westerly lines of said Fairfax County Water Authority the following 4 courses:

1. N65°08'23"W, 409.83 feet
2. S47°33'51"W, 443.17 feet
3. S39°35'00"W, 578.40 feet
4. S34°15'29"W, 98.14 feet

to a point being the easternmost corner of Vulcan Lands, Inc. (Tax Parcel 112-2((1))14); thence departing the westerly line of the Fairfax County water Authority and with the northerly, southerly and easterly lines of Vulcan Lands, Inc. the following 12 courses:

1. N66°34'33"W, 94.82 feet
2. N58°43'40"W, 152.04 feet
3. N50°59'22"W, 395.31 feet
4. N39°34'16"E, 270.34 feet
5. N10°05'58"E, 815.78 feet
6. N12°19'25"W, 522.49 feet
7. S84°20'58"W, 1523.82 feet
8. N02°22'10"E, 941.96 feet
9. N85°51'35"E, 252.76 feet
10. N25°55'06"E, 114.97 feet
11. N45°52'04"E, 214.10 feet
12. N04°40'13"W, 134.42 feet

to a point on the easterly line of Vulcan Lands, Inc. (Tax Parcel 106-3((1))4B), said point being the southwest corner of Parcel 1-D, Ada V. Malcolm Estate; thence departing the southwest corner of said Parcel 1-D and with the southerly lines of Parcel 1-D, Ada Malcolm Estate and the Fairfax County Water Authority (Tax Map 106-4((1)) Pt. 56A) S84°18'59"E, 916.75 to a point; thence with the southerly lines of said Fairfax County Water Authority and the aforementioned The Vision

Presbyterian Church of Washington N68°05'28"E, 1268.69 feet to the point of beginning, containing 129.01 acres of land.

All being more particularly described on a plat hereto attached and made a part hereof.

Given under my hand this 7th day of May 2013



