



County of Fairfax, Virginia

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

June 3, 2015

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Department of Planning & Zoning

OCT 06 2015
Zoning Evaluation Division

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

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

Dear Mr. McGranahan:

At a regular meeting of the Board of Supervisors on June 2, 2015, the Board approved Special Exception Amendment Application SEA 81-V-017-02 in the name of Fairfax County Water Authority. The subject property is located at 9600 and 10000 Ox Road, on approximately 526.86 acres of land zoned R-C, I-6, R-1 and NR in the Mount Vernon District [Tax Map 106-3 ((1)) 4B and 9; 106-4 ((1)) 20B pt. and 56A; 112-2 ((1)) 8, 9, 11, 12 and 14 and Peniwill Drive public right-of-way to be vacated and/or abandoned]. The Board's action amends Special Exception Amendment Application SEA 81-V-017 previously approved for a water purification facility to also permit a water storage, control, and pumping facility, an increase in land area and associated modifications to site design and development conditions pursuant to Sections 3-104 and 3-C04 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions which supersede all previous development conditions. Previously approved conditions or those with minor modifications are marked with an asterisk (*).

1. This Special Exception Amendment (SEA) is granted for the location indicated in this application and is not transferable to other land. *
2. This SEA is granted only for the buildings and uses indicated on the plats submitted with the application. *
3. A copy of the SEA shall be posted in a conspicuous place along with the Non-Residential Use Permit (Non-RUP) on the property of the use and be made available to all Departments of the County of Fairfax during hours of operation of the permitted use. *

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4. This SEA is subject to the provisions of Article 17, Site Plans as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this SEA shall be in substantial conformance with the approved Special Exception Amendment Plat (SEA Plat) entitled "Fairfax Water | Frederick P. Griffith Jr. Water Treatment Plant | Special Exception Amendment Plat" and prepared by Dewberry Consultants, LLC which is dated July 8, 2013 and revised through November 4, 2014, and these conditions. Minor modifications to the approved SEA may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.

The height, location and design of the 8-foot tall fencing shown on the SEA Plat may be modified by the applicant for security purposes as long as the security fencing would not preclude access to the proposed trails, would not reduce the effectiveness of the transitional screening along Ox Road and along the northern boundary of the SEA Area, and would not expand the limits of clearing and grading as shown on the SEA Plat as determined by the Zoning Administrator.

Any portion of the Property may be subject to a special exception amendment or special permit amendment without joinder and/or consent of the owners of the other portion of the Property if such amendment does not affect such other portion of the Property. Previously approved development conditions applicable to the portion of the Property not subject to any future special exception amendment shall otherwise remain in full force and effect. *

General

5. All exterior pole-mounted lighting fixtures shall not exceed twenty (20) feet in height and shall be shielded and conform to the performance standards set forth in Article 14 of the Zoning Ordinance. *
6. At the time of final site plan approval, minor deviations to the sizes, dimensions, footprints, and location of buildings, parking, loading spaces and travelways may be permitted in accordance with Section 9-004 of the Zoning Ordinance. In addition, changes to the number, location, height, dimensions, configuration, and layout of the structures, buildings, recreational fields, reservoirs, travelways and parking areas may occur within the boundaries of the flexibility line shown on the SEA Plat without a Special Exception Amendment, provided that, the maximum gross floor area (GFA) shall not exceed 600,000 square feet, the minimum setbacks of the structures and uses shown on the SEA Plat are maintained along Route 123 and the northern boundary, and the landscaped buffer to the north of the facility is maintained. *

Environmental

7. Development of the proposed facilities shall comply with the applicable storm

water management and Best Management Practices (SWM/BMPs) requirements provided in the Public Facilities Manual (PFM), as determined by DPWES unless waived and/or modified by DPWES. The existing wet pond located on the northern portion of the property (the "north pond") may be used to meet the applicable SWM/BMP requirements. The existing north pond shall not be drained, unless draining is determined to be the only feasible option as determined by the Site Code Research and Development Branch, DPWES. If there is no way to avoid draining the north pond in order to use it to satisfy the applicable SWM/BMP requirements, a restoration plan shall be submitted for areas disturbed by the draining of the pond for review and approval by the Environmental and Development Review Branch, Department of Planning and Zoning (DPZ) and the Urban Forest Management Division (UFMD), DPWES, in coordination with the DPWES Stormwater Planning Division prior to site plan approval for construction activity on the north pond. This restoration plan shall:

- a) Identify the extent and location of existing wetlands in and near the pond;
 - b) Identify the impacts (both direct and indirect) of the pond retrofit proposal on existing wetlands;
 - c) Provide for the restoration of at least an equivalent area of wetlands as the area of wetlands that will be destroyed as a result of the retrofit project; and,
 - d) Provide for the restoration of other disturbed areas through the planting of native species of vegetation in a manner, and to the extent, determined by UFMD. Modifications to the restoration plan may be permitted if necessary to comply with state and/or federal wetland permitting requirements.
8. Prior to DPWES approval for the estuary treatment facility's off-site discharge pipeline, the pipeline shall be subject to review in accordance with Va. Code Ann. §15.2-2232 or its successor review process (2232 Review). If, in the future, there would not be a successor review process available or if the 2232 Review would not apply to the pipeline, the Planning Commission and/or Board of Supervisors shall review the pipeline and determine whether the approximate location, character and extent of the pipeline would be in substantial accord with the adopted Comprehensive Plan. This process shall provide for the communication of the Planning Commission determination to the Board of Supervisors and the opportunity for the Board of Supervisors to overrule or affirm the action of the Planning Commission.

The following issues may be among those considered by the Planning Commission in its determination per the 2232 Review or equivalent process:

- a) The extent to which the pipeline would be sited and constructed in a manner that will minimize adverse environmental impacts;

- b) The demonstrated need for the estuary treatment facility, as evidenced by the identification of the facility's necessity to ensure adequate and safe drinking water supplies within Fairfax County's Water Supply Plan as most recently adopted by the Board of Supervisors in compliance with Local and Regional Water Supply Planning Regulation 9 VAC 25-780-10. If the necessity of the estuary treatment facility would not be explicitly identified in the adopted Water Supply Plan, the applicant shall provide documentation to the Planning Commission demonstrating the purpose and need for the facility and pipeline, and the Planning Commission may consider the facility's necessity based on this alternative documentation; and,
 - c) The extent to which discharges from the pipeline could adversely affect aquatic life at, near and downstream of the proposed point of discharge.
9. Prior to applying for the 2232 Review or equivalent review process, and prior to submitting to the Virginia Department of Environmental Quality ("DEQ") an application for a new point source discharge permit for the estuary plant process water (the "DEQ Discharge Permit"), the applicant will conduct a pilot study of the estuary treatment discharge. The applicant will meet with the DPWES to discuss potential discharge locations and specific concerns with each proposed location prior to initiating the pilot study.

The pilot study will at a minimum:

- a) Evaluate at least two potential off-site discharge locations.
- b) Characterize the proposed discharge with respect to flow and chemical composition.
- c) Include water quality sampling that will characterize and provide quantitative information on the proposed off-site process water discharge over a 12-month period to capture seasonal differences in source water quality.
- d) Compare the proposed off-site process water discharge to regulatory limits established by the DEQ and demonstrate the technical feasibility of the proposed processes to meet the regulatory requirements of the DEQ.
- e) Include any other characterization of the proposed discharge that will be necessary to make application to the DEQ for the DEQ Discharge Permit.

A copy of the pilot study results will be submitted with the application for the 2232 Review or equivalent review process. A copy of the draft application for the DEQ Discharge Permit will be submitted to DPWES at least thirty days prior to submitting the application to the DEQ.

Interim Recreational Uses

10. The area to the north of the existing Griffith Water Treatment Plant in the vicinity of the proposed estuary treatment facility may be used for active and passive recreational purposes for an interim period of time. The location of said recreational uses within this area shall not require an amendment of this SEA, so long as the landscaped buffer shown on the SEA Plat including a minimum setback of 50 feet is maintained along the northern property boundary. Prior to final site plan approval for the expansion of the Griffith Water Treatment Plant facility, the applicant shall provide documentation to DPWES to demonstrate that the applicant and the Fairfax County Park Authority have maintained the agreement executed on February 22, 2006 to provide for the interim FCPA use of this area for active and passive recreation purposes and which may include, but not be limited to, athletic fields, open space, parking, playgrounds, and trails. Construction and maintenance of these recreational uses shall be the responsibility of FCPA. Use of this area for active and/or passive recreation uses shall be permitted until such time as this area is required for expansion of the facility or the FCWA and FCPA void the agreement. The area along the northern and eastern property boundaries where landscaping and/or berms are shown shall not be used. Amendments to the Special Exception amendment shall not be required for FCPA Uses.

Trails

11. Prior to site plan submission for the expansion of the filter building and flocculation/sedimentation basins at the Griffith Water Treatment facility (the "Griffith Expansion"), the applicant shall coordinate with the Northern Virginia Regional Park Authority (NVRPA) and FCPA to determine the final alignment for the trail (the "Northern Trail") located along the northern and western property boundaries in the location generally depicted and labeled as "Possible future 4' wide natural surface trail" on the SEA Plat.

The Northern Trail alignment shall be marked with flagging by the applicant to allow field consultation with representatives from the NVRPA and FCPA to facilitate a trail design that would:

- a) minimize tree removal and land disturbance and would maximize sustainability.
- b) incur minimal comparative long-term maintenance obligations for the public,
and
- c) minimize impacts to the transitional screening yard, the Environmental Quality Corridor (EQC), and the areas immediately surrounding the on-site cemetery,

The alignment of the Northern Trail may be adjusted from that shown on the SEA Plat to avoid adverse site conditions. The final location of the trail shall be subject to the review and approval by the applicant and NVRPA in consultation with FCPA. A portion of the Northern Trail near Ox Road may follow the alignment of the existing cemetery access road.

12. Prior to final site plan approval for the Griffith Expansion, the applicant shall grant and convey to Fairfax County a public trail easement of varying widths as necessary up to fifty (50) feet to accommodate the Northern Trail, in the final location determined above to permit construction of such trail by others, except for those areas along the northern portion of the Property where it is deemed unfeasible by the applicant due to site constraints, a public trail easement up to twenty (20) foot wide shall be provided.
13. Prior to the issuance of a Non-RUP for the Griffith Expansion, the applicant shall either construct surface treatment improvements, such as pavement or raised wood walkways in the locations where it is determined that a natural surface trail is not feasible, or escrow funds for such improvements for construction by others. This commitment shall be in lieu of granting an easement for and/or constructing a trail along the properties' Occoquan River frontage.
14. Prior to final site plan approval for the Griffith Expansion, the applicant shall cause to be recorded among the land records of Fairfax County a public trail easement along the property's Ox Road frontage, from the southern vehicular access point to the northern property boundary, to accommodate an 8-foot wide paved trail along the properties' Ox Road frontage.
15. Prior to the issuance of the Non-RUP for the Griffith Expansion, the applicant shall provide one of the following improvements, at the applicant's discretion, in order to provide connectivity between the Northern Trail and the existing trail system along Ox Road:
 - a) an 8-foot wide paved trail along the property's Ox Road frontage between the northern and southern vehicular access points to the Griffith Water Treatment facility or,
 - b) in lieu of the 8-foot wide paved trail, a pedestrian crosswalk at the intersection of Ox Road/Lorton Road and the northern vehicular access point to the Griffith Water Treatment facility, subject to the review and approval of VDOT.

In the event that either the paved trail or pedestrian crosswalk has already been provided by others, the applicant shall be relieved of the obligation to construct these improvements.

16. If the interim recreation uses described in Condition 10 are established by FCPA, the applicant shall provide temporary public access easements within the interim recreational area for trail construction by others, as may be deemed appropriate and feasible by FCPA in coordination with NVRPA, provided such public access easements do not adversely affect the operation of the water purification facility.
17. The applicant shall permit pedestrian access across the Occoquan River at the existing footbridge connecting Fairfax County with the Town of Occoquan. No fencing or other security measures shall restrict this accessibility for pedestrians.
18. Prior to final site plan approval for the Griffith Expansion, or within 30 days of the recordation of the trail easement across Outlot G associated with the adjacent Occoquan Overlook Section 2 subdivision (001811-SD-002-3), whichever comes first, the applicant shall cause to be recorded among the land records of Fairfax County a public trail easement for a future trail to be constructed by others on a portion of Tax Map 106-3 ((1)) 4A1 in a form acceptable to the County Attorney. This public trail easement:
 - a) Shall be no wider than 20 feet and shall be located generally as depicted on Attachment A of these conditions in order to connect the natural surface trail depicted on the SEA Plat to Occoquan Overlook Drive through the trail easement shown on Outlot G of the Occoquan Overlook Section 2 subdivision plat; and,
 - b) Shall be non-exclusive and shall expressly permit the applicant to construct and maintain vehicular access over the area within and adjacent to the public trail easement to provide access by the applicant to the remainder of Parcel 4A1; and,
 - c) Shall in no way preclude the applicant from installing a fence to prevent access by the public to the remainder of Parcel 4A1 located outside of the public trail easement.

Landscaping

19. Prior to issuance of the Non-RUP for the Griffith Expansion, an effective and continuous year-round landscaped screen along the Ox Road frontage as shown on the SEA Plat shall be provided in order to adequately screen and buffer industrial uses from view from Ox Road. The actual types, locations and species in the landscaped buffer shall be determined pursuant to a landscape plan submitted at the time of site plan submission for the Griffith Expansion, and subject to the review and approval of UFMD.
20. If necessary to adequately screen and buffer the industrial uses from view from Ox Road, an additional landscaped berm shall be constructed by Fairfax Water or their

leasehold tenant along the property's Ox Road frontage immediately north of the southern vehicular access point to the Griffith Water Treatment facility as generally shown on Attachment B. The applicant may revise the locations of fencing, utilities, and a possible future 8-foot wide paved trail, all of which are shown on the SEA Plat, to accommodate the construction of the landscaped berm. If the additional landscaped berm is constructed, the additional landscaped berm may be revised or removed if deemed necessary by Fairfax Water to facilitate the location of utilities and/or water lines as long as the industrial uses remain adequately screened and buffered from view from Ox Road.

Cemetery/Archaeological Survey

21. As depicted on the SEA Plat, a four-foot, black, wrought iron fence with a gate shall be maintained in good condition around the cemetery. The applicant shall adjust the location of the existing fence to accommodate the inclusion of additional grave sites, if any, into the cemetery that are identified as part of the archaeological survey described in Condition 22. The cemetery shall be maintained to include appropriate mowing and preservation of existing signage. The existing landscaping located in the vicinity of the cemetery shall be retained as shown on the SEA Plat. Vehicular and pedestrian access to the cemetery shall be provided at all times, as shown on the SEA Plat. Trash shall be cleared from within the cemetery and from the immediate area surrounding the cemetery. There shall be no new construction on the portion of the property located within the National Register-eligible Historic District as described in the Memorandum of Agreement regarding the transfer of the Lorton Correctional Complex out of federal ownership as executed by the County Executive on May 30, 2001, except for the trails depicted on the SEA Plat and the possible adjustment of the fence location.

22. Prior to final site plan approval for any building and/or facility associated with the estuary facility, the applicant shall conduct a Phase I archaeological survey of the existing cemetery and its immediate surroundings to confirm the exact dimensions of the cemetery, and of the area proposed for the estuary treatment facility and its associated finished water pump station, chemicals building, and sedimentation basins to identify and record other potential historic resources. The extent of this survey shall be subject to the review and approval of the Fairfax County Park Authority Cultural Resource Management and Protection Branch (CRMP). The applicant shall provide the results of the Phase I survey to CRMP for review and approval. No land disturbance activities in the areas stated above shall be conducted until this study has been approved by CRMP. If the Phase I survey results conclude that a Phase II study of the survey area is warranted, the applicant shall complete that study and provide the results to CRMP for review and approval. If the Phase II survey results conclude that a Phase III evaluation and/or recovery is warranted, the applicant shall complete the recommended work in consultation and coordination with CRMP.

If additional grave sites are found outside of the existing cemetery's extent as shown on the SEA Plat as a result of the aforementioned archaeological survey, the applicant shall take one of the following actions:

- a) Relocate the additional grave sites in accordance with the Virginia Antiquities Act, §10.1-2300 of the Code of Virginia; or,
- b) Revise the site plan to relocate buildings such that the grave sites are avoided and demarcate the extent of the cemetery with fencing as approved by CRMP. Any revision shall be in accordance with Paragraph 4 of Section 9-004 of the Zoning Ordinance.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, ten (10) years after the date of approval unless, at a minimum, the use has been established or construction has commenced and been diligently prosecuted as evidenced by the issuance of an approval for the first site plan for the Griffith Water Treatment Plant's expansion. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the Special Exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

The Board also:

- Approved Resource Protection Area Encroachment Exception #7589-WRPA 001-1 and Water Quality Impact Assessment #7589-WQ-001-1, subject to the development conditions dated April 20, 2015
- Modified Section 13-303 and Section 13-304 of the Zoning Ordinance in favor of the transitional screening and barriers, as shown on the SEA Plat

- Modified Section 17-201, requiring trails along the Occoquan River and along Ox Road as generally depicted on the Countywide Trails Plan in favor of the trail shown on the SEA Plat and described in the development conditions

Sincerely,



Catherine A. Chianese
Clerk to the Board of Supervisors

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
Donald Stephens, Department of Transportation
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
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation



