



County of Fairfax, Virginia

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

March 24, 2016

Amended letter
(corrected numbering of conditions)

Inda E. Stagg
Walsh, Colucci, Lubeley & Walsh, P.C.
2200 Clarendon Boulevard
Arlington, VA 22201

RECEIVED
Department of Planning & Zoning

MAR 29 2016

Zoning Evaluation Division

RE: Special Exception Amendment Application SEA 97-V-033-02

Dear Ms. Stagg:

At a regular meeting of the Board of Supervisors on March 15, 2016, the Board approved Special Exception Amendment Application SEA 97-V-033-02 in the name of Mount Vernon Country Club, Incorporated. The subject property is located at 5111 Old Mill Road, on approximately 127.73 acres of land zoned R-2, HD (part) in the Mount Vernon District [Tax Map 110-1 ((1)) 3, 4, 13, and 13A]. The Board's action amends Special Exception Application SE 97-V-033 previously approved for a uses in a flood plain, golf course, and country club to permit site modifications, including grading, dredging, and stream restoration within a portion of the 100-year flood plain, and modifications to development conditions. Previously approved conditions or those with minor modifications are marked with an asterisk (*).

1. This Special Exception Amendment (SEA) is granted for and runs with the land indicated in this application and is not transferable to other land. *
2. This SEA is granted only for the purposes, structures and/or uses indicated on the SEA Plat approved with this application, as qualified by these development conditions. *
3. A copy of this SEA and the Non-Residential Use Permit (Non-RUP) shall be posted in a conspicuous place 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. This SEA is subject to the provisions of Article 17, Site Plans as may be determined by the Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this Special Exception shall be in substantial conformance with the approved SEA Plat entitled "Mount Vernon Country Club Golf Course Renovation and Streambank Stabilization Special Exception Amendment Plat" prepared by Stantec (J. Glenn Muckley), which is dated May 15, 2015 and revised through December 18, 2015 and these conditions. Minor modifications to the approved Special Exception Amendment may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.*

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5. The total number of country club members shall be limited to 700. *
6. The hours of operation of the country club and golf course shall be limited to 5:30 a.m. – 1:00 a.m., daily. *
7. The hours of operation for the swimming pool shall be limited to the following:
 - Regular Pool Hours from 9:00 am to 9:00 pm.
 - Swim Team Hours from 8:00 am to 9:00 pm with no more than 5 swim meets permitted per season.
 - After-Hours Pool Parties shall be limited to six per season, limited to Friday, Saturday, and pre-holiday evenings, and shall not exceed 12:00 midnight. The applicant shall request written permission from the Zoning Administrator for each individual party or activity at least ten (10) days in advance and receive permission prior to the party. Requests shall be approved for only one (1) such party at a time and such requests shall be approved only after the successful conclusion of a previous extended-hour party or for the first one at the beginning of a swim season. Requests shall only be approved if there are not pending violations of the conditions of the Special Exception Amendment, and any substantiated complaints shall be cause for denying any future requests for extended-hour parties for that season; or, should such complaints occur during the end of the swim season, then this penalty shall extend to the next calendar year. *
8. A maximum of 175 parking spaces shall be provided as shown on the SEA Plat. No off-site parking shall be permitted on Old Mill Road or the adjacent side streets. Parking lot landscaping shall be provided in accordance with Sect. 13-106 of the Zoning Ordinance. The maximum height of any parking lot lighting fixtures shall not exceed twelve (12) feet. *
9. All on-site lighting shall comply with the performance standards specified in Part 9 of Article 14 of the Zoning Ordinance.
10. A modification of the barrier requirement shall permit black vinyl-coated chain link fencing of up to 6 feet in height and/or ornamental wrought-iron or other non-solid, non-wood ornamental fencing of up to 6 feet in height to function as a required barrier between the property and the adjacent residential uses. Notwithstanding the fencing shown on the SEA Plat, the perimeter fence may be constructed on the property in phases, as illustrated on Attachment 1 to these development conditions, and as further described in Attachment 2 to these development conditions. *
11. The applicant shall implement stormwater management (SWM) and best management practices (BMP) techniques to control the quantity and quality of stormwater runoff from the subject property in accordance with the standards of the Fairfax County Public Facilities Manual (PFM) as determined by DPWES and in substantial conformance with the SEA Plat. Supplementary innovative measures may be used on the subject property, such as bio-retention facilities, infiltration

trenches, rain barrels, and/or vegetated swales, subject to the review and approval of DPWES, to meet water quality requirements if necessary.

12. Other than the areas identified on the SEA Plat, there shall be no expansion of cut or fill activities into previously undisturbed natural areas within the floodplain or Resource Protection Area (RPA).
13. The location and species of the plantings within the proposed planting areas depicted on the SEA Plat shall be subject to the review and approval of the Urban Forest Management Division (UFMD).
14. Trees specified on the SEA Plat that are not marked for removal are to be retained; however, the applicant may remove dead, dying or diseased trees from the Resource Protection Area (RPA), including those that are shown to be retained, and remove invasive plant material from the RPA in accordance with Chapter 118, the Chesapeake Bay Preservation Ordinance, of the Fairfax County Code. Vegetation outside of the RPA may be removed at the applicant's discretion.
15. The limits of clearing and grading shall be strictly adhered to, as shown on the SEA Plat. All trees shown to be preserved shall be protected by a tree protection fence or wire-reinforced "super silt" fence. Where tree protection fencing is to be installed, it shall at minimum consist of four foot high, orange plastic fence attached to 6 foot steel posts driven 18 inches into the ground and placed no further than 6 feet apart, and shall be erected at the limits of clearing and grading as shown on the SEA Plat. All tree protection fencing shall be installed prior to any clearing and grading activities. The installation of all tree protection fence shall be performed under the supervision of a certified arborist. Three days prior to the commencement of any clearing, grading, or demolition activities, UFMD shall be notified and given the opportunity to inspect the site to assure that all tree protection devices have been correctly installed. *
16. Erosion and sediment control measures shall be installed at all stages of construction. A wire-reinforced "super silt" fence shall be installed along the clearing and grading limits for the site, as well as along all Resource Protection Area (RPA) boundaries, and shall remain for the duration of land disturbing activity or until it is determined by DPWES that the area is stabilized. The super silt fencing may be required at more than one location. *
17. The applicant shall adopt an integrated pest management and water quality monitoring program so as to develop and implement a more comprehensive Soil and Water Quality Conservation Plan (SWQCP) to limit chemical applications and to protect water quality in order to comply with the Chesapeake Bay Preservation Ordinance. This plan shall provide for annual review and adjustments to management activities that demonstrate intent to reduce total chemical use over time. This plan shall be reviewed and approved by the Northern Virginia Soil and Water Conservation District of the Department of Extension and Continuing Education, the Department of Planning and Zoning (DPZ), and DPWES prior to

- final site plan approval. A copy of the pesticide management program and records of all chemical applications shall be kept on site at all times. Records shall be made available to county staff and the general public for viewing on demand. *
18. Prior to final site plan approval, a Hold Harmless agreement in a form approved by the County Attorney shall be executed with Fairfax County for any adverse effects which may arise as a result of the location of facilities within a floodplain area. *
 19. Concurrent with the first submission of any grading plan, site plan, or minor site plan, the applicant shall submit an additional copy of the plan to the Fairfax County Federal Emergency Management Agency (FEMA) Floodplain Administrator (Stormwater Planning Division) to determine whether the base flood elevation in any Special Flood Hazard Area (SFHA) depicted on the County's Flood Insurance Rate Map (FIRM) would be altered as a result of any new construction, substantial improvements, or other development shown on the plan, including fill. If the County FEMA Floodplain Administrator determines that the base flood elevation would be altered, the applicant shall submit technical or scientific data to FEMA for a Letter of Map Revision. If the projected increase in the base flood elevation is greater than one foot, the applicant shall also obtain approval of a Conditional Letter of Map Revision from the Federal Insurance Administrator prior to the approval of any construction. If the applicant is required to submit either a Letter of Map Revision and/or Conditional Letter of Map Revision as outlined above, the applicant shall submit a copy of the approval letter from FEMA to the Department of Planning and Zoning (DPZ). If it is determined that the base flood elevation would be altered for an offsite property as a result of the applicant's proposal, the applicant shall file a Special Exception Amendment for review and approval by the Board of Supervisors.
 20. The applicant shall comply with all applicable provisions of Chapter 118 of the Fairfax County Code, the Chesapeake Bay Preservation Ordinance, as determined by DPWES. *
 21. The U.S. Army Corps of Engineers shall be consulted prior to the approval of a grading plan to determine whether or not any action is required to ensure compliance with §404 of the Clean Water Act. The applicant shall document such compliance to the satisfaction of DPWES. *
 22. If determined necessary by DPWES, a geotechnical report shall be submitted to DPWES for foundation design and earthwork engineering. Plans shall be implemented as required by DPWES. *
 23. Prior to final site plan approval, the applicant shall update the approved Stormwater Pollution Prevention Plan (SWPPP) for the site and, if deemed necessary by the Virginia Department of Environmental Quality (DEQ), the site's Virginia Pollutant Discharge and Elimination System (VPDES) permit.

24. Any additional federal or state permits which are required shall be pursued by the applicant. If any required federal, state, or county permits are not approved, an amendment to this SEA shall be filed to make the necessary modifications required to obtain such permits. *
25. There shall be no storage of herbicides, pesticides, or toxic or hazardous substances as set forth in Title 40, Code of Federal Regulations, Parts 115.4 and 261.30 et seq., within the floodplain. If any petroleum products, hazardous materials, and/or hazardous wastes are stored on-site, a spill prevention and containment plan will be submitted for review and approval to the Fairfax County Fire and Rescue Department. *
26. Pool chemicals that are toxic to wetland environments shall be stored in an area outside of, or a minimum of 18 inches above, the floodplain area.

In order to mitigate potential negative impacts resulting from the discharge of chemicals existing in the swimming pool water during pool cleaning, the chemicals shall be neutralized prior to discharge into sanitary sewer drains by using the following guidelines for all pool discharge materials:

All waste water resulting from cleaning and draining of the pool located on the property shall meet the appropriate level of water quality prior to discharge as determined by the Senior Sanitarian in the Consumer Services Section of the Environmental Health Division, Fairfax County Health Department. The following procedure shall be used to ensure that pool waters are properly neutralized prior to being discharged during draining or cleaning operations: add sufficient amounts of lime or soda ash to the acid cleaning solution to achieve a pH of approximately equal to that of the receiving stream and as close to neutral (a pH of 7) as possible. If the water being discharged from the pool is discolored or contains a high level of suspended solids that could affect the clarity of the receiving stream, it shall be allowed to strand so that most of the solids settle out prior to being discharged. *

27. The applicant shall continue to fulfill the obligations of the agreement with the Board of Supervisors for trail fundraising until the fundraising total reaches \$50,000 as described in the executed agreement dated July 3rd, 2008 (the "Executed Agreement"); however, the applicant shall amend the Executed Agreement with the Fairfax County Attorney to provide an annual payment schedule that ensures the remaining funds are repaid no later than December 31, 2020. Any funds collected from the date of this approval, or which were previously collected and not allocated by Fairfax County, shall be used for the construction of trails in the vicinity of the subject property along Old Mill Road, in consultation with the Mount Vernon District Supervisor's office.
28. The applicant shall comply with all applicable provisions of Chapter 116, the Wetlands Zoning Ordinance, of the Fairfax County Code, as determined by the Fairfax County Wetlands Board staff in the Department of Planning and Zoning and the Virginia Marine Resources Commission.

29. In order to ensure that the proposed stream restoration is planned, implemented and constructed to achieve a successful and functional restoration/stabilization for any natural stream channel within jurisdictional waters of the United States of America, the applicant shall, at the time of site plan submission, submit a complete set of stream restoration plans to the Office of Site Development and Inspections Division and the Stormwater Planning Division of the Department of Public Work Environmental Services (DPWES), and to the Northern Virginia Soil and Water Conservation District (NVSWCD). The stream restoration plans shall include appropriate native plants and native seed mix for the restoration/stabilization of the stream channels. The restoration and stabilization of the stream channels shall be based on the "Natural Channel Design" concept as defined in the Fairfax County DPWES, LDS Policy Paper on Stream Restoration Projects enclosed as Attachment 3 to these conditions. The restoration plans shall be subject to the review and approval of the Office of Site Development and Inspections Division and the Stormwater Planning Division of DPWES, as well as NVSWCD.
30. The applicant shall include detailed specifications on the site plan which demonstrates that the dredge spoil decanting areas will be secured and contained with proper erosion and sedimentation control measures at all times and to ensure that no sedimentation drains onto adjacent properties.
31. The applicant shall submit an amendment to the previously approved Water Quality Impact Assessment (WQIA) for the site design should DPWES determine that site design changes shown on the SEA Plat not substantially conform to the previously approved WQIA.

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, 30 months after the date of approval unless, at a minimum, the use has been established or construction has commenced and been diligently prosecuted as evidenced by the issuance of a final site plan approval in general conformance with the SEA Plat. 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 modification of the:

- Frontage improvements requirement in Sect. 17-201 of the Zoning Ordinance requiring a paved trail along Old Mill Road in favor of the continued execution of the applicant's fundraising agreement with the Board of Supervisors referenced in the development conditions
- Transitional screening and barrier requirements in Sect. 13-302 of the Zoning Ordinance in favor of the existing vegetation and barriers shown on the SEA Plat

Sincerely,



Catherine A. Chianese
Clerk to the Board of Supervisors

cc: Chairman Sharon Bulova
Supervisor Daniel Storck, 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