

Meeting #1:

1. How are problem soils determined?

Problem soils are defined as specific soil types shown on the County Soils Map. County Code Chapter 107 and the Public Facilities Manual require submission of a separate Geotechnical Study when new homes are proposed in problem soils. Information about soil types and how to determine problem soils are available to the public through the link below [Soils Information | Northern Virginia Soil and Water Conservation District \(fairfaxcounty.gov\)](https://www.fairfaxcounty.gov/soils)

2. Do you check the impact of a floodplain downstream from infill? Are the implications of infill looked at beyond the neighborhoods of construction?

Yes. Any plan modifying a floodplain must receive approval of a separate floodplain study. For upstream projects, detention of the 100-year design storm may be required where existing structures are known to flood during storms less frequent than the 100-year storm. Any infill plan that alters the floodplain area and raises the 100-Year floodplain elevation downstream or upstream of the lot must submit a Special Exception application and go through public hearing processes.

3. How often are offsite nutrient credits used with infill development?

In the last two years in the Mt. Vernon District, 22% of 240 infill lot grading plan projects met water quality requirements through purchase of off-site nutrient credits. Approximately 1/3 of infill lot grading plans are exempt from the Stormwater Management Ordinance and are not required to meet the water quality requirements of that ordinance.

4. Does inspection of plantings happen post bond repayment? How do you know if the trees and plantings are there for the “long term”?

Release of the Conservation Escrow is the final step in the regulation of a land disturbance permit. Approval of the tree planting requirements of any plan must be met before the Escrow is released to the owner. Final planting inspections, which are conducted by UFMD staff, must be judged capable of surviving for the next ten years to be accepted. If deficiencies are found during the inspection, replacement plantings are required to bring the landscaping into conformance with the approved plan. If replacement plantings occur sufficiently close to the requested Escrow release, a portion of the Conservation Escrow may be withheld to cover the cost of the replacement plantings. No forestry inspections occur after project completion and no urban forestry requirements apply to residential lots after the permit is closed and Escrow released.

5. Are there any ordinances regarding light blocking and view blocking?

The County does not have specific ordinances dealing with light blocking or view blocking for single family detached residences. These issues may come up during review of a rezoning case when taller buildings are proposed adjacent to single family dwellings and staff will often ask for architectural features like having the building height stepped back. However, there is no light blocking or view blocking standards for single family detached residential other than the limit on building height to 35 feet and the required setbacks for the zoning district.

6. How common is it that UFMD receives requests for exemptions when applications don't meet minimum tree preservation requirements? Are those ever denied? To what extent does UFMD require developers to adapt their plans?

In the language used in Public Facilities Manual (PFM), a waiver is probably the closest thing to an exemption. Yes, a waiver can be denied if the LDS Director does not feel that the request meets the waiver or variation criteria set forth in Chapter 1 of the PFM. From April 1, 2017 to April 12, 2022, UFMD reviewed 7,720 development-related site plan submittals. During this same period, a total of 19 Tree Canopy Modifications/Waivers were submitted for the entire County. Tree Canopy Modifications/Waivers are so infrequent that data is not tracked on denial status.

From Chapter 1 of the Public Facilities Manual; Section 1-0100.8

The Director, in administering these standards, will treat them as guidelines rather than mandates. Except as expressly provided otherwise in this document, the Director can approve a waiver or variation where strict application of the standard cannot be met for a particular site or where new or creative designs are proposed, if the proposed waiver or variation meets the intent of the PFM provisions and a statement of justification for deviating from the PFM, including supporting data and information, accompanies the submission. The Director may allow for a variation of a given standard where the effect of the variation is in keeping with established engineering practice and procedure.

7. Are "Letters to Industry" requirements?

Letters to Industry are used to clarify existing requirements and provide needed guidance about processes and procedures. Letters to industry may be announcements called "Industry Notices" or more formal "Technical Bulletins" that remain in effect until rescinded or incorporated into other documents like the Public Facilities Manual.

8. How effective is the Tree Preservation Ordinance with the 10-year tree canopy requirement? Should this be reviewed on what's actively being achieved?

10-year tree canopy is not monitored by the County on a site-by-site basis for development. The last tree canopy study for the entire County showed a slight increase of 1% between the years 2011 and 2015.

9. How are trees on or near the property boundary handled in the infill plan review process?

Trees on the property boundary are treated as co-owned trees. Co-owned trees or trees located on adjacent properties that are impacted by development are subject to the guidelines provided in [LDS Technical Bulletin 21-11 dated December 9, 2021. 21-11 Notification of Proposed Tree Removal \(fairfaxcounty.gov\)](#)

Meeting #2:

1. Is building height limited by state regulation?

No, although the Virginia Code authorizes localities to regulate building height through zoning. *See* Virginia Code § 15.2-2280.

2. Perhaps there is a way to recognize that after a house has sat on 3 lots for 40-60 years it has become a common law single lot and then to separate it back out could require subdivision?

Although legally valid lots can be combined by building permit for construction of a single dwelling, if that dwelling is removed, the individual lots remain subdivided. Consequently, they may be developed separately—even if the lots do not meet the current lot area, lot width, or shape factor requirements of the zoning district—as long as all other regulations of the Zoning Ordinance are met, including setbacks. *See* Zoning Ordinance subsection 5100.2.J. Eliminating or modifying this longstanding recognition of legal lots of record would require further legal analysis.