

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
MARCH 12, 2007**

AGENDA

8:30	Held	Joint Meeting with the Library Board Conference Room 232
9:30	Done	Presentations
10:00	Done	Presentation of the Volunteer Fire Commission Annual Report
10:15	Done	Presentation of Fairfax County Economic Development Authority Annual Report
10:30	Done	Presentation by the Fairfax County Convention and Visitors Corporation
10:45	Done	Items Presented by the County Executive

ADMINISTRATIVE ITEMS

1	Approved	Extension of Review Periods for 2232 Review Applications (Hunter Mill, Mount Vernon, Providence, Springfield, and Sully Districts)
2	Approved	Authorization to Advertise a Public Hearing to Establish the Little Rocky Run Community Parking District (Sully District)
3	Approved	Authorization to Advertise a Public Hearing to Establish the Lake Braddock Community Parking District (Braddock District)
4	Approved	Authorization to Advertise a Public Hearing to Expand the West Hampton Community Parking District (Lee District)
5	Approved	Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance Amendment Re: Planned Development District Recreational Fees
6	Approved	Additional Time to Commence Construction for Special Exception Amendment SEA 99-V-018, Alexandria Hotel Associates, LC (Mount Vernon District)

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
MARCH 12, 2007**

**ADMINISTRATIVE ITEMS
(CONTINUED)**

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| 7 | Approved | Additional Time to Commence Construction for Special Exception SE 2003-SP-041, CoxCom, Inc. d/b/a Cox Communications Northern Virginia (Springfield District) |
| 8 | Approved | Authorization to Advertise a Public Hearing to Consider an Ordinance Amending County Code Relating to Election Precincts |
| 9 | Approved | Approval for the Department of Housing and Community Development to Accept an Allocation in First Trust Mortgage Funds for the Pilot Program Flex-SPARC (Sponsoring Partnerships and Revitalizing Communities) from the Virginia Housing Development Authority (VHDA) |
| 10 | Approved | Streets into the Secondary System (Braddock, Dranesville, Hunter Mill, Providence, Springfield and Sully Districts) |
| 11 | Approved | Authorization to Advertise Publication of the FY 2008 Budget and Required Tax Rates |
| 12 | Approved | Authorization to Advertise Proposed Amendments to Chapter 118 (Chesapeake Bay Preservation Ordinance) of <i>The Code of the County of Fairfax, Virginia</i> RE: Consistency with the Chesapeake Bay Preservation Area Designation and Management Regulations |
| 13 | Approved | Authorization to Advertise a Public Hearing to Amend the Current Appropriation Level in the FY 2007 Revised Budget Plan |

ACTION ITEMS

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|---|-----------------------------|--|
| 1 | Approved w/amendment | Agreement Between the County of Fairfax and the Great Falls Volunteer Fire Department (Dranesville District) |
| 2 | Approved | Approval of a Memorandum of Understanding Between the Fairfax County Police Department and the Federal Bureau of Investigation in Regard to the Joint Terrorism Task Force |

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
MARCH 12, 2007**

INFORMATION ITEMS

1	Noted	Contract Award – Contract Amendment for Full Architectural/Engineering Design Services for Great Falls Fire and Rescue Station (Dranesville District)
2	Noted	Contract Award – Audrey Moore RECenter Improvements (Braddock District)
3	Noted	Contract Award – Tall Timbers Drive (Springfield District)
4	Noted w/amendment	Update and Summary of Electric Utility Regulation Legislation 2007 Session
11:15	Done	Matters Presented by Board Members
12:05	Done	Closed Session

PUBLIC HEARINGS

3:30	Approved	Public Hearing on RZ 2006-HM-023 (PSR, LLC) (Hunter Mill District)
3:30	Approved	Public Hearing on PCA 2003-HM-046 (Woodland Park Crossing Retail, LLC) (Hunter Mill District)
3:30	Approved	Public Hearing on PCA 2002-PR-008-02 (The Christopher Companies DBA Christopher Management, Inc.) (Providence District)
3:30	Approved	Public Hearing on PCA 91-Y-010-04 (SKY06, LLC) (Sully District)
3:30	Approved	Public Hearing on SE 2006-PR-019 (Virginia International University) (Providence District)
4:00	Public hearing deferred to 4/9/07 at 4:00 p.m.	Public Hearing on SE 2006-MA-027 (Joanne Krause) (Mason District)
4:00	Approved	Public Hearing on a Proposal to Vacate Unnamed Right-of-Way in Braddock Hills Subdivision (Mason District)
4:00	Approved	Public Hearing on Spot Blight Abatement Ordinance for 6510 Rock A By Road (Lee District)

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
MARCH 12, 2007**

**PUBLIC HEARINGS
(CONTINUED)**

4:00	Approved	Public Hearing on Spot Blight Abatement Ordinance for 7705 Kelly Ann Court (Springfield District)
4:00	Approved	Public Hearing on Spot Blight Abatement Ordinance for 8505 Sky View Drive (Mount Vernon District)
4:30	Approved	Public Hearing on Proposed Amendments to Comply With Newly Adopted State Code Regarding Privately Maintained Streets
4:30	Approved	Public Hearing on a Proposed Amendment to Comply with a Newly Adopted State Code Provision Regarding Persons Engaging in the Creation or Operation of Wetland Mitigation Banks in Multiple Jurisdictions
4:30	Approved	Public Hearing on Proposed Amendments to the Public Facilities Manual Re: Low Impact Development Practices
5:00	Approved	Public Hearing on Proposed Policy Plan Amendment ST07-CW-1CP Regarding Revisions to the Policy Plan to Add a Definition and Set of Principles for Transit-Oriented Development
5:00	Approved	Public Hearing on Proposed Plan Amendment S06-III-BR1 for Centreville Suburban Center, Sub-Unit C-2 Located South of Braddock Road and East of Old Centreville Road (Sully District)



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Monday
March 12, 2007

9:30 a.m.

PRESENTATIONS

1. RESOLUTION – To congratulate the Community Emergency Response Team program for 10 years of service to Fairfax County. Requested by Supervisor Smyth.
2. RESOLUTION – To congratulate the Northern Virginia Sail and Power Squadron on the occasion of its 40th anniversary. Requested by Supervisor Bulova.
3. PROCLAMATION – To designate March 24, 2007, as Tuberculosis Awareness Day in Fairfax County. Requested by Chairman Connolly.
4. PROCLAMATION – To designate March 2007 as Women’s History Month in Fairfax County and PRESENTATION to the Board of Supervisors by the League of Women Voters of a picture of the Occoquan Workhouse. Requested by Chairman Connolly.
5. RESOLUTION – To congratulate Fairfax Memorial Park on the occasion of its 50th anniversary. Requested by Chairman Connolly.
6. PROCLAMATION – To designate March 2007 as Alternative Dispute Resolution Month in Fairfax County. Requested by Chairman Connolly.
7. RESOLUTION – To commend Gail Condrick for her years of service to Fairfax County. Requested by Chairman Connolly.

STAFF:

Merni Fitzgerald, Director, Office of Public Affairs
Bill Miller, Office of Public Affairs

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Board Agenda Item
March 12, 2007

10:00 a.m.

Presentation of the Volunteer Fire Commission Annual Report

ENCLOSED DOCUMENTS:

None. Report delivered under separate cover.

PRESENTED BY:

Tim Fleming, Chief, Franconia VFD, the Chair of the Volunteer Fire Commission

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Board Agenda Item
March 12, 2007

10:15 a.m.

Presentation of Fairfax County Economic Development Authority Annual Report

ENCLOSED DOCUMENTS:

None. Report delivered under separate cover.

PRESENTED BY:

Steven L. Davis, Chiarman, Economic Development Authority

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Board Agenda Item
March 12, 2007

10:30 a.m.

Presentation by the Fairfax County Convention and Visitors Corporation

ENCLOSED DOCUMENTS:

None.

PRESENTED BY:

Jim Wordsworth, Chairman Visit Fairfax
Arnie Quirion, President and CEO Visit Fairfax

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Board Agenda Item
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10:45 a.m.

Items Presented by the County Executive

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Board Agenda Item
March 12, 2007

ADMINISTRATIVE – 1

Extension of Review Periods for 2232 Review Applications (Hunter Mill, Mount Vernon, Providence, Springfield, and Sully Districts)

ISSUE:

Extension of the review periods for specific 2232 Review applications to ensure compliance with the review requirements of *Section 15.2-2232* of the *Code of Virginia*.

RECOMMENDATION:

The County Executive recommends that the Board extend the review periods for the following applications: application FS-V06-125 to May 17, 2007; applications 2232-MD06-23, FS-Y06-121, FS-V06-122, and FS-S06-123 to May 18, 2007; and application FS-P06-120 to May 19, 2007.

TIMING:

Board action is required on March 12, 2007, to extend the review periods of the applications noted above before their expiration.

BACKGROUND:

Subsection B of *Section 15.2-2232* of the *Code of Virginia* states: "Failure of the commission to act within sixty days of a submission, unless the time is extended by the governing body, shall be deemed approval." Subsection F states: "Failure of the commission to act on any such application for a telecommunications facility under subsection A submitted on or after July 1, 1998, within ninety days of such submission shall be deemed approval of the application by the commission unless the governing body has authorized an extension of time for consideration or the applicant has agreed to an extension of time. The governing body may extend the time required for action by the local commission by no more than sixty additional days."

The Board should extend the review periods for applications 2232-MD06-23, FS-P06-120, FS-Y06-121, FS-V06-122, FS-S06-123, and FS-V06-125, which were accepted for review by the Department of Planning and Zoning between December 18, 2006, and December 20, 2006. These applications are for telecommunications facilities. Therefore, in accordance with State Code requirements, the Board may extend the time required for the Planning Commission to act on these applications by no more than sixty additional days.

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ENCLOSED DOCUMENTS:

None

STAFF:

Robert A. Stalzer, Deputy County Executive
James P. Zook, Director, Department of Planning and Zoning (DPZ)
David B. Marshall, Planning Division, DPZ
David S. Jillson, Planning Division, DPZ

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Board Agenda Item
March 12, 2007

ADMINISTRATIVE - 2

Authorization to Advertise a Public Hearing to Establish the Little Rocky Run Community Parking District (Sully District)

ISSUE:

Board authorization to advertise a public hearing to consider a proposed amendment to Appendix M of *The Code of the County of Fairfax, Virginia* (Fairfax County Code) to establish the Little Rocky Run Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for April 9, 2007, at 4:30 p.m. (Attachment III) to consider adoption of a Fairfax County Code amendment (Attachment I) to establish the Little Rocky Run CPD in accordance with current CPD restrictions.

TIMING:

The Board should take action on March 12, 2007, to provide sufficient time for advertisement of the public hearing on April 9, 2007, at 4:30 p.m.

BACKGROUND:

Fairfax County Code Section 82-5B-2 authorizes the Board to establish a CPD for the purpose of prohibiting or restricting the parking of watercraft; boat trailers; motor homes; camping trailers and any other trailer or semi-trailer; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers, including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in Virginia Code § 46.2-341.4 on the streets in the district. No such Community Parking District shall apply to (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power or (iii) restricted vehicles temporarily parked on a public street within any such District for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip. Pursuant to Fairfax County Code Section 82-5B-3, the Board may establish a CPD if: (1) the Board receives a petition requesting

Board Agenda Item
March 12, 2007

such an establishment and such petition contains the names and signatures of petitioners who represent at least 60 percent of the addresses or other real property within the proposed district, and represent more than 50 percent of the eligible addresses on each block of the proposed district, (2) the proposed district includes an area in which 75 percent of each block within the proposed district is zoned, planned or developed as a residential area, and (3) the Board receives an application fee of \$10 for each petitioning property address in the proposed district.

Staff has verified that the requirements for a CPD have been satisfied.

The parking prohibition identified above for the Little Rocky Run CPD establishment is proposed to be in effect seven days per week, 24 hours per day.

FISCAL IMPACT:

The cost of sign installation is estimated at \$1000 to be paid out of Fairfax County Department of Transportation (FCDOT) funds. This assumes a one-time installation of CPD signs. No funding exists for future maintenance of the signs.

ENCLOSED DOCUMENTS:

Attachment I: Amendment to the Fairfax County Code, Appendix M (CPD Restrictions)
Attachment II: Area Map of Proposed Little Rocky Run CPD Establishment
Attachment III: Notice of Public Hearing

STAFF:

Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Ellen Gallagher, Chief, Capital Projects and Operations Division, FCDOT
Bruce W. Taylor, Acting Chief, Traffic Operations Section, FCDOT
Maria Turner, Transportation Planner II, FCDOT

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ADMINISTRATIVE - 3

Authorization to Advertise a Public Hearing to Establish the Lake Braddock Community Parking District (Braddock District)

ISSUE:

Board authorization to advertise a public hearing to consider a proposed amendment to Appendix M of *The Code of the County of Fairfax, Virginia* (Fairfax County Code) to establish the Lake Braddock Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for April 9, 2007, at 4:30 p.m. (Attachment III) to consider adoption of a Fairfax County Code amendment (Attachment I) to establish the Lake Braddock CPD in accordance with current CPD restrictions.

TIMING:

The Board should take action on March 12, 2007, to provide sufficient time for advertisement of the public hearing on April 9, 2007, at 4:30 p.m.

BACKGROUND:

Fairfax County Code Section 82-5B-2 authorizes the Board to establish a CPD for the purpose of prohibiting or restricting the parking of watercraft; boat trailers; motor homes; camping trailers and any other trailer or semi-trailer; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers, including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in Virginia Code § 46.2-341.4 on the streets in the district. No such Community Parking District shall apply to (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power or (iii) restricted vehicles temporarily parked on a public street within any such District for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip. Pursuant to Fairfax County Code Section 82-5B-3, the Board may establish a CPD if: (1) the Board receives a petition requesting

Board Agenda Item
March 12, 2007

such an establishment and such petition contains the names and signatures of petitioners who represent at least 60 percent of the addresses or other real property within the proposed district, and represent more than 50 percent of the eligible addresses on each block of the proposed district, (2) the proposed district includes an area in which 75 percent of each block within the proposed district is zoned, planned or developed as a residential area, and (3) the Board receives an application fee of \$10 for each petitioning property address in the proposed district.

Staff has verified that the requirements for a CPD have been satisfied.

The parking prohibition identified above for the Lake Braddock CPD establishment is proposed to be in effect seven days per week, 24 hours per day.

FISCAL IMPACT:

The cost of sign installation is estimated at \$1500 to be paid out of Fairfax County Department of Transportation (FCDOT) funds. This assumes a one-time installation of CPD signs. No funding exists for future maintenance of the signs.

ENCLOSED DOCUMENTS:

Attachment I: Amendment to the Fairfax County Code, Appendix M (CPD Restrictions)
Attachment II: Area Map of Proposed Lake Braddock CPD Establishment
Attachment III: Notice of Public Hearing

STAFF:

Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Ellen Gallagher, Chief, Capital Projects and Operations Division, FCDOT
Bruce W. Taylor, Acting Chief, Traffic Operations Section, FCDOT
Maria Turner, Transportation Planner II, FCDOT

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ADMINISTRATIVE - 4

Authorization to Advertise a Public Hearing to Expand the West Hampton Community Parking District (Lee District)

ISSUE:

Board authorization to advertise a public hearing to consider a proposed amendment to Appendix M of *The Code of the County of Fairfax, Virginia* (Fairfax County Code) to expand the West Hampton Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for April 9, 2007, at 4:30 p.m. (Attachment III) to consider adoption of a Fairfax County Code amendment (Attachment I) to expand the West Hampton CPD in accordance with current CPD restrictions.

TIMING:

The Board should take action on March 12, 2007, to provide sufficient time for advertisement of the public hearing on April 9, 2007, at 4:30 p.m.

BACKGROUND:

Fairfax County Code Section 82-5B-2 authorizes the Board to expand a CPD for the purpose of prohibiting or restricting the parking of watercraft; boat trailers; motor homes; camping trailers and any other trailer or semi-trailer; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers, including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in Virginia Code § 46.2-341.4 on the streets in the district. No such Community Parking District shall apply to (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power or (iii) restricted vehicles temporarily parked on a public street within any such District for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip. Pursuant to Fairfax County Code Section 82-5B-3, the Board may expand a CPD if: (1) the Board receives a petition requesting

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such an expansion and such petition contains the names and signatures of petitioners who represent at least 60 percent of the addresses or other real property within the proposed district, and represent more than 50 percent of the eligible addresses on each block of the proposed district, (2) the proposed district includes an area in which 75 percent of each block within the proposed district is zoned, planned or developed as a residential area, and (3) the Board receives an application fee of \$10 for each petitioning property address in the proposed district.

Staff has verified that the requirements for a CPD have been satisfied.

The parking prohibition identified above for the West Hampton CPD expansion is proposed to be in effect seven days per week, 24 hours per day.

FISCAL IMPACT:

The cost of sign installation is estimated at \$150 to be paid out of Fairfax County Department of Transportation (FCDOT) funds. This assumes a one-time installation of CPD signs. No funding exists for future maintenance of the signs.

ENCLOSED DOCUMENTS:

Attachment I: Amendment to the Fairfax County Code, Appendix M (CPD Restrictions)
Attachment II: Area Map of Proposed West Hampton CPD Expansion
Attachment III: Notice of Public Hearing

STAFF:

Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Ellen Gallagher, Chief, Capital Projects and Operations Division, FCDOT
Bruce W. Taylor, Acting Chief, Traffic Operations Section, FCDOT
Maria Turner, Transportation Planner II, FCDOT

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ADMINISTRATIVE - 5

Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance
Amendment Re: Planned Development District Recreational Fees

ISSUE:

The proposed Zoning Ordinance amendment increases the minimum expenditure per dwelling unit for recreational facilities required in the PDH, PDC and PRM Districts from \$955 to \$1500.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of the proposed amendment by adopting the resolution set forth in Attachment 1.

TIMING:

Board action is requested on March 12, 2007, to provide sufficient time to advertise the proposed Planning Commission public hearing on April 19, 2007, at 8:15 p.m., and proposed Board of Supervisors' public hearing on May 7, 2007, at 4:30 p.m.

BACKGROUND:

The proposed amendment revises the recreational facility provisions in the PDH, PDC and PRM Districts and is in response to a March 27, 2006, request by the Board of Supervisors. The current Zoning Ordinance provisions require developed recreational facilities as part of the open space requirement to be provided in all PDH, PDC and PRM Districts which contain a residential component. The developed recreational facility component is based on a minimum expenditure of \$955 per dwelling unit. The \$955 expenditure has been in effect since 1997 and was last adjusted based on the Construction Cost Index (CCI) increase between 1975, the year the recreational facility expenditure was first required, and 1997. According to *Architects Contractors Engineers Guide to Construction Costs, 2007 Edition, Volume XXXVIII*, the CCI has increased by 59% since 1997. Given the 59% increase in construction costs since 1997, it is appropriate to adjust the current \$955 fee accordingly. As such, the proposed amendment increases the per dwelling unit recreational facilities expenditure from \$955 to \$1500 in the PDH, PDC and PRM Districts.

It is highly likely that construction costs will continue to rise and it may be desirable to incorporate an escalation clause into the Zoning Ordinance so that the recreation expenditure can be adjusted whenever there is a change in the CCI. However, the

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exact amount of the recreational facility expenditure must be listed in the Zoning Ordinance and an escalation clause can not be incorporated. In response, it is recommended that the per unit recreational expenditure be regularly reviewed by staff. If an increase is warranted based on the CCI, staff would recommend that the Board consider amending the Zoning Ordinance accordingly.

The final issue that the Board requested staff to consider was whether the recreational expenditure should be based on a per person basis rather than on a per unit basis. Given that household sizes vary by unit type and location within the County and given that household size may change over time, staff is recommending that the recreational expenditure continue to be based on a per unit basis.

A more detailed discussion of the proposed amendment is set forth in the attached Staff Report.

REGULATORY IMPACT:

The proposed amendment increases the minimum expenditure per dwelling unit for recreational facilities required in the PDH, PDC and PRM District from \$955 to \$1500.

FISCAL IMPACT:

If the P district recreation amenity contribution amount is increased, it could result in additional on-site and/or off-site recreational facilities being provided to serve the recreational needs of a P district development.

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution
Attachment 2 – Staff Report

STAFF:

Robert A. Stalzer, Deputy County Executive
James P. Zook, Director, Planning and Zoning (DPZ)
Michael A. Kane, Director, Fairfax County Park Authority (FCPA)
Eileen M. McLane, Zoning Administrator, DPZ
Lorrie Kirst, Deputy Zoning Administrator for Ordinance Administration Branch, DPZ
Andrea L. Dorlester, Senior Park Planner, Park Planning Branch, FCPA

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ADMINISTRATIVE - 6

Additional Time to Commence Construction for Special Exception Amendment
SEA 99-V-018, Alexandria Hotel Associates, LC (Mount Vernon District)

ISSUE:

Board consideration of additional time to commence construction for SEA 99-V-018 pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve twelve months additional time for SEA 99-V-018, to October 27, 2007.

TIMING:

Routine

BACKGROUND:

Under Sect. 9-015 of the Zoning Ordinance, if the use is not established or if construction is not commenced within the time period specified by the Board of Supervisors, an approved special exception shall automatically expire without notice unless additional time is approved by the Board. A request for additional time must be filed with the Zoning Administrator prior to the expiration date of the special exception. The Board may approve additional time if it determines that the use is in accordance with the applicable provisions of the Zoning Ordinance and that approval of additional time is in the public interest.

On October 27, 2003, the Board of Supervisors approved Special Exception Amendment SEA 99-V-018, subject to development conditions. The application was filed in the name of Alexandria Hotel Associates, LC, to amend a previously approved special exception for an increase in building height for hotel use, to permit a building addition and an increase in floor area ratio, pursuant to Sect. 9-622 of the Fairfax County Zoning Ordinance, for the property described as Tax Map 83-4 ((1)) 11A (see Locator Map in Attachment 1).

SEA 99-V-018 was approved with a condition that the use be established or construction commenced and diligently prosecuted within thirty-six (36) months of the approval date, unless the Board grants additional time. The development conditions for SEA 99-V-018 are included as part of the Clerk to the Board's letter contained in Attachment 2.

On October 16, 2006, the Department of Planning & Zoning (DPZ) received a letter dated

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October 13, 2006, from Lynne J. Strobel, on behalf of the applicant, requesting twelve months additional time to commence construction for SEA 99-V-018. The letter states that a site plan has been approved for the project and a building permit (#04125B0860) was issued on July 18, 2005. Construction was commenced but not diligently prosecuted due to design issues which were not discovered until construction started. Delays have been caused by the necessity to drive foundation piles deeper into the soil due to ground obstructions, a redesign of the proposed foundation due to the proximity of the existing foundation of an adjacent building and the hiring of a new engineer to redesign and complete the project. The letter of request is included as Attachment 3.

Staff has reviewed Special Exception SEA 99-V-018 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance for a building addition and increase in floor area. Further, staff knows of no change in land use circumstances which affect the compliance of SEA 99-V-018 with the special exception standards applicable to this use, or which should cause the filing of a new special exception application and review through the public hearing process. The Comprehensive Plan recommendation for this site has not changed since the SEA was approved. Finally, the conditions associated with the Board's approval of SEA 99-V-018 are still appropriate and remain in full force and effect. Staff believes that approval of the request for additional time is in the public interest and recommends that twelve months additional time to October 27, 2007, be approved.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Letter dated November 3, 2003, to Lynne J. Strobel from Nancy Vehrs, Clerk to the Board of Supervisors, which sets forth the conditions for approval of SEA 99-V-018

Attachment 3: Letter dated October 13, 2006, from Lynne J. Strobel, requesting additional time

STAFF:

Robert A. Stalzer, Deputy County Executive

James P. Zook, Director, Department of Planning and Zoning (DPZ)

Barbara A. Byron, Director, Zoning Evaluation Division (ZED), DPZ

Fred Selden, Director, Planning Division, DPZ

Kevin Guinaw, Chief, Special Projects Applications/Management Branch, ZED, DPZ

Carrie Lee, Staff Coordinator, ZED, DPZ

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ADMINISTRATIVE - 7

Additional Time to Commence Construction for Special Exception SE 2003-SP-041, CoxCom, Inc. d/b/a Cox Communications Northern Virginia (Springfield District)

ISSUE:

Board consideration of additional time to commence construction for SE 2003-SP-041 pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve thirty months additional time for SE 2003-SP-041 to June 7, 2009.

TIMING:

Routine.

BACKGROUND:

Under Sect. 9-015 of the Zoning Ordinance, if the use is not established or if construction is not commenced within the time period specified by the Board of Supervisors, an approved special exception shall automatically expire without notice unless additional time is approved by the Board. A request for additional time must be filed with the Zoning Administrator prior to the expiration date of the special exception. The Board may approve additional time if it determines that the use is in accordance with the applicable provisions of the Zoning Ordinance and that approval of additional time is in the public interest.

On June 7, 2004, the Board of Supervisors approved Special Exception 2003-SP-041, subject to development conditions. The special exception was filed in the name of CoxCom, Inc. d/b/a Cox Communications Northern Virginia, for a fast food restaurant, fill in the floodplain, and waivers of minimum lot size, pursuant to Sections 4-604, 2-904 and 9-610 of the Fairfax County Zoning Ordinance, for the property described as Tax Map 78-1 ((1)) 27E and 37B (see the Locator Map in Attachment 1). SE 2003-SP-041 was approved with the condition that the use be established or construction commenced and diligently prosecuted within thirty months of the approval date, unless the Board grants additional time. The development conditions for SE 2003-SP-041 are included as part of the Clerk to the Board's letter contained in Attachment 2.

On October 24, 2006, the Department of Planning and Zoning (DPZ) received a letter dated October 24, 2006, from Inda E. Stagg on behalf of Cox Communications requesting 30 months of additional time to commence construction for SE 2003-SP-041 (see Attachment 3). The letter states that a number of special exception development conditions, including

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construction of the interparcel access, compliance with stormwater management and best management practices, and implementation of the Chesapeake Bay Exception #026438 conditions, have been completed. However, construction has not commenced on the fast food restaurant. Additional time is needed to allow time for negotiations between the land owner and any interested restaurant to take place, to obtain engineering approvals and to begin construction of the restaurant.

Staff has reviewed Special Exception 2003-SP-041 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance for a fast food restaurant, fill in the floodplain, and waivers of minimum lot size. Further, staff knows of no change in land use circumstances which affect the compliance of SE 2003-SP-041 with the special exception standards applicable to this use, or which should cause the filing of a new special exception application and review through the public hearing process. The Comprehensive Plan recommendation for this site has not changed since the SE was approved. Finally, the conditions associated with the Board's approval of SE 2003-SP-041 are still appropriate and remain in full force and effect. Staff believes that approval of the request for additional time is in the public interest and recommends that thirty months of additional time be approved.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Letter dated June 16, 2004, to Inda E. Stagg, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors, which sets forth the conditions for approval of SE 2003-SP-041

Attachment 3: Letter dated October 24, 2006, from Inda E. Stagg, which requests additional time

STAFF:

Robert A. Stalzer, Deputy County Executive

James P. Zook, Director, Department of Planning and Zoning (DPZ)

Barbara A. Byron, Director, Zoning Evaluation Division (ZED), DPZ

Fred Selden, Director, Planning Division, DPZ

Kevin Guinaw, Chief, Special Projects Applications/Management Branch, ZED, DPZ

Carrie Lee, Staff Coordinator, ZED, DPZ

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ADMINISTRATIVE - 8

Authorization to Advertise a Public Hearing to Consider an Ordinance Amending County Code Relating to Election Precincts

ISSUE:

Authorization to advertise a public hearing to consider an ordinance that proposes to amend Chapter 7 of the Fairfax County Code to (1) move the polling place for Grosvenor precinct; (2) move the polling place for Fair Ridge precinct and rename the precinct; (3) establish an absentee voting satellite for a June primary election; and (4) set the hours and dates of operation for the absentee voting satellites for the general election on November 6, 2007.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing on Monday, March 26, 2007, at 4:00 p.m. to consider this ordinance.

TIMING:

Board action is requested on March 12, 2007, to provide sufficient time to advertise the proposed public hearing for adoption of this ordinance on March 26, 2007, at 4:00 p.m. and to complete the federal preclearance process thereafter in advance of the 2007 elections.

BACKGROUND:

Virginia Code permits the governing body of each county and city to establish by ordinance as many precincts as it deems necessary with one polling place for each precinct. The Board of Supervisors is authorized to increase or decrease the number of precincts and alter precinct boundaries and polling place locations subject to the requirements of Virginia Code Sections 24.2-307, 24.2-310 and 24.2-310.1. All registered voters who are affected by a change in their precinct or polling place will be mailed a new Virginia Voter Information Card following federal preclearance for the proposed changes.

(1) In Mount Vernon District, staff recommends moving the polling place for the Grosvenor precinct from the Riverside Park Apartments located at 5850 Cameron Run Terrace, Alexandria, to the Huntington Community Center located at 5751 Liberty Drive, Alexandria. The Huntington Community Center was used as temporary polling place last November while the Riverside Park Apartment complex was undergoing

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renovations. Since renovation work is ongoing at Riverside Park, a privately owned facility, and since the Huntington Community Center is a public, county-owned facility, staff recommends establishing the Huntington Community Center as the permanent polling place for Grosvenor precinct.

(2) In Springfield District, staff recommends moving the polling place for the Fair Ridge precinct from the Fair Ridge Community Center located at 12238 Apple Orchard Court, Fairfax, to the Centerpointe Church located at 4104 Legato Road, Fairfax. The Cardinal Management Company that owns the Fair Ridge Community Center has notified the Office of Elections that their facility will be undergoing renovations and will no longer be available as a polling place in the future. The nearby Centerpointe Church has kindly offered the use of their facility as a polling place. Staff further recommends that the name of the precinct be changed to "Centerpointe" to be consistent with the name of the facility.

(3) The Electoral Board has approved and the General Registrar requests that the Board authorize the establishment of an absentee voting satellite for any primary election held in the month of June of any year in which Celebrate Fairfax is held at the Government Center preceding any June primary election. The purpose of this absentee voting satellite is to provide voters with unimpeded access for in-person absentee voting during the days that the Government Center and its parking lots are impacted by the annual Celebrate Fairfax festival. It is recommended that this absentee voting satellite be located in a temporary building located on the grounds of the Government Center at 12000 Government Parkway but outside the area used by Celebrate Fairfax. It is further recommended that the days and hours of operation for this absentee voting satellite be from 8:00 a.m. to 6:00 p.m. on the Friday immediately preceding a June primary election and from 9:00 a.m. to 5:00 p.m. on the Saturday immediately preceding a June primary election.

(4) Staff recommends that the hours and dates of operation of the seven absentee voting satellites for the November 6, 2007, general election continue to be from 3:30 p.m. to 7:30 p.m. on weekdays and from 9:00 a.m. to 5:00 p.m. on Saturdays beginning October 17 and extending through November 3, 2007. These hours and dates are consistent with the previous non-presidential election years.

FISCAL IMPACT:

Insignificant. Funding for precinct and polling place changes and absentee voting satellites is included in the FY 2007 Adopted Budget. Celebrate Fairfax, Inc. has agreed to pay for the rental and placement of a handicapped accessible trailer and to provide signage and reserved parking, including a designated handicapped parking space with accessible walkway, for the June absentee voting satellite.

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ENCLOSED DOCUMENTS:

Attachment 1 - Virginia Code Pertaining to Election Precincts and Polling Places
Attachment 2 - Summary of Proposed Changes
Attachment 3 – Maps and Descriptions of Proposed Polling Place Changes
Attachment 4 – Electoral Board Resolution
Attachment 5 - Proposed Ordinance
Attachment 6 - Draft Advertisement

STAFF:

Jackie C. Harris, General Registrar
Michael Long, Senior Assistant County Attorney

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ADMINISTRATIVE – 9

Approval for the Department of Housing and Community Development to Accept an Allocation in First Trust Mortgage Funds for the Pilot Program Flex-SPARC (Sponsoring Partnerships and Revitalizing Communities) from the Virginia Housing Development Authority (VHDA)

ISSUE:

In anticipation of next year's Sponsoring Partnerships and Revitalizing Communities (SPARC) loan program, the Virginia Housing Development Authority (VHDA) has set aside an allocation of (\$3 million) to pilot a program through June 30, 2007 in certain high cost areas of the state to support local workforce housing initiatives. The Fairfax County Redevelopment and Housing Authority (FCRHA) has been provided the opportunity to market this allocation in first trust mortgage funds to initiate the pilot in Fairfax County.

RECOMMENDATION:

The County Executive recommends that the Department of Housing and Community Development (HCD) on behalf of the FCRHA accept and use up to \$3 million in Flex-SPARC mortgage funds from the Virginia Housing Development Authority (VHDA).

TIMING:

Approval to process applications is requested immediately following acceptance of this allocation by the Board at the March 12, 2007, meeting.

BACKGROUND:

VHDA recognizes that the income restrictions associated with use of mortgage revenue bonds frequently hinder the use of VHDA first-time homebuyer programs by those most in need of affordable housing in high cost housing areas of Northern Virginia. In response to this need, VHDA is piloting a program using their Flexible Alternative program (funded with taxable bonds). This pilot program, Flex-SPARC will allow first-time moderate-income borrowers to take advantage of lower cost financing. Designated Flexible Alternative programs will be available at a discounted rate. The program terms will be the following:

Rate: 1% below standard Flex Alt program rates (6.65% as of 2/07-subject to change on a daily basis)

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- Maximum Incomes: 1 person, \$108,300/ 2 or more persons, \$135,400 (moderate income) (The income limits for this pilot program were set by the Virginia Housing Development Authority, which has legal authority to make mortgage loans to households with incomes up to 150% of median income)
- Eligible Homebuyer: First-time homebuyers, currently working in Fairfax County
- Homebuyer Restrictions: No refinances of current homes allowed
- Maximum Loan to Value: Up to 104% (Home Stride not eligible)
- Mortgage Insurance: Not required
- Maximum Loan Amount: \$417,000

The current SPARC program uses VHDA loan products financed with mortgage revenue bonds. The rates on these products are ½ and 1% below the current VHDA rate (5.5% as of 2/07) and are more favorable than the rates on the Flex-SPARC products. The SPARC loans serve lower maximum incomes than the pilot Flex-SPARC product. For example a family of four can not earn more than \$54,180 at 1% below and not more than \$100,000 at ½% below. The maximum sales price allowed under the current SPARC allocation is \$408,100.

The Flex-SPARC funds will be available only through June 30, 2007; therefore, to participate outreach efforts need to be put in place to quickly take advantage of this special program. Outreach efforts will include marketing to County employees through the NewsLink and special orientations. Lenders and non-profit partners will also help with the marketing of funds. In the five previous Rounds of SPARC funding (2002-2006), the Fairfax County Redevelopment and Housing Authority has been awarded a total of \$38.3 million, which has currently provided mortgages to 196 households in Fairfax County. In the most recent Round Five, VHDA has provided an allocation of \$18 million, of which \$5 million was received in January 2007. The success is the result of many lenders/partners becoming familiar with the VHDA products offered through SPARC.

SPARC Program partners include the Northern Virginia Association of Realtors, the Mortgage Bankers Association, various lenders and nonprofits that provide services to immigrant populations. These groups facilitate the VHDA homeownership education class for eligible borrowers and help market allocations of SPARC funding. Currently, seven local VHDA-designated lending institutions have actively participated and reserved loans under this allocation.

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Approval is requested to implement this new moderate income pilot program and to accept the pilot allocation of up to \$3 million in Flex-SPARC funding. Purchasers would apply and receive first mortgage Flex-SPARC funds through designated VHDA lenders. The allocation for funding would be requested to meet the following objective of increasing service to moderate-income households by targeting County employees and households who find it difficult to work and purchase in Fairfax County. It is anticipated that 7-10 loans will be made from this funding source to families who currently work in Fairfax County.

FISCAL IMPACT:

There is no negative fiscal impact to the County in accepting an allocation of the SPARC mortgage funding. Mortgage lenders access these funds for eligible County borrowers directly from VHDA designated lenders, bringing lower cost mortgage funds to residents and these working in Fairfax County. Some marketing costs may need to be incurred although these are expected to be minimal.

ENCLOSED DOCUMENTS:

None

STAFF:

Verdia L. Haywood, Deputy County Executive

Paula C. Sampson, Director, Department of Housing and Community Development, (HCD)

Harry Swanson, Deputy Director, Revitalization and Real Estate, HCD

Aseem Nigam, Director, Real Estate Finance and Grants Management Division, HCD

Barbara Silberzahn, Chief, Homeownership and Relocation Services Branch, Real Estate Finance and Grants Management Division, HCD

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ADMINISTRATIVE – 10

Streets into the Secondary System (Braddock, Dranesville, Hunter Mill, Providence, Springfield and Sully Districts)

ISSUE:

Board approval of streets to be accepted into the State Secondary System.

RECOMMENDATION:

The County Executive recommends that the street(s) listed below be added to the State Secondary System.

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
The Reserve at Martins Pointe	Braddock	Abernathy Court Zion Drive (Route 654) (Additional Right-of-Way Only) Zion Drive (Route 654) (Additional Right-of-Way Only) Zion Drive (Route 654) (Additional Right-of-Way Only)
Madjest LLC	Dranesville	Leesburg Pike (Route 7) (Additional Right-of-Way Only)
Caris Glenne Section 2 Ph 2	Hunter Mill	Caris Glenne Drive Reston Ave. (Route 7917) (Additional Right-of-Way Only)
Grace Orthodox Presbyterian Church	Providence	Cedar Lane (Route 698) (Additional Right-of-Way Only)
Deepwood Farms	Springfield	Deepwood Farm Drive (Route 8253) Rock Hollow Lane

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Katherine T. Moore Farm

Sully

Lee Highway (Route 29)
(Additional Right-of-Way Only)

TIMING:
Routine.

BACKGROUND:
Inspection has been made of these streets, and they are recommended for acceptance into the State Secondary System.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1: Street acceptance form for the Board of Supervisors resolution

STAFF:
Robert A. Stalzer, Deputy County Executive
Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)
Howard J. Guba, Deputy Director, DPWES

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ADMINISTRATIVE - 11

Authorization to Advertise Publication of the FY 2008 Budget and Required Tax Rates

ISSUE:

Board authorization to advertise the FY 2008 County budget and the tax rates that are proposed to support the FY 2008 budget. Advertising these rates will not prevent the Board from lowering any advertised tax rate, but higher tax rates could not be imposed without advertising such rates.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a brief synopsis of the FY 2008 Budget. It should be noted that the County Executive's proposed budget includes a real estate tax rate of \$0.89 per \$100 of assessed value. This maintains the rate at the current real estate tax rate for FY 2007.

In addition it should be noted that the effective tax rate in FY 2008 based on the assessed value of existing property has increased more than one percent. As required by Virginia Code Section 58.1-3321, a separate advertisement is included. The total increase in assessed value of existing properties is expected to be 2.47 percent. In FY 2008, the assessed value of residential real property is expected to decrease by 0.33 percent however non-residential property is expected to increase by 13.57 percent. As the Board will recall, a separate advertisement for the effective tax rate increase was not required from FY 1991 – FY 1998 since the growth in property value was less than one percent. However, the growth in value exceeded one percent from FY 1999 through FY 2007 and will exceed one percent in FY 2008.

In addition, I recommend that the Board authorize advertisement of a public hearing on the Advertised Capital Improvement Program for Fiscal Years 2008 - 2012 (With Future Fiscal Years to 2017).

Also included in the brief synopsis of the FY 2008 budget advertisement is information as it relates to the Personal Property Tax Relief Act (PPTRA) and the percentage of state "Car Tax" subsidy on qualifying personal property tax levy. On November 21, 2005, as part of Action Item 3, the Board of Supervisors adopted a resolution to implement the state "Car Tax" changes found in the Executive Amendments to the 2004 – 2006 Biennial Budget, specifically state Budget Item 503(E) of the Central Appropriations Act, in accordance with the requirements set forth in Section 58.1-3524(C)(2) and Section 58.1-3912(E) of the Code of Virginia, as amended by Chapter 1 of the Acts of Assembly (2004 Special Session 1) and as set forth in Item 503(E)(Personal Property Tax Relief Program) of Chapter 951 of the 2005 Acts of Assembly.

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Beginning in tax year 2006, the state "Car Tax" subsidy on qualifying vehicles was "capped" to a statewide total of \$950 million. Based on the final report from the state Auditor of Public Accounts, dated February 2006, Fairfax County's share of this \$950 million was fixed at 22.2436%, or \$211,313,944.16. The annual subsidy is frozen at this amount and is factored into the FY 2008 Advertised Budget Plan.

Consistent with the November 21, 2005, Board resolution, the state "Car Tax" funding is estimated to provide a 100% subsidy of the levy for tax year 2007 for qualifying vehicles valued at \$1,000 or less. Furthermore, the state "Car Tax" funding is estimated to provide a 67% subsidy of the tax year 2007 levy for all other qualifying vehicles on the value up to \$20,000.

It should be noted that included in the draft tax resolution to be advertised are the following recommendations regarding rates for FY 2008:

The following rates are not recommended to change:

- ✓ McLean Community Center at \$0.028/\$100 assessed value;
- ✓ Reston Community Center at \$0.047/\$100 assessed value;
- ✓ Burgundy Village Community Center at \$0.02/\$100 assessed value;
- ✓ I-95 Landfill ash disposal fee at \$11.50 per ton;
- ✓ Energy Resource Recovery Facility fee at \$33 per ton.
- ✓ Special service district for pest infestations at \$0.0010/\$100 assessed value.
- ✓ Leaf Collection Districts at \$0.015/\$100 assessed value;
- ✓ Route 28 Taxing District Levy at \$0.20/\$100 assessed value; and
- ✓ Rail to Dulles Phase I Transportation Improvement District Levy at \$0.22/\$100 assessed value.

The following rates are recommended to increase:

- ✓ Refuse Collection Services assessment from \$315 per household unit to \$330 per household unit.

A separate public hearing on the effective tax rate will be held on Monday, April 9, 2007, at 3:30 p.m. as required by the Code of Virginia. In addition, public hearings on the FY 2008 budget, the advertised capital improvement plan (CIP) and proposed tax rates for tax year 2007 will be held on April 9, 10 and 11, 2007.

Please note that a separate item recommending Board authorization to advertise public hearings for two sewer rate revision notices, based on the revised five-year rate schedule adopted by the Board, was included in the February 26, 2007 Board package. The two sewer rate revision notices authorize the increase in the Sewer Service Charges from \$3.50 to \$3.74 per 1,000 gallons of water consumption and the Sewer Availability Fees from \$6,138 to \$6,506 per new home being constructed, to become effective July 1, 2007. It should be noted that the FY 2008 sewer service charges increase represents a departure from the rate schedules that have been projected in the past. The higher increase in Sewer Service Charges is adjusted based on federally mandated requirements which will result in the renovation and rehabilitation

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of existing treatment facilities. At 3:30 p.m., a separate public hearing on sewer rate revisions will be held on Monday, April 9, 2007.

Finally, the Board of Supervisors should note that the *FY 2007 Third Quarter Review* was also forwarded to the Board for advertisement in today's package. Public hearings on the Third Quarter Review will be held on April 9, 10 and 11, 2007, at 7:00 p.m. in conjunction with the FY 2008 Budget, CIP and proposed tax rates for FY 2008.

TIMING:

Action must be taken on March 12, 2007, in order to provide adequate time to include the tax rate advertisements in the newspapers no later than the week ending March 30, 2007 to meet advertising legal requirements and ensure as broad a circulation as possible.

BACKGROUND:

Virginia Code Section 15.2-2506 specifies the time frame within which the advertisements must be published. That section requires the publication of a brief synopsis of the budget at least seven days prior to the date set for public hearing.

Virginia Code Section 58.1-3321 also specifies advertisement requirements for an increase in the real estate tax levy for existing property based on an equalization increase greater than one percent. The assessed value of existing real estate is projected to increase 2.47 percent due to equalization, which exceeds the one-percent threshold for that statute. That section requires the publication of a notice in the paper at least seven days prior to the date set for the public hearing and a separate public hearing is required to consider the effective tax increase.

Therefore, this item requests Board authorization to advertise the following items, during the weeks ending March 23 and 30, 2007.

- A brief synopsis of the FY 2008 Budget , including information as it relates to the impact of the Personal Property Tax Relief Act (PPTRA) on the percentage of state "Car Tax" subsidy on qualifying personal property tax levy
- Proposed Tax Rates for tax year 2007
- The effective tax rate notice required by Virginia Code Section 58.1-3321
- Notice of public hearings on the Advertised Capital Improvement Program for Fiscal Years 2008 - 2012 (With Future Fiscal Years to 2017)

In order to meet these legal requirements and hold to the scheduled public hearing dates, the advertisements must be approved no later than March 12, 2007. This will permit the County to adhere to the following budget schedule:

- Public Hearing on the FY 2008 Effective Tax Rate – April 9, 2007, at 3:30 p.m. Please note, the Public Hearing on the Effective Tax Rate is separate from the Public Hearings on the Budget. However, citizens may speak on the Effective Tax Rate during the Public

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Hearings on the FY 2008 Budget at 7:00 p.m.

- Public Hearings on the FY 2008 Budget, the Advertised Capital Improvement Program for Fiscal Years 2008 - 2012 (With Future Fiscal Years to 2017) and proposed FY 2008 Tax Rates– April 9, 10 and 11, 2007, at 7:00 p.m.
- Public Hearings on the *FY 2007 Third Quarter Review* – April 9, 10 and 11, 2007, at 7:00 p.m.
- FY 2008 Budget Mark-up and Board Adoption of the *FY 2007 Third Quarter Review* - April 23, 2007 at 10:00 a.m.
- Board Adoption of Fiscal Plan, Tax Levies, and Appropriation Resolution – April 30, 2007, at 10:00 a.m.
- School transfer set (required by May 1 or 30 days after the State approves aid to schools).

In addition, it should be noted that during FY 2008 the allowable asset limits and income limits associated with the Real Estate Tax Relief Program for the Elderly and Disabled are maintained at the FY 2007 level. In FY 2008, the income limits of the Tax Relief program provide 100 percent exemption for elderly and disabled taxpayers with incomes up to \$52,000; 50 percent exemption for eligible applicants with income between \$52,001 and \$62,000; and 25 percent exemption if income is between \$62,001 and \$72,000. The allowable asset limit in FY 2008 is \$340,000 for all ranges of tax relief and that limit does not include the value of the residence of the applicant and one acre of land on which the residence is located. In addition, elderly and disabled tax relief benefits are eligible to be prorated based on the portion of the year an applicant is 65 or becomes disabled.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I - Brief Synopsis of the FY 2008 Budget

Attachment II - Draft Resolution Adopting Fairfax County Tax Rates for FY 2008

Attachment III - Notice of a Proposed Tax Increase for FY 2008

STAFF:

Anthony H. Griffin, County Executive

Edward L. Long, Jr., Deputy County Executive

Susan W. Datta, Director, Department of Management and Budget

Kevin Greenlief, Director, Department of Tax Administration

Michael Long, Senior Assistant County Attorney

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ADMINISTRATIVE - 12

Authorization to Advertise Proposed Amendments to Chapter 118 (Chesapeake Bay Preservation Ordinance) of *The Code of the County of Fairfax, Virginia* RE: Consistency with the Chesapeake Bay Preservation Area Designation and Management Regulations

ISSUE:

Board authorization to advertise public hearings on proposed amendments to Chapter 118 (Chesapeake Bay Preservation Ordinance) of *The Code of the County of Fairfax, Virginia*. The proposed amendments address issues related to consistency with the Chesapeake Bay Preservation Area Designation and Management Regulations (9 VAC 10-20 et seq.).

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of the proposed amendments to the Chesapeake Bay Preservation Ordinance as set forth in the Staff Report dated March 12, 2007.

TIMING:

Board action is requested on March 12, 2007, to provide sufficient time to advertise public hearings on April 19, 2007, before the Planning Commission and on May 21, 2007, at 4:30 p.m. before the Board.

BACKGROUND:

In 2005–2006, the Virginia Department of Conservation and Recreation, Division of Chesapeake Bay Local Assistance (DCR-DCBLA), conducted a compliance evaluation of Fairfax County’s local program for consistency with the Chesapeake Bay Preservation Act (§ 10.1 – 2100 et seq.) and the Chesapeake Bay Preservation Area Designation and Management Regulations (9 VAC 10 – 20 et seq.) [Regulations]. On September 26, 2006, the Chesapeake Bay Local Assistance Board (CBLAB) adopted a resolution reflecting the action taken on the compliance evaluation (attached). In the resolution, CBLAB commended Fairfax County for “its extremely comprehensive program” but also noted some minor inconsistencies between the language in the county’s ordinance and the language in the Regulations that need to be addressed for the county’s ordinance to be fully consistent with the Regulations. These minor inconsistencies were missed when CBLAB last formally reviewed the county’s ordinance in 2004 and found it to be consistent with the Regulations. The county has until September 30, 2007, to make the necessary changes to the language in the

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ordinance to address these inconsistencies. The required changes were presented to the Board at the Board's Environmental Committee meeting on December 11, 2006. In addition, two housekeeping amendments, related to the submission and processing of Water Quality Impact Assessments and exception requests, are included in the proposed amendments.

PROPOSED AMENDMENTS:

The proposed amendments include the following provisions:

1. Incorporate subsection 4 of § 9 VAC 10-20-130.1.d of the Regulations in § 118-2-1(d).

118-2-1(d) Roads and driveways not exempted under Article 5 of this Chapter provided that:

- (1) . . .
- (2) . . .
- (3) . . .

(4) The plan for the road or driveway proposed in or across the Resource Protection Area is reviewed in conjunction with a site plan, subdivision plan, or other plan of development approval.

Staff Comment: Under Article 5, only roads that qualify as "public roads" are exempt. The roads and driveways to which this provision applies are "private" roads and driveways such as those constructed in town home subdivisions. Because other County ordinances already establish requirements for plan submissions in connection with development activities and because the Water Quality Impact Assessment itself includes a plan, all of which would qualify as "plans of development," the added language does not expand existing requirements for plan submissions.

2. For consistency with § 9 VAC 10-20-130.1.a of the Regulations, amend § 118-3-3(a) and § 118-4-2 to list land disturbance in an RPA as an activity requiring a Water Quality Impact Assessment.

- 118-3-3(a) A Water Quality Impact Assessment shall be required for any proposed land disturbance, development, or redevelopment within an RPA that is not exempt . . .
- 118-4-2 A Water Quality Impact Assessment shall be required for any land disturbance, development, or redevelopment within an RPA unless exempt under Article 5 or unless waived by the Director in accordance with the provisions of Section 118-6-5. . .

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Staff Comment: The current definitions of development and redevelopment in the county's ordinance include the term substantial alteration which is separately defined as: ". . . expansion or modification of a structure or development that would result in disturbance of any land within a Resource Protection Area" Therefore, the added language does not change existing requirements.

3. For consistency with § 9 VAC 10-20-150.B.1 of the Regulations, amend § 118-5-2(a) to list all of the required conditions for public utilities, railroads, public roads, and facilities exemptions.

118-5-2(a) The construction, installation, operation and maintenance of electric, natural gas, fiber-optic, and telephone transmission lines, railroads, and public roads and their appurtenant structures in accordance with:

(1) The Erosion and Sediment Control Law (Section 10.1-560 et seq. of the Code of Virginia) and with Chapter 104 of the Fairfax County Code and with the Stormwater Management Act (Section 10.1-603.1 et seq. of the Code of Virginia);

(2) An erosion and sediment control plan and a stormwater management plan approved by the Virginia Department of Conservation and Recreation; or

(3) Local water quality protection criteria at least as stringent as the above state requirements will be deemed to constitute compliance with this chapter.

The exemption of public roads is further conditioned on the optimization of the road alignment and design, consistent with other applicable requirements, to prevent or otherwise minimize encroachment in the Resource Protection Area and adverse effects on water quality.

Staff comment: The requirement for companies operating electric, natural gas, fiber-optic, and telephone transmission lines, and railroads to file an annual erosion and sediment control plan and a stormwater management plan with the Virginia Department of Conservation and Recreation (DCR) is a duplication of existing requirements in the Erosion and Sediment Control Law and the Stormwater Management Act. These activities are regulated at the state level rather than at the county level. Therefore, the addition of this language does not place any new requirements on these companies. With respect to public roads and their appurtenant structures, all public roads constructed in conjunction with site and subdivision plans are subject to the water quality protection requirements of the Public Facilities Manual (PFM). PFM requirements meet or exceed the State's water quality protection requirements. The optimization of road alignment with respect to

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RPA encroachments is already performed during the review of site and subdivision plans and does not represent a change to current practice.

4. For consistency with § 9 VAC 10-20-150.B.2 of the Regulations, amend § 118-5-2(b) to delete storm sewers from the list of exempt facilities.

118-5-2(b) The construction, installation, and maintenance of water lines, ~~storm or~~ sanitary sewer lines including pumping stations, natural gas lines, underground telecommunications and cable television lines and appurtenant structures owned, permitted, or both by Fairfax County or a regional service authority and subject to the following, as determined by the director:

(1) . . .

Staff Comment: Section 9 VAC 10-20-150.B.2 of the Regulations does not distinguish between storm and sanitary sewer lines. The Regulations use the term "sewer lines." DCR-DCBLA staff is of the opinion that the term "sewer lines," as used in the Regulations, refers only to sanitary sewers. Under the Regulations, storm sewer outfalls are classified as water-dependent development and are permitted in RPAs. DPWES is currently treating storm sewer outfalls in RPAs as water-dependent development. Therefore, this amended language does not change our current practice.

5. For consistency with § 9 VAC 10-20-150.C of the Regulations, amend § 118-6-9 to require that exceptions granted under § 118-6-9 meet the required findings of § 118-6-6.

118-6-9 Exceptions to the criteria and requirements of this Chapter to permit encroachment into the RPA that do not qualify for review under Section 118-6-7 or Section 118-6-8 may be granted provided that the exception meets the required findings listed in Section 118-6-6 and subject to the additional finding that the water quality benefits resulting from the proposed facility or improvement exceed the associated water quality detriments. . .

Staff Comment: Section 9 VAC 10-20-150.C of the Regulations lists the minimum required findings for the granting of exceptions. In the County's ordinance, these minimum required findings are listed in § 118-6-6. The added language adds a cross-reference in § 118-6-9 to the minimum required findings in § 118-6-6.

6. The first housekeeping amendment aligns § 118-4-4 with current practice by explicitly permitting Water Quality Impact Assessments for allowed uses such as storm sewer outfalls to be submitted as part of site plans, subdivision plans, and

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grading plans. The second housekeeping amendment to § 118-6-5 increases the required number of plats to be submitted with exception requests requiring a public hearing from 10 to 14. The increase reflects the current size of the exception review committee, 10 members, and provides plats for staff use and records.

REGULATORY IMPACT:

The proposed amendments are being required by the state for consistency with language in the Chesapeake Bay Preservation Area Designation and Management Regulations (9 VAC 10-20 et seq.). There is no significant regulatory impact.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1 - Staff Report Dated March 12, 2007

STAFF:

Robert A. Stalzer, Deputy County Executive

Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)

Howard J. Guba, Deputy Director, DPWES

James W. Patteson, Director, Land Development Services, DPWES

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ADMINISTRATIVE - 13

Authorization to Advertise a Public Hearing to Amend the Current Appropriation Level in the FY 2007 Revised Budget Plan

ISSUE:

Board approval of an advertisement for a public hearing to increase the FY 2007 appropriation level. The advertisement encompasses both the County and the Schools' *FY 2007 Third Quarter Reviews*. Section 15.2-2507 of the Code of Virginia requires that a public hearing be held prior to Board action to amend the current appropriation level.

RECOMMENDATION:

The County Executive recommends that the Board authorize staff to publish the advertisement for a public hearing to be held on April 9, 10, and 11, 2007 at 7:00 p.m.

TIMING:

Board action is requested on March 12, 2007 to provide sufficient time to advertise the proposed public hearing on April 9, 10, and 11, 2007 at 7:00 p.m.

BACKGROUND:

As the *FY 2007 Third Quarter Review* includes potential increases in appropriation greater than \$500,000, a public hearing is required prior to Board action. In addition, the Code of Virginia requires that a synopsis of proposed changes be included in the advertisement. Copies of these documents are being made available for citizen review at governmental centers, libraries, the Government Center, and on the County's Internet website.

The School Board funding adjustments included in the advertisement are based on staff's Third Quarter recommendations to the School Board, which is scheduled to take action on them on March 22, 2007. Should the School Board's final actions result in any changes to the funding adjustments shown in this advertisement, a separate advertisement and public hearing will have to be held.

Board Agenda Item
March 12, 2007

FISCAL IMPACT:

The enclosed documents describe the fiscal impact of FY 2007 Third Quarter adjustments.

ENCLOSED DOCUMENTS:

Attachment A - Proposed advertisement for public hearing
Attachment B - Memorandum to the Board of Supervisors dated March 12, 2007 from Anthony H. Griffin, County Executive, with attachments, transmitting the County's *FY 2007 Third Quarter Review* with appropriate resolutions and the Fairfax County Public Schools staff's recommendations on the *FY 2007 Third Quarter Review*. A memorandum transmitting final recommendations on the School Board's *FY 2007 Third Quarter Review* will be distributed separately to the Board.

STAFF:

Anthony H. Griffin, County Executive
Edward L. Long, Jr., Chief Financial Officer
Susan W. Datta, Director, Department of Management and Budget

Board Agenda Item
March 12, 2007

ACTION - 1

Agreement Between the County of Fairfax and the Great Falls Volunteer Fire Department (Dranesville District)

ISSUE:

Board approval of the Agreement Between the Board of Supervisors of Fairfax County, Virginia, and the Great Falls Volunteer Fire Department (GFVFD). The agreement will allow the county to proceed with the design and construction of a new county-owned and operated fire station in Great Falls at 9916 Georgetown Pike to replace the GFVFD-owned station currently on the site. The agreement provides for the transfer of the ownership of the property to the county, defines the financial commitment of the county and the GFVFD, and describes the administrative and operational relationships between the county and the Great Falls Volunteer Fire Department. Funding for the county share of this project was approved as part of the 2006 Public Safety Bond.

Board Item Information 1, contained in this Board Package, describes the construction project.

RECOMMENDATION:

The County Executive recommends that the Board approve the Agreement.

TIMING:

Board approval is requested on March 12, 2007, as funding is available immediately to begin design. It is anticipated that construction will begin in 2008 and be completed in early 2010.

BACKGROUND:

The Great Falls Fire Station (Station 12) is one of the oldest in the county and is in need of major renovations or replacement in order to effectively serve the community. The Great Falls Volunteer Fire Department, recognizing the need, began raising funds several years ago and completed some conceptual design work but was unable to solicit sufficient funds to cover the projected cost to construct or remodel their station. The Fire and Rescue Department, working closely with the GFVFD and the Department of Public Works and Environmental Services (DPWES), determined that the most cost effective solution was to transfer ownership of the property to the county, demolish the current structure and build a new facility utilizing Public Safety Bond funding and

Board Agenda Item
March 12, 2007

GFVFD funds. The new facility, of approximately 18,700 square feet, will be owned and maintained by the county and provide sufficient administrative space for volunteer operations. The agreement provides for a joint operation similar to current agreements with the McLean Volunteer Fire Department and the Fair Oaks Volunteer Fire and Rescue Company who are tenants in county-owned facilities. The volunteers will continue to provide supplemental staffing and apparatus for the station.

FISCAL IMPACT:

Funding for the county share of this project was approved as part of the 2006 Public Safety Bond. The county will fund approximately 90% and the GFVFD will fund up to 2000 sf or about 10% of the construction costs. The bond authorized up to 12 million dollars for the total county project cost, including the cost of temporary facilities which will be required to maintain emergency services during the construction.

ENCLOSED DOCUMENTS:

Attachment 1 – Agreement Between the Board of Supervisors of Fairfax County, Virginia, and the Great Falls Volunteer Fire Department

STAFF:

Robert A. Stalzer, Deputy County Executive
David L. Rohr, Interim Fire Chief, Fire and Rescue Department
Jimmie D. Jenkins, Department of Public Works and Environmental Services
James McGettrick, Office of the County Attorney

Board Agenda Item
March 12, 2007

ACTION - 2

Approval of a Memorandum of Understanding Between the Fairfax County Police Department and the Federal Bureau of Investigation in Regard to the Joint Terrorism Task Force

ISSUE:

Board approval of a Memorandum of Understanding between the Fairfax County Police and the Federal Bureau of Investigation (FBI) authorizing the assignment of a Fairfax County Police Detective to the Joint Terrorism Task Force (JTTF).

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize the Chief of Police to sign the Memorandum of Understanding between the Police Department and the Federal Bureau of Investigation.

TIMING:

Board action is requested on March 12, 2007.

BACKGROUND:

In order to ensure a robust capability to deter, defeat, and respond vigorously to terrorism in the U.S. or against any U.S. interest, the FBI recognizes the need for all federal, state, local, and tribal agencies that are involved in fighting terrorism to coordinate and share information and resources. The FBI created the Joint Terrorism Task Force which embodies the objectives of the U.S. policy on counterterrorism as set forth in Presidential Directives. The original agreement was initiated in 1999, and requires revision to reflect changes in participants and signatories.

Under the updated Memorandum of Understanding, the FBI and the Fairfax County Police will work through the JTTF to facilitate sharing information with the intelligence and law enforcement communities thus protecting the region against threats to our national security, to include terrorism, domestic and international.

The assigned Fairfax County Police detective will be a member of the JTTF engaged in specific, directed investigations and intelligence gathering designed to support the prosecution and disruption of terror related crime in the National Capital Region.

Board Agenda Item
March 12, 2007

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
None

STAFF:
Robert A. Stalzer, Deputy County Executive
Colonel David M. Rohrer, Chief of Police
Robert M. Ross, Assistant County Attorney

Board Agenda Item
March 12, 2007

INFORMATION - 1

Contract Award – Contract Amendment for Full Architectural/Engineering Design Services for Great Falls Fire and Rescue Station (Dranesville District)

Consultant services are needed to provide architectural and engineering design services for a replacement for the Great Falls Fire and Rescue Station, Project 009224, in Fund 312, Public Safety Construction. The services are required to provide full design services including space programming, conceptual design, construction administration, and cost estimating.

The scope of this project includes the construction of a new fire station facility of up to 18,700 square feet. The new facility will be located on the existing Great Falls Volunteer Fire Department (GFVFD) site. The county will fund the cost of construction of a 15,500 square-foot share of the fire station. The county may also fund the cost of additional space for county use, up to 16,700 square feet, subject to the availability of funding within the approved county funding limit of \$12 million. The total county cost share shall not exceed \$12 million. The volunteers shall be responsible for all costs of any square footage beyond the county share, up to a maximum of 2,000 square feet. The volunteers shall also be responsible for the cost differential for any improvements or additions to the county standard for fire stations; this would include, but is not limited to, higher quality kitchen appliances, upgraded furniture, etc. The specific cost sharing agreement with GFVFD is described in the Agreement between the Board of Supervisors (Board) of Fairfax County, Virginia, and the Great Falls Volunteer Fire Department.

The fire station site is not served by public sewer, and the design contract includes a feasibility study of on-site sewage treatment options. However, subject to the results of that study, the station may have to use pump and haul for an indefinite period of time.

The original contract with Samaha Associates, P.C. was noted by the Board on September 6, 2005, for \$132,458. The original contract was for a feasibility study only and could be amended, with the county's option, to include full design services. This amendment exercises the county's option to proceed with the full design services for Great Falls Fire and Rescue Station.

Samaha Associates, P.C. was selected in accordance with the Fairfax County Purchasing Resolution. The Department of Tax Administration has verified that Samaha Associates, P.C. does not need to have a Fairfax County Business, Professional and Occupational License. Samaha Associates, P.C. is a Small Business firm.

Board Agenda Item
February 26, 2007

This contract amendment for full design services including the design contingency is in the amount of \$922,264.60. With this contract amendment, the total value of the original contract will be \$1,054,722.60.

Unless otherwise directed by the Board, the Department of Public Works and Environmental Services will proceed to award the contract amendment to Samaha Associates, P.C. in the amount of \$922,264.60.

FISCAL IMPACT:

This project is included in the FY 2007 – FY 2011 Adopted Capital Improvement Program, and funding was approved for the project as part of the Fall 2006 Public Safety Bond Referendum. An appropriation to fund the contract will be included in the FY 2007 Third Quarter Review.

ENCLOSED DOCUMENTS:

(Copy of contract amendment available in the Office of the Clerk to the Board)

STAFF:

Robert A. Stalzer, Deputy County Executive

David L. Rohr, Acting Fire Chief, Fire and Rescue Department

Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)

Howard J. Guba, Deputy Director, DPWES

Board Agenda Item
March 12, 2007

INFORMATION - 2

Contract Award – Audrey Moore RECenter Improvements (Braddock District)

Five sealed bids were received and opened on Thursday, January 18, 2007, for the construction of Project 475804, Building Renovation/Expansion, in Fund 370, Park Authority Bond Construction. The project includes the construction of maintenance improvements to the heating, ventilation and air conditioning (HVAC) system and related roof work.

This project is included in the FY 2007 – FY 2011 Adopted Capital Improvement Program.

The lowest responsive and responsible bidder is Welch & Rushe, Inc. Their bid of \$719,000 is \$136,000 or 15.9% below the Engineer's estimate of \$855,000. The second lowest bid of \$791,100 is \$72,100 or 10% above the low bid, and the highest bid of \$1,300,000 is \$581,000 or 80.8% above the low bid.

Based on the financial capability and construction experience, Welch and Rushe, Inc. is considered to be a responsible contractor and holds a Virginia Class A Contractor's License.

The Department of Tax Administration has verified that Welch & Rushe, Inc. has the appropriate Fairfax County Business, Professional and Occupational License (BPOL).

On February 28, 2007, the Fairfax County Park Authority Board approved the contract award.

Unless otherwise directed by the Board of Supervisors, the Park Authority will proceed to award this contract to Welch & Rushe, Inc., in the amount of \$719,000.

FISCAL IMPACT:

Based on the post-bid update, funding in the amount of \$898,750 is necessary to award this contract and to fund the associated contingency and other project costs. Funds are currently appropriated in Fund 370, Park Authority Bond Construction, Project 475804, Building Renovation / Expansion, in the amount of \$898,750, to award this contract and to fund the associated contingency and other project costs.

Board Agenda Item
March 12, 2007

ENCLOSED DOCUMENTS:

Attachment 1 – Bid Results
Attachment 2 – Scope of Work
Attachment 3 – Cost Estimate

STAFF:

Robert A. Stalzer, Deputy County Executive
Michael A. Kane, Director, Fairfax County Park Authority

Board Agenda Item
March 12, 2007



INFORMATION - 3

Contract Award – Tall Timbers Drive (Springfield District)

Seven sealed bids were received and opened on Thursday, February 8, 2007, for the construction of Tall Timbers Drive, Road Improvement, Project 007702 in Fund 301, Contributed Roadway Improvement Fund. This project involves construction of 232 meters (760') of new two lane roadway, connecting two existing sections of Tall Timbers Drive, and includes pavement, curb and gutter, storm drainage pipe, box culvert, long span arch pipe, retaining walls, asphalt trail, guard rail, and other related items. This project is included in the FY 2007 – FY 2011 Adopted Capital Improvement Program.

The lowest responsive and responsible bidder is William A. Hazel, Inc., and the total bid of \$898,000.00 is \$341,228.75 or 27.54% lower than the engineer's estimate of \$1,239,228.75. The second lowest bid of \$1,121,381.23 is \$223,381.23 or 24.88% above the low bid, and the highest bid of \$1,834,143.00 is \$936,143.00 or 104.25% above the low bid.

The Department of Public Works and Environmental Services (DPWES) has analyzed the bids received on this project. The item that varied the most with the engineer's estimate was select borrow material (\$203,350 less than the engineer's estimate). This item in conjunction with the higher level of competition (7 bidders) combined to make this a favorable below estimate bid.

William A. Hazel, Inc. has not worked on DPWES projects for some time; however, reference checks indicate that they have successfully completed numerous construction projects in Fairfax County for developers and the Fairfax County Water Authority, and also completed several projects for DPWES in the 1980's. Based upon past experience and reference interviews, William A. Hazel, Inc. is considered a responsible bidder. The Department of Tax Administration has verified that William A. Hazel, Inc. has the appropriate Fairfax County Business, Professional & Occupational License.

This bid may be withdrawn after May 9, 2007.

Unless otherwise directed by the Board of Supervisors, the DPWES will proceed to award this contract to William A. Hazel, Inc. in the amount of \$898,000.00.

FISCAL IMPACT:

Funding in the amount of \$1,347,446.88 is necessary to award this construction contract and to fund the associated contingencies and other project costs including

Board Agenda Item
March 12, 2007

contract administration and inspection. Funds are currently appropriated in Project 007702, Tall Timbers Drive in the amount of \$1,097,446.88. Funds in the amount of \$250,000 will be reallocated from Project 007700 Fairfax Center Reserve, Fund 301.

ENCLOSED DOCUMENTS:

Attachment 1 – Order of Bidders

Attachment 2 – Vicinity Map

STAFF:

Robert A. Stalzer, Deputy County Executive

Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)

Howard J. Guba, Deputy Director, DPWES

INFORMATION - 4

Update and Summary of Electric Utility Regulation Legislation 2007 Session

In December 2006, the General Assembly's Commission on Electric Utility Restructuring (CEUR) acknowledged that Virginia's experiment with electricity deregulation was on a road to failure, and in order to avoid the catastrophic rate increases which occurred in the neighboring states of Maryland and Delaware, the electric utilities in Virginia were going to have to be regulated.

The chairman of the CEUR asked the Commonwealth's largest electric utility to work on drafting a bill in order to accomplish this purpose. The House and Senate bills that emerged underwent many changes over the course of several weeks. While several related bills emerged, including HB3050 (Morgan), which would have returned the electric utilities to cost of service regulation with liberal incentives, SB1416 (Norment) was ultimately adopted (in the House by an 82-16 vote, and in the Senate by a 35-3-1 vote).

The legislation passed in spite of objections from the Chairman of the State Corporation Commission ("SCC" or "Commission") who said that the bill will result in unnecessarily higher rates. In the floor debate, the patron of the bill in the Senate labeled the legislation a "consumer bill" since the Attorney General supported the bill. However, the Attorney General was the only "consumer advocate" to support the legislation.

Virginia's electric utilities will receive the most favorable regulatory treatment in the nation. The SCC's authority to review the adequacy and reasonableness of rates, to reduce rates, and to issue refunds will be significantly limited.

A group of large industrial customers has estimated that rate increases in excess of \$10 billion dollars over 15 years will result if signed, or a 10% increase over what would likely occur under cost of service regulation. Such an increase would result in \$240 per year in additional costs to a household which averages an electric bill of \$200 per month.

The Renewable Portfolio Standards (RPS) section of the bill is inadequate and the standards specified are voluntary. If the RPS standards were made mandatory, the electric companies would earn an above average rate of return on those investments. With the standards being voluntary, the electric companies get a 50 basis point return on equity bonus (i.e. rates are increased by an additional \$30 million) above their allowed return if they achieve RPS milestones.

Board Agenda Item
March 12, 2007

Attachment 1 is a chart prepared by the Virginia Energy Purchasing Governmental Association (VEPGA) that contains a comparison of key provisions and the impacts as identified by supporters and critics of the legislation. Attachment 2 is the summary and final bill language for SB1416 (Norment).

The Governor has until March 26, 2007, to amend or veto any legislation passed in the 2007 session of the General Assembly

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1: VEPGA Assessment of Re-regulation Bill.
Attachment 2: LIS Summary and Final Version of SB1416 (Norment)

STAFF:
David J. Molchany, Deputy County Executive
Gail J. Condrick, Director, Department of Cable Communications and Consumer Protection (DCCCP)
Dennis R. Bates, Senior Assistant County Attorney
Steve Sinclair, Chief, Utilities Branch, DCCCP
Susan Hafeli, Utility Analyst, DCCCP

Board Agenda Item
March 12, 2007

11:15 a.m.

Matters Presented by Board Members

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Board Agenda Item
March 12, 2007

12:05 p.m.

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
 - 1. *Virginia Equity Solutions, LLC v. Board of Zoning Appeals of Fairfax County, Virginia, Case No. CL-2005-0006316 (Fx. Co. Cir. Ct.); William E. Shoup, Fairfax County Zoning Administrator v. Virginia Equity Solutions, LLC, Case No. CH-2005-0005279 (Fx. Co. Cir. Ct.) (Providence District)*
 - 2. *Fairfax County Park Authority v. Crestwood Construction Corporation, et al., Case No. CL-2006-0008251 (Fx. Co. Cir. Ct.) (Braddock District)*
 - 3. *Teshome Wondafrash v. Department of Public Works and Environmental Services, Case No. CL-2006-0010101 (Fx. Co. Cir. Ct.) (Mason District)*
 - 4. *Jimmie D. Jenkins, Director, Fairfax County Department of Public Works and Environmental Services, and Eileen M. McLane, Fairfax County Zoning Administrator v. Courtney L. Scott, Judith L. Scott, Courtney L. Scott, Jr., and Pernilla Scott, Case No. CL-2007-0000774 (Fx. Co. Cir. Ct.) (Dranesville District)*
 - 5. *Jane W. Gwinn, Fairfax County Zoning Administrator v. George Daamash, In Chancery No. CH-2002-0178684 (Fx. Co. Cir. Ct.) (Mount Vernon District)*

6. *William E. Shoup, Fairfax County Zoning Administrator v. Joseph K. Ashcraft, et al.*, In Chancery No. CH-2003-0184232 (Fx. Co. Cir. Ct.) (Dranesville District)
7. *Board of Supervisors of Fairfax County, Virginia v. Nils and Gladys Antezana, et al.*, Case No. CL-2006-0006030 (Fx. Co. Cir. Ct.) (Dranesville District)
8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rene Sorto*, Case No. CL-2006-0014416 (Fx. Co. Cir. Ct.) (Lee District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. William R. Rogerson and Barbara E. Rogerson*, Case No. CL-2007-0001824 (Fx. Co. Cir. Ct.) (Mount Vernon District)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Michael D. Barth*, Case No. CL-2007-0001894 (Fx. Co. Cir. Ct.) (Mount Vernon District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rui C. Domingues*, Case No. CL-2007-0002155 (Fx. Co. Cir. Ct.) (Providence District)
12. *Board of Supervisors v. Britt Construction, Inc., et al.*, Case No. CL-2006-0003854 (Fx. Co. Cir. Ct.) (Sully District)
13. *Board of Supervisors of Fairfax County, Virginia v. Circle K Stores, Inc., et al.*, Case No. CL-2007-0002024 (Fx. Co. Cir. Ct.) (Sully District)

Board Agenda Item
March 12, 2007

3:30 p.m.

Public Hearing on RZ 2006-HM-023 (PSR, LLC) to Rezone from R-1 to R-3 to Permit Residential Development at a Density of 1.6 Dwelling Units Per Acre, Located on Approximately 1.25 Acres, Hunter Mill District

The application property is located north of Sideling Court and on the west side of Beulah Road, Tax Map 38-2 ((1)) 4.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, January 31, 2007, the Planning Commission voted unanimously (Commissioner Lusk absent from the meeting) to recommend that the Board of Supervisors approve RZ 2006-HM-023, subject to the execution of proffers consistent with those dated January 29, 2007.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Barbara A. Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Peter Braham, Senior Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item
March 12, 2007

3:30 p.m.

Public Hearing on PCA 2003-HM-046 (Woodland Park Crossing Retail, LLC) to Amend the Proffers for RZ 2003-HM-046 Previously Approved for Mixed Use Development to Permit Proffer Changes to Phasing and Site Design with an Overall Floor Area Ratio of 0.70, Located on Approximately 8.14 Acres Zoned PDC, Hunter Mill District

The application property is located in the northwest quadrant of the intersection of Sunrise Valley Drive and Woodland Pointe Avenue, Tax Map 16-4 ((23)) C and R.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing will be held on Wednesday, March 7, 2007 and the Commission's recommendation will be forwarded to the Board subsequent to that date.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Barbara A. Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Jonathan Papp, Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item
February 5, 2007

3:30 p.m.

Public Hearing on PCA 2002-PR-008-02 (The Christopher Companies dba Christopher Management, Inc.) to Amend the Proffers for RZ 2002-PR-008 Previously Approved for Residential Development to Permit Changes to Approved Proffers at a Density of 4.48 Dwelling Units Per Acre, Located on Approximately 1.39 Acres Zoned PDH-5, Providence District

The application property is located in the southeast quadrant of the intersection of Swanee Lane and Opal Drive, south of Topaz Street and east of Zimple Drive. Tax Map 48-2 ((32)) 12 – 16, 19-23 and 47.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, December 7, 2006, the Planning Commission voted 9-0-1 (Commissioner Hopkins abstaining; Commissioners Hall and Murphy absent from the meeting) to recommend that the Board of Supervisors approve PCA 2002-PR-008-02 and its Conceptual Development Plan, subject to the execution of proffers consistent with those dated December 6, 2006.

The Commission voted 9-0-1 (Commissioner Hopkins abstaining; Commissioners Hall and Murphy absent from the meeting) to approve FDPA 2002-PR-008-02, subject to the Development Conditions dated December 6, 2006, and subject also to Board approval of PCA 2002-PR-008-02 and its Conceptual Development Plan.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Barbara A. Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Andrew Hushour, Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item
March 12, 2007

3:30 p.m.

Public Hearing on PCA 91-Y-010-04 (SKY06, LLC) to Amend the Proffers, Conceptual and Development Plan for RZ 91-Y-010 Previously Approved for Mixed Use Development to Add a Private School of Special Education, Fast Food Restaurant and Associated Modifications to Proffers and Site design with an Overall Floor Area Ratio of 0.07, Located on Approximately 2.19 Acres Zoned PDC and WS, Sully District

The application property is located within Centre Ridge Shopping Center at 6206 Multiplex Drive, Tax Map 65-1 ((10)) 6.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, March 1, 2007, the Planning Commission voted unanimously (Commissioner Hart not present for the vote; Commissioners Koch and Hall absent from the meeting) to recommend that the Board of Supervisors approve PCA 91-Y-010-4, subject to the execution of proffers consistent with those dated February 28, 2007.

The Commission then unanimously voted (Commissioner Hart not present for the vote; Commissioners Koch and Hall absent from the meeting) to approve FPDA 91-Y-010-03, subject to the Development Conditions dated February 27, 2007.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Barbara A. Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
David J. Moss, Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item
March 12, 2007

3:30 p.m.

Public Hearing on SE 2006-PR-019 (Virginia International University) to Permit a College/University, Located on Approximately 11.0 Acres Zoned I-4, Providence District

The application property is located at 3957 Pender Drive, Tax Map 57-1 ((1)) 10.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, January 25, 2007, the Planning Commission voted unanimously (Commissioners Hall and Harsel absent from the meeting) to recommend that the Board of Supervisors approve SE 2006-PR-019, subject to the proposed Development Conditions dated January 10, 2007, with an additional condition to read as follows:

“Prior to Non-RUP, the applicant shall work with the Fairfax County Department of Transportation (FCDOT) to develop and implement a Transportation Demand Management (TDM) strategy that serves transportation needs of the students and faculty, while reducing the number of vehicular trips to and from the site. This strategy may include the use of carpools, vanpools, preferential parking, public bus service, smartrip cards, shuttle bus services, etc. The County shall review the TDM strategy and provide comments back to the applicant within 30 days of receipt or such longer time as may be agreed to by the FCDOT and the applicant. An annual survey of students and faculty shall be created in cooperation with FCDOT and conducted at the beginning of each Fall Semester to evaluate the effectiveness of the TDM strategy and to create goals based on the results of the survey, which shall be implemented per FCDOT recommendation.”

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Barbara A. Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

William O'Donnell, Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item
March 12, 2007

4:00 p.m.

Public Hearing on SE 2006-MA-027 (Joanne Krause) to Permit Uses in a Floodplain,
Located on Approximately 23,825 Square Feet Zoned R-2, Mason District

Public Hearing on SE 2006-MA-027 (Joanne Krause) is to be deferred to April 9, 2007 at 4:00 p.m.

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Board Agenda Item
March 12, 2007

4:00 p.m.

Public Hearing on a Proposal to Vacate Unnamed Right-of-Way in Braddock Hills Subdivision (Mason District)

ISSUE:

Public Hearing to consider the vacation of unnamed right-of-way in the Braddock Hills Subdivision.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached ordinance (Attachment III) for vacation of the subject right-of-way.

TIMING:

On February 5, 2007, the Board authorized a public hearing to consider the proposed vacation for March 12, 2007, at 4:00 p.m.

BACKGROUND:

The applicant, The Montessori School of Northern Virginia, is requesting that a section of unnamed right-of-way adjacent to their property be vacated. This right-of-way is not in the Virginia Department of Transportation Secondary System.

Most of the right-of-way will be used for current school operations that do not require a structure. The residual will be a public access easement.

Traffic Circulation and Access

The vacation will have no long-term impact on vehicle circulation and access. This right-of-way is not connected to any other highway. The right-of-way is used for access to a unit of Indian Run Stream Valley Park and the applicant has committed to providing a public ingress-egress easement for continued access.

Easements

Dominion Virginia Power has identified facilities within the area to be vacated. The applicant has provided easement plats, deeds, and agreements in forms acceptable to this entity. The Fairfax County Park Authority has identified a need for access to the park unit to the north; this access will be provided by the public ingress-egress easement. No other easement needs were identified.

Board Agenda Item
March 12, 2007

This proposal to vacate this right-of-way was circulated to the following public agencies and utility companies for review: Office of the County Attorney, Department of Public Works and Environmental Services, Fairfax County Department of Transportation, Department of Planning and Zoning, Fairfax County Park Authority, Fairfax County Water Authority, Fairfax County School Board, Fire and Rescue, Virginia Department of Transportation, Dominion Virginia Power, Washington Gas Light Company, and Verizon. None of these indicate any opposition to the proposal.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I: Statement of Justification
Attachment II: Notice of Intent to Vacate
Attachment III: Ordinance of Vacation
Attachment IV: Vacation Plat
Attachment V: Metes and Bounds Description
Attachment VI: Vicinity Map

STAFF:

Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Michael A. Davis, FCDOT
Donald Stephens, FCDOT

Board Agenda Item
March 12, 2007

4:00 p.m.

Public Hearing on Spot Blight Abatement Ordinance for 6510 Rock A By Road (Lee District)

ISSUE:

Public hearing to consider adoption of a Spot Blight Abatement Ordinance for 6510 Rock A By Road, Alexandria, VA 22310 (Tax Map No. 092-1-((01))-0036) and approval of a blight abatement plan for the subject property.

RECOMMENDATION:

The County Executive recommends that the Board adopt an ordinance to declare 6510 Rock A By Road blighted, constituting a nuisance, and approve the blight abatement plan for the subject property.

TIMING:

On February 5, 2007, the Board authorized advertisement of this public hearing to be held Monday, March 12, 2007, at 4:00 p.m.

BACKGROUND:

Va. Code Ann. § 36.49.1:1 (l) (Supp. 2006) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with existing law, Va. Code Ann. § 15.2-900 (2003) or Va. Code Ann. § 15.2-1115 (Supp. 2006) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permits the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) of record fails to abate or obviate the nuisance, the County may abate the nuisance. The property owner(s) may then be charged for the costs, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered blighted in accordance with the Spot Blight Abatement Statute due to "dilapidation, obsolescence, overcrowding, faulty arrangement of design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors."

In November 1996, the Board authorized the implementation of a Blight Abatement Program using the Spot Blight Abatement Statute to address citizen concerns about

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specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state.

A property can be considered blighted if it meets the standards set forth in Va. Code Ann. § 36.3 (Supp. 2006) and Va. Code Ann. § 36.49.1:1 (I) (Supp. 2006) and if it meets all of the following conditions:

1. It has been vacant and/or boarded up for at least one year.
2. It has been the subject of complaints.
3. It is no longer being maintained for useful occupancy.
4. It is in a dilapidated condition or lacks normal maintenance or upkeep.

The property located at 6510 Rock A By Road was referred to the Blight Abatement Program (BAP) on August 17, 2006. Located on the subject property is a single story detached dwelling that was constructed in 1936. An addition was added to the original structure in 1957. There are also several accessory structures on the property and an in-ground swimming pool. Additionally, there is junk and debris on the property along with several inoperable vehicles. On March 20, 2005, the dwelling was extensively damaged by fire with damage estimated at \$400,000 by the Fairfax County Fire and Rescue Department. On October 3, 2006, the dwelling was placarded unsafe and its use or occupancy prohibited by the Fairfax County Health Department Code Official. The dwelling has been vacant since the fire on March 20, 2005, and there is partial collapse of the roof in several areas. The owner has made no attempt to clean up the debris from the property or secure the pool area from unauthorized entry.

On November 16, 2006, the Neighborhood Enhancement Task Force (NETF) found that the subject property met the blighted property guidelines, and the property received a preliminary blight determination. Certified notice was sent to the owner advising her of this determination. The property owner was notified by telephone and by certified mail reference the conditions of the property. To date, the owner has not submitted a blight abatement plan to remedy the blighted conditions and has no plan for the subject property. BAP staff continues to receive multiple complaints regarding this property and the negative visual impact as well as safety impact it has on the adjacent properties and the surrounding community. All attempts by BAP staff to achieve voluntary compliance with the property owner have been unsuccessful.

In accordance with Va. Code Ann. § 36.49.1:1 (I) (Supp. 2006) (Spot Blight Abatement Statute), the Board, by ordinance, may declare the property to be blighted, which constitutes a nuisance, and approve abatement of blight as allowed under the existing nuisance statute. State code requires that the Board provide notice concerning adoption of such an ordinance. Notice was published on February 22, 2007 and March 1, 2007.

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Although the Department of Housing and Community Development (HCD) will continue to seek cooperation from the owner to eliminate blighted conditions, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the property to be blighted, which constitutes a nuisance. State code requires that the Board provide notice concerning proposed adoption of such an Ordinance.

At the public hearing, HCD will also request authorization to contract for demolition of the blighted structures on the site pursuant to Va. Code Ann. §15.2-1115 (Supp. 2004) as authorized under the Spot Blight Abatement Statute. If the owner fails to abate the blighted conditions within thirty days after notification to the property owner of the Board's action, HCD will proceed with demolition of the structures. HCD is also asking that the Board of Supervisors direct the Department of Public Works and Environmental Services staff to provide for an expedited processing of the items necessary for the demolition permit. This action will reduce the time it takes for the review of the grading plan and other items that are part of the permit process. The County will incur the cost, expending funds that are available in Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program. The County will then pursue reimbursement from the owner who is ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owner, HCD will use monies from Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program, to demolish the structures. The balance in this project as of February 22, 2007, is \$398,980. It is estimated that the cost of demolition of the structures will be approximately \$75,000.

It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the property owner. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

Attachment 2: Ordinance for 6510 Rock A By Road (Lee District)

Attachment 3: Blighted Property Technical Report and Abatement Plan

Board Agenda Item
March 12, 2007

STAFF:

Paula C. Sampson, Director, Department of Housing and Community Development (HCD)
Harry Swanson, Deputy Director, Revitalization and Real Estate Finance, HCD
Cynthia Ianni, Director, Design, Development and Construction Division, HCD
Patricio J. Montiel, Chief, Housing Rehabilitation, HCD
Christina M. Sadar, Blight Abatement Program Coordinator, HCD

Board Agenda Item
March 12, 2007

4:00 p.m.

Public Hearing on Spot Blight Abatement Ordinance for 7705 Kelly Ann Court
(Springfield District)

ISSUE:

Public hearing to consider adoption of a Spot Blight Abatement Ordinance for 7705 Kelly Ann Court, Fairfax Station, VA 22039 (Tax Map No. 096-1-((03))- (03)-0001) and approval of a blight abatement plan for the subject property.

RECOMMENDATION:

The County Executive recommends that the Board adopt an ordinance to declare 7705 Kelly Ann Court blighted, constituting a nuisance, and approve the blight abatement plan for the subject property.

TIMING:

On February 5, 2007, the Board authorized advertisement of this public hearing to be held Monday, March 12, 2007, at 4:00 p.m.

BACKGROUND:

Va. Code Ann. § 36.49.1:1 (l) (Supp. 2006) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with existing law, Va. Code Ann. § 15.2-900 (2003) or Va. Code Ann. § 15.2-1115 (Supp. 2006) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permits the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) of record fails to abate or obviate the nuisance, the County may abate the nuisance. The property owner(s) may then be charged for the costs, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered blighted in accordance with the Spot Blight Abatement Statute due to "dilapidation, obsolescence, overcrowding, faulty arrangement of design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors."

In November 1996, the Board authorized the implementation of a Blight Abatement Program using the Spot Blight Abatement Statute to address citizen concerns about

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specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state.

A property can be considered blighted if it meets the standards set forth in Va. Code Ann. § 36.3 (Supp. 2006) and Va. Code Ann. § 36.49.1:1 (I) (Supp. 2006) and if it meets all of the following conditions:

1. It has been vacant and/or boarded up for at least one year.
2. It has been the subject of complaints.
3. It is no longer being maintained for useful occupancy.
4. It is in a dilapidated condition or lacks normal maintenance or upkeep.

The property located at 7705 Kelly Ann Court was referred to the Blight Abatement Program (BAP) on September 14, 2006. Located on the property are the remains of a single family detached dwelling that was completely destroyed by fire on August 5, 2005. According to the Fairfax County Fire and Rescue Department, the structure was a total loss with damage estimated at \$1 million. Since the house was completely destroyed the remains are the dwelling's foundation, a vehicle that was damaged by the fire and miscellaneous scrap metal and debris from the fire. On October 23, 2006, the property owners were served notice from the Fairfax County Health Department Official that the property was unsafe and the owners were to secure the perimeter of the entire foundation to prevent unauthorized access and remove the pile of scrap metal within 10 days. To date, the owner's have not complied with this order.

On November 16, 2006, the Neighborhood Enhancement Task Force (NETF) found that the subject property met the blighted property guidelines, and the property received a preliminary blight determination. Certified notice was sent to the owners advising them of this determination. The property owners were notified by telephone and by certified mail reference the conditions of the property. To date, the owners have not submitted a blight abatement plan to remedy the blighted conditions and have no plan for the property. BAP staff continues to receive multiple complaints regarding this property and the negative visual impact it has on the adjacent properties and the surrounding community. All attempts by BAP staff to achieve voluntary compliance with the property owners have been unsuccessful.

In accordance with Va. Code Ann. § 36.49.1:1 (I) (Supp. 2006) (Spot Blight Abatement Statute), the Board, by ordinance, may declare the property to be blighted, which constitutes a nuisance, and approve abatement of blight as allowed under the existing nuisance statute. State code requires that the Board provide notice concerning adoption of such an ordinance. Notice was published on February 22, 2007 and March 1, 2007.

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Although the Department of Housing and Community Development (HCD) will continue to seek cooperation from the owner to eliminate blighted conditions, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the property to be blighted, which constitutes a nuisance. State code requires that the Board provide notice concerning proposed adoption of such an Ordinance.

At the public hearing, HCD will also request authorization to contract for demolition of the blighted structure on the site pursuant to Va. Code Ann. §15.2-1115 (Supp. 2004) as authorized under the Spot Blight Abatement Statute. If the owner fails to abate the blighted conditions within thirty days after notification to the property owner of the Board's action, HCD will proceed with demolition of the structure. HCD is also asking that the Board of Supervisors direct the Department of Public Works and Environmental Services staff to provide for an expedited processing of the items necessary for the demolition permit. This action will reduce the time it takes for the review of the grading plan and other items that are part of the permit process. The County will incur the cost, expending funds that are available in Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program. The County will then pursue reimbursement from the owner who is ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owner, HCD will use monies from Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program, to demolish the structure. The balance in this project as of February 22, 2007, is \$398,980. It is estimated that the cost of demolition of the structure will be approximately \$45,000.

It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the property owner. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

Attachment 2: Ordinance for 7705 Kelly Ann Court (Springfield District)

Attachment 3: Blighted Property Technical Report and Abatement Plan

Board Agenda Item
March 12, 2007

STAFF:

Paula C. Sampson, Director, Department of Housing and Community Development (HCD)
Harry Swanson, Deputy Director, Revitalization and Real Estate Finance, HCD
Cynthia Ianni, Director, Design, Development and Construction Division, HCD
Patricio J. Montiel, Chief, Housing Rehabilitation, HCD
Christina M. Sadar, Blight Abatement Program Coordinator, HCD

Board Agenda Item
March 12, 2007

4:00 p.m.

Public Hearing on Spot Blight Abatement Ordinance for 8505 Sky View Drive (Mount Vernon District)

ISSUE:

Public hearing to consider adoption of a Spot Blight Abatement Ordinance for 8505 Sky View Drive, Alexandria, VA 22309 (Tax Map No. 101-3-((10))-0011) and approval of a blight abatement plan for the subject property.

RECOMMENDATION:

The County Executive recommends that the Board adopt an ordinance to declare 8505 Sky View Drive blighted, constituting a nuisance, and approve the blight abatement plan for the subject property.

TIMING:

On February 5, 2007, the Board authorized advertisement of this public hearing to be held Monday, March 12, 2007, at 4:00 p.m.

BACKGROUND:

Va. Code Ann. § 36.49.1:1 (l) (Supp. 2006) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with existing law, Va. Code Ann. § 15.2-900 (2003) or Va. Code Ann. § 15.2-1115 (Supp. 2006) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permits the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) of record fails to abate or obviate the nuisance, the County may abate the nuisance. The property owner(s) may then be charged for the costs, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered blighted in accordance with the Spot Blight Abatement Statute due to "dilapidation, obsolescence, overcrowding, faulty arrangement of design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors."

In November 1996, the Board authorized the implementation of a Blight Abatement Program using the Spot Blight Abatement Statute to address citizen concerns about

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specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state.

A property can be considered blighted if it meets the standards set forth in Va. Code Ann. § 36.3 (Supp. 2006) and Va. Code Ann. § 36.49.1:1 (I) (Supp. 2006) and if it meets all of the following conditions:

1. It has been vacant and/or boarded up for at least one year.
2. It has been the subject of complaints.
3. It is no longer being maintained for useful occupancy.
4. It is in a dilapidated condition or lacks normal maintenance or upkeep.

The property located at 8505 Sky View Drive was referred to the Blight Abatement Program (BAP) on August 10, 2006. Located on the subject property is an abandoned two story dilapidated residential structure that was constructed sometime in 1949 according to Fairfax County Tax Records. The property also contains a large cinderblock garage with attached open bay and a large storage shed. According to the neighbors the abandoned residential structure and the cinderblock garage have been frequented by homeless persons and squatters. The residential structure has been vacant and abandoned for several years and has a visible hole in the roof allowing water penetration. The property is currently zoned C-8 but the property has never been developed for commercial use.

On November 16, 2006, the Neighborhood Enhancement Task Force (NETF) found that the subject property met the blighted property guidelines, and the property received a preliminary blight determination. Certified notice was sent to the owner advising her of this determination. A person representing the owner contacted the blight office and acknowledged receipt of the letter and advised he was going to assist the property owner with the demolition of the existing structures and the redevelopment of the property. To date, blight abatement staff has not received a blight abatement plan from the owner or this representative to remedy the blighted conditions on the property. BAP staff continues to receive multiple complaints regarding this property and the negative visual impact it has on the adjacent properties and the surrounding community. All attempts by BAP staff to achieve voluntary compliance with the property owner have been unsuccessful.

In accordance with Va. Code Ann. § 36.49.1:1 (I) (Supp. 2006) (Spot Blight Abatement Statute), the Board, by ordinance, may declare the property to be blighted, which constitutes a nuisance, and approve abatement of blight as allowed under the existing nuisance statute. State code requires that the Board provide notice concerning adoption of such an ordinance. Notice was published on February 22, 2007 and March 1, 2007.

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Although the Department of Housing and Community Development (HCD) will continue to seek cooperation from the owner to eliminate blighted conditions, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the property to be blighted, which constitutes a nuisance. State code requires that the Board provide notice concerning proposed adoption of such an Ordinance.

At the public hearing, HCD will also request authorization to contract for demolition of the blighted structures on the site pursuant to Va. Code Ann. §15.2-1115 (Supp. 2004) as authorized under the Spot Blight Abatement Statute. If the owner fails to abate the blighted conditions within thirty days after notification to the property owner of the Board's action, HCD will proceed with demolition of the structures. HCD is also asking that the Board of Supervisors direct the Department of Public Works and Environmental Services staff to provide for an expedited processing of the items necessary for the demolition permit. This action will reduce the time it takes for the review of the grading plan and other items that are part of the permit process. The County will incur the cost, expending funds that are available in Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program. The County will then pursue reimbursement from the owner who is ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owner, HCD will use monies from Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program, to demolish the structures. The balance in this project as of February 22, 2007, is \$398,980. It is estimated that the cost of demolition of the structure will be approximately \$75,000.

It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the property owner. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

Attachment 2: Ordinance for 8505 Sky View Drive (Mount Vernon District)

Attachment 3: Blighted Property Technical Report and Abatement Plan

Board Agenda Item
March 12, 2007

STAFF:

Paula C. Sampson, Director, Department of Housing and Community Development (HCD)
Harry Swanson, Deputy Director, Revitalization and Real Estate Finance, HCD
Cynthia Ianni, Director, Design, Development and Construction Division, HCD
Patricio J. Montiel, Chief, Housing Rehabilitation, HCD
Christina M. Sadar, Blight Abatement Program Coordinator, HCD

Board Agenda Item
March 12, 2007



4:30 p.m.

Public Hearing on Proposed Amendments to Comply With Newly Adopted State Code Regarding Privately Maintained Streets

ISSUE:

The Board public hearing is being held to consider proposed amendments to Chapters 2 and 7 of the Public Facilities Manual of Fairfax County, Virginia (PFM), and Chapter 101 (Subdivision Ordinance) and Chapter 112 (Zoning Ordinance) of *The Code of the County of Fairfax, Virginia* (The Code). The proposed amendments incorporate newly adopted state code requirements regarding the maintenance of private streets and the funding of improvements to these streets.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, February 1, 2007, the Planning Commission voted 9-0-1 (Commissioner Harsel abstaining; Commissioners Hopkins and Lusk absent from the meeting) to recommend that the Board of Supervisors adopt the proposed amendments as set forth in the staff report dated January 9, 2007.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed amendments.

TIMING:

Board action is requested on March 12, 2007. If approved, these amendments shall become effective at 12:01 a.m. on March 13, 2007. The public hearing was authorized for advertisement on January 8, 2007.

BACKGROUND:

On April 4, 2006, the General Assembly of Virginia adopted legislation which requires counties that are eligible for funds under the Rural Addition Program to include a statement in their ordinance indicating that streets not built to Virginia Department of Transportation standards will not be eligible for acceptance into the system of state highways unless improved to current state standards with funds other than those appropriated by the General Assembly of Virginia and allocated by the Commonwealth Transportation Board. In addition, the enacted legislation requires that a note be added to the subdivision plat and all approved deeds of subdivision, or similar instruments

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associated with streets that do not meet current Virginia Department of Transportation standards advertising such and that the streets will not be maintained by the department.

REGULATORY IMPACT:

The proposed amendments incorporate the newly adopted state legislation. The statement required by the proposed amendments also indicates that the private streets will not be maintained by the county as well as the state.

FISCAL IMPACT:

The proposed amendments will comply with state requirements to remain eligible for funding under the State's Rural Addition Program. This program allocates funding to upgrade existing streets to meet Virginia Department of Transportation standards.

ENCLOSED DOCUMENTS:

Attachment 1: Staff Report, Dated January 8, 2007

Attachment 2: Planning Commission Verbatim

STAFF:

Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)

Howard J. Guba, Deputy Director, DPWES

James W. Patteson, Director, Land Development Services, DPWES

Judith A. Cronauer, Engineer III, Land Development Services, DPWES

Board Agenda Item
March 12, 2007



4:30 p.m.

Public Hearing on a Proposed Amendment to Comply with a Newly Adopted State Code Provision Regarding Persons Engaging in the Creation or Operation of Wetland Mitigation Banks in Multiple Jurisdictions

ISSUE:

The Board public hearing is being held to consider a proposed amendment to Chapter 104 (Erosion and Sedimentation Control Ordinance) of *The Code of the County of Fairfax, Virginia* (The Code). The proposed amendment addresses a newly adopted State Code provision, which allows the submittal of general annual erosion and sediment control specifications to the state by persons engaging in the creation and operation of wetland mitigation banks in multiple jurisdictions in lieu of the submittal of a conservation plan to the county.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, February 1, 2007, the Planning Commission voted unanimously (Commissioners Hopkins and Lusk absent from the meeting) to recommend that the Board of Supervisors adopt the proposed amendments as set forth in the staff report dated January 8, 2007.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed amendments.

TIMING:

Board action is requested on March 12, 2007. If approved, these amendments shall become effective at 12:01 a.m. on March 13, 2007. The public hearing was authorized for advertisement on January 8, 2007.

BACKGROUND:

On March 31, 2006, the General Assembly of Virginia adopted legislation (see attached Staff Report), which allows persons engaging in the creation or operation of wetland mitigation banks in multiple jurisdictions to submit general annual erosion and sediment control specifications to the Virginia Soil and Water Conservation Board (State Board) for review and approval in lieu of submitting an individual erosion and sediment control plan to the county for each project.

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A wetland mitigation bank is an area that has been restored, created, enhanced, or in exceptional circumstances, preserved for the purpose of providing compensation for unavoidable wetland losses in advance of development actions, when such compensation cannot be achieved at the development site or would not be as environmentally beneficial. The owner or operator of the wetland mitigation bank can sell compensatory mitigation credits to developers.

The proposed amendment to Chapter 104 of the Code addresses the newly adopted state legislation by noting that any person engaging in the creation and operation of wetland mitigation banks in multiple jurisdictions, which have been approved and are operated in accordance with applicable federal and state guidance, laws, or regulations for the establishment, use, and operation of mitigation banks, pursuant to a permit issued by the Department of Environmental Quality, the Marine Resources Commission, or the U.S. Army Corps of Engineers, may, at the option of that person, file general erosion and sediment control specifications for wetland mitigation banks annually with the State Board for review and approval in accordance with Virginia Code Section 10.1-563.E. The annual erosion and sediment control specifications submitted to the state are in lieu of a conservation plan submission to the county. However, approval of annual erosion and sediment control specifications by the State Board does not relieve the owner or operator from compliance with any other local ordinance or regulation. The requirements of other ordinances, including the Zoning Ordinance, the Chesapeake Bay Ordinance, and the Subdivision Ordinance, would have to be satisfied before approval of the construction of a wetland mitigation bank. For example, if soil is removed or added to a depth greater than 18 inches in an area greater than 2,500 square feet, a grading plan would be required in accordance with the Zoning Ordinance. The grading plan would not have to show erosion and sedimentation control facilities, but it would have to show that the finished grades meet adjacent properties' grades and that the natural drainage has not been substantially altered offsite.

REGULATORY IMPACT:

If a person engaging in the creation and operation of wetland mitigation banks in multiple jurisdictions chooses to obtain State Board approval of annual erosion and sediment control specifications in lieu of a county permit, the burden of enforcing and inspecting the project regarding erosion and sediment control practices will fall upon state rather than county staff. However, approval of the general erosion and sediment control specification by the State Board does not relieve the owner or operator from compliance with any other local ordinance or regulation.

FISCAL IMPACT:

None.

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ENCLOSED DOCUMENTS:

Attachment 1: Staff Report, Dated January 8, 2007

Attachment 2: Planning Commission Verbatim

STAFF:

Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)

Howard J. Guba, Deputy Director, DPWES

James W. Patteson, Director, Land Development Services, DPWES

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March 12, 2007



4:30 p.m.

Public Hearing on Proposed Amendments to the Public Facilities Manual Re: Low Impact Development Practices

ISSUE:

Board adoption of proposed amendments to the Public Facilities Manual (PFM). The proposed amendments incorporate design and construction standards, plan submission requirements, and requirements for the release of bonds and conservation escrows for six Low Impact Development (LID) practices.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, February 22, 2007, the Planning Commission voted 11-0-1 (Commissioner Hopkins abstaining) to recommend the following actions to the Board of Supervisors:

- Adoption of the amendments to the PFM as set forth in the Staff Report dated November 20, 2006, with Option 2 and with the changes dated February 22, 2007. (Option 2 will permit the Board, in conjunction with the approval of a rezoning, proffered condition amendment, special exception, or special exception amendment to approve the use of pervious pavement on HOA "common" property in both single family attached and single family detached residential developments.)
- All subdivision construction plans, site plans, and lot grading plans submitted prior to the effective date of the amendments be grandfathered;

The Commission then voted unanimously to recommend that staff, in cooperation with the Planning Commission or a group selected by the Board of Supervisors, host a workshop or other public meeting to gather input from stakeholders on prioritizing additional LID policy changes.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed amendments to the PFM as set forth in the Staff Report dated November 20, 2006, with Option 2 and with the changes dated February 22, 2007, as recommended by the Planning Commission.

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TIMING:

Board action is requested on March 12, 2007, with the amendments to become effective at 12:01 a.m. on March 13, 2007, and with subdivision construction plans, site plans, and lot grading plans submitted prior to the effective date grandfathered. On November 20, 2006, the Board authorized the advertising of public hearings. The Planning Commission held a public hearing on February 1, 2007, and deferred decision to February 22, 2007.

BACKGROUND:

LID is an environmentally sensitive approach to land development and stormwater management design. LID is a strategy addressed in the Board's *Environmental Excellence 20-year Vision Plan for Fairfax County*. The primary goal of LID design is to maintain or restore a development site's natural hydrologic function. LID design attempts to replicate predevelopment peak rates of runoff, runoff volumes, and the frequency of runoff events to the maximum extent possible. This is accomplished by creating a site design that minimizes site grading and the amount of impervious area created, maximizes the retention and creation of naturally vegetated areas, and utilizes small distributed stormwater management practices to control and treat stormwater runoff. LID designs rely heavily on infiltration of stormwater to control and treat stormwater runoff. Where native soils have poor infiltration potential, the use of more traditional end-of-pipe stormwater management controls such as ponds may be appropriate as a supplement to or in lieu of LID practices. Conversely, LID practices may be used as end-of-pipe stormwater management controls with some conventional site designs.

The proposed PFM amendments consist of six LID practices that can be successfully utilized with conventional site designs as well as with LID based designs. A stakeholders group was created to assist the county in reviewing 25 LID practices to identify those which would be most suitable for use in Fairfax County and provide the greatest benefit. The stakeholders group included representatives from industry, environmental organizations, citizen groups, and county agencies. Meetings were held on March 9, 2005, and March 16, 2005, to gather information on the candidate practices. The final selection of practices was made by Department of Public Works and Environmental Services (DPWES) staff based on information gathered at the stakeholders meetings, the potential to meet water quality control or stormwater management objectives, current use under the PFM's innovative BMP provisions, and the ability to be successfully utilized with conventional site designs.

The six selected LID practices were discussed at a meeting of the Board's Development Process Committee held on May 16, 2005. At that meeting, staff made a presentation on implementation of LID design in Fairfax County that included details of the six initial practices to be incorporated into the PFM and staff's recommendations for applying the

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Board's current policies pertaining to appropriate locations for stormwater management facilities (e.g., the PFM currently contains provisions that do not allow stormwater management facilities on individual single family lots within subdivisions) and maintenance responsibilities to the six initial practices. The use and location of the six selected LID practices were discussed further with the Board at a Development Process Committee meeting held on October 16, 2006. The recommendations for restrictions on the location of and maintenance responsibilities for the six practices included in this amendment follow the guidance provided by the Development Process Committee at the May 16, 2005, and October 16, 2006, meetings. Restrictions on the location of LID facilities are based on considerations for the long term sustainability of these facilities including issues such as maintenance, inspection and enforcement, encumbrance of residential property, and practical application dependent on the type of use. The restrictions only apply to facilities constructed for the purpose of satisfying the detention or water quality control requirements of the Subdivision, Zoning, or Chesapeake Bay Preservation Ordinances. All facilities must be privately maintained except where they are used by the county on county-owned property. The restrictions are summarized in Table 1.

The development of design and construction standards for additional LID practices and an overall design procedure for demonstrating that LID designs will meet county and state requirements for water quality control, stormwater detention, and adequate outfall will be necessary to implement comprehensive LID based designs on a broader scale. The county has partnered with other local jurisdictions, the Northern Virginia Regional Commission (NVRC), and the Engineers and Surveyors Institute (ESI) to develop a supplement to the *Northern Virginia BMP Handbook* (NVRC & ESI 1992) that will incorporate LID design and address some of these needs. As additional experience and understanding of these practices is obtained, staff will review the issues surrounding the location and maintenance of stormwater management facilities and will bring recommendations to the Board for amendments to the current policies.

PROPOSED AMENDMENTS:

The proposed amendments incorporate design and construction standards, plan submission requirements, and requirements for the release of bonds and conservation escrows for the following six LID stormwater management practices:

1. Pervious Pavement. Pervious pavement systems use a special asphaltic paving material (porous pavement) or open jointed concrete blocks (permeable pavement blocks) that allow stormwater to flow through the pavement or the open joints at a high rate. Water is temporarily retained below the pavement within an aggregate base and discharged to the storm sewer system or infiltrated into the underlying *in situ* soils. The principal components of pervious pavement systems are porous pavement or permeable pavement blocks, a bedding (choker) course, an optional

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filter fabric between the bedding course and the aggregate base in permeable pavement block systems, an open-graded aggregate base with a high void ratio, filter fabric to separate the aggregate base from the underlying soils, and an underdrain that is connected to the storm drain system. Water quality control is provided by adsorption, filtering, sedimentation, biological action, and infiltration into the underlying soils. Pervious pavement systems reduce the peak rate and volume of stormwater runoff through detention storage and infiltration into underlying soils. Additional infiltration capacity or storage for detention can be obtained by increasing the depth of the aggregate base alone or in combination with storage chambers. The use of infiltration in the design of pervious pavement to provide volume reduction is dependent on the infiltration capacity of the *in situ* soils as determined by field tests.

2. Bioretention Facilities. Bioretention filters and basins (a.k.a. rain gardens) are landscaped areas in shallow depressions that are subject to temporary ponding of stormwater runoff. The principal components of bioretention facilities are plants that tolerate fluctuations in soil moisture and temporary ponding of water, a mulch layer, an engineered soil media, a gravel layer, and an underdrain that is connected to the storm drain system or daylighted. The soil media is highly permeable and well drained. Water quality control is provided by filtering storm water runoff through the soil media and mulch; biological and chemical reactions in the soil, mulch, and root zone; plant uptake; and infiltration into the underlying soil. The void spaces in the soil can be used to store runoff for detention or infiltration to provide reductions in the peak rate and volume of stormwater runoff. Additional infiltration capacity or storage for detention can be obtained by using a gravel layer alone or in combination with storage chambers below the soil media. Bioretention filters include underdrains that allow water that has passed through the soil media to be freely discharged. Bioretention basins rely on infiltration into the underlying *in situ* soils to drain down between storms. Bioretention basins, as utilized in Fairfax County, generally include underdrains that are capped or have restricted outflow. This allows a bioretention basin to be converted to a bioretention filter if the infiltration capacity of the *in situ* soils is reduced over time due to clogging of the soil pores. The use of infiltration in the design of bioretention facilities to provide volume reduction is dependent on the infiltration capacity of the *in situ* soils as determined by field tests.

3. Vegetated Swales. Vegetated swales are open, shallow channels with vegetation covering the side slopes and bottom that collect and slowly convey stormwater runoff to downstream discharge points. The principal components of vegetated swales are a dense covering of plants with deep root systems to resist scouring and that tolerate fluctuations in soil moisture and temporary ponding of water; check dams to pond water along the length of the swale; an engineered soil media; and an underdrain in a gravel layer that is connected to the storm drain system or daylighted. The soil media is highly permeable and well drained. Water

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quality control is provided by sedimentation; filtering of stormwater runoff through the vegetation and soil media; biological and chemical reactions in the soil and root zone; plant uptake; and infiltration into the underlying soils. Reductions in the peak rate of runoff are achieved due to increases in the time of concentration compared to conventional conveyance systems and the temporary storage provided by the check dams and the void spaces in the soil and underdrain gravel. Although not specifically designed for infiltration, infiltration into the underlying soils may provide some volume reduction where the infiltration capacity of the soils is high. Vegetated swales are best suited for small drainage areas that have low sediment loads.

4. **Tree Box Filters.** A tree box filter is a type of bioretention filter contained in a precast or cast-in-place concrete structure. The principal components of a tree box filter are an inlet structure, a concrete box, a tree grate, plants that tolerate fluctuations in soil moisture and temporary ponding of water, a mulch layer, an engineered soil media, and an underdrain in a gravel layer that is connected to the storm drain system. The soil media is highly permeable and well drained. Water quality control is provided by filtering storm water runoff through the soil media and mulch, biological and chemical reactions in the soil, mulch, and root zone, and plant uptake.

5. **Vegetated Roofs.** A vegetated roof (a.k.a. green roof) is a roof system consisting of the structural components of the roof, a waterproof membrane, a drainage layer, a layer of growth media, and plants. Depending on the type of plants and the waterproof membrane specified, an irrigation system and a root barrier also may be provided. Vegetated roofs reduce the peak rate and volume of stormwater runoff through interception of rainfall and evapotranspiration. Vegetated roofs improve water quality by capturing and filtering airborne depositional pollutants and by plant uptake of dissolved pollutants. Additionally, a vegetated roof provides reductions in energy use for heating and cooling, improvements in air quality, and aesthetic benefits. Vegetated roofs are classified as extensive or intensive systems based on the depth of the growth media and function of the roof. Extensive systems are shallow systems, having a growth media depth of three-six inches, a low unit weight, low construction cost, low plant diversity, and minimal maintenance requirements. Extensive systems are constructed when the primary purpose is to achieve environmental benefits and typically are only accessible for maintenance and inspection. Extensive systems may be constructed on slopes of up to 33%. Intensive systems have a growth media depth of six inches or greater, a greater unit weight, increased design sophistication and construction costs, increased plant diversity, greater water holding capacity, and increased maintenance requirements compared to extensive systems. Intensive systems often are accessible and provide an amenity for occupants of the building. Intensive systems may not be constructed on slopes greater than 10%.

6. Reforestation. Reforestation is the establishment of a forest ecosystem on open ungraded areas. Forest ecosystems reduce the peak rate and volume of stormwater runoff through interception of rainfall by leaves and the forest duff layer, plant uptake and evapotranspiration, and infiltration into the soil. Forest ecosystems improve water quality by capturing and filtering airborne depositional pollutants, plant uptake of dissolved pollutants, and infiltration into the soil. Tree canopies provide energy conservation for buildings, screening, and other benefits in addition to stormwater management. Reforested areas may be used to meet the tree cover requirements of §12-0000 *et seq.* and Article 13 of the Zoning Ordinance. Tree cover credit equivalent to the square footage of the area will be given for reforested areas that have been planted, and are established in accordance with the provisions of this section.

The proposed amendments to the PFM include updates of Table 6.3 Phosphorus Removal Efficiencies and Table 6.6 Runoff Coefficients and Inlet Times to incorporate values for the six LID practices where appropriate.

With the exception of the changes to the proposed amendments resulting from the direction provided by the Board to staff at the October 16, 2006, Development Process Committee meeting, the proposed amendments to the PFM have been recommended for approval by the Engineering Standards Review Committee.

Table 1. Location Restrictions for LID Practices

<p>Pervious Pavement</p>	<ul style="list-style-type: none"> • May be used in all non-residential and multi-family residential developments. • May not be used on individual residential infill lots (non-bonded lots). • May not be used in single family detached or attached residential developments unless: <p><u>Option 1</u> The Board, in conjunction with the approval of a rezoning, proffered condition amendment, special exception, or special exception amendment, may approve use on HOA “common” property in single family attached residential developments.</p> <p><u>Option 2</u> The Board, in conjunction with the approval of a rezoning, proffered condition amendment, special exception, or special exception amendment, may approve use on HOA “common” property in single family detached residential developments as well as single family attached residential developments.</p>
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<p>Bioretention (Rain Gardens) Vegetated Swales</p>	<ul style="list-style-type: none"> • May be used in all non-residential and multi-family residential developments. • May be used in single family detached and attached residential developments. Must be located on outlots. • The Director may approve the location of facilities on individual buildable single-family detached lots for residential subdivisions creating no more than 3 lots on a case-by-case basis. • May be used on individual residential infill lots (non-bonded lots).
<p>Tree Box Filter</p>	<ul style="list-style-type: none"> • May be used in all non-residential and multi-family residential developments. • May be used in single family detached and attached residential developments. Must be located on outlots. • May not be used on individual residential infill lots (non-bonded lots). • May be located in the right-of-way subject to approval by VDOT.
<p>Vegetated Roof</p>	<ul style="list-style-type: none"> • May be used on all non-residential buildings, parking structures, multi-family residential buildings including condominiums and apartments, and mixed-use buildings with a residential component. • May not be used on single family detached or attached units in residential subdivisions. • May not be used on individual residential infill lots (non-bonded lots).
<p>Reforestation</p>	<ul style="list-style-type: none"> • May be used in all non-residential and multi-family residential developments. Must be placed in restrictive easements. • May be used in single family detached and attached residential developments. Must be located on outlots and placed in restrictive easements. • May not be used on individual residential infill lots (non-bonded lots).

REGULATORY IMPACT:

The proposed amendments will provide additional options for meeting water quality control and stormwater detention requirements and facilitate the use of LID design. LID is a strategy addressed in the Board's *Environmental Excellence 20-year Vision Plan for Fairfax County*.

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FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Staff Report dated November 20, 2006

Attachment 2 – Planning Commission's Recommended Changes to the Advertised Amendments dated February 22, 2007

Attachment 3 – Planning Commission Verbatim

STAFF:

Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services, (DPWES)

Howard J. Guba, Deputy Director, DPWES

James W. Patteson, Director, Land Development Services, DPWES

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5:00 p.m.

Public Hearing on Proposed Policy Plan Amendment ST07-CW-1CP Regarding Revisions to the Policy Plan to Add a Definition and Set of Principles for Transit-Oriented Development

ISSUE:

Plan Amendment ST07-CW-1CP proposes amending the Policy Plan element of the Comprehensive Plan to add a definition and principles for transit-oriented development. Proposed revisions include addition of an objective and associated policies and an appendix on guidelines for transit-oriented development to the Land Use section of the Policy Plan, and the addition of a definition of transit-oriented development to the Plan's Glossary. The proposed policy amendment includes guidelines about transit proximity; station-specific flexibility, pedestrian and bicycle access; mix of land uses; housing affordability; design; parking; transportation and traffic; vision for the community; environmental and economic benefits; open space; public facilities and infrastructure; and phasing of development.

PLANNING COMMISSION RECOMMENDATION:

On January 17, 2007, the Planning Commission held a public workshop on the proposed Plan amendment. The Planning Commission public hearing was held on February 8, 2007 and the Commission deferred decision to February 28, 2007, in order to consider the public testimony and comments.

On Wednesday, February 28, 2007, the Planning Commission unanimously voted to recommend that the Board of Supervisors adopt the staff recommendation with revisions, as reflected on the attached handout dated February 28, 2007.

The Planning Commission then voted unanimously to recommend to the Board that the following TOD implementation activities be conducted by DPZ staff:

1. Reaffirmation by staff of the existence of Transit Station Area (TSA) boundaries in the Area Plans and review of the Plans for consistency in how concepts are referenced and presented, to ensure that these areas are described using standard language.
2. Review opportunities for future planning efforts or where there may be opportunities for TOD that are not currently reflected in the Plan.

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3. Examination of boundaries for the purposes of using standard language and presentation across the Comprehensive Plan.

The Planning Commission voted unanimously to recognize the need for and support development of appropriate monitoring functions to be put in place over time as a feedback loop for items critical to success of TODs, including:

- The development of an institutional infrastructure within the Department of Transportation to monitor and guide the success of Transportation Demand Management (TDM) programs;
- A review of TOD regionally, under MWCOG, to examine successes; and
- Examination and sharing of more data on TOD, including regional data as well as Statewide planning data, particularly transportation data, that can provide valuable insight for Fairfax County.

The Planning Commission voted unanimously to request that the Board of Supervisors ask the County's GIS Department to provide users of the system with the ability to interactively place circles of a user-defined radius around transit stations in order to visualize the areas described in these guidelines.

The Commission voted unanimously to affirm its support for improved access to better analytical and design tools to enable staff and others to better work with the community in visualizing Transit Oriented Development and to reaffirm its support for the recommendations by the Land Use Information Accessibility Advisory Group.

Lastly, the Planning Commission voted unanimously to request that a study be undertaken to consider whether non-rail regional transit facilities, including but not limited to Metro buses, should be treated in the same manner as other Transit Oriented Development facilities.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the staff recommendation as shown on pages 7 through 15 in the Staff Report dated January 11, 2007, found in Attachment I. The recommendation would add a new objective and associated policies to the Land Use section of the Policy Plan encouraging transit-oriented development near planned and existing rail transit stations; a glossary definition of transit-oriented development; and a new appendix to the Land Use section of the Policy Plan with guidelines for transit-oriented development.

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TIMING:

Planning Commission public hearing – February 8, 2007
Planning Commission decision – February 28, 2007
Board of Supervisors' public hearing – March 12, 2007

BACKGROUND:

The Department of Planning and Zoning asked the Planning Commission for assistance in conducting this process to evaluate the addition of a definition and/or set of principles for transit-oriented development to the Land Use section of the Policy Plan. The Planning Commission formed a special TOD Committee and, through a series of twelve public meetings, worked with staff, interested citizens, experts and representatives from the business and development communities, to develop the proposed Policy Plan guidance regarding TOD in Fairfax County. The first half of the meetings consisted of presentations by local and national experts on smart growth and TOD, as well as two citizen panels. The remainder of the meetings were dedicated to developing and refining Plan guidance on TOD for Fairfax County. On January 8, 2007, the Board of Supervisors authorized proposed Plan Amendment ST07-CW-1CP.

FISCAL IMPACT:

None

ENCLOSED DOCUMENT:

Attachment 1 – Staff Report for Proposed Plan Amendment ST07-CW-1CP
Attachment 2 – Planning Commission Verbatim

STAFF:

James P. Zook, Director, Department of Planning and Zoning (DPZ)
Fred R. Selden, Director, Planning Division (PD), DPZ
Deborah L. Albert, Planner II, Environment and Development Review Branch, PD, DPZ
Heidi Merkel, Planner III, PD, DPZ
Daniel B. Rathbone, Chief, Transportation Planning Division, Department of Transportation

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5:00 p.m.

Public Hearing on Proposed Plan Amendment S06-III-BR1 for Centreville Suburban Center, Sub-Unit C-2 Located South of Braddock Road and East of Old Centreville Road (Sully District)

ISSUE:

Plan Amendment S06-III-BR1, addresses three acres of property that include a portion of Old Centreville Road Park [portion of parcel 54-4((8))(6)K] and two parcels that are planned for residential use at 16-20 du/ac [54-4((1)) 81 and 82]. The proposed Plan Amendment considers office use at an intensity up to .30 FAR on approximately two acres of property and public park on the remainder.

PLANNING COMMISSION RECOMMENDATION:

On February 28, 2007, the Planning Commission voted unanimously to recommend that the Board of Supervisors approve Plan Amendment S06-III-BR1 as shown on page 4 of the Staff Report (Attachment I of this document).

The recommendation eliminates residential use at 16-20 du/ac on parcels 54-4((1)) 81 and 82 and plans these parcels for office use at .20 FAR. As an option, office use up to .30 FAR may be appropriate on the northern portion of the subject property, which includes a portion of parcel 54-4((8))(6)K. The option would condition the office use on the incorporation of the remaining land into Old Centreville Road Park.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the Planning Commission recommendation for proposed Plan Amendment S06-III-BR1.

TIMING:

Planning Commission public hearing – February 28, 2007
Board of Supervisors' public hearing – March 12, 2007

BACKGROUND:

On October 23, 2006, the Board of Supervisors authorized Plan Amendment S06-III-BR1 for an approximately three acre site on Old Centreville Road, including a portion of Old Centreville Road Park. The Board authorized staff to evaluate a proposed Comprehensive Plan amendment to allow office use up to .30 FAR on approximately two acres of property. Replanning the land for these uses would recognize that

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multifamily residential use is no longer desirable in this location and could facilitate an exchange of privately owned land and Fairfax County Park Authority (FCPA) property for the purpose of improving access to the existing park, while creating a more logical office development site along Old Centreville Road.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1 - Staff Report for Proposed Plan Amendment S06-III-BR1
Attachment 2 - Planning Commission Verbatim

STAFF:

James Zook, Director, Department of Planning and Zoning (DPZ)
Fred Selden, Director, Planning Division (PD), DPZ
Marianne Gardner, Chief, Policy and Plan Development Branch, PD, DPZ
Clara Quintero Johnson, Planner III, Policy and Plan Development Branch, PD, DPZ