

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
FEBRUARY 11, 2008**

AGENDA

- | | | |
|-------------|-----------------------------|--|
| 8:30 | Held | Joint meeting with Board of Supervisors and the Economic Development Authority
Room 232 |
| 9:30 | Done | Presentations |
| 10:00 | Adopt with amendment | Report on General Assembly Activities |
| 10:15 | Done | Items Presented by the County Executive |

ADMINISTRATIVE ITEMS

- | | | |
|---|-------------------------|--|
| 1 | Approved | Adoption of a Resolution Approving the Issuance of Economic Development Authority Revenue Bonds for the Benefit of Mason Housing, Inc. |
| 2 | Approved | Extension of Review Period for 2232 Review Application (Hunter Mill District) |
| 3 | Approved | Designation of a Plans Examiner Status Under the Expedited Land Development Review Program |
| 4 | Approved | Streets into the Secondary System (Dranesville, Mount Vernon, and Providence Districts) |
| 5 | Deferred to 3/10 | Additional Time to Commence Construction for Special Exception SE 2002-SU-039, Dennis O. and Karen M. Hogge (Sully District) |
| 6 | Approved | Additional Time to Commence Construction for Special Exception SE 2005-MV-005, Trustees of Epiphany Lutheran Church of Mount Vernon (Mount Vernon District) |
| 7 | Approved | Approval of a "\$200 Additional Fine for Speeding" Signs, Multi-Way Stop and "Watch for Children" Signs as Part of the Residential Traffic Administration Program (Springfield, Providence, Lee and Dranesville Districts) |
| 8 | Approved | Authorization to Advertise a Public Hearing to Expand the Landsdowne Community Parking District (Lee District) |
| 9 | Approved | Authorization to Advertise a Public Hearing to Consider Amending Parking Regulations in Fairfax County Code Section 82-5B to Allow Large Area Community Parking Districts |

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
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**ADMINISTRATIVE ITEMS
(CONTINUED)**

- 10 **Approved** Authorization to Advertise a Public Hearing to Establish the Mount Vernon Community Parking District (Mount Vernon District)

ACTION ITEMS

- 1 **Approved with amendment** Fiscal Year 2008 Forest Pest Management Suppression Program
- 2 **Approved** Special Use Permit for ITT Corporation, Advanced Engineering and Sciences (Mount Vernon District)
- 3 **Approved** Special Use Permit for BAE Systems, Inc. (Providence District)
- 4 **Approved** Approval of a Memorandum of Understanding Between the Fairfax County Police Department and the United States Department of Justice Drug Enforcement Administration (DEA) HIDTA Task Force
- 5 **Approved with amendment** Adoption of a Sustainable Development Policy for County Capital Facilities Projects
- 6 **Approved with amendment** Approval to Extend the Interim Huntington Flood Insurance Grant Program and to Modify Income Eligibility Guidelines for the Program (Mount Vernon District)
- 7 **Approved** Authorization to Execute the SPH Springfield Station L.L.C. Agreement Regarding Contribution for Transportation Association of Greater Springfield (TAGS) Service (Lee District)

INFORMATION ITEMS

- 1 **Noted** Approval of a Reimbursement Agreement with Basheer/Edgemoore-Moutoux, LLC for the Wolftrap Fire Station (Dranesville District)
- 2 **Noted** Contract Award – McLean Streetscape Demonstration Project Phase II (Dranesville District)
- 3 **Noted** Design and Construction Administration Services for the Rehabilitation of the Noman M. Cole, Jr. Pollution Control Plant Tertiary Clarifier Facilities (Mount Vernon District)

**FAIRFAX COUNTY
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**INFORMATION ITEMS
(CONTINUED)**

4	Noted	Planning Commission Action on Special 2008 Area Plans Review for Areas Impacted By Fort Belvoir Base Realignment and Closure (BRAC) Activities
10:45	Done	Matters Presented by Board Members
11:35	Done	Closed Session

PUBLIC HEARINGS

3:30	Approved	Public Hearing on PCA 82-P-069-18 (Fair Lakes Center Associates L.P.) (Springfield District)
3:30	Approved	Public Hearing on CDPA 82-P-069-05-01 (Fair Lakes Center Associates L.P.) (Springfield District)
3:30	Public hearing deferred indefinitely	Public Hearing on SE 2007-SU-007 (Commerce Bank, N.A.) (Sully District)
3:30	Public hearing deferred to 4/28/08 at 4:00 p.m.	Public Hearing on SEA 84-V-035 (Huntwood, L.L.C.) (Mount Vernon District)
4:00	Approved	Public Hearing Regarding the Land Exchange Between the City of Fairfax and the Board of Supervisors for the Relocation of the Fairfax City Regional Library (Providence District)
4:00	Approved	Public Hearing on a Proposed Zoning Ordinance Amendment Re: Solid Waste and Recycling Facility Definitions



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Monday
February 11, 2008

9:30 a.m.

PRESENTATIONS

1. **CERTIFICATE** – To recognize Chris Kardelis, Owen Kyer and Ricky Marsh for their courageous efforts during a fire on December 26, 2007. Requested by Chairman Connolly.
2. **PROCLAMATION** – To designate February 2008 as Earned Income Tax Credit Awareness Month in Fairfax County. Requested by Chairman Connolly.
3. **CERTIFICATE** – To recognize Shin Nan Goto and Aki Goto for their charitable work in the community. Requested by Supervisor Bulova.
4. **PROCLAMATION** – To designate February 17-23, 2008, as Engineers Week in Fairfax County. Requested by Chairman Connolly.

STAFF:

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

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10:00 a.m.

Report on General Assembly Activities

ENCLOSED DOCUMENTS:

None. Materials to be distributed to the Board of Supervisors on February 11, 2008

PRESENTED BY:

Chairman Gerald E. Connolly, Chairman, Board of Supervisor's Legislative Committee
Anthony H. Griffin, County Executive

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10:15 a.m.

Items Presented by the County Executive

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Board Agenda Item
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ADMINISTRATIVE - 1

Adoption of a Resolution Approving the Issuance of Economic Development Authority Revenue Bonds for the Benefit of Mason Housing, Inc.

ISSUE:

Requesting that the Fairfax County Economic Development Authority issue up to \$47,000,000 revenue bonds pursuant to the plan of financing of Mason Housing, Inc.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the attached resolution.

TIMING:

Board action is requested on February 11, 2008.

BACKGROUND:

The Fairfax County Economic Development Authority has received a request from Mason Housing, Inc. (the "Borrower"), a Virginia corporation requesting that the Authority issue its revenue bonds to finance or refinance all or part of the following Plan of Financing for the benefit of the Borrower: (i) the acquisition, construction, furnishing, and equipping for faculty and staff housing for George Mason University employees, and (ii) certain other costs associated with the foregoing Plan of Financing, which may include, but may not be limited to, costs of issuance and credit enhancement costs and other eligible expenditures.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1 - Resolution of the Board of Supervisors

Attachment 2 - Certificate of Public Hearing with supporting documents

STAFF:

Gerald L. Gordon, Director, Fairfax County Economic Development Authority

Thomas O. Lawson, Counsel to Fairfax County Economic Development Authority

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ADMINISTRATIVE – 2

Extension of Review Period for 2232 Review Application (Hunter Mill District)

ISSUE:

Extension of the review period for specific 2232 Review application 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 period for application FSA-H06-20-1 to April 14, 2008.

TIMING:

Board action is required on February 11, 2008, to extend the review period of application FSA-H06-20-1 before its 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 period for the following application, which was accepted for review by the Department of Planning and Zoning on November 16, 2007:

FSA-H06-20-1	FiberTower
	Replace existing antennas, and add new antennas and cabinets
	2610 Reston Parkway (Fox Mill Fire Station No. 31)
	Hunter Mill District

This application is for a telecommunications facility. Therefore, in accordance with State Code requirements, the Board may extend the time required for the Planning

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Commission to act on this application by no more than sixty additional days. The need for the full time of this extension may not be necessary, and is not intended to set a date for final action.

FISCAL IMPACT:

None

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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ADMINISTRATIVE - 3

Designation of a Plans Examiner Status Under the Expedited Land Development Review Program

ISSUE:

Board of Supervisors' action to designate an individual as a Plans Examiner to participate in the Expedited Land Development Review Program.

RECOMMENDATION:

The County Executive recommends that the Board take the following action:

- Designate the following individual, identified with the corresponding registration number, as a Plans Examiner:

Stephen William Siebert (278)

TIMING:

Routine.

BACKGROUND:

On August 7, 1989, the Board adopted Chapter 117 (Expedited Land Development Review) of *The Code of the County of Fairfax, Virginia* establishing a Plans Examiner Program under the auspices of an Advisory Plans Examiner Board (APEB). The purpose of the Plans Examiner Program is to expedite the review of site and subdivision plans submitted by certain specially qualified applicants, i.e., Plans Examiners, to the Office of Site Development Services, Department of Public Works and Environmental Services.

Code requires that the Board designate an individual's status under the Expedited Land Development Review Program.

Plans Examiner Status: Candidates for status as Plans Examiners must meet the education and experience requirements contained in Chapter 117. After review of their applications and credentials, the APEB has found that the above-listed candidate(s) satisfy these requirements.

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In a letter dated December 4, 2007, from the Chairman of the APEB, James H. Scanlon, P.E., L.S., recommended to the Chairman of the Board of Supervisors, Gerald E. Connolly, designation of the candidate as a Plans Examiner.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I – Letter dated December 4, 2007, from the Chairman of the APEB to the Chairman of the Board of Supervisors.

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Directory, DPWES

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

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ADMINISTRATIVE – 4

Streets into the Secondary System (Dranesville, Mount Vernon, and Providence 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>
Cascades Estates Lots, Section 12B-1	Dranesville	Seneca Road (Route 602) (Additional Right-of-Way (ROW) only)
		Stonehouse Place
		Chimney Ridge Place
Lorton Town Center, Landbay "K"	Mount Vernon	Lewis Chapel Road
		Lorton Road (Route 642) (Additional ROW only)
Mount Vernon Mews		Becherer Road
		Old Mount Vernon Road (Route 623) (Additional ROW only)
Windsong South	Providence	Windsong South Road
		Ariana Drive

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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

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 - 5

Additional Time to Commence Construction for Special Exception SE 2002-SU-039, Dennis O. and Karen M. Hogge (Sully District)

ISSUE:

Board consideration of additional time to commence construction for SE 2002-SU-039, pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve eighteen months additional time for SE 2002-SU-039, to February 4, 2009.

TIMING:

The additional time request was deferred from the January 28, 2008 Board Meeting.

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 August 4, 2003, the Board of Supervisors approved Special Exception SE 2002-SU-039 for a vehicle light service establishment and fast food restaurant with drive-through window, subject to development conditions. The special exception application was filed in the name of Dennis O. and Karen M. Hogge, for the property located at Tax Map 54-4 ((1)) 65-68 (see Locator Map in Attachment 1). Concurrent with the special exception, the Board of Supervisors approved Rezoning RZ 2002-SU-034, to the C-6 District, subject to proffers. The SE plat and development conditions for SE 2002-SU-039 and the proffers for RZ 2002-SU-034 are included with the Clerk to the Board's letters contained in Attachment 2. SE 2002-SU-039 was approved with a condition that the use shall be established or construction shall be commenced and diligently prosecuted within 30 months of the approval date, unless the Board grants additional time.

On March 27, 2006, the Board of Supervisors approved eighteen months additional time to commence construction for Special Exception SE 2002-SU-039 in the name of Dennis O. and Karen M. Hogge until August 4, 2007 (Attachment 3).

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On August 2, 2007, the Department of Planning and Zoning (DPZ) received a letter dated August 1, 2007, from John C. McGranahan, Jr., agent for Ann's Second L.L.C., successor in interest to the applicants, requesting eighteen months additional time to commence construction for the project. The letter states that delays have been due to circumstances involved in obtaining tenants and users for the site, including coordination with adjacent landowners for partnership in the financial commitments required for site improvements. The applicant anticipates the additional time will allow for the resolution of the issues and the commencement of construction of the approved special exception use. The letter of request is included as Attachment 4.

Staff has reviewed Special Exception SE 2002-SU-039 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance for a vehicle light service establishment and a fast food restaurant with drive-through window. Further, staff knows of no change in land use circumstances which affect the compliance of SE 2002-SU-039 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 2002-SU-039 are still appropriate and remain in full force and effect. Staff recommends that eighteen months additional time be approved.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Letter dated August 28, 2003, to Keith C. Martin, agent for the applicant, from Patti M. Hicks, Deputy Clerk to the Board of Supervisors, which sets forth the conditions for approval of SE 2002-SU-039; and letter dated August 29, 2003, to Keith C. Martin, agent for the applicant, from Patti M. Hicks, Deputy Clerk to the Board of Supervisors, stating the Board's approval of RZ 2002-SU-034 subject to proffers

Attachment 3: Letter dated March 30, 2006, to Francis A. McDermott, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors, which sets forth the Board's approval of eighteen months additional time to August 4, 2007

Attachment 4: Letter dated August 1, 2007, from John C. McGranahan, Jr., agent for the applicant, to the Department of Planning and Zoning, requesting additional time

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Regina C. Coyle, 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 - 6

Additional Time to Commence Construction for Special Exception SE 2005-MV-005, Trustees of Epiphany Lutheran Church of Mount Vernon (Mount Vernon District)

ISSUE:

Board consideration of additional time to commence construction for SE 2005-MV-005 pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve twenty-four months additional time for SE 2005-MV-005 to January 11, 2010.

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 applicable provisions of the Zoning Ordinance and that approval of additional time is in the public interest.

On July 11, 2005, the Board of Supervisors approved Special Exception SE 2005-MV-005, subject to development conditions. The special exception was filed in the name of Trustees of Epiphany Lutheran Church of Mount Vernon, to allow expansion of an existing church with nursery school, pursuant to Section 9-301, of the Fairfax County Zoning Ordinance, for the property described as Tax Map 110-1 ((1)) 4A (see the Locator Map in Attachment 1). SE 2005-MV-005 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 2005-MV-005 are included as part of the Clerk to the Board's letter contained in Attachment 2.

On December 10, 2007, the Department of Planning and Zoning (DPZ) received a letter dated December 7, 2007, from Robert P. Leibrandt, Building Expansion Committee Chair for Epiphany Lutheran Church of Mount Vernon, requesting 24 months of additional time to commence construction for SE 2005-MV-005 (see Attachment 3). According to the letter,

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the church obtained approval of Site Plan #1900-SP-001-2 for the building expansion on December 5, 2006. Fairfax County Bonds, Agreements and Administration confirm the site plan remains valid. Mr. Leibrandt indicates that additional time is needed for the congregation to complete its fundraising efforts. The church anticipates securing financial commitments in 2008, and commencement of construction in 2009.

Staff has reviewed Special Exception 2005-MV-005 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance for a church with a nursery school. Further, staff knows of no change in land use circumstances which affect the compliance of SE 2005-MV-005 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 2005-MV-005 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 twenty-four months additional time be approved.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Letter dated July 22, 2005, to Lynne J. Strobel, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors, which sets forth the conditions for approval of SE 2005-MV-005

Attachment 3: Letter dated December 7, 2007, from Robert P. Leibrandt, which requests additional time

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Regina C. Coyle, 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

Approval of a "\$200 Additional Fine for Speeding" Signs, Multi-Way Stop and "Watch for Children" Signs as Part of the Residential Traffic Administration Program (Springfield, Providence, Lee and Dranesville Districts)

ISSUE:

Board endorsement of "\$200 Additional Fine for Speeding" signs, multi-way stop and "Watch for Children" signs as part of the Residential Traffic Administration Program (R-TAP).

RECOMMENDATION:

The County Executive recommends that the Board:

Approve a resolution (Attachments I, II, III) for the installation of "\$200 Additional Fine for Speeding" signs on the following roads:

- Waterline Drive between Fairfax County Parkway and Lee Chapel Road (Springfield District).
- West Street between Lee Highway and Fairfax County limits (Providence District).

Approve a multi-way stop at the following intersections:

- Clermont Drive and Kerrybrooke Drive (Lee District)
- Clermont Drive and Glenwood Drive (Lee District)

Approve a resolution (Attachment IV) for "Watch for Children" signs on the following streets:

- Cobble Mill Road (Dranesville District)
- Delta Glen Court (Dranesville District)
- Colvin Forest Drive (Dranesville District)

Finally, the County Executive recommends that the Virginia Department of Transportation (VDOT) be requested to install the approved measures as soon as possible.

TIMING:

Routine.

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BACKGROUND:

Section 46.2-878.2 of the *Code of Virginia* permits a maximum fine of \$200, in addition to other penalties provided by law, to be levied on persons exceeding the speed limit on appropriately designated residential roadways. Also, these residential roadways must have a posted speed limit of 35 mph or less. In addition, to determine that a speeding problem exists, staff performs an engineering review to ascertain that additional speed and volume criteria are met. Waterline Drive between Fairfax County Parkway and Lee Chapel Road and West Street between Lee Highway and Fairfax County limits meet the R-TAP requirements for posting of the "\$200 Additional Fine for Speeding" signs. The Department of Transportation received written verification from the appropriate local supervisors confirming community support for the referenced "\$200 Additional Fine for Speeding" signs on Waterline Drive (November 17, 2007), and West Street (January 14, 2008).

The R-TAP allows for installation of multi-way stops in local residential neighborhoods at intersections consisting of a through cross street connected to adjacent intersections. In addition, the following criteria must be met, as contained in the Virginia Department of Transportation (VDOT) "Policy on Multi-way Stops in Residential Communities":

- The street has 100% residential frontage on both sides and is classified as a local or collector street.
- The street has a posted legal speed limit of 25 mph.
- No potential safety problems would be created.
- The intersection geometrics and spacing to adjacent intersections have been determined to be acceptable.
- There would be minimal impact on traffic flow for neighboring streets.

Staff and VDOT have authorized the multi-way stop requested. On, January 16, 2008, the Department of Transportation received written verification from the appropriate local supervisor confirming community support.

The Board should be aware, however, of the potential negative impacts of multi-way stops. These include delay in travel time, reduced motorist compliance with regulatory signs, difficulty of police enforcement, parking restrictions within 30 feet of stop signs, and increased air and noise pollution.

The R-TAP allows for installation of "Watch for Children" signs at the primary entrance to residential neighborhoods, or at a location with an extremely high concentration of children relative to the area, such as playgrounds, day care or community centers. In particular, Section 33.1-210.2 of the *Code of Virginia* provides that the Board may request, by resolution to the Commissioner of VDOT, signs alerting motorists that children may be at play nearby. VDOT reviews each request to ensure the proposed

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sign will be effectively located and will not be in conflict with any other traffic control devices. The Department of Transportation received written verification from the appropriate local supervisor confirming community support for the referenced "Watch for Children" signs on Cobble Mill Road, Delta Glen Court and Colvin Forest Drive.

FISCAL IMPACT:

The estimated cost of \$1,800 is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:

Attachment I: \$200 Fine for Speeding Signs Resolution – Waterline Drive and West Street
Attachment II: Area Map of Proposed \$200 Fine for Speeding Signs – Waterline Drive
Attachment III: Area Map of Proposed \$200 Fine for Speeding Signs – West Street
Attachment IV: Watch for Children Signs Resolution – Cobble Mill Road, Delta Glen Court and Colvin Forest Drive.

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
Steven K. Knudsen, Transportation Planner, FCDOT

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ADMINISTRATIVE - 8

Authorization to Advertise a Public Hearing to Expand the Landsdowne 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 Landsdowne Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for March 10, 2008, at 4:00 p.m. (Attachment III) to consider adoption of a Fairfax County Code amendment (Attachment I) to expand the Landsdowne CPD in accordance with current CPD restrictions.

TIMING:

The Board of Supervisors should take action on February 11, 2008, to provide sufficient time for advertisement of the public hearing on March 10, 2008, at 4:00 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 Landsdowne 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 \$1200 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 Landsdowne 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
Tad Borkowski, FCDOT
Maria Turner, FCDOT

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ADMINISTRATIVE - 9

Authorization to Advertise a Public Hearing to Consider Amending Parking Regulations in Fairfax County Code Section 82-5B to Allow Large Area Community Parking Districts

ISSUE:

Board authorization to advertise a public hearing for March 10, 2008, at 4:30 p.m., to consider the proposed amendments to Section 82-5B of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to allow large area Community Parking Districts (CPDs) without a petition process.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for March 10, 2008, at 4:30 p.m. (Attachment II) to consider adopting the proposed amendment (Attachment I) to the Fairfax County Code to allow large area Community Parking Districts (CPDs) without a petition process.

TIMING:

The Board should take action on February 11, 2008, to advertise a public hearing for March 10, 2008, at 4:30 p.m.

BACKGROUND:

On August 6, 2007, the Board directed County staff to explore creating a process to designate large areas in Mount Vernon District and Hunter Mill District as CPDs. After considering administrative and enforcement issues that will be involved with larger area as CPDs, staff has developed recommended changes to the County Code that would provide for the designation of an entire magisterial district, with certain limited exclusions, as a CPD without the petition process that is currently required in the Code for regular CPD requests. In addition, a separate Board Agenda Item has been concurrently prepared specifically for the requested large area CPD in the Mount Vernon District. However, subsequent coordination with Hunter Mill District staff indicated that a district-wide or large area CPD is being deferred pending further study.

The proposed amendment to Chapter 82 sets forth a new process that will be used for the creation of a "large area" CPD and would be applicable to all or most of a magisterial district. As with current CPDs, the parking restrictions would apply only to public streets in residential areas within the magisterial district boundaries and would provide for limited exclusions from the CPD for areas that meet certain minimum size

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criteria, which are explained more fully below.

The larger size of the CPD would permit cost-effective enforcement and reduce program costs by allowing for no signage or limited CPD signage within the district. Similar to the process used in Prince William County, police enforcing the parking restrictions will first give out warnings to ensure that owners of the restricted vehicles are aware of the parking regulations in the area. If the vehicle is not moved after the warning or thereafter returns to the restricted area, it will be ticketed.

To initiate an evaluation by staff of the Fairfax County Department of Transportation (FCDOT) of a large area CPD, the amendment provides that a written request and verification from the magisterial district supervisor confirming community support for a large area CPD must be submitted to FCDOT. FCDOT would then review the proposed application and coordinate with the applicable supervisor's office as to the exact boundaries if it does not encompass the entire magisterial district. The public hearing process would then be initiated to establish the CPD. At this time, no fee for processing a large area CPD request has been set, since there are no petitioning addresses and no or limited signage requirements with this new process.

Based upon concerns raised while creating this process, FCDOT staff is proposing a provision that would allow certain areas of a minimum size to be excluded from the magisterial-wide CPD. For example, if there are one or more large neighborhoods within the magisterial district that do not wish to have CPD parking restrictions, the CPD boundaries may be set to exclude them at the time of the public hearing that establishes the CPD, provided that minimum size requirements are met. However, staff recognizes that it is not practical to allow random, noncontiguous streets or many small areas to be excluded. Consequently, staff recommends that the minimum size required for an area to be excluded meet one of the following size criteria: at least 3,500 addresses, at least 30 miles of secondary roadways, or at least five-square miles in area. This is to prevent small "donut holes" of excluded areas, which may be difficult for the police to enforce. In addition, staff notes that any excluded areas are likely to attract boats, trailers, and other restricted vehicles from outside the neighborhood. Therefore, staff strongly recommends that the proposed option to exclude areas from the magisterial district-wide CPD be exercised cautiously. This is due to the fact that if these excluded neighborhoods decide that they want to be included in the future, then they would need to go through the regular CPD petition process to be brought back into the large area CPD.

Given the number of residential addresses in a large area CPD, it is not cost-effective or feasible to mail out notices to all individual property owners of the scheduled public hearing, which is, in any event, in excess of what is required for notice by state law. Therefore, although newspaper publication of the public hearing is all that is currently

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required, staff also intends to place a notice on public hearing signs that will be posted at major roads leading to the proposed districts.

The existing CPD process with petition requirements would continue to be used for smaller areas, as provided in the Fairfax County Code.

The changes to the County Code Chapter 82, Article 5B to implement this process are shown in Attachment I.

FISCAL IMPACT:

The recommended changes should have beneficial fiscal impact by reducing future CPD signage costs. At this time, only Mount Vernon District has been identified as desiring this kind of CPD coverage.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to Section 82-5B

Attachment II: Notice of Public Hearing

STAFF:

Robert A. Stalzer, Deputy County Executive

Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)

Pam Pelto, Office of the County Attorney

Ellen Gallagher, Chief, Capital Projects and Operations Division, FCDOT

Tad Borkowski, FCDOT

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ADMINISTRATIVE - 10

Authorization to Advertise a Public Hearing to Establish the Mount Vernon Community Parking District (Mount Vernon 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 Mount Vernon Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for March 10, 2008, at 4:30 p.m. (Attachment III) to consider adoption of a Fairfax County Code amendment (Attachment I) to establish the Mount Vernon CPD if the proposed change to Fairfax County Code Section 82-5B for a large area CPD is authorized by the Board of Supervisors on February 11, 2008.

TIMING:

The Board of Supervisors should take action on February 11, 2008, to provide sufficient time for advertisement of the public hearing on March 10, 2008, at 4:30 p.m.

BACKGROUND:

On August 6, 2007, the Board directed County staff to explore creating a process to designate large areas in the Mount Vernon District and the Hunter Mill District as CPDs. After considering administrative and enforcement issues that will be involved with larger areas as CPDs, staff has developed recommended changes to the County Code that would provide for the designation of an entire magisterial district, with certain limited exclusions, as a CPD without the petition process that is currently required in the Code for regular CPD requests. These proposed code changes are the subject of an Administrative Item titled "Authorization to Advertise a Public Hearing to Consider Amending Parking Regulations in Fairfax County Code Section 82-5B to Allow Large Area Community Parking Districts", that is also on this meeting's agenda. This Board Agenda Item for a large area CPD in the Mount Vernon District is the first such CPD.

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

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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.

If the proposed Code change to various sections of Section 82-5B is adopted on March 10, 2008, the Board may establish a large area CPD without a petition. The proposed Mount Vernon CPD meets the proposed requirements.

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

FISCAL IMPACT:

The recommended changes should have minimal fiscal impact. Signs will not be installed.

ENCLOSED DOCUMENTS:

Attachment I: Amendment to the Fairfax County Code, Appendix M (CPD Restrictions)
Attachment II: Area Map of Proposed Mount Vernon 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
Tad Borkowski, FCDOT
Maria Turner, FCDOT

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ACTION - 1

Fiscal Year 2008 Forest Pest Management Suppression Program

ISSUE:

Board approval of the Fiscal Year 2008 Forest Pest Management Suppression Program.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors direct staff to take the following actions concerning Fairfax County's Fiscal Year 2008 Forest Pest Management Suppression Program:

Gypsy Moth Suppression

- a. Continue participation in the Virginia Cooperative Gypsy Moth Suppression Program in accordance with the 2008 Guidelines for Participation (Attachment I) including execution of a Cooperative Agreement in the form of the agreement set forth at pages 20 and 21 of the Guidelines.
- b. Conduct a voluntary aerial (helicopter) treatment program of approximately 3,520 acres using the insecticide Bacillus thuringiensis (Bt) according to established biological criteria (Attachment II). 200-foot buffer zones will be established around properties of non-participants.
- c. Conduct a ground treatment program for properties that are located in the 200-foot buffer zones of non-participants within aerial treatment blocks (approximately 150 acres).
- d. Conduct a ground treatment program (approximately 150 acres) for infestations which average greater than the tree-damaging 500 egg masses per acre but which are below minimum area requirements (15 acres) for aerial treatment. This ground treatment program will use Bt according to biological criteria.
- e. Conduct a ground treatment program that treats tree damaging gypsy moth infestations identified after the annual program is adopted. Infestations eligible for treatment must meet the regular program criterion of a minimum of 250 egg masses per acre. This program will be limited to a total maximum of 25 acres.

Fall Cankerworm Suppression

- a. Conduct a ground treatment program that controls tree-damaging fall cankerworm infestations identified after the annual program is adopted. Infestations eligible for fall cankerworm treatment must average greater

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than 90 captured female moths per barrier band. This ground treatment program will use Bt according to biological criteria. This program will be limited to a total maximum of 25 acres.

Emerald Ash Borer

- a. Continue a monitoring program for life stages of the emerald ash borer in areas of the county that have been identified as high risk by the Virginia Department of Agriculture and Consumer Services (VDACS). Authorize staff to execute a Cooperative Agreement with VDACS in order to obtain Federal funding should it become available.

TIMING:

Board action is requested on February 11, 2008 in order to provide sufficient notice to citizens of the forthcoming ground treatments.

BACKGROUND:

The Code of the County of Fairfax, Virginia requires the submission of the annual Integrated Pest Management Program proposal for Board of Supervisors' approval.

The proposed Fiscal Year 2008 program will treat all gypsy moth and fall cankerworm infestations that meet federal, state and county criteria for treatment. The proposed program will minimize tree-damaging defoliation and nuisance and should meet the needs of Fairfax County landowners.

Based on egg mass surveys conducted this fall throughout Fairfax County, gypsy moth populations have stayed generally consistent with the previous year. The Fiscal Year 2008 gypsy moth treatment proposal of approximately 3,520 acres is slightly less than last year's program of 4,200 acres.

Staff will continue to refine precautions followed in order to ensure the safety of the program. Staff is working closely with the Virginia Department of Agriculture and Consumer Services (VDACS) and is strengthening the strict security procedures which include extra protection in the handling and loading of the insecticide as well as in monitoring the tanks and aircraft between sprayings. Attachment III is a copy of the security procedures that were in place in the 2007 treatment program. This year's security plans are currently being drafted by VDACS and are not yet available; however, staff envisions that they will be very similar to 2007.

In previous years, staff has followed strict notification procedures to ensure that citizens are not caught off guard by treatment aircraft. In past years, staff has sent two first class

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mailings to homeowners and renters that are in the treatment areas as well as to those within a 200 foot buffer area around the treatment areas. Despite these measures, there was some confusion during previous treatment programs which has encouraged staff to explore methods of improving our notification procedures. An example of a recent improvement to our notification procedure includes a postcard mailing to all homeowners in a 3,000 foot zone surrounding the treatment areas. This postcard informs the homeowners that they are not being sprayed. However, they may see low flying aircraft in the vicinity and that that there is no cause for alarm (see attachment IV).

Fall cankerworm populations will be monitored this winter in those areas of the County that have experienced outbreaks in the past. The method used for this monitoring is a United States Forest Service approved technique that involves trapping female moths as they emerge in the winter. Results of fall cankerworm monitoring will not be available until late-February; however, based on preliminary findings, staff predicts that fall cankerworm populations have remained low and no treatment will be necessary for spring 2008.

Emerald ash borer was first identified in Fairfax County in 2003. Due to the extremely destructive nature of this pest, VDACS and the United States Department of Agriculture, Animal Plant Health Inspection Service (APHIS) ordered all ash trees within a ½ mile radius of the introduction site be removed and destroyed. Staff of the Forest Pest Program carried out this project during the spring of 2004 and began a monitoring program immediately following. Monitoring for this pest has taken place for subsequent years and no evidence of emerald ash borer infestation has been found. VDACS and APHIS has recommended that monitoring continue in Fairfax County for another season in order to ensure that the eradication effort was effective.

It should be noted that there are many invasive insect pests that are currently in the United States that warrant attention by Fairfax County. Two of these pests (Asian longhorned beetle and sudden oak death) are new to the United States and have the potential to cause immense economic impact if they become established in Fairfax County. Past experience with new insects has proven that diligent monitoring and prevention are much more cost effective and accepted by the public than control. The third pest (hemlock woolly adelgid) is currently found in Fairfax County and is causing damage to rare native hemlock trees in certain areas. Staff is currently monitoring the status of these and other pests and will keep the Board informed should they become a widespread issue.

FISCAL IMPACT:

Currently, the Forest Pest Program is funded through the Special Service District (\$0.0010 per \$100 of assessed value) for the Control of Forest Pests. The total cost to

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conduct the projected aerial and ground treatment programs is \$182,000. The total amount budgeted for FY 2008 for aerial and ground treatments is sufficient for this suppression program.

It is important to note that Fairfax County will apply, if eligible, to receive up to 50 percent reimbursement for aerial treatment costs from the Federal Government.

ENCLOSED DOCUMENTS:

Attachment I - Virginia Cooperative Gypsy Moth Suppression Program: 2008 Guidelines for Participation

Attachment II – 2008 Proposed Gypsy Moth Treatment Areas

Attachment III – 2007 Virginia Department of Agriculture and Consumer Services Cooperative Suppression Program, Work and Safety Plan

Attachment IV – Notification Procedures

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard Guba, Deputy Director, DPWES

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

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ACTION - 2

Special Use Permit for ITT Corporation, Advanced Engineering and Sciences (Mount Vernon District)

ISSUE:

Board authorization to allow a code modification of Chapter 62, Section 3304.1 for the issuance of a Special Use Permit pursuant to Chapter 62, Section 3304.1 of the Code of the County of Fairfax, Virginia (County Code), to allow ITT Corporation, Advanced Engineering and Sciences storage of up to 40 grams (0.088 pounds) of explosive materials.

RECOMMENDATION:

The County Executive recommends that the Board issue a Special Use Permit pursuant to County Code Chapter 62, Section 3304.1.

TIMING:

Routine

BACKGROUND:

Chapter 62, Section 3304.1 of the County Code states that the Board of Supervisors is to approve a Special Use Permit to permit the overnight storage of explosive or blasting materials and a modification of the section if the storage occurs in a Zoning District other than I-6. ITT Corporation, Advanced Engineering and Sciences operates a research facility (zoned I-5) where, among other activities, it tests certain explosive materials. Pursuant to County Code Chapter 62, Section 3304.1, ITT has made application for a Special Use Permit to allow the storage of up to 40 grams (0.088 pounds) of explosive materials at this facility.

An inspection of the ITT facility by the Fairfax County Fire Marshal's Office has concluded that the amount of material and the use of an ATF-approved container has minimal risk to occupants and no risk to the surrounding business and residential structures. In addition, the location is a secure facility with restricted and escort-only access in place. Accordingly, pursuant to Chapter 62, Section 106.5, the fire official has determined that ITT's facility presents an appropriate modification of Section 3304.1 as the proposed storage of small quantities of explosive materials meets the spirit and intent of the Code to ensure the health, safety and welfare of the public.

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FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
None

STAFF:
Robert A. Stalzer, Deputy County Executive
Ronald L. Mastin, Chief, Fire and Rescue Department

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ACTION - 3

Special Use Permit for BAE Systems, Inc. (Providence District)

ISSUE:

Board authorization to allow a code modification of Chapter 62, Section 3304.1 for the issuance of a Special Use Permit pursuant to Chapter 62, Section 3304.1 of the Code of the County of Fairfax, Virginia (County Code), to allow BAE Systems Inc. storage of up to 150 grams of explosive material.

RECOMMENDATION:

The County Executive recommends that the Board issue a Special Use Permit pursuant to County Code Chapter 62, Section 3304.1.

TIMING:

Routine

BACKGROUND:

Chapter 62, Section 3304.1 of the County Code states that the Board of Supervisors is to approve a Special Use Permit to permit the overnight storage of explosive or blasting materials and a modification of the section if the storage occurs in a Zoning District other than I-6. BAE Systems Inc. operates a research facility (zoned I-5) where, among other activities, it tests certain explosive materials. Pursuant to County Code Chapter 62, Section 3304.1, BAE has made application for a Special Use Permit to allow the storage of up to 150 grams (1/3 pound) of explosive material at this facility.

An inspection of the BAE facility by the Fairfax County Fire Marshal's Office has concluded the amount of material and the use of an ATF approved container has minimal risk to occupants and no risk to surrounding business and residential structures. In addition, the location is a secure facility with restricted and escort-only access in place. Accordingly, pursuant to Chapter 62, Section 106.5, the fire official has determined that BAE's facility presents an appropriate modification of Section 3304.1 as the proposed storage of small quantities of explosive materials meets the spirit and intent of the Code to ensure the health, safety and welfare of the public.

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FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
None

STAFF:
Robert A. Stalzer, Deputy County Executive
Ronald L. Mastin, Chief, Fire and Rescue Department

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ACTION - 4

Approval of a Memorandum of Understanding Between the Fairfax County Police Department and the United States Department of Justice Drug Enforcement Administration (DEA) HIDTA Task Force

ISSUE:

Board approval of a Memorandum of Understanding between the Fairfax County Police Department and the United States Department of Justice Drug Enforcement Administration (DEA) HIDTA Task Force authorizing the assignment of three detectives to the DEA HIDTA Task Force.

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 DEA HIDTA Task Force.

TIMING:

Board action is requested on February 11, 2008.

BACKGROUND:

In supporting the regional effort toward intervention and suppression of trafficking in narcotics and dangerous drugs, the Fairfax County Police Department recognizes the need to continue to be a lead agency within the Drug Enforcement Administration HIDTA Task Force. Participating in a partnership with the Task Force will allow the department to meet some fixed expenses such as rental vehicles, radios and some overtime.

Under this agreement renewal, DEA HIDTA Task Force and the Fairfax County Police will work to facilitate sharing information in an effort to suppress and disrupt drug trafficking, gather and report intelligence data relative to narcotics activities, and conduct undercover operations that are associated with the culture of illegal narcotics and drug trafficking.

The assigned Fairfax County personnel will be members of the DEA HIDTA Task Force engaged in specific, directed investigations and intelligence gathering designed to support the prosecution and disruption of narcotics crime in the Northern Virginia area.

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FISCAL IMPACT:
None

ENCLOSED:
Attachment 1: Memorandum of Understanding between Fairfax County Police Department and the Drug Enforcement Administration HIDTA Task Force (Delivered under separate cover)

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

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ACTION - 5

Adoption of a Sustainable Development Policy for County Capital Facilities Projects

ISSUE:

Approval by the Board of Supervisors of a Sustainable Development Policy that will be applicable to County capital facilities development projects.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors (Board) adopt the attached Sustainable Development Policy that will be applicable to County capital facilities development projects.

TIMING:

Approval by the Board is requested on February 11, 2008.

BACKGROUND:

In response to guidance provided by the Board, in its Cool Counties' Initiative, County staff has developed a Sustainable Development Policy to establish goals and to provide a framework for development of future Fairfax County capital projects in a manner that promotes environmental consciousness. The purpose of the Sustainable Development Policy is to demonstrate Fairfax County's commitment to environmental, economic, and social stewardship through sustainable development practices for County facilities and buildings. This Policy is intended to further the County's established goals for environmental stewardship, including the Environmental Agenda, the County Vision Element for Environmental Stewardship, the Comprehensive Plan goals for Environmental Protection and Energy Conservation, and related County policies. In keeping with these established County goals, the Policy provides a framework to preserve natural resources; to meet or exceed federal, state, and local standards for water quality, ambient air quality, and other environmental standards; to promote energy efficiency and energy conservation; and to seek ways to use all resources wisely and to protect and enhance the County's natural environment and open space. The Policy also provides a framework within which to yield cost savings to County taxpayers through reduced operating costs; to provide healthy work environments for County employees and visitors to County facilities; to protect, conserve, and enhance the region's environmental resources; and to help establish a community standard of sustainable development for Fairfax County.

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The Policy will apply to all building development projects undertaken by Fairfax County, including new construction, renovations and additions, and directs appropriate departments to incorporate the use of the Leadership in Energy and Environmental Design (LEED) rating system into the design, construction, renovation, and operations of County facilities. The Policy will not be applicable to Fairfax County Public School development projects unless separately adopted by the School Board. LEED is established as the current standard to be used by the County. The proposed Policy was presented to the Board Environmental Committee on November 26, 2007, and the Committee recommended that the Policy be brought forward to the Board for adoption.

The proposed Policy identifies the following levels of achievement:

Project Size	Sustainable Design Standard	LEED Accredited Professional	LEED Registration	Minimum Achievement Goal	Formal LEED Certification
> 10,000 SF	LEED	Yes	Yes	Silver	Yes
> 2500 SF and < 10,000 SF	LEED	Recommended	Yes	Certified	Recommended
< 2500 SF	LEED	Recommended	No	Certified	No

The proposed Policy is generally consistent with the recent Council of Governments Technical Report on Green Buildings, and includes the following provisions:

- 1) Biannual reporting to the Board on the status and progress of the Sustainable Development Program, providing a built-in mechanism for future policy refinement,
- 2) Allows an exception for projects that cannot practically meet this Policy's LEED achievement goals, due to extenuating circumstances,
- 3) Identified exceptions include single family, town house, and low-rise multi-family developments of residential use. These projects will be required to meet the ENERGY STAR qualification for homes. County staff will continue to evaluate the recently released LEED for Homes program for use on these project types,
- 4) Provides a "grandfather" provision recognizing that certain active projects may not be able to fully comply with this Policy for various reasons, including funding constraints,

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- 5) Recognizes the primary goal of the project as the scope and intent defined by the Capital Improvement Program (CIP), and acknowledges the fiscal impact to future CIP projects that will result from approval of the Policy, and
- 6) Recognizes the need for ongoing training for County project managers.

FISCAL IMPACT:

Budgets for currently active projects managed by the Department of Public Works and Environmental Services (DPWES) have been established to include the cost of LEED related design and administrative work. Budgets for future capital projects will be adjusted by approximately 2-4% to address the likely construction cost associated with consistently achieving the established levels of achievement under LEED. Based on industry experience and DPWES experience, a payback period of approximately 12 to 15 years is projected to recover the initial cost increment through life-cycle cost savings.

ENCLOSED DOCUMENTS:

Attachment 1: Sustainable Development Policy for County Capital Facilities Projects

STAFF:

Robert A. Stalzer, Deputy County Executive

Jose Comayagua, Director, Facilities Management Department

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

Timothy K. White, Acting Director, Park Authority

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

Howard J. Guba, Deputy Director, DPWES

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ACTION - 6

Approval to Extend the Interim Huntington Flood Insurance Grant Program and to Modify Income Eligibility Guidelines for the Program (Mount Vernon District)

ISSUE:

Approval is requested for a one-year extension of the interim flood insurance grant program in the Huntington community located within the Route One Rehabilitation District where as many as 160 homes were damaged by flooding in June 2006. The purpose of the program is to reimburse residents of the Huntington community, subject to a certain maximum household income level, for the cost of flood insurance through the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program, for a period of one year. Approval is also requested to change the income limit eligibility for the program. The program eligibility requirements are proposed to be amended to restrict assistance to households with incomes at or below 60% of Area Median Income (AMI), adjusted for household size.

RECOMMENDATION:

The County Executive recommends that the Board approve a one-year extension of the interim flood insurance grant program to reimburse qualified residents of the Huntington community for the cost of flood insurance, with modifications to the maximum household income to be served.

TIMING:

Board action is being requested on February 11, 2008

BACKGROUND:

On June 25 and 26, 2006, torrential rains fell on Fairfax County, particularly devastating the Huntington community, where as many as 160 homes were damaged by the flooding. Floodwaters inundated the homes in a sub-area of approximately 50 acres that is located primarily in a 100-year floodplain along the Cameron Run. Subsequent to the flooding, the Fairfax County Stormwater Planning Division of the Department of Public Works and Environmental Services (DPWES) commissioned the U.S. Army Corps of Engineers, Baltimore District, to study the flood event and to determine specific causes of the higher-than-expected flood levels experienced during the June 2006 flood event in Huntington.

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The U.S. Army Corps of Engineers' study was completed and released in January 2007. One of the recommendations of the Army Corps of Engineers' study was for property owners to obtain flood insurance as a temporary measure until more lasting solutions to the potential for more flooding could be identified and implemented. The Huntington community is located within the existing Route One Rehabilitation District, which was originally adopted in 1982 and has subsequently been amended from time to time pursuant to Virginia Code Section 36-52.3 to provide for programs administered by the Fairfax County Redevelopment and Housing Authority (FCRHA).

On February 26, 2007, the Board of Supervisors approved an interim flood insurance grant program and an ordinance establishing a sub-area of the existing Huntington Community within the Route One Rehabilitation District.

On March 8, 2007, the FCRHA approved the Interim Flood Insurance Program. The Huntington Flood Insurance Program (HFIP) target sub-area has been identified and includes that portion of the Huntington Conservation Area community that lies on the north side of Farrington Avenue, on both sides of Arlington Terrace, on both sides of Victory Drive, on both sides of Fenwick Drive, and on the north side of Huntington Avenue from 2400 through 2412 Huntington Avenue, within the Route One Rehabilitation District (See Attachment 1). Properties in that sub-area either experienced the June flooding or have been deemed susceptible to future flooding. A total of 232 residences lie within that sub-area, and consist primarily of two-story, brick duplexes built in the late 1940's. Three quarters of those residential units (174) are owner occupied, and one quarter (58) of those units are rented.

The Huntington Residents were mailed a Notice of Availability of Interim Flood Insurance Grant Program letter on April 20, 2007, via certified mail. This letter was followed up with a second mailing to all residents dated July 20, 2007, as a reminder of the availability of the program. The Huntington residents received a third mailing dated September 22, 2007, encouraging all non-responsive residents to apply for the reimbursement.

As of December 31, 2007, the HFIP provided Flood Insurance Premium reimbursements to 31 homeowners totaling \$27,239. Out of the total funds of \$350,000 originally committed to the program, there is a remaining balance of \$322,761.

This proposal, which was approved by the FCRHA on January 24, 2008, subject to the approval of the Board of Supervisors, will extend the Interim Flood Insurance Grant Program for one year and change the income limit eligibility for the Program. The Policies and Procedures will remain the same with the exception that the income limit will be lowered to 60% of Area Median Income (AMI) and will be adjusted for family size. (Current eligibility is 120% AMI of Area Median Income, not adjusted for family

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size). Of the 31 households which have applied to date, 22 households were above 60% AMI. The purpose of this program is to assist low income households in Huntington affected by the flood to pay for flood insurance premiums until more lasting solutions to the potential for flooding are identified and implemented.

The eligibility criteria for HFIP are as follows:

- The HFIP is for residential units only;
- The HFIP is for homes located in the Huntington community and within the identified flood area; (Please see attached location map.)
- The HFIP is for homeowners who occupy their residence;
- The HFIP is for homeowners who have owned their home as of January 1, 2007 or before;
- The HFIP is for renters as well, but they are eligible for content insurance only; and
- The HFIP household income will be adjusted by family size and cannot exceed 60% AMI.

The Reimbursement Criteria for the HFIP is:

- The applicant will be eligible for reimbursement of payments for flood insurance made for one year;
- The flood insurance effective date must be no earlier than January 1, 2008, and no later than December 31, 2008;
- The reimbursement amount is for the cost of flood insurance only, which is estimated to be approximately \$1,500 per year per home;
- The reimbursement will be in the form of a grant; and
- The payment for flood insurance will be paid in advance if the applicant can document hardship. This will be done on a case-by-case basis.

The Procedures for the HFIP are:

- To be eligible, homeowners and renters must apply and be qualified between March 1, 2008, and December 31, 2008;
- HCD will review the application for completeness and accuracy;
- HCD will verify income to ensure the household is income qualified;
- HCD will verify that the applicant is an owner who occupies the home or is a bona fide renter;
- HCD will prepare the Notification of Eligibility and forward it to the qualified applicants;

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- Upon receipt of a proof of payment for the flood insurance for a period of up to one year, HCD will process the grant award and reimburse the qualified applicant by check made payable to the applicant and sent by mail. (The effective date of the flood insurance must be no earlier than January 1, 2008, and no later than December 31, 2008.)

STAFF IMPACT:

None

FISCAL IMPACT:

Funding in the amount of \$350,000 was allocated in FY 2007 as part of the Fiscal Year Third Quarter Review for this program in Fund 340, Housing Assistance Program Fund, Project 014010. As of December 31, 2007, there was a balance of \$322,761.

ENCLOSED DOCUMENTS:

Attachment 1 – Location Map of the Huntington Community Sub-Area, within the Route One Rehabilitation District

STAFF:

Verdia L. Haywood, Deputy County Executive

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

John Payne, Acting Deputy Director, Real Estate & Development, HCD

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

Louise Milder, Associate Director, REFGM Division, HCD

Leslie Jones, Loan Officer, REFGM Division, HCD

Board Agenda Item
February 11, 2008



ACTION – 7

Authorization to Execute the SPH Springfield Station L.L.C. Agreement Regarding Contribution for Transportation Association of Greater Springfield (TAGS) Service (Lee District)

ISSUE:

Authorization for the Director of Transportation to execute the SPH Springfield Station L.L.C. Agreement to provide annual payments for TAGS Service.

RECOMMENDATION:

The County Executive recommends that the Board authorize the Director of Transportation to execute the SPH Springfield Station L.L.C. Agreement to provide annual payments for TAGS Service.

TIMING:

Board action is requested on February 11, 2008.

BACKGROUND:

Proffer 18 of Rezoning Case RZ 95-L-060 commits the property owner to “Work...to provide a shuttle bus service in the Springfield Business District which would provide transportation in and around Springfield to the Joseph Alexander Transportation Center. When the shuttle bus service is provided, the applicant agrees to make an annual payment which represents a pro-rata share of the overall shuttle bus service cost as it relates to the usage from the applicant’s property.” This service, designated TAGS (Transportation Association of Greater Springfield), was initiated in 1999. The agreement (Attachment I) will implement a payment mechanism to fulfill Proffer 18 by providing a steady annual payment for TAGS services provided to residents of the apartment complex and will stabilize potentially very fluid payment circumstances saving both staff and applicant’s time and expense. The applicant’s annual payment will start at \$38,185 and will be adjusted for inflation. The property owners have brought their account up to date for 2008 with the provision of 3 checks totaling \$113,371 provided to the Fairfax County Department of Transportation on January 23, 2008.

Board Agenda Item
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FISCAL IMPACT:

No additional impact. Contribution has already been accounted for in TAGS service operational costs.

ENCLOSED DOCUMENTS:

Attachment I: Agreement between Fairfax County and SPH Springfield Station L.L.C. Regarding Contribution for TAGS Service (Delivered under separate cover)

STAFF:

Robert A. Stalzer, Deputy County Executive

Katharine D. Ichter, Director, Department of Transportation

Michael A. Davis, Senior Transportation Planner, Department of Transportation

Board Agenda Item
February 11, 2008

INFORMATION - 1

Approval of a Reimbursement Agreement with Basheer/Edgemoore-Moutoux, LLC for the Wolftrap Fire Station (Dranesville District)

This Agreement with Basheer/Edgemoore-Moutoux, LLC, in the amount of \$153,000 is needed to provide construction services for the Wolftrap Fire Station. The services are required to provide the following utilities to the site for the future Wolftrap Fire Station, stormwater, sanitary sewer, and water. This work will be done simultaneously with the improvements along Beulah Road. This project is included in the FY 2008 - FY 2012 Adopted Capital Improvement Program.

Basheer/Edgemoore-Moutoux, LLC is currently developing a site across from the Wolftrap Fire Station site. Their work also includes utility work and improvements along Beulah Road.

It is proposed that the County enter into this contractual agreement to minimize cost and complications due to multiple general construction contractors. In addition, this agreement will help to reduce disruptions to traffic on Beulah Road.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to execute the Reimbursement Agreement with Basheer/Edgemoore-Moutoux, LLC in the amount of \$153,000.

FISCAL IMPACT:

Funding is available in the amount of \$153,000, in Project 009489, Road Improvements- Wolftrap Fire Station, in Fund 303, County Construction to award this Reimbursement Agreement.

ENCLOSED DOCUMENTS:

Attachment 1 – Exhibit C – 1 of 3, 2 of 3, and 3 of 3

(Copy of proposed Reimbursement Agreement is available in the Office of the Clerk to the Board)

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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Board Agenda Item
February 11, 2008

INFORMATION - 2

Contract Award – McLean Streetscape Demonstration Project Phase II (Dranesville District)

Ten sealed bids were received and opened on Tuesday, November 27, 2007, for the construction of McLean Streetscape Demonstration Project Phase II, Project No. 008912, Fund 315, Commercial Revitalization Program. This project provides for construction of paver sidewalk, paver median, curb and gutter, landscaping, pavement marking, and other related items. This project is included in the FY 2008 - FY 2012 Adopted Capital Improvement Program.

The lowest responsive and responsible bidder is Tessa Construction & Tech Company, LLC. The bid of \$388,727 is \$43,596.50 or 12.6% higher than the Engineer's Estimate of \$345,130.50. The second lowest bid of \$394,479 is \$5,752 or 1.5% above the low bid. The highest bid of \$725,251.45 is \$336,524.45 or 86.6% above the low bid.

It is noted that the apparent low bidder, Sagres Construction Corporation, was determined to be a non-responsible bidder for this contract as it did not meet the Fairfax County Construction Safety Resolution requirements; and its bid was therefore rejected. The second bidder, Tessa Construction & Tech Company, LLC was then determined to be the lowest responsive and responsible bidder.

The Department of Public Works and Environmental Services has analyzed the bids received on the referenced project. The items that varied the most with the Engineer's Estimate were asphalt items. Given the rising cost of petroleum, the bid prices for these asphalt items are acceptable. No other items varied significantly from the Engineer's Estimate.

The final construction contract award is contingent upon Virginia Department of Transportation approval of the bid results, which is anticipated shortly.

Tessa Construction & Tech Company, LLC has satisfactorily completed several County projects and is considered a responsible contractor. The Department of Tax Administration has verified that Tessa Construction & Tech Company, LLC has the appropriate Fairfax County Business, Professional and Occupational License.

This bid may be withdrawn after March 25, 2008.

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Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to Tessa Construction & Tech Company, LLC in the amount of \$388,727 upon VDOT approval of bid results.

FISCAL IMPACT:

Funding in the amount of \$547,036.00 is necessary to award this contract and to fund the associated contingency and other project costs including contract administration and inspection. Funds are currently appropriated in Project 008912, McLean Streetscape, Fund 315, Commercial Revitalization Program, in the amount of \$3,144,835.87. In addition to funding associated with this contract award, the project includes funding for other streetscape and revitalization improvements in the McLean area. Therefore, the balance of funds will be retained in the project for future improvements.

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

Board Agenda Item
February 11, 2008

INFORMATION - 3

Design and Construction Administration Services for the Rehabilitation of the Noman M. Cole, Jr. Pollution Control Plant Tertiary Clarifier Facilities (Mount Vernon District)

Engineering design and construction administration services are needed for the Noman M. Cole, Jr. Pollution Control Plant (NMCPCP) Tertiary Clarifier Facilities Rehabilitation Project, Project X00911, NMCPCP – Plant Renovations, Fund 408, Sewer Bond Construction. The Tertiary Clarifier Facilities include four concrete tanks, underground galleries, two sampling stations, small control building, and numerous equipment. This project is included in the FY 2008 - FY 2012 Adopted Capital Improvement Program.

The Tertiary Clarifier Facilities were last rehabilitated in 1995. Most of the existing equipment has reached the end of its useful life. Due to the age of the equipment, maintenance and repairs have become frequent. The rehabilitation effort is necessary to ensure the reliability of the Tertiary Clarifier Facilities. This project includes replacement of the existing pumps, instrumentation and controls, heating and ventilation of the underground galleries, lighting, safety improvements, repair of the four concrete tanks, and renovation of the control building.

In accordance with the Fairfax County Purchasing Resolution, the engineering firm of Parsons Water and Infrastructure (Parsons) was selected based on the firm's technical expertise and relevant experience in wastewater treatment design and technology for the Tertiary Clarifier Facilities Rehabilitation project. The Department of Tax Administration has verified that Parsons has the appropriate Fairfax County Business, Professional and Occupational License.

Parsons will provide the engineering services required to prepare the construction documents, including facilities evaluation, preliminary design, final design, construction specifications, and bid assistance. Parsons will also assist the County by providing construction administration services during construction.

The engineering design services and the construction administration services contract amount is \$3,250,000.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to Parsons in the amount of \$3,250,000.

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FISCAL IMPACT:

Funding in the amount of \$3,250,000 is necessary to award this contract and to fund the associated contingency and other project costs. Funding in the amount of \$14,500,000 is allocated in Project X00911, NMCPCP - Plant Renovations, Fund 408, Sewer Bond Construction, to award this contract and to fund the associated contingency and other project costs.

ENCLOSED DOCUMENTS:

Attachment 1 – List of Awardee and Other Firms Interviewed
(Copy of contract is available in the Office of the Clerk to the Board)

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

Planning Commission Action on Special 2008 Area Plans Review for Areas Impacted By Fort Belvoir Base Realignment and Closure (BRAC) Activities

On January 24, 2008, the Planning Commission reviewed and voted to support the recommendations of its Fort Belvoir/BRAC Committee regarding the timing and substance of a special Area Plans Review (APR) cycle. The purpose of this special BRAC APR cycle is to examine whether Comprehensive Plan amendments are needed in response to the anticipated relocation of 14,000 to 20,000 Department of Defense jobs to Fort Belvoir by September 15, 2011. This relocation of thousands of jobs to Fort Belvoir will affect the region, and especially the southeastern portion of the County, when considering the demand for new off-base jobs and residences.

The Planning Commission has designated properties within proximity of Fort Belvoir as appropriate for review. These properties are located within the following areas:

- Springfield, Kingstowne and Richmond Highway Community Business Centers;
- Franconia-Springfield and Huntington Transit Station Areas;
- I-95 Industrial Area;
- Lorton–South Route 1 Suburban Center; and
- Accotink Village.

More detail about the location of eligible properties is provided in the Guide to the 2008 BRAC Area Plans Review, shown in Attachment 1.

The BRAC APR is based on the long-standing process for public review of the Comprehensive Plan to ensure it continues to reflect the current needs of the community. Changes have been incorporated into the BRAC APR process based on the special characteristics of this review and interviews conducted after the conclusion of the last North and South County Area Plan Review cycles. These include:

- New outreach and Comprehensive Planning education efforts;
- Requiring additional nomination specificity and justification to improve the ability to analyze individual proposals; and
- Establishing a screening process to allow the Planning Commission to determine whether the nominations meet guideline criteria for a Plan change, as outlined in the attached Guide. The Planning Commission will have the option to accept, eliminate or defer nominations for further study based on this review. This process is similar to one used in the 1980's.

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To foster coordination of planning efforts in the BRAC-designated area, the Planning Commission invites the Lee, Mount Vernon and Springfield District Supervisors to each identify up to five persons to serve on a joint task force. Additionally, the Planning Commission invites the Chairman of the Board of Supervisors to identify up to three at-large members of the task force. With a total of 18 members, it is anticipated that this BRAC task force will be able to work expeditiously to review the nominations, maintain the established timetable, and make recommendations to the Planning Commission as part of the public hearing process. If the nominations are supported by the Planning Commission, they will be forwarded to the Board of Supervisors for consideration. Time is critical if decisions about development are to be made to coincide with the planned 2011 relocation.

Unless otherwise directed by the Board, the Planning Commission staff will contact the Lee, Mount Vernon and Springfield District Supervisors and the Chairman of the Board of Supervisors to request task force nominees.

ENCLOSED DOCUMENTS:

Attachment 1: Guide to the 2008 BRAC Area Plans Review (Delivered under separate cover)
Attachment 2: Planning Commission verbatim excerpts from January 24, 2008 (Delivered under separate cover)

STAFF:

Robert A. Stalzer, Deputy County Executive
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
Lindsay Mason, Planner III, Policy and Plan Development Branch, PD, DPZ
Barbara J. Lippa, Executive Director, Planning Commission Office

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10:45 a.m.

Matters Presented by Board Members

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11:35 a.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).
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- 1. *BearingPoint, Inc. v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2007-00015670 (Fx. Co. Cir. Ct.) (Providence and Lee Districts)
 - 2. *Augusta E. Jackson v. Fairfax County Government*, Case No. 1:07-cv-850 LMB/TRJ (E.D. Va.)
 - 3. *Eileen M. McLane, Fairfax County Zoning Administrator v. Angela Rivas*, Case No. CL-2007-0008621 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
 - 4. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Greenwood Homeowners Association*, Case No. CL-2008-0000219 (Fx. Co. Cir. Ct.) (Lee District)
 - 5. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Deutsche Bank National Trust Company, Trustee*, Case No. CL-2007-0013317 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 - 6. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose A. Rodriguez and Doris Garcia Cordova*, Case No. CL-2007-0012673 (Fx. Co. Cir. Ct.) (Lee District)

7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Duane L. Hecox, Carolyn Day Hecox, and Wallace E. Day, Jr.*, Case No. CL-2008-0001326 (Fx. Co. Cir. Ct.) (Springfield District)
8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Monica Peredo, Roxana Tania Peredo, and Alicia Linares*, Case No. CL-2008-0000617 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)

Board Agenda Item
February 11, 2008

3:30 p.m.

Public Hearing on PCA 82-P-069-18 (Fair Lakes Center Associates L.P.) to Amend the Proffers for RZ 82-P-069 Previously Approved for Mixed Use Development to Permit an Increase in Permitted Office and Retail Uses and Site Modifications with an Overall Floor Area Ratio of Approximately 0.64, Located on Approximately 13.96 Acres Zoned PDC and WS, Springfield District

and

Public Hearing on CDPA 82-P-069-05-01 (Fair Lakes Center Associates L.P.) to Amend the 5th Conceptual Development Plan for RZ 82-P-069 Previously Approved for Mixed Use Development to Permit an Increase in Permitted Office and Retail Uses and Site Modifications, Located on Approximately 13.96 Acres Zoned PDC and WS, Springfield District

The application property is located on the S. side of Fair Lakes Pkwy. approx. 500 ft. W. of Fair Lakes Cr. Tax Map 55-2 ((4)) 12, 16, 19 and 26A

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing will be held on February 7, 2008, and the Commission's recommendation will be forwarded to the Board of Supervisors subsequent to that date.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, 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
February 11, 2008

3:30 p.m.

Public Hearing on SE 2007-SU-007 (Commerce Bank, N.A.) to Permit a Drive-In Bank in a Highway Corridor Overlay District and Waiver of the Minimum Lot Size Requirements, Located on Approximately 38,399 Square Feet Zoned C-8, I-3, HC and WS, Sully District

The application property is located at 13921 Lee Jackson Memorial Highway, Tax Map 34-4 ((1)) 53A.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, November 28, 2007, the Planning Commission unanimously voted (Commissioner Hart recusing; Commissioners Hopkins, Murphy, and Sargeant absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2007-SU-007, subject to Development Conditions consistent with those dated November 26, 2007;
- Waiver of the loading space requirement; and
- Waiver of a portion of the service drive along Route 50 in favor of that shown on the SE Plat.

The Planning Commission voted 5-0-3 (Commissioners Flanagan, Hall, and Harsel abstaining; Commissioner Hart recusing; Commissioners Hopkins, Murphy, and Sargeant absent from the meeting) to recommend that the Board of Supervisors waive the on-road bicycle lane requirement on Route 50.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Tracy Strunk, Senior Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item
February 11, 2008

3:30 p.m.

Public Hearing on SEA 84-V-035 (Huntwood, L.L.C.) to Amend SE 84-V-035 Previously Approved for an Increase in Building Height and Uses in a Floodplain to Permit a Drive-in Bank, Uses in a Floodplain, Increase in Land Area, Increase in Maximum Floor Area Ratio, Waivers and Modifications in a Commercial Revitalization District and Associated Modifications to Site Design, Located on Approximately 4.67 Acres Zoned C-8, CRD and HC, Mount Vernon District

The Planning Commission deferred this application until April 9, 2008; therefore, the Board of Supervisors public hearing is deferred to April 28, 2008, at 4:00 p.m.

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Board Agenda Item
February 11, 2008

4:00 p.m.

Public Hearing Regarding the Land Exchange Between the City of Fairfax and the Board of Supervisors for the Relocation of the Fairfax City Regional Library (Providence District)

ISSUE:

Public Hearing regarding the Land Exchange between the City of Fairfax and the Board of Supervisors for the Relocation of the Fairfax City Regional Library.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the attached Resolution to approve the land exchange between the City of Fairfax and the Board of Supervisors.

TIMING:

On January 28, 2007, the Board of Supervisors authorized the advertisement of a public hearing to be held on February 11, 2007, at 4:00 p.m.

BACKGROUND:

In September 1999, the City of Fairfax proposed that the County allow the City to execute renovations to the Fairfax City Regional Library (the "Old Library"), located at 3915 Chain Bridge Road, Fairfax, in conjunction with the redevelopment of the downtown area. The Old Library and the land upon which it is located are identified as Tax Map No. 57-2-02-166 and are within the City Limits, but are owned by the County.

The City proposed to apply their payment for library services as charged under the 1978 General Services Agreement ("GSA") between the County and the City to defray the cost of the renovations and improvements. The Board of Supervisors agreed in principle to the request contingent on successful renegotiation of the 1978 GSA and the final scope of the proposed construction project. The new GSA was approved by the City and Board in November 2003. Among other things, the 2003 GSA provides that the City shall pay to the County a share of the non-capital costs and expenses of operating the library system in the proportion that the population of the City bears to the combined population of the City and the County (the "City's Payment").

During the course of negotiations for a preliminary agreement concerning the Library, called the Project Development Agreement ("PDA"), the City decided that it preferred that the PDA provide for a new library on City-owned Land (the "New Library") on a parcel identified as Tax Map No.57-2-20-003, in exchange for the Old Library and associated

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February 11, 2008

land plus the ability to apply the City's Payment to the construction cost of the New library instead of to the renovation of the Old Library. In order to facilitate a mutually desirable agreement either for renovation of the Old Library or for development of the New Library, the PDA was negotiated by City and County staff to define certain understandings, commitments, and responsibilities of the parties with respect to the development project. The PDA was approved by the Board of Supervisors on June 7, 2004.

The Regional Library Final Agreement between the City and the County was approved on June 6, 2005, and called for the construction of a new library at 10360 North Street with 45,000 square feet and 200 parking spaces. The New Library is located just two blocks away from the location of the Old Library. The North Street property will be conveyed to the County in exchange for the Old Library property. The appraised land value is \$2.5 million for each of the parcels based on the highest and best use. No value is associated with property improvements as the improvements regarding the Old Library will be demolished and therefore deemed to add no value.

Within fifteen days after the New Library is fully complete, the City will be expected to transfer to the County ownership of the North Street Property, including all land and the New Library and the County shall simultaneously transfer ownership to the City of the Old Library property. No transfer of funds will be required to execute this land swap.

FISCAL IMPACT:

Based on independent appraisals of the involved properties by the City and the County, the land values of the two properties have been determined to be equivalent. Therefore, no transfer of funds is required to execute the land exchange.

ENCLOSED DOCUMENTS:

Attachment A – Resolution
Attachment B – Regional Library Final Agreement
Attachment C – Location Map

STAFF:

Edwin S. Clay III, Director, Library Administration
Jose Comayagua, Director, Facilities Management Department
Jimmie Jenkins, Director, Department of Public Works and Environmental Services

Board Agenda Item
February 11, 2008



4:00 p.m.

Public Hearing on a Proposed Zoning Ordinance Amendment Re: Solid Waste and Recycling Facility Definitions

ISSUE:

Proposed Zoning Ordinance amendment to revise definitions regarding solid waste and recycling facilities in accordance with the recent recodification of Chapter 109 (Solid Waste) to Chapter 109.1 (Solid Waste Management) of the County Code.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing will be held on February 7, 2008. The Commission's recommendation will be forwarded to the Board of Supervisors subsequent to that date.

RECOMMENDATION:

The County Executive recommendation will be forwarded to the Board prior to the Board's public hearing.

TIMING:

Board of Supervisors authorization to advertise on November 19, 2007; Planning Commission public hearing cancelled on January 17, 2008, and rescheduled for a Planning Commission public hearing on February 7, 2008, at 8:15 p.m.; Board of Supervisors' public hearing on February 11, 2008 at 4:00 p.m.

BACKGROUND:

The proposed amendment is on the 2007 Priority 1 Zoning Ordinance Amendment Work Program and updates the Zoning Ordinance definitions regarding solid waste and recycling facilities in accordance with the recent recodification of Chapter 109 to Chapter 109.1 of the County Code. Specifically, the proposed amendment 1) replaces the reference to Chapter 109 in the landfill definition with a reference to Chapter 109.1; 2) clarifies that a mixed waste reclamation facility does not include a recycling center; 3) revises the recycling center definition to clarify that the term includes what is commonly known in the industry as a materials recovery facility (MRF) or "clean" MRF; and 4) replaces the definition of solid waste in the Zoning Ordinance with a reference to the solid waste definition contained in Chapter 109.1. A more detailed discussion of the proposed amendment is set forth in the attached Staff Report.

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REGULATORY IMPACT:

The proposed amendment enhances existing regulations by aligning terminology related to solid waste and recycling facilities in the Zoning Ordinance with terminology used in Chapter 109.1. The proposed amendment is editorial in nature and does not alter where or how these uses are permitted.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Staff Report

STAFF:

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

Eileen M. McLane, Zoning Administrator, DPZ

Lorrie Kirst, Deputy Zoning Administrator for Ordinance Administration Branch, DPZ