

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
FEBRUARY 25, 2008**

AGENDA

- | | | |
|-------|----------------|---|
| 9:30 | Done | Presentations |
| 10:00 | Done | Presentation of the Proposed FY 2009 Budget by the County Executive |
| 11:00 | Adopted | Report on General Assembly Activities |
| 11:15 | Done | Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups |
| 11:15 | Done | Items Presented by the County Executive |

**ADMINISTRATIVE
ITEMS**

- | | | |
|---|-----------------|--|
| 1 | Approved | Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance Amendment Re: Regional Non-Rail Transit Facilities |
| 2 | Approved | Extension of Review Periods for 2232 Review Applications (Providence and Mount Vernon Districts) |
| 3 | Approved | Authorization to Advertise Proposed Amendments to the Public Facilities Manual (PFM) and Chapters 101 (Subdivision Ordinance) and 112 (Zoning Ordinance) of <i>The Code of the County of Fairfax, Virginia</i> RE: Trash and Recycling, High Density Polyethylene Pipe, Inspection Requirements for Storm Drain Pipe, Shared Utility Easements, Service Drives, and Editorial Changes to the PFM |
| 4 | Approved | Streets into the Secondary System (Providence, Lee, and Hunter Mill Districts) |
| 5 | Approved | Authorization to Advertise a Public Hearing on a Proposal to Vacate and Abandon a Portion of Potomac Avenue (Route 1501) (Mount Vernon District) |
| 6 | Approved | Installation of "No Parking" Signs on the North Side of Mathy Drive from Persimmon Circle to the City of Fairfax Line (Providence District) |
| 7 | Approved | Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance to Establish the Herndon-Monroe Temporary Residential Permit Parking District, District T-HM (Hunter Mill District) |

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
FEBRUARY 25, 2008**

**ADMINISTRATIVE
ITEMS (CONTINUED)**

- | | | |
|----|-----------------|--|
| 8 | Approved | Authorization to Advertise a Public Hearing to Consider an Ordinance Amending County Code Relating to Election Precincts |
| 9 | Approved | Supplemental Appropriation Resolution AS 08101 for the Fairfax County Economic Development Authority to Accept Grant Funding from the Commonwealth of Virginia – Governor’s Opportunity Fund for the Volkswagen of America Corporation |
| 10 | Approved | Authorization to Advertise a Public Hearing for a Sewer Ordinance Amendment to Revise the Sewer Service Charges and the Availability Fees |

ACTION ITEMS

- | | | |
|---|----------------------------------|---|
| 1 | Approved | Authorization to Reallocate and Disburse Funds from The Penny For Affordable Housing Fund, for the Acquisition and Preservation of Units at East Market by the Fairfax County Redevelopment and Housing Authority (Springfield District) |
| 2 | Approved | Authorization to Reallocate and Disburse Funds from The Penny For Affordable Housing Fund, for the Acquisition and Preservation of Units at Halstead by the Fairfax County Redevelopment and Housing Authority (Providence District) |
| 3 | Approved | Authorization to Reallocate and Disburse Funds from The Penny For Affordable Housing Fund for the Acquisition and Preservation of Units at Stockwell Manor by the Fairfax County Redevelopment and Housing Authority (Dranesville District) |
| 4 | Approved | Authorization to Reallocate and Disburse Funds from The Penny For Affordable Housing Fund, for the Acquisition and Preservation of Units at Northampton by the Fairfax County Redevelopment and Housing Authority (Lee District) |
| 5 | Approved
w/amendments | Changes to the Fairfax County Supplier Diversity Program |
| 6 | Approved | Approval of Final Community Improvement Program Assessments for Fairdale (Mason District) |

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
FEBRUARY 25, 2008**

**ACTION ITEMS
(CONTINUED)**

- | | | |
|---|----------------------------------|---|
| 7 | Approved | Approval of Bus Service Plan to Transition Non-Regional Metrobus Route 2W, Line 12 Routes and Line 20 Routes to the Fairfax Connector (Braddock, Dranesville, Hunter Mill, Springfield and Sully Districts) |
| 8 | Approved
w/amendments | Approval of Strategies to Maintain Behavioral Healthcare and Other Programs of the Center for Multicultural Human Services (CMHS) |
| 9 | Withdrawn | Comments on Draft Air Permit for Virginia City Hybrid Energy Center to the Virginia Department of Environmental Quality |

INFORMATION ITEMS

- | | | |
|-------|--------------|--|
| 1 | Noted | Contract Award - Gunston Commons and Wellington 1 Sewage Pumping Station Renovations (Mount Vernon District) |
| 11:45 | Done | Matters Presented by Board Members |
| 12:35 | Done | Closed Session |

PUBLIC HEARINGS

- | | | |
|------|-----------------|---|
| 3:30 | Approved | Public Hearing on SE 2007-MA-013 (PNC Bank, N.A.) (Mason District) |
| 3:30 | Approved | Public Hearing on SEA 97-M-024 (PNC Bank, N.A.) (Mason District) |
| 3:30 | Approved | Public Hearing on SE 2007-SU-012 (Patrice E. McGinn) (Sully District) |
| 3:30 | Approved | Public Hearing on SEA 81-S-053 (Virginia Electric & Power Company) (Springfield District) |
| 3:30 | Approved | Public Hearing to Consider Adoption of an Amendment to Section 3-6-3 of the Fairfax County Code, Relating to the Control of the County Deferred Compensation Plan |
| 3:30 | Approved | Public Hearing to Consider an Ordinance to Approve a Joint Exercise of Powers Agreement that Proposes to Create a Trust Fund to Provide for the Costs of Post-Employment Benefits Other than Pensions |

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
FEBRUARY 25, 2008**

**PUBLIC HEARINGS
(CONTINUED)**

4:00	Approved	Public Hearing on Proposed Policy Plan Amendment S07-CW-4CP on Stream Protection
4:00	Public hearing deferred to 4/28/08 at 5:00 p.m.	Public Hearing on a Proposal to Abandon Part of the Right-of-Way of Poplar Tree Road (Sully District)
4:00	Public hearing deferred to 3/31/08 at 3:00 p.m.	Public Hearing on a Proposal to Abandon Part of the Right-of-Way of Peniwill Drive (Mount Vernon District)
4:00	Approved	Public Hearing to Establish the White Oaks Community Parking District (Springfield District)
4:30	Approved	Public Hearing to Establish the Pinewood Greens Community Parking District (Providence District)
4:30	Approved	Public Hearing to Expand the Orange Hunt Community Parking District (Springfield District)
5:00	Held	Public Comment from Fairfax County Citizens and Businesses on Issues of Concern



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Monday
February 25, 2008

9:30 a.m.

PRESENTATIONS

1. CERTIFICATE – To recognize Lindsey Butler and Meg Thaxton for their notable athletic accomplishments. Requested by Supervisor Bulova.
2. PROCLAMATION – To designate March 2008 as Alternative Dispute Resolution Month in Fairfax County. Requested by Chairman Connolly.
3. CERTIFICATE – To recognize Dr. Roosevelt Calbert for his leadership and service in minority achievement. Requested by Supervisor Hudgins.
4. CERTIFICATE – To recognize Shin Nan Goto and Aki Goto for their charitable work in the community. Requested by Supervisor Bulova.

STAFF:

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

THIS PAGE INTENTIONALLY LEFT BLANK

Board Agenda Item
February 25, 2008

10:00 a.m.

Presentation of the Proposed FY 2009 Budget by the County Executive

ENCLOSED DOCUMENTS:

None. Report delivered under separate cover.

PRESENTED BY:

Anthony H. Griffin, County Executive

THIS PAGE INTENTIONALLY LEFT BLANK

Board Agenda Item
February 25, 2008

11:00 a.m.

Report on General Assembly Activities

ENCLOSED DOCUMENTS:

None. Materials to be distributed to the Board of Supervisors on February 25, 2008

PRESENTED BY:

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

THIS PAGE INTENTIONALLY LEFT BLANK

Board Agenda Item
February 25, 2008

11:15 a.m.

Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups

ENCLOSED DOCUMENTS:

Appointments to be Heard February 25, 2008

STAFF:

Nancy Vehrs, Clerk to the Board of Supervisors

THIS PAGE INTENTIONALLY LEFT BLANK

Board Agenda Item
February 25, 2008

11:15 a.m.

Items Presented by the County Executive

THIS PAGE INTENTIONALLY LEFT BLANK

Board Agenda Item
February 25, 2008



ADMINISTRATIVE - 1

Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance
Amendment Re: Regional Non-Rail Transit Facilities

ISSUE:

Proposed Zoning Ordinance amendment to revise the Washington Metropolitan Area Transit Authority (WMATA) non-rail transit facilities definition to reflect the more generic term of “regional non-rail transit facilities” and replace all references to “WMATA non-rail transit facilities” with references to “regional non-rail transit facilities”.

RECOMMENDATION:

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

TIMING:

Board action is requested on February 25, 2008, to provide sufficient time to advertise the proposed Planning Commission public hearing on March 19, 2008, at 8:15 p.m. and proposed Board of Supervisors’ public hearing on April 28, 2008, at 4:00 p.m.

BACKGROUND:

The proposed amendment is on the 2007 Priority 1 Zoning Ordinance Amendment Work Program and would treat all regional non-rail transit facilities in a similar fashion, including but not limited to, facilities owned and/or operated by the Washington Metropolitan Area Transit Authority (WMATA), such as metrobus. The proposed amendment revises the current Zoning Ordinance definition of “WMATA non-rail transit facilities” to reflect the more generic and inclusive term of “regional non-rail transit facilities” and also replaces all references to “WMATA non-rail transit facilities” with references to “regional non-rail facilities” throughout the Zoning Ordinance. This amendment does not alter where or how a WMATA non-rail transit facility is permitted, but would regulate another regional non-rail transit facility, which may in the future serve the Washington area, in a similar fashion as a WMATA non-rail facility, given that all such uses have similar impacts on adjacent properties. A more detailed discussion of the proposed amendment is set forth in the Staff Report contained in Attachment 2.

REGULATORY IMPACT:

The proposed amendment would result in similar treatment of all regional non-rail transit facility systems, including any private non-rail transit facilities.

Board Agenda Item
February 25, 2008

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 – Resolution
Attachment 2 – Staff Report

STAFF:
Robert A. Stalzer, Deputy County Executive
James P. Zook, Director, Department of Planning and Zoning (DPZ)
Eileen M. McLane, Zoning Administrator, DPZ
Lorrie Kirst, Deputy Zoning Administrator for Amendments, DPZ

Board Agenda Item
February 25, 2008

ADMINISTRATIVE – 2

Extension of Review Periods for 2232 Review Applications (Providence and Mount Vernon Districts)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board extend the review periods for application FS-P07-65 to April 26, 2008, and for application FS-V07-63 to April 28, 2008.

TIMING:

Board action is required on February 25, 2008, to extend the review periods of the applications noted above before their expirations.

BACKGROUND:

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

The Board should extend the review periods for applications FS-V07-63 and FS-P07-65, which were accepted for review by the Department of Planning and Zoning on November 28, 2007, and November 30, 2007, respectively:

FS-V07-63	Verizon Wireless
	Antenna colocation on existing tower
	9128 Belvoir Court
	Mount Vernon District

Board Agenda Item
February 25, 2008

FS-P07-65 T-Mobile Northeast LLC
Rooftop antennas
2071 Chain Bridge Road
Providence District

These applications are for telecommunications facilities. Therefore, in accordance with State Code requirements, the Board may extend the time required for the Planning Commission to act on these applications by no more than sixty additional days. The need for the full time of these extensions 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

Board Agenda Item
February 25, 2008



ADMINISTRATIVE - 3

Authorization to Advertise Proposed Amendments to the Public Facilities Manual (PFM) and Chapters 101 (Subdivision Ordinance) and 112 (Zoning Ordinance) of *The Code of the County of Fairfax, Virginia* RE: Trash and Recycling, High Density Polyethylene Pipe, Inspection Requirements for Storm Drain Pipe, Shared Utility Easements, Service Drives, and Editorial Changes to the PFM

ISSUE:

Board authorization to advertise public hearings on proposed amendments to the Public Facilities Manual (PFM) and Chapters 101 (Subdivision Ordinance) and 112 (Zoning Ordinance) of *The Code of the County of Fairfax, Virginia*. The proposed amendments address issues related to trash and recycling, high density polyethylene pipe (HDPE), inspection requirements for storm drain pipe, shared utility easements, service drives, and editorial changes to the PFM.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of the proposed amendments to the PFM, Subdivision Ordinance, and Zoning Ordinance as set forth in the staff report dated February 25, 2008, by adopting the resolution in Attachment 2. The proposed amendments have been prepared by DPWES Land Development Services and coordinated with the DPWES Division of Solid Waste Collection and Recycling, the Department of Planning and Zoning, and the Office of the County Attorney. In addition, the proposed PFM amendments have been recommended for approval by the Engineering Standards Review Committee (ESRC).

TIMING:

The Board is requested to take action on February 25, 2008, to provide sufficient time to advertise public hearings on March 26, 2008, before the Planning Commission and on April 28, 2008, at 4:00 p.m. before the Board.

BACKGROUND:

Trash and Recycling:

On July 10, 2006, the Fairfax County Board of Supervisors approved revisions to Chapter 109.1 (Solid Waste Management) of the County Code to expand the County's recycling program. The changes impact all residential and non-residential properties in

Board Agenda Item
February 25, 2008

Fairfax County. These changes are essential to help the County increase recycling of valuable commodities and preserve capacity in the County's waste disposal system.

The major change effected by the revisions to Chapter 109.1 is the requirement for all multi-family and non-residential properties to recycle mixed paper and cardboard. Chapter 109.1 also requires recycling of cans and bottles in addition to mixed paper and cardboard in all multi-family properties built on or after July 1, 2007. Pursuant to the changes to Chapter 109.1, new construction of either type of property must be designed to provide areas for the collection and storage of these materials either on the site or within the proposed building prior to final site plan approval.

The proposed amendment updates § 17-106 (Required Information on Site Plans) of Article 17 (Site Plans) of the Zoning Ordinance and re-codifies §§ 10-0300 (Solid Waste) and 10-0400 (Recycling) of the PFM to align them with the adopted changes to Chapter 109.1. The proposed amendment to the PFM incorporates standards related to sizing the proposed trash and recycling storage containers (e.g. dumpsters, bins, interior storage rooms, etc.) and locating them on the site plan to avoid possible conflicts with open space areas, tree save areas, and floodplain and RPA areas. In addition, the proposed PFM amendment incorporates standards related to providing adequate access to collection and storage areas for collection vehicles, public health inspectors, and building tenants.

Pursuant to the changes to Chapter 109.1, designers must ensure that site plans submitted after July 10, 2007, provide adequate facilities for the collection and storage of trash and recycling. The Division of Solid Waste and Recycling has developed a standardized worksheet to assist designers in sizing the proposed trash and recycling storage areas to ensure that site plans are designed to comply with the requirements of Chapter 109.1. This can be accomplished, in most cases, by providing a separate area adjacent to the proposed trash facility to handle the recyclables generated by the property.

Oftentimes, site plans for non-residential and residential properties are designed using dumpsters for the collection and storage of trash and recyclable materials. The proposed amendment to the PFM includes Plate #33-10 (33M-10) which depicts a typical dumpster pad for the collection and storage of trash and recyclable materials. The proposed detail accommodates side by side dumpsters, one dumpster for trash and the other dumpster for recycling, and provides sufficient clearances for vehicular access and clearance around the dumpsters. The proposed dumpster pad detail will assist designers in preparing a site plan that complies with the changes to Chapter 109.1 of the County Code. The proposed detail can be modified to accommodate additional dumpsters, containers, and/or storage areas for cardboard bales and pallets as needed.

Board Agenda Item
February 25, 2008

High Density Polyethylene (HDPE) Pipe and Inspection Requirements for Storm Drain Pipe:

At the January 9, 2003, public hearing, the Board adopted amendments to the PFM to permit the use of HDPE storm drain pipe for residential driveway entrances, temporary installations, privately maintained storm drainage systems for commercial and industrial developments, and where allowed in the right-of-way by the Virginia Department of Transportation (VDOT). At that time, the Board requested that staff evaluate a possible expansion of the use of HDPE storm drain pipe to permit it to be used in residential developments and county storm drain easements based on experience with its installation in commercial and industrial developments and in the VDOT right-of-way. The Board also requested that staff and the ESRC further evaluate construction and inspection requirements for HDPE storm drain pipe.

The proposed amendments are the result of two years of work by staff and the ESRC in tracking HDPE installations and evaluating American Society of Testing and Materials (ASTM) standards, American Association of State Highway and Transportation Officials (AASHTO) standards, VDOT standards, and manufacturers' recommendations for HDPE storm drain pipe. During the discussion of inspection and testing requirements for HDPE storm drain pipe, the ESRC determined that it was appropriate to revise the inspection and testing requirements for other types of storm drain pipe as well.

In addition to the previously approved uses in commercial and industrial developments and in the VDOT right-of-way, the proposed amendments provide for the use of smooth wall HDPE storm drain pipe with watertight connections (pipe joints and manhole connections) in sizes up to 48 inches diameter in residential developments and County storm drain easements. Material and installation requirements for HDPE storm drain pipe are provided. Inspection and testing requirements for all types of storm drain pipe are included in the proposed amendments. The inspection and testing requirements are necessary to insure proper installation of storm drain pipe which is critical to long term performance.

Shared Utility Easements:

At the July 1, 2004, public hearing, the Board adopted amendments to Chapter 101 (Subdivision Ordinance) of the *Code of the County of Fairfax, Virginia* related to shared utility easements. The amendments implemented changes to § 15.2-2241(6) of the *Code of Virginia* mandating that local subdivision ordinances include provisions for the conveyance of shared utility easements to franchised cable television operators furnishing cable televisions and public service corporations furnishing cable television, telephone, and electric service to proposed subdivisions. In addition, the State mandated that the shared easements be conveyed by reference on the final plat to a declaration of the terms and conditions of such easements and recorded in local land

Board Agenda Item
February 25, 2008

records. Previously, shared utility easements were an optional provision of local subdivision ordinances.

A shared utility easement is an easement that is granted by the developer (property owners) to participating utilities for the installation and maintenance of their facilities in accordance with a set of terms and conditions as agreed upon by all parties, and recorded in the land records. The declaration of terms and conditions is commonly referred to as an easement agreement. Typically, easement agreements include restrictions placed on the developer (property owner) for placing any structures or trees within the easement which may interfere with the construction or maintenance of the utilities installed in the shared easement. In instances where shared utility easements are fully utilized, the possible benefits include minimizing the disturbed area for utility construction which may, in turn, result in additional tree save areas and cost savings for the private utility company. Recommendation #11 of the "Tree Action Plan" supports optimizing tree preservation in the siting and construction of utility lines by co-locating utilities in easements. The "Tree Action Plan" (Endorsed by the Board in January 2007) is a 20-year strategic plan to conserve and manage Fairfax County's tree resources.

The proposed amendments implement further changes to § 15.2-2241(6) of the *Code of Virginia* found in Chapter 670 of the 2006 Virginia Acts of Assembly (attached) regarding shared utility easements. Effective, July 1, 2007, the changes to § 15.2-2241(6) mandate that local subdivision ordinances can no longer require that shared utility easements be conveyed by reference on the final subdivision plat to an easement agreement recorded in County land records. However, the changes do require that once the first electric, cable, or telephone easement has been granted, developers must grant a coextensive easement to any of the other service providers requesting an easement unless an alternative location is mutually agreed upon.

The proposed amendments include revising Chapter 101 to eliminate the requirement that shared utility easements be conveyed by reference on the final subdivision plat to an easement agreement recorded in the land records of the County. In addition, the current requirements for developers to notify the participating utility company that a construction plan or a final subdivision plat depicting a shared utility easement has been submitted to the County and its associated 30-day comment period have been eliminated.

The proposed amendment to the PFM revises § 2-0403.3 to include a provision supporting the use of shared utility easements by requesting that developers work with utility companies early in the design process to encourage the placement of electric, cable, telephone and gas facilities within shared utility easements. It also requires that a note be placed on all plats and plans stating that any future easement or authorization

Board Agenda Item
February 25, 2008

for electric, cable, telephone or gas service to be furnished to the property must comply with the provisions of Va. Code 15.2-2241(6).

Service Drives:

On June 26, 2006, the Board of Supervisors adopted changes to § 7-0104 (Service Drive) of the PFM and Article 20 (Ordinance Structure, Interpretations and Definitions, Part 3 (Definitions) of the Zoning Ordinance to define primary highways as any road classified by the Virginia Department of Transportation (VDOT) as a primary highway bearing a route number greater than 7000, in addition to roads bearing a route number less than 600. At that time, the additional numbers above 7000 were believed to be needed for identifying new primary highways, because there were no numbers available below 600. The change led to some confusion regarding the requirement for service drives as applied to major roads such as the Fairfax County Parkway (Route 7100) which is classified as a secondary highway by VDOT and does not require a service drive. There are no roads in Fairfax County with route numbers greater than 7000 that are classified as primary highways by VDOT.

The proposed amendment revises § 7-0104 (Service Drive) of the PFM and Article 20 (Ordinance Structure, Interpretations and Definitions, Part 3 (Definitions) of the Zoning Ordinance to restore the prior definition of primary highways which only included roads identified by VDOT as primary highways bearing a route number less than 600. This will eliminate any confusion regarding the need for a service drive along the Fairfax County Parkway.

Editorial Changes:

On March 12, 2007, the Board of Supervisors adopted changes to the PFM related to low impact development which included new Table 6.31 (Pretreatment Vegetated Channel Sizing) and Plate #81-6 (81M-6) (Reforested Area, Bioretention or Vegetated Swale Sign).

The proposed amendment includes changes to table 6.31 (Pretreatment Vegetated Channel Sizing) to make the values in the table match the values in the source material, Table 3.11-3 in the Virginia Stormwater Management Handbook Volume I. In addition, the proposed amendment to Plate #81-6 (81M-6) (Reforested Area, Bioretention or Vegetated Swale Sign) will make the minimum distance between signs, as stated on the plate, consistent with the distance in the adopted PFM text.

PROPOSED AMENDMENTS:

A summary of the proposed amendments is provided below:

Board Agenda Item
February 25, 2008

- Revise the Zoning Ordinance and PFM to incorporate adopted changes to Chapter 109.1 (Solid Waste Management) of the County Code related to recycling standards. Based on the adopted changes to the County Code, effective July 10, 2007, all residential and non-residential properties are required to recycle. As a result, the Zoning Ordinance and PFM are being revised to align them with the County Code. The proposed amendments include the following provisions:
 1. Non-residential properties must recycle mixed paper and cardboard (in addition to their Principal Recyclable Material, as applicable).
 2. Multi-family dwelling units constructed on or after July 1, 2007, must recycle cans and bottles (in addition to mixed paper and cardboard).
 3. Site plans for non-residential and multi-family properties must be designed to accommodate the anticipated volume of trash and recyclable material generated by a property. PFM § 10-0305.1 requires use of a standardized worksheet, provided by the DPWES Division of Solid Waste Collection and Recycling, for calculating the anticipated volume of materials generated by a specific property. Plate #33-10 (33M-10) provides a typical detail illustrating side by side dumpsters for accommodating the collection and storage of trash and recyclable materials.
 4. Site plans must be designed to provide adequate access to collection and storage areas by collection vehicles, public health inspectors and building tenants. For multi-family properties, areas designated for trash and recycling containers should generally be located within 200 feet walking distance of the building served unless otherwise approved by the Director.
- Revise the PFM to incorporate standards related to the use of HDPE for certain storm drainage applications and incorporate standards, including AASHTO's recommendations, pertaining to the field inspection of HDPE, concrete and CMP pipe installations. The proposed amendments include the following provisions:
 1. HDPE pipe must conform to the requirements of AASHTO M 294 Type S. The maximum size permitted is 48 inches.
 2. Joints for HDPE pipe must be watertight meeting a pressure test of 10.8 psi per ASTM D 3212 and use a bell and spigot design with a rubber gasket meeting the requirements of ASTM F 477, "Standard Specification for Elastomeric Seals (Gaskets) for Joining Plastic Pipe." These joints are designed to prevent infiltration of soil and exfiltration of storm water.

Board Agenda Item
February 25, 2008

3. Installations and pipe cover for HDPE pipe must be in accordance with ASTM D 2321-“Standard Practice for Underground Installation of Thermoplastic Pipe for Sewers and Other Gravity-Flow Applications”, the manufacturer’s recommendations, and VDOT standards, whichever are more stringent. Pipe bedding and backfill must conform to the standards set forth in Plate #93-6 (#93M-6).
4. Filter fabric must surround the aggregate fill material for HDPE pipe when there is a high water table or where the movement of groundwater can cause the migration of fines from the soil envelope.
5. Flexible water stops, resilient connections, or other flexible systems to make watertight connections to manholes and other structures must be provided for HDPE pipe. Grouting between the thermoplastic pipe and the manhole and other structures is not permitted.
6. All storm sewer pipes must undergo visual and video inspections, installation deflection testing, and pipe evaluations by the Developer to ensure proper performance.
7. Visual Inspection for HDPE: During the installation process, the developer must provide for full-time visual inspection of high density polyethylene (HDPE) storm sewer pipe. Installation and inspection of bedding and backfill materials, as well as their placement and compaction, must meet the PFM requirements and Section 30.5.6.1 (Visual Inspection) of the American Association of State and Highway Transportation Official’s (AASHTO’s) Load and Resistance Factor Design, Bridge Construction Specifications, respectively. Visual inspection must be performed by an independent inspection and testing agency or design professional licensed in the Commonwealth of Virginia.
8. Video Inspection for all pipes: No sooner than thirty days after completion of installation and final fill and pavement or alternative section, a video record must be performed by the developer on all storm sewer pipes unless deemed unnecessary by the Environmental and Facilities Inspections Division (County inspector), DPWES.
9. HDPE Installation Deflection Testing: No sooner than thirty days after completion of installation and final fill and pavement or alternative pavement section, HDPE pipe must be evaluated for deflection using a mandrel or other device that can physically verify the dimension of the pipe as approved by the Director. The pipe must be evaluated by the developer to determine whether the internal diameter of the barrel has been reduced more than five percent. A

Board Agenda Item
February 25, 2008

minimum of ten percent of the total number of pipe runs representing at least ten percent of the total length of installed pipe must be tested for deflection, in addition to all areas that were identified in the visual inspection as having deflection. Deflection testing must be conducted by the Developer in the presence of a County inspector, or by an independent inspection and testing agency or design professional licensed in the Commonwealth of Virginia. Testing must be conducted in the locations specified by the County inspector.

10. Pipe Evaluations for concrete and HDPE: Pipe inspection must be in accordance with Sections 27.6 (Field Inspection) and 30.5.6.2 (Installation Deflection) of AASHTO's Load and Resistance Factor Design, Bridge Construction Specifications as determined by the Director. For instances where cracks are wider than 0.01 inches (0.25 millimeters) for concrete pipe, and where pipe deflection exceeds five percent of the inside diameter of HDPE pipe, an evaluation must be conducted by the developer's design professional licensed in the commonwealth of Virginia and submitted to the County for review and approval considering the severity of the deflection (HDPE), structural integrity, environmental conditions, and the design life of the pipe. Repairs, replacement and remediation must be noted on the inspection report and made in a manner acceptable to the Director. Copies of inspection and mandrel test results, and video record that depict construction and installation of pipes in compliance with PFM standards must be provided to the County inspector for review and record within two weeks of the time the video was taken. The video recording shall be provided in a format acceptable to the Director. The independent inspection and testing agency or design professional licensed in the Commonwealth of Virginia must certify that the required testing and inspections have been completed and construction is in conformance with the approved plans, VDOT specifications and standards of the PFM.
- Revise the PFM and Subdivision and Zoning Ordinances to align them with the adopted changes to Va. Code 15.2-2241(6) related to common or shared utility easements. Based on adopted changes to the Virginia Code, effective July 1, 2006, the County will no longer be requiring that development plans submitted to the County depict common or shared utility easements on plans of development. The proposed amendments include the following changes:
 1. Delete the requirement for shared utility easements to be conveyed by reference on the final plat to a declaration of the terms and conditions of such common easements recorded in the land records of Fairfax County.
 2. Delete the requirement for written notice to the owners of all public service corporations and franchised cable television operators furnishing cable television,

Board Agenda Item
February 25, 2008

gas, telephone and electric service to the proposed subdivision regarding the provision of a shared utility easement.

3. Add a section in the PFM requesting developers to work with utility companies early in the design process to encourage the placement of electric, cable, telephone and gas facilities within common or shared easement areas, the location and size of which shall be adequate for use by public service corporations and franchised cable television operators which may be expected to occupy them.
 4. Add a requirement in the PFM and the Zoning Ordinance for a note to be placed on all plats and plans stating that any future easement or authorization for electric, cable, telephone or gas service to be furnished to the property must comply with the provisions of Va. Code 15.2-2241(6).
 5. Add a requirement to the PFM that the common or shared easement shall only be within proffered limits of clearing and grading; but, shall not be within proffered tree save areas.
- Revise the PFM and Zoning Ordinance to clarify that only roads that bear a route number less than 600 and are included in the State's Primary System of Highways will require a service drive.
 - Update PFM table 6.31 (Pretreatment Vegetated Channel Sizing) to make the values shown match the values in the source material, Table 3.11-3 in the Virginia Stormwater Management Handbook Volume I. In addition, update PFM Plate #81-6 (81M-6) (Reforested Area, Bioretention or Vegetated Swale Sign) to make the values shown match the values in the adopted PFM text.

FISCAL IMPACT:

None.

REGULATORY IMPACT:

The proposed amendments related to trash and recycling align the Zoning Ordinance and PFM with Chapter 109.1 (Solid Waste Management). The proposed amendments related to shared utility easements align the Subdivision Ordinance, Zoning Ordinance, and PFM with Va. Code 15.2-2241(6). The proposed amendments related to service drives align the Zoning Ordinance and PFM with current VDOT standards. The proposed editorial changes to the PFM correct a plate to make it consistent with current PFM text and correct a table to match its original source material, the Virginia

Board Agenda Item
February 25, 2008

Stormwater Management Handbook Volume I. Because these proposed amendments align the Subdivision Ordinance, Zoning Ordinance, and PFM with other existing requirements, there is no significant regulatory impact. The proposed amendments to the PFM will permit the use of HDPE pipe for additional storm drainage applications and incorporate AASHTO's field testing and inspection standards for HDPE, concrete and CMP pipe installations. This will have the regulatory impact of expanding the allowable uses for HDPE pipe in storm drainage applications and requiring additional inspection and testing of storm drain pipe installations. The inspection and testing requirements are necessary to insure proper installation of storm drain pipe which is critical to long term performance.

ENCLOSED DOCUMENTS:

Attachment 1 - Staff Report

Attachment 2 - Resolution

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard Guba, Deputy Director, DPWES

James Patteson, Director, Land Development Services, DPWES

Eileen McLane, Zoning Administrator, Department of Planning and Zoning

Jeff Smithberger, Director, Division of Solid Waste Collection and Recycling, DPWES

Board Agenda Item
February 25, 2008

ADMINISTRATIVE – 4

Streets into the Secondary System (Providence, Lee, and Hunter Mill 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>
Avondale Glen Phase 2	Providence	Derosnec Drive
		Waples Mill Road (Route 665) (Additional Right-of-Way (ROW) only)
		Waples Mill Road (Route 665) (Additional ROW only)
Briarwood Trace Section 1	Providence	Interstate 66 (Westbound) (Additional ROW only)
		Swanee Lane (Route 3238)
		Zimple Drive (Route 4947) (Additional ROW only)
Hawthorne LLC	Lee	Interstate 66 (Additional ROW only)
		Swanee Lane (Route 3238) (Additional ROW only)
		Cinder Bed Road (Route 637) (Additional ROW only)

Board Agenda Item
February 25, 2008

Subdivision

Part of Lot 6 Woodland
Associates LTD

District

Hunter Mill

Street

Wood Oak Drive (Route 6534)

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 Forms

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

Board Agenda Item
February 25, 2008

ADMINISTRATIVE - 5

Authorization to Advertise a Public Hearing on a Proposal to Vacate and Abandon a Portion of Potomac Avenue (Route 1501) (Mount Vernon District)

ISSUE:

Authorization to advertise a public hearing to consider the vacation and abandonment of a portion of Potomac Avenue (Route 1501).

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing to consider the vacation and abandonment of the subject roadway.

TIMING:

The Board should take action on February 25, 2008, to provide sufficient time to advertise the proposed public hearing for March 31, 2008, at 4:00 p.m.

BACKGROUND:

The applicant, Jeffrey J. Morningstar, is requesting that a portion of Potomac Avenue be vacated and abandoned. The subject roadway is in the secondary system of highways.

The applicant owns the home at Block 29 Potomac Avenue, located on lot 25 in the New Alexandria subdivision. Potomac Avenue was platted as a 100 foot wide right-of-way with the creation of the New Alexandria subdivision. The width of the right-of-way was necessary to accommodate a trolley line that formerly ran in the street alignment. With the demise of the trolley and construction of a standard width street in the former portions of right-of-way, the subject area located outside the typical 50 foot wide right-of-way is no longer necessary. The area requested for vacation and abandonment is currently maintained and used by Mr. Morningstar.

Traffic Circulation and Access

The vacation and abandonment of the subject area will have no impact on vehicular circulation and access.

Easements

No easements are necessary.

Board Agenda Item
February 25, 2008

This proposal to vacate and abandon the subject right-of-way was circulated among the following agencies for review, none of which indicated any opposition to the proposal: Office of the County Attorney, Department of Public Works and Environmental Services, Fairfax County Water Authority, Fairfax County Park Authority, Washington Gas Light Company, Fairfax County School Board, Virginia Department of Transportation, Fairfax County Department of Transportation, Department of Planning and Zoning, Dominion Virginia Power, Fire and Rescue, and Verizon.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I: Notice of Intent to Vacate
Attachment II: Notice of Intent to Abandon
Attachment III: Ordinance of Vacation
Attachment IV: Order of Abandonment
Attachment V: Vacation and Abandonment Plat
Attachment VI: Metes and Bounds Description
Attachment VII: Vicinity map (Tax Map 83-4)

STAFF:

Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Angela Kadar Rodeheaver, FCDOT
Michael A. Davis, FCDOT

Board Agenda Item
February 25, 2008

ADMINISTRATIVE - 6

Installation of "No Parking" Signs on the North Side of Mathy Drive from Persimmon Circle to the City of Fairfax Line (Providence District)

ISSUE:

Board approval for the County installation of "No Parking" signs on the north side of Mathy Drive from Persimmon Circle to the City of Fairfax Line.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached resolution (Attachment I) restricting parking on the above-referenced street. The County Executive further recommends that staff be directed to install these signs at the earliest possible date.

TIMING:

Routine.

BACKGROUND:

Providence District residents requested the placement of "No Parking" signs on the north side of Mathy Drive, from Persimmon Circle to the City of Fairfax Line. Residents are concerned that parked cars and trucks on the north side of Mathy Drive result in increased littering and property damage within the right-of-way limits. Staff reviewed the roadway and determined that the parked vehicles along the north side of the road do create property damage along this road.

Section 82-5-37 of *The Code of the County of Fairfax, Virginia*, provides that the Board of Supervisors may designate, by resolution, areas for restricted parking upon any part of the secondary road system within the County if the Board finds that any of the following conditions exist:

1. That parking along any secondary road is damaging property/and or landscaping within the right-of-way limits; or
2. That parking along local residential streets is so restricting the primary purpose of the road as to interfere with that purpose; or

Board Agenda Item
February 25, 2008

3. That parking along any secondary road creates a safety hazard for pedestrians, cyclists, or motorists entering or exiting the roadway from driveways or for pedestrians, cyclists, or motorists traveling along that road; or
4. That statutory parking violations pursuant to Fairfax County Code section 82-5-1 occur with frequency in a particular location and compliance with section 82-5-1 will be facilitated by the installation of "No Parking" signs; or
5. That, in the case of any street which serves as a boundary between an area zoned for residential use and an area zoned for non-residential use on which parking is restricted on the residential side of the street pursuant to Fairfax County Code section 82-5-7, the prohibition of parking of commercial vehicles, as defined by section 82-5-7, on the side of that street which is zoned for a use other than residential would further the residential character of the abutting residential community, would facilitate the free and unrestricted vehicular travel along that street, and would promote the health, safety and general welfare of the abutting residential community.

In accordance with subsection (1) referenced above, staff believes that parking along the north side of Mathy Drive from Persimmon Circle to the City of Fairfax Line is creating property damage within the right-of-way limits along this road, and parking should be prohibited 24 hours a day.

FISCAL IMPACT:

The cost of installing the signs is estimated at \$600 to be paid out of Department of Transportation funds.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Restricted Parking Resolution

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

Hamid Majdi, FCDOT

Board Agenda Item
February 25, 2008

ADMINISTRATIVE - 7

Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance to Establish the Herndon-Monroe Temporary Residential Permit Parking District, District T-HM (Hunter Mill District)

ISSUE:

Board authorization to advertise a public hearing for Monday, March 31, 2008, at 4:00 p.m., to consider a proposed amendment to Appendix G, of *the Code of the County of Fairfax, Virginia*, to establish the Herndon-Monroe Temporary Residential Permit Parking District (RPPD), District T-HM.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for Monday, March 31, 2008, at 4:00 p.m., to consider adopting an amendment (Attachment I) to Appendix G, of *The Code of the County of Fairfax, Virginia*, to establish the Herndon-Monroe Temporary Residential Permit Parking District (RPPD), District T-HM.

TIMING:

The Board should take action on February 25, 2008, to advertise a public hearing for March 31, 2008, at 4:00 p.m.

BACKGROUND:

Section 82-5A-4(d) of *The Code of the County of Fairfax, Virginia*, authorizes the establishment of temporary RPPDs where a community is experiencing or expects to experience significant parking problems due to a short-term situation such as construction work. Any request for a temporary RPPD shall be in writing from all affected homeowners associations or in cases where there are no home owners associations representing an area, a request letter signed by at least ten residences in the area or 60% of the affected residents, whichever is less. The Board of Supervisors must then authorize the establishment of the temporary RPPD.

Reston Association submitted a written request to the Hunter Mill Supervisor's office on January 30, 2008, on behalf of their members who live in Polo Fields Subdivision, asking to establish a temporary RPPD. The excessive spillover parking caused by repair work to the Herndon-Monroe Park and Ride garage affects the residents in this

Board Agenda Item
February 25, 2008

area. The repairs have started and are expected to continue through the Fall of 2008. Displaced commuters have begun parking in area streets creating problems to the residents of those streets. The request includes the following streets: Roark Drive (Route 7858); Roark Court (Route 7859); Milburn Lane (Route 7842); Stirrup Iron Lane (Route 6375); Bayard Drive (Route 7850); Cross Country Lane (Route 6374); Halter Lane (Route 7852); Thunder Chase Drive (Route 6373); Darius Lane (Route 7851); Hitchcock Drive (Route 8708); Hitchcock Court (Route 8709); Players Pond Lane (Route 8710); Old Club Lane (Route 8394); Tournament Drive (Route 8393); Hurlingham Lane (Route 8293); Club Pond Lane (Route 7855); Noble Victory Lane (Route 7856); Noble Victory Court (Route 7857); Cavesson Court (Route 7854); Bridoon Lane (Route 7853); and Colts Brook Drive (Route 8392).

All requirements for the establishment of a temporary RPPD have been satisfied, therefore, it is recommended that the Board authorize the proposed advertisement (Attachment III) of a public hearing to consider establishing Herndon-Monroe Temporary RPPD.

If the Board approves the establishment of the temporary RPPD, staff will have the appropriate signage installed and work with the Hunter Mill Supervisor's staff to see to the initial issuance of the resident's passes. Upon completion of the repairs to the garage, staff will notify the residents by mail of the termination of the temporary RPPD and the signage will be removed.

FISCAL IMPACT:

The cost of printing notices and letters, permits, and installing the RPPD signs is approximately \$3,000. These funds are currently available in the Department of Transportation's budget.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to *the Code of the County of Fairfax, Virginia*
Attachment II: Map Depicting Proposed Limits of the Temporary RPPD
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
Hamid Majdi, FCDOT

Board Agenda Item
February 25, 2008

ADMINISTRATIVE - 8

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

ISSUE:

Authorization to advertise a public hearing to consider an ordinance that proposes to amend Chapter 7 of the Fairfax County Code to (1) temporarily move the polling place for Glade precinct; (2) move the polling place for Lincolnia precinct; (3) temporarily move the polling place for Marlan precinct; (4) revise the description of Lorton Center precinct to update its polling place address; (5) revise the description of Oakton precinct to change the name of its polling place; and (6) set the hours and dates of operation for the absentee voting satellites for the November 4, 2008, Presidential Election.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing on Monday, March 10, 2008, at 4:00 p.m. to consider this ordinance.

TIMING:

Board action is requested on February 25, 2008, to provide sufficient time to advertise the proposed public hearing for adoption of this ordinance on March 10, 2008, at 4:00 p.m. and to complete the federal preclearance process thereafter in advance of the 2008 primary and general elections.

BACKGROUND:

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

(1) In Hunter Mill District, staff recommends temporarily moving the polling place for Glade precinct from the Reston Community Center located at 2310 Colts Neck Road, Reston, to the Christ the Servant Lutheran Church located at 2320 Hunters Woods Plaza, Reston. The Reston Community Center will be closing for renovation beginning

Board Agenda Item
February 25, 2008

in June. The renovation is expected to be completed by October 2008. Christ the Servant Lutheran Church, which is adjacent to the Reston Community Center, has kindly offered the use of their facility for the June 12 primary election and, if needed, for the November 4 general election. The polling place will return to the Reston Community Center when the renovations are completed.

(2) In Mason District, staff recommends permanently moving the polling place for Lincolnia precinct from the Pinecrest Golf Course located at 6600 Little River Turnpike, Alexandria, to the Green Spring Gardens Park located at 4603 Green Spring Road, Alexandria. The Horticulture Center at Green Spring Gardens Park will provide a larger polling place room with better access and traffic flow for the voters in Lincolnia precinct.

(3) In Mount Vernon District, staff recommends temporarily moving the polling place for the Marlan precinct from the Martha Washington Library located at 6614 Fort Hunt Road, Alexandria, to the Paul Spring Retirement Community located at 7116 Fort Hunt Road, Alexandria. In October, the Martha Washington Library will be closing for extensive renovation. The Paul Spring Retirement Community, which is located near the geographic center of the precinct, has kindly offered the use of their facility as a temporary polling place while the Library is under renovation. The library renovation and expansion project is expected to be completed in two years. Staff further recommends that the relocation begin in June, rather than October, so that voters will have the opportunity to become familiar with the new location before the presidential election.

(4) In Mount Vernon District, staff recommends revising the description of Lorton Center precinct to update its polling place address. The United States Postal Service address for the Grace Bible Church polling place has been changed from 7795 Grace Church Lane, Lorton, to 9115 Lorton Station Boulevard, Lorton.

(5) In Providence District, staff recommends revising the description of Oakton precinct to update the name of the polling place. The Fairfax Unitarian Church, located at 2709 Hunter Mill Road, Oakton, has changed its name to the Unitarian Universalist Congregation of Fairfax.

(6) The Electoral Board recommends that the hours and dates of operation for the seven absentee voting satellites for the November 4, 2008, general election be from 1:00 p.m. to 8:00 p.m. on weekdays and from 9:00 a.m. to 5:00 p.m. on Saturdays beginning October 15 and extending through November 1, 2008. Historically, the absentee voting satellites have operated from 3:30 p.m. to 7:30 p.m. on weekdays in non-presidential election years and from 3:00 p.m. to 8:00 p.m. on weekdays in presidential election years. In anticipation of a large demand for absentee voting and as a service to the seniors and disabled citizens who like to avoid the late afternoon traffic,

Board Agenda Item
February 25, 2008

the Electoral Board recommends that the weekday satellite hours be extended from 1:00 p.m. to 8:00 p.m. for the upcoming presidential election.

FISCAL IMPACT:

Funding for polling place change notifications is available in the agency's FY 2008 Adopted Budget. Funding for additional seasonal personnel to staff the absentee voting satellites has been included in the agency's FY 2009 Budget Submission.

ENCLOSED DOCUMENTS:

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

STAFF:

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

THIS PAGE INTENTIONALLY LEFT BLANK

ADMINISTRATIVE - 9

Supplemental Appropriation Resolution AS 08101 for the Fairfax County Economic Development Authority to Accept Grant Funding from the Commonwealth of Virginia – Governor’s Opportunity Fund for the Volkswagen of America Corporation

ISSUE:

Board approval of Supplemental Appropriation Resolution AS 08101 for the Fairfax County Economic Development Authority (FCEDA) to accept grant funding in the amount of \$1,500,000 from the Commonwealth of Virginia as part of the Governor’s Opportunity Fund for the Volkswagen of America Corporation. This grant will assist the County with the relocation of Volkswagen America, Inc. No Local Cash Match is required. However, Fairfax County must provide transportation infrastructure improvements relevant to the firm’s location. This requirement will be met through the transportation projects improving and widening Centreville Road, enhancing a traffic light intersection at West Ox and Monroe Street, and providing pedestrian access along Centreville Road in the vicinity of the Dulles Access Road in the Hunter Mill District. The Centreville Road improvements are included in the County’s Four Year Transportation Plan.

RECOMMENDATION:

The County Executive recommends that the Board approve Supplemental Appropriation Resolution AS 08101 for the FCEDA to accept grant funding in the amount of \$1,500,000 to convey to Volkswagen of America Corporation as the state portion of this grant. No local cash match will be required. Fairfax County must provide transportation improvements relevant to the firm’s location.

TIMING:

Board approval is requested on February 25, 2008.

BACKGROUND:

Fairfax County was in competition with other jurisdictions for the relocation of the headquarters for Volkswagen of America, Audi of America, and their respective financing divisions. As part of the negotiations, the Commonwealth of Virginia is supporting the relocation of the firm in Fairfax County, Virginia with a Governor’s Opportunity Fund grant. The grant is a performance grant and a performance agreement has been executed to insure, on behalf of Fairfax County and the

Board Agenda Item
February 25, 2008

Commonwealth of Virginia, that the projected growth occurs. As part of the Governor's Opportunity Fund grant, Fairfax County must provide transportation infrastructure improvements relevant to the firm's location. Fairfax County funded projects along and near Centreville Road will provide that match.

In addition, funding of \$160,000 from Virginia Jobs Investment Program and \$4,500,000 from Virginia Economic Development Incentive Grant have been noted in the Performance Agreement as additional contributions from the state. The Virginia Jobs Investment Program provides partial reimbursement to companies for the cost of recruitment and training of new employees. The grant is not provided to the company until after the new employees have been employed at their Virginia location for at least three months (90 days). The second program, the Virginia Economic Development Incentive Grant is also performance based. The company must hire the defined number of personnel and invest the agreed upon capital investment within 36 months. The company must maintain that investment and personnel for another 36 months before the Commonwealth of Virginia commences to issue the grant. These grants do not pass through the County nor require a County match.

FISCAL IMPACT:

Supplemental Appropriation Resolution AS 08101 in the amount of \$1,500,000 has been provided to Fairfax County to be made available to Volkswagen of America Corporation for the recruitment and training of staff at the facility at 2260 Woodland Pointe Avenue, Herndon, Virginia. There is no Local Cash Match required. However, Fairfax County must provide transportation infrastructure improvements relevant to the firm's location. This requirement will be met through the transportation projects to improve and widen Centreville Road in Hunter Mill District, enhancing a traffic light intersection at West Ox and Monroe Street, and providing pedestrian access along Centreville Road in the vicinity of the Dulles Access Road in the Hunter Mill District.

If Volkswagen of America Corporation does not achieve 90 percent of the performance metrics outlined in the Performance Agreement executed between Fairfax County and Volkswagen of America Corporation, then Volkswagen of America Corporation is responsible for paying the part of the grant that is proportional to the shortfall back to Fairfax County. Fairfax County will then refund the Commonwealth of Virginia the funds received from Volkswagen of America Corporation. Fairfax County will not be held responsible for financial shortfalls associated with performance metrics not met. The FCEDA will monitor the performance metrics and will provide to the Office of the County Executive information annually on the number of jobs and the capital investment achieved during that time.

Board Agenda Item
February 25, 2008

CREATION OF NEW POSITIONS:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Supplemental Appropriation Resolution AS 08101

Attachment 2: Volkswagen of America Corporation Performance Agreement

Attachment 3: Notification of award from the Commonwealth of Virginia

STAFF:

Robert A. Stalzer, Deputy County Executive

David J. Molchany, Deputy County Executive

Gerald L. Gordon, President, FCEDA

Anita Grazer, National Marketing Director, FCEDA

THIS PAGE INTENTIONALLY LEFT BLANK

ADMINISTRATIVE - 10

Authorization to Advertise a Public Hearing for a Sewer Ordinance Amendment to Revise the Sewer Service Charges and the Availability Fees

ISSUE:

Board authorization is needed to advertise a public hearing for the purpose of amending the County's sewer ordinance. As shown in the proposed advertisements provided in Attachments 1a & 1b, the sewer ordinance is being amended to revise Sewer Service Charge and Availability Fee rates to be consistent with the Wastewater Management Program's revised five-year financial forecast (the Rate Study) for the Sewer System, prepared in cooperation with its consultant, Public Resources Management Group, Inc. (PRMG). The effects of these sewer rate revisions are as follows:

1. To establish the Sewer Service rates for FY 2008 through FY 2012
2. To establish the Availability Fee rates for FY 2008 through FY 2012
3. To maintain a 5-year (FY 2008 - FY 2012) sewer rate schedule; outdated FY 2007 rates will be deleted, and new FY 2012 rates will be added

Although the sewer rate schedule in the sewer ordinance is multi-year, all sewer rates are reviewed, adjusted as necessary, and adopted annually to ensure sewer rates are accurately priced.

The revised, 5-year rate schedule for the Sewer Service Charge per 1,000 gallons, with previously adopted rates in parentheses, is as follows:

PROPOSED SEWER SERVICE CHARGE RATE SCHEDULE				
<u>FY 2008</u>	<u>FY 2009</u>	<u>FY 2010</u>	<u>FY 2011</u>	<u>FY 2012</u>
\$3.74	\$4.10 (\$4.10)	\$4.50 (\$4.50)	\$4.94 (\$4.94)	\$5.42

Sewer service charge rates are increasing as debt and capital expenses rise in anticipation of construction of additional treatment facilities to meet more stringent nitrogen removal requirements imposed by the State as a result of "Chesapeake 2000" Agreement. Signatories to the Agreement besides the State of Virginia include the States of Maryland and Pennsylvania, the District of Columbia, the United States Environmental Protection Agency (USEPA), and the Chesapeake Bay Commission.

The revised, 5-year rate schedule for the Availability Fees for a single-family residence, with previously adopted rates in parentheses, is as follows:

Board Agenda Item
February 25, 2008

PROPOSED AVAILABILITY FEE RATE SCHEDULE

<u>FY 2008</u>	<u>FY 2009</u>	<u>FY 2010</u>	<u>FY 2011</u>	<u>FY 2012</u>
\$6,506	\$6,896 (\$6,896)	\$7,310 (\$7,310)	\$7,750 (\$7,750)	\$8,215

Availability charges for all nonresidential uses will be computed as the number of fixture units (including roughed-in fixture units) in accordance with Part I of the current Virginia Uniform Statewide Building Code, Section 101.2, Note 1, which incorporates by reference the 2003 International Plumbing Code (Chapter 7, Section 709), times the fixture unit rate with a minimum charge equivalent to one (1) single family detached dwelling per premises.

RECOMMENDATION:

The County Executive recommends that the Board authorize two separate sewer rate advertisements, one for Sewer Service Charges and another for Availability Fees, as proposed in Attachments Ia & Ib.

TIMING:

Action must be taken on February 25, 2008, to provide adequate notice of a public hearing for comments on the proposed sewer rate revisions. The public hearing will be held on March 31, 2008 at 3:30 p.m. Decision on the sewer rate revisions will coincide with the markup and adoption of the FY 2009 Advertised Budget Plan. FY 2009 sewer rates will become effective on July 1, 2008.

BACKGROUND:

In February 2008, the Wastewater Management Program and PRMG completed the Rate Study. Minimum fund balances or "reserves" are maintained to comply with bond requirements and to fund major capital expenditures such as the addition of nitrification (ammonia nitrogen removal) facilities at wastewater treatment plants. It is anticipated that desired reserve levels can be maintained under the proposed ordinance amendment (Attachment II).

A forecasted, 4-year rate schedule (FY 2009 - FY 2012) is recommended for the County's Sewer Service Charge (See Staff Report, Attachment III). The Sewer Service Charge is based on the volume of water used by a sewer customer and is billed quarterly to offset the operations, maintenance, debt, and capital costs allocated to "existing customers." For FY 2008, a 6.75 percent annual rate increase was adopted; for FY 2009 through FY 2011, annual service charge increases of 9.75 percent were recommended. An annual 9.75 percent sewer service charge increase is being recommended for FY 2012. The rate increases will provide for inflation and the cost of constructing nitrogen removal facilities at wastewater treatment plants to comply with new discharge requirements imposed by the State and the Chesapeake Bay Program. These rate increases are consistent with this year's Rate Study recommendations.

The County's Sewer Service Charge remains very competitive on a local basis (As indicated below).

Billing and Fee Comparisons

The table below compares average annual water and sewer service billings and Availability Fees per Single Family Residential Equivalent (SFRE) for Fairfax County with selected other regional jurisdictions. Rates are effective as of January 2008 (FY 2008). Representative average sewer service billings for the other regional jurisdictions have been developed by applying each jurisdiction's sewer service rate to appropriate SFRE water usage determined from an analysis of Fairfax Water's historical average water usage records for SFREs.

**Comparison of Average Water and Sewer Service Charges
and Sewer Availability Fees for SFREs**

Jurisdiction	Average Annual Water and Sewer Service Billing	Average Annual Sewer Service Billing (a)	Sewer Availability Fees (b)
Fairfax County (c)	\$ 426	\$ 284	\$ 6,506
Loudoun County (c)	486	277	6,945
WSSC (d)	667	379	2,850
Stafford County (e)	625	402	6,135
DCWASA (d)	687	399	----
Prince William County (d)	703	463	8,500
Arlington County (d)	781	497	1,976
City of Alexandria (c)	823	538	7,091

(a) Each jurisdiction's sewer service rate is applied to the average usage as specified in the footnotes.

(b) Each jurisdiction's Availability Fee is per SFRE; the Sewer Availability Fee for Arlington assumes 26 fixture units (FU's) per SFRE at a cost of \$76/FU.

(c) These jurisdictions use a winter quarter billing method for residential customers, eliminating billing of water usage such as lawn irrigation, which does not enter the sewer system. The average winter quarter usage of 19,000 gallons is based on an analysis of Fairfax Water's annual usage report.

(d) Average billed usage of 21,200 gallons is based on an analysis of Fairfax Water's annual usage reports.

(e) Stafford County uses a modified winter six month period billing method for residential customers. The average winter quarterly usage is 20,200 gallons based on an analysis of Fairfax Water's annual usage reports.

Board Agenda Item
February 25, 2008

Similarly, with regard to Availability Fees and commercial fixture unit rates, a four-year rate schedule is proposed. Availability Fees are one-time “tap fees” paid by sewer customers to connect to the system. The revenue from Availability Fees is used to offset the costs of expanding major treatment facilities. The FY 2008 through FY 2012 rates are being indexed 6.0 percent in anticipation of rising borrowing costs. Indexing recognizes the time value of money being used now to construct capacity for future customers.

FISCAL IMPACT:

In FY 2009, assuming a typical water usage per household of 19,000 gallons/quarter (or 76,000 gallons/year), the average homeowner’s sewer bill will be approximately \$312 per year, which is an increase of \$27.36 over the FY 2008 sewer bill. Because of the new nitrogen removal requirements, the annual cost impact of the FY 2010 to FY 2012 rate increases for a typical homeowner will be approximately an additional \$30 to \$37 a year as follows:

Fiscal Year	Service Charge (\$/1,000 gallons)	Annual Bill (\$)	Increase, \$ (% Increase)
2008	\$3.74	\$284.24	\$18.24 (6.75%)
2009	\$4.10	\$311.60	\$27.36 (9.75%)
2010	\$4.50	\$342.00	\$30.40 (9.75%)
2011	\$4.94	\$375.44	\$33.44 (9.75%)
2012	\$5.42	\$412.04	\$36.60 (9.75%)

Based on the following chart, the cost impact of the new Total Nitrogen (TN) removal requirements began in FY 2007. The cost impact to a typical homeowner for additional nitrogen removal will be nearly \$100 per year by FY 2012.

Fiscal Year	Annual Bill, \$ (% Increase) w/o TN Cost Effects in rates	Annual Bill, \$ (% Increase) w/TN Cost Effects in rates	Increase, \$
2007	\$258 (3.6%)	\$266 (6.75%)	\$8
2008	\$271 (5.0%)	\$284 (6.75%)	\$13
2009	\$282 (4.0%)	\$312 (9.75%)	\$30
2010	\$293 (4.0%)	\$342 (9.75%)	\$49
2011	\$305 (4.0%)	\$375 (9.75%)	\$70
2012	\$317 (4.0%)	\$412 (9.75%)	\$95

Approximately \$0.5 million in additional Availability Fee revenue will be generated annually with the 6.0 percent rate increases in availability fees.

Board Agenda Item
February 25, 2008

Revenues from the collection of Sewer Service Charges and Availability fees are recorded in Fund 400, Sewer Revenue Fund.

ENCLOSED DOCUMENTS:

Attachment Ia & Ib - Proposed Public Hearing Advertisements

Attachment II - The Proposed Amendment to Article 67.1-10 (Charges) of the Code of the County of Fairfax

Attachment III - Staff report prepared by the Department of Public Works and Environmental Services

Attachment IV – Table - Comparison of Area Water and Sewer Charges

(Copies of PRMG's "Five-year Financial Forecast" are available upon request)

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Shahram Mohsenin, Director, Wastewater Planning and Monitoring Division, DPWES

THIS PAGE INTENTIONALLY LEFT BLANK

Board Agenda Item
February 25, 2008



ACTION – 1

Authorization to Reallocate and Disburse Funds from The Penny For Affordable Housing Fund, for the Acquisition and Preservation of Units at East Market by the Fairfax County Redevelopment and Housing Authority (Springfield District)

ISSUE:

Authorization is requested to reallocate up to \$145,395 from The Penny for Affordable Housing (The Penny Fund) Fund to be used as a portion of the permanent financing of three units at East Market.

RECOMMENDATION:

The County Executive recommends that the Board approve the reallocation of \$145,395 from Fund 319, The Penny for Affordable Housing Fund, to be used as a portion of the permanent financing.

TIMING:

Approval by the Board is requested on February 25, 2008, in order to complete the permanent financing on the units.

AFFORDABLE HOUSING PRESERVATION:

As of February 1, 2008, a total of 2,207 units of affordable housing had been preserved as a result of the Board's Affordable Housing Preservation Initiative. Fund 319, the Penny for Affordable Housing Fund, has played an instrumental role in this effort. The three East Market units are included in the February 1, 2008 inventory of preserved units.

BACKGROUND:

At its meeting on February 2, 2006, the Fairfax County Redevelopment and Housing Authority (FCRHA) approved: 1) the purchase up to four affordable dwelling units at the East Market Development; 2) reallocation and disbursement of up to \$190,000 from Fund 319, The Penny for Affordable Housing Fund, subject to Board of Supervisors approval, for a portion of the permanent financing; 3) the reallocation and disbursement \$145,000 from Fund 145, Home Investment Partnerships Program (HOME) fund for the acquisition of one of the above ADU units and 4) expenditure of up to \$565,000 from Fund 946, Fairfax County Redevelopment and Housing Authority Revolving

Board Agenda Item
February 25, 2008

Development Fund, for the interim financing for the proposed acquisitions. One unit was purchased with HOME funds and three units were purchased in November of 2006 using interim financing.

These units will be rented under the Fairfax County Rental Program. The following chart outlines the rents and affordable income levels by bedroom size. The utility allowances are calculated using the latest Housing Choice Voucher Utility Allowance Schedule prepared by HCD Staff. The income limits for households occupying the units will be at 70% of the Area Median Income (AMI), but the rents will be affordable to households at 50% AMI.

Unit Size	Gross Rent	Utility Allowance	Net Rent	Area Median Income
2 Bedroom	\$ 904	\$154	\$750	40%
3 Bedroom	\$1,091	\$191	\$900	49%

The units have been purchased and permanent financing was arranged with United Bank on December 5, 2007 in the amount of \$265,615. This leaves a gap amount of \$145,395 needed from The Penny Fund to complete the permanent financing structure. Due to a favorable interest rate of 6.09%, only \$145,395 is needed instead of \$190,000 as previously approved by the FCRHA. Under the proposed financing plan, County funds will be requested to pay the estimated annual condominium fees of \$12,395 for the four units.

STAFF IMPACT:

None

FISCAL IMPACT:

Funding in the amount of \$145,395 will be reallocated within Fund 319, The Penny for Affordable Housing Fund, from Project 014196, Affordable Workforce Housing to Project 014254, East Market in FY 2008. As of February 12, 2008, Project 014196, Affordable/Workforce Housing, had an available balance of \$1,248,111. Under the proposed financing plan, County funds will be requested to pay the estimated condominium fees of \$12,395 for the four units. A funding request in the amount of \$12,395 will be submitted to the Board of Supervisors as part of Housing General Fund's submission during the *FY 2008 Carryover Review* process.

ENCLOSED DOCUMENTS:

None

Board Agenda Item
February 25, 2008

STAFF:

Verdia L. Haywood, Deputy County Executive

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

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

Aseem K. Nigam, Director, REFGM Division, HCD

Louise Milder, Associate Director, REFGM Division, HCD

Derek DuBard, Real Estate Finance Officer, REFGM Division, HCD

THIS PAGE INTENTIONALLY LEFT BLANK

Board Agenda Item
February 25, 2008



ACTION - 2

Authorization to Reallocate and Disburse Funds from The Penny For Affordable Housing Fund, for the Acquisition and Preservation of Units at Halstead by the Fairfax County Redevelopment and Housing Authority (Providence District)

ISSUE:

Authorization is requested to reallocate up to \$176,514 from Fund 319, The Penny for Affordable Housing (The Penny Fund) Fund to be used as part of the permanent financing for the acquisition of the four units at Halstead.

RECOMMENDATION:

The County Executive recommends that the Board approve the reallocation of \$176,514 from Fund 319, The Penny for Affordable Housing Fund, to be used as a portion of the permanent financing.

TIMING:

Approval by the Board is requested on February 25, 2008, in order to complete the permanent financing on the units.

AFFORDABLE HOUSING PRESERVATION:

As of February 1, 2008, a total of 2,207 units of affordable housing had been preserved as a result of the Board's Affordable Housing Preservation Initiative. Fund 319, the Penny for Affordable Housing Fund, has played an instrumental role in this effort. The four Halstead units proposed for acquisition will be added to the inventory of preserved units once closing on the property has taken place. With the acquisition of these four units, the total number of affordable units preserved will increase to 2,211.

BACKGROUND:

At its meeting on January 24, 2008, the Fairfax County Redevelopment and Housing Authority (FCRHA) approved 1) the purchase up to four affordable dwelling units at Halstead development; 2) reallocation and disbursement of up to \$176,514 from Fund 319, The Penny for Affordable Housing Fund, subject to Board of Supervisors approval, for a portion of the permanent financing; and 3) expenditure of up to \$445,471 from Fund 946, Fairfax County Redevelopment and Housing Authority Revolving Development Fund, for the interim financing. These units will be rented under the Fairfax County Rental Program. The following chart outlines the rents and affordable income levels by bedroom size. The utility allowances are calculated using the latest Housing Choice Voucher Utility Allowance

Board Agenda Item
February 25, 2008

Schedule prepared by HCD Staff. The income limits for households occupying the units will be at 70% of the Area Median Income (AMI), but the rents will be affordable to households at 50% AMI.

Unit Size	Gross Rent	Utility Allowance*	Net Rent	Area Median Income (Rent)
1BR/1BA	\$ 886	88	\$798	50%
2BR/2BA	\$ 1,063	114	\$949	50%

* Trash and sewer fees are included in the Condo Fees

The total sale price for four units is \$445,471. The preliminary financial analysis for the four units using the underwriting criteria agreed to with United Bank determined that the project can carry \$268,957 in permanent financing based on an estimated United Bank Line of Credit tax-exempt interest rate of 8%. The remaining balance of \$176,514 will come from The Penny Fund. It is anticipated that the interest rate will be lower than the high-end estimate of 8%. In that case, funding from The Penny Fund that will be saved will be reallocated back to the Fund to be used for the preservation of ADUs in other future projects. Under the proposed financing plan, the County will be requested to pay the estimated \$11,506 condominium fees for the four units.

STAFF IMPACT:

None

FISCAL IMPACT:

Funding in an amount up to \$176,514 is proposed to be reallocated within Fund 319, The Penny for Affordable Housing Fund, from Project 014196, Affordable/Workforce Housing to Project 014273, Halstead. As of February 12, 2008, Project 014196, Affordable/Workforce Housing, had an available balance of \$1,248,111. Under the proposed financing plan, the County will be requested to pay the estimated \$11,506 condominium fees for the four units. A funding request in the amount of \$11,506 will be submitted to the Board of Supervisors as part of Housing General Fund's submission during the *FY 2008 Carryover Review* process.

ENCLOSED DOCUMENTS:

None

Board Agenda Item
February 25, 2008

STAFF:

Verdia L. Haywood, Deputy County Executive

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

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

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

Louise Milder, Associate Director, REFGM Division, HCD

Derek DuBard, Real Estate Finance Officer, REFGMt Division, HCD

THIS PAGE INTENTIONALLY LEFT BLANK

Board Agenda Item
February 25, 2008



ACTION – 3

Authorization to Reallocate and Disburse Funds from The Penny For Affordable Housing Fund for the Acquisition and Preservation of Units at Stockwell Manor by the Fairfax County Redevelopment and Housing Authority (Dranesville District)

ISSUE:

Authorization is requested to reallocate funds from The Penny for Affordable Housing Fund (The Penny Fund), not to exceed \$183,000, to be used as part of the permanent financing for the acquisition of three units at Stockwell Manor.

RECOMMENDATION:

The County Executive recommends that the Board approve the reallocation of \$183,000 from Fund 319, The Penny for Affordable Housing Fund, to be used as a portion of the permanent financing.

TIMING:

Approval by the Board is requested on February 25, 2008, in order to complete the permanent financing on the units.

AFFORDABLE HOUSING PRESERVATION:

As of February 1, 2008, a total of 2,207 units of affordable housing had been preserved as a result of the Board's Affordable Housing Preservation Initiative. Fund 319, the Penny for Affordable Housing Fund, has played an instrumental role in this effort. The three Stockwell units proposed for acquisition will be added to the inventory of preserved units once closing on the property has taken place. With the acquisition of these four units and three units scheduled to be acquired at Halstead, the total number of affordable units preserved will be 2,214.

BACKGROUND:

At its meeting on December 13, 2007, the Fairfax County Redevelopment and Housing Authority (FCRHA) approved: 1) the purchase up to three affordable dwelling units at Stockwell development; 2) reallocation and disbursement of up to \$183,000 from Fund 319, The Penny for Affordable Housing Fund, subject to approval by the Board of Supervisors, for a portion of the permanent financing; and 3) expenditure of up to \$459,000 from Fund 946, Fairfax County Redevelopment and Housing Authority Revolving Development Fund, for the interim financing for the proposed acquisitions.

Board Agenda Item
February 25, 2008

These units will be rented under the Fairfax County Rental Program. The following chart outlines the rents and affordable income levels by bedroom size. The utility allowances are calculated using the latest Housing Choice Voucher Utility Allowance Schedule prepared by HCD Staff. The income limits for households occupying the units will be at 70% of the Area Median Income (AMI), but the rents will be affordable to households at 50% AMI.

Unit Size	Gross Rent	Utility Allowance	Net Rent	Area Median Income
3 Bedroom	\$1,228	\$192	\$1,036	50%

The total sales price for three units is \$459,000. The preliminary financial analysis for the three units using the underwriting criteria agreed to with United Bank determined that the project can carry approximately \$276,000 in permanent financing based on an estimated United Bank Line of Credit tax-exempt interest rate of 8.0%. The remaining balance of \$183,000 will come from The Penny for Affordable Housing Fund. It is anticipated that the interest rate will be lower than the high-end estimate of 8%. In that case, funding from The Penny Fund that will be saved will be reallocated back to the Fund to be used for the preservation of ADUs in other future projects. Under the proposed financing plan, the County will be requested to pay the estimated homeowners association fees of \$150 monthly for each of the three units, an annual total of \$5,400.

STAFF IMPACT:

None

FISCAL IMPACT:

Funding in the amount of \$183,000 is proposed to be reallocated within Fund 319, The Penny for Affordable Housing Fund, from Project 014196, Affordable/Workforce Housing to Project 014270, Stockwell Manor. As of February 12, 2008, Project 014196, Affordable/Workforce Housing, had an available balance of \$1,248,111. Under the proposed financing plan, the County will be requested to pay the estimated homeowners association fees for the three units. A funding request in the amount of \$5,400 will be submitted to the Board of Supervisors as part of Housing General Fund's submission during the *FY 2008 Carryover Review* process.

ENCLOSED DOCUMENTS:

None

Board Agenda Item
February 25, 2008

STAFF:

Verdia L. Haywood, Deputy County Executive

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

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

Aseem K. Nigam, Director, REFGM Division, HCD

Louise Milder, Associate Director, REFGM Division, HCD

Derek DuBard, Real Estate Finance Officer, REFGM Division, HCD

THIS PAGE INTENTIONALLY LEFT BLANK

Board Agenda Item
February 25, 2008



ACTION – 4

Authorization to Reallocate and Disburse Funds from The Penny For Affordable Housing Fund, for the Acquisition and Preservation of Units at Northampton by the Fairfax County Redevelopment and Housing Authority (Lee District)

ISSUE:

Authorization is requested to reallocate up to \$214,000 from The Penny for Affordable Housing Fund (The Penny Fund) to be used as part of the permanent financing for the acquisition of four units at Northampton.

RECOMMENDATION:

The County Executive recommends that the Board approve the reallocation of \$214,000 from Fund 319, The Penny for Affordable Housing Fund, to be used as a portion of the permanent financing.

TIMING:

Approval by the Board is requested on February 25, 2008, in order to complete the permanent financing on the units.

AFFORDABLE HOUSING PRESERVATION:

As of February 1, 2008, a total of 2,207 units of affordable housing had been preserved as a result of the Board's Affordable Housing Preservation Initiative. Fund 319, the Penny for Affordable Housing Fund, has played an instrumental role in this effort. The four Northampton units proposed for acquisition will be added to the inventory of preserved units once closing on the property has taken place. With the acquisition of these four units and seven units scheduled to be acquired at Halstead and Stockwell Manor, the total number of affordable units preserved will be 2,218.

BACKGROUND:

At its meeting on December 13, 2007, the Fairfax County Redevelopment and Housing Authority (FCRHA) approved: 1) the purchase up to four affordable dwelling units at Northampton development; 2) reallocation and disbursement of up to \$214,000 from Fund 319, The Penny for Affordable Housing Fund, subject to Board of Supervisors approval, for a portion of the permanent financing; and 3) expenditure of up to \$582,000 from Fund 946, Fairfax County Redevelopment and Housing Authority Revolving Development Fund, for the interim financing for the proposed acquisitions.

Board Agenda Item
February 25, 2008

These units will be rented under the Fairfax County Rental Program. The following chart outlines the rents and affordable income levels by bedroom size. The utility allowances are calculated using the latest Housing Choice Voucher Utility Allowance Schedule prepared by HCD Staff. The income limits for households occupying the units will be at 70% of the Area Median Income (AMI), but the rents will be affordable to households at 50% AMI.

Unit Size	Gross Rent	Utility Allowance	Net Rent	Area Median Income
3 Bedroom	\$1,228	\$192	\$1,036	50%

The total sale price for four units is \$582,000. The preliminary financial analysis for the four units using the underwriting criteria agreed to with United Bank determined that the project can carry \$368,000 in permanent financing based on the estimated United Bank Line of Credit tax-exempt interest rate of 8%. This leaves a gap amount of \$214,000 needed from The Penny Fund to complete the financing structure. It is anticipated that the interest rate will be lower than the high-end estimate of 8%. In that case, funding from The Penny Fund that will be saved will be reallocated back to the Fund to be used for the preservation of ADUs in other future projects. Under the proposed financing plan, the County will be requested to pay the estimated homeowners association fees of \$3,840 annually for the four units.

STAFF IMPACT:

None

FISCAL IMPACT:

Funding in an amount up to \$214,000 is proposed to be reallocated within Fund 319, The Penny for Affordable Housing Fund, from Project 014196, Affordable/Workforce Housing to Project 014269, Northampton. As of February 12, 2008, Project 014196, Affordable/Workforce Housing, had an available balance of \$1,248,111. Under the proposed financing plan, the County will be requested to pay the estimated \$3,840 homeowners association fees for the four units. A funding request in the amount of \$3,840 will be submitted to the Board of Supervisors as part of Housing General Fund's submission during the *FY 2008 Carryover Review* process.

ENCLOSED DOCUMENTS:

None

Board Agenda Item
February 25, 2008

STAFF:

Verdia L. Haywood, Deputy County Executive

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

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

Aseem K. Nigam, Director, REFGM Division, HCD

Louise Milder, Associate Director, REFGM Division, HCD

Derek DuBard, Real Estate Finance Officer, REFGM Division, HCD

THIS PAGE INTENTIONALLY LEFT BLANK

Board Agenda Item
February 25, 2008

ACTION - 5

Changes to the Fairfax County Supplier Diversity Program

ISSUE:

Board approval of changes to the Fairfax County Supplier Diversity Program

RECOMMENDATION:

The County Executive recommends that the Board approve the updated Fairfax County Supplier Diversity Program outlined below, to become effective upon approval. Staff recommends that the program name be changed from Fairfax County Small and Minority Business Enterprise Program to the Fairfax County Supplier Diversity Program in accordance with industry standard. The program has been modified to incorporate the addition of the Vendor Relations Division within the Department of Purchasing and Supply Management, and service disabled veteran businesses as part of the community we serve.

TIMING:

Routine.

BACKGROUND:

The Board adopted the minority business enterprise program in its adoption of the basic principle of Affirmative Action, on May 7, 1979. Fairfax County is one of only three jurisdictions in the Commonwealth that have a Supplier Diversity Program. The Commonwealth of Virginia Department of Minority Business Enterprise and Department of Business Assistance have partnered with Fairfax County to enhance opportunities for Small, Women-owned, and Minority-owned (SWAM) vendors.

Changes reflected in the Fairfax County Supplier Diversity Program document include: 1) clearly stated mission and commitment; 2) revised definitions of SWAM and service disabled veterans businesses; 3) updated program responsibilities; and 4) updated terminology consistent with state and national programs.

The mission and commitment of the program are stated to re-affirm the County commitment to respecting diversity in our supplier community. The County has adopted the Commonwealth of Virginia's definitions for SWAM businesses as well as Service Disabled Veterans. In an effort to remain current with the Commonwealth's definitions,

Board Agenda Item
February 25, 2008

the County has made reference to the Virginia Public Procurement Act where these categories are defined in lieu of including the definitions in this program document.

Last year ,the Vendor Relations Division was established replacing the Office of Small Business. The mission was revised to include a more comprehensive vendor relations focus. The new Supplier Diversity Program includes extensive outreach to the SWAM vendor community and an in-reach to county departments to increase SWAM access to County procurement. Fairfax County has a history of successful contracting with the SWAM community. The statistics for Fiscal Year 2007 are attached. The County's current program is referred to as the *Small and Minority Business Enterprise Program*. In keeping with industry standards and the wider focus of the program, staff proposes the program name be changed to the *Fairfax County Supplier Diversity Program*.

The Small Business Commission has reviewed and endorsed this Supplier Diversity Program.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 - Revised Fairfax County Supplier Diversity Program
Attachment 2 – Fiscal Year 2007 Statistics

STAFF:

Edward L. Long, Jr., Deputy County Executive
Cathy A. Muse, Director, Department of Purchasing & Supply Management

Board Agenda Item
February 25, 2008

ACTION - 6

Approval of Final Community Improvement Program Assessments for Fairdale (Mason District)

ISSUE:

Adoption by the Board of Supervisors of resolutions establishing the final amount to be assessed against each property in the Fairdale Community Improvement Program project.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the attached resolutions establishing the final assessments for Fairdale.

TIMING:

Action by the Board of Supervisors is requested at its meeting on February 25, 2008.

BACKGROUND:

Construction has been completed in the Fairdale Community Improvement Program, and all outstanding items have been addressed. At this time, final resolutions must be adopted establishing the exact amount to be billed to each property owner. Following a public hearing, the Board of Supervisors originally approved the estimated assessments on June 7, 1993. Since that time, modifications to curb and gutter and/or driveway entrances were requested by four of the property owners and were completed, thus increasing the amounts to be billed based on the cost of the actual modifications. The changes were made at the request of and with full knowledge of the property owners. Therefore, a new resolution must be adopted changing the assessments for those properties. All other assessments are the same as originally estimated. This action is required by Section 15.2-2404 et seq. of the Code of Virginia.

FISCAL IMPACT:

These homeowner assessment payments are deposited into Fund 314, Neighborhood Improvement Program. Funds received are periodically transferred to Fund 200, County Debt Service, to partially assist in paying the debt service costs associated with neighborhood improvement bonds.

Board Agenda Item
February 25, 2008

ENCLOSED DOCUMENTS:

Attachment 1 - Resolution Amending the Original Estimated Assessments for the Fairdale Community Improvement Program

Attachment 2 - Resolution Establishing the Final Assessments for All Properties in the Fairdale Community Improvement Program

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

Howard J. Guba, Deputy Director, DPWES

Harry Swanson, Deputy Director, Special Projects, DHCD

Susanne Sotirchos, Special Projects (DHCD)

Board Agenda Item
February 25, 2008



ACTION - 7

Approval of Bus Service Plan to Transition Non-Regional Metrobus Route 2W, Line 12 Routes and Line 20 Routes to the Fairfax Connector (Braddock, Dranesville, Hunter Mill, Springfield and Sully Districts)

ISSUE:

On February 26, 2006, the Board authorized the Fairfax County Department of Transportation (FCDOT) to transition Metrobus Non-Regional Routes (2W, 12A, 12C, 12D, 12E, 12F, 12G, 12L, 12M, 12R, 12S, 20F, 20W, 20X and 20Y) serving the Oakton, Centreville and Chantilly areas into the Fairfax Connector system and to conduct a public process in conjunction with the transition. Further, this action included the authorization to acquire 26 new buses.

The West Ox Bus Operations Center, currently under construction, is projected to be completed in October, with revenue bus service to begin by spring 2009. It is this center that will provide a base for the County's operation of the Centreville/Chantilly bus service after it transitions from WMATA to the County.

At the September 24, 2007, Board meeting, FCDOT informed the Board that planning for transitioning the Metrobus routes to the Fairfax Connector was underway and that FCDOT would be soliciting public comments on the current service and a proposed service plan by disseminating information by various means, including the holding of two rounds of public meetings. The current Metrobus service is weekday rush hours only.

Funding has been included in the FY 2009 Advertised Budget Plan for the partial year costs of the County's operation of these Metrobus routes. FY 2009 expenditures are supported by State Aid applied to Fund 100, County Transit Systems.

On October 15, 2007, the Board endorsed using Northern Virginia Transportation Authority/commercial real estate tax for transportation revenues to expand transit service in the County. One of the projects identified was the continuing costs of the operation and expansion of Metrobus route 2W, line 12 routes and line 20 routes in the Centreville, Chantilly, and Oakton areas to the Fairfax Connector. This is predicated on the allocation of Northern Virginia Transportation Authority (NVTA) revenues. If subsequent action by the Board of Supervisors on the FY 2009 budget or allocation of NVTA funds results in this Plan not being fully funded, then this expansion proposal will have to be amended.

FCDOT has prepared and recommends that the Board approve the enclosed Bus

Board Agenda Item
February 25, 2008

Service Plan for the Centreville, Chantilly and Oakton Areas (Attachment I) for transitioning the affected Metrobus routes into the Fairfax Connector system. The recommended plan provides for service expansion in addition to the Metrobus Non-Regional Routes transfer.

RECOMMENDATION:

The County Executive recommends that the Board adopt staff's recommended Bus Service Plan for the Centreville, Chantilly and Oakton Areas (Plan) and the recommended funding thereof.

TIMING:

It is requested that the Board act on this item on February 25, 2008, to provide the lead time necessary for implementing the Plan during the first quarter of CY 2009. As this service will be operated out of the new West Ox Bus Operations Center; implementation of the Plan is contingent upon the completion and operational readiness of the West Ox Bus Operations Center, scheduled for substantial completion in October 2008.

BACKGROUND:

The Plan being recommended for Board approval takes into consideration:

- public comments on the existing Metrobus service,
- public perspectives on desired service,
- public comments on the plan initially proposed by staff.
- resource requirements and constraints; and,
- effectiveness and efficiency of service alternatives,

Plan details are described in Attachment I including Service Plan Highlights (pages 4-6), Park-and-Ride Service (pages 8-11), and Service Comparison Chart (pages 53-57). Highlights of Phase 2 can be found on page 58 of the Plan.

To fully implement the Plan, additional buses beyond those previously authorized are required. As a result, it is recommended that the Plan be implemented in two phases. The first phase would expand weekday service beyond levels currently provided by Metro and add new midday service. The second phase would add weekend service and two new cross-county routes. These service improvements and additions are made possible by the additional funding to be received from the NVTa/commercial real estate tax for transportation revenues and by operational efficiencies achieved from restructuring the routes. These service improvements will likely be one of the first Fairfax County projects implemented with NVTa funding. Therefore, it is recommended, as mentioned above, that the Plan be implemented in two phases as follows:

Board Agenda Item
February 25, 2008

Phase 1 Effective First Quarter CY 2009 (mid FY 2009)

- Increases annual revenue hours from 32,000 to 49,300, a 54% increase.
- Restructures and replaces the existing Metrobus routes with new Fairfax Connector routes serving Centreville, Chantilly and Oakton.
- Makes service levels comparable to those provided in other parts of the County.
- Adds three new midday routes that connect Centreville and Chantilly to the Vienna Metrorail Station with one also serving the Fair Oaks Mall.
- Increases the total number of daily trips by 69 from 149 to 218, a 46% increase.
- Increases the number of daily AM and PM peak-direction trips by 30 from 104 to 134, a 29% increase and the frequency of trips by five minutes throughout most of the service area.
- Improves the frequency of trips of daily AM and PM reverse commute trips by 10 minutes throughout most of the service area.
- Adds Marbrook Center, Brookfield Corporate Center, Albemarle Point Business Park, Dulles Southgate Industrial Business Park, Chantilly Crossing and Dulles Discovery as new locations to be served.
- Increases service levels and coverage without increasing the number of buses initially required to operate the service.
- Removes service from the following areas due to low patronage and/or operational safety concerns:
 - Lafayette Business Park
 - Union Mill Road near Trey Lane
 - Sully Station Drive
 - Greenbriar Shopping Center

Phase 2 Effective Late CY 2010-Early 2011 (mid FY 2011) (as buses become available with NVT A funding)

- Increases service in western Fairfax by approximately an additional 45,600 annual revenue hours for an overall proposed plan total of 94,900 annual revenue hours following full implementation of Phase 2.
- Adds weekend service operating hourly between the Vienna Metrorail Station and Centreville during the hours of approximately 5:00am-10:00pm.
- Adds weekday and weekend service between Centreville and Reston/Herndon during the hours of approximately 5:00am-10:00pm with 30-minute service during the AM and PM peaks on weekdays and hourly during off-peak periods on weekdays and on weekends.
- Adds weekday and weekend service between Centreville and Fairfax/GMU via the Fairfax County Government Center during the hours of approximately 5:00am-10:00pm with 30-minute service during the AM and PM peaks on weekdays and hourly during off-peak periods on weekdays and on weekends.
- Changes frequency of service from 15 to approximately 7½ minutes between the Stringfellow Park-and-Ride and the Vienna Metrorail Station when the lot is

Board Agenda Item
February 25, 2008

expanded pursuant to passage of the Transportation Bond Referendum of November 2007.

The public involvement process was conducted in two rounds. Information was disseminated and two public meetings was held during each round. The purpose of the first round; covering the period October 4, 2007 through October 22, 2007, was to collect feedback on the existing Metrobus service from customers and obtain residents' preferences regarding the types and levels of service that should be provided. Sixty-six comments were received during this round, the majority requesting that service be increased as follows:

- Provide more weekday AM peak, PM peak and midday trips (34%).
- Add service to new destinations, such as the Fair Oaks Mall and Reston/Herndon (18%).
- Add weekend service (17%).
- Improve the frequency of the bus service (17%).
- Create schedules that can be run on time (10%).
- Other (4%).

The purpose of the second round, covering the period from November 21, 2007 to December 12, 2007, was to gather feedback on FCDOT's draft service plan which took into consideration comments received during the first round of the public involvement process. Of the 23 comments received during this second round:

- 30% endorsed the draft plan in whole or part as presented.
- 58% variously suggested that more trips be provided, service be extended to other destinations such as locations in Arlington County and the District, more frequent service be provided, and that the paper schedules (referring to Metro's) be made more user-friendly.
- 12% expressed concerns about possible overcrowding on buses at the park-and-ride lots and the availability of parking spaces at the lots.

Staff has responded to the substantive comments received by posting the enclosed Attachment II on the Connector web site on January 17, 2008, at the Vienna Metrorail Station and at the three park-and-ride lots as well as on-street bus shelters in the service area during the week of January 21, 2008.

Each round of the public involvement process was opened by notifying the public and the Metrobus customers of the process and purpose of each round. Notices included opening and closing dates for each round; locations, dates and times that public meetings would be held; and methods for submitting comments and obtaining additional information; which included telephone, USPS mail, and e-mail either directly or through the Fairfax Connector web site. Means used for notifying the public included:

- posting notices, the draft plan and the recommended Plan on the Fairfax

Board Agenda Item
February 25, 2008

- Connector web site,
- posting and handing out flyers to customers at the Vienna Metrorail Station,
- posting notices at the three park-and-rides as well as at on-street bus shelters in the service area,
- e-mailing notices to homeowners associations,
- issuing press releases; and,
- placing notices of the public meetings on the County's Public Meetings Calendar.

It should be noted that under Federal Regulations, the Washington Metropolitan Area Transit Authority is required to conduct a public hearing to advise the public of the transfer of this service. WMATA has indicated that the public hearing will be held closer to the date of actual service transition and recommended plan implementation by the County. WMATA was advised of the February 26, 2006, Board authorization in a letter dated July 20, 2007, which is provided as Attachment III.

FISCAL IMPACT:

The FY 2009 Advertised Budget Plan, within Fund 100, County Transit Systems, includes funding supported by State Aid for the anticipated partial year costs of the County's operation of the Centreville/Chantilly/Oakton bus service at the same level/hours of operation as previously provided by WMATA.

The approval of this Plan will require the use of new funds available under House Bill 3202 (NVTA funding and commercial real estate tax funding) in support of the proposed Phase 1 expansion of existing Chantilly/Centreville/Oakton routes beyond rush hour service, and proposed Phase II additions of new routes to serve this area and provide better connectivity with the Vienna Metro Station. The Board will consider, as part of the FY 2009 budget adoption, an increase to the commercial real estate tax rate in support of transportation. It will also appropriate funding anticipated from NVTA in Fund 124, County and Regional Transportation Projects, Reserve Project, for planned capital and transit expansion projects.

Board of Supervisor approval at this time is required to proceed with all pre-implementation planning activities. If subsequent action of the Board of Supervisors on the FY 2009 budget, commercial real estate tax or allocation of NVTA funds results in this Plan not being fully funded, then this project proposal will have to be amended.

The estimated annual operating cost of the full plan (a fully restructured Centreville/Chantilly/Oakton expanded to 94,900 annual revenue hours) is \$9.67 million. The Plan provides for phasing in bus services, and full expansion of Chantilly/Centreville/Oakton routes will not occur until mid-FY 2011. Funding identified in the FY 2008 through FY 2010 plan for NVTA and the commercial real estate tax increase, submitted to the Board of Supervisors on October 15, 2007, will meet the

Board Agenda Item
February 25, 2008

requirements of this Plan through FY 2010. Phase 1 annual operating costs are estimated as \$5.02 million, and Phase 2 annual operating costs as \$4.65 million.

FY 2009 partial year operating funding of \$0.73 million is estimated to be required from the NVTA/commercial real estate tax rate to fund Phase I costs not already included within the FY 2009 Advertised Budget Plan for West Ox Division bus routes. In addition, capital equipment funding of \$6.48 million for 16 Phase 2 buses is required in FY 2009 to allow the necessary time for the procurement process. Funding identified in the FY 2008 through FY 2010 plan, for NVTA and the commercial real estate tax increase, will meet these FY 2009 requirements. Adjustments will be made to the FY 2009 County transit budget at a future quarterly review to appropriate the necessary FY 2009 funds.

No contribution from the General Fund will be required to fund the Plan.

ENCLOSED DOCUMENTS:

Attachment I: Bus Service Plan for the Centreville, Chantilly and Oakton Areas

Attachment II: Staff Responses to Comments Received on the Proposed Plan

Attachment III: Letter to WMATA, dated July 20, 2007

STAFF:

Robert Stalzer, Deputy County Executive

Katharine D. Ichter, P.E., Director, FCDOT

Rollo Axton, Chief, Transit Services Division, FCDOT

Thomas Black, Section Chief, Fairfax Connector Section, FCDOT

Jim Carrell, Transit Services Division, FCDOT

Christin Wegener, Transit Services Division, FCDOT

Board Agenda Item
February 25, 2008

ACTION – 8

Approval of Strategies to Maintain Behavioral Healthcare and Other Programs of the Center for Multicultural Human Services (CMHS)

ISSUE:

Board approval of planned support to achieve a consolidation of the Center for Multicultural Human Services (CMHS) with Northern Virginia Family Services (NVFS). This consolidation is designed to preserve, stabilize and eventually grow community based behavioral health care services and perhaps other services that focus on and address needs of our diverse population in a culturally responsive manner thereby improving service outcomes.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors directs the County Executive and the Deputy County Executive to collaborate with CMHS and NVFS to integrate, stabilize, and preserve critical behavioral health care services in our community.

TIMING:

February 25, 2008: There is a need to complete the proposed consolidation as soon as possible to preserve the community based behavioral health care and other services of CMHS by quickly addressing business process reforms such as the third party revenue cycle and the grantsmanship cycle of major funding foundations.

BACKGROUND:

Over the past several years, CMHS has experienced a loss of some of its traditional revenue from the Federal Government as a result of the Federal deficit situation, policy changes, restructured and lower payments by managed care organizations, Medicaid, and other insurance companies. These actions have threatened the ability of CMHS to continue providing behavioral health care services in our community. On February 27, 2007, the Board took action to approve a contribution to CMHS of \$500,000 to help assure the organizations' ability to maintain core services and its attempt to stabilize and develop additional sources of revenue.

CMHS is a major provider of behavioral health care services to the diverse population of the Fairfax community. Collectively, the professional staff of CMHS speaks over 22 languages and more than half have advanced degrees. Their positive impact on the

Board Agenda Item
February 25, 2008

community is felt directly as they serve 8,600 clients annually, including those callers served through the CMHS Information and referral line. On a more intensive level, 2,256 clients representing over a hundred different countries were served in 2007. Most importantly, 62% of these clients were referred to CMHS from other agencies which clearly demonstrate the capacity to deliver community based culturally and linguistically competent behavioral health care services is highly sought by other agencies throughout our community.

Fairfax County is challenged to meet the demand for behavioral health care services for priority populations through the public system. The core community based behavioral health care services currently provided by CMHS cannot be absorbed by the public mental health system. Our public system is near capacity and is likely to be required to assume additional responsibilities given the statutory changes under consideration by the General Assembly in response to the incident at Virginia Tech. It is critically important to attempt to maintain at least the current level of services throughout the entire system in order to adequately address the behavioral health care needs of the community.

The behavioral health care component of CMHS is not funded by Fairfax County government except for a small purchase of service agreement with the Fairfax-Falls Church Community Services Board in the amount of approximately \$100,000. CMHS has been challenged to make revenues from third party payments (i.e. Medicaid, insurance companies, purchase of service agreements) compensate for the loss of prior Federal grants for behavioral health care services for the multicultural populations, refugees, and victims of torture, etc. living in our community.

A review of the revenue cycle and business processes prepared for CMHS by Inova Health System documented the need to make major improvements to the third party revenue system. Inova also concluded that opportunities exist for significant improvement in third party revenue collection. In addition, Inova Health System has agreed to be a resource, offering technical assistance to improve the CMHS revenue collection system.

Additional opportunities exist to strengthen the partnerships with foundations including Freddie Mac, Robert Wood Johnson, Meyer, Annie E. Casey, and Northern Virginia Health and perhaps renew a relationship with Venture Philanthropy Partners. It is also felt there are opportunities to enhance the relationship with Fairfax County through the Comprehensive Services Act (CSA) purchase of service system for at-risk children and their families. Legislation currently under consideration by the State General Assembly will direct more resources to community based services that CMHS/NVFS should be able to compete for successfully.

NVFS has been a stable and effective private non-profit organization in Northern

Board Agenda Item
February 25, 2008

Virginia since 1924. The organization also has partnerships with most of the foundations that are in partnership with CMHS. NVFS has considerable experience in serving our diverse population with family, employment, training and other services. Therefore, an excellent opportunity exists to consolidate CMHS with NVFS to preserve, stabilize and eventually grow community based behavioral health care services with a unique focus on our diverse population.

FISCAL IMPACT:

Additional county resources will be necessary to achieve this objective. Therefore, the County Executive and the Deputy County Executive will collaborate as necessary with NVFS and CMHS to redirect existing appropriations within the entire human services systems budget for fiscal year 2008 up to a maximum of \$500,000 to allow sufficient opportunity for systems improvements to collect third party revenues, compete for behavioral health care contracts and enhance partnerships with foundations serving the Fairfax-Falls Church community. These improvements will result in substantial reductions in the deficits currently experienced by CMHS attributed primarily to the behavioral health care services delivered in the community by CMHS.

ENCLOSED DOCUMENTS:

None

STAFF:

Verdia L. Haywood, Deputy County Executive

THIS PAGE INTENTIONALLY LEFT BLANK

Board Agenda Item
February 25, 2008

INFORMATION - 1

Contract Award - Gunston Commons and Wellington 1 Sewage Pumping Station Renovations (Mount Vernon District)

Two sealed bids were received and opened on Tuesday, January 22, 2008, for the construction of the Gunston Commons and Wellington 1 Sewage Pumping Station Renovations, Project No. I00351, Pumping Station Renovations, Fund 402, Sewer Construction Improvements. This contract award will provide for the demolition of the Gunston Commons Pumping Station, restoration of the site with seed and mulch, salvaging the precast building structure and equipment, and the in-place abandonment of 1600 feet of 4-inch force main pipe. The salvaged equipment will be reused in the renovation of the Wellington 1 Pumping Station. The precast building structure will be dismantled and stored at the Wastewater Collection Division compound for future use. This project is included in the FY 2008-FY 2012 Adopted Capital Improvement Program.

The lowest responsive and responsible bidder is Alpha Construction Company, Inc. The Company's bid of \$227,000 is \$ 4,830 or 2.1% lower than the Independent Engineer's Estimate of \$231,830. The second and highest bid of \$245,000 is \$18,000 or 7.9% above the low bid.

Alpha Construction Company, Inc. has satisfactorily completed several County projects and is considered a responsible contractor. The Department of Tax Administration has verified that Alpha Construction Company, Inc. has the appropriate Fairfax County Business, Professional and Occupations License.

This bid may be withdrawn after March 6, 2008.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to Alpha Construction Company, Inc. in the amount of \$227,000.

FISCAL IMPACT:

Funding in the amount of \$290,000 is necessary to award this contract and to fund the associated contingency and other project costs including design, utility adjustments, contract administration, inspection, testing, permits and fees. Funding is available in the amount of \$1,974,396 in Project I00351, Pumping Station Renovations, Fund 402, Sewer Construction Improvements. The balance of funding in Project I00351, Pumping

Board Agenda Item
February 25, 2008

Station Renovations, will be retained to fund other planned Pumping Station Renovation projects.

ENCLOSED DOCUMENTS:

Attachment 1 – Order of Bidders

Attachment 2 – Vicinity Maps

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 25, 2008

11:45 a.m.

Matters Presented by Board Members

THIS PAGE INTENTIONALLY LEFT BLANK

Board Agenda Item
February 25, 2008

12:35 p.m.

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
 - (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
 - (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
-
- 1. *Phillip Luther Moore, II v. Fairfax County, Virginia, Officer Ivancic, Officer Smuck, Officer Shugart, Officer Ankers, and David M. Rohrer, Chief of Police*, Record No. 07-2119 (United States Court of Appeals for the Fourth Circuit)
 - 2. *Carletta Alexander v. John T. Frey, et al.*, Court No. 1:07cv556 (E.D. Va.)
 - 3. *HBL, LLC v. County of Fairfax, Virginia, Board of Supervisors of the County of Fairfax, Virginia, and Jimmie D. Jenkins, Director, Fairfax County Department of Public Works and Environmental Services*, Case No. CL-2006-0015715 (Fairfax Co. Cir. Ct.); and *HBL, LLC v. Fairfax County Board of Zoning Appeals, Eileen M. McLane, Fairfax County Zoning Administrator, and Jimmie D. Jenkins, Director, Fairfax County Department of Public Works and Environmental Services*, Case No. CL-2006-0015658 (Fx. Co. Cir. Ct.) (Providence District)
 - 4. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Robert E. McKim and Alma S. McKim*, In Chancery No. 132298 (Fx. Co. Cir. Ct.) (Springfield District)

5. *William E. Shoup, Fairfax County Zoning Administrator v. Jenny O. Nguyen*, Case No. CH-2005-0002927 (Fx. Co. Cir. Ct.) (Providence District)
6. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sindia L. Johnston and Monticello Pump Service, Inc.*, Case No. CL-2007-0011606 (Fx. Co. Cir. Ct.) (Mason District)
7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jacinto Alcocer and Claudina Montano*, Case No. CL-2007-0011739 (Fx. Co. Cir. Ct.) (Springfield District) (Strike Team Case)
8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Atilio A. Aguilar and Reina I. Segovia*, Case No. CL-2007-0014652 (Fx. Co. Cir. Ct.) (Providence District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Richmond Highway, LLC*, Case No. CL-2007-0007958 (Fx. Co. Cir. Ct.) (Mount Vernon District)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Delia M. Reyes and Huber Bueno*, Case No. CL-2008-0000290 (Fx. Co. Cir. Ct.) (Lee District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lewis M. Lipscomb, Jr., and Floy A. Lipscomb*, Case No. CL-2007-0014495 (Fx. Co. Cir. Ct.) (Mount Vernon District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Joanne S. Kreiser*, Case No. CL-2008-0001585 (Fx. Co. Cir. Ct.) (Mount Vernon District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Shahbaz H. Shaw*, Case No. CL-2008-0002099 (Fx. Co. Cir. Ct.) (Mount Vernon District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nelly Matos*, Case No. CL-2008-0001179 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)

15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Daisy Hernandez*, Case No. CL-2008-0000404 (Fx. Co. Cir. Ct.) (Springfield District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator, Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia, and Ronald L. Mastin, Fairfax County Fire Marshal v. Adela Cuellar Taylor*, Case No. CL-2008-0001917 (Fx. Co. Cir. Ct.) (Braddock District) (Strike Team Case)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. 1997 Mobley Family Revocable Living Trust, et al.*, Case No. CL-2008-0002000 (Fx. Co. Cir. Ct.) (Dranesville District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Oscar Solomon Villatoro, et al.*, Case No. CL-2008-0001699 (Fx. Co. Cir. Ct.) (Hunter Mill District)
19. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Tracey Barnes*, Case No. CL-2008-0001999 (Fx. Co. Cir. Ct.) (Mount Vernon District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose Maldonado*, Case No. CL-2008-0001698 (Fx. Co. Cir. Ct.) (Lee District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Wilder S. Soto*, Case No. CL-2008-0001878 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
22. *Board of Supervisors of Fairfax County, Virginia, v. Parvis Azarmi-Por, et al.*, Case No. CL-2007-0012345 (Fx. Co. Cir. Ct.) (Springfield District)

THIS PAGE INTENTIONALLY LEFT BLANK

Board Agenda Item
February 25, 2008

3:30 p.m.

Public Hearing on SE 2007-MA-013 (PNC Bank, N.A.) to Permit a Drive-In Bank in a Highway Corridor Overlay District and Modifications and Waivers in a Commercial Revitalization District, Located on Approximately 41,044 Square Feet Zoned C-6, CRD, HC and SC, Mason District

and

Public Hearing on SEA 97-M-024 (PNC Bank, N.A.) to Amend SE 97-M-024 Previously Approved for a Waiver of Sign Regulations to Permit a Reduction in Land Area and Waivers and Modifications in a Commercial Revitalization District, Located on Approximately 23.45 Acres Zoned C-6, CRD, HC and SC, Mason District

The application property is located at 3516 South Jefferson Street, Tax Map 62-1 ((1)) 16E.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, February 7, 2008, the Planning Commission voted unanimously (Commissioners Harsel and Litzenberger absent from the meeting; Commissioner Alcorn not present for the votes) to recommend the following actions to the Board of Supervisors:

- Approval of SEA 97-M-024, subject to the Development Conditions dated January 3, 2008; approval of the 20% parking space reduction request associated with SEA 97-M-024; and modification of the open space requirement associated with SEA 97-M-024, subject to the Development Conditions;
- Approval of SE 2007-MA-013, subject to the Development Conditions dated January 16, 2008, with the following revisions:
 - In Condition 7, insert the following words at the end of the second sentence: “to provide landscaping around the potential bus shelter”;
 - In Condition 7, in the final sentence, revise the last phrase to read, “with up to three (3) small ornamental trees along the Leesburg Pike frontage”;
 - Modify the third sentence of Condition 15 to read, “If, at the time of site plan approval for the properties fronting Leesburg Pike, WMATA/FCDOT has not determined the exact location of the bus shelter, the Applicant shall escrow \$25,000 with DPWES to be used for a future bus shelter on Leesburg Pike in the immediate area of the application property”; and
 - Delete the words “at its sole expense” from the last sentence of Condition 15.

Board Agenda Item
February 25, 2008

- Waiver of the loading space requirement associated with SE 2007-MA-013; and
- Modification of the requirement associated with SE 2007-MA-013 to construct a major paved trail along the frontage of Leesburg Pike in favor of a six-foot wide walkway with interlocking pavers, in accordance with the Leesburg Pike and Columbia Pike Streetscape Design Guidelines.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

Shelby McKnight, Staff Coordinator, Zoning Evaluation Division, DPZ

Board Agenda Item
February 25, 2008

3:30 p.m.

Public Hearing on SE 2007-SU-012 (Patrice E. McGinn) to Permit a Waiver of Minimum Lot Width, Located on Approximately 2.0 Acres Zoned R-1, Sully District

The application property is located at 11928 Waples Mill Road, Tax Map 46-1 ((1)) 32.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, February 13, 2008, the Planning Commission voted 9-0-1 (Commissioner Donahue abstaining; Commissioners Flanagan and Harsel absent from the meeting) to recommend that the Board of Supervisors approve SE 2007-SE-012, subject to the proposed Development Conditions dated February 12, 2008.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

St. Clair Williams, Staff Coordinator, Zoning Evaluation Division, DPZ

THIS PAGE INTENTIONALLY LEFT BLANK

Board Agenda Item
February 25, 2008

3:30 p.m.

Public Hearing on SEA 81-S-053 (Virginia Electric & Power Company) to Amend SE 81-S-053 Previously Approved for a Petroleum Control and Distribution Station to Permit Expansion of an Existing Electric Substation and Associated Modifications to Site Design, Located on Approximately 10.0 Acres Zoned R-1 and WS, Springfield District

The application property is located at 13100 Moore Road, Tax Map 55-3 ((1)) 31A.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, February 13, 2008, the Planning Commission voted unanimously (Commissioner Sargeant not present for the votes; Commissioners Flanagan and Harsel absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SEA 81-S-053, subject to the proposed Development Conditions contained in Appendix 1 of the staff report;
- Modification of the transitional screening requirements to allow the use of existing vegetation, as shown on the SE Plat; and
- Modification of the barrier requirements in favor of that shown on the SE Plat.

In a related action, the Planning Commission voted unanimously (Commissioner Sargeant not present for the vote; Commissioners Flanagan and Harsel absent from the meeting) to approve 2232-S07-10, noting that the proposed facility satisfies the criteria of location, character and extent, as specified in Sect. 15.2-2232 of the *Code of Virginia*, and is in substantial conformance with the provisions of the Comprehensive Plan.

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

THIS PAGE INTENTIONALLY LEFT BLANK

Board Agenda Item
February 25, 2008

3:30 p.m.

Public Hearing to Consider Adoption of an Amendment to Section 3-6-3 of the Fairfax County Code, Relating to the Control of the County Deferred Compensation Plan

ISSUE:

Public hearing to consider adoption of an amendment to Section 3-6-3 of the Fairfax County Code, relating to the control of the County Deferred Compensation Plan. This amendment is being proposed in conjunction with a related proposal Public Hearing to Consider an Ordinance to Approve a Joint Exercise of Powers Agreement that Proposes to Create a Trust Fund to Provide for the Costs of Post-Employment Benefits Other than Pensions to authorize an intergovernmental agreement to create a new trust fund to provide for the costs of other post-employment benefits ("OPEB"), which is included separately for Board action on this Agenda. This amendment would expand the Deferred Compensation Board from a single member to five members so that the Deferred Compensation Trustee could also serve as the finance board for the trust being established to provide for OPEB benefits.

RECOMMENDATION:

The County Executive recommends that the Board adopt an amendment to Section 3-6-3 of the Fairfax County Code, relating to the control of the County Deferred Compensation Plan.

TIMING:

On January 28, 2008, the Board authorized advertisement of a public hearing to be held on February 25, 2008, at 3:30 p.m.

The Board should take action on February 25, 2008, to amend Section 3-6-3 of the Fairfax County Code in order to expand the Deferred Compensation Board from a single member to five members so that the Deferred Compensation Trustee can also serve as the finance board for the trust being established to provide for OPEB benefits.

BACKGROUND:

The Fairfax County Deferred Compensation Plan is a plan established under Section 457(b) of the Internal Revenue Code to permit eligible employees to contribute a portion of their salaries to the Plan in order to save for retirement on a tax-deferred basis. Section 51.1-603 of the *Code of Virginia* authorizes localities to establish a local

Board Agenda Item
February 25, 2008

deferred compensation plan and to 'designate an appropriate board or officer to administer the deferred compensation plan'. Section 3-6-3 of the *Code of the County of Fairfax* currently establishes the Director, Department of Finance, as the Trustee for the Plan.

As stated in the Item Public Hearing to Consider an Ordinance to Approve a Joint Exercise of Powers Agreement that Proposes to Create a Trust Fund to Provide for the Costs of Post-Employment Benefits Other than Pensions, the County Executive recommends creation of a trust fund to meet its obligations for provision of certain post-employment benefits. Section 15.2-1547 of the *Code of Virginia* authorizes localities to designate their 'deferred compensation board to serve as trustee and to manage the assets of a trust or equivalent arrangement'. As the current deferred compensation plan designates a single officer as the Trustee, the County Executive recommends that the Plan be changed to establish a Deferred Compensation Board to manage and oversee the Deferred Compensation Plan and post-employment benefits trust. The Board would be composed of the Deputy County Executive/Chief Financial Officer; the Director of the Department of Finance; the Executive Director of the Retirement Administration Agency; the Director of the Department of Management and Budget; and the Director of the Department of Human Resources.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 - Proposed Amendment to Fairfax County Code Section 3-6-3, Relating to the Definition of the Trustee of the County Deferred Compensation Plan

STAFF:

Robert L. Mears, Director, Department of Finance
Susan W. Datta, Director, Department of Management and Budget
Lauranz A. Swartz, Executive Director, Retirement Administration Agency
Peter J. Schroth, Director, Department of Human Resources
Michael Long, Office of the County Attorney
Teresa A. Kellogg, Benefits Administrator, Department of Human Resources

Board Agenda Item
February 25, 2008

3:30 p.m.

Public Hearing to Consider an Ordinance to Approve a Joint Exercise of Powers Agreement that Proposes to Create a Trust Fund to Provide for the Costs of Post-Employment Benefits Other than Pensions

ISSUE:

Public hearing to consider adoption of an ordinance to approve a joint exercise of powers agreement that proposes to create a trust fund to provide for the costs of post-employment benefits other than pensions (OPEB) in conjunction with the Item Public Hearing to Consider the Adoption of an Amendment to Section 3-6-3 of the Fairfax County Code, Relating to the Control of the County Deferred Compensation Plan at 3:30 PM.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve a joint exercise of powers agreement for the creation of the Virginia Pooled OPEB Trust Fund in cooperation with the Virginia Municipal League (VML)/Virginia Association of Counties (VACo) Finance Program and other jurisdictions in the Commonwealth of Virginia.

In order to capture long-term investment returns and make progress towards reducing the unfunded actuarial accrued liability, jurisdictions should establish a trust. This funding methodology mirrors the funding approach used for pension benefits. In March 2007, the Virginia General Assembly and the Governor passed legislation to provide the necessary legal authority to counties, cities, towns, school divisions, and certain political subdivisions to establish trust funds to pre-fund OPEB. The County has explored numerous alternatives as to how to prudently invest and accumulate resources for OPEB and has determined that the Virginia Pooled OPEB Trust Fund best satisfies the County's needs and minimizes administrative costs. Fairfax County will have a strong presence on the Board of Trustees for the pooled trust and will actively participate in decision-making to prudently invest accumulated resources for OPEB. Action on this item is recommended to take place in conjunction with approval of the Adoption of an Amendment to Section 3-6-3 of the Fairfax County Code, Relating to the Control of the County Deferred Compensation Plan.

TIMING:

On January 28, 2008, the Board authorized advertisement of a public hearing to be held on February 25, 2008, at 3:30 p.m.

The Board should take action on February 25, 2008, to enable the County to become one of two founding members of the Virginia Pooled OPEB Trust Fund. Upon adoption of the

Board Agenda Item
February 25, 2008

enclosed ordinance (and the related agenda item amending the County's Deferred Compensation Plan): (1) the County's deferred compensation board will serve as trustee of the County's beneficial interest in the pooled trust; and (2) the County's previously appropriated OPEB reserve in the amount of \$48.2 million will be transferred for investment in the Virginia Pooled OPEB Trust Fund.

BACKGROUND:

In June 2004, the Governmental Accounting Standards Board (GASB) issued GASB Statement No. 45, *Accounting and Financial Reporting by Employers for Postemployment Benefits Other Than Pensions*. This standard addresses how local governments should account for and report their costs related to post-employment health care and other non-pension benefits, such as the County's retiree health benefit subsidy. Historically, the County's subsidy was funded on a pay-as-you-go basis. GASB 45 requires that the County accrue the cost of the retiree health subsidy and other post-employment benefits during the period of employees' active employment, while the benefits are being earned, and disclose any unfunded actuarial accrued liability in order to accurately account for the total future cost of post-employment benefits and the financial impact on the County. This funding methodology mirrors the funding approach used for pension benefits. In order to remain compliant with generally accepted accounting principles, the County must implement this standard for fiscal year 2008.

The County has taken a proactive approach in addressing the GASB's requirements. County staff began researching proposed requirements as early as 2002. The County obtained actuarial valuations, participated in task forces and conferences, and designated funding to date in the amount of \$48.2 million to address the actuarial accrued liability. Most recently, County staff led the effort in passing Virginia legislation (SB 789) to allow local governments to establish trust funds to obtain more favorable actuarial assumptions and accumulate resources for OPEB benefits (similar to pension trust funds).

FISCAL IMPACT:

No new funding is required. This recommendation seeks to provide an investment vehicle for funds already dedicated to OPEB.

ENCLOSED DOCUMENTS:

Attachment 1 - An Ordinance to Approve a Joint Exercise of Powers Agreement Between the County of Fairfax, Virginia and the County of Henrico, Virginia for the Creation of the Virginia Pooled OPEB Trust Fund, with exhibits as follows:

- Virginia Pooled OPEB Trust Fund Agreement
- Trust Joinder Agreement for Participating Employers Under Virginia Pooled OPEB Trust Fund

Attachment 2 - VML/VACo Virginia Pooled OPEB Trust Fund Executive Summary

Board Agenda Item
February 25, 2008

STAFF:

Robert L. Mears, Director, Department of Finance

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

Michael Long, Office of the County Attorney

Erin E. Summers, Financial Reporting Manager, Department of Finance

THIS PAGE INTENTIONALLY LEFT BLANK

Board Agenda Item
February 25, 2008



4:00 p.m.

Public Hearing on Proposed Policy Plan Amendment S07-CW-4CP on Stream Protection

ISSUE:

Plan Amendment (PA) S07-CW-4CP proposes amending the Policy Plan element of the Comprehensive Plan to revise text related to the protection and restoration of streams and stream buffers in areas upstream of Resource Protection Areas and floodplains (referred to generally as “headwaters” areas of streams). Consistent with the recommendation of the Planning Commission and with the Board of Supervisors’ authorization of this amendment, two options have been presented in the Staff Report. Option 1 would provide general policy support for the protection and restoration of streams and buffers upstream of Resource Protection Areas (RPAs) and Environmental Quality Corridors (EQCs). Option 2 would expand the EQC policy such that it would explicitly encourage the inclusion of areas upstream of floodplains and Resource Protection Areas.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, February 13, 2008, the Planning Commission voted unanimously (Commissioners Flanagan and Harsel absent from the meeting) to recommend that the Board of Supervisors adopt Option 1 of S07-CW-4CP, as set forth in the attached document entitled “Proposed Stream Protection Plan Amendment (S07-CW-4CP), Planning Commission - February 13, 2008”.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the Planning Commission recommendation. The Planning Commission has recommended the adoption of Option 1 as presented in the document entitled “Proposed Stream Protection Plan Amendment (S07-CW-4CP), Planning Commission—February 13, 2008,” which is enclosed as Attachment II. While similar in concept to Option 1 as presented in the Staff Report dated December 19, 2007, the Planning Commission has recommended that text be added to recommend that, to the extent feasible in consideration of overall site design, stormwater management needs and opportunities and other Comprehensive Plan guidance, boundaries of buffer areas upstream of RPAs and EQCs be established consistent with the guidelines for designation of the stream valley component of the EQC system.

Board Agenda Item
February 25, 2008

TIMING:

Planning Commission public hearing – January 16, 2008
Planning Commission decision – February 13, 2008
Board of Supervisors' public hearing – February 25, 2008

BACKGROUND:

Since 2005, the Planning Commission's Environment Committee has held several meetings to discuss stream protection mechanisms and possible regulatory and policy approaches to improving stream protection. A broad range of approaches were considered, and the committee chose to focus its recommendations, at least initially, on strengthening Comprehensive Plan policy as it relates to the protection and restoration of streams and their associated buffers in "headwaters" areas of streams (areas upstream of RPAs and EQCs). The committee identified two possible approaches and recommended that both be considered through the public hearing process. These are the two options presented in the Staff Report. On May 31, 2007, the Planning Commission recommended to the Board of Supervisors that it authorize a Plan Amendment including both options, and on September 10, 2007, the Board of Supervisors authorized consideration of a Policy Plan Amendment consistent with the Planning Commission recommendation.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I – Staff Report for Proposed Plan Amendment S07-CW-4CP
Attachment II – Proposed Stream Protection Plan Amendment (S07-CW-4CP), Planning Commission—February 13, 2008
Attachment III – Planning Commission verbatim and recommendation

STAFF:

James P. Zook, Director, Department of Planning and Zoning (DPZ)
Fred R. Selden, Director, Planning Division (PD), DPZ
Pamela G. Nee, Chief, Environment and Development Review Branch, PD, DPZ
Noel H. Kaplan, Senior Environmental Planner, PD, DPZ

Board Agenda Item
February 25, 2008

4:00 p.m.

Public Hearing on a Proposal to Abandon Part of the Right-of-Way of Poplar Tree Road
(Sully District)

ISSUE:

Public hearing on a proposal to abandon part of the right-of-way of Poplar Tree Road.

RECOMMENDATION:

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

TIMING:

On January 28, 2008, the Board authorized a public hearing to consider the proposed abandonment for February 25, 2008 at 4:00 p.m.

BACKGROUND:

The applicant, Poplar Tree Road LLC, is requesting that a portion of the right-of-way of Poplar Tree Road west of Orr Drive be abandoned. Poplar Tree Road is in the Virginia Department of Transportation (VDOT) State Secondary System (Route 4831) and the right-of-way is the former alignment of the road.

The request is being made in conjunction with the fulfillment of proffer 12 of RZ 2004-SU-009; this proffer requires the applicant to realign the curve on Poplar Tree Road in this area. The construction of the improvement has been completed and the abandonment of the now excess right-of-way is a condition of the VDOT street acceptance process.

After submittal, the application was amended to remove the vacation request referred to in Attachment I because some of the adjacent third-party landowners were not willing to receive the property. The County will maintain ownership of the parcel and may dispose of part or all of it in the future.

Board Agenda Item
February 25, 2008

Traffic Circulation and Access

The abandonment will have no long-term impact on vehicle circulation and access. The subject right-of-way is now surplus and is not needed for operation and maintenance of any transportation facility.

Easements

Dominion Virginia Power, Verizon, and the Fairfax County Water Authority have identified facilities within the area to be abandoned. The applicants have provided easement plats, deeds, or agreements in forms acceptable to these entities and the County Attorney's Office (since the County must execute the relevant instruments). No other easement needs were identified.

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

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I: Statement of Justification
Attachment II: Notice of Intent to Abandon
Attachment III: Order of Abandonment
Attachment IV: Abandonment Plat
Attachment V: Metes and Bounds Description
Attachment VI: Vicinity Map

STAFF:

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

Board Agenda Item
February 25, 2008

4:00 p.m.

Public Hearing on a Proposal to Abandon Part of the Right-of-Way of Peniwill Drive
(Mount Vernon District)

ISSUE:

Public hearing on a proposal to abandon part of the right-of-way of Peniwill Drive.

RECOMMENDATION:

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

TIMING:

On January 28, 2008, the Board authorized a public hearing to consider the proposed abandonment for February 25, 2008 at 4:00 p.m.

BACKGROUND:

The applicant, Vulcan Lands Inc., is requesting that a portion of the right-of-way of Peniwill Drive, starting about 2000 feet to the west of Ox Road (Route 123), be abandoned. The right-of-way under consideration for abandonment is not in the Virginia Department of Transportation (VDOT) State Secondary System.

The request is being made in conjunction with completion of a realignment of Peniwill Drive associated with the by-right Occoquan Overlook subdivision and the special permit requirements on the quarry to the south (for screening). The construction of the improvement has been completed and the subject right-of-way is now excess.

Traffic Circulation and Access

The abandonment will have no long-term impact on vehicle circulation and access. The subject right-of-way is now surplus and is not needed for operation and maintenance of any transportation facility.

Board Agenda Item
February 25, 2008

Easements

Dominion Virginia Power has identified facilities within the area to be abandoned. The applicants have provided easement plats, deeds, or agreements in a form acceptable to them. No other easement needs were identified.

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

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I: Statement of Justification
Attachment II: Notice of Intent to Abandon
Attachment III: Order of Abandonment
Attachment IV: Abandonment Plat
Attachment V: Metes and Bounds Description
Attachment VI: Vicinity Map

STAFF:

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

Board Agenda Item
February 25, 2008

4:00 p.m.

Public Hearing to Establish the White Oaks Community Parking District (Springfield District)

ISSUE:

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 White Oaks Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board adopt the amendment to the Fairfax County Code shown in Attachment I to establish the White Oaks CPD in accordance with existing CPD restrictions.

TIMING:

The public hearing was authorized on January 28, 2008, for February 25, 2008, at 4:00 p.m.

BACKGROUND:

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

Board Agenda Item
February 25, 2008

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 White Oaks CPD establishment is proposed to be in effect seven days per week, 24 hours per day.

FISCAL IMPACT:

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

ENCLOSED DOCUMENTS:

Attachment I: Amendment to the Fairfax County Code, Appendix M (CPD Restrictions)
Attachment II: Area Map of Proposed White Oaks CPD

STAFF:

Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Ellen Gallagher, Division Chief, Capital Projects and Operations, FCDOT
Tad Borkowski, FCDOT
Maria Turner, FCDOT

Board Agenda Item
February 25, 2008

4:30 p.m.

Public Hearing to Establish the Pinewood Greens Community Parking District
(Providence District)

ISSUE:

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 Pinewood Greens Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board adopt the amendment to the Fairfax County Code shown in Attachment I to establish the Pinewood Greens CPD in accordance with existing CPD restrictions.

TIMING:

The public hearing was authorized on January 28, 2008, for February 25, 2008, at 4:30 p.m.

BACKGROUND:

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

Board Agenda Item
February 25, 2008

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 Pinewood Greens CPD establishment is proposed to be in effect seven days per week, 24 hours per day.

FISCAL IMPACT:

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

ENCLOSED DOCUMENTS:

Attachment I: Amendment to the Fairfax County Code, Appendix M (CPD Restrictions)
Attachment II: Area Map of Proposed Pinewood Greens CPD

STAFF:

Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Ellen Gallagher, Division Chief, Capital Projects and Operations, FCDOT
Tad Borkowski, FCDOT
Maria Turner, FCDOT

Board Agenda Item
January 25, 2008

4:30 p.m.

Public Hearing to Expand the Orange Hunt Community Parking District (Springfield District)

ISSUE:

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 Orange Hunt Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board adopt the amendment to the Fairfax County Code shown in Attachment I to expand the Orange Hunt CPD in accordance with existing CPD restrictions.

TIMING:

The public hearing was authorized on January 28, 2008, for February 25, 2008, at 4:30 p.m.

BACKGROUND:

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

Board Agenda Item
January 25, 2008

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

ENCLOSED DOCUMENTS:

Attachment I: Amendment to the Fairfax County Code, Appendix M (CPD Restrictions)
Attachment II: Area Map of Proposed Orange Hunt CPD Expansion

STAFF:

Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Ellen Gallagher, Division Chief, Capital Projects and Operations, FCDOT
Tad Borkowski, FCDOT
Maria Turner, FCDOT

Board Agenda Item
February 25, 2008

5:00 p.m.

Public Comment from Fairfax County Citizens and Businesses on Issues of Concern

THIS PAGE INTENTIONALLY LEFT BLANK