

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
APRIL 28, 2008**

AGENDA

9:30	Done	Presentations
10:00	Approved	Board Decision on a Proposed Sewer Ordinance Amendment to Revise the Sewer Service Charges and the Availability Fees
10:00	Adopted	Board Adoption of the FY 2009 Budget Plan
10:15	Done	Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups
10:15	Done	Items Presented by the County Executive

ADMINISTRATIVE ITEMS

1	Approved w/modification	Streets into the Secondary System (Mount Vernon, Providence and Sully Districts)
2	Approved	Extension of Review Periods for 2232 Review Applications (Mason and Providence Districts)
3	Approved	Authorization to Advertise a Public Hearing to Amend Article 5B of Chapter 82 of the Code of the County of Fairfax, Virginia, RE: Clarification of Signage Requirements for Large Area Community Parking Districts
4	Approved	Approval of a Multi-Way Stop and "Watch for Children" Signs as Part of the Residential Traffic Administration Program (Dranesville and Mount Vernon Districts)
5	Approved	Installation of No Parking for Commercial Vehicles Over 12,000 Pounds Signs on Cinder Bed Road (Lee District)
6	Approved	Additional Time to Commence Construction for Special Exception Amendment SEA 91-L-053-4, Springfield East L.C. (Lee District)
7	Approved	Additional Time to Commence Construction for Special Exception Amendment SEA 91-L-054-3, Springfield East L.C. (Lee District)

**FAIRFAX COUNTY
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**ADMINISTRATIVE ITEMS
(CONTINUED)**

- 8 **Approved** Additional Time to Commence Construction for Special Exception SE 01-L-020, Springfield East L.C. (Lee District)
- 9 **Approved** Authorization for the Department of Public Safety Communications to Apply for and Accept Funding from the Commonwealth of Virginia, Virginia Wireless E-911 Services Board, for the Wireless E-911 Enhancement Program

ACTION ITEMS

- 1 **Approved** Approval of a Memorandum of Understanding Between the Fairfax County Police Department and the Northern Virginia HIDTA Gang Task Force
- 2 **Approved** Approval of an Agreement Between the Fairfax County Police Department and the United States Park Police
- 3 **Approved** Approval of a Project Amendment Between the Virginia Department of Transportation and Fairfax County to Administer Countywide Pedestrian Safety and Access Improvements; Endorsement of the Locations Chosen for Improvements; and a Resolution to Execute the Project Amendment
- 4 **Approved** Approval of Proposed Consolidated Plan One-Year Action Plan for FY 2009

INFORMATION ITEMS

- 1 **Noted** Memorandum of Understanding Between the Northern Virginia Criminal Justice Academy, Prince William County Criminal Justice Academy and the Fairfax County Criminal Justice Academy
- 2 **Noted** Contract Award – Engineering Services
- 3 **Noted** International Building Safety Week
- 10:45 **Done** Matters Presented by Board Members
- 11:35 **Done** Closed Session

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
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PUBLIC HEARINGS

3:30	Approved	Public Hearing on SEA 01-M-010 - Skyline Amoco, LLC Trading As Discount Gas (Mason District)
3:30	Public hearing deferred to 5/5/08 at 3:30 p.m.	Public Hearing on RZ 2007-LE-012 (Lee Village at Silver Lake, LLC) (Lee District)
3:30	Public hearing deferred to 5/5/08 at 3:30 p.m.	Public Hearing on PCA 1996-LE-034-02 (Lee Village at Silver Lake, LLC) (Lee District)
3:30	Public hearing deferred to 5/5/08 at 3:30 p.m.	Public Hearing on PCA 82-L-030-12 (Lee Village at Silver Lake LLC) (Lee District)
3:30	Approved	Public Hearing on SE 2007-LE-030 (Springfield Post 7327, Veterans of Foreign Wars of The United States, Inc.) (Lee District)
4:00	Approved	Public Hearing on PCA 87-P-020-02 (Oakton Grove LLC, and Debra Knisley and Scott Knisley) (Providence District)
4:00	Approved	Public Hearing on 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
4:00	Approved	Public Hearing on a Proposed Zoning Ordinance Amendment Re: Regional Non-Rail Transit Facilities
4:00	Approved	Public Hearing to Expand the Landsdowne Community Parking District (Lee District)
4:30	Approved	Public Hearing to Establish the Sully Station Community Parking District (Sully District)
4:30	Approved	Public Hearing to Establish the Somerset Community Parking District (Springfield District)
4:30	Approved	Public Hearing on Proposed Amendments to Chapter 119 (Grass or Lawn Area) of <i>The Code of the County of Fairfax, Virginia</i> RE: Notices of Violation and the Appeal Process

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**PUBLIC HEARINGS
(CONTINUED)**

4:30	Approved	Public Hearing for the Enlargement/De-Creation/Re-Creation of Small and Local Sanitary Districts for Refuse/Recycling and/or Leaf Collection Service (Dranesville District)
4:30	Approved	Public Hearing on Proposed Amendments to Chapter 101, Subdivision Ordinance, and Chapter 112, Zoning Ordinance, of <i>The Code of the County of Fairfax, Virginia</i> , Regarding Fire Marshal Fees
5:00	Approved	Public Hearing on Proposed Amendments to Chapter 62 of <i>The Code of the County of Fairfax, Virginia</i> , Regarding Fireworks
5:00	Approved	Public Hearing on a Proposal to Abandon and Vacate Part of the Right-of-Way of Poplar Tree Road (Sully District)
5:00	Deferred for decision only to 5/5/08 at 3:30 p.m.	Public Hearing to Consider Amendments to The Code of the County of Fairfax, Chapter 109.1, Solid Waste Management
5:00	No speakers	Public Comment from Fairfax County Citizens and Businesses on Issues of Concern



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Monday
April 28, 2008

9:30 a.m.

PRESENTATIONS

1. RESOLUTION – To recognize the Burke Volunteer Fire Department for its 60th anniversary. Requested by Chairman Connolly and Supervisors Bulova and Herry.
2. PROCLAMATION – To designate May 2008 as Foster Care and Foster Family Recognition Month in Fairfax County. Requested by Chairman Connolly.
3. RESOLUTION – To recognize Stop Child Abuse Now of Northern Virginia, also known as SCAN, for its 20th anniversary. Requested by Supervisor Hudgins.
4. PROCLAMATION – To designate May 2008 as Asian/Pacific Month in Fairfax County. Requested by Chairman Connolly.
5. PROCLAMATION – To designate May 5-11, 2008, as Building Safety Week in Fairfax County. Requested by Supervisor Frey.
6. RESOLUTION – To recognize Guitars Not Guns for its efforts to replace violence with music by providing guitar lessons to at-risk and underprivileged youth. Requested by Supervisor Bulova.

STAFF:

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

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10:00 a.m.

Board Decision on a Proposed Sewer Ordinance Amendment to Revise the Sewer Service Charges and the Availability Fees

ISSUE:

Board of Supervisors' decision regarding the adoption of a proposed sewer ordinance amendment is needed 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:

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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

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the proposed sewer ordinance amendment as set forth in Attachment I.

TIMING:

Public Notices of the sewer rate revisions were advertised on March 6, 2008 and March 13, 2008, in the Washington Times (See Attachment II). The public hearing was held at 3:30 p.m. on March 31, 2008. 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 denitrification (nitrate nitrogen removal) facilities at wastewater treatment plants. It is anticipated that desired reserve levels can be maintained under the proposed ordinance amendment (Attachment I).

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; however, for FY 2009 through FY 2011, annual service charge increases of 9.75 percent were recommended. A 9.75 percent annual sewer service charge rate increase is being recommended for FY 2012. The recommended 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 in the following Billing and Fee Comparisons summary:

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.
- (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 Fairfax Water's 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.

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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

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

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

ENCLOSED DOCUMENTS:

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

Attachment IIa & IIb - Public Hearing Advertisements

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

(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)

Howard J. Guba, Deputy Director, DPWES

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

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10:00 a.m.

Board Adoption of the FY 2009 Budget Plan

ENCLOSED DOCUMENTS:

April 24, 2008 Memorandum to the Board of Supervisors from Anthony H. Griffin, County Executive, regarding adoption of the FY 2009 Budget Plan. Attachments to the memorandum include the following:

Attachment I – Board revenue and expenditure adjustments approved at the Budget Mark-up on April 21, 2008 and the Add-on package dated April 9, 2008 (Delivered under separate cover)

Attachment II - Resolution Adopting Tax Rates for FY 2009 (Delivered under separate cover)

Attachment III - FY 2009 Appropriation Resolution for County Agencies/Funds (Delivered under separate cover)

Attachment IV - FY 2009 Appropriation Resolution for School Board Funds (Delivered under separate cover)

Attachment V - FY 2009 Fiscal Planning Resolution (Delivered under separate cover)

Attachment VI - FY 2009 General Fund Statement; FY 2009 General Fund Expenditures by Agency; FY 2009 Expenditures by Fund, Appropriated; and FY 2009 Expenditures by Fund, Non-Appropriated (Delivered under separate cover)

STAFF:

Anthony H. Griffin, County Executive

Edward L. Long, Jr., Deputy County Executive

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

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10:15 a.m.

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

ENCLOSED DOCUMENTS:
Appointments to be Heard April 28, 2008

STAFF:
Nancy Vehrs, Clerk to the Board of Supervisors

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10:15 a.m.

Items Presented by the County Executive

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ADMINISTRATIVE – 1

Streets into the Secondary System (Mount Vernon, Providence and Sully Districts)

ISSUE:

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

RECOMMENDATION:

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
8211 Terminal Road LLC	Mount Vernon	Fairfax County Parkway (Route 7100) (Additional Right-of-Way (ROW) only)
Brittany Park at Tysons	Providence	Brittany Parc Drive (Pimmit Drive, Route 2707) Brittany Parc Court Idylwood Road (Route 695) (Additional ROW only) Idylwood Road (Route 695) (Additional ROW only)
Leonard Property	Sully	North Lake Drive (Route 7730) Tall Timbers Drive

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TIMING:
Routine.

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

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1: Street Acceptance Form

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

Board Agenda Item
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ADMINISTRATIVE – 2

Extension of Review Periods for 2232 Review Applications (Mason and Providence 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 FSA-M00-106-3 to June 28, 2008, and for application 2232-P06-12 to October 20, 2008.

TIMING:

Board action is required on April 28, 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 period for application 2232-P06-12, which was accepted for review by the Department of Planning and Zoning (DPZ) on June 13, 2006. This application is for a public facility, and thus is not subject to the State Code provision for extending the review period by no more than sixty additional days.

The Board also should extend the review period for application FSA-M00-106-3, which was accepted for review by DPZ on January 30, 2008. This application is for a telecommunications facility, and thus is subject to the State Code provision that the

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Board may extend the time required for the Planning Commission to act on this application by no more than sixty additional days.

2232-P06-12 Washington Metropolitan Area Transit Authority
 Parking structure
 2900 Nutley Street (Vienna Metro Station)
 Providence District

FSA-M00-106-3 Sprint-Nextel
 Add dish antennas to rooftop
 3401 Washington Drive
 Mason District

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

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ADMINISTRATIVE - 3

Authorization to Advertise a Public Hearing to Amend Article 5B of Chapter 82 of the Code of the County of Fairfax, Virginia, RE: Clarification of Signage Requirements for Large Area Community Parking Districts

ISSUE:

Board authorization to advertise a public hearing for May 19, 2008, at 4:00 p.m., to amend Article 5B of Chapter 82 of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to clarify that signs for large area Community Parking Districts (CPDs) will not be required unless the Board provides otherwise.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for May 19, 2008, at 4:00 p.m. (Attachment II) to adopt the proposed amendment to the Fairfax County Code to clarify the signage requirements for large area Community Parking Districts (CPDs) (Attachment I).

TIMING:

The Board should take action on April 28, 2008, to advertise a public hearing for May 19, 2008, at 4:00 p.m.

BACKGROUND:

On March 10, 2008, the Board adopted an amendment to Article 5B of Chapter 82 of the Fairfax County Code allowing for the creation of large area CPDs. As stated in the previous Board item for that amendment and as discussed at the public hearing, the larger size of the CPD would permit cost-effective enforcement and reduce program costs by allowing for no posted signs or limited CPD signage within the districts as directed by the Board at the time the particular large area CPD is approved. The County Executive recommends that Article 5B of Chapter 82 of the Fairfax County Code be amended to clarify that signs will not be required in a large area CPD unless the Board provides otherwise.

The changes to the Fairfax County Code, Chapter 82, Article 5B, to clarify the sign requirements for large area CPDs are shown in Attachment I.

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FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment I: Proposed Amendments to Fairfax County Code, Article 5B, Chapter 82
Attachment II: Notice of Public Hearing

STAFF:
Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)

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ADMINISTRATIVE - 4

Approval of a Multi-Way Stop and "Watch for Children" Signs as Part of the Residential Traffic Administration Program (Dranesville and Mount Vernon Districts)

ISSUE:

Board endorsement of a multi-way stop and a "Watch for Children" sign as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends that the Board:

Approve a multi-way stop at the following intersections:

- Trotting Horse Lane and Locust Hill Drive (Dranesville)
- Camden Street and Cavendish Drive (Mount Vernon)

Approve a resolution (Attachment I) for a "Watch for Children" sign on the following street:

- Hooes Road (Mount Vernon)

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

TIMING:

Board action is requested on April 28, 2008.

BACKGROUND:

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

- The street has 100% residential frontage on both sides and is classified as a local or collector street.
- The street has a posted legal speed limit of 25 mph.
- No potential safety problems would be created.

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- The intersection geometrics and spacing to adjacent intersections have been determined to be acceptable.
- There would be minimal impact on traffic flow for neighboring streets.

Staff and VDOT have authorized the multi-way stop requested. On, January 15, 2008, the Department of Transportation received written verification from the appropriate local supervisor confirming community support.

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

The RTAP allows for installation of “Watch for Children” signs at the primary entrance to residential neighborhoods, or at a location with an extremely high concentration of children relative to the area, such as playgrounds, day care or community centers. In particular, Section 33.1-210.2 of the *Code of Virginia* provides that the Board may request, by resolution to the Commissioner of VDOT, signs alerting motorists that children may be at play nearby. VDOT reviews each request to ensure the proposed sign will be effectively located and will not be in conflict with any other traffic control devices. The Department of Transportation received written verification from the appropriate local supervisor confirming community support for the referenced “Watch for Children” sign on Hooes Road (February 26, 2008).

FISCAL IMPACT:

The estimated cost of \$1,100 is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:

Attachment I: Resolution for “Watch for Children” Sign

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
William P. Harrell, Transportation Planner III, FCDOT
Steven K. Knudsen, Transportation Planner, FCDOT

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ADMINISTRATIVE - 5

Installation of No Parking for Commercial Vehicles Over 12,000 Pounds Signs on Cinder Bed Road (Lee District)

ISSUE:

Board approval for the County installation of No Parking for Commercial Vehicles over 12,000 Pounds signs on Cinder Bed Road south side from the Cul-de-Sac east to Backlick Road.

RECOMMENDATION:

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

TIMING:

Routine.

BACKGROUND:

A request was received by Lee District for No Parking for Commercial Vehicles over 12,000 Pounds signs along the 8500 and 8600 blocks of Cinder Bed Road, which was presented as a Board matter on November 19, 2007.

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
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

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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 south side of Cinder Bed Road is damaging property and landscaping within the right-of-way limits and should be prohibited from 6:00 AM to 6:00 PM. This will supplement the existing no parking signs on the north side and at bus stop locations.

FISCAL IMPACT:

The cost of installing the signs is estimated at \$950 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
Hamid Majdi, FCDOT

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ADMINISTRATIVE - 6

Additional Time to Commence Construction for Special Exception Amendment SEA 91-L-053-4, Springfield East L.C. (Lee District)

ISSUE:

Board consideration of additional time to commence construction for SEA 91-L-053-4 pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve twelve months of additional time for SEA 91-L-053-4 to October 28, 2008.

TIMING:

Routine.

BACKGROUND:

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

On April 28, 2003, the Board of Supervisors approved Special Exception Amendment SEA 91-L-053-4, subject to development conditions. This approval was concurrent with the Board's approval of RZ 1998-LE-064, subject to proffers, and SE 01-L-020 and SEA 91-L-054-3, both subject to development conditions. SEA 91-L-053-4 was filed in the name of Springfield East L.C. to amend SE 91-L-053 previously approved for Washington Metropolitan Area Transit Authority (WMATA) facilities to permit construction of a road, generally located south of the Franconia-Springfield Parkway at its intersection with Frontier Drive, pursuant to Section 5-404 of the Fairfax County Zoning Ordinance, for the property located at Tax Map 90-2 ((1)) 60A (see the Locator Map in Attachment 1). SEA 91-L-053-4 was approved with a condition that the use be established or construction be commenced and diligently prosecuted within 30 months of the approval date, unless the Board grants additional time. The development conditions for SEA 91-L-053-4, SE 01-L-020, and SEA 91-L-054-3 are contained in Attachment 2. On March 13, 2006, the Board of Supervisors granted twelve months additional time to commence construction for SEA 91-L-053-4 to October 28, 2006. On October 27, 2006, the Board of Supervisors granted six months additional time to commence construction for SEA

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91-L-053-4 to April 28, 2007. On April 30, 2007, the Board of Supervisors granted six months additional time to commence construction for SEA 91-L-053-4 to October 28, 2007. The Clerk's letters documenting the previous approvals of additional time are included in Attachment 3.

On October 3, 2007, the Department of Planning and Zoning received a letter dated October 3, 2007, from Lynne J. Strobel, agent for the applicant, requesting twelve months additional time to commence construction. The letter of request is included as Attachment 4. Ms. Strobel states that the property was acquired by Boston Properties Limited Partnership in April, 2007, and the new owner required time to explore different development options to implement the approvals granted concurrently with the special exception. The owner is now in a position to move forward. The site plan for the road project (#9990-SP-003-2) was approved on June 19, 2007, building permits were issued, and Ms. Strobel reports that the access road is now 95% complete.

Staff has reviewed SEA 91-L-053-4 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance. On September 11, 2006, the Board of Supervisors adopted a revision to the Comprehensive Plan for the Franconia-Springfield Transit Station Area that contained editorial changes. No changes to Land Unit D-1, in which the subject property is located, were adopted. Staff knows of no other changes in land use circumstances which affect the compliance of SEA 91-L-053-4 with the special exception standards applicable to the use and which should cause the filing of a new special exception application and review through the public hearing process. Finally, the conditions associated with the Board's approval of SEA 91-L-053-4 are still appropriate and remain in full force and effect. Staff believes that approval of the request for additional time is in the public interest and recommends that it be approved.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Locator Map

Attachment 2 – Letter dated June 19, 2003, to Robert A. Lawrence, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors, which sets forth the conditions of approval for SEA 91-L-053-4; letter dated June 19, 2003, to Robert A. Lawrence, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors, which sets forth the conditions of approval for SEA 91-L-054-3; letter dated September 11, 2003, to Robert A. Lawrence, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors, which sets forth the conditions of approval for SE 01-L-020

Attachment 3 – Letters dated March 16, 2006, October 27, 2006, and April 30, 2007, from Nancy Vehrs, Clerk to the Board of Supervisors, stating approval of previous requests for additional time

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Attachment 4 – Letter dated October 3, 2007, from Lynne J. Strobel, agent for the applicant, requesting additional time to commence construction

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Regina C. Coyle, Director, Zoning Evaluation Division (ZED), DPZ

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

Fred Selden, Director, Planning Division, DPZ

Mary Ann Godfrey, Staff Coordinator, ZED, DPZ

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ADMINISTRATIVE - 7

Additional Time to Commence Construction for Special Exception Amendment SEA 91-L-054-3, Springfield East L.C. (Lee District)

ISSUE:

Board consideration of additional time to commence construction for SEA 91-L-054-3 pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve twelve months of additional time for SEA 91-L-054-3 to October 28, 2008.

TIMING:

Routine.

BACKGROUND:

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

On April 28, 2003, the Board of Supervisors approved Special Exception Amendment SEA 91-L-054-3, subject to development conditions. This approval was concurrent with the Board's approval RZ 1998-LE-064, subject to proffers, and SE 01-L-020 and SEA 91-L-053-4, both subject to development conditions. The special exception amendment application was filed in the name of Springfield East L.C. to amend SE 91-L-054 previously approved for fill in the floodplain to permit construction of a road, pursuant to Section 2-904 of the Fairfax County Zoning Ordinance, for the property located at Tax Map 90-2 ((1)) 60 (see the Locator Map in Attachment 1). SEA 91-L-054-3 was approved with a condition that the use be established or construction be commenced and diligently prosecuted within 30 months of the approval date, unless the Board grants additional time. The development conditions for SEA 91-L-054-3, SE 01-L-020, and SEA 91-L-053-4 are contained in Attachment 2. On November 21, 2005, the Board of Supervisors granted twenty-four months additional time to commence construction for SEA 91-L-054-3 to October 28, 2007. The Clerk's letter documenting the previous approval of additional time is included in Attachment 3.

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On October 3, 2007, the Department of Planning and Zoning received a letter dated October 3, 2008, from Lynne J. Strobel, agent for the applicant, requesting twelve months of additional time to commence construction. A copy of the letter is included as Attachment 4. Ms. Strobel states that the property was acquired by Boston Properties Limited Partnership in April, 2007, and the new owner required time to explore different development options to implement the approvals granted concurrently with the special exception. The owner is now in a position to move forward. The site plan for the road project (#9990-SP-003-2) was approved on June 19, 2007, building permits were issued, and Ms. Strobel reports that the access road is now 95% complete.

Staff has reviewed SEA 91-L-054-3 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance. On September 11, 2006, the Board of Supervisors adopted a revision to the Comprehensive Plan for the Franconia-Springfield Transit Station Area that contained editorial changes. No changes to Land Unit D-1, in which the subject property is located, were adopted. Staff knows of no other changes in land use circumstances which affect the compliance of SEA 91-L-054-3 with the special exception standards applicable to the use and which should cause the filing of a new special exception application and review through the public hearing process. Finally, the conditions associated with the Board's approval of SEA 91-L-054-3 are still appropriate and remain in full force and effect. Staff believes that approval of the request for additional time is in the public interest and recommends that it be approved.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Locator Map

Attachment 2 – Letter dated June 19, 2003, to Robert A. Lawrence, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors, which sets forth the conditions of approval for SEA 91-L-054-3; letter dated June 19, 2003, to Robert A. Lawrence, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors, which sets forth the conditions of approval for SEA 91-L-053-4; letter dated September 11, 2003, to Robert A. Lawrence, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors, which sets forth the conditions of approval for SE 01-L-020

Attachment 3 – Letter dated November 30, 2005, from Nancy Vehrs, Clerk to the Board of Supervisors stating approval of additional time to commence construction

Attachment 4- Letter dated October 3, 2007, from Lynne J. Strobel, agent for the applicant, requesting additional time to commence construction

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STAFF:

Robert A. Stalzer, Deputy County Executive

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

Regina C. Coyle, Director, Zoning Evaluation Division (ZED), DPZ

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

Fred Selden, Director, Planning Division, DPZ

Mary Ann Godfrey, Senior Staff Coordinator, ZED, DPZ

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April 28, 2008

ADMINISTRATIVE - 8

Additional Time to Commence Construction for Special Exception SE 01-L-020, Springfield East L.C. (Lee District)

ISSUE:

Board consideration of additional time to commence construction for SE 01-L-020 pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve twelve months of additional time for SE 01-L-020 to October 28, 2008.

TIMING:

Routine.

BACKGROUND:

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

On April 28, 2003, the Board of Supervisors approved Special Exception SE 01-L-020, subject to development conditions. This approval was concurrent with the Board's approval RZ 1998-LE-064, subject to proffers, and SEA 91-L-054-3 and SEA 91-L-053-4, both subject to development conditions. The special exception application was filed in the name of Springfield East L.C. to permit construction of a hotel, pursuant to Section 4-403 of the Fairfax County Zoning Ordinance, for the property located at Tax Map 90-2 ((1)) 56C pt. (formerly known as 58A pt., 58B pt., 59A pt.) (see the Locator Map in Attachment 1). SE 01-L-020 was approved with a condition that the use be established or construction be commenced and diligently prosecuted within 30 months of the approval date, unless the Board grants additional time. The development conditions for SE 01-L-020, SEA 91-L-054-3, and SEA 91-L-053-4 are contained in Attachment 2.

On November 21, 2005, the Board of Supervisors granted twenty-four months additional time for SE 01-L-020 to October 28, 2007 (a copy of the letter is contained in Attachment 3).

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On October 3, 2007, the Department of Planning and Zoning received a letter dated October 3, 2007, from Lynne J. Strobel, agent for the applicant, requesting twenty-four months of additional time to commence construction. A copy of the letter is included as Attachment 4. Ms. Strobel indicates that the property was acquired by Boston Properties LP, who is still evaluating different development options. In addition, contemplated improvements to Ft. Belvoir and the Engineering Proving Grounds have resulted in additional considerations for hotel use on the site. Finally, she states that the property is within an area which is the subject of an ongoing study that includes the possible extension of Frontier Drive, redevelopment of the Springfield Mall, and the acceptance of BRAC-related amendments to the Comprehensive Plan. The applicant plans to diligently pursue the preparation and submission of a site plan, should the hotel option be selected, construction could not commence prior to the expiration date. With the previous request for additional time in 2005, the applicant cited delays in the construction of the access road as the reason commencement of the hotel project had not occurred.

Staff has reviewed SE 01-L-020 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance. Further, staff knows of no change in land use circumstances which affect the compliance of SE 01-L-020 with the special exception standards applicable to the use and which should cause the filing of a new special exception application and review through the public hearing process. Finally, the conditions associated with the Board's approval of SE 01-L-020 are still appropriate and remain in full force and effect. Staff believes that approval of the request for additional time is in the public interest; however, given the fact that the access road is now 95% complete, and the applicant has previously received 24 months additional time, staff is of the opinion that twelve months of additional time should be adequate for the applicant to finalize a development decision and submit a site plan. Staff recommends that twelve months of additional time be approved.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Locator Map

Attachment 2 – Letter dated September 11, 2003, to Robert A. Lawrence, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors, which sets forth the conditions of approval for SE 01-L-020; letter dated June 19, 2003, to Robert A. Lawrence, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors, which sets forth the conditions of approval for SEA 91-L-054-3; letter dated June 19, 2003, to Robert A. Lawrence, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors, which sets forth the conditions of approval for SEA 91-L-053-4

Attachment 3 – Letter dated November 30, 2005, from Nancy Vehrs, Clerk to the Board of Supervisors, which sets forth the Board of Supervisors' approval of additional time to commence construction

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Attachment 4- Letter dated October 3, 2007, from Lynne J. Strobel, agent for the applicant, requesting additional time to commence construction

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Regina C. Coyle, Director, Zoning Evaluation Division (ZED), DPZ

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

Fred Selden, Director, Planning Division, DPZ

Mary Ann Godfrey, Senior Staff Coordinator, ZED, DPZ

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ADMINISTRATIVE - 9

Authorization for the Department of Public Safety Communications to Apply for and Accept Funding from the Commonwealth of Virginia, Virginia Wireless E-911 Services Board, for the Wireless E-911 Enhancement Program

ISSUE:

Board of Supervisors authorization is requested for the Department of Public Safety Communications (DPSC) to apply for and accept funding, if received, from the Virginia Wireless E-911 Services Board for the Wireless E-911 Enhancement Program in the amount of \$180,000. There is a required 20 percent Local Cash Match of \$36,000 which will be provided by Fund 120, E-911. These funds will be used to create and implement a recruiting program which will clearly define the rewards and satisfaction realized as an employee in the Department of Public Safety Communications. The implementation of this program will begin as soon as possible upon award of the grant. It will be fully implemented within one year/12 months from the date of award. Once grant funding has expired, Fund 120, E-911 will absorb all costs associated with this program.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize the DPSC to apply for and accept funding, if received, from the Virginia Wireless E-911 Services Board in the amount of \$180,000 for the Wireless E-911 Enhancement Program. There is a required 20 percent Local Cash Match of \$36,000 which will be provided by Fund 120, E-911. If the actual award received is significantly different from the application amount, another item will be submitted to the Board requesting appropriation of the grant funds. Otherwise, staff will process the award administratively as per Board policy.

TIMING:

Board of Supervisors authorization is requested on April 28, 2008.

BACKGROUND:

The staff development needs of DPSC are significant. Like other Public Safety Answering Points (PSAPs), DPSC experiences a chronic shortage of call takers and police and fire-rescue dispatchers, which in DPSC are titled *Public Safety Communicators*. One of the most serious, direct results of these shortages is longer

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response times to answer 9-1-1 emergency and less-urgent calls for service. An additional operational impact of the staffing shortfall is the increasing number of police and fire-rescue field units Public Safety Communicators must control and monitor simultaneously. To address the shortfall, DPSC currently relies on a significant number of supplemental staff personnel comprised of off duty police officers and firefighters working overtime in DPSC as Public Safety Communicators.

The other significant issue facing DPSC is employee turnover. The annualized turnover rate in FY 2007 was 21 percent. This is due in part to retirements, transfers to other public safety agencies (e.g. Police, Sheriff and Fire and Rescue), and employee dissatisfaction with salary and being overworked because of chronic staffing shortages.

To address its recruiting goals, DPSC would solicit the support of a professional personnel recruiting/marketing vendor to provide assistance in program development services and recruiting materials. Once the program has been fully developed, DPSC will begin implementation with an aggressive local outreach program via a variety of media.

FISCAL IMPACT:

If awarded the Department of Public Safety Communications would receive \$180,000 to enhance the recruitment of personnel. There are no indirect costs associated with this grant. This action does not increase the expenditure level of Fund 102, Federal/State Grant Fund, as funds are held in reserve for unanticipated awards in FY 2008. There is a required 20 percent Local Cash Match of \$36,000. The Local Cash Match is provided by Fund 120, E-911.

CREATION OF POSITIONS:

There will be no creation of positions with this grant.

ENCLOSED DOCUMENTS:

Attachment 1 – Grant Application

STAFF:

Robert A. Stalzer, Deputy County Executive
Steve H. Souder, Director, Department of Public Safety Communications
Susan Datta, Director, Department of Management and Budget
Robert M. Ross, Assistant County Attorney

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ACTION - 1

Approval of a Memorandum of Understanding Between the Fairfax County Police Department and the Northern Virginia HIDTA Gang Task Force

ISSUE:

Board approval of a Memorandum of Understanding between the Fairfax County Police and the Northern Virginia High Intensity Drug Traffic Areas (HIDTA) Gang Task Force authorizing the assignment of one second lieutenant and one detective to the HIDTA Gang Task Force.

RECOMMENDATION:

The County Executive recommends that the Board authorize the Chief of Police to sign the Memorandum of Understanding between the Police Department and the Northern Virginia HIDTA Gang Task Force.

TIMING:

Board action is requested on April 28, 2008.

BACKGROUND:

In supporting the regional effort toward intervention and suppression of criminal street gangs and their activities, the Fairfax County Police Department recognizes the need to continue to be a lead agency within the Northern Virginia HIDTA Gang Task Force. The Task Force was created in 2003 with initial funding from the federal government. Presently, the Northern Virginia Regional Gang Task Force participates in a partnership with HIDTA which allows the Northern Virginia HIDTA Gang Task Force to meet some fixed expenses such as rental vehicles, radios and some overtime.

Under this agreement, the Northern Virginia HIDTA Gang Task Force and the Fairfax County Police work to facilitate sharing information in an effort to suppress criminal street gang crime and protect the region against the acts of violence that are associated with the culture of criminal street gangs.

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

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The Northern Virginia HIDTA Gang Task Force will be funded through a Bureau of Justice Affairs, Targeting Violent Crime Initiative Grant, #2007-DD-BX-0654 through September 30, 2008. As a result, mandatory reporting requirements related to the disbursements of these grant funds have been incorporated into the previously approved 2008 Memorandum of Understanding.

FISCAL IMPACT:
None

ENCLOSED:
Attachment 1: Memorandum of Understanding between the Northern Virginia HIDTA Gang Task Force and the Fairfax County Police

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

Board Agenda Item
April 28, 2008

ACTION - 2

Approval of an Agreement Between the Fairfax County Police Department and the United States Park Police

ISSUE:

Board approval of an Agreement between the Fairfax County Police Department and the United States Park Police authorizing the Police Department to provide assistance for the Independence Day Celebration at the National Mall on July 4, 2008.

RECOMMENDATION:

The County Executive recommends that the Board authorize the Chief of Police to sign the interagency agreement between the Fairfax County Police Department and the United States Park Police.

TIMING:

Board action is requested on April 28, 2008.

BACKGROUND:

The Fairfax County Police Department has historically provided assistance to the United States Park Police during the annual Fourth of July Independence Day Celebration on the National Mall in Washington, D.C. The United States Park Police has again requested assistance for the 2008 celebration. The Police Department's primary role will be to assist with crowd control, provide high visibility foot patrols on the Mall, and man security checkpoints along the Mall perimeter. Fairfax County will be reimbursed for associated costs, to include salaries.

FISCAL IMPACT:

None

ENCLOSED:

Attachment 1: Interagency Agreement between Fairfax County Police Department and the United States Park Police

Board Agenda Item
April 28, 2008

STAFF:

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

Board Agenda Item
April 28, 2008



ACTION - 3

Approval of a Project Amendment Between the Virginia Department of Transportation and Fairfax County to Administer Countywide Pedestrian Safety and Access Improvements; Endorsement of the Locations Chosen for Improvements; and a Resolution to Execute the Project Amendment

ISSUE:

Board approval of a project amendment, in substantial form, between the Virginia Department of Transportation (VDOT) and the County (Attachment 1);

Board endorsement of the updated list of Top Pedestrian Intersection Safety and Access Projects; and

Board resolution to authorize staff to execute the project amendment (Attachment 3).

RECOMMENDATION:

The County Executive recommends the following:

- Board approval of a project amendment, in substantial form, between VDOT and the County (Attachment 1).
- Board endorsement of the updated list of Top Pedestrian Intersection Safety and Access Projects analyzed and reviewed by staff (Attachment 2).
- Board resolve to authorize staff to execute the project amendment (Attachment 3).

TIMING:

Board approval is requested on April 28, 2008, so that the projects can move forward.

BACKGROUND:

As part of the annual VDOT Six-Year Improvement Program (SYIP) endorsement, the Board endorsed the use of secondary road program funds identified for traffic services to also be utilized for pedestrian improvements. On March 27, 2006, the Board approved an initial agreement for the pedestrian improvements. Since the initial agreement was executed, three intersections have been improved, and additional funding has been programmed. Staff is returning to the Board for approval to execute an amendment to the agreement and allocate the programmed funding to the updated list of projects detailed in Attachment 2.

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Staff had previously developed recommended priority locations in the County needing pedestrian safety and access improvements. These locations were chosen based on an analysis of the top pedestrian crash intersections and other priority locations. The recommended locations have been circulated to the Board in the past and are updated to reflect current recommendations and changed conditions including the addition of three new intersections locations. The available secondary road program funding will allow the County to move forward with these much needed improvements.

The annual adoption of the SYIP is expected to yield additional funds for this program. Staff will work with VDOT to amend the attached agreement and recommended list of locations on an annual basis to reflect the available funding. This process will be similar to the annual bus shelter program that the County has structured with VDOT to access available bus shelter funds. As the existing funding is expended and new funds received, staff will return to the Board for any necessary appropriations and authorizations as needed.

FISCAL IMPACT:

The current total estimated project cost in Fund 304, Transportation Improvements Fund Project 064267 Pedestrian Improvements – VDOT Funded is \$6,045,000. Funding of \$1,235,825 was approved by the Board of Supervisors on March 27, 2006, and appropriated as part of the FY 2006 Carryover Review to execute the first project agreement with VDOT. This Board action will increase the total allocation to Project 064267 by \$1,554,500 to an amount of \$2,790,325. The project funding is available from Secondary Road Funds allocated for Traffic Services/Pedestrian Improvements. No Local Cash Match is required by the County for this project; however, an appropriation is necessary and will be appropriated as part of the FY 2008 Carryover Review in order to begin work on this phase of the program.

CREATION OF NEW POSITIONS:

No positions will be created by this agreement.

ENCLOSED DOCUMENTS:

Attachment 1: Agreement for Countywide Pedestrian, Safety, and Access Improvements in Fairfax County

Attachment 2: List of Projects: Appendix B - Fairfax County Pedestrian Program Top Pedestrian Intersection Safety and Access Projects for VDOT Six Year-Secondary Funding Agreement

Attachment 3: Board Resolution to Authorize Staff to execute the Project Amendment

Board Agenda Item
April 28, 2008

STAFF:

Robert A. Stalzer, Deputy County Executive

Katharine D. Ichter, Director, FCDOT

Jimmie D. Jenkins, Director, DPWES

Karen J. Harwood, Assistant County Attorney

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

Tom Biesiadny, Chief, Coordination and Funding Division, FCDOT

Chris Wells, Pedestrian Program Manager, FCDOT

Jay Guy, Coordination and Funding Section, FCDOT

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Board Agenda Item
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ACTION - 4

Approval of Proposed Consolidated Plan One-Year Action Plan for FY 2009

ISSUE:

Final action by the Fairfax County Board of Supervisors on the *Proposed Consolidated Plan One-Year Action Plan for FY 2009* as issued by the Consolidated Community Funding Advisory Committee (CCFAC).

RECOMMENDATION:

The County Executive recommends that the Board (1) adopt the *Proposed Consolidated Plan One-Year Action Plan for FY 2009* as issued by the CCFAC with funding allocations outlined below; and (2) authorize signature of the Consolidated Plan Certifications and Federal funding application forms (SF424s) required by the U.S. Department of Housing and Urban Development (HUD).

TIMING:

Board action is requested on April 28, 2008, in order to maintain the schedule for the Consolidated Plan process, which is included as Appendix C in the enclosed *Proposed Consolidated Plan One-Year Action Plan for FY 2009* (Attachment 1), and to ensure timely submission of the Plan to HUD.

BACKGROUND:

The *Proposed One-Year Action Plan for FY 2009* has been issued by the CCFAC for approval by the Board of Supervisors. The *Proposed Consolidated Plan One-Year Action Plan for FY 2009* contains the proposed uses of funding for programs to be implemented in the fourth year of the Five-Year Consolidated Plan for FY 2006-2010. An annual action plan is required by the U.S. Department of Housing and Urban Development (HUD) for four federal programs. These programs include: Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), Emergency Shelter Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA).

The U.S. Department of Housing and Urban Development (HUD) requires the submission of this document as part of the planning and application aspects of the four federal programs from which Fairfax County receives annual funding allocations: CDBG, HOME, ESG, and HOPWA. In addition, the document describes the Continuum of Care for homeless services and programs in the Fairfax community, and the

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Consolidated Community Funding Pool (CCFP). *The Proposed Consolidated Plan One-Year Action Plan for FY 2009* will include the first year of the two-year FY 2009-2010 funding cycle for the Consolidated Community Funding Pool (CCFP). The CCFP was established by the Board and provides funding to community based nonprofit organizations through a competitive solicitation process.

The Proposed Consolidated Plan One-Year Action Plan for FY 2009 also includes the public and private resources available for housing and community development activities, and the CCFP funding priorities adopted by the Board. In accordance with federal requirements, the Proposed *Consolidated Plan One-Year Action Plan for FY 2009* contains several certifications, including drug-free workplace, affirmatively furthering fair housing, and lobbying restrictions, which will be signed by the County Executive following Board approval of the Plan.

Federal regulations issued by HUD governing the Consolidated Plan require jurisdictions to complete an analysis of impediments to fair housing choice. In June 1997, the Board of Supervisors adopted the Fairfax County Fair Housing Analysis of Impediments. The Fairfax County Board of Supervisors adopted a Fair Housing Plan on July 26, 1999, to address impediments to fair housing choice within Fairfax County. The Board designated the Fairfax County Human Rights Commission as the agency responsible for implementation and oversight of fair housing activities initiated by Fairfax County.

Fairfax County's Human Right's Commission amended the County's Analysis of Impediments (AI). The amended AI was adopted by the Fairfax County Board of Supervisors on July 23, 2007. The One-Year Action Plan for FY 2009 includes follow-up activities to be conducted to address impediments to fair housing identified in the AI.

Funding levels incorporated in the One-Year Action Plan for FY 2009 by the CCFAC are based on anticipated federal allocations for FY 2009. The proposed use of funds identified in the One-Year Action Plan for FY 2009 is summarized below. A description for each activity is provided in the attached Draft Proposed Consolidated Plan One-Year Action Plan for FY 2009.

At its meeting on March 10, 2008, the Board instructed that two options (Options A and B) be considered for the funding of the renovation and updating of the Reston Museum building (Project ID #12 in Attachment 1). The CCFAC, at its April 9, 2008 meeting, considered comments received during the 30-day public comment period, including those concerning the Reston Museum project. The CCFAC voted to recommend funding the Museum project at \$135,109 and funding the Accessibility Modifications for FCRHA Properties project (Project ID #11) at \$250,000 (Option B). This option (B) was the final recommendation of the CCFAC/Fairfax County Redevelopment and Housing Authority (FCRHA) Working Advisory Group (WAG). Option A was previously

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recommended by the CCFAC and would have resulted in the Reston Museum receiving up to \$67,555 for the museum project with the stipulation that it receive only as much as is directly matched by other funds. Under this option, the line item for Accessibility Modifications for FCRHA properties would have been \$317,554.

Community Development Block Grant (CDBG)

<i>Payments on Section 108 Loans</i>	\$ 1,049,839
<i>Home Repair for the Elderly Program</i>	\$ 283,177
<i>Relocation Program/Homeownership Initiatives</i>	\$ 264,108
<i>Homeownership Program</i>	\$ 299,740
<i>Fair Housing</i>	\$ 57,514
<i>Planning (Programs and Compliance)</i>	\$ 411,970
<i>General Administration</i>	\$ 716,312
<i>Affordable Housing Fund</i>	\$ 1,113,445
<i>Targeted Public Services</i>	\$ 889,347
<i>Senior/Disabled Housing</i>	\$ 300,000
<i>Revitalization: Neighborhood Outreach</i>	\$ 112,651
<i>Rehabilitation of FCRHA Properties</i>	\$ 45,770
<i>Accessibility Modifications/FCRHA Properties (Option B)</i>	\$ 250,000
<i>Revitalization: Reston Storefront Museum (Option B)</i>	\$ <u>135,109</u>

Total CDBG Entitlement Funding \$ **5,928,982**

CDBG Estimated Program Income

Home Improvement Loan Program \$ **310,070**

HOME Investment Partnerships Program (HOME)

<i>Tenant Based Rental Assistance</i>	\$ 602,764
<i>CHDO Set-Aside</i>	\$ 402,624
<i>HOME Administration</i>	\$ 221,119
<i>Fair Housing</i>	\$ 21,928
<i>Homebuyer Equity Loan Program (HELP)</i>	\$ 1,182,166
<i>American Dream Down Payment Initiative</i>	\$ <u>18,081</u>
Total HOME Entitlement Funding	\$2,448,682

HOME Estimated Program Income

Housing Development Costs \$ **52,211**

Emergency Shelter Grant (ESG) \$ **265,518**

Housing Opportunities for Persons with AIDS (HOPWA) - Estimated \$ **180,000**

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This is the tenth year that the CCFP has been included in the Proposed Consolidated Plan One-Year Action Plan. Beginning with FY 2000, the former Community Funding Pool and the CDBG Affordable Housing funds and Targeted Public Services funds were merged into a single Consolidated Community Funding Pool. The CCFP consolidates the solicitation and award processes by establishing a single application process with a common set of funding priorities and proposal evaluation criteria for programs of community based nonprofit organizations.

The funding available through the CCFP is allocated through a competitive Request for Proposal process. The County Executive appoints a Selection Advisory Committee of citizens to review and rank applications received and make funding recommendations to the Board, which makes the final project funding awards. In FY 2001, the CCFP went from a one-year to a two-year funding cycle FY 2001-2002 whereby the Board approved all CCFP projects for a two-year funding period. On July 9, 2001, the Board approved the continuation of the two-year funding cycle for the CCFP. The *Proposed Consolidated Plan One-Year Action Plan for FY 2009* will cover the first year of projects for the two-year funding period (FY 2009–2010). The Board will make final awards for FY 2009 in April 2008 with action on the annual County budget.

The following are estimated amounts that will be available for the CCFP for FY 2009:

CDBG Affordable Housing Funds ¹	\$1,113,445
CDBG Targeted Public Services Funds ¹	\$ 889,347
Federal and State Community Services and Block Grant (CSBG) Funds ²	\$ 390,157
County General Funds ²	<u>\$8,580,530</u>

Total Proposed CCFP Funding: \$10,973,479

¹The CDBG and HOME fund amounts are based on HUD's published federal FY 2008 allocation figures.

²These amounts are based on the proposed FY 2009 County budget and will be revised subject to the final federal entitlement amounts for the CSBG program and the appropriation of local General Funds by the Board for FY 2009.

For FY 2009, Fairfax County received a \$233,490 (3.8%) reduction in its CDBG award from FY 2008. The subsequent cut to the CCFP was \$35,023. The FY 2009 award amount for the HOME Program increased by \$9,107 (0.4%) from FY 2008, and the FY 2009 ESG award decreased by \$1,547 (0.6%) from FY 2008. Funding for the HOPWA program is estimated and actual funding will depend on the final allocation made available to Northern Virginia jurisdictions through the Northern Virginia Regional Commission and the District of Columbia, recipient of the funds.

The One-Year Action Plan for FY 2009 was circulated for review and comment by citizens, service providers and other interested parties during the formal public comment period which ended on April 9, 2008. Following the public hearing on March 31, 2008

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and the public comment period, the CCFAC considered all comments received on the *Proposed Consolidated Plan One-Year Action Plan for FY 2009*, and forwarded its recommendation to the Board for final action on April 28, 2008.

FISCAL IMPACT:

Total funding of \$8,823,182 has been recommended in this item for CDBG (\$5,928,982), HOME (\$2,448,682), ESG (\$265,518), and HOPWA (\$180,000). These funding levels are anticipated federal FY 2008 grant amounts for the four federal programs (CDBG, HOME, ESG and HOPWA).

The CDBG and HOME funding amounts are based on HUD's FY published federal 2008 figures on its website. Per written notification by HUD of the final grant amounts, any adjustments will be made accordingly.

A reallocation of CDBG Affordable Housing and Targeted Public Services funds to specific projects will be made to reflect the distribution of funds through the CCFP as approved by the Board of Supervisors. Upon receipt of the federal ESG funds, an appropriate adjustment will be made to the federal revenue estimate of the Department of Family Services. The HOPWA funding is received through the Northern Virginia Regional Commission (NVRC) under the metropolitan area-wide plan developed by the District of Columbia Agency on HIV/AIDS. NVRC has contracted with Northern Virginia Family Services, a nonprofit organization that provides services to Fairfax County residents.

ENCLOSED DOCUMENTS:

Attachment 1: *Proposed Consolidated Plan One-Year Action Plan for FY 2009*

STAFF:

Verdia L. Haywood, Deputy County Executive
Paula C. Sampson, Director, Department of Housing and Community Development (HCD)
John Payne, Acting Deputy Director, Real Estate and Development, HCD
Aseem K. Nigam, Director, Real Estate Finance and Grants Management Division, HCD
Audrey Spencer-Horsley, Associate Director, Grants Management Division, HCD
Stephen E. Knippler, Senior Program Manager, Grants Management HCD
Richard V. Dunn, Housing Community Developer, Grants Management Division, HCD

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INFORMATION - 1

Memorandum of Understanding Between the Northern Virginia Criminal Justice Academy, Prince William County Criminal Justice Academy and the Fairfax County Criminal Justice Academy

The Fairfax County Criminal Justice Academy has established partnerships with the Northern Virginia Criminal Justice Academy and the Prince William County Criminal Justice Academy for the purposes of sharing training resources and to enhance the delivery of services. As part of this partnership and to meet disaster preparedness objectives as established by the Metropolitan Council of Governments, the three training academies have proposed a mutual aid agreement should a disaster strike one of the facilities. The Fairfax County Criminal Justice Academy will enter into this agreement which establishes terms under which the Fairfax Criminal Justice Academy, the Northern Virginia Criminal Justice Academy and the Prince William County Criminal Justice Academy will provide support and facilities to each other in the event of a natural or man-made disaster that would adversely affect the operations of one or more of these academies in the Northern Virginia area.

Unless otherwise directed by the Board, the Fairfax County Criminal Justice Academy will enter into the Memorandum of Understanding.

FISCAL IMPACT:

Monetary expenses incurred by the agency providing the services shall be resolved in a reasonable time frame or as soon as practical. Expenses can include overtime, equipment, and temporary structures that are above and beyond their normal budgeted expenses. The shared use of equipment would normally be included with this agreement.

ENCLOSED DOCUMENTS:

Attachment 1 – Memorandum of Understanding between the Fairfax County Criminal Justice Academy, the Northern Virginia Criminal Justice Academy and the Prince William County Criminal Justice Academy.

STAFF:

Robert A. Stalzer, Deputy County Executive
Colonel David M. Rohrer, Chief of Police
Sheriff Stan Barry, Office of the Sheriff
Major Edwin C. Roessler, Jr., Director, Fairfax County Criminal Justice Academy
Robert M. Ross, Assistant County Attorney

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INFORMATION -2

Contract Award – Engineering Services

The Facilities Management Department (FMD) operates, contracts for, and coordinates an array of services within its mission to provide safe, comfortable, well-maintained facilities for all County departments. In order to deliver comprehensive, quality engineering services, contractor support is provided through multiple licensed and qualified engineering firms, with emphasis on mechanical and electrical disciplines. Other disciplines such as architectural, structural, and certified interior design services may also be required.

On October 23, 2007, the Department of Purchasing and Supply Management issued a Request for Proposal (RFP08-944907-22) for the provision of engineering services, on an as needed basis. The County anticipated multiple awards as a result of this solicitation.

Tasks to be performed may include a range of project types from in-depth design services to basic replacements (see below). The service level required is based on the complexity of each project, as determined by the Fairfax County project manager.

- a. Consulting services to include construction cost estimates, life cycle costing and/or cost benefit analysis of proposed projects
- b. Prepare engineering plans and specifications for repair or replacement of existing equipment and systems
- c. Prepare engineering plans and specifications for alterations, modifications and repairs to existing facilities, equipment and systems
- d. Design new systems and prepare engineering plans and specifications
- e. Perform shop drawings and technical submittal review and approval
- f. Provide construction inspection services and reports
- g. Other general engineering tasks as required
- h. On site support for projects

Specific projects will be awarded to selected firms on a “best value” basis (including but not limited to cost, schedule, and availability of resources) or otherwise as determined to be in the best interest of the County.

The solicitation notice was sent to approximately 802 firms, and 13 firms responded with a proposal by the closing date of November 26, 2007. The Selection Advisory Committee (SAC), appointed by the County Purchasing Agent, evaluated the proposals in accordance with the criteria established in the RFP. Upon completion of the final

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evaluation of the proposals, the SAC negotiated with the top ranked offerors and unanimously recommended awarding contracts to:

Gauthier, Alvarado and Associates;
Setty & Associates, Ltd;
S3E Klingeman, Inc.;
Shaffer, Wilson, Sarver & Gray, P.C. (SWSG);
JVP Engineers P.C.; and
Sebesta Blomberg & Associates, Inc.

These firms provide both corporate experience and professional staff representing a cross-section of the major technical disciplines required for County projects. The companies have submitted all required licenses and insurance information.

The Department of Tax Administration verified that Setty & Associates Ltd, S3E Klingeman, Inc., Shaffer, Wilson, Sarver & Gray, P.C. (SWSG) do have a Fairfax County Business License, and JVP Engineers, P.C., Sebesta Blomberg & Associates, Inc., and Gauthier, Alvarado & Associates are not required to have a Fairfax County Business, Professional and Occupational License (BPOL).

Unless otherwise directed by the Board of Supervisors, the Purchasing Agent will proceed to award contracts to the offerors listed above. The initial contract period will be from date of award through November 30, 2009, with three (3) one-year renewal options. The total estimated amount of this contract for all County departments will be over \$1,000,000, depending on funds budgeted for each project.

FISCAL IMPACT:

The fiscal impact to the Facilities Management Department will be approximately \$1 million. Funds are currently available in the Facilities Management Department to award these contracts.

ENCLOSED DOCUMENTS:

Attachment 1- List of Offerors

STAFF:

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

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INFORMATION - 3

International Building Safety Week

In observance of International Building Safety Week, May 5-11, 2008, the Department of Public Works and Environmental Services (DPWES) is conducting a campaign to promote public awareness of building safety in Fairfax County. This is in keeping with DPWES' mission to enforce building codes and related County ordinances in order to ensure the construction of safe buildings in the County.

As has been the practice in previous years, staff is working in collaboration with several local hardware stores including Home Depot stores at Price Club Plaza, Hybla Valley, Seven Corners Center, Fairfax Circle, Alexandria, and Reston, to set up building safety information booths at store entrances during Building Safety Week. Staff from neighboring local government jurisdictions who participated in last year's effort have again enthusiastically expressed their satisfaction with last year's joint effort, and indicated their desire to continue it. So, this year, on May 3 and 4, in another regional collaborative effort, the booths will be staffed jointly by engineers and inspectors from Fairfax County DPWES and Code Enforcement Agencies from Arlington County, the Cities of Alexandria, Fairfax, and Falls Church, and the Town of Herndon.

Customers and visitors will have the opportunity to ask building code-related questions. Building equipment and safety appliances-such as carbon monoxide alarms, smoke detectors, fire extinguishers, and radon test kits-will be displayed. Information brochures on building and elevator safety, as well as permit process information, will be available to all customers and visitors.

This outreach program is designed to educate regional residents on the provisions of the building codes, increase the level of awareness on building safety, and save lives. Since initiating the community outreach visits over eleven years ago, citizen response has continued to be very positive, and staff reports an increasing level of interest from customers shopping at these stores.

On Friday, May 2, beginning at 9 a.m., a kickoff breakfast presentation and press conference on the theme "Green Building Technologies" will be held at the Lee Center, 1800 Jefferson Street, in the City of Alexandria. This year's event, organized jointly by the Counties of Fairfax and Arlington, the Cities of Alexandria, Fairfax, and Falls Church, and the Town of Herndon, is designed to focus the public's attention on environmental sustainability, and increase their awareness in the area of "Green Building Technologies." The featured presentations will be given by three distinguished speakers – Corey Enck, from the U.S. Green Buildings Council; Richard Kuchnicki, from

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the International Code Council; and Chris Garwood, from the architectural firm of Davis, Carter, and Scott.

As part of today's ceremony recognizing Building Safety Week, DPWES will present its Building Safety Community Partnership Award. This award recognizes private or corporate citizens for their contributions toward the advancement of DPWES' mission of ensuring building and construction safety in Fairfax County. This is the tenth year for this award, and the recipient this year is Nancy Baker of McLean Virginia, who is being recognized for her exceptional efforts in promoting building safety not only within Fairfax County, but throughout Virginia and the rest of the nation as well.

Through personal tragedy, Ms. Baker came to recognize significant deficiencies in existing safety standards for swimming pools and hot tubs. She brought these problems to the nation's attention professionally and graphically. The result was swift and appropriate changes to model building code requirements, and last year, a federal law more strictly regulating the manufacture and marketing of pool equipment within the country. Ms. Baker's tenacious focus on drawing attention to and correcting a previously under-appreciated safety problem exemplifies the very reason for our Building Safety Week. She is richly deserving of special recognition, and we are proud to have her as the recipient of our Building Safety Community Partnership Award for 2008.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

None

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

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

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10:45 a.m.

Matters Presented by Board Members

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11:35 a.m.

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
 - 1. *Henry Penn v. Fairfax County*, Case No. 08-1405 (United States Court of Appeals for the Fourth Circuit)
 - 2. *Board of Zoning Appeals of Fairfax County, Virginia v. Board of Supervisors of Fairfax County, Virginia*, Record No. 071395 (Sup. Ct. Va.)
 - 3. *Ryan Herold v. Richard Perl*, Case No. CL-2007-0010415 (Fx. Co. Cir. Ct.)
 - 4. *Lenir Richardson v. Zips Dry Cleaners and Officer Corrigan (sic)*, Case No. CL-2007-0011466 (Fx. Co. Cir. Ct.)
 - 5. *Irene Richardson and Lenir Richardson v. Andrew Lee Richardson, et al.*, Court No. 2007-0007994 (Fx. Co. Cir. Court)
 - 6. *In Re: Grievance Appeal of Vicki Wood* (Civil Service Commission) (Providence District)
 - 7. *Mary Parker v. Fairfax County Department of Family Services*, Record No. 080375 (Va. Supreme Court)
 - 8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ana Caballero*, Case No. CL-2007-0001746 (Fx. Co. Cir. Ct.) (Providence District)

9. *Eileen M. McLane, Fairfax County Zoning Administrator, and Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services v. Khoa Nguyen*, Case No. CL-2006-0014957 (Fx. Co. Cir. Ct.) (Lee District)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Farmville Group, LLC*, Case No. CL-2007-0008623 (Fx. Co. Cir. Ct.) (Dranesville District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. William Zamer*, Case No. CL-2006-0002331 (Fx. Co. Cir. Ct.) (Springfield District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Daisy Hernandez*, Case No. CL-2008-0000404 (Fx. Co. Cir. Ct.) (Springfield District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Billy E. Del-Cid Solis, Moises Marquez Del-Cid, and Maria A. Marquez*, Case No. CL-2007-0014492 (Fx. Co. Cir. Ct.) (Mount Vernon District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. James M. Puckett and Martha E. Puckett*, Case No. CL-2007-0007807 (Fx. Co. Cir. Ct.) (Mount Vernon District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tom A. Rogers and Patricia A. Rogers*, Case No. CL-2007-0013123 (Fx. Co. Cir. Ct.) (Providence District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Norberto Diego Lopez Perez and Norma Rosa Fernandez*, Case No. CL-2007-0015311 (Fx. Co. Cir. Ct.) (Mason District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Leslie M. Hood*, Case No. CL-2007-0015310 (Fx. Co. Cir. Ct.) (Hunter Mill District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nelson Hernandez and Reina Villalobos*, Case No. CL-2007-0012868 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)

19. *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)*
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Andrea Ventura and Isabel Blanco, Case No. CL-2008-0004458 (Fx. Co. Cir. Ct.) (Providence District) (Strike Team Case)*
21. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Rime Milton Rojas Salguero and Yola Nancy Foronda de Jaldin, Case No. CL-2008-0004293 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)*
22. *Eileen M. McLane, Fairfax County Zoning Administrator and Ronald L. Mastin, Fairfax County Fire Marshal v. Rudy Rolando Arispe Flores, Case No. CL-2008-0004015 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)*
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. William Flores and Marco Flores, Case No. CL-2008-0004292 (Fx. Co. Cir. Ct.) (Mount Vernon District) (Strike Team Case)*
24. *Eileen M. McLane, Fairfax County Zoning Administrator, and Ronald L. Mastin, Fairfax County Fire Marshal v. Segundo Paucar and Claudia Padillo, Case No. CL-2008-0004103 (Fx. Co. Cir. Ct.) (Braddock District) (Strike Team Case)*
25. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Karla Soriagalvarro, Case No. CL-2008-0004726 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)*
26. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Barbara Brasher and Larnell Brasher, Case No. CL-2008-0004427 (Fx. Co. Cir. Ct.) (Lee District)*
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Arturo Castellon, Case No. CL-2008-0004426 (Fx. Co. Cir. Ct.) (Springfield District)*

28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Alberto Luis*, Case No. CL-2008-0003764 (Fx. Co. Cir. Ct.) (Springfield District)
29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Forrest J. Hatcher, Sr., and Marva K. Hatcher*, Case No. CL-2008-0003912 (Fx. Co. Cir. Ct.) (Providence District)
30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Francisca Ventura and Rudis Fuents, a/k/a Rudis Vefuents*, Case No. CL-2008-0004424 (Fx. Co. Cir. Ct.) (Lee District)
31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Antoniel F. Deleon and Estela C. Barrios*, Case No. CL-2008-0004626 (Fx. Co. Cir. Ct.) (Mason District)
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Somphone Aphayvong, Amalee Aphayvong, and Kay Aphayvong*, Case No. CL-2008-0004735 (Fx. Co. Cir. Ct.) (Lee District)
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Javier Nava and Ana S. Nava*, Case No. CL-2008-0004727 (Fx. Co. Cir. Ct.) (Lee District)
34. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Muzio B. Roberto and Mary K. Roberto*, Case No. CL-2008-0004184 (Fx. Co. Cir. Ct.) (Mount Vernon District)
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Carion Lee Woodson and William Henry Woodson*, Case No. CL-2008-0004628 (Fx. Co. Cir. Ct.) (Springfield District)
36. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Thomas A. Porrás*, Case No. CL-2008-0005010 (Fx. Co. Cir. Ct.) (Lee District)
37. *Eileen M. McLane, Fairfax County Zoning Administrator v. Carlos A. Gonzalez and Ada I. Gonzalez*, Case No. CL-2008-0004630 (Fx. Co. Cir. Ct.) (Lee District)
38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Abdeljaleel R. Shadid*, Case No. CL-2008-0004629 (Fx. Co. Cir. Ct.) (Lee District)

39. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Steve Korfonta*, Case No. CL-2008-0005009 (Fx. Co. Cir. Ct.) (Providence District)
40. *Eileen M. McLane, Fairfax County Zoning Administrator v. Federal, Inc.*, Case No. CL-2008-0004974 (Fx. Co. Cir. Ct.) (Sully District)
41. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Yahya Feda, et al.*, Case No. CL-2008-0004973 (Fx. Co. Cir. Ct.) (Springfield District)
42. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sylvia Brookover*, Case No. CL-2008-0004633 (Fx. Co. Cir. Ct.) (Hunter Mill District)
43. *Michael Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Bay National Bank*, Case No. CL-2008-0004181 (Fx. Co. Cir. Ct.) (Mason District)
44. *Eileen M. McLane, Fairfax County Zoning Administrator v. Vivian A. Cross and Julio Cross*, Case No. CL-2008-0004936 (Fx. Co. Cir. Ct.) (Providence District)
45. *Eileen M. McLane, Fairfax County Zoning Administrator v. Arnel B. Lis, et al.*, Case No. CL-2008-0004632 (Fx. Co. Cir. Ct.) (Dranesville District)
46. *Board of Supervisors v. NRM Investments, Inc.*, Case No. CL-2007-0002710 (Fx. Co. Cir. Ct.) (Dranesville District)
47. *ARPA Enterprises, Inc. v. Fairfax County Zoning Administrator, et al.*, Case No. CL-2008-0002106 (Fx. Co. Cir. Ct.) (Providence District)
48. *Board of Supervisors v. McDonald's Corporation, et al.*, Case No. CL-2006-0014344 (Fx. Co. Cir. Ct.) (Sully District)

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Board Agenda Item
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3:30 p.m.

Public Hearing on SEA 01-M-010 (Skyline Amoco, LLC Trading As Discount Gas) to Amend SE 01-M-010 Previously Approved for a Service Station, Mini Mart and Car Wash in a Highway Corridor Overlay District to Permit Addition of a Fast Food Restaurant, Waivers and Modifications in a CRD; and Associated Modifications to Site Design and Conditions, Located on Approximately 29,070 Square Feet Zoned C-5, CRD, HC and SC, Mason District

The application property is located at 5842 Columbia Pike, Tax Map 61-2 ((17)) (A) 17A.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, April 17, 2008, the Planning Commission voted unanimously (Commissioners Litzenberger, Lusk, and Murphy absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SEA 01-M-010, subject to the proposed Development Conditions dated April 11, 2008;
- Waiver of the service drive requirement on Columbia Pike; and
- Modification of the transitional screening requirement on the northern boundary in favor of that shown on the SE Plat and as conditioned.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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

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Board Agenda Item
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3:30 p.m.

Public Hearing on RZ 2007-LE-012 (Lee Village At Silver Lake, LLC) to Permit the Development of a Public Library (up to 45,900 Square Feet) 900 Square Foot Fast Food Restaurant Within Building, Workforce Housing (up to 111 Multi-Family Dwelling Units) and Independent Living Units (up to 89 Units) at an Overall FAR of 1.0 on the 6.64 Acres Previously Approved for a Public Library (3.72 Acres in the PDH-8 District and 2.82 Acres in the PRM District). The Applicant is also Seeking Approval of the Respective Conceptual and Final Development Plans, RZ 2007-LE-012 Proposes to Rezone 2.82 acres from PDH-8 to PRM, Lee District

and

Public Hearing on PCA 1996-LE-034-02 (Lee Village At Silver Lake, LLC) to Permit the Development of a Public Library (up to 45,900 Square Feet) 900 Square Foot Fast Food Restaurant Within Building, Workforce Housing (up to 111 Multi-Family Dwelling Units) and Independent Living Units (up to 89 Units) at an Overall FAR of 1.0 on the 6.64 Acres Previously Approved for a Public Library (3.72 Acres in the PDH-8 District and 2.82 Acres in the PRM District) The Applicant is also Seeking Approval of the Respective Conceptual and Final Development Plans. PCA 1996-LE-034-02 (2.19 Acres Zoned PDH-8) Proposes to Amend Proffers and Conceptual Development Plans for RZ 1996-LE-034 Previously Approved for Residential Development to Permit Site Modifications, Lee District

and

Public Hearing on PCA 82-L-030-12 (Lee Village At Silver Lake, LLC) to Permit the Development of a Public Library (up to 45,900 Square Feet) 900 Square Foot Fast Food Restaurant Within Building, Workforce Housing (up to 111 Multi-Family Dwelling Units) and Independent Living Units (up to 89 Units) at an Overall FAR of 1.0 on the 6.64 Acres Previously Approved for a Public Library (3.72 Acres in the PDH-8 District and 2.82 Acres in the PRM District). The Applicant is also Seeking Approval of the Respective Conceptual and Final Development Plans. PCA 82-L-030-12 (4.45 Acres Zoned PDH-8) Proposes to Amend Proffers and Conceptual Development Plans for RZ 82-L-030 to Permit Modifications to Site Design. FDPA 82-L-030-9 (1.63 Acres Zoned PDH-8) Proposes to Amend the Final Development Plan to Permit Modifications to the Site Design and Conditions, Lee District

Public hearing on RZ 2007-LE-012, PCA 1996-LE-034-02, and PCA 82-L-030-12 is to be deferred to May 5, 2008 at 3:30 p.m.

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Board Agenda Item
April 28, 2008

3:30 p.m.

Public Hearing on SE 2007-LE-030 (Springfield Post 7327, Veterans of Foreign Wars of the United States, Inc.) to Permit Private Club and Public Benefit Association, Located on Approximately 2.52 Acres Zoned R-1 and NR, Lee District

The application property is located at 7711, 7713, 7715, 7717 and 7719 Beulah Street. Tax Map 99-2 ((1)) 44-49.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, March 13, 2008, the Planning Commission voted unanimously (Commissioners Hall and Harsel absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2007-LE-030, subject to the Development Conditions dated March 12, 2008;
- Waiver of the barrier requirements along the western and southern boundaries of the site; and
- Modification of the trail requirement set forth in the Comprehensive Plan in favor of the existing six-foot asphalt trail along the Beulah Street frontage.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Suzanne Lin, Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item
April 28, 2008

4:00 p.m.

Public Hearing on PCA 87-P-020-02 (Oakton Grove LLC, and Debra Knisley and Scott Knisley) to Amend the Proffers for RZ 87-P-020 Previously Approved for Residential Development to Permit Existing Structures to be Replaced or Modified at a Density of 1.82 Dwelling Units Per Acre with Associated Modifications to Site Design, Located on Approximately 1.46 Acres Zoned R-2, Providence District

The application property is located at the Terminus of Powdermill Lane, Tax Map 48-1 ((40)) 15 and 16.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, March 27, 2008, the Planning Commission voted unanimously (Commissioner Hall absent from the meeting) to recommend that the Board of Supervisors approve PCA 87-P-202-02, subject to the proffers dated March 24, 2008, amended as follows:

In proffer 3C, insert the word “unauthorized” between the words “due to” and “construction”.

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

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Board Agenda Item
April 28, 2008

Regulatory
Review



4:00 p.m.

Public Hearing 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* 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:

The Board of Supervisors' (Board) adoption of 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.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, March 26, 2008, the Planning Commission voted unanimously (Commissioners Hall, Litzenberger, and Lusk absent from the meeting) to recommend that the Board of Supervisors adopt the proposed amendments as set forth in the staff report dated February 25, 2008 and that the amendments become effective at 12:01 a.m. on April 29, 2008.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed amendments to the PFM, Subdivision Ordinance, and Zoning Ordinance as set forth in the staff report dated February 25, 2008, and as recommended by the Planning Commission. These amendments have been coordinated with the Solid Waste Collection and Recycling Division, (SWCRD) of the Department of Public Works and Environmental Services, 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:

Board action is requested on April 28, 2008 at 4:00 p.m.. On February 25, 2008, the Board authorized the advertising of public hearings. The Planning Commission held a public hearing on March 26, 2008.

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BACKGROUND:

Trash and Recycling: On July 10, 2006, the Board 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 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 SWCRD 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.

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High Density Polyethylene (HDPE) Pipe and Inspection Requirements for Storm Drain Pipe: At the January 6, 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 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 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

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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 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 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

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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 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:

- 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

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by the SWCRD, 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.
 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 waterstops, 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.

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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 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 30 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 30 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 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.

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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, 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.

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- 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 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 – Planning Commission Verbatim

STAFF:

Eileen McLane, Zoning Administrator, Department of Planning and Zoning
Jimmie D. Jenkins, Director, Dept Public Works and Environmental Services (DPWES)
Howard J. Guba, Deputy Director, DPWES
James W. Patteson, Director, Land Development Services, DPWES
Jeff Smithberger, Director, Solid Waste Collection and Recycling Division, DPWES

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Board Agenda Item
April 28, 2008



4:00 p.m.

Public Hearing on a Proposed Zoning Ordinance Amendment Re: Regional Non-Rail Transit Facilities

ISSUE:

Proposed Zoning Ordinance amendment to revise the 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”.

PLANNING COMMISSION RECOMMENDATION:

On March 19, 2008, the Planning Commission voted unanimously (Commissioners Murphy and Donahue absent from the meeting) to recommend that the Board of Supervisors adopt the Zoning Ordinance Amendment regarding Regional Non-Rail Transit Facilities as outlined in the staff report dated February 27, 2008, with the following modifications:

- On page 2, line 8 of the staff report, replace “Washington Metropolitan region” with “Washington Standard Metropolitan Statistical Area as defined by the United States Census Bureau”; and
- On page 2, line 9 of the staff report, replace “WMATA Metrobus storage” with “bus storage”.

RECOMMENDATION:

The County Executive concurs with the Planning Commission’s recommendation.

TIMING:

Board of Supervisors’ authorization to advertise – February 25, 2008; Planning Commission public hearing – March 19, 2008; Board of Supervisors’ public hearing – April 28, 2008 at 4:00 p.m.

BACKGROUND:

The proposed amendment is on the 2008 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

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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 transit 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 1.

On March 19, 2008, the Planning Commission held a public hearing on the proposed amendment and recommended two changes to the proposed regional non-rail transit facilities definition as outlined in the Staff Report. The first recommendation is to clarify what is meant by “Washington Metropolitan region” by replacing that term with “Washington Standard Metropolitan Statistical Area,” which is a defined geographical area by the United States Census Bureau. The second change is to clarify that the regional non-rail transit facilities use includes bus storage or maintenance facilities and not just WMATA’s Metrobus storage facilities, by deleting the reference to WMATA Metrobus. Staff concurs with the Planning Commission’s recommendations.

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.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Staff Report

Attachment 2 – Planning Commission Recommendation

STAFF:

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
April 28, 2008

4:00 p.m.

Public Hearing to Expand the Landsdowne Community Parking District (Lee 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 Landsdowne 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 Landsdowne CPD in accordance with existing CPD restrictions.

TIMING:

The public hearing was authorized on March 31, 2008, for April 28, 2008, at 4:00 p.m.

BACKGROUND:

Fairfax County Code Section 82-5B-2 authorizes the Board to expand a CPD for the purpose of prohibiting or restricting the parking of watercraft; boat trailers; motor homes; camping trailers and any other trailer or semi-trailer; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers, including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in Virginia Code § 46.2-341.4 on the streets in the district. No such Community Parking District shall apply to (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power or (iii) restricted vehicles temporarily parked on a public street within any such District for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip. Pursuant to Fairfax County Code Section 82-5B-3, the Board may expand a CPD if: (1) the Board receives a petition requesting such an expansion and such petition contains the names and signatures of petitioners who represent at least 60 percent of the addresses or other real property within the proposed district, and represent more than 50 percent of the eligible addresses on each

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block of the proposed district, (2) the proposed district includes an area in which 75 percent of each block within the proposed district is zoned, planned or developed as a residential area, and (3) the Board receives an application fee of \$10 for each petitioning property address in the proposed district.

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

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

FISCAL IMPACT:

The cost of sign installation is estimated at \$400 to be paid out of Fairfax County Department of Transportation (FCDOT) funds. This assumes a one-time installation of CPD signs. No funding exists for future maintenance of the signs.

ENCLOSED DOCUMENTS:

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

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

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4:30 p.m.

Public Hearing to Establish the Sully Station Community Parking District (Sully 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 Sully Station 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 Sully Station CPD in accordance with existing CPD restrictions.

TIMING:

The public hearing was authorized on March 31, 2008, for April 28, 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 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

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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 Sully Station 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 \$3000 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 Sully Station 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

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4:30 p.m.

Public Hearing to Establish the Somerset 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 Somerset 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 Somerset CPD in accordance with existing CPD restrictions.

TIMING:

The public hearing was authorized on March 31, 2008, for April 28, 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 petitioners who represent at least 60 percent of the addresses or other real property

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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 Somerset 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 Somerset 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

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4:30 p.m.

Public Hearing on Proposed Amendments to Chapter 119 (Grass or Lawn Area) of *The Code of the County of Fairfax, Virginia* RE: Notices of Violation and the Appeal Process

ISSUE:

Board adoption of proposed amendments to Chapter 119 (Grass or Lawn Area) of *The Code of the County of Fairfax, Virginia*. The proposed amendments address issues related to the definition of “grass or lawn area,” serving notices of violation, the appeal process, and editorial changes.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed amendments to Chapter 119 as set forth in the Staff Report dated March 31, 2008 (Rev. April 1, 2008).

TIMING:

Board action is requested on April 28, 2008, to implement the proposed amendments at the start of the 2008 growing season. The amendments will become effective upon adoption. The public hearing was authorized for advertisement by the Board on March 31, 2008.

BACKGROUND:

In response to Board and citizen concerns about ensuring an efficient and effective response to overgrown grass, particularly in residential neighborhoods, staff of the Department of Public Works and Environmental Services (DPWES) in concert with the County Attorney’s Office reviewed the existing provisions of Chapter 119 and the County’s current enforcement program. A presentation was made to the Board’s Development Process Committee on January 14, 2008, on the results of this review and several recommendations for future actions were provided. Subsequently, in a January 28, 2008, Board Matter, the Board directed staff to.

- Bring amendments back to the Board for public hearing no later than April 28, 2008.
- In addition to the amendments, provide detailed information to the Board on enforcement program improvements that do not require code amendments but will improve the response time for enforcement.
- Provide the Board with the staffing implications of the proposed amendments and enforcement program improvements.

The proposed amendments and information provided herein are in response to the Board's directive. Staff is recommending both substantive and housekeeping changes to Chapter 119. All proposed changes are presently authorized under existing state enabling authority. The substantive changes are intended to aid in a more efficient response to complaints regarding overgrown grass. In addition to the proposed ordinance changes which should streamline the enforcement process, staff is initiating several programmatic changes which should also expedite the process.

PROPOSED AMENDMENTS:

- 1) The first staff-recommended change is to Section 119-2-1 (Definitions). Sub-section (a) of this provision presently excludes “[t]rees, shrubs, ornamental grasses, ferns, fruits, and vegetable, herb, spice, flower, and other beds. . .” from the definition of grass or lawn area. Staff recommends the following language:

(a) *Grass or Lawn Area*: The words “grass or lawn area” shall include an area of ground covered with grass and/or associated growth. Trees, shrubs, ~~ornamental grasses, cultivated areas, including, but not limited to beds of ornamental grasses,~~ ferns, fruits, ~~and vegetables,~~ herbs, spices, flowers, or wildflowers ~~and other beds~~ are specifically excluded from this definition.

Staff has encountered challenges in implementing and enforcing the provisions of the ordinance due, in part, to the broad definition of, and exclusions in the definition of, “grass or lawn area.” In some cases involving very poor long-term maintenance, property owners have allowed other vegetation, including small tree saplings, wildflowers, or other plant material, to grow in their grass areas and have attempted to use the exclusions in the current definition of grass or lawn area to avoid enforcement. The proposed changes to the definitions section should help further clarify and improve enforcement by limiting the exclusions for such growth to situations where the growth is specifically cultivated in defined areas, such as beds or in well-defined or bordered areas. Further clarifying this definition will enable staff to ensure that overgrown grass or lawn areas, even if they contain other volunteer vegetation, are subject to proper enforcement action and cut if enforcement actions are unsuccessful. One practical exception would be small trees that have been specifically planted with mulch or supporting guys or are of large enough caliper that a mower could not effectively remove them. In those instances it has been staff's practice to allow those small trees to remain and staff will continue this practice.

- 2) The second change staff is recommending is a housekeeping change to Section 119-3-2 (Reports of violation of Section 119-3-1). The present language requires that reports of grass violations be reported to the Environmental Facilities and Inspections Division of the Office of Site Development Services. The proposed language requires that reports of grass violations be reported to the Code Enforcement Branch of Land Development Services.

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- 3) The next substantive change is to Section 119-3-3 (Inspection and notice of violation). The proposed language for Section 119-3-3 would modify the existing language as follows:

After inspection of a site, if a violation exists, the inspector shall serve a notice of violation by posting the notice of violation in a conspicuous place upon the land or premises and may serve the notice of violation in person or by registered mail. If the inspector is informed or has reason to believe that the owner of record does not reside on the subject property, or if the subject property is unoccupied, the notice of violation shall be posted in a conspicuous place upon the land or premises and sent by registered mail to the owner of record's last known address as shown on the Fairfax County Tax Records. by one of the following methods: (1) in person to the owner of the property; or (2) by certified or registered mail to the last known address of the owner of the property. In cases involving occupied developed residential property, if the notice of violation cannot be served in person or by certified or registered mail, then it can be served by posting a copy of the notice of violation on the front door of the residential structure on the property in violation and mailing a copy of said notice to the owner by both certified mail and regular mail. The notice of violation shall direct the owner to cut or cause to be cut the grass or lawn area in violation within 14 days of service of the notice of violation such reasonable time as specified in the notice. After such notice of violation is sent served on the owner and such violation has not ceased within 14 days of service of the notice of violation such reasonable time as specified in the notice of the violation, the Director may proceed to remedy the violation as provided in Section 119-3-4, unless the notice of violation has been appealed under Section 119-3-6.

The proposed language change is the first step in streamlining the notice of violation process. By specifying 14 days, this language provides clarity as to the time within which the violation must be abated by the property owner. In addition, the language requires the immediate posting of the violation on all properties inspected and found to be in violation of the ordinance. Due process concerns regarding "reasonable notice" are addressed by requiring that the notice of violation be sent to the owner of record's last known address by registered mail if the property is unoccupied or the inspector is informed or has reason to believe that the owner of record does not reside at the location of the violation.

- 4) The present Section 119-3-4 (Procedure when notice to cut grass or lawn area is not complied with) sub-section (b) requires that "if the grass or lawn area is not cut within the time required by the notice of violation issued pursuant to Section 119-3-3, the Director may proceed by notifying in writing the owner of the non-complying grass or lawn area of the Director's intent to cause to be cut the non-complying grass or lawn area and the owner's right to appeal the Director's decision."

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The proposed language for Section 119-3-4 would modify the existing language as follows:

~~(a) If the grass or lawn area is not cut within the time required by the notice of violation issued pursuant to Section 119-3-3, the Director may proceed to have the noncomplying grass or lawn area cut. pursue appropriate court action for imposition of a civil penalty. Upon the imposition of a civil penalty by the court, the Director may cause to be cut the noncomplying grass or lawn area and the cost and expenses thereof shall be chargeable to and paid by the owner of such property. The costs and expenses for the cutting shall be chargeable to and paid by the owner of such property.~~ The cost and expenses may be collected by the County as taxes and levies are collected.

~~(b) As an alternative, if the grass or lawn area is not cut within the time required by the notice of violation issued pursuant to Section 119-3-3, the Director may proceed by notifying in writing the owner of the noncomplying grass or lawn area of the Director's intent to cause to be cut the noncomplying grass or lawn area and the owner's right to appeal the Director's decision. The cost and expenses for the cutting shall be chargeable to and paid by the owner of such property. The cost and expenses may be collected by the County as taxes and levies are collected. If an appeal is filed under Section 119-3-6, the non-complying grass or lawn area shall not be cut within the ten-day appeal period set forth in Section 119-3-6, until a decision has been made by the County Executive or his designee.~~

This change is the second step in streamlining the process. Presently, if the owner fails to abate the violation, the Director is required to notify the owner in *writing* of his intent to have the non-complying grass or lawn area cut. The new language would eliminate this step. Unless the property owner chooses to use his appeal rights, the Director can proceed to have the non-complying grass or lawn area cut without further notification 14 days after service of the notice of violation.

- 5) The final substantive change to the ordinance is the proposed language for Section 119-3-6 (Appeals). The present language of Section 119-3-6 only allows an appeal by the owner of the property of a decision of the Director to have the non-complying grass or lawn area cut. To balance the streamlining of the process proposed by the new ordinance, the new language allows for both the determination that the grass is overgrown and/or the decision to have the overgrown grass or lawn area cut by the County to be appealed. Further, the new language delays initiation of the process to cut the grass until after the County Executive or his designee makes a decision on the appeal. The proposed language also deletes the appeal to the Board of the County Executive's decision that the grass/lawn area is overgrown and/or that he intends to have the overgrown grass/lawn area cut. Deletion of this step in the appeal process will help shorten the timeframe for getting the overgrown grass/lawn area cut. The proposed language would read as follows:

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~~Any owner who is aggrieved by the decision of the Director that a property is in violation of Section 119-3-1 and/or the notice to cut the non-complying grass or lawn area pursuant to Section 119-3-4(b) may, within ten days of such decision service of the notice of violation, appeal to ~~and have a determination made by the County Executive or his designee by submitting to the Office of the County Executive or his designee and a copy to the Director a written statement setting forth the grounds for the appeal. Any owner who is aggrieved by the decision of the County Executive or his designee may, within ten (10) days of such decision, appeal to and have a determination made by the Board of Supervisors.~~ The County Executive or his designee shall make a finding on the appeal based on the written statement provided by the property owner and information provided by the Director.~~

~~During the period of the appeal Until the decision is made by the County Executive or his designee, no action shall be taken pursuant to Section 119-3-4(b).~~

PROGRAMMATIC CHANGES AND IMPACTS:

In addition to the proposed ordinance changes which should streamline the enforcement process, staff is initiating several programmatic changes which should also expedite the process. As in the past, upon receipt of a complaint, staff will continue the practice of sending letters to property owners who may be in violation of the ordinance. Past experience has demonstrated that property owners will frequently abate a potential violation upon receipt of a letter. Starting this year, staff will also send a letter notifying property owners of lots between a half acre and one acre who may have an overgrown grass/lawn area that we have received a complaint. The letter will request that they cut the portion of the lot which is a grass or lawn area. It should be noted, however, that since the County does not regulate lots or parcels that are a half acre or larger these letters will not reference Chapter 119 or any enforcement action, and therefore staff cannot take any further action on these properties once the letters have been sent.

Historically, DPWES received approximately 200 to 400 complaints on overgrown grass during a calendar year. These complaints were handled by existing staff. In 2007, the agency received complaints on approximately 900 distinct properties. To respond to this unprecedented increase in complaints, DPWES will be hiring limited term staff using existing personnel funding. These positions will be dedicated solely to the enforcement of the ordinance. This staff will perform the initial inspections on all grass complaints, cite properties determined to be in violation, and re-inspect to determine compliance. Staff will also monitor those properties failing to come into compliance and will initiate the process of having the grass cut. To assist staff in the efficient use of inspection time, GPS (Global Positioning Systems) are being purchased by DPWES to aide staff in responding to the large volume of complaints which are received during the spring and fall growing seasons.

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The Maintenance and Stormwater Division of DPWES is responsible for the cutting of those properties which fail to comply with the ordinance. Historically, five or six properties a year require County intervention. Since August 2007, staff of Maintenance and Stormwater has cut approximately 50 properties under the present ordinance. These property owners were billed and only one property owner has paid their bill. Staff will be unable to collect fees or place liens on nine properties which changed ownership during the enforcement process due to foreclosure. Due to the declining economy, the unprecedented number of foreclosures and the extensive period of time properties are remaining on the real estate market, staff is conservatively projecting approximately 100 to 125 properties will require cutting during the 2008 growing season. To meet this demand, staff of The Maintenance and Stormwater Division is considering options that may include hiring contract personnel.

REGULATORY IMPACT:

The proposed amendments will streamline the notice of violation process and in conjunction with programmatic changes will reduce the amount of time that is needed to resolve violations. Staff will evaluate the effectiveness of the regulatory changes and the program on an ongoing basis.

FISCAL IMPACT:

The proposed ordinance amendments and programmatic initiatives are likely to significantly increase service requirements which presently are not funded or staffed. Several options for responding to this increased service requirement are being explored, to include diverting in-house staff resources from existing maintenance programs and capital projects to address the ordinance directives. Use of volunteers, contractors, and young people looking for job opportunities during the summer months are being considered. The costs and expenses for cutting the grass or lawn area will be charged to the property owner. If bills are not paid, the preferred method of collection will be by collecting these bills as taxes are collected. Liens on property may eventually recover maintenance costs but only after a sale of the property. Staff will provide the Board with reports on rates of collection and other financial information on a quarterly basis.

ENCLOSED DOCUMENTS:

Attachment 1 - Staff Report dated March 31, 2008 (Rev. April 1, 2008)

STAFF:

Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)
Howard J. Guba, Deputy Director, DPWES
James W. Patteson, Director, Land Development Services, DPWES

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4:30 p.m.

Public Hearing for the Enlargement/De-Creation/Re-Creation of Small and Local Sanitary Districts for Refuse/Recycling and/or Leaf Collection Service (Dranesville District)

ISSUE:

Board approval of the Creation/Enlargement of Small and Local Sanitary Districts for refuse/recycling and/or leaf collection service.

RECOMMENDATION:

The County Executive recommends that the Board approve the proposed petitions within Dranesville District.

The actions listed below will result in a net increase of 12 leaf collection customers and a decrease of 1 refuse/recycling customer.

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Local District 1E Within Small District 1 Within Dranesville District (701, 703 & 707 N. West St.)	Enlarge 3 Units	Refuse/Recycling & Leaf	Approve
Local District 1A11 Within Small District 1 Within Dranesville District (Crescent La. Area)	Enlarge 6 Units	Refuse/Recycling & Leaf	Approve
Small District 14 Within Dranesville District (6450 Orland St.)	De-Create/ Re-Create 1 Unit	Refuse & Recycling	Approve
Small District 7 Within Dranesville District (6524, 6526 & 6528 Roosevelt St.)	Enlarge 3 Units	Refuse/Recycling & Leaf	Approve

TIMING:

Board of Supervisors' authorized to advertise on March 31, 2008, for a Public Hearing on April 28, 2008, at 4:30 p.m.

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BACKGROUND:

The administrative responsibility for the Creation/Enlargement/De-Creation/Re-Creation of Small and Local Sanitary Districts in the County of Fairfax for refuse/recycling and/or leaf collection is with the Department of Public Works and Environmental Services. The establishment of sanitary districts is accomplished through the action of the Board of Supervisors at public hearings.

The submitted petitions have been reviewed, and it is recommended that the submitted petitions be approved. If approved, the modifications will become permanent in July 2008.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Summary Sheet

Attachment 2: Data Sheet with Resolution and Map

STAFF:

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

Howard J. Guba, Deputy Director, DPWES

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4:30 p.m.

Public Hearing on Proposed Amendments to Chapter 101, Subdivision Ordinance, and Chapter 112, Zoning Ordinance, of *The Code of the County of Fairfax, Virginia*, Regarding Fire Marshal Fees

ISSUE:

A recent review of the current fee structure charged for mandated plan review and inspection services rendered indicates that an increase from \$96 to \$128 per hour, per reviewer or inspector, will more closely align the fees with the cost of performing said mandated services and provide a cost recovery rate of approximately 92%. In addition, the current language in Chapter 101 Section 101-2-9, Fees, and Chapter 112 Section 17-109, Fees, does not reflect approved business processes for the collection of Fire Marshal fees. Fire Marshal fees are no longer assessed and collected on proposed new construction projects. Fees are collected as the service is rendered, which eliminates the need to reconcile upon project completion.

PLANNING COMMISSION RECOMMENDATION:

On April 17, 2008, the Planning Commission voted unanimously (Commissioner Litzenberger, Lusk and Murphy absent from meeting) to recommend approval of the proposed Zoning Ordinance and Subdivision Ordinance amendments as presented in the staff report with an amended review and inspection rate of \$128 per hour in lieu of the \$120 contained in the staff report dated March 10, 2008.

RECOMMENDATION:

The County Executive concurs with the Planning Commission's recommendation.

TIMING:

Board of Supervisors authorization to advertise on March 10, 2008; Planning Commission public hearing on April 17, 2008; Board of Supervisors' public hearing on April 28, 2008, at 4:30 p.m.

BACKGROUND:

As set forth in the attached Staff Report, staff originally recommended a fee increase from the current \$96 per hour to \$120 per hour, for Fire Marshal plan review and inspection services rendered, and as advertised, the Board has the flexibility to consider

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a rate up to \$135 per hour. However, on March 10, 2008, at authorization, the Board requested that staff reexamine the proposed increase in Fire Marshal fees. The objective of the review was to ensure the revenue generated is at least 90 percent of costs for Fire Marshal plan review services and inspection services. Based on current expenditure and revenue projections, an increase to \$128 per hour for the services will realize a cost recovery rate of approximately 92%. This represents an increase of 33% over the current rate of \$96 per hour. A cost recovery rate in the low 90's is reasonable since some of the costs incurred in the Office of the Fire Marshal are not directly related to plan review and inspection activities.

The Fire Prevention Division of the Fairfax County Fire and Rescue Department (Fire Official) enforces the Virginia Statewide Fire Prevention Code, the Virginia Uniform Statewide Building Code, and the County of Fairfax Fire Protection Code, and reviews site plans and subdivision plans submitted to Fairfax County for fire protection requirements. Under the existing Zoning and Subdivision Ordinances, Fire Official fees are required for site plan and subdivision plan submission and these fees vary by the size and type of project. The Fire Official submission fees are based on the average number of hours required to review each type of submission. The plan review fees are required to be paid prior to plan approval or within 120 days of plan submission, whichever comes first. At the time of subdivision plan approval or prior to agreement release of a site plan, an accounting is made of the Fire Official's actual costs versus the filing fee paid. If the filing fee paid exceeds the Fire Official's actual costs, the developer/payor will be refunded the excess. If the Fire Official's actual cost exceeds the fees previously paid, the developer/payor will be responsible for the balance. In accounting for the Fire Official's actual costs, an hourly rate of \$96 is currently charged for time spent processing the site plans or subdivision plans. The processing time includes the time spent reviewing plans as well as inspecting completed construction. Fire Official's fees are levied to defray a portion of the cost of site plan and subdivision plan review and studies.

However, the above described Subdivision and Zoning Ordinance provisions do not reflect approved business processes for the collection of Fire Official fees. Fire Official fees are no longer assessed and collected on proposed new construction projects at the time of plan submission. Fees are collected as the service is rendered thus eliminating the need to reconcile the fees paid at plan submission with the actual fees owed at the time of plan approval.

The current Fire Official review and inspection fees, which were last adjusted in FY 2004, are \$96 per hour, per reviewer or inspector. Based on the March 10, 2008, directive by the Board to reexamine the proposed fee increase and cost recovery effort within the Fire Prevention Division, staff is revising its original recommended fee

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increase of \$120 per hour to \$128 per hour, per reviewer or inspector. It is noted that this revised recommendation is within the scope of the advertised amendment. Chapter 61 (Building Provisions) and Chapter 62 (Fire Protection) of the County Code are also impacted by the proposed increase to the Fire Marshal Fees. The Board held a public hearing on amendments to Chapter 61 and Chapter 62 reflecting the fee increase on March 31, 2008. The Board deferred decision on the proposed amendments pending adoption of the County's FY 2009 budget which is scheduled to occur today.

FISCAL IMPACT:

Based on a rate of \$128, an increase of \$682,703 per year is anticipated if the proposed amendments to Chapter 61, Chapter 62, Chapter 101 and Chapter 112 are adopted. It should be noted that \$512,027 has already been included in the FY 2009 Advertised Budget Plan. The additional revenue of \$170,676 will be included in the final FY 2009 budget if the \$128 rate is approved by the Board.

ENCLOSED DOCUMENTS:

Attachment I: Staff Report

Attachment II: Planning Commission Recommendation

STAFF:

Chief Ronald L. Mastin, Fire and Rescue Department

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

Eileen M. McLane, Zoning Administrator, Department of Planning and Zoning

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5:00 p.m.

Public Hearing on Proposed Amendments to Chapter 62 of *The Code of the County of Fairfax, Virginia*, Regarding Fireworks

ISSUE:

Fireworks performance standards are subject to change based on testing and changing safety criteria. Amendment to the current code will eliminate the need to continually update the code based on specific performance standards, identify the Office of the Fire Marshal as the approving authority for permissible fireworks within the County, increase the time available for analysis of specific fireworks from 90 to 120 days, and align all code sections to require sale to minors only when accompanied by a parent or legal guardian.

RECOMMENDATION:

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

TIMING:

On March 10, 2008, the Board authorized advertisement of a public hearing on April 28, 2008, at 5:00 p.m. If approved, the changes would become effective on April 29, 2008.

BACKGROUND:

The Fire Prevention Division of the Fairfax County Fire and Rescue Department enforces the Virginia Statewide Fire Prevention Code and The Code of the County of Fairfax. Nationally recognized standards with specific testing criteria developed by the American Fireworks Standards Laboratory are used to determine if a firework meets acceptability standards which would allow for sale and use by the general public. The proposed amendments bring Section 3308.1.2, Permissible fireworks, and Section 3308.12, Approval of permissible fireworks, in line with the approval process and business practices of the Office of the Fire Marshal.

FISCAL IMPACT:

No fiscal impact.

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ENCLOSED DOCUMENTS:

Attachment I: Proposed Ordinance, Section 62-2-8 of *The Code of the County of Fairfax*

STAFF:

Chief Ronald L. Mastin, Fire and Rescue Department
Susan W. Datta, Director of Department of Management and Budget
Ann G. Killalea, Assistant County Attorney

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5:00 p.m.

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

ISSUE:

Public hearing on a proposal to abandon and vacate 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, followed by adoption of the attached ordinance of vacation (Attachment VIII) for 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. On February 25, 2008, the Board deferred the public hearing to April 28, 2008, at 5:00 p.m. On March 10, 2008, the Board by its own motion authorized a simultaneous public hearing to consider the proposed vacation.

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 and vacated. 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 and vacation of the now excess right-of-way is a condition of the VDOT street acceptance process.

This application was originally intended to be heard by the Board only as an abandonment. This was proposed because some of the adjacent third-party landowners were not responding to communications from the applicant with respect to the required easements. Under the abandonment the County would have retained fee ownership of the area. Since it is not in the interest of the County to retain the right-of-way and the responding adjacent owners have expressed interest in the property, the County determined that an abandonment, followed by vacation, was required. Staff requested that the original public

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hearing be deferred from February 25, 2008, to April 28, 2008, to allow a public hearing for the vacation action to be scheduled for the same time.

Traffic Circulation and Access

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

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I: Statement of Justification
Attachment II: Notice of Intent to Abandon
Attachment III: Order of Abandonment
Attachment IV: Abandonment Plat
Attachment V: Metes and Bounds Description (abandonment)
Attachment VI: Vicinity Map
Attachment VII: Notice of Intent to Vacate
Attachment VIII: Ordinance of Vacation
Attachment IX: Vacation Plat
Attachment X: Metes and Bounds Description (vacation)

STAFF:

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

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5:00 p.m.

Public Hearing to Consider Amendments to The Code of the County of Fairfax,
Chapter 109.1, Solid Waste Management

ISSUE:

To provide a public hearing to consider amendments to *The Code of the County of Fairfax*, Chapter 109.1, Solid Waste Management.

RECOMMENDATIONS:

The County Executive recommends that the Board authorize the amendments to *The Code of the County of Fairfax*, Chapter 109.1, Solid Waste Management.

TIMING:

Board authorized, on March 31, 2008, holding a hearing on April 28, 2008, to consider amendments to Chapter 109.1, Solid Waste Management.

BACKGROUND:

Chapter 109.1 of *The Code of the County of Fairfax* regulates solid waste collection, transportation and disposal. Staff proposes changes to the Chapter to clarify the intent and applicability of various provisions and to maintain consistency with relevant State and Federal regulations and legal precedents. In addition, one technical change affecting the regulated community is included in the proposed amendments - that waste collectors who use refuse vehicles to also collect recyclables clearly identify refuse vehicles when they are being used for recycling. This change is necessitated as some collectors move toward single-stream recycling collection, where source-separated recyclables are placed in a single can and later collected by a standard trash collection vehicle. Residents are used to seeing different vehicles specifically designed for recycling collect recyclables, and they now are seeing the standard "garbage truck" collect the recyclables. It is desired that these trucks engaged in that activity clearly delineate their role.

Attachment 1 provides a staff report and overview of the changes proposed for the Chapter, and Attachment 2 provides the text of the amendments. The modifications to Chapter 109.1 include:

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- Simplifying the definition of brush and moving the description of what must be collected for recycling to a more appropriate Section of the Code.
- Clarifying the applicability of certain recycling requirements to owners of multi-family dwellings in a manner that is consistent with the existing nomenclature and processes of the Department of Public Works and Environmental Services, Land Development Services, the County agency which regulates development.
- Clarifying that the mixing of refuse with any source-separated recyclables set out for separate collection is expressly prohibited. It should be noted that this prohibition does not apply to yard waste or Christmas trees outside of the defined season during which these materials should be recycled, nor to communities that operate a County-approved alternative recycling system for their yard waste.
- Clarifying requirements related to permit applications and the life of temporary permits, making it clear that all customers shall be given a Statement of Service, and that the life of temporary permits can be extended where the applicant is delayed in acquiring the required paperwork to finalize a permit application.
- Deleting redundant language related to hazardous and unacceptable wastes.
- Adding the requirement that refuse collection vehicles also used to collect recyclables shall use readily-visible signage or other means acceptable to the County to be clearly identifiable when in use as such.
- Deleting the provision which exempted waste bound for out-of-state disposal from the County's authority to designate disposal sites.
- General editorial changes – modifications to correct spelling and clarification of existing language when intent was unclear.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Staff Report of Proposed Changes to Chapter 109.1, Solid Waste Management

Attachment 2 – Proposed Changes to *The Code of the County of Fairfax*, Chapter 109.1, Solid Waste Management

Attachment 3 – Notice of Public Hearing

STAFF:

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

Board Agenda Item
April 28, 2008

5:00 p.m.

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

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