

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
FEBRUARY 9, 2009**

AGENDA

9:30	Done	Presentations
10:00	Done	Presentation on the World Police and Fire Games, Team Fairfax
10:00	Adopted Report	Report on General Assembly Activities
10:15	Done	Appointments to the Economic Advisory Commission
10:15	Done	Items Presented by the County Executive

ADMINISTRATIVE ITEMS

1	Approved	Acceptance of a Portion of Allen Street into the Secondary System of State Highways (Providence District)
2	Approved	Authorization to Advertise Public Hearings on Proposed Amendments to Chapters 2 (Property Under County Control), 61 (Building Provisions), 101 (Subdivision Ordinance), 104 (Erosion and Sedimentation Control), and 112 (Zoning Ordinance) of the <i>Code of the County of Fairfax, Virginia</i> (County Code) Re: Adjustment of the Fees Charged for Plan Review and Inspection and Permit Services
3	Approved	Additional Time to Commence Construction for Special Exception SE 2005-PR-009, Sunrise Assisted Living Limited Partnership (Providence District)
4	Approved	Authorization to Advertise a Public Hearing on a Proposed Zoning Ordinance Amendment Re: Mini-Warehousing Establishments in the PDC District
5	Approved	Extension of Review Periods for 2232 Review Applications (Mount Vernon, Providence, and Springfield Districts)
6	Approved	Authorization to Advertise a Public Hearing on a Proposed Zoning Ordinance Amendment Re: Zoning Fee Schedule
7	Approved	Additional Time to Commence Construction for Special Exception SE 2004-SU-025, Stanford Hotels Corporation (Sully District)

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
FEBRUARY 9, 2009**

ADMINISTRATIVE ITEMS
(continued)

8	Approved	Authorization for the Juvenile and Domestic Relations District Court Services Unit to Apply for and Accept Safe Havens: Supervised Visitation and Safe Exchange Grant Funding from the Office on Violence Against Women (OVW) of the U.S. Department of Justice (DOJ)
---	-----------------	---

ACTION ITEMS

1	Approved	Approval of Memorandum of Understanding Between the Fairfax County Police Department and the Federal Bureau of Investigation (FBI)
2	Approved	Approval of the Fiscal Year 2009 Forest Pest Management Suppression Program
3	Deferred	Approval of Department of Community and Recreation Services' Policy Regarding Memoranda of Understanding for Synthetic Turf Fields
4	Approved	Approval of Parking Reduction for Great Falls Village Center (Dranesville District)

CONSIDERATION ITEM

1	Approved	Approval of the Proposed Bylaws for the Fairfax County Commission for Women (CFW)
---	-----------------	---

INFORMATION ITEMS

1	Noted	Fairfax County Channel 16 Named Best Government Cable TV Station for Fifth Time
2	Noted	Contract Award – Athletic Field Lighting and Related Electrical Work at Lee District Park (Lee District)
3	Noted	Contract Award – Stormwater Management Facilities Maintenance Assessment Project Basic Ordering Agreement
10:30	Done	Matters Presented by Board Members
11:20	Done	Closed Session

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
FEBRUARY 9, 2009**

PUBLIC HEARINGS

3:30	Public Hearing deferred to 2/23/09 at 4:00 p.m.	Public Hearing on PCA 78-S-063-06 (The Aerospace Corporation) (Sully District)
3:30	Public Hearing deferred to 2/23/09 at 4:00 p.m.	Public Hearing on SE 2008-SU-026 (The Aerospace Corporation) (Sully District)
3:30	Public Hearing deferred to 2/23/09 at 3:30 p.m.	Public Hearing on SE 2008-MA-020 (Woodlake Towers Condominium Unit Owners Association) (Mason District)
3:30	Approved	Public Hearing on SE 2008-HM-023 (Keith and Stephanie Anderson) (Hunter Mill District)
4:00	Approved - Chapter 9 Not Approved - Chapter 65	Public Hearing on Proposed Amendments to Chapter 65 (Plumbing and Gas Provisions) of The Code of the County of Fairfax, Virginia (County Code), and Chapter 9 (Water and Fire Regulations) of the Public Facilities Manual (PFM) Re: Public Water and Sewer Connections
4:00	Approved	Public Hearing to Establish the Lakeford Community Parking District (Providence District)
4:00	Approved	Public Hearing to Expand the Lake Braddock Community Parking District (Braddock District)
4:00	Approved	Public Hearing to Establish the Cherry Run Community Parking District (Springfield District)



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Monday
February 9, 2009

9:30 a.m.

PRESENTATIONS

1. CERTIFICATE – To recognize the Sheriff's Office Honor Guard for its accomplishments in the competition sponsored by the Metropolitan Washington Council of Governments at the National Law Enforcement Officers Memorial in 2008. Requested by Supervisor McKay.
2. RESOLUTION – To recognize Bill Renner for his years of service to Fairfax County. Requested by Supervisor Herrity.
3. CERTIFICATE – To recognize the staff of Springfield Mall for its civic-minded response that enabled many residents and visitors to participate in the inauguration event and ease the effects of the traffic in the vicinity of the Metro station. Requested by Supervisor McKay.
4. RECOGNITION – To acknowledge Peter Braham for his years of service to Fairfax County. Requested by Supervisors Smyth and McKay.
5. PROCLAMATION – To designate the week of Feb. 15-21, 2009, as Engineers Week in Fairfax County. Requested by Vice Chairman Bulova.

STAFF:

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

THIS PAGE INTENTIONALLY LEFT BLANK

Board Agenda Item
February 9, 2009

10:00 a.m.

Presentation on the World Police and Fire Games, Team Fairfax

ENCLOSED DOCUMENTS:

None

PRESENTED BY:

Bruce Blechl, Fairfax County Police Department

Barry H. Biggar, President and CEO, Fairfax County Convention & Visitors Corporation

THIS PAGE INTENTIONALLY LEFT BLANK

Board Agenda Item
February 9, 2009

10:00 a.m.

Report on General Assembly Activities

ENCLOSED DOCUMENTS:

None. Materials to be distributed to the Board of Supervisors on February 9, 2009

PRESENTED BY:

Supervisor Jeff McKay, Chairman, Board of Supervisor's Legislative Committee
Anthony H. Griffin, County Executive

THIS PAGE INTENTIONALLY LEFT BLANK

Board Agenda Item
February 9, 2009

10:15 a.m.

Appointments to the Economic Advisory Commission

ENCLOSED DOCUMENTS:

Appointments to be Heard February 9, 2009

STAFF:

Nancy Vehrs, Clerk to the Board of Supervisors

THIS PAGE INTENTIONALLY LEFT BLANK

Board Agenda Item
February 9, 2009

10:15 a.m.

Items Presented by the County Executive

THIS PAGE INTENTIONALLY LEFT BLANK

Board Agenda Item
February 9, 2009

ADMINISTRATIVE - 1

Acceptance of a Portion of Allen Street into the Secondary System of State Highways
(Providence District)

ISSUE:

Acceptance of a portion of Allen Street into the Secondary System of State Highways from the centerline of Arlington Boulevard (Route 50) 360 linear feet (LF) east of the centerline of Fenwick Drive (Route 1781), to a point approximately 781 LF (0.15 miles) north to section line at existing Route 2470.

RECOMMENDATION:

The County Executive recommends that the Board approve the attached resolution so that a portion of Allen Street can be accepted into the Secondary System of State Highways.

TIMING:

Routine.

BACKGROUND:

The portion of Allen Street from the centerline of Arlington Boulevard (Route 50) 360 linear feet (LF) east of the centerline of Fenwick Drive (Route 1781), to a point approximately 781 LF (0.15 miles) north to section line at existing Route 2470, was approved by the Board of Supervisors for upgrading as part of the Board of Road Viewers Program. The necessary work to upgrade this road to state standards has been completed and the road is ready for acceptance into the Secondary System of State Highways.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

- Attachment 1: Sketch of the road to be accepted
- Attachment 2: Letter from the Virginia Department of Transportation
- Attachment 3: Resolution and metes and bounds plat of the road

Board Agenda Item
February 9, 2009

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

Board Agenda Item
February 9, 2009



ADMINISTRATIVE - 2

Authorization to Advertise Public Hearings on Proposed Amendments to Chapters 2 (Property Under County Control), 61 (Building Provisions), 101 (Subdivision Ordinance), 104 (Erosion and Sedimentation Control), and 112 (Zoning Ordinance) of the Code of the County of Fairfax, Virginia (County Code) Re: Adjustment of the Fees Charged for Plan Review and Inspection and Permit Services

ISSUE:

Adjustment of the fees charged for permit, plan review and inspection services to align the fees with the actual cost of providing these services. The fee adjustments are needed to achieve a recovery of at least 90 percent of the costs incurred, as previously set by the Board.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of the proposed amendments to the County Code as set forth in the Staff Report dated February 9, 2009.

TIMING:

Board action is requested on February 9, 2009, to provide sufficient time to advertise a public hearing before the Planning Commission on March 12, 2009, and a public hearing before the Board on March 30, 2009, at 3:00 p.m. The Board public hearing will coincide with discussions of the FY 2010 Advertised Budget Plan.

BACKGROUND:

The proposed amendments would increase fees related to site and building plan review, permit processing, and site and building inspections to align these fees with the actual cost of the services provided. This proposal does not include any revisions to the fees charged by the Fire Marshal for site and building plan review and inspection.

The last increase to site and building code related fees had an effective date of July 1, 2005, (FY 2006). Since that time, costs to process plans and permits and perform inspections have increased because personnel and operating costs have risen and the amount of staff time required for each project has increased. Staff is spending more time on each project because of the increasingly complex issues associated with infill and redevelopment projects and county, state and federal requirements such as those relating to the Chesapeake Bay Preservation Ordinance, storm drainage and erosion and sediment control.

Board Agenda Item
February 9, 2009

Most building plan review and inspection fees will increase by 27 percent; however permits associated with new residential building construction will increase by 50 percent due to a greater disparity between actual costs and fees currently collected. New residential projects are requiring more review and inspection time due to a shift in this work from larger single builder type projects to much smaller, more dispersed, and customized residential projects. Most site related fees will increase by 39 percent: However, “infill” grading plans associated with non-bonded subdivisions will increase by 100 percent. Infill grading plans are requiring significantly more review time and oversight due to more complex and rigorous requirements of storm drainage, erosion and sediment control, and water quality issues.

The proposed amendments (Attachment A of the Staff Report) would increase fees by the percentages indicated below with some minor variation in individual fees due to rounding:

Table 1-Summary of Proposed Fee Adjustments*

Category	Proposed Percent Increase
Site Related Review and Inspection Fees (except as shown below)	39%
Site Related Inserts, waivers, and bonding fees**	0%
Infill grading plans	100%
Base Fee for building, electrical, mechanical and plumbing permits	31%
New Commercial & Commercial Alteration Building Permit Fees*** Residential Alteration Building Permit Fees	27%
New Residential Permit Fees	50%
Amusement Device Fees	Fees updated per 2006 version of Virginia Amusement Device Regulations

*All fees are proposed to be effective on July 1, 2009.

**No adjustment to the site development fees related to inserts, waivers and bonding are proposed since the fees for these services are already in alignment with the associated costs.

***Fees associated with vertical transportation equipment (escalator and elevator plan review and inspections) and home improvement contractor licensing fees are not affected by the proposed fee increase.

The proposed increases would result in fees comparable to similar surrounding jurisdictions. The fee comparison table in Attachment B of the Staff Report compares Arlington, Loudoun, and Prince William Counties’ site related fees with Fairfax County’s current and proposed fee

Board Agenda Item
February 9, 2009

increases. Although it is difficult to precisely compare fees of these jurisdictions due to the type and level of review and inspection provided by each jurisdiction, the comparison reveals that Fairfax County's proposed site related fees for plan review and inspection of site improvements fall in the middle range for the region. Attachment C of the Staff Report contains information regarding cost comparisons for building code related fees for commercial and residential development respectively. Fairfax County's proposed building code related fees for both commercial and residential development are on the low end of the range.

In preparing the proposed fee increase, staff met with industry representatives from the Northern Virginia Building Industry Association (NVBIA), the National Association of Industrial and Office Properties (NAIOP), and the Engineers & Surveyors Institute (ESI) on several occasions to discuss the County's need to increase fees. Official feedback was received from NAIOP and NVBIA. The feedback provided in letter form (Attachments D and E of the Staff Report) contained a number of suggestions for greater efficiencies on the part of DPWES. These suggestions will be evaluated over the next several months by County staff and with stakeholders.

One specific suggestion from industry is to phase in the fee increases over a period of time. Staff does not support this suggestion because the primary impetus behind the fee adjustment is to align fees with costs to achieve a 90 percent recovery rate as previously mandated by the Board. The costs used to develop the proposed fees reflect cost-cutting measures already implemented by LDS, such as a significant reduction in staff. In addition, the costs to be recovered were reduced by excluding costs related to services that directly benefit the public at large, such as code enforcement and amendments. Therefore the costs to be recovered were greatly reduced before the analysis was done to determine the percentage increases needed to bring fees in line with costs.

Another suggestion offered by industry is to base fees on the actual time spent on review and inspection. The analysis performed by County staff included a review of staff time spent on review and inspection activities and this information was used in determining the new fees. However, based on past experience, charging fees for customers by calculating actual time on each project is administratively unwieldy and was not an efficient way of doing business for the County or industry.

SUMMARY OF AMENDMENTS:

The amendments propose to increase all fees related to site plan review and site inspections, (except those related to inserts, waivers and bonding) and increase all fees related to permits, plan review and inspection of building improvements (except fees associated with vertical transportation equipment and home improvement contractor licensing). The details of the proposed amendments are summarized below. As noted above, the percentage increase indicated in the summary may vary with individual fees due to rounding.

Board Agenda Item
February 9, 2009

Proposed Adjustments to Fees for any work or construction on any land dedicated or proposed for dedication to public use under Chapter 2 (Property Under County Control)

The proposed adjustments are to fees related to any work or construction on any land dedicated or proposed for dedication to public use. To ensure that fees are commensurate with the costs associated with the service, staff recommends that fees related to permits required for work or construction on public property be increased by 39 percent. All fees are set to recover 90 percent of the actual cost of the service provided.

Proposed Adjustments to Fees for Plan Review and Inspections under Chapters 101 (Subdivision Ordinance), 104 (Erosion and Sedimentation Control) and 112 (Zoning Ordinance):

The proposed adjustments to fees include fee increases for plan review and inspections. To ensure that fees are commensurate with the costs associated with the service, staff recommends that fees related to plan and document review and field inspections be increased by 39 percent and fees for infill grading plans in non-bonded subdivisions be increased by 100 percent. All fees are set to recover 90 percent of the actual cost of the service provided.

Proposed Adjustments to Fees for Permits, Plan Review and Inspections under Chapter 61 (Building Provisions):

- The proposed adjustments to building code related fees are associated with permit, plan review and inspection services. The result of comparing today's actual costs against fees charged is that fees associated with buildings, additions, or enlargements to single family detached dwellings and townhouses should be increased 50 percent; and all other building-code related fees should be increased 27 percent with the exception of the base fee applying to building, electrical, mechanical and plumbing permits, which will increase by 31 percent. All fees are set to recover 90 percent of the actual cost of the service provided.
- Language requiring any amendment to an original permit to be paid for and issued prior to final inspection of a permitted project will be moved to County Code § 61-1-3 (d) (1) (A) 5, Amendment of Permit, to consolidate the language in the appropriate place. No change was made to the content of the language contained in this provision.
- References to the Virginia Uniform Statewide Building Code (VUSBC) throughout Article 1 of Chapter 61 of the County Code are being changed from the VUSBC to USBC to reflect the reference as cited throughout the Virginia Administrative Code and the Virginia Uniform Statewide Building Code.

Board Agenda Item
February 9, 2009

- Language in County Code § 61-1-3(d)(1)(B)(5) regarding non-permitted work is altered to reflect an additional fee when an individual is cited for failure to obtain a permit as required by the USBC. An additional fee of \$85.00 will be assessed for those permits obtained pursuant to a written directive or order from the Building Official or designee for failure to obtain a permit required by the USBC. This fee will be in addition to all permit fees otherwise required and is assessed to defray the additional costs of the code enforcement action.
- The language authorizing the Building Official or his designee to request verifiable cost data from permit applicants in County Code § 61-1-3 (d)(2)(O) *Tenant Layouts* is being replicated in additional sections relating to fees that are calculated based upon estimated cost of construction; County Code § 61-1-3 (d)(2)(C) *New Structures*, and County Code § 61-1-3 (d)(2)(D) *Basement Finishing* and County Code § 61-1-3 (d)(2)(K) *Repairs and Alterations*. The replication of this language in similar sections in the County Code will reinforce the authority staff has within the USBC to require accurate cost of construction values while publishing the requirement in a more accessible place for citizens.
- Language to create a distinction between the fees for a partial demolition versus an entire demolition is being added to County Code § 61-1-3(d)(2)(E). There is a difference in the inspection and review requirements depending on the scope of the demolition that should be reflected in the fee structure.
- The fees for Amusement Devices are currently located under mechanical equipment installation fees in County Code § 61-1-3-(d)(4)(A). Amusement devices (carnival rides) are governed by the Virginia Amusement Device Regulations (VADR). The language referring to amusement devices is being relocated to its own section in County Code § 61-1-3(d)(8) Amusement Devices, to reflect the distinction between equipment regulated by the USBC and amusement devices that are regulated by the VADR. Additionally, the fees that localities may charge for the permitting and inspection of amusement devices are established by the State within the VADR. The fees for amusement devices are being updated to reflect the current fee amounts that are authorized by the 2006 version of the VADR.

In summary, the land development fees assessed by DPWES were last increased July 1, 2005. Since that time, DPWES' actual costs associated with the review of site and building plans, issuing of permits, and inspection of site and building improvements have increased. In order to align fees with the actual cost of the services provided, the proposed amendment increases fees related to site and building plan review, permit processing and site and building inspections. The proposed fee increases would result in an overall recovery rate of approximately 90 percent as previously mandated by the Board. The feedback received from NAIOP and NVBIA contained a number of suggestions for greater efficiencies on the part of DPWES. These suggestions will be evaluated over the next several months by County staff

Board Agenda Item
February 9, 2009

and with stakeholders. Finally, staff is committed to continual review of expenses and reduction of costs as necessitated by the economy.

REGULATORY IMPACT:

The primary impact of the proposed amendments is to increase fees related to land development that are included in County Code Chapters 2, 61, 101, 104 and Article 17 of Chapter 112 .

In addition, the proposed amendments to County Code Chapter 61 establish separate permit fees for partial demolitions and demolitions of entire structures, revise the permit fees for amusement devices to reflect the fee amounts that are authorized by the 2006 versions of the Virginia Amusement Device Regulations, and establish an additional fee when an individual is cited for failure to obtain a permit as required by the USBC.

FISCAL IMPACT:

If adopted by the Board, it is anticipated that the proposed amendments to the fee schedules will yield additional revenue of approximately \$5.5 million annually starting in FY 2010. This revenue estimate is based on a revised FY 2009 revenue estimate which is less than the FY 2009 Adopted Budget Plan. At the time of the Board's Development Process Committee meeting on December 12, 2008, staff discussed the proposed fee increases and an additional revenue amount of \$6 million assuming workload remained at a certain level. However, due to a continuing downward trend in the number of plans approved and permits issued from FY 2008 to FY 2009 and substantially less revenues to date, the FY 2009 revenue estimate is adjusted downward. Any more drastic reduction in plan and permit activity may have a negative impact on the projected revenue. Staff in LDS will work in close coordination with the Department of Management and Budget to monitor these trends. The projected additional revenue will be included in the County's FY 2010 Advertised Budget Plan for the Board's consideration.

ENCLOSED DOCUMENTS:

Attachment I- Resolution
Attachment II- Staff Report

STAFF:

Robert A. Stalzer, Deputy County Executive
Eileen McLane, Zoning Administrator, Department of Planning and Zoning, DPZ
Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)
Howard Guba, Deputy Director, DPWES
James Patteson, Director, Land Development Services, DPWES

Board Agenda Item
February 9, 2009

ADMINISTRATIVE - 3

Additional Time to Commence Construction for Special Exception SE 2005-PR-009,
Sunrise Assisted Living Limited Partnership (Providence District)

ISSUE:

Board consideration of additional time to commence construction for SE 2005-PR-009, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve thirty months additional time for SE 2005-PR-009 to June 26, 2011.

TIMING:

Routine

BACKGROUND:

Under Section 9-015 of the Zoning Ordinance, if the use is not established or if construction is not commenced and diligently prosecuted within the time period specified by the Board of Supervisors, an approved special exception shall automatically expire without notice unless additional time is approved by the Board.

A request for additional time must be filed with the Zoning Administrator prior to the expiration date of the special exception. The Board may approve additional time if it determines that the use is in accordance with the applicable provisions of the Zoning Ordinance and that approval of additional time is in the public interest.

On June 26, 2006, the Board of Supervisors approved Special Exception SE 2005-PR-009, subject to development conditions. The special exception application was filed in the name of Sunrise Assisted Living Limited Partnership to permit an independent living facility, pursuant to Section 9-301 (4) of the Fairfax County Zoning Ordinance, on the property located at 10300 and 10322 Blake Lane, Tax Map 47-2 ((1)) 66, 67A and 70A (see the Locator Map in Attachment 1). SE 2005-PR-009 was approved with a condition that the use be established or construction commenced and diligently prosecuted within thirty months of the approval date unless the Board grants additional time. The expiration date would have been December 26, 2008. The development conditions are included as part of the Clerk to the Board's letter in Attachment 2.

Board Agenda Item
February 9, 2009

On December 15, 2008, Department of Planning and Zoning (DPZ) received a letter dated December 15, 2008, from Lisa M. Chiblow, agent for the applicant, requesting thirty months additional time to commence construction for the project (see Attachment 3). The request was received prior to the date on which the approval would have expired; therefore, the special exception will not expire pending the Board's action on the request for additional time. The letter states that the applicant has received approval of a site plan (#2352-SP-003-2) for the project. However, due to instability in the lending and financial markets, the applicant has been delayed in obtaining funding to commence construction. According to the applicant, commitment to the project remains, with the intention to continue to pursue available options to secure funding for the development.

Staff has reviewed Special Exception SE 2005-PR-009 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance to permit an independent living facility. Further, staff knows of no change in land use circumstances that affects the compliance of SE 2005-PR-009 with the special exception standards applicable to this use or which should cause the filing of a new special exception application and review through the public hearing process. The Comprehensive Plan recommendation for this site has not changed since the SE was approved. Finally, the conditions associated with the Board's approval of SE 2005-PR-009 are still appropriate and remain in full force and effect. Staff believes that approval for the request for thirty months additional time is in the public interest and recommends that it be approved. This additional time would begin from the prior specified expiration date and would result in a new expiration date of June 26, 2011.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Letter dated December 6, 2006, to Gregory A. Riegler, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors

Attachment 3: Letter dated December 15, 2008, from Lisa M. Chiblow, requesting additional time

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

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

Pamela Nee, Chief, Environment and Development Review Branch, PD, DPZ

Carrie Lee, Staff Coordinator, ZED, DPZ

Board Agenda Item
February 9, 2009



ADMINISTRATIVE - 4

Authorization to Advertise a Public Hearing on a Proposed Zoning Ordinance
Amendment Re: Mini-Warehousing Establishments in the PDC District

ISSUE:

The proposed amendment permits mini-warehousing establishments as a secondary use in the PDC District.

RECOMMENDATION:

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

TIMING:

Board action is requested on February 9, 2009, to provide sufficient time to advertise the proposed Planning Commission public hearing on February 26, 2009, at 8:15 p.m., and proposed Board of Supervisors' public hearing on March 30, 2009, at 4:30 p.m.

BACKGROUND:

The current Zoning Ordinance does not allow a self storage or mini-warehouse establishment in the PDC District, and as such, the land use objective of Comprehensive Plan/Area Plan Amendment APR#04-II-4M as adopted by the Board of Supervisors on July 11, 2005, cannot be implemented, which provides for office and personal storage uses up to a 1.25 Floor Area Ratio (FAR) in Subarea #20 of the McLean Community Business Center. The proposed amendment would allow self-storage, defined as a mini-warehousing establishment under Article 20 of the Zoning Ordinance, as a secondary use in the PDC District, subject to use limitations. A more detailed discussion of the proposed amendment is set forth in the Staff Report enclosed as Attachment 2.

REGULATORY IMPACT:

The proposed amendment would facilitate the implementation of a land use objective in the adopted Comprehensive Plan by allowing mini-warehousing establishments in the PDC District as a secondary use, subject to use limitations.

FISCAL IMPACT:

Staff does not anticipate any significant fiscal impact as a result of this amendment.

Board Agenda Item
February 9, 2009

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution
Attachment 2 – Staff Report

STAFF:

Robert A. Stalzer, Deputy County Executive
James P. Zook, Director, Department of Planning and Zoning (DPZ)
Eileen M. McLane, Zoning Administrator, DPZ
Michelle O'Hare, Deputy Zoning Administrator, DPZ

Board Agenda Item
February 9, 2009

ADMINISTRATIVE – 5

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

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board extend the review periods for the following applications: applications FSA-P01-24-1 and FSA-V03-22-1 to April 13, 2009; and application FS-S08-123 to April 16, 2009.

TIMING:

Board action is required on February 9, 2009, to extend the review periods of the applications noted above before their expirations.

BACKGROUND:

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

The Board should extend the review periods for applications FS-S08-123, FSA-P01-24-1, and FSA-V03-22-1 listed below, which were accepted for review by the Department of Planning and Zoning between November 14, 2008, and November 17, 2008. These applications are for telecommunications facilities, and thus are subject to the State Code provision that the Board may extend the time required for the Planning Commission to act on these applications by no more than sixty additional days:

Board Agenda Item
February 9, 2009

- FS-S08-123 Cricket Communications
Antenna colocation on existing transmission pole
Chapel Oak Road
Springfield District
- FSA-P01-24-1 Verizon Wireless
Antenna replacements
3050 Chain Bridge Road
Providence District
- FSA-V03-22-1 Sprint-Nextel Communications
Replacement of equipment compound with new shelter building
3200 Mount Vernon Memorial Highway
Mount Vernon 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

Board Agenda Item
February 9, 2009



ADMINISTRATIVE - 6

Authorization to Advertise a Public Hearing on a Proposed Zoning Ordinance Amendment
Re: Zoning Fee Schedule

ISSUE:

The proposed Zoning Ordinance amendment increases the application fees for variances, special permits, special exceptions, rezonings and amendments thereto by up to 200% to achieve up to a 75% cost recovery rate. The amendment also proposes an increase in the fee for appeals of the Zoning Administrator's decision from \$375 up to \$2,455, the fee for zoning compliance letters for single family lots from \$90 up to \$110, the fee for all other zoning compliance letters from \$265 up to \$310, the fee for non-residential use permits from \$40 up to \$65, the fee for temporary special permits administratively approved from \$130 up to \$200 and the fee for sign permits from \$50 up to \$90. In addition the amendment establishes the following: a fee of up to \$50 for home occupation permits, a fee of up to \$500 for interpretation of approved zoning applications, fees for conceptual plans and amendments thereto that are consistent with the fees for final development plans and a fee for applicant requested deferral of a public hearing up to \$130 for hearings before the Board of Zoning Appeals (BZA) and up to \$1,000 for hearings before the Planning Commission or Board of Supervisors (Board).

RECOMMENDATION:

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

TIMING:

Board action is requested on February 9, 2009 to provide sufficient time to advertise the proposed Planning Commission public hearing on March 12, 2009, at 8:15 p.m., and proposed Board of Supervisors' public hearing on March 30, 2009, at 3:00 p.m.

BACKGROUND:

In response to the County's need to identify additional revenue sources in a time of increasing fiscal constraints, the proposed Zoning Ordinance amendment is structured to increase current zoning fees enough to recover up to 75% of the costs incurred by the Department of Planning and Zoning (DPZ) in the acceptance and processing of zoning applications, zoning permits and compliance letters, and to establish new applications fees for interpretations of approved zoning applications, conceptual plans, deferrals of certain zoning applications and home occupation permits. For rezoning, special exception and special permit zoning applications, based on the last five years, DPZ recovers an average of

Board Agenda Item
February 9, 2009

approximately 25% of its costs. With the exception of appeals, the recovery rate for zoning permits and zoning compliance letters averages 50%. The current recovery rate for appeals is only 11%. In the case of interpretations of approved zoning applications, conceptual plans and home occupation permits, fees have never been levied, although staff resources are routinely expended.

The Board has increased zoning fees three times since 1996, with the exception of sign permits which were last increased in 1991. In 1996, the fees, for the most part, were increased by 50%. Exceptions to this 50% increase included appeals and some types of special permit/special exception applications, and in 1996 a new fee was established for zoning compliance letters. In July 2003, concurrent with the adoption of the FY 2004 Budget, the Board increased all zoning application fees by 15% and established a new fee for Non-Residential Use Permits. In response to the FY 2006 Budget Guidelines to realize a 50% recovery rate and concurrent with the adoption of the FY 2006 Budget the Board increased all fees by approximately 55%, with the exception of Non-Residential Use Permits, which fee was not increased.

In mid 2008, the County Executive directed DPZ to review application fees with the goal of attaining a 75% cost recovery rate. In response, DPZ staff not only examined increasing current fees, but also considered several new fees, including fees for interpretations of approved zoning application, conceptual plans, home occupation permits and fees for applicant requested deferral of public hearings before the BZA, Planning Commission and Board. The recovery rate is based on those costs incurred by the Zoning Evaluation Division (ZED) and the Zoning Administration Division (ZAD) (personnel and operating) and the Planning Division (PD) (personnel costs related to planning and environmental reviews of zoning applications). DPZ has also analyzed the impact of a 100% increase in fees to achieve a 50% recovery rate.

On December 12, 2008, at the Board's Development Process Committee meeting, staff presented the fee increases proposed to achieve a 75% cost recovery rate and the proposed new fees. The Committee directed staff to advertise the proposed amendment with a fee increase to achieve up to a 75% cost recovery. It is noted that the County Executive's proposed FY 2010 budget will include a 75% cost recovery rate for existing fees as well as the new fees listed above.

An amendment to the Zoning Ordinance is required to increase zoning fees and to establish new fees. In the event that the Board authorizes this amendment for public hearings, in addition to the required public notice, staff will notify County-wide organizations and representatives of the development community of the times, dates and places of public hearings. A more detailed discussion of the proposed amendment is set forth in the attached Staff Report.

Board Agenda Item
February 9, 2009

REGULATORY IMPACT:

The proposed amendment does not revise the regulations or requirements for land development; however, the proposed amendment would increase the costs to applicants filing zoning applications, sign permits, non-residential use permits, appeals and zoning compliance letters. The amendment would also establish new fees for interpretations of approved zoning applications, conceptual plans, applicant requested deferrals of public hearings and home occupation permits, which have previously been processed without charge.

FISCAL IMPACT:

At a 75% cost recovery rate, the recommended fee adjustments and new fees would generate an estimated \$2,001,078. This revenue will be included in the County Executive's FY 2010 proposed budget.

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution
Attachment 2 – Staff Report

STAFF:

Robert A. Stalzer, Deputy County Executive
James P. Zook, Director, Department of Planning and Zoning (DPZ)
Eileen M. McLane, Zoning Administrator, DPZ
Regina M. Coyle, Director, Zoning Evaluation Division (ZED), DPZ
Donna F. McNeally, Assistant Director, ZED, DPZ
Leslie B. Johnson, Senior Deputy Zoning Administrator, DPZ

THIS PAGE INTENTIONALLY LEFT BLANK

Board Agenda Item
February 9, 2009

ADMINISTRATIVE - 7

Additional Time to Commence Construction for Special Exception SE 2004-SU-025,
Stanford Hotels Corporation (Sully District)

ISSUE:

Board consideration of additional time to commence construction for SE 2004-SU-025, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve twelve months additional time for SE 2004-SU-025 to January 24, 2010.

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 January 24, 2005, the Board of Supervisors approved Special Exception SE 2004-SU-025, subject to development conditions. The special exception application was filed in the name of Stanford Hotels Corporation to permit an increase in building height for the construction of a hotel in the C-8, Highway Corridor (HC) and Airport Noise (AN) Impact Overlay districts, pursuant to Section 9-607 of the Fairfax County Zoning Ordinance, on the property located at Tax Map 34-4 ((12)) 3A2, 3A3, 3A4 and 3A5 (see Locator Map in Attachment 1). SE 2004-SU-025 was approved with a condition that the use be established or construction commenced and diligently prosecuted within thirty months of the approval date, unless the Board grants additional time. The development conditions and plat are included as part of the Clerk to the Board's letter in Attachment 2.

On August 6, 2007, the Board of Supervisors approved twelve months additional time to commence construction to July 24, 2008. A copy of the Clerk to the Board's letter is included as Attachment 3. The applicant stated that additional time was needed to

Board Agenda Item
February 9, 2009

complete the building permit approval process. Site Plan #5611-SP-026-2 had been approved on January 13, 2006, and revisions to the site plan to address compliance with stormwater management regulations were approved on March 21, 2007.

On September 8, 2008, the Board of Supervisors approved six months additional time to commence construction to January 24, 2009. A copy of the Clerk to the Board's letter is included as Attachment 4. The letter stated, and staff verified, that the site plan had been approved, all required bonds had been posted, and the appropriate building permits had been obtained. The applicant stated that additional time was needed to continue negotiations between the landowners and Virginia Department of Transportation (VDOT) for the coordination of future trails.

On December 4, 2008, the Department of Planning & Zoning received a letter dated December 3, 2008, from Sheri L. Hoy, agent for the applicant, requesting twelve months additional time to commence construction for the project (see Attachment 5). The request was received prior to the date on which the approval would have expired; therefore, the special exception will not expire pending the Board's action on the request for additional time. The applicant states, and staff has verified, that appropriate building permits have been obtained in order begin construction. However, the applicant states they are unable to proceed with construction at this time due to difficulties in the lending and financial markets to obtain adequate funding for the project. The applicant further states they maintain continued commitment to the project and, therefore, request additional time.

Staff has reviewed Special Exception SE 2004-SU-025 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance to permit an increase in building height for the construction of a hotel in the C-8, HC and AN Districts. Further, staff knows of no change in land use circumstances that affects the compliance of SE 2004-SU-025 with the special exception standards applicable to this use or which should cause the filing of a new special exception application and review through the public hearing process. The Comprehensive Plan recommendation for this site has not changed since the SE was approved. Finally, the conditions associated with the Board's approval of SE 2004-SU-025 are still appropriate and remain in full force and effect. Staff believes that approval of the request for twelve months additional time is in the public interest and recommends that it be approved. This additional time would begin from the prior specified expiration date and would result in a new expiration date of January 24, 2010.

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
Attachment 1: Locator Map

Board Agenda Item
February 9, 2009

Attachment 2: Letter dated February 7, 2005, to Gregory A. Riegler, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors

Attachment 3: Letter dated August 6, 2007, from Nancy Vehrs, Clerk to the Board of Supervisors, to Gregory A. Riegler

Attachment 4: Letter dated September 9, 2008, from Nancy Vehrs, Clerk to the Board of Supervisors, to Sheri L. Hoy,

Attachment 5: Letter dated December 3, 2008, from Sheri L. Hoy, agent for the applicant,

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

Pamela Nee, Chief, Environment and Development Review Branch, PD, DPZ

Carrie Lee, Staff Coordinator, ZED, DPZ

THIS PAGE INTENTIONALLY LEFT BLANK

Board Agenda Item
February 9, 2009

ADMINISTRATIVE – 8

Authorization for the Juvenile and Domestic Relations District Court Services Unit to Apply for and Accept Safe Havens: Supervised Visitation and Safe Exchange Grant Funding from the Office on Violence Against Women (OVW) of the U.S. Department of Justice (DOJ)

ISSUE:

Board approval for the Juvenile and Domestic Relations District Court Services Unit to apply for and accept Safe Havens: Supervised Visitation and Safe Exchange grant funding, if received, from the Office on Violence Against Women (OVW) of the U.S. Department of Justice (DOJ). Funding will be used to expand the services of the existing Stronger Together Supervised Visitation and Supervised Exchange Program to include families involved in domestic violence cases.

The total amount of OVW/DOJ Federal funding being requested is \$400,000, of which \$50,000 is to be allocated for a 12-month planning phase, \$300,000 for a 24-month implementation phase, and the remaining \$50,000 for DOJ/OVW mandated training and technical assistance. A contribution of non-Federal dollars (“match”) is not required for this grant program. If the actual award is significantly different from the application amount, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, staff will process the award administratively as per board policy.

RECOMMENDATION:

The County Executive recommends that the Board authorize the Juvenile and Domestic Relations District Court Services Unit to apply for and accept Safe Havens: Supervised Visitation and Safe Exchange grant funding, if received, from (OVW)/(DOJ) in the amount of \$400,000. No local cash match is required. One grant probation officer II position (1.0 SYE) will be requested to respond to the expanded population coming to the Stronger Together program.

TIMING:

Board action is needed on February 9, 2009, since the OVW/DOJ Safe Havens Grant Program application deadline is February 19, 2009.

BACKGROUND:

On July 31, 2006, the Fairfax County Board of Supervisors approved the creation of a Task Force on Supervised Visitation and Supervised Exchange (SVSE) of Children and

Board Agenda Item
February 9, 2009

appointed members to the Task Force. The Task Force was charged with developing a model for a SVSE program and a plan for funding. After conducting extensive research through its individual members, consulting with the nationwide Supervised Visitation Network, and conducting site visits with ten successful programs in other jurisdictions, the Task Force submitted a report to the Board of Supervisors in January 2007 that outlined its model for a SVSE program in Fairfax County.

The model proposed three phases:

- Phase I would be a basic model with supervised visitation and supervised exchange, but no supportive services and with limited operating hours. By not initially including supportive services, Phase I would apply limited resources to the least-resource intensive clients. Domestic violence cases would not be selected for inclusion in this phase.
- Phase II would include all Phase I features and add in-program supportive services and referrals to out-of-program services, where appropriate. Phase II would expand operating hours based on funding sources secured during Phase I.
- Phase III would replicate Phases I and II at additional satellite sites/locations.

The Board of Supervisors funded two positions (2.0 SYE) in the County's FY 2008 budget to implement Phase I of the Task Force plan. The current SVSE program, "Stronger Together," began providing services in November 2007. Since its inception, the program has assisted 78 families.

By design, Phase I of "Stronger Together" did not include families severely impacted by domestic violence. However, staff members have identified domestic violence issues in over 80% of families of its current caseload. Program staff have identified the need to develop services for affected families as soon as possible in order to diminish the likelihood of violence during future supervised visits and/or exchanges.

The Task Force also indicated in its January 2007 report to the Board of Supervisors that SVSE program staff would explore the feasibility of submitting an application for federal funding to the Office of Violence Against Women in the U. S. Department of Justice through its Safe Havens: Supervised Visitation and Safe Exchange Grant Program, to assist in the development a specialized domestic violence component for the program.

In February 2009, the OVW will be accepting applications for supervised visitation/exchange development projects targeting children in situations involving domestic violence, dating violence, child abuse, sexual assault, or stalking. Development projects must be divided into a planning phase and an implementation phase covering a 36 month period. Funds may be used for efforts such as establishing supervised visitation and safe exchange services to meet a demonstrated need, strengthening existing program operations, expanding services at existing centers, increasing center

Board Agenda Item
February 9, 2009

staff, enhancing security at existing centers, and developing training for center staff and volunteers.

The Court Services Unit of the Fairfax County Juvenile and Domestic Relations District Court, along with the County's Domestic Violence Coordinator has been meeting with members of the Interagency Domestic Violence Work Group regarding applying for these funds. Two community-based, non-profit domestic violence programs – The Women's Center, and the Foundation for Appropriate and Immediate Temporary Help – have expressed a willingness to partner with the County in this effort.

If awarded, the OVW/DOJ Safe Havens development grant will be carried out in two phases. The first 12 months will be used for planning the incorporation of the additional population of families involved in domestic violence court cases. Activities will include such things as advisory and workgroup planning meetings, model development, staff and volunteer training, community needs assessment, security needs assessment, and policy and procedure development.

During years two and three, the model developed to include domestic violence cases will be implemented within the existing Stronger Together program. Activities will include hiring staff, training staff and volunteers, participating in OVW technical assistance activities and evaluating the outcome of the project's outcomes.

Given the County's current economic climate, the initial planning phase will be crucial to deciding what the final program model will look like. Two general options appear likely. First, if the existing Stronger Together program continues to operate, grant funds will be used to expand the existing program by including families involved with the court due to domestic violence issues. One full-time grant probation officer II position (1.0 SYE) will be established and this individual will be responsible for providing services to the new cases. In addition, new and existing staff and volunteers will take part in the training and technical assistance focused on domestic violence. Since the program has been using temporary security provided by juvenile detention center staff, grant funds will also be used to provide dedicated security using the existing County security contract with Securitas. It is possible that the hours of operation could be expanded as well.

A second, much more limited model would be the second option if the Stronger Together program is eliminated from the FY 2010 budget. In this case, grant funding would be used for personnel and funding security needs. The program would have one grant (1.0 SYE) probation counselor II position and would provide services only to those cases who are involved with the court for domestic violence. The program could continue to use the existing space allocated to the Stronger Together program. However, the program would serve fewer families and hours of operation would be further diminished.

Board Agenda Item
February 9, 2009

FISCAL IMPACT:

If the application is successful, an amount of \$400,000 will be available from OVW/DOJ for a 36 month period. There is a funding program requirement that \$50,000 be allocated for a 12-month planning phase, \$300,000 for a 24-month implementation phase, and the remaining \$50,000 for DOJ/OVW mandated training and technical assistance during the course of the project.

This action does not increase the expenditure level of Fund 102, Federal/State Grant Fund, as funds are held in reserve for unanticipated grant awards in FY 2009. There is no Local Cash Match requirement. One grant probation officer II position (1.0 SYE) will be requested for this grant. There is no DOJ/OVW requirement that the County continue this project after the 36 month grant cycle ends.

CREATION OF POSITIONS:

One grant probation counselor II position (1.0 SYE) will be created by this grant. The County, however, is under no obligation to continue this position after the grant expires.

ENCLOSED DOCUMENTS:

Attachment I - OVW FY 2009 Safe Havens: Supervised Visitation and Safe Exchange Grant Program Solicitation (Excerpt)

STAFF:

Verdia Haywood, Deputy County Executive
James Dedes, Director, Court Services, J&DRDC
James McCarron, Director, Probation Services, J&DRDC
Laura Harris, Unit Director, Domestic Relations Services, J&DRDC
Kenneth Disselkoen, Director, Systems Management
Seema Zeya, Countywide Domestic Violence Coordinator, Systems Management

Board Agenda Item
February 9, 2009

ACTION - 1

Approval of Memorandum of Understanding Between the Fairfax County Police Department and the Federal Bureau of Investigation (FBI)

ISSUE:

Board approval of a Memorandum of Understanding between the Fairfax County Police Department and the Federal Bureau of Investigation (FBI) authorizing the assignment of one detective to the Major Offenders Initiative (MOI) of the Washington/Baltimore High Intensity Drug Trafficking Area (HIDTA).

RECOMMENDATION:

The County Executive recommends the Board authorize the Chief of Police to sign the Memorandum of Understanding between the Police Department and the FBI HIDTA MOI Task Force.

TIMING:

Board of Supervisors' action is requested on February 9, 2009.

BACKGROUND:

The mission of the Major Offenders Initiative (MOI) Task Force is to identify, disrupt, and dismantle, through investigation and subsequent prosecution, the most notorious existing and emerging criminal enterprises, which, through organized and continual criminal activity, negatively impact the metropolitan Washington, D.C. community and surrounding counties in Virginia and Maryland.

Under this agreement, the FBI HIDTA MOI Task Force and the Fairfax County Police will work to facilitate sharing information in an effort to suppress and disrupt notorious existing criminal elements, gather and report intelligence data relative to organized crime, and conduct undercover operations that are associated with the culture of organized crime professionals.

The assigned Fairfax County detective will be a member of the FBI HIDTA MOI Task Force engaged in specific, directed investigations and intelligence gathering designed to support the prosecution and disruption of organized crime in the Northern Virginia area. The detective will remain in Fairfax County but have access to federal equipment, databases, and information sharing opportunities.

Board Agenda Item
February 9, 2009

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
Attachment 1: Memorandum of Understanding between Fairfax County Police Department and the Federal Bureau of Investigation HIDTA MOI Task Force (Separate from package)

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

Board Agenda Item
February 9, 2009

ACTION -2

Approval of the Fiscal Year 2009 Forest Pest Management Suppression Program

ISSUE:

Board approval of the Fiscal Year 2009 Forest Pest Management Suppression Program.

RECOMMENDATION:

The County Executive recommends that the Board direct staff to take the following actions concerning Fairfax County's Fiscal Year 2009 Forest Pest Management Suppression Program:

Gypsy Moth Suppression

- a. Continue participation in the Virginia Cooperative Gypsy Moth Suppression Program in accordance with the 2009 Guidelines for Participation (Attachment I) including execution of a Cooperative Agreement in the form of the agreement set forth at pages 21 and 22 of the Guidelines.
- b. Conduct a voluntary aerial (helicopter) treatment program of approximately 965 acres using the insecticide Bacillus thuringiensis (Bt) according to established biological criteria (Attachment II). 200-foot buffer zones will be established around properties of non-participants.
- c. Conduct a ground treatment program for properties that are located in the 200-foot buffer zones of non-participants within aerial treatment blocks (approximately 150 acres).
- d. Conduct a ground treatment program (approximately 150 acres) for infestations which average greater than the tree-damaging 500 egg masses per acre but which are below minimum area requirements (15 acres) for aerial treatment. This ground treatment program will use Bt according to biological criteria.
- e. Conduct a ground treatment program that treats tree damaging gypsy moth infestations identified after the annual program is adopted. Infestations eligible for treatment must meet the regular program criterion of a minimum of 250 egg masses per acre. This program will be limited to a total maximum of 25 acres.

Fall Cankerworm Suppression

- a. Conduct a ground treatment program that controls tree-damaging fall cankerworm infestations identified after the annual program is adopted. Infestations eligible for fall cankerworm treatment must average greater than 90 captured female moths per barrier band. This ground treatment program will use Bt according to biological criteria. This program will be limited to a total maximum of 25 acres.

Emerald Ash Borer

- a. Continue a monitoring program for life stages of the emerald ash borer in areas of the County that have been identified as high risk by the Virginia Department of Agriculture and Consumer Services (VDACS). Authorize staff to execute a Cooperative Agreement with VDACS in order to obtain Federal funding should it become available. In addition, program staff will continue to inventory the County for ash resources as well as investigate new control methods for EAB.

Hemlock Woolly Adelgid

- a. Conduct a control program for hemlock wooly adelgid. This program will be implemented on native strands of eastern hemlock (*Tsuga Canadensis*) and will involve monitoring for the pest, releasing parasites and inventorying the County in order to locate native eastern hemlock strands.

TIMING:

Board action is requested on February 9, 2009, in order to provide sufficient notice to citizens of the forthcoming treatments.

BACKGROUND:

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

The proposed Fiscal Year 2009 program will treat all gypsy moth and fall cankerworm infestations that meet federal, state and County criteria for treatment. The proposed program will minimize tree-damaging defoliation and nuisance and will meet the needs of Fairfax County landowners.

Even with the Fairfax County suppression program, gypsy moth populations fluctuate up and down due to natural population dynamics. To determine annual gypsy moth

Board Agenda Item
February 9, 2009

populations, staff conduct egg mass surveys throughout Fairfax County. Based on egg mass surveys conducted last fall, gypsy moth populations have decreased. The Fiscal Year 2009 gypsy moth treatment proposal of approximately 965 acres is less than last year's program of 3500 acres.

Staff will take precautions in order to ensure the safety of the program. Staff is working closely with the Virginia Department of Agriculture and Consumer Services (VDACS) and is developing strict security procedures which include extra protection in the handling and loading of the insecticide as well as in monitoring the tanks and aircraft between sprayings. Attachment III is a copy of the security procedures that were in place since the 2002 treatment program. This year's security plans are currently being drafted by VDACS and are not yet available; however, staff envisions that they will be very similar to 2007 and 2008.

Staff follows strict notification procedures to ensure that citizens are not caught off guard by treatment aircraft. Staff will send two first class mailings to homeowners and renters that are in the treatment areas and to homeowners and renters within a 200 foot buffer area around the treatment areas. In addition, staff will send postcards to residents in the vicinity of the treatment and buffer areas. Specific details of notification procedures are outlined in Attachment IV.

Fall cankerworm populations will be monitored this winter in those areas of the County that have experienced outbreaks in the past. The method used for this monitoring is a United States Forest Service approved technique that involves trapping female moths as they emerge in the winter. Results of fall cankerworm monitoring will not be available until late-February; however, based on preliminary findings, staff predicts that fall cankerworm populations have remained low and no treatment will be necessary for spring 2009.

Emerald ash borer was first identified in Fairfax County in 2003. Due to the extremely destructive nature of this pest, VDACS and the United States Department of Agriculture, Animal Plant Health Inspection Service (APHIS) ordered all ash trees within a ½ mile radius of the introduction site be removed and destroyed. Staff of the Forest Pest Program carried out this project during the spring of 2004 and began a monitoring program immediately following.

In July of 2008, three new infestations of EAB were discovered in Fairfax County. These new infestations are in the Town of Herndon, Bailey's Crossroads and in the Newington area. Based on the severity of these infestations and based on the fact that staff found EAB evidence three miles from the initial site in Newington, no eradication attempts will be made. It is important to note that eradication attempts in other parts of the United States and Canada, with infestations of this size, have been very expensive and have not been successful. This decision was made by the National EAB Science Advisory Council. On July 11, 2008, a federal order quarantined Fairfax County for emerald ash borer. All

Board Agenda Item
February 9, 2009

interstate movement of infested ash wood and wood products from Fairfax County is regulated, including firewood of all hardwood species, nursery stock, green lumber, waste, compost and chips from ash trees. On July 14, 2008, VDACS put in place a similar quarantine for Fairfax County. On July 21, 2008, VDACS expanded the quarantine area to include the counties of Arlington, Fauquier, Loudoun and Prince William and the cities of Alexandria, Fairfax City, Falls Church, Manassas and Manassas Park. VDACS is responsible for enforcement of the state quarantine within the Commonwealth. Violations of the state quarantine constitute a Class 1 misdemeanor. Violations of the federal quarantine governing interstate movement of regulated articles will be enforced by USDA-APHIS and are subject to federal penalties.

VDACS and APHIS have recommended that monitoring continue in Fairfax County. Forest Pest Program staff will assist state and federal personnel in this monitoring effort. It is important to note that Fairfax County may be eligible for reimbursement for all or a portion of the personnel costs associated with this monitoring program.

Hemlock woolly adelgid is an insect that attacks and kills eastern hemlock (*Tsuga Canadensis*) trees (see attachment V). Eastern hemlock is relatively rare in Fairfax County. The rarity of this species and the natural beauty that they impart make them worthy of protection. Staff has been working with researchers at Virginia Tech to release and monitor parasitic beetles that feed and control the adelgid insect. Staff will inventory the County in order to identify the natural strands of eastern hemlock and determine control options as appropriate.

It should be noted that there are many invasive forest insect pests and diseases that are currently in the United States which warrant attention by Fairfax County. For example, asian longhorned beetle and sudden oak death (a fungal disease) are new to the United States and have the potential to cause immense economic impact if they become established in Fairfax County. Past experience with new insects and diseases has proven that diligent monitoring and prevention are much more cost effective and accepted by the public than control.

FISCAL IMPACT:

Currently, the Forest Pest Program is funded through the Special Service District for the Control of Forest Pests. The total cost to conduct the projected aerial and ground gypsy moth treatment programs is \$96,000. The total amount budgeted for FY 2009 for aerial and ground treatments is sufficient for this suppression program.

It is important to note that Fairfax County may be eligible to receive up to 50 percent reimbursement for aerial treatment costs from the Federal Government and an undetermined portion of the personnel cost associated with emerald ash borer monitoring.

Board Agenda Item
February 9, 2009

ENCLOSED DOCUMENTS:

Attachment I - Virginia Cooperative Gypsy Moth Suppression Program: 2009 Guidelines for Participation

Attachment II – 2009 Proposed Gypsy Moth Treatment Areas

Attachment III – 2008 Virginia Department of Agriculture and Consumer Services Cooperative Suppression Program, Work and Safety Plan

Attachment IV – Notification Procedures

Attachment V - United States Forest Service Pest Alert, Hemlock Woolly Adelgid

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard Guba, Deputy Director, DPWES

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

THIS PAGE INTENTIONALLY LEFT BLANK

Board Agenda Item
February 9, 2009

ACTION – 3

Approval of Department of Community and Recreation Services' Policy Regarding Memoranda of Understanding for Synthetic Turf Fields

ISSUE:

The Department of Community and Recreation Services (CRS) and the Fairfax County Athletic Council (FCAC) are proposing a policy to be incorporated into the Field Allocation Policy which provides clear guidelines for the development of Synthetic Turf Field Partnership Agreements and the process for allocation of synthetic turf fields that are fully or partially funded by community athletic organizations.

RECOMMENDATION:

The County Executive recommends that the Board approve the requirements for Synthetic Turf Field Partnership Agreements policy.

TIMING:

Board action is requested on February 9, 2009. This item was first presented to the Board on November 17, 2008, but the Board requested more time to study the issue.

BACKGROUND:

As the number of synthetic turf athletic fields in Fairfax County has greatly increased the past few years, issues surrounding their development and use also have increased. Various entities, including the Board of Supervisors, the School Board, the Fairfax County Park Authority (FCPA), and CRS, have identified a variety of creative ways to fund the development of turf fields. Several turf fields have been developed through partnerships with community athletic groups who provided up to 100 percent of the project costs.

At its October 15, 2008, meeting, the Fairfax County Athletic Council voted to recommend a policy that provides clear guidelines for the development of Synthetic Turf Field Partnership Agreements and the process for allocation of synthetic turf fields that are fully or partially funded by community athletic organizations (Attachment 1). If the Board adopts the turf field MOU policy, the language will be incorporated as a new section into the Field Allocation Policy, adopted by the Board on November 17, 2009.

Policy guidance from the Board is necessary so that the county can effectively balance guaranteed use for groups investing in fields with the need to meet at least some of the unmet needs of other groups. The policy guidelines proposed provide a measure of

Board Agenda Item
February 9, 2009

protection for groups investing in fields by providing a guarantee of field space, while also ensuring that other eligible community groups receive opportunities to play on the county's high quality turf fields.

The proposed turf field MOU policy will apply only to MOUs regarding synthetic turf fields in CRS's scheduling inventory that are developed at least in part by funding provided by one or more community athletic organizations. The policy will ensure that certain conditions are met by community organizations entering into an agreement with CRS for the use of synthetic turf fields in the public inventory.

In developing the provisions of the policy, CRS and the FCAC attempted to balance two priorities, which at times compete with each other. The policy must be able to encourage private investment in turf field development. It must also recognize that these fields are public property, owned by all Fairfax County residents; CRS's mission in field scheduling is to provide fair and equitable opportunities for all who qualify. The main concerns regarding this issue deal with how fields are allocated:

- Demand for synthetic turf fields greatly exceeds supply, and provisions of MOUs currently in place restrict CRS's ability to provide equitable turf field space to a variety of eligible sports and organizations. There continue to be major youth organizations that receive no turf field allocations, as use of the only fields in their geographic area is restricted by existing MOUs.
- Current policies and practices create a scheduling paradox. MOUs currently in place clearly state that contributing users cannot receive "exclusive use" of the field; instead, they receive "first right of scheduling." In practice, however, applying the first right of scheduling clause to all available time has essentially resulted in organizations receiving exclusive use. (Even groups that participate in the Adopt-a-Field and Friends of the Field programs do not receive guarantees of field allocation; there are numerous instances of groups not receiving allocations of fields they have adopted because other groups' needs could not be met.)

CRS and the FCAC considered replacing this clause with the statement that "fields will be scheduled in accordance with the current Field Allocation Policy." However, this provision would provide limited protection to contributing users' investments, as groups would be subject to receiving little to no allocation during their secondary season (e.g., soccer groups may not receive an allocation in the spring, which is lacrosse's primary season).

In order to find a balance between exclusive use and the uncertainty of simply applying the Field Allocation Policy, CRS and the FCAC are proposing a policy that provides a guaranteed minimum amount of allocated time for contributing organizations and a maximum amount of "reserved time" or available hours for CRS to distribute to other organizations with unmet needs. In other words, contributing organizations will receive first right of scheduling for a minimum of 80 percent of youth community use time (weekdays

Board Agenda Item
February 9, 2009

from 5 p.m. to 8 p.m. and weekends from 8 a.m. to 8 p.m.). The reservation time of up to 20 percent (about eight hours per week) will enable the county to accommodate at least some of the growing demand for turf space, while ensuring that contributing users are not receiving exclusive use. The 20 percent reservation time is a minimum; in cases where other organizations' turf field needs can be met on other fields, contributing users may actually receive up to 100 percent of the available time.

Other options were considered. Removing fields from the public inventory and requiring the contributing users to lease the fields from the county could potentially be too costly for groups. In addition, the county has been phasing out lease agreements on athletic fields because they do not provide the county the flexibility to meet unmet needs of other organizations; a leasing solution would reverse that trend. Tiered reservation times based on the type of contributing user (e.g., a single sport organization would receive a minimum of 80 percent use, while a multiple sport organization would receive a minimum of 90 percent) was determined to be too difficult to administer and to be too vulnerable to loopholes.

Despite the reservation time clause, CRS and the FCAC feel that the incentives to groups to invest in synthetic turf outweigh any potential disincentives. Up to eight hours per week (20 percent of youth community use time) could be allocated to other users. However, contributing users still receive:

- at least 32 hours per week of use during youth community use time;
- allocations of additional time outside of youth community use hours, which could exceed 20 hours per week;
- 62 percent increased total capacity on the field, according to the FCPA, due to extended seasons and limited inclement weather cancellations;
- opportunities to raise funds via camps, clinics, and concessions, without having to pay a commission to the property owner [i.e., FCPA or Fairfax County Public Schools (FCPS)];
- a premier site to host tournaments – another fundraising opportunity;
- the ability to offer a higher level of competitive play and training;
- allocations of turf space that exceed what they were previously eligible for, as only 50 percent of their assigned space on the field counts toward their turf field allocation;
- the opportunity to obtain funding assistance through the mini-grant program that CRS is establishing.

It also should be noted that, while the investment of approximately \$800,000 is significant and well-appreciated by the county, a group's contribution to the project costs of converting a field to turf does not cover all of the county's costs for providing the field. For example, the county (e.g., FCPA, FCPS) remains responsible for:

- purchasing and developing the land and infrastructure, estimated by the FCPA at approximately \$4 to 5 million;

Board Agenda Item
February 9, 2009

- routine maintenance and upkeep, such as utilities, trash removal, and grounds maintenance;
- repairs and maintenance to the turf, such as regular grooming and disinfecting; and
- the replacement of the turf at the end of its usable life.

The FCAC and CRS undertook a long and deliberative process to develop this policy. With increased interest among the athletic community in funding turf field conversions, CRS and the FCAC wanted to ensure a consistent approach to these agreements. In the summer of 2007, the FCAC began its review of the issues, working with the athletic community and staff from CRS, FCPA, and FCPS.

After developing a statement of issues regarding the potential policy, the FCAC distributed the statement for public comment. Opinions from the athletic community and the community at large, including community civic associations, were obtained through written comments and at several public comment meetings held throughout the county. (Those who attended the meetings also were encouraged to submit written comments to ensure that their views were accurately captured.) Presentations were made to the Park Authority Board and to the members of the Board of Supervisors in May 2008; meetings with various sports organizations occurred throughout the process. Public comments were distributed to the Board prior to the November 17, 2009, Board of Supervisors' meeting; they can also be found on the CRS website at http://www.fairfaxcounty.gov/rec/team_sports/field_policy/approved08/policies.htm. Summaries of the comments and the FCAC response to the comments are included as Attachment 2.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Proposed Requirements for Synthetic Turf Field Partnership Agreements
Attachment 2: Athletic Council Responses to Public Comments on the Synthetic Turf Field MOU Requirements

STAFF:

Verdia L. Haywood, Deputy County Executive
Patricia D. Franckewitz, Director, Department of Community and Recreation Services (CRS)
Christopher A. Leonard, Deputy Director, CRS
Karen B. Avvisato, Division Supervisor, Athletic Services Division, CRS
Jesse M. Ellis, Branch Manager, Athletic Services Division, CRS

ACTION - 4

Approval of Parking Reduction for Great Falls Village Center (Dranesville District)

ISSUE:

Board approval of an 8.3 percent reduction in required parking for Great Falls Village Center, Tax Map reference number 013-1-09-752, 0754, 0756, 0758, 0760, 0762, 0766, 0768, 0772, 0774A, 0774B, 0774C, 0776, and 0006B, Dranesville District.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors (the Board) approve a parking reduction of 8.3 percent for Great Falls Village Center, pursuant to paragraph 4(B), Section 11-102 of Chapter 112 of the *Code of the County of Fairfax, Virginia* (Zoning Ordinance), based on an analysis of the parking requirements for each use on the site and a parking reduction study, on condition that:

1. A minimum of 342 parking spaces must be maintained on site at all times for the Great Falls Village Center.
2. The following uses are permitted per this parking reduction:

Existing Uses

Drive-In Bank	3,305 GFA
Eating Establishment	180 Seats
3,080 GFA + 3,592 GFA	17 Stools
Fast Food w/Seating (584 GFA)	12 Seats
Office	31,693 GFA
Retail	5,417 GFA
Retail Sales (13,067 GFA)	11,815 Net GFA
Personal Services	1,991 GFA
Private School of Special Ed. (8 employees, 24 students)	3,390 GFA
Private School of Special Ed.	2,380 GFA
Utility	1,380 GFA
Telecommunications	1,256 GFA

Additional Proposed Uses

Retail	4,500 GFA
Office	4,500 GFA

Board Agenda Item
February 9, 2009

3. The current owners, their successors or assigns of the parcels identified as Fairfax County Tax Map Number 013-1-09-0006B, shall submit a parking space utilization study for review and approval by the Board at any time in the future that the Zoning Administrator so requests. Following review of that study, or if a study is not submitted within 90 days after being requested, the Board may rescind this parking reduction or require alternative measures to satisfy parking needs, which may include requiring all uses to comply with the full parking spaces requirements as specified in Article 11 of the Zoning Ordinance.
4. All parking utilization studies prepared in response to a request by the Zoning Administrator shall be based on applicable requirements of the County Code and the Zoning Ordinance in effect at the time of said parking utilization study submission.
5. Shared parking with any additional use(s) shall not be permitted without the submission of a new parking study prepared in accordance with the applicable requirements of the Zoning Ordinance in effect at the time and shall be subject to the Board's approval.
6. No parking space on the site shall be sold or leased to any individual or entity, or reserved for uses or individuals not specifically allowed by the parking reduction as shown on the applicant's parking study/plan that was submitted to the County on August 6, 2008.
7. All parking provided shall be in accordance with applicable requirements of Article 11 of the Zoning Ordinance and the Fairfax County Public Facilities Manual, including the provisions referencing the Americans with Disabilities Act.
8. The conditions of approval of this parking reduction shall be recorded in the Fairfax County land records in a form acceptable to the County Attorney.

TIMING:

Board action is requested on February 9, 2009.

BACKGROUND:

Great Falls Village Center is an 8.8 acres site which is zoned C-6 Community Retail. The Village Center is a mixed use development located off Old Georgetown Pike Route 193 and Walker Road Route 681. The applicant is requesting a parking reduction to facilitate the proposed construction of an additional 4,500 GFA of retail use and 4,500 GFA of office use in the Village Center. A total of 42 existing parking spaces will be removed to construct the proposed office/retail building. However, the 342 parking spaces that will be available after construction is complete will be sufficient to accommodate both the existing uses and the

Board Agenda Item
February 9, 2009

expansion of the Village Center. This represents an 8.3 percent (31 parking spaces) reduction of code required parking.

The review of the parking analysis indicates that the parking accumulations of the uses justify an 8.3 percent parking reduction. Therefore, staff recommends granting this reduction.

The recommended parking reduction reflects a coordinated review by the Department of Transportation, Department of Planning and Zoning, Department of Public Works and Environmental Services and the Office of the County Attorney.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I – Parking Reduction Study and Letter of Request dated August 5, 2008, from Jennifer N. Carpenter, Wells & Associates.

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

THIS PAGE INTENTIONALLY LEFT BLANK

Board Agenda Item
February 9, 2009

CONSIDERATION – 1

Approval of the Proposed Bylaws for the Fairfax County Commission for Women (CFW)

ISSUE:

Approval of the proposed bylaws for the Fairfax County CFW.

RECOMMENDATION:

The County Executive recommends that the Board approve the proposed bylaws for the Fairfax County CFW as set forth in the enclosed document.

TIMING:

Board action is requested on February 9, 2009.

BACKGROUND:

The Fairfax County Commission for Women (CFW) was created by the Board of Supervisors in 1971. Since its creation, the CFW has operated without a formal set of bylaws. In April, 2008, the County recommended that Boards, Authorities and Commissions (BAC) prepare bylaws for their particular BAC. The County proposed sample bylaws that each BAC could tailor to their particular BAC. The CFW prepared the attached bylaws according to County guidelines and the CFW approved the bylaws at their October 20, 2008 meeting. County guidelines require the Board of Supervisors to approve BAC bylaws.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Proposed bylaws for the Fairfax County CFW

STAFF:

Verdia Haywood, Deputy County Executive
Nannette Bowler, Director, Department of Family Services
Ina G. Fernández, Director, Office for Women & Domestic and Sexual Violence Services

THIS PAGE INTENTIONALLY LEFT BLANK

Board Agenda Item
February 9, 2009

INFORMATION – 1

Fairfax County Channel 16 Named Best Government Cable TV Station for Fifth Time

Fairfax County's Government Channel 16 was recently honored by the Alliance for Community Media as the best government access cable television station in the country in 2008. This is the fifth time that the county has received the award for Overall Excellence of Government Access channels in its division, with previous awards given in 1996, 1999, 2005 and 2006. The award covers the entire spectrum of Channel 16 programming including government meetings, public service announcements, and informational programs about government services.

The Alliance for Community Media sponsors the largest local cable programming video festival each year. The Alliance for Community Media is a non-profit coalition of public, educational, and government access cable stations that promote community communications and programs that are distributed on cable television access channels.

Channel 16 was also recognized by the National Association of Telecommunications Officers and Advisors (NATOA) with two first place awards. The awards were for "Check It Out," produced in cooperation with the Fairfax County Public Library, and "Parks Plus," produced in cooperation with the Park Authority.

NATOA is a national trade association that promotes community interests in communications. NATOA represents government cable television stations, as well as officials and staff who oversee communications and cable television franchising throughout the United States.

In addition, the "Check It Out" library program was nominated for an Emmy Award by the National Capital - Chesapeake Chapter of the National Academy of Television Arts and Sciences. "Check It Out" was Channel 16's first entry in the National Capital's Emmy Awards competition, which serves the Maryland, Virginia and D.C. television community.

ENCLOSED DOCUMENTS:

None

STAFF:

David J. Molchany, Deputy County Executive

Michael S. Liberman, Director, Department of Cable Communications and Consumer Protection

Richard J. Brosnan, Director, Communications Productions Division, Department of Cable Communications and Consumer Protection

THIS PAGE INTENTIONALLY LEFT BLANK

Board Agenda Item
February 9, 2009

INFORMATION – 2

Contract Award – Athletic Field Lighting and Related Electrical Work at Lee District Park (Lee District)

Four (4) sealed bids were received and opened on Thursday, January 8, 2009, for the Athletic Field Lighting and Related Electrical Work at Lee District Park in Project 474106, Athletic Fields in Fund 370, Park Authority Bond Construction. The project includes installation of athletic field lighting and related electrical work on rectangular field #4 at Lee District Park.

This project is included in the FY 2009 – FY 2013 Adopted Capital Improvement Program.

The lowest responsive and responsible bidder is Dalton Electrical Service, Inc. Their bid of \$139,200 is \$10,800, or 7.2% below the Park Authority's pre-bid cost estimate of \$150,000. The second lowest bid of \$147,494 is \$8,294, or 5.9% above the low bid, and the highest bid of \$155,000 is \$15,800, or 11.3% above the low bid.

Based on their financial capability and construction experience, Dalton Electric Service, Inc. is considered to be a responsible contractor and holds a Virginia Class A Contractor's license.

The Department of Tax Administration has verified that Dalton Electric Service, Inc. has the appropriate Fairfax County Business, Professional and Occupational License (BPOL).

On January 28, 2009, the Fairfax County Park Authority Board approved the contract award.

Unless otherwise directed by the Board of Supervisors, the Park Authority will proceed to award this contract to Dalton Electric Service, Inc. in the amount of \$139,200.

FISCAL IMPACT:

Based on the post-bid update, funding in the amount of \$199,656 is necessary to award this contract and to fund the associated contingency, administrative costs, and other project related costs. Funding is currently available in the amount of \$199,656 in Project 474106, Athletic Fields (Lee District Park Athletic Field Lighting), Fund 370, Park Authority Bond Construction to award this contract, and to fund the associated contingency, administrative costs, and other project related cost.

Board Agenda Item
February 9, 2009

ENCLOSED DOCUMENTS:

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

STAFF:

Robert A. Stalzer, Deputy County Executive
John W. Dargle Jr., Director, Park Authority

INFORMATION - 3

Contract Award – Stormwater Management Facilities Maintenance Assessment Project
Basic Ordering Agreement

The County's stormwater management facility inventory now consists of approximately 1,300 facilities requiring public inspection and maintenance, and 3,000 facilities requiring public inspection and private maintenance. Over the past three years, the total inventory has increased from 3,531 to over 4,300 stormwater management facilities. The value of County-owned stormwater management facilities and dams is estimated at over \$500 million. Annual engineering stormwater management facility inspection and program support services are needed to provide assistance in complying with two separate regulations:

1. **Municipal Separate Storm Sewer System (MS4) Discharge Permit** – This permit allows Fairfax County to discharge stormwater into the Commonwealth's waterways. The most recent MS4 Permit expired in January 2007. The County is currently awaiting new permit requirements, expected during the first half of 2009. In the interim, the County is operating under continuation of the previous permit. Both the previous and the new draft MS4 permits contain requirements for stormwater management facility inspections and maintenance activities.
2. **GASB-34** – In June 1999, the Governmental Accounting Standards Board (GASB) approved *Statement No. 34: Basic Financial Statements – and Management's Discussion and Analysis – for State and Local Governments* requiring state and local governments to track and update the value of their assets, including stormwater management facilities. GASB is one of the tools used for judging the financial health of a jurisdiction. In support of this activity, the County's inspection programs are designed to effectively track County stormwater assets and target maintenance and rehabilitation in an effort to preserve the value of these assets.

The Stormwater Management Facilities Maintenance Assessment Project is part of the overall Stormwater Management Program which is included in the FY2009 – FY2013 Adopted Capital Improvement Program. This project provides for, but is not limited to, the following tasks:

1. Inspection of all 1,300 public facilities and approximately 650 private facilities annually. These inspections include hazard-prone sites such as roof top detention and underground detention facilities.

Board Agenda Item
February 9, 2009

2. Coordination of various program elements for 4,300 facilities by means of public and private facility databases including the addition of approximately 100 new facilities each year and any changes in property ownership.
3. Specialized services such as emergency dam inspections, video pipe services, and bathymetric surveying.
4. Researching and documenting all legal agreements, plans, plats and other necessary information for approximately 500 private facilities annually.
5. Researching and field verifying locations to determine if approximately 600 undocumented GIS features are stormwater management facilities. These unknown features are typically either non-stormwater management ponds or abandoned stormwater management facilities that have not yet been identified. Adding these facilities to the public or private inventories is an MS4 Permit requirement.
6. Stormwater management facility public education and outreach support for homeowner associations, property managers, and private facility owners.
7. Enforcement actions to ensure private facilities comply with Public Facilities Manual and State requirements.

Since the implementation of the Stormwater Management Facilities Maintenance Assessment Project three years ago, the following items have been accomplished in support of MS4 Permit and other requirements:

1. Over 830 needed maintenance work orders have been written and 730 have been completed to date to correct deficiencies and prevent further degradation and/or catastrophic failure. Of these, 22 major sediment removal projects have been completed in order to prevent dam failure and restore detention capacity, 12 of which also included a retrofit of the facility.
2. Over 1,000 additional features on the county's Geographic Information System have been identified and are now included in the public or private facility inventory, as required by the MS4 permit. Since little to no maintenance has been performed on these facilities, many of the newly identified facilities have safety issues that are now being quantified for corrective action.
3. Six dam failures have been identified and are being addressed.
4. 114 public stormwater management facilities have been added to the County inventory.

Board Agenda Item
February 9, 2009

5. 655 private stormwater management facilities have been added to the County inventory.
6. 2,900 public stormwater management inspections have been performed.
7. 1,343 private stormwater management inspections have been performed with enhanced owner coordination, follow-up, and improved enforcement.
8. County and regional outreach efforts (via partnerships with Northern Virginia Regional Commission) have been enhanced through development of workshops and printed materials geared toward private owners.

A Request for Qualifications (RFQ) was issued in August 2008. The solicitation indicated that multiple contracts would be awarded. A total of 14 companies submitted their qualifications. In accordance with the Fairfax County Purchasing Resolution, a Selection Advisory Committee (SAC) was established which short-listed a total of four firms. These firms were interviewed and after evaluation, the engineering firms of GKY and Associates, Inc. and PBS&J were recommended for contract award.

The Department of Public Works and Environmental Services has determined that the labor rates and overhead rates are fair and reasonable. The County's Internal Audit Office reviewed certain overhead rates as required. The Department of Tax Administration has verified that GKY & Associates and PBS&J have the appropriate Fairfax County Business, Professional and Occupational Licenses (BPOL).

Since the contracts are annual basic ordering agreements, the scope of specific elements of this project will be determined and negotiated with each firm as individual task orders. Each task will be charged to its respective capital projects in Fund 318, Stormwater Management Program. Projects will be assigned to each firm on a geographical and/or program area basis.

Pursuant to Virginia State Code, Basic Ordering Agreements have a maximum value of \$5 million per year, with no individual project exceeding \$1,000,000. The two contracts shall be for one year from the date of execution of the contracts, with the option to extend each contract via amendments on an annual basis for up to two additional years. The value of these two contracts shall not exceed \$750,000 each for the first contract year.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services (DPWES) will proceed to award Basic Ordering Agreement contracts to both GKY & Associates and PBS&J with a first-year amount of \$750,000 each and with the option to extend each contract via amendments on an annual basis for up to two additional years.

Board Agenda Item
February 9, 2009

FISCAL IMPACT:

Funding for this contract is available primarily from Project FX5000 Infrastructure Maintenance Program and Project FX6000 Infrastructure Replacement Program in Fund 318, Stormwater Management Program. The balance in these two projects is approximately \$3.7 million. DPWES will authorize individual task orders as they are identified.

ENCLOSED DOCUMENTS:

Attachment 1: Awardees and List of Other Firms Considered
(Copy of Contract available in the Office of the Clerk to the Board)

STAFF:

Robert A. Stalzer, Deputy County Executive
Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)
Howard J. Guba, Deputy Director, DPWES
Steve W. Aitcheson, Director, Maintenance and Stormwater Management Division, DPWES

Board Agenda Item
February 9, 2009

10:30 a.m.

Matters Presented by Board Members

THIS PAGE INTENTIONALLY LEFT BLANK

Board Agenda Item
February 9, 2009

11:20 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. *FFW Enterprises v. Fairfax County and Board of Supervisors of Fairfax County*, CL-2008-0013918 (Fx. Co. Cir. Ct.)
 - 2. *Krispy Kreme Doughnut Corporation and Damaged Sewer Facilities Serving the Gunston Commerce Center* (Tax Map Nos. 113-3((1)) parcels 5F, 5G, 5H1, 5H2, 5H3, 5J, 5K1, and 113-3((3))) (Mount Vernon District)
 - 3. *Robert D. Scrimshaw v. Russell J. Munyan, Jr., Property Maintenance/Senior Zoning Inspector, and Kevin C. Greenlief, Director, Department of Tax Administration*, Case No. CL-2008-0015232 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 - 4. *Christopher F. DeCarlo v. Fairfax County*, Appeal No. 06-5 (State Building Technical Review Board) (Hunter Mill District)
 - 5. *Carrhomes, LLC v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2008-0009776 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 - 6. *Fairfax County Redevelopment and Housing Authority v. James C. Riekse, Rajesh Kapani, Rajinder P. Kapani, Frederick L. Shreves, II, Trustee, Vincent J. Keegan, Trustee, Mortgage Electronic Registration Systems, Inc., and Weichart Financial Services*, Case No. CL-2007-0011400 (Fx. Co. Cir. Ct.) (Mount Vernon District)

7. *Board of Supervisors of Fairfax County, Virginia, and Eileen M. McLane, Fairfax County Zoning Administrator v. Board of Zoning Appeals of Fairfax County, Virginia, and Hermilio Machicao*, Case No. CL-2008-0010800 (Fx. Co. Cir. Ct.); *Eileen M. McLane, Fairfax County Zoning Administrator v. Hermilio Machicao and J.A.M. Homes, Inc.*, Case No. CL-2008-0016138 (Fx. Co. Cir. Ct.) (Lee District)
8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Alberto Luis*, Case No. CL-2008-0003764 (Fx. Co. Cir. Ct.) (Springfield District)
9. *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)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lucia O. Palacio*, Case No. CL-2008-0005849 (Fx. Co. Cir. Ct.) (Providence District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marta A. Cortez*, Case No. CL-2007-0002905 (Fx. Co. Cir. Ct.) (Lee District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Edward L. Miller and Virginia P. Miller*, Case No. CL-2008-0010203 (Fx. Co. Cir. Ct.) (Lee District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Patricia B. Hutchison*, Case No. CL-2008-0010090 (Fx. Co. Cir. Ct.) (Braddock District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Grover Ruiz*, Case No. CL-2008-0008360 (Fx. Co. Cir. Ct.) (Braddock District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Christobal Avelar*, Case No. CL-2008-0010793 (Fx. Co. Cir. Ct.) (Lee District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Guillermo A. Menacho and Guillermo C. Menacho*, Case No. CL-2008-0008880 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)

17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Celio Guevara, Case No. CL-2008-0014067 (Fx. Co. Cir. Ct.) (Lee District)*
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. John J. Curry, Case No. CL-2008-0010740 (Fx. Co. Cir. Ct.) (Lee District)*
19. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Robert E. Barnes and Dale A. Barnes, Case No. CL-2008-0012057 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
20. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Donald Joseph Grieme, Case No. CL-2008-0014416 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kyu H. Choe, Case No. CL-2008-0014034 (Fx. Co. Cir. Ct.) (Lee District)*
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Quy Tran and Quyen T. Ngo, Case No. CL-2008-0014392 (Fx. Co. Cir. Ct.) (Providence District)*
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. John Philpott, David C. Jones, Gabrielle C. Jones, and Catherine Mitchell, Case No. CL-2008-0013759 (Fx. Co. Cir. Ct.) (Lee District)*
24. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Idania Maria Barahona and Gixeis J. Barahona, Case No. CL-2008-0016021 (Fx. Co. Cir. Ct.) (Lee 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. Misael Soria Vargas, Case No. CL-2008-0015193 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)*
26. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Carmen Garcia, Case No. CL-2008-0015613 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)*

27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Pedro Herrera and Dinora Herrera, Case No. CL-2009-0000375 (Fx. Co. Cir. Ct.) (Dranesville District)*
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Oakwood Road Two, Limited Partnership a/k/a Oakwood Road II, Limited Partnership, and Sagres Construction Corporation, Case No. CL-2009-0000412 (Fx. Co. Cir. Ct.) (Lee District)*
29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Yanira A. Arias and Nelson A. Alexander, Case No. CL-2009-0000411 (Fx. Co. Cir. Ct.) (Lee District)*
30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Elizabeth Case and Ray Case, Case No. CL-2009-0000410 (Fx. Co. Cir. Ct.) (Providence District)*
31. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official For Fairfax County, Virginia v. Florence E. Cavazos, Case No. CL-2009-0000433 (Fx. Co. Cir. Ct.) (Mason District)*
32. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Manuel Padilla Zapata, Case No. CL-2009-0000541 (Fx. Co. Cir. Ct.) (Dranesville District) (Strike Team Case)*
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Edwin Wendorff, Case No. CL-2009-0000592 (Fx. Co. Cir. Ct.) (Sully District) (Strike Team Case)*
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Robert Wayne Oliver, Case No. CL-2009-0000810 (Fx. Co. Cir. Ct.) (Springfield District)*
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nehemias O. Salvador, Case No. CL-2009-0000811 (Fx. Co. Cir. Ct.) (Mason District)*
36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marta A. Cortez, Case No. CL-2009-0001067 (Fx. Co. Cir. Ct.) (Lee District)*
37. *Eileen M. McLane, Fairfax County Zoning Administrator v. Dirar Khatib, Case No. 08-0031565 (Fx. Co. Gen. Dist. Ct.) (Lee District)*

38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tajinder S. Ruprai*, Case No. 08-0035310 (Fx. Co. Gen. Dist. Ct.) (Providence District)
39. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ghissa P. Torrico and Oscar Torrico*, Case No. 08-0036353 (Fx. Co. Gen. Dist. Ct.) (Lee District)
40. *Eileen M. McLane, Fairfax County Zoning Administrator v. Auto Sound Express, Inc., and Kleriotis, LLC*, Case No. 08-0037438 (Fx. Co. Gen. Dist. Ct.) (Lee District)
41. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juan C. Cadima*, Case No. 09-0002346 (Fx. Co. Gen. Dist. Ct.) (Mason District)
42. *Board of Supervisors of Fairfax County, Virginia v. Foxhall of McLean, LLC, Arch Insurance Co., Everest Reinsurance Co., and XL Reinsurance America, Inc.*, Case No. CL-2009-0001186 (Fx. Co. Cir. Ct.) (Dranesville District)
43. *Board of Supervisors of Fairfax County, Virginia v. Fairfax Homes, Inc., and A Money Matter Mortgage, Inc.*, Case No. CL-2009-0001185 (Fx. Co. Cir. Ct.) (Springfield District)

THIS PAGE INTENTIONALLY LEFT BLANK

Board Agenda Item
February 9, 2009

3:30 p.m.

Public Hearing on PCA 78-S-063-06 (The Aerospace Corporation) to Amend the Proffers for RZ 78-S-063 Previously Approved for Office to Permit Modifications to Proffers and Site Design with an Overall Floor Area Ratio of 0.50, Located on Approximately 40.41 Acres Zoned I-3 and WS, Sully District

and

Public Hearing on SE 2008-SU-026 (The Aerospace Corporation) to Permit an Increase in Building Height from 75.0 feet up to a Maximum of 165.0 feet, Located on Approximately 40.41 Acres Zoned I-3 and WS, Sully District

The application property is located in the northeast quadrant of the intersection of Stonecroft Boulevard and Lee Road at 4801 Stonecroft Boulevard, Tax Map 44-1 ((4)) 35.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, January 15, 2009, the Planning Commission voted 8-3-1 (Commissioners Alcorn, Hart, and Lawrence opposed; Commissioner Harsel absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 78-S-063-06, subject to the execution of proffers consistent with those dated January 13, 2009; and
- Approval of SE 2008-SU-026, subject to the Development Conditions dated December 31, 2008 and subject also to the Board's approval of PCA 78-S-063-06.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
William O'Donnell, Staff Coordinator, Zoning Evaluation Division, DPZ

THIS PAGE INTENTIONALLY LEFT BLANK

Board Agenda Item
February 9, 2009

3:30 p.m.

Public Hearing on SE 2008-MA-020 (Woodlake Towers Condominium Unit Owners Association) to Permit Offices, Located on Approximately 1,407 Square Feet, Zoned R-30, Mason District

The application property is located at 6001 Arlington Blvd. (Units 13A and 13B) Tax Map 51-4 ((13)) (1) 13A and 13B.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, December 4, 2008, the Planning Commission voted unanimously (Commissioner Lusk absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2008-MA-020, subject to the Development Conditions dated October 15, 2008;
- Modification of the transitional screening requirement in favor of the existing onsite landscaping; and
- Waiver of the barrier requirement in favor of the existing onsite landscaping.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

THIS PAGE INTENTIONALLY LEFT BLANK

Board Agenda Item
February 9, 2009

3:30 p.m.

Public Hearing on SE 2008-HM-023 (Keith and Stephanie Anderson) to Permit a Waiver of Minimum Lot Width Requirement, Located on Approximately 4.02 Acres Zoned R-1, Hunter Mill District

The application property is located at 1203 Bishopsgate Way, Tax Map 12-3 ((7)) 4A and 24A.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, January 8, 2009, the Planning Commission voted 9-0-2 (Commissioners Hall and Litzenberger abstaining; Commissioner Alcorn absent from the meeting) to recommend that the Board of Supervisors approve SE 2008-HM-023, subject to the Development Conditions dated January 8, 2009.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

THIS PAGE INTENTIONALLY LEFT BLANK

Board Agenda Item
February 9, 2009



4:00 p.m.

Public Hearing on Proposed Amendments to Chapter 65 (Plumbing and Gas Provisions) of The Code of the County of Fairfax, Virginia (County Code), and Chapter 9 (Water and Fire Regulations) of the Public Facilities Manual (PFM) Re: Public Water and Sewer Connections

ISSUE:

Board adoption of proposed amendments to Chapter 65 (Plumbing and Gas Provisions) of the *Code of the County of Fairfax, Virginia* (County Code) and Chapter 9 (Water and Fire Regulations) of the Public Facilities Manual (PFM), regarding public water and sewer connections.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing was held on January 15, 2009 and the Commission deferred its decision to Thursday, January 29, 2009.

On January 29, 2009, the Planning Commission voted unanimously (Commissioner Harsel absent from the meeting) to recommend that the Board of Supervisors adopt the proposed amendment to Chapter 9 of the Public Facilities Manual regarding public water, as set forth in the attached memorandum dated January 28, 2009, from Ms. Cronauer.

The Commission then voted 10-0-1 (Commissioner de la Fe abstaining; Commissioner Harsel absent from the meeting) to recommend that the Board of Supervisors not adopt Chapter 65 of the *Code of the County of Fairfax* as set forth in the staff report dated December 8, 2008.

The Planning Commission decision to not recommend adoption of Chapter 65 of the County Code was based on concerns regarding the financial impact to existing homeowners and the potential for infrastructure-driven development, if public water and sewer connections were required on existing lots.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed amendments as set forth in the staff report dated December 8, 2008.

Board Agenda Item
February 9, 2009

TIMING:

Board action is requested on February 9, 2009. The public hearings were authorized for advertisement on December 8, 2008. The Planning Commission held a public hearing on January 15, 2009.

BACKGROUND:

On July 23, 2007, the Board requested that staff review the current provisions in the PFM regarding public water supply and return to the Board with recommendations. The Board's request was based on a situation that occurred at 1400 Alexandria Avenue where the water well, which was serving a new house, irreparably failed and a new well could not be drilled. The property at 1400 Alexandria Avenue is located in Mount Vernon District and is a 20,561 square-foot lot created as part of a two-lot subdivision that did not require extension of the public water supply system. The cost to extend public water to the home was estimated at \$50,000 to \$60,000.

Staff presented its recommendations to the Board's Development Process Committee (Committee) on January 14, 2008. Staff recommended the PFM be amended to require that a public water supply be provided for all new subdivisions where the lots have areas less than 75,000 square feet. This amendment will eliminate the current exemption for two-lot subdivisions that create lots with areas between 20,000 square feet and 75,000 square feet. Staff also recommended the Plumbing and Gas Provisions of the County Code be amended to require connection to public water and sewer systems when they are deemed available for any proposed or existing building where there is no well or septic system, or that has a failing well or septic system that cannot be repaired. The current Plumbing and Gas Provisions encourage connection to public water and sewer systems, but do not require it in such situations. The amendment to the Plumbing and Gas Provisions also would allow for exceptions granted by the Fairfax County Health Department and would clarify that the distance used to determine if a public water or sewer system is available is measured from the property line rather than the structure on the lot.

After the presentation to the Committee, the proposed amendments were presented to industry representatives. Based on comments from industry, staff changed the proposed language in the Plumbing and Gas Provisions to clarify that the connection of sanitary sewer would only be required if the structure is located in an approved sewer service area.

The amendments would make public water and sewer available to more properties as the public water and sewer systems are extended throughout the county. Public water is a more reliable source of water and is tested for quality on a regular basis. Public sewer is a more reliable form of wastewater treatment than septic systems, thereby reducing the environmental and health threat posed by failing septic systems.

PROPOSED AMENDMENTS:

The proposed amendment to the Water and Fire Regulations of the PFM would require that public water supply systems be provided in all new subdivisions where the lots are less than 75,000 square feet.

The proposed amendment to The Plumbing and Gas Provisions of the County Code would require connection to public water when it is deemed available, and would require connection to public sewer when it is deemed available and when the structure is within an approved sewer service area. These connection requirements would apply to any existing or proposed building where there is no well or septic system, or that has a failing well or septic system that cannot be repaired. The amendment would allow for exceptions granted by the Health Department and would clarify that the distance used to determine if public water or sewer is available is based on the property line rather than the structure.

Connection to a public water or sewer system may require extension of the public system in order to connect service lines to buildings. Under the Plumbing and Gas Provisions, sewer and water service lines may not cross adjacent properties or premises unless approved by the Building Official or his designee. For residences, the easement for the sewer and water service may not extend over more than one property unless otherwise approved by the Building Official or his designee. In practice, the public sewer system is normally extended to the property line or at least the neighbor's property line. Fairfax Water's policy regarding service connections, which is located in their Design Practice Manual, is that if the existing water main is not located at the property line along the street frontage, the public water system must be extended to the middle of the lot along the street frontage. The proposed amendments do not change these existing requirements.

REGULATORY IMPACT:

If the PFM amendment is adopted, it would no longer be possible to create a two-lot subdivision with lots between 20,000 square feet and 74,999 square feet, without extending public water to the subdivision. This could make it economically undesirable to create some two-lot subdivisions. However, it would also prevent future problems for homeowners having to maintain or possibly replace failed wells, which may include extending the public water system. Based on questions from Supervisor Foust at the Development Process Committee meeting, staff reviewed all two-lot subdivisions that occurred in the Dranesville district in a three-year period from July 1, 2004 to June 30, 2007. None of those 32 two-lot subdivisions would have been affected by these proposed PFM amendments.

If the amendment to The Plumbing and Gas Provisions of the County Code is adopted, the expense of connecting to and/or extending public water and sewer would be placed on the person developing the lot or replacing a failing well or septic system. The person could be a builder or a homeowner depending on the situation.

Board Agenda Item
February 9, 2009

FISCAL IMPACT:

Potential revenue from future connection fees can be anticipated.

ENCLOSED DOCUMENTS:

Attachment 1 - Staff Report Dated December 8, 2008

Attachment 2 – Memo, Revisions to Proposed Amendment Language dated January 28, 2009

Attachment 3 – Planning Commission Verbatim

STAFF:

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

Howard J. Guba, Deputy Director, DPWES

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

Board Agenda Item
February 9, 2009

4:00 p.m.

Public Hearing to Establish the Lakeford Community Parking District (Providence District)

ISSUE:

Public hearing to consider a proposed amendment to Appendix M of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to establish the Lakeford 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 Lakeford CPD in accordance with existing CPD restrictions.

TIMING:

The public hearing was authorized on January 12, 2009, for February 9, 2009, at 4:00 p.m.

BACKGROUND:

Fairfax County Code Section 82-5B-2 authorizes the Board to establish a CPD for the purpose of prohibiting or restricting the parking of watercraft; boat trailers; motor homes; camping trailers and any other trailer or semi-trailer; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in Virginia Code § 46.2-341.4 on the streets in the CPD.

No such CPD 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 CPD for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip or (iv) restricted vehicles that are temporarily parked on a public street within any such CPD for use by federal, state, or local public agencies to provide services.

Board Agenda Item
February 9, 2009

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 within the proposed CPD, and represent more than 50 percent of the eligible addresses on each block of the proposed CPD, (2) the proposed CPD includes an area in which 75 percent of each block within the proposed CPD is zoned, planned or developed as a residential area, (3) the Board receives an application fee of \$10 for each petitioning property address in the proposed CPD, and (4) the proposed CPD must contain the lesser of (i) a minimum of five block faces or (ii) any number of blocks that front a minimum of 2,000 linear feet of street as measured by the centerline of each street within the CPD.

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

The parking prohibition identified above for the Lakeford CPD 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.

ENCLOSED DOCUMENTS:

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

STAFF:

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

Board Agenda Item
February 9, 2009

4:00 p.m.

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

TIMING:

The public hearing was authorized on January 12, 2009, for February 9, 2009, 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 CPD.

No such CPD 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 CPD for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip or (iv) restricted vehicles that are temporarily parked on a public street within any such CPD for use by federal, state, or local public agencies to provide services.

Board Agenda Item
February 9, 2009

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 within the proposed CPD, and represent more than 50 percent of the eligible addresses on each block of the proposed CPD, (2) the proposed CPD includes an area in which 75 percent of each block within the proposed CPD 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 CPD.

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

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

FISCAL IMPACT:

The cost of sign installation is estimated at \$150 to be paid out of Fairfax County Department of Transportation (FCDOT) funds.

ENCLOSED DOCUMENTS:

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

STAFF:

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

Board Agenda Item
February 9, 2009

4:00 p.m.

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

TIMING:

The public hearing was authorized on January 12, 2009, for February 9, 2009, at 4:00 p.m.

BACKGROUND:

Fairfax County Code Section 82-5B-2 authorizes the Board to establish a CPD for the purpose of prohibiting or restricting the parking of watercraft; boat trailers; motor homes; camping trailers and any other trailer or semi-trailer; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in Virginia Code § 46.2-341.4 on the streets in the CPD.

No such CPD 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 CPD for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip or (iv) restricted vehicles that are temporarily parked on a public street within any such CPD for use by federal, state, or local public agencies to provide services.

Board Agenda Item
February 9, 2009

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 within the proposed CPD, and represent more than 50 percent of the eligible addresses on each block of the proposed CPD, (2) the proposed CPD includes an area in which 75 percent of each block within the proposed CPD is zoned, planned or developed as a residential area, (3) the Board receives an application fee of \$10 for each petitioning property address in the proposed CPD, and (4) the proposed CPD must contain the lesser of (i) a minimum of five block faces or (ii) any number of blocks that front a minimum of 2,000 linear feet of street as measured by the centerline of each street within the CPD.

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

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

FISCAL IMPACT:

The cost of sign installation is estimated at \$1600 to be paid out of Fairfax County Department of Transportation (FCDOT) funds.

ENCLOSED DOCUMENTS:

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

STAFF:

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