

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
FEBRUARY 22, 2011**

**AGENDA**

9:30	<b>Done</b>	Presentations
10:30	<b>Accepted Report</b>	Report on General Assembly Activities
10:45	<b>Done</b>	Presentation of the Proposed FY 2012 Budget
11:45	<b>Done</b>	Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups
11:45	<b>Done</b>	Items Presented by the County Executive

**ADMINISTRATIVE ITEMS**

1	<b>Approved</b>	Authorization to Advertise a Public Hearing for a Sewer Ordinance Amendment to Revise the Sewer Service Charges, Connection Charges, and Availability Charges
2	<b>Approved</b>	Authorization to Advertise Publication of the FY 2012 Budget and Required Tax Rates (Board Item to be distributed on February 22, 2011)

**ACTION ITEMS**

1	<b>Approved</b>	Approval of a Parking Reduction for the Hampton Inn & Suites in the Baileys Crossroads/Seven Corners Commercial Revitalization District (Providence District)
2	<b>Approved</b>	Approval of Supplemental Appropriation Resolution AS 11120 and Approval of a Standard Project Administration Agreement for the Department of Transportation to Accept Congestion Mitigation and Air Quality and Regional Surface Transportation Program Funding for the Route 50 Pedestrian Initiative (Providence and Mason Districts)
12:15	<b>Done</b>	Matters Presented by Board Members
1:05	<b>Done</b>	Closed Session

**PUBLIC HEARINGS**

3:30	<b>Public hearing deferred to 3/29/11 at 3:30 p.m.</b>	Public Hearing on SE 2010-DR-024 (Discovery Woods Learning Community, LLC) (Dranesville District)
3:30	<b>Decision deferred to 3/8/11 at 4:00 p.m. Record to remain open</b>	Public Hearing on SE 2010-LE-017 (Iskalo CBR LLC) (Lee District)

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
FEBRUARY 22, 2011**

**PUBLIC HEARINGS**

(continued)

4:00	<b>Approved</b>	Public Hearing on Proposed BRAC Area Plans Review Item 08-IV-4MV for Property Located West of Richmond Highway and North of Huntington Avenue (Mount Vernon District)
4:00	<b>Approved</b>	Public Hearing on a Proposed Zoning Ordinance Amendment Re: State Code, Editorial and Minor Revisions
4:00	<b>Approved</b>	Public Hearing to Consider Amending Fairfax County Code Section 82-5A (Residential Permit Parking Districts) Related to High School, Rail Station, and University Criteria
4:00	<b>Approved</b>	Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Zion Drive Road Improvements (Braddock District)
4:30	<b>Public hearing held</b>	Public Hearing Concerning the I-95 Waste-to-Energy Facility (Mount Vernon District)
5:00	<b>No speakers</b>	Public Comment from Fairfax County Citizens and Businesses on Issues of Concern



*Fairfax County, Virginia*  
**BOARD OF SUPERVISORS**  
**AGENDA**

**Tuesday**  
**February 22, 2011**

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9:30 a.m.

**PRESENTATIONS**

1. **SPORTS/SCHOOLS:**

- RESOLUTION – To recognize Herndon High School for its 100th anniversary and the contributions it has made to Fairfax County. Requested by Supervisor Foust.
- RESOLUTION – To recognize Susan Kinsley, a teacher at West Springfield High School, for being selected by the National Association of Biology Teachers as the 2010 Outstanding Biology Teacher in Virginia. Requested by Supervisor Herrity.

2. **RECOGNITIONS:**

- RESOLUTION – To recognize the Herndon Women's Club for its 70th anniversary. Requested by Supervisor Foust.
- RESOLUTION – To recognize Reston Hospital Center for its 25th anniversary. Requested by Supervisor Hudgins.
- RESOLUTION – To recognize Kathy Ichter for her years of service to Fairfax County. Requested by Chairman Bulova

3. **DESIGNATIONS:**

- PROCLAMATION – To designate March 2011 as Alternative Dispute Resolution Month in Fairfax County. Requested by Chairman Bulova.

— more —

Board Agenda Item  
February 22, 2011

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

Board Agenda Item  
February 22, 2011

10:30 a.m.

Report on General Assembly Activities

ENCLOSED DOCUMENTS:

None. Materials to be distributed to the Board of Supervisors on February 22, 2011

PRESENTED BY:

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

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Board Agenda Item  
February 22, 2011

10:45 a.m.

Presentation of the Proposed FY 2012 Budget

ENCLOSED DOCUMENTS:

None. Materials to be distributed on February 22, 2011.

PRESENTED BY:

Anthony H. Griffin, County Executive

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Board Agenda Item  
February 22, 2011

11:45 a.m.

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

ENCLOSED DOCUMENTS:

Appointments to be heard February 22, 2011  
An updated list will be distributed at the Board meeting.

STAFF:

Nancy Vehrs, Clerk to the Board of Supervisors

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**APPOINTMENTS TO BE HEARD FEBRUARY 22, 2011**  
**(ENCOMPASSING VACANCIES PROJECTED THROUGH FEBRUARY 28, 2011)**  
 (Unless otherwise noted, members are eligible for reappointment)

**A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE**  
**(1 year)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT Term exp. 1/11	Sully District Representative		Frey	Sully

**ADVISORY SOCIAL SERVICES BOARD**  
**(4 years – limited to 2 full consecutive terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Rebecca Geller; appointed 3/08 by McKay) Term exp. 9/12 <i>Resigned</i>	Lee District Representative	<b>Kelsey Phipps</b>	McKay	Lee
VACANT (Formerly held by Sarah Wells; appointed 4/07 by Gross) Term exp. 9/10 <i>Resigned</i>	Mason District Representative	<b>Abdel-Rahman Hamed</b>	Gross	Mason

**AFFORDABLE DWELLING UNIT ADVISORY BOARD (4 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Mark S. Ingrao (Appointed 1/03 by Mendelsohn; 5/05 by DuBois) Term exp. 5/09	Citizen Representative		By Any Supervisor	At-Large
VACANT (Formerly held by James Francis Carey; appointed 2/95-5/02 by Hanley; 5/06 by Connolly) Term exp. 5/10 <i>Resigned</i>	Lending Institution Representative		By Any Supervisor	At-Large

**AIRPORTS ADVISORY COMMITTEE (3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Paul Vizcaino; appointed 5/09 by Hudgins) Term exp. 1/11 <i>Resigned</i>	Hunter Mill District Representative		Hudgins	Hunter Mill
Barbara Kreykenbohm (Appointed 1/09 by Gross) Term exp. 1/11	Mason District Representative		Gross	Mason

**BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS**  
**(4 years)**

Members shall be selected on the basis of their ability to render fair and competent decisions regarding application of the VUSBC and the VSFPC.

No official, technical assistant, inspector or other employee of the DPWES, DPZ, or FR shall serve as a member of the board.

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Matthew Arnold (Appointed 1/05-2/07 by DuBois) Term exp. 2/11	Design Professional #2 Representative		By Any Supervisor	At-Large
Michael LeMay (Appointed 2/87 by Pennino; 1/99 by Dix; 2/03-02/07 by Hudgins) Term exp. 2/11	Design Professional #4 Representative		By Any Supervisor	At-Large
John Scott (Appointed 2/08 by Frey) Term exp. 2/11	Alternate #3 Representative		By Any Supervisor	At-Large
Susan Kim Harris (Appointed 5/09 by Hudgins) Term exp. 2/11	Alternate #4 Representative		By Any Supervisor	At-Large

**CELEBRATE FAIRFAX, INC. BOARD OF DIRECTORS**  
**(1 year – limited to 6 consecutive terms)**

[NOTE: An asterisk (\*) beside any of the following names denotes an individual who is NOT eligible for reappointment.]

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Kathy Hannon Cope; appointed 9/08&9/09 by Hudgins) Term exp. 9/10 <i>Resigned</i>	At-Large #2 Representative		By Any Supervisor	At-Large

**CHESAPEAKE BAY PRESERVATION ORDINANCE**  
**EXCEPTION REVIEW COMMITTEE**  
**(4 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Michael Fraser; appointed 11/08 by Smyth) Term exp. 9/11	Providence District Representative		Smyth	Providence

**CHILD CARE ADVISORY COUNCIL (2 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Patricia Cornwell (Appointed 12/05-3/09 by Frey) Term exp. 2/11	Sully District Representative		Frey	Sully

**COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION  
(4 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Mark Yeager; appointed 7/06 by Connolly; 3/09 by Bulova) Term exp. 1/13 <i>Resigned</i>	At-Large Chairman's Representative		Bulova	At-Large Chairman's
Suzette Kern (Appointed 11/09 by McKay) Term exp. 1/11	Lee District Representative		McKay	Lee

**COMMUNITY ACTION ADVISORY BOARD (CAAB)  
(3 years – up to 5 consecutive years, 10 maximum for elected/confirmed members)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Pamela Abston (Appointed 8/04-2/08 by Hudgins) Term exp. 2/11	Hunter Mill District Representative		Hudgins	Hunter Mill
Jim Edwards-Hewitt (Appointed 10/05-2/08 by Gross) Term exp. 2/11	Mason District Representative		Gross	Mason

**ENGINEERING STANDARDS REVIEW COMMITTEE (3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
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**CONFIRMATION NEEDED:**

Ms. Jean Packard as the League of Women Voters Representative

**FAIRFAX AREA DISABILITY SERVICES BOARD**  
**(3 years- limited to 2 full consecutive terms per MOU, after initial term)**  
 [NOTE: Persons may be reappointed after being off for 3 years. State Code requires that membership in the local disabilities board include at least 30 percent representation by individuals with physical, visual or hearing disabilities or their family members. For this 15-member board, the minimum number of representation would be 5.]

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Thomas Choman (Appointed 5/02 by Hanley; 11/04-1/08 by Connolly) Term exp. 11/10	At-Large Fairfax County Representative		By Any Supervisor	At-Large
Ann Pimley (Appointed 9/03&11/06 by Frey) Term exp. 11/09 <i>Not eligible for reappointment (need 3 year lapse)</i>	Sully District Representative		Frey	Sully

**GEOTECHNICAL REVIEW BOARD (3 years)**

**CONFIRMATIONS NEEDED:**

- Mr. Shaz Moosa, P.E., as the Primary #3 Representative

**HEALTH SYSTEMS AGENCY BOARD  
(3 years - limited to 2 full terms, may be reappointed after 1 year lapse)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Sarah A. John (Appointed 6/04&6/07 by Smyth) Term exp. 6/10 <i>Not eligible for reappointment (need 1 year lapse)</i>	Consumer #4 Representative		By Any Supervisor	At-Large

**HUMAN SERVICES COUNCIL (4 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Henry B. Latimer; appointed 5/97 by Dix; 7/00-9/08 by Hudgins) Term exp. 7/12 <i>Resigned</i>	Hunter Mill District Representative		Hudgins	Hunter Mill

**JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL**  
(2 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Michael McClanahan (Appointed 12/05-1/07 by Connolly; 2/09 by Bulova) Term exp. 1/11	At-Large Chairman's Representative		Bulova	At-Large Chairman's
VACANT (Formerly held by Melissa Smarr; appointed 6/06&1/08 by Smyth) Term exp. 1/10 <i>Resigned</i>	Providence District Representative		Smyth	Providence

**LAUREL HILL PROJECT ADVISORY CITIZEN OVERSIGHT COMMITTEE**  
(3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Timothy Sargeant (Appointed 2/05-2/08 by Hyland) Term exp. 2/11	At-Large #1 Representative		By Any Supervisor	At-Large
Douglas Wrenn (Appointed 2/05-2/08 by Hyland) Term exp. 2/11	At-Large #2 Representative		By Any Supervisor	At-Large
Robert Cosgriff (Appointed 2/05-2/08 by Hyland) Term exp. 2/11	At-Large #3 Representative		By Any Supervisor	At-Large

**SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL  
(2 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Patrick Kane; appointed 3/07-3/09 by Hudgins) Term exp. 3/12 <i>Resigned</i>	Fairfax County #7 Representative		By Any Supervisor	At-Large

**TENANT LANDLORD COMMISSION (3 years)**

[NOTE: Per County Code Section 12-2-1, each member of this commission must be a County resident. Tenant Members: shall be a person who, prior to the time of his/her appointment, and throughout his/her term, shall be the lessee of and reside in a dwelling unit. Landlord Members: shall be a person who owns and leases, or serves as a manager for four (4) or more leased dwelling units in Fairfax County or is employed by a real estate management firm that manages more than four (4) rental units. Citizen Members: shall be anyone who is neither a lessee nor lessor of any dwelling unit in Fairfax County.]

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Michael McEnearney (Appointed 10/09 by Foust) Term exp. 1/11	Landlord Member #3 Representative	<b>Michael McEnearney</b> (Foust)	By Any Supervisor	At-Large
VACANT (Formerly held by Mark Thomas; appointed 5/09 by Bulova) Term exp. 1/12 <i>Resigned</i>	Tenant Member #1 Representative		By Any Supervisor	At-Large
Evelyn McRae (Appointed 6/98-8/01 by Hanley; 12/04-1/08 by Connolly) Term exp. 1/11	Tenant Member #2 Representative		By Any Supervisor	At-Large

**TRAILS AND SIDEWALKS COMMITTEE (2 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Kala Quintana; appointed 10/09-1/10 by Bulova) Term exp. 1/12 <i>Resigned</i>	At-Large Chairman's Representative		Bulova	At-Large Chairman's
VACANT (Formerly held by R. Douglas Pew; appointed 6/08-1/10 by Hudgins) Term exp. 1/12 <i>Resigned</i>	Hunter Mill District Representative		Hudgins	Hunter Mill

**TREE COMMISSION (3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Stacey Evers (Appointed 3/08 by Gross) Term exp. 10/10	Mason District Representative		Gross	Mason

**CONFIRMATION NEEDED:**

- Mr. Jim McGlone as the Virginia Department of Forestry Representative

Board Agenda Item  
February 22, 2011

11:45 a.m.

Items Presented by the County Executive

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ADMINISTRATIVE – 1

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

ISSUE:

Board authorization is needed to advertise a public hearing for the purpose of amending the County's sewer ordinance. As shown in the proposed advertisements provided in Attachments Ia, Ib, and Ic, the sewer ordinance is being amended to revise Sewer Service Charges, Availability Charges and Connection Charges to be consistent with the Board's decision on funding of the Extension and Improvement Program and the Wastewater Management Program's "Revenue Sufficiency and Rate Analysis" (the Rate Study) for the Sewer System, prepared in cooperation with its consultant, Public Resources Management Group, Inc. (PRMG). The effects of these revisions are as follows:

1. To establish the Sewer Service rates for FY 2011 through FY 2015
2. To establish the Base Charge rates for FY 2011 through FY 2015
3. To establish the Availability Charges for FY 2011 through FY 2015
4. To maintain a five-year (FY 2011 - FY 2015) sewer rate schedule; FY 2010 rates will be deleted, and new FY 2015 rates will be added
5. To adjust Connection Charges to assist in funding of the County's Extension and Improvement Program for extension of sanitary sewers to properties with failed onsite sewage disposal systems within the Approved Sewer Service Area

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

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

**PROPOSED SEWER SERVICE CHARGE RATE SCHEDULE**

<u>FY 2011</u>	<u>FY 2012</u>	<u>FY 2013</u>	<u>FY 2014</u>	<u>FY 2015</u>
\$5.27	\$6.01 (\$6.17)	\$6.85(\$7.03)	\$7.52 (\$7.72)	\$7.97

Sewer service charge rates are increasing as debt and capital expenses rise in anticipation of construction of additional treatment facilities to meet more stringent

nitrogen removal requirements imposed by the state as a result of "Chesapeake 2000" Agreement. Signatories to the Agreement besides the state of Virginia include the States of Maryland and Pennsylvania, the District of Columbia, the United States Environmental Protection Agency (USEPA), and the Chesapeake Bay Commission.

The proposed Sewer Service Charge rate increase is 3% less than previously proposed rate increase based on cost saving initiatives and operating efficiencies implemented in FY 2009 and FY 2010. Operational cost savings and efficiencies included: electricity savings based on lower than anticipated fuel factor rates and a reduction in kilowatt usage; sewage treatment supply savings associated with a reduction in the unit price for petroleum based chemicals used in the treatment of wastewater and a change to less expensive chemicals; lower treatment by contract costs based on reduced operating costs at neighboring jurisdictions; as well as lower fuel costs, vehicle replacement costs and repair and maintenance requirements. The Department of Public Works and Environmental Services (DPWES) continues to review efficiencies and monitor usage.

The revised, five-year rate schedule for the Base Charge per bill, with previously adopted rates in parentheses, is as follows:

**PROPOSED BASE CHARGE RATE SCHEDULE**

<u>FY 2011</u>	<u>FY 2012</u>	<u>FY 2013</u>	<u>FY 2014</u>	<u>FY 2015</u>
\$5.00	\$5.00 (\$5.00)	\$5.00 (\$5.00)	\$5.00 (\$5.00)	\$5.00

There is no change to the Base Charge during the forecasted period. The County is currently considering increasing the amount of fixed costs recovered, which would result in an increase in the base charge and a corresponding decrease in the volumetric rate (sewer service charge rate). It is anticipated that the County's consideration will be incorporated into the rate recommendations beginning in FY 2013 or later.

**PROPOSED CONNECTION CHARGE RATE**

In order to assist in the funding for the Extension and Improvement Program an increase in the Connection Charges from \$6.00 per foot to \$152.50 per foot is being recommended as described below:

(1) For residential and community uses: The connection charge will be \$152.50 per front foot of premises (with a minimum of \$7,625 and a maximum of \$15,250) for the connection of single-family detached and attached dwellings, churches, schools, fire stations, community centers or other such similar community uses to the Facilities of the County.

(A) The above Connection Charges will go in effect starting July 1, 2011 for all

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Facilities of the County constructed after July 1, 2011. During the period of July 1, 2011 through June 30, 2012 Connection Charges for connections to Facilities of the County constructed prior to July 1, 2011 will be \$6.00 per front foot of premises (with a minimum of \$300.00 and a maximum of \$600.00). Beginning July 1, 2012 all connections to all Facilities of the County will be assessed the Connection Charges in (1) above.

(B) Connection Charges for connection to the Facilities of the County in the County's Extension and Improvement (E&I) Program that are under design for construction at the time the above Connection Charges are adopted (i.e. April 26, 2011) will be \$6.00 per front foot of premises (with a minimum of \$300.00 and a maximum of \$600.00) provided all of the following conditions are met:

- (i) property owners in the E&I project area agree to grant all required easements within 4 months of the adoption date (i.e. no later than August 25, 2011) of the proposed Connection Charges
- (ii) 50% of the property owners in the E&I project area pay the required Availability Charges within 4 months of the adoption date (i.e. no later than August 25, 2011) of the proposed Connection Charges
- (iii) connections to the Facilities of the County are made by no later than June 30, 2012, or within 30 days of completion of the construction of the E&I project, whichever comes last.

(2) For all other uses: The Connection Charge will be \$152.50 per front foot of premises (with a minimum charge of \$15,250) for the connection of all other uses to the Facilities of the County.

(3) The connection charges established and imposed above shall not apply to premises to be connected to the Facilities of the County if such Facilities of the County are constructed totally at private expense.

(4) For the purposes of this amendment to the Connection Charges, front foot of premises will be determined by measuring the frontage of the premises located on the street address side of the premises.

The revised, five-year rate schedule for the Availability Charge for a single-family

residence, with previously adopted rates in parentheses, is as follows:

**PROPOSED AVAILABILITY CHARGE RATE SCHEDULE**

<u>FY 2011</u>	<u>FY 2012</u>	<u>FY 2013</u>	<u>FY 2014</u>	<u>FY 2015</u>
\$7,750	\$7,750 (\$7,750)	\$7,750 (\$7,750)	\$7,750 (\$7,750)	\$7,750

The County is reviewing the calculation of the Availability Charge; these fees will be adjusted based upon the results of this review in the FY 2013 or later.

Availability Charges for all nonresidential uses will be computed as the number of fixture units (including roughed-in fixture units) in accordance with Part I of the current Virginia Uniform Statewide Building Code, Section 101.2, Note 1, which incorporates by reference the 2006 International Plumbing Code (Chapter 7, Section 709), times the fixture unit rate with a minimum charge equivalent to one (1) single family detached dwelling per premises.

**RECOMMENDATION:**

The County Executive recommends that the Board authorize three separate sewer rate advertisements, one for Sewer Service Charges including the Base Charges, another for Availability Charges, and another for Connection Charges as proposed in Attachments Ia, Ib and Ic.

**TIMING:**

Action must be taken on February 22, 2011, to provide adequate notice of a public hearing for comments on the proposed sewer rate revisions. The public hearing will be held on March 29, 2011 at 3:00 p.m. Decision on the sewer rate revisions will coincide with the markup and adoption of the FY 2012 Advertised Budget Plan. FY 2012 the new charges will become effective on July 1, 2011, as outlined above.

**BACKGROUND:**

In January 2011, the Wastewater Management Program and PRMG completed the Rate Study. Minimum fund balances or “reserves” are maintained to comply with bond requirements and to fund major capital expenditures such as the addition of nitrogen removal facilities at wastewater treatment plants. It is anticipated that desired reserve levels can be maintained under the proposed ordinance amendment (Attachment II).

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A forecasted, four-year rate schedule (FY 2012 - FY 2015) is recommended for the County's Sewer Service Charge (see Staff Report, Attachment III). The Sewer Service

Charge is based on the volume of water used by a sewer customer and is billed quarterly to offset the operations, maintenance, debt, and capital costs allocated to "existing customers." The table below shows the rate increase for the forecasted period.

Fiscal Year	Base Charge \$/Quarterly Billing	Service Charge (\$/1,000 gallons)	Annual Bill (\$)	Increase, \$ (% Increase)
2011	\$5.00	\$5.27 (17.1%)	\$420.52	\$58.52 (13.9%)
2012	\$5.00	\$6.01 (14.0%)	\$476.76	\$56.24 (11.8%)
2013	\$5.00	\$6.85 (13.9%)	\$540.60	\$63.84 (11.8%)
2014	\$5.00	\$7.52 (9.8%)	\$591.52	\$50.92 (8.6%)
2015	\$5.00	\$7.97 (6.0%)	\$625.72	\$34.20 (5.5%)

The rate increases will provide for inflation and the cost of constructing nitrogen removal facilities at wastewater treatment plants to comply with new discharge requirements imposed by the state and the Chesapeake Bay Program. These rate increases are consistent with this year's Rate Study recommendations.

A four-year rate schedule is proposed for the Availability Charges and commercial fixture unit rates. Availability Charges are one-time "tap fees" paid by sewer customers to connect to the system. The revenue from Availability Charges is used to offset the costs of expanding major treatment facilities. The FY 2012 through FY 2015 rate will be held equal to FY 2011 rates pending a pricing analysis planned later this year.

The County's Sewer Service Charges and Availability Charges remain very competitive on a local basis. Below are average annual sewer service billings and Availability Charges per Single Family Residential Equivalent (SFRE) for Fairfax County compared to other regional jurisdictions, as of January 2011 (FY 2011). Average sewer service billings for the other regional jurisdictions have been developed by applying each jurisdiction's sewer service rate to appropriate SFRE water usage determined from Fairfax Water's average water usage for SFREs.

**Comparison of Average Service Charges and Availability Charges for SFREs**  
\*Based on 19,000 gallons per quarter for all jurisdictions

<b>Jurisdiction*</b>	<b>Average Annual Sewer Service Billing</b>	<b>Sewer Availability Fees</b>
<b>Fairfax County</b>	<b>\$ 421</b>	<b>\$ 7,750</b>
<b>Loudoun Water</b>	<b>326</b>	<b>7,120</b>
<b>WSSC</b>	<b>447</b>	<b>3,500</b>
<b>DCWASA</b>	<b>480</b>	<b>----</b>
<b>Prince William County</b>	<b>529</b>	<b>9,900</b>
<b>City of Alexandria</b>	<b>633</b>	<b>7,937</b>
<b>Arlington County</b>	<b>626</b>	<b>4,732</b>

At the Board of Supervisors Environmental Committee of January 18, 2011, the Board directed staff to adjust the Connection Charges such that the future cost of the E&I Program is shared equally between the County's Sewer Fund and the property owners seeking public sewer service. According to the E&I Program, this cost share will be for extension of sewer in the Approved Sewer Service Area to those properties with failed onsite sewage disposal systems. Based on the historical cost of the E&I Program, the extension of sewers cost an average of \$46,000 per property in an E&I project area. This means the property owners' responsibility will be an average of \$23,000 per property. The current Availability Charge paid by property owners for connecting to the County's sewer system is \$7,750. This reduces the property owners' share to \$15,250. Since most if not all properties in E&I project areas have at least a 100-foot frontage, the charge per front footage is \$152.50. Payment of Connection Charges is required in full prior to connection of a property to the County's Sewer system.

In addition, the Board directed staff to allow a one year grace period for all the properties wishing to connect to the County's facilities to pay the current Connection Charge of \$6 per front footage. Also the Board directed staff to continue funding of the E&I projects that are under design as of the adoption date of the proposed Connection Charges provided 1) the property owners agree to grant all necessary easements within four months from the adoption date of the proposed Connection Charges, 2) 50% of the property owners in an E&I project area pay all required Availability Charges within four months from the adoption date of the proposed Connection Charges, and 3) connections to the sewer system are made by no later than June 30, 2012, or within 30 days of completion of the E&I project, whichever comes last.

Board Agenda Item  
February 22, 2011

FISCAL IMPACT:

In FY 2012, assuming a typical water usage per household of 19,000 gallons/quarter (or 76,000 gallons/year) and a \$5 quarterly billing charge (or \$20 per year), the average homeowner's sewer bill will be approximately \$477 per year, which is an increase of \$56.24 over the FY 2011 sewer bill. In FY 2012, approximately \$17.6 million in additional Sewer Service Charge revenues will be generated with the Sewer Service Charge increase. Revenues from the collection of Sewer Service Charges, Base Charges, and Availability Charges are recorded in Fund 400, Sewer Revenue Fund.

The fiscal impacts of the proposed Connection Charges will be closely monitored to assure compliance with the Board's direction to equally share the cost of the E&I program between the County's Sewer Fund and the property owners connecting to the County's sewer system. It is anticipated that the Connection Charges will generate an average of \$1.5 M per year based on an annual budget of \$3M for the E&I Program.

ENCLOSED DOCUMENTS:

Attachment Ia, Ib, and Ic - Proposed Public Hearing Advertisements

Attachment II - The Proposed Amendment to Article 67.1-10 (Charges), Section 2 of the Code of the County of Fairfax

Attachment III - Staff report prepared by the Department of Public Works and Environmental Services (Copies of PRMG's "Revenue Sufficiency and Rate Analysis" are available upon request)

STAFF:

Robert A. Stalzer, Deputy County Executive

James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)

Randy Bartlett, Deputy Director, DPWES

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

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**FAIRFAX COUNTY NOTICE OF PROPOSED  
SEWER SERVICE CHARGE - RATE REVISIONS**

**NOTICE** is hereby given that the Fairfax County Board of Supervisors will hold a **PUBLIC HEARING** on:

**Tuesday  
March 29, 2011  
commencing at 3:00 p.m.**

in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on the matter of an amendment to Chapter 67.1 of the Fairfax County Code (Sanitary Sewers and Sewage Disposal), Article 10 (Charges), Section 2. Pursuant to the authority of the Virginia Code, Title 15.2., Chapter 21 (including, without limitation, Sections 15.2 - 2111, 2119, and 2122), the Board of Supervisors of Fairfax County, Virginia, proposes to amend Section 67.1-10-2 of the Fairfax County Code to change all references to the unit cost of sewer service and the base charge as follows:

**SEWER SERVICE CHARGE**

Cost (\$) per 1,000 gallons of water used  
Proposed New and Revised Rates in Bold

	Current Rate				\---- New ----/ FY 2015
	FY 2011	FY 2012	FY 2013	FY 2014	
Sewer Service Charge	\$5.27	\$6.01	\$6.85	\$7.52	<b>\$7.97</b>

**BASE CHARGE**

Cost (\$) per Quarterly Bill  
Proposed New Rates in Bold

	Current Rate				\---- New ----/ FY 2015
	FY 2011	FY 2012	FY 2013	FY 2014	
Sewer Service Charge	\$5.00	\$5.00	\$5.00	\$5.00	<b>\$5.00</b>

Effective date: The rates will change on July 1st of each new fiscal year. For metered accounts, the change is effective with meter readings beginning that date. For unmetered accounts, the change is effective with billings beginning that date.

All persons wishing to present their views on these subjects may call the Office of the Clerk to the Board at 703-324-3151 to be placed on the Speakers List, or may appear and be heard. As required by law, copies of the full text of proposed ordinances, plans and amendments, as applicable, as well as information concerning the documentation for the proposed fee, levy, or increase, are on file and may be examined at the Office of the Clerk to the Board of Supervisors, Suite 533 of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia. For the convenience of the public, copies may also be distributed to the County's Regional and Community Public Libraries.

Fairfax County supports the Americans with Disabilities Act by making reasonable accommodations for persons with disabilities. Open captioning will be provided in the Board Auditorium. For sign language interpreters or other accommodations, please call the Clerk's Office, 703-324-3151, TTY: 703-324-3903 at least five days in advance of the public hearing. Assistive listening devices are available at the meeting.

**GIVEN** under my hand this 22<sup>nd</sup> day of February 2011.

\_\_\_\_\_  
Patti M. Hicks  
Chief Deputy Clerk to the Board of Supervisors

**Ad Run Dates: March 3 and 10, 2011**

**FAIRFAX COUNTY NOTICE OF PROPOSED  
SEWER AVAILABILITY CHARGES - RATE REVISIONS**

**NOTICE** is hereby given that the Fairfax County Board of Supervisors will hold a **PUBLIC HEARING** on:

**Tuesday  
March 29, 2011  
commencing at 3:00 p.m.**

in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on the matter of an amendment to Chapter 67.1 of the Fairfax County Code (Sanitary Sewers and Sewage Disposal), Article 10 (Charges), Section 2. Pursuant to the authority of the Virginia Code, Title 15.2., Chapter 21 (including, without limitation, Sections 15.2 - 2111, 2119, and 2122), the Board of Supervisors of Fairfax County, Virginia, proposes to amend Section 67.1-10-2 of the Fairfax County Code to revise the availability charge schedule for residential, commercial and all other users desiring to connect to the County sanitary sewer facilities as follows:

**AVAILABILITY CHARGES**

Cost (\$) per Unit

Proposed New and Revised Rates in Bold

	Current Rate FY 2011	FY 2012	FY 2013	FY 2014	\- New -/ FY2015
<b>Residential uses:</b>					
(a) Single Family Detached	\$7,750	\$7,750	\$7,750	\$7,750	<b>\$7,750</b>
(b) Lodging House, Hotel, Inn, or Tourist Cabin	7,750	7,750	7,750	7,750	<b>7,750</b>
(c) Townhouse	6,200	6,200	6,200	6,200	<b>6,200</b>
(d) Apartment	6,200	6,200	6,200	6,200	<b>6,200</b>
(e) Mobile Home	6,200	6,200	6,200	6,200	<b>6,200</b>
(f) Any other residential dwelling unit	6,200	6,200	6,200	6,200	<b>6,200</b>
(g) Hotel, Motel, or Dormitory rental unit	1,938	1,938	1,938	1,938	<b>1,938</b>

All availability fees paid after February 24, 1976 will be updated by or refunded without interest to current property owners whose properties have not been connected to public sewer within five (5) years of the initial date of payment or any subsequent payment update(s).

	Current Rate FY 2011	FY 2012	FY 2013	FY 2014	\- New -/ FY 2015
<b>Commercial and all other uses:</b>					
Fixture unit rate	\$401	\$ 401	\$ 401	\$401	<b>\$ 401</b>

The availability charge for all nonresidential uses will be computed as the number of fixture units in accordance with the current Virginia Uniform Statewide Building Code (which incorporates by reference the 2006 International Plumbing Code, Chapter 7, Section 709) times the fixture unit rate with a minimum charge equivalent to one (1) single family detached dwelling per premises.

Effective date: The rates will change on July 1st of each new fiscal year.

All persons wishing to present their views on these subjects may call the Office of the Clerk to the Board at 703-324-3151 to be placed on the Speakers List, or may appear and be heard. As required by law, copies of the full text of proposed ordinances, plans and amendments, as applicable, as well as information concerning the documentation for the proposed fee, levy, or increase, are on file and may be examined at the Office of the Clerk to the Board of Supervisors, Suite 533 of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia. For the convenience of the public, copies may also be distributed to the County's Regional and Community Public Libraries.

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listening devices are available at the meeting.

**GIVEN** under my hand this 22<sup>nd</sup> day of February 2011.

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Patti M. Hicks  
Chief Deputy Clerk to the Board of Supervisors

**Ad Run Dates: March 3 and 10, 2011**

**FAIRFAX COUNTY NOTICE OF PROPOSED  
SEWER CONNECTION CHARGES - RATE REVISIONS**

NOTICE is hereby given that the Fairfax County Board of Supervisors will hold a **PUBLIC HEARING** on:

**Tuesday  
March 29, 2011  
commencing at 3:00 p.m.**

in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on the matter of an amendment to Chapter 67.1 of the Fairfax County Code (Sanitary Sewers and Sewage Disposal), Article 10 (Charges), Section 2. Pursuant to the authority of the Virginia Code, Title 15.2., Chapter 21 (including, without limitation, Sections 15.2 - 2111, 2119, and 2122), the Board of Supervisors of Fairfax County, Virginia, proposes to amend Section 67.1-10-2 of the Fairfax County Code to revise the connection charges for residential, commercial and all other users desiring to connect to the County sanitary sewer facilities as follows:

**CONNECTION CHARGES**

The connection charges established and imposed above shall not apply to premises to be connected to the Facilities of the County if such Facilities of the County are constructed totally at private expense.

Current Connection Charges			
Residential	\$6.00 per foot	Minimum \$300.00	Maximum \$600.00
Commercial	\$6.00 per foot	Minimum \$600.00	No Maximum
Proposed Connection Charge (Extension and Improvement Program)			
<b>Residential</b>	<b>\$152.50 per foot</b>	<b>Minimum \$7,625.00</b>	<b>Maximum \$15,250</b>
<b>Commercial</b>	<b>\$152.50 per foot</b>	<b>Minimum \$15,250.00</b>	<b>No Maximum</b>

In order to assist in the funding for Extension and Improvement Program an increase in the Connection Charges from \$6.00 per foot to \$152.50 per foot is being recommended as described below:

(1) For residential and community uses: The connection charge will be \$152.50 per front foot of premises (with a minimum of \$7,625 and a maximum of \$15,250.00 for the connection of single-family detached and attached dwellings, churches, schools, fire stations, community centers or other such similar community uses to the Facilities of the County.

- (A) The above Connection Charges will go in effect starting July 1, 2011 for all Facilities of the County constructed after July 1, 2011. During the period of July 1, 2011 through June 30, 2012 Connection Charges for connections to Facilities of the County constructed prior to July 1, 2011 will be \$6.00 per front foot of premises (with a minimum of \$300.00 and a maximum of \$600.00). Beginning July 1, 2012 all connections to all Facilities of the County will be assessed the Connection Charges in (1) above.
- (B) Connection Charges for connection to the Facilities of the County in the County's Extension and Improvement (E&I) Program that are under design for construction at the time the above Connection Charges are adopted (i.e. April 26, 2011) will be \$6.00 per front foot of premises (with a minimum of \$300.00 and a maximum of \$600.00) provided all of the following conditions are met:
- (i) property owners in the E&I project area agree to grant all required easements within 4 months of the adoption date (i.e. no later than August 25, 2011) of the proposed Connection Charges
  - (ii) 50% of the property owners in the E&I project area pay the required Availability Charges within 4 months of the adoption date (i.e. no later than August 25, 2011) of the proposed Connection Charges
  - (iii) connections to the Facilities of the County are made no later than June 30, 2012, or within 30 days of completion of the construction of the E&I project, whichever comes last.

(2) For all other uses: The Connection Charge will be \$152.50 per front foot of premises (with a minimum charge of \$15,250.00 for the connection of all other uses to the Facilities of the County.

(3) The connection charges established and imposed above shall not apply to premises to be connected to the Facilities of the County if such Facilities of the County are constructed totally at private expense.

(4) For the purposes of this amendment to the Connection Charges, front foot of premises will be determined by measuring the frontage of the premises located on the street address side of the premises.

Effective date: The rates will change on July 1st of each new fiscal year.

All persons wishing to present their views on these subjects may call the Office of the Clerk to the Board at 703-324-3151 to be placed on the Speakers List, or may appear and be heard. As required by law, copies of the full text of proposed ordinances, plans and amendments, as applicable, as well as information concerning the documentation for the proposed fee, levy, or increase, are on file and may be examined at the Office of the Clerk to the Board of Supervisors, Suite 533 of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia. For the convenience of the public, copies may also be distributed to the County's Regional and Community Public Libraries.

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**GIVEN** under my hand this 22<sup>nd</sup> day of February 2011.

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Patti M. Hicks  
Chief Deputy Clerk to the Board of Supervisors

**Ad Run Dates: March 3 and 10, 2011**

**Proposed Amendment**  
**ARTICLE 10.**  
**Charges.**

**Attachment II**

**Section 67.1-10-2. Availability, Connection, Lateral Spur and Service Charges.**

(a) *Availability Charges.*

(1) Residential uses: The following schedule of availability charges for residential uses desiring to connect to the Facilities of the County is hereby established and imposed:

		<i>Fiscal Year (July 1-June 30)</i>					
	Customer Class	<u>FY 2010</u>	FY 2011	FY 2012	FY 2013	FY 2014	<u>FY 2015</u>
(A)	Single Family Detached	<del>\$7,310</del>	\$7,750	\$7,750	\$7,750	\$7,750	<u>\$7,750</u>
(B)	Lodging House, Hotel, Inn or Tourist Cabin	<del>7,310</del>	7,750	7,750	7,750	7,750	<u>7,750</u>
(C)	Townhouse	<del>5,848</del>	6,200	6,200	6,200	6,200	<u>6,200</u>
(D)	Apartment	<del>5,848</del>	6,200	6,200	6,200	6,200	<u>6,200</u>
(E)	Mobile Home	<del>5,848</del>	6,200	6,200	6,200	6,200	<u>6,200</u>
(F)	Any other residential dwelling unit	<del>5,848</del>	6,200	6,200	6,200	6,200	<u>6,200</u>
(G)	Hotel, Motel, or Dormitory rental unit	<del>1,827</del>	1,938	1,938	1,938	1,938	<u>1,938</u>

All availability fees paid after February 24, 1976, will be updated by or refunded without interest to the current property owners whose properties have not been connected to public sewer within five (5) years of the initial date of payment or any subsequent payment update(s). (See Section 10-5(d), "Refunds and Updates".)

(2) *Commercial and all other uses:* The following schedule of fixture unit rates for computing availability charges for all nonresidential uses is hereby established and imposed:

		<i>Fiscal Year (July 1-June 30)</i>					
		<u>FY 2010</u>	FY 2011	FY 2012	FY 2013	FY 2014	<u>FY 2015</u>
	Fixture unit rate	<u>\$378</u>	\$401	\$401	\$401	\$401	<u>\$401</u>

The availability charge will be computed as the number of fixture units (including roughed-in fixture units) in accordance with Part I of the current Virginia Uniform Statewide Building Code (as amended), Section 101.2, Note 1, which incorporates by reference the 2006 International Plumbing Code (Chapter 7, Section 709) ("VUSBC"), times the fixture unit rate with a minimum charge equivalent to one (1) single-family detached dwelling per premises. For Significant Industrial Users with wastewater discharge permits authorizing discharge into the Integrated Sewer System and other industrial or commercial Users determined by the Director to have processes generating significant wastewater flows, the availability fee will be calculated on the basis of equivalent units. One equivalent unit is equal to 370 gallons per day and rated equal to one (1) single-family detached dwelling unit. Therefore, the availability charge for Significant Industrial Users and other industrial or commercial Users determined by the Director to have

processes generating significant flow will be equal to the current rate for a single family detached dwelling unit times the number of equivalent units associated with the permitted flow. The number of equivalent units is equal to the permitted or projected flow in gallons per day divided by 370 gallons per day. Fixture unit counts, for Users having fixtures discharging continuously or semi-continuously to drainage system leading to the County sanitary sewer facilities, shall be increased by two (2) fixture units for each gallon per minute of such continuous or semi-continuous discharge. The rate of such discharge shall be deemed to be that rate certified by the manufacturer of the fixture or other equipment, or such other rates as the Director shall determine.

(3) *Effective date:* The rate will change on July 1st of each new fiscal year. The rate applicable to each fiscal year is subject to annual review by the Board of Supervisors.

(b) *Connection Charges:*

(1) *Residential and community uses:* There is hereby established and imposed a connection charge of ~~Six Dollars (\$6.00) per front foot of premises (with a minimum of Three Hundred Dollars (\$300.00) and a maximum of Six Hundred Dollars (\$600.00))~~ One Hundred Fifty-two and a Half Dollars (\$152.50) per front foot of premises (with a minimum of Seven Thousand Six Hundred Twenty-five Dollars (\$7,625) and a maximum of Fifteen Thousand Two Hundred Fifty Dollars (\$15,250) for the connection of single-family detached and attached dwellings, churches, schools, fire stations, community centers or other such similar community uses to the Facilities of the County.

(A) The above Connection Charges will go in effect starting July 1, 2011 for all Facilities of the County constructed after July 1, 2011. During the period of July 1, 2011 through June 30, 2012 Connection Charges for connections to Facilities of the County constructed prior to July 1, 2011 will be Six Dollars (\$6.00) per front foot of premises (with a minimum of Three Hundred Dollars (\$300.00) and a maximum of Six Hundred Dollars (\$600.00)). Beginning July 1, 2012 all connections to all Facilities of the County will be assessed the Connection Charges in **Section 67.1-10-2(b)(1)** above.

(B) Connection Charges for connection to the Facilities of the County in the County's Extension and Improvement (E&I) Program that are under design for construction at the time the Connection Charges in **Section 67.1-10-2(b)(1)** are adopted (i.e. April 26, 2011) will be Six Dollars (\$6.00) per front foot of premises (with a minimum of Three Hundred Dollars (\$300.00) and a maximum of Six Hundred Dollars (\$600.00)) provided all of the following conditions are met:

- (i) property owners in the E&I project area agree to grant all required easements within 4 months of the adoption date (i.e. no later than August 25, 2011) of Connection Charges in **Section 67.1-10-2(b)(1)**
- (ii) 50% of the property owners in the E&I project area pay the

required Availability Charges within 4 months of the adoption date (i.e. no later than August 25, 2011) of Connection Charges in Section 67.1-10-2(b)(1)

- (iii) connections to the Facilities of the County are made by no later than June 30, 2012, or within 30 days of completion of the construction of the E&I project, whichever comes last.

(2) *All other uses:* There is hereby established and imposed a connection charge of ~~Six Dollars (\$6.00)~~ One Hundred Fifty-two and a Half Dollars (\$152.50) per front foot of premises (with a minimum charge of ~~Six Hundred Dollars (\$600.00)~~ Fifteen Thousand Two Hundred Fifty Dollars (\$15,250)) for the connection of all other uses to the Facilities of the County.

(3) The connection charges established and imposed above shall not apply to premises to be connected to the Facilities of the County if such Facilities of the County are constructed totally at private expense.

(4) For the purposes of Section 67.1-10-2 (b), front foot of premises will be determined by measuring the frontage of the premises located on the street address side of the premises.

(c) *Lateral spur charges:* There is hereby established and imposed a lateral spur charge of Six Hundred Dollars (\$600.00) for the connection of all uses to a lateral spur, where such lateral spur has been installed by the County at the expense of Fairfax County.

(d) *Service charges:* There are hereby established and imposed the following quarterly sanitary sewer service charges:

	<i>Sewer Service Charges Fiscal Year (July 1 - June 30)</i>					
	<del>FY 2010</del>	FY 2011	FY 2012	FY 2013	FY 2014	<u>FY 2015</u>
Sewer Service Charge, \$/1,000 gallons	<del>\$4.50</del>	\$5.27	<del>\$6.17</del> <u>\$6.01</u>	<del>\$7.03</del> <u>\$6.85</u>	<del>\$7.72</del> <u>\$7.52</u>	<u>\$7.97</u>

(1) *Effective date:* The rates will change on July 1st of each new fiscal year. For metered accounts, the change is effective with meter readings beginning that date. For unmetered accounts, the change is effective with billings beginning that date. Effective July 1, 2009, a Base Charge of \$5.00 per bill will be charged, in addition to the sewer service charge.

(2) *Premises having a metered water supply:*

(A) Single-family detached and single-family attached dwellings such as townhouses, duplexes, multiplexes,

semi-detached, rowhouses, garden court and patio houses with a separate water service line meter.

(B) All other uses.

For each one thousand (1,000) gallons of water, based on winter-quarter consumption or current quarterly consumption, as measured by the service line meter, whichever is lower, a charge equal to the effective unit cost rate (\$/1,000 gallons).

(C) All users.

For each one thousand (1,000) gallons of water as measured by the water service line, a charge equal to the effective unit cost rate (\$/1,000 gallons).

Base charge of \$5.00 per billing.

(D) The winter-quarter-maximum consumption is determined as follows:

(i) The quarterly-daily-average consumption of water is the consumption, measured by the water service line meter for the period between meter readings divided by the number of days elapsed between meter readings.

(ii) The quarterly consumption is 91.5 times the quarterly-daily-average consumption of water in leap years or 91.25 times the quarterly-daily-average consumption in non-leap years.

(iii) The winter quarterly consumption is the quarterly consumption determined at the water service line meter reading scheduled between February 1 and April 30. The winter-quarter-consumption of each respective year shall be applicable to the four (4) quarterly sewer billings rendered in conjunction with the regular meter reading scheduled after the next May.

(B) All other uses: The charge shall be based upon the number of fixture units and load factor in accordance with the VUSBC and Table I. There shall be an additional charge equal to the effective unit cost (\$/1,000 gallons) for the volume discharged by fixtures discharging continuously or semi-continuously. Volume of continuous or semi-continuous discharge shall be deemed to be that used in determining availability charge.

TABLE I.

Table of Fixture Units

Commercial automatic clothes washer (2" standpipe)	3
Bathroom group consisting of water closet, lavatory and bathtub or shower stall (Residential):	
Tank type closet	6
Bathtub (with or without overhead shower)	2
Combination sink-and-tray with food disposal unit	2
Combination sink-and-tray with 1 1/2" trap	2
Dental unit or cuspidor	1
Dental lavatory	1
Drinking fountain	1/2
Dishwasher, domestic	2
Floor drains with 2" waste	2
Kitchen sink, domestic, with one 1 1/2" waste	2
Kitchen sink, domestic, with food waste grinder and/or dishwasher	2
Lavatory with 1 1/4" waste	1
Laundry tray (1 or 2 compartments)	2
Shower stall	2
Sinks:	
Surgeon's	3
Flushing rim (with valve)	6
Service (trap standard)	3
Service (P trap)	2
Pot, scullery, etc.	4
Urinal, pedestal, syphon jet blowout	6
Urinal, wall lip	4
Urinal stall, washout	4
Urinal trough (each 6-ft. section)	2
Wash sink (circular or multiple) each set of faucets	2
Water closet, tank-operated	4
Water closet, valve-operated	6
Fixture drain or trap size:	
1 1/4 inches and smaller	1
1 1/2 inches	2
2 inches	3
2 1/2 inches	4
3 inches	5
4 inches	6

TABLE II.

*Fixture Units and Load Factors for All Other Premises*

*Quarterly Service ~~and Base~~ Charges  
Fiscal Year (July 1 - June 30)*

<i>Fixture Units</i>	<i>Load Factor</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>
20 or less	1.00	<del>\$117.50</del>	\$131.75	<u>\$150.25</u>	<u>\$171.25</u>	<u>\$188.00</u>	<u>\$199.25</u>
21 to 30	1.25	<del>145.63</del>	164.69	<u>187.81</u>	<u>214.06</u>	<u>235.00</u>	<u>249.06</u>
31 to 40	1.45	<del>168.13</del>	191.04	<u>217.86</u>	<u>248.31</u>	<u>272.60</u>	<u>288.91</u>
41 to 50	1.60	<del>185.00</del>	210.80	<u>240.40</u>	<u>274.00</u>	<u>300.80</u>	<u>318.80</u>
51 to 60	1.75	<del>201.88</del>	230.56	<u>262.94</u>	<u>299.69</u>	<u>329.00</u>	<u>348.69</u>
61 to 70	1.90	<del>218.75</del>	250.33	<u>285.48</u>	<u>325.38</u>	<u>357.20</u>	<u>378.58</u>
71 to 80	2.05	<del>235.63</del>	270.09	<u>308.01</u>	<u>351.06</u>	<u>385.40</u>	<u>408.46</u>
81 to 90	2.20	<del>252.50</del>	289.85	<u>330.55</u>	<u>376.75</u>	<u>413.60</u>	<u>438.35</u>
91 to 100	2.30	<del>263.75</del>	303.03	<u>345.58</u>	<u>393.88</u>	<u>432.40</u>	<u>458.28</u>
101 to 110	2.40	<del>275.00</del>	316.20	<u>360.60</u>	<u>411.00</u>	<u>451.20</u>	<u>478.20</u>
111 to 120	2.55	<del>291.88</del>	335.96	<u>383.14</u>	<u>436.69</u>	<u>479.40</u>	<u>508.09</u>
121 to 130	2.65	<del>303.13</del>	349.14	<u>398.16</u>	<u>453.81</u>	<u>498.20</u>	<u>528.01</u>
131 to 140	2.75	<del>314.38</del>	362.31	<u>413.19</u>	<u>470.94</u>	<u>517.00</u>	<u>547.94</u>
141 to 150	2.85	<del>325.63</del>	375.49	<u>428.21</u>	<u>488.06</u>	<u>535.80</u>	<u>567.86</u>
151 to 160	2.95	<del>336.88</del>	388.66	<u>443.24</u>	<u>505.19</u>	<u>554.60</u>	<u>587.79</u>
161 to 170	3.05	<del>348.13</del>	401.84	<u>458.26</u>	<u>522.31</u>	<u>573.40</u>	<u>607.71</u>
171 to 180	3.15	<del>359.38</del>	415.01	<u>473.29</u>	<u>539.44</u>	<u>592.20</u>	<u>627.64</u>
181 to 190	3.25	<del>370.63</del>	428.19	<u>488.31</u>	<u>556.56</u>	<u>611.00</u>	<u>647.56</u>
191 to 200	3.35	<del>381.88</del>	441.36	<u>503.34</u>	<u>573.69</u>	<u>629.80</u>	<u>667.49</u>
201 to 210	3.45	<del>393.13</del>	454.54	<u>518.36</u>	<u>590.81</u>	<u>648.60</u>	<u>687.41</u>
211 to 220	3.55	<del>404.38</del>	467.71	<u>533.39</u>	<u>607.94</u>	<u>667.40</u>	<u>707.34</u>
221 to 230	3.65	<del>415.63</del>	480.89	<u>548.41</u>	<u>625.06</u>	<u>686.20</u>	<u>727.26</u>
231 to 240	3.75	<del>426.88</del>	494.06	<u>563.44</u>	<u>642.19</u>	<u>705.00</u>	<u>747.19</u>
241 to 250	3.85	<del>438.13</del>	507.24	<u>578.46</u>	<u>659.31</u>	<u>723.80</u>	<u>767.11</u>
251 to 260	3.90	<del>443.75</del>	513.83	<u>585.98</u>	<u>667.88</u>	<u>733.20</u>	<u>777.08</u>
261 to 270	4.00	<del>455.00</del>	527.00	<u>601.00</u>	<u>685.00</u>	<u>752.00</u>	<u>797.00</u>
271 to 280	4.05	<del>460.63</del>	533.59	<u>608.51</u>	<u>693.56</u>	<u>761.40</u>	<u>806.96</u>
281 to 290	4.10	<del>466.25</del>	540.18	<u>616.03</u>	<u>702.13</u>	<u>770.80</u>	<u>816.93</u>
291 to 300	4.15	<del>471.88</del>	546.76	<u>623.54</u>	<u>710.69</u>	<u>780.20</u>	<u>826.89</u>
301 to 310	4.20	<del>477.50</del>	553.35	<u>631.05</u>	<u>719.25</u>	<u>789.60</u>	<u>836.85</u>
311 to 320	4.30	<del>488.75</del>	566.53	<u>646.08</u>	<u>736.38</u>	<u>808.40</u>	<u>856.78</u>
321 to 330	4.40	<del>500.00</del>	579.70	<u>661.10</u>	<u>753.50</u>	<u>827.20</u>	<u>876.70</u>
331 to 340	4.50	<del>511.25</del>	592.88	<u>676.13</u>	<u>770.63</u>	<u>846.00</u>	<u>896.63</u>

341 to 350	4.60	<del>522.50</del>	606.05	<u>691.15</u>	<u>787.75</u>	<u>864.80</u>	<u>916.55</u>
351 to 360	4.70	<del>533.75</del>	619.23	<u>706.18</u>	<u>804.88</u>	<u>883.60</u>	<u>936.48</u>
361 to 370	4.80	<del>545.00</del>	632.40	<u>721.20</u>	<u>822.00</u>	<u>902.40</u>	<u>956.40</u>
371 to 380	4.90	<del>556.25</del>	645.58	<u>736.23</u>	<u>839.13</u>	<u>921.20</u>	<u>976.33</u>
381 to 390	5.00	<del>567.50</del>	658.75	<u>751.25</u>	<u>856.25</u>	<u>940.00</u>	<u>996.25</u>
391 to 400	5.10	<del>578.75</del>	671.93	<u>766.28</u>	<u>873.38</u>	<u>958.80</u>	<u>1,016.18</u>
401 to 410	5.20	<del>590.00</del>	685.10	<u>781.30</u>	<u>890.50</u>	<u>977.60</u>	<u>1,036.10</u>
411 to 420	5.30	<del>601.25</del>	698.28	<u>796.33</u>	<u>907.63</u>	<u>996.40</u>	<u>1,056.03</u>
421 to 430	5.40	<del>612.50</del>	711.45	<u>811.35</u>	<u>924.75</u>	<u>1,015.20</u>	<u>1,075.95</u>
431 to 440	5.50	<del>623.75</del>	724.63	<u>826.38</u>	<u>941.88</u>	<u>1,034.00</u>	<u>1,095.88</u>
441 to 450	5.60	<del>635.00</del>	737.80	<u>841.40</u>	<u>959.00</u>	<u>1,052.80</u>	<u>1,115.80</u>
451 to 460	5.70	<del>646.25</del>	750.98	<u>856.43</u>	<u>976.13</u>	<u>1,071.60</u>	<u>1,135.73</u>
461 to 470	5.80	<del>657.50</del>	764.15	<u>871.45</u>	<u>993.25</u>	<u>1,090.40</u>	<u>1,155.65</u>
471 to 480	5.90	<del>668.75</del>	777.33	<u>886.48</u>	<u>1,010.38</u>	<u>1,109.20</u>	<u>1,175.58</u>
481 to 490	6.00	<del>680.00</del>	790.50	<u>901.50</u>	<u>1,027.50</u>	<u>1,128.00</u>	<u>1,195.50</u>
491 to 500	6.10	<del>691.25</del>	803.68	<u>916.53</u>	<u>1,044.63</u>	<u>1,146.80</u>	<u>1,215.43</u>
501 to 525	6.25	<del>708.13</del>	823.44	<u>939.06</u>	<u>1,070.31</u>	<u>1,175.00</u>	<u>1,245.31</u>
526 to 550	6.50	<del>736.25</del>	856.38	<u>976.63</u>	<u>1,113.13</u>	<u>1,222.00</u>	<u>1,295.13</u>
551 to 575	6.75	<del>764.38</del>	889.31	<u>1,014.19</u>	<u>1,155.94</u>	<u>1,269.00</u>	<u>1,344.94</u>
576 to 600	7.00	<del>792.50</del>	922.25	<u>1,051.75</u>	<u>1,198.75</u>	<u>1,316.00</u>	<u>1,394.75</u>
601 to 625	7.25	<del>820.63</del>	955.19	<u>1,089.31</u>	<u>1,241.56</u>	<u>1,363.00</u>	<u>1,444.56</u>
626 to 650	7.50	<del>848.75</del>	988.13	<u>1,126.88</u>	<u>1,284.38</u>	<u>1,410.00</u>	<u>1,494.38</u>
651 to 675	7.75	<del>876.88</del>	1,021.06	<u>1,164.44</u>	<u>1,327.19</u>	<u>1,457.00</u>	<u>1,544.19</u>
676 to 700	8.00	<del>905.00</del>	1,054.00	<u>1,202.00</u>	<u>1,370.00</u>	<u>1,504.00</u>	<u>1,594.00</u>
701 to 725	8.20	<del>927.50</del>	1,080.35	<u>1,232.05</u>	<u>1,404.25</u>	<u>1,541.60</u>	<u>1,633.85</u>
726 to 750	8.40	<del>950.00</del>	1,106.70	<u>1,262.10</u>	<u>1,438.50</u>	<u>1,579.20</u>	<u>1,673.70</u>
751 to 775	8.60	<del>972.50</del>	1,133.05	<u>1,292.15</u>	<u>1,472.75</u>	<u>1,616.80</u>	<u>1,713.55</u>
776 to 800	8.80	<del>995.00</del>	1,159.40	<u>1,322.20</u>	<u>1,507.00</u>	<u>1,654.40</u>	<u>1,753.40</u>
801 to 825	9.00	<del>1,017.50</del>	1,185.75	<u>1,352.25</u>	<u>1,541.25</u>	<u>1,692.00</u>	<u>1,793.25</u>
826 to 850	9.20	<del>1,040.00</del>	1,212.10	<u>1,382.30</u>	<u>1,575.50</u>	<u>1,729.60</u>	<u>1,833.10</u>
851 to 875	9.35	<del>1,056.88</del>	1,231.86	<u>1,404.84</u>	<u>1,601.19</u>	<u>1,757.80</u>	<u>1,862.99</u>
876 to 900	9.50	<del>1,073.75</del>	1,251.63	<u>1,427.38</u>	<u>1,626.88</u>	<u>1,786.00</u>	<u>1,892.88</u>
901 to 925	9.65	<del>1,090.63</del>	1,271.39	<u>1,449.91</u>	<u>1,652.56</u>	<u>1,814.20</u>	<u>1,922.76</u>
926 to 950	9.80	<del>1,107.50</del>	1,291.15	<u>1,472.45</u>	<u>1,678.25</u>	<u>1,842.40</u>	<u>1,952.65</u>
951 to 975	9.95	<del>1,124.38</del>	1,310.91	<u>1,494.99</u>	<u>1,703.94</u>	<u>1,870.60</u>	<u>1,982.54</u>
976 to 1,000	10.15	<del>1,146.88</del>	1,337.26	<u>1,525.04</u>	<u>1,738.19</u>	<u>1,908.20</u>	<u>2,022.39</u>
1,001 to 1,050	10.55	<del>1,191.88</del>	1,389.96	<u>1,585.14</u>	<u>1,806.69</u>	<u>1,983.40</u>	<u>2,102.09</u>
1,051 to 1,100	10.90	<del>1,231.25</del>	1,436.08	<u>1,637.73</u>	<u>1,866.63</u>	<u>2,049.20</u>	<u>2,171.83</u>

1,101 to 1,150	11.30	<del>1,276.25</del>	1,488.78	<u>1,697.83</u>	<u>1,935.13</u>	<u>2,124.40</u>	<u>2,251.53</u>
1,151 to 1,200	11.70	<del>1,321.25</del>	1,541.48	<u>1,757.93</u>	<u>2,003.63</u>	<u>2,199.60</u>	<u>2,331.23</u>
1,201 to 1,250	12.00	<del>1,355.00</del>	1,581.00	<u>1,803.00</u>	<u>2,055.00</u>	<u>2,256.00</u>	<u>2,391.00</u>
1,251 to 1,300	12.35	<del>1,394.38</del>	1,627.11	<u>1,855.59</u>	<u>2,114.94</u>	<u>2,321.80</u>	<u>2,460.74</u>
1,301 to 1,350	12.70	<del>1,433.75</del>	1,673.23	<u>1,908.18</u>	<u>2,174.88</u>	<u>2,387.60</u>	<u>2,530.48</u>
1,351 to 1,400	13.00	<del>1,467.50</del>	1,712.75	<u>1,953.25</u>	<u>2,226.25</u>	<u>2,444.00</u>	<u>2,590.25</u>
1,401 to 1,450	13.25	<del>1,495.63</del>	1,745.69	<u>1,990.81</u>	<u>2,269.06</u>	<u>2,491.00</u>	<u>2,640.06</u>
1,451 to 1,500	13.50	<del>1,523.75</del>	1,778.63	<u>2,028.38</u>	<u>2,311.88</u>	<u>2,538.00</u>	<u>2,689.88</u>
1,501 to 1,600	14.05	<del>1,585.63</del>	1,851.09	<u>2,111.01</u>	<u>2,406.06</u>	<u>2,641.40</u>	<u>2,799.46</u>
1,601 to 1,700	14.60	<del>1,647.50</del>	1,923.55	<u>2,193.65</u>	<u>2,500.25</u>	<u>2,744.80</u>	<u>2,909.05</u>
1,701 to 1,800	15.15	<del>1,709.38</del>	1,996.01	<u>2,276.29</u>	<u>2,594.44</u>	<u>2,848.20</u>	<u>3,018.64</u>
1,801 to 1,900	15.70	<del>1,771.25</del>	2,068.48	<u>2,358.93</u>	<u>2,688.63</u>	<u>2,951.60</u>	<u>3,128.23</u>
1,901 to 2,000	16.25	<del>1,833.13</del>	2,140.94	<u>2,441.56</u>	<u>2,782.81</u>	<u>3,055.00</u>	<u>3,237.81</u>
2,001 to 2,100	16.80	<del>1,895.00</del>	2,213.40	<u>2,524.20</u>	<u>2,877.00</u>	<u>3,158.40</u>	<u>3,347.40</u>
2,101 to 2,200	17.35	<del>1,956.88</del>	2,285.86	<u>2,606.84</u>	<u>2,971.19</u>	<u>3,261.80</u>	<u>3,456.99</u>
2,201 to 2,300	17.90	<del>2,018.75</del>	2,358.33	<u>2,689.48</u>	<u>3,065.38</u>	<u>3,365.20</u>	<u>3,566.58</u>
2,301 to 2,400	18.45	<del>2,080.63</del>	2,430.79	<u>2,772.11</u>	<u>3,159.56</u>	<u>3,468.60</u>	<u>3,676.16</u>
2,401 to 2,500	19.00	<del>2,142.50</del>	2,503.25	<u>2,854.75</u>	<u>3,253.75</u>	<u>3,572.00</u>	<u>3,785.75</u>
2,501 to 2,600	19.55	<del>2,204.38</del>	2,575.71	<u>2,937.39</u>	<u>3,347.94</u>	<u>3,675.40</u>	<u>3,895.34</u>
2,601 to 2,700	20.10	<del>2,266.25</del>	2,648.18	<u>3,020.03</u>	<u>3,442.13</u>	<u>3,778.80</u>	<u>4,004.93</u>
2,701 to 2,800	20.65	<del>2,328.13</del>	2,720.64	<u>3,102.66</u>	<u>3,536.31</u>	<u>3,882.20</u>	<u>4,114.51</u>
2,801 to 2,900	21.20	<del>2,390.00</del>	2,793.10	<u>3,185.30</u>	<u>3,630.50</u>	<u>3,985.60</u>	<u>4,224.10</u>
2,901 to 3,000	21.75	<del>2,451.88</del>	2,865.56	<u>3,267.94</u>	<u>3,724.69</u>	<u>4,089.00</u>	<u>4,333.69</u>
3,001 to 4,000	26.00	<del>2,930.00</del>	3,425.50	<u>3,906.50</u>	<u>4,452.50</u>	<u>4,888.00</u>	<u>5,180.50</u>
4,001 to 5,000	29.50	<del>3,323.75</del>	3,886.63	<u>4,432.38</u>	<u>5,051.88</u>	<u>5,546.00</u>	<u>5,877.88</u>
5,001 to 6,000	33.00	<del>3,717.50</del>	4,347.75	<u>4,958.25</u>	<u>5,651.25</u>	<u>6,204.00</u>	<u>6,575.25</u>
6,001 to 7,000	36.40	<del>4,100.00</del>	4,795.70	<u>5,469.10</u>	<u>6,233.50</u>	<u>6,843.20</u>	<u>7,252.70</u>
7,001 to 8,000	39.60	<del>4,460.00</del>	5,217.30	<u>5,949.90</u>	<u>6,781.50</u>	<u>7,444.80</u>	<u>7,890.30</u>
8,001 to 9,000	42.75	<del>4,814.38</del>	5,632.31	<u>6,423.19</u>	<u>7,320.94</u>	<u>8,037.00</u>	<u>8,517.94</u>
9,001 to 10,000	46.00	<del>5,180.00</del>	6,060.50	<u>6,911.50</u>	<u>7,877.50</u>	<u>8,648.00</u>	<u>9,165.50</u>
10,001 to 11,000	48.85	<del>5,500.63</del>	6,435.99	<u>7,339.71</u>	<u>8,365.56</u>	<u>9,183.80</u>	<u>9,733.36</u>
11,001 to 12,000	51.60	<del>5,810.00</del>	6,798.30	<u>7,752.90</u>	<u>8,836.50</u>	<u>9,700.80</u>	<u>10,281.30</u>
12,001 to 13,000	54.60	<del>6,147.50</del>	7,193.55	<u>8,203.65</u>	<u>9,350.25</u>	<u>10,264.80</u>	<u>10,879.05</u>
13,001 to 14,000	57.40	<del>6,462.50</del>	7,562.45	<u>8,624.35</u>	<u>9,829.75</u>	<u>10,791.20</u>	<u>11,436.95</u>
14,001 to 15,000	60.00	<del>6,755.00</del>	7,905.00	<u>9,015.00</u>	<u>10,275.00</u>	<u>11,280.00</u>	<u>11,955.00</u>

NOTES:

- (1) Baseline water use for 20 fixture units is 25 TG/Qtr.
- (2) Base charge is not included in rates.

The Service Charge rates will change on July 1st of each new fiscal year for accounts with meter readings beginning that date. For unmetered accounts, the change shall be effective with the billings beginning July 1st of each new fiscal year.

**Sewer Ordinance Amendment - Proposed Sewer Rate Schedule**

ISSUE: Board of Supervisors' approval is required for adoption of a sewer ordinance amendment to Chapter 67.1, "Sanitary Sewers and Sewage Disposal" of the Code of the County of Fairfax. The purpose of the amendment is to revise the County's sewer rate structure as follows:

**Sewer Service Charge  
Unit Cost (\$) per 1,000 gallons of water**

<b>Current Rate</b>	<b>Recommended Rate</b>			
FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
\$5.27	\$6.01	\$6.85	\$7.52	\$7.97

**Base Charge  
Cost (\$) per Quarterly Billing**

<b>Current Rate</b>	<b>Recommended Rate</b>			
FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
\$5.00	\$5.00	\$5.00	\$5.00	\$5.00

Effective date: The rates will change on July 1st of each new fiscal year. For metered accounts, the change is effective with meter readings beginning that date. For unmetered accounts, the change is effective with billings beginning that date.

**Availability Charges  
Unit Cost (\$) per Connection or Fixture Unit**

<b>Service Class</b>	<b>Current Rate</b>	<b>Recommended Rate</b>			
	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
Residential Uses:					
(a) SFR	7,750	7,750	7,750	7,750	7,750
(b) Hotel, Inn, or Tourist Cabin	7,750	7,750	7,750	7,750	7,750
(c) Townhouse	6,200	6,200	6,200	6,200	6,200
(d) Apartment	6,200	6,200	6,200	6,200	6,200
(e) Mobile Home	6,200	6,200	6,200	6,200	6,200
(f) Any other dwelling	6,200	6,200	6,200	6,200	6,200
(g) Hotel, Motel rental unit	1,938	1,938	1,938	1,938	1,938
Commercial and all other uses:					
Fixture Unit Rate	401	401	401	401	401

Effective date: The rates will change on July 1st of each new fiscal year.

RECOMMENDED ACTIONS:

Staff recommends the following actions:

1. Board authorization to advertise a public hearing.
2. Adoption of the proposed sewer rate structure.

SOURCE:

DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES

COORDINATION:

The proposed sewer ordinance amendment has been reviewed by the following agencies:

1. Department of Public Works and Environmental Services
2. Department of Management and Budget
3. Office of the County Attorney

SEWER RATES - BACKGROUND AND HISTORY:

Sewer rates are established by the Board of Supervisors through Chapter 67.1-10, Section 2 of the County Code. Rates and the language of the County Code are reviewed annually by the County staff as part of the County's annual long range planning and short-term budgeting process.

For purposes of assessing rates and charges, the system's customers are categorized as either "new" or "existing" customers. New customers are those who wish to connect to the Sanitary Sewer System (the "System") but who have not paid an Availability Fee to the County. Payment of the Availability Fee guarantees them capacity in the System. Existing customers include those customers connected to the System and receiving wastewater services as well as those customers who have prepaid an Availability Fee but who are not specifically receiving service. Existing customers are charged a quarterly service charge to cover the costs of operation and maintenance of the System in proportion to the service provided and to provide additional services such as Enhanced Nutrient Removal (conversion of nitrogen forms to nitrogen gas).

Operation and maintenance of the County's Integrated Sewer System is managed by the Wastewater Management Program and has historically been funded by Sewer Service Charges and Sales of Service revenues. Construction of the System has been financed by a combination of Sewer Service Charges, Availability Fees, Sales of Service revenue, developer contributions, federal and state grants and bond proceeds.

Following are tables that summarize the rates for Sewer Service Charges and Availability Fees that have been imposed by the Program since its creation in 1955.

### Sewer Service Charges

<u>Fiscal Year</u>	<u>Charges</u>
1955 - 1970	\$ 39/Year
1971 - 1972	0.85/1,000 Gallons
1973 - 1977	0.95/1,000 Gallons
1978 - 1980	1.41/1,000 Gallons
1981 - 1984	1.62/1,000 Gallons
1985	2.02/1,000 Gallons
1986 - 1993	2.34/1,000 Gallons
1994	2.50/1,000 Gallons
1995 - 1998	2.60/1,000 Gallons
1999 - 2000	2.70/1,000 Gallons
2001	2.81/1,000 Gallons
2002	2.88/1,000 Gallons
2003	2.95/1,000 Gallons
2004	3.03/1,000 Gallons
2005	3.20/1,000 Gallons
2006	3.28/1,000 Gallons
2007	3.50/1,000 Gallons
2008	3.74/1,000 Gallons
2009	4.10/1,000 Gallons
2010	4.50/1,000 Gallons
2011	5.27/1,000 Gallons
2012	6.01/1,000 Gallons

### Availability Charges, per SFR

<u>Fiscal Year</u>	<u>Charges</u>
1955 - 1957	\$ 40
1958 - 1964	100
1965 - 1970	300
1971	600
1972 - 1980	1,000
1981 - 1984	1,350
1985 - 1990	2,500
1991	3,132
1992	3,359
1993	3,602
1994 - 1995	3,863
1996	4,101
1997	4,353
1998 - 2000	4,621
2001	4,898
2002	5,069
2003	5,247
2004	5,431
2005	5,621
2006	5,874
2007	6,138
2008	6,506
2009	6,896
2010	7,310
2011 - 2012	7,750

Because of significant expenditures projected over the next five years for projects which will upgrade treatment levels, particularly for Total Nitrogen (TN) removal, as well as repair, renovate, and replace System infrastructure assets, a substantial decrease in fund balance is unavoidable. Public Resources Management Group, Inc. (PRMG), the System's independent financial analyst, recommends that fund balances be maintained for the integrity of the Sewer Fund and to maintain AAA/AA Sewer Revenue bond ratings. To maintain fund balances and satisfy cash flow needs, Revenue Bonds will be issued to fund sewer projects.

Since EPA grant funding is no longer available and since State grant funding is questionable, funding for System upgrades and renovations will depend primarily on Sewer Service Charges and Availability Fee revenues. However, the Wastewater Management Program will seek State grant funds and/or low interest loans from the State Revolving Fund (SRF), if and when available to Fairfax County, to offset funding dependency on Sewer Service Charges, Availability Fee, and Sewer Revenue Bond revenues. The SRF is managed by the Virginia Department of Environmental Quality (DEQ) in conjunction with the Virginia Resources Authority (VRA).

As expected, a review of recent upgrade and renovation projects indicates a significant increase in the cost per unit of capacity. This is due in large part to new environmental restrictions placed on the System by State and Federal (Chesapeake Bay Program) regulators for total nitrogen removal.

#### FINANCIAL REVIEWS, FORECASTS AND RATE ANALYSES:

Financial forecasts and sewer rate analyses are performed annually to:

1. Be accountable for the sewer service rate structure and to enable System customers and bond holders to assess that accountability.
2. Provide meaningful financial information which can be used by the Wastewater Management Program in determining current and projected financial needs of the sewer system.
3. Assist customers and bond holders in assessing the level of services that can be provided by the Wastewater Management Program along with its ability to meet its obligations.

In addition, as required by the 1986 (Sewer) Revenue Bond Resolution, an annual financial review and forecast of the Enterprise Fund is performed to accurately reflect fund balances, revenues and expenditure projections along with cash flow requirements. Another reason for annual reviews is to determine the adequacy of prevailing rates and charges.

The most recent annual "Revenue Sufficiency and Rate Analysis" was performed by PRMG (January, 2011). PRMG recommended the FY 2012 - 2014 sewer service charge rates and the new FY 2015 rate as proposed in the "Rate Revision Notices" being submitted to the Board for advertisement. Likewise, Availability fee rates will remain as adopted with the addition of the new FY 2015 rate.

#### Fiscal Impact

In FY 2012, assuming a typical water usage per household of 19,000 gallons/quarter (or 76,000 gallons/year) and a \$5 quarterly billing charge (or \$20 per year), the average homeowner's sewer bill will be approximately \$477 per year, which is an increase of \$56.24 over the FY 2011 sewer bill. Because of construction requirements for building nitrogen removal facilities and for renovating aging infrastructure, the annual cost impact of the FY 2012 to FY 2015 rate increases for a typical homeowner are outlined in the following table.

Fiscal Year	Base Charge \$/Quarterly Billing	Service Charge (\$/1,000 gallons)	Annual Bill (\$)	Increase, \$ (% Increase)
2011	\$5.00	\$5.27 (17.1%)	\$420.52	\$58.52 (13.9%)
2012	\$5.00	\$6.01 (13.9%)	\$476.76	\$56.24 (11.8%)
2013	\$5.00	\$6.85 (14.0%)	\$540.60	\$63.84 (11.8%)
2014	\$5.00	\$7.52 (9.8%)	\$591.52	\$50.92 (8.6%)
2015	\$5.00	\$7.97 (6.0%)	\$625.72	\$34.20 (5.5%)

In perspective, the FY 2012 to FY 2015 cost impact on a typical homeowner of the rate increases will be approximately an additional \$2.85 to \$5.32 monthly or \$8.55 to \$15.96 quarterly as follows:

Fiscal Year	Monthly Bill (\$)	Increase (\$)	Quarterly Bill (\$)	Increase (\$)
2011	\$35.04	\$4.88	\$105.13	\$14.63
2012	\$39.73	\$4.69	\$119.19	\$14.06
2013	\$45.05	\$5.32	\$135.15	\$15.96
2014	\$49.29	\$4.24	\$147.88	\$12.73
2015	\$52.14	\$2.85	\$156.43	\$8.55

**SEWER ORDINANCE - CODE CHANGE SCHEDULE**  
**Chapter 67.1-10 Section 2**  
**For FY 2012 Budget Sewer Rate Changes**

<u>Milestone Date</u>	<u>Description of Task</u>
October 2010	Begin developing annual "Five-Year Financial Forecast" and PRMG rate study.
December 2010	Finalize rate structure.
December 2010	Submit proposed rate changes to DMB.
January 2011	Release draft "Five-Year Financial Forecast."
January 2011	Draft Board Item for Advertisements to DPWES.
<b>February 22, 2011</b>	<b>BOARD AGENDA ITEM - "Advertisement" for Sewer Rate Changes and Public Hearing date.</b> Public Hearing will coincide with other Public Hearings on the FY 2012 budget.
March 3, 2011	First Advertisement for Public Hearing (PH) on Sewer Ordinance Changes, Washington Times.
March 10, 2011	Second PH Advertisement, Washington Times.
March 10, 2011	Draft Board Item Public Hearing to DPWES.
<b>March 29, 2011</b>	<b>3:00 P.M. (1)BOARD AGENDA ITEM - "Public Hearing" on Sewer Ordinance and Rate Changes.</b>
March 30&31, 2011	More Public Hearings on FY 2010 Budget.
April 7, 2011	Draft Board Item BOS Decision to DPWES.
April 12, 2011	Begin FY 2010 Budget markup.
<b>April 26, 2011, 10:00 A.M. (1) BOARD AGENDA ITEM -"Board Decision" on Sewer Ordinance and Sewer Rate Changes.</b>	
April 26, 2011	Adoption of FY 2010 Budget.

(1) Dates are confirmed; times are scheduled, but tentative.

Board Agenda Item  
February 22, 2011

ADMINISTRATIVE – 2

Authorization to Advertise Publication of the FY 2012 Budget and Required Tax Rates

This Board Item will be distributed at the Board Meeting.

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ACTION – 1

Approval of a Parking Reduction for the Hampton Inn & Suites in the Baileys Crossroads/Seven Corners Commercial Revitalization District (Providence District)

ISSUE:

Board approval of a 20 percent reduction in required parking for the Hampton Inn & Suites, 6430 Arlington Boulevard, (Tax Map Reference 51-3 ((1)) 1C) in the Baileys Crossroads/Seven Corners Commercial Revitalization District (CRD).

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve a parking reduction of 20 percent for parcel 51-3 ((1)) 1C pursuant to PAR. 3 (A), Sect. A7-309, of the Fairfax County Zoning Ordinance on condition that:

1. A minimum of 138 parking spaces is maintained at all times.
2. All parking provided shall be in accordance with the applicable requirements of Article 11 of the Zoning Ordinance and the Fairfax County Public Facilities Manual (PFM), including the provisions referencing the American with Disabilities Act (“ADA”).
3. No parking spaces shall be restricted or reserved except for those required to meet the parking requirements of the ADA.
4. The current owners, their successors or assignees of the parcel identified as Tax Map 51-3 ((1)) 1C, shall submit a parking space utilization study for review and approval by the Board of Supervisors 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 space requirements as specified in Article 11 of the Zoning Ordinance.
5. The conditions of approval of this parking reduction set forth above shall run with the land and be recorded in the Fairfax County land records in a form acceptable to the County Attorney.

TIMING:

Board action is requested on February 22, 2011.

BACKGROUND:

The property is vacant. The property was approved for a motel under RZ C-108 in 1970 and zoned PRC. The property owner has submitted plans to construct a hotel with 160 rooms at 101,866 square feet, a floor area ratio (FAR) of 1.22 and a two level parking structure located to the side and behind the building. The current development plan contains several site design changes from the original rezoning, including a reduction in building intensity and the number of rooms, and modest adjustments to the building and parking garage footprints and landscaping. The proposed development has been subject to several zoning interpretations. The most recent interpretation request was approved by the Department of Planning and Zoning in a letter dated February 4, 2011, and concerned the following site modifications: building bulk and height; underground parking connection and interparcel access; sidewalk alignment; screening walls and retaining walls; and streetscape, landscaping and transitional screening.

According to the Fairfax County Zoning Ordinance Section 11-103, the applicant has to provide one space per rental unit, plus four spaces per fifty rental units, which equates to 173 parking spaces while operating as a hotel. The applicant proposes to provide 145 parking spaces, which is an approximately 16.18 percent reduction in the number of parking spaces required. A 20 percent reduction is requested.

The requested 20 percent reduction is pursuant to Par. 3(A), Section A7-309, of the Zoning Ordinance, which provides that the Board may approve a reduction in parking requirement of up to 20 percent if the Board determines that such a reduction would further the goals of the Commercial Revitalization District as set forth in the Comprehensive Plan.

Objectives of the Seven Corners Community Business Center Plan include:

- To apply urban design guidelines for building design and orientation, streetscape improvements, consolidation of curb cuts and other access improvements, landscaping treatment, and pedestrian-oriented amenities; and
- To provide buffering and screening between commercial and residential uses to reduce the negative effects of commercial activities on adjacent residential areas.

In the present situation, the requested 20 percent parking reduction, if approved, would support the Comprehensive Plan objectives by providing streetscaping and landscaping improvements, improving pedestrian access, and constructing architectural brick walls

Board Agenda Item  
February 22, 2011

to effectively screen and buffer the hotel from the existing neighboring residential uses in the Seven Corners Community Business Center.

The applicant has stated that based on their past experience with similar projects, parking demand is not anticipated to exceed 145 spaces. The hotel will have options of complimentary shuttle transportation to various locations, including airports and regional office parks.

ENCLOSED DOCUMENTS:

Attachment 1: Proposed Site Plan Use and Parking Tabulation Revision and Development Plans

STAFF:

Robert A. Stalzer, Deputy County Executive

Fred R. Selden, Acting Director, Department of Planning and Zoning (DPZ)

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

Jennifer R. Bonnette, Planner III, Environment and Development Review Branch, PD, DPZ

Barbara Byron, Director, Office of Community Revitalization and Reinvestment (OCRR)

Matthew Flis, Revitalization Program Manager, OCRR

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CRD PARKING WAIVER TABULATION

PROPOSED SITE PLAN USE AND PARKING TABULATION REVISION

FEE: \$770.00

Engineer: DRH Design Group Inc. Address: 35 Rock Pointe Lane, Suite 200, Warrenton, VA 20186 Phone #: (540) 349-8385  
 Plan Name: Hampton Inn & Suites Original Site Plan #: 6402-SP-002-1 Tax Map #: 0513-01-0001C  
 Zoning: Planned Development Commercial Rezoning Case #: RZ C-108 Proffered: [ ] Yes [ ] No Proffered Use Restrictions (See Note 1 below)

ADDRESS	LIST EACH FLOOR (include basement)	SUITE #	USE (See Notes 2, 3 and 4 below)	USE PERMITTED BY			SQUARE FEET GROSS FLOOR AREA	SQUARE FEET NET FLOOR AREA	# SEATS AND/OR STOOLS	# COMPANY VEHICLES	# SERVICE BAYS	# OF EMPLOYEES	# STUDENTS	OTHER (Rooms)	PARKING RATE REQUIRED PER CODE (See Note 5 below)	TOTAL PARKING SPACES REQUIRED FOR THIS USE
				RIGHT	SPECIAL PERMIT	SPECIAL EXCEPTION										
6430 Arlington Boulevard	n/a	n/a	Hotel	X			101,866	91,680	n/a	n/a	n/a	n/a	n/a	160	1/RM + 4/50	173
(If additional space is required use Page 2)															REQUIRED TOTAL FOR ENTIRE SITE PLAN	173
NUMBER OF ACCESSIBLE SPACE(S) PROVIDED			3	+VAN ACCESSIBLE SPACE(S) PROVIDED			4	=TOTAL ACCESSIBLE PARKING SPACE(S) on site per ADA 2010 and ASBC (See Note 6 below)								7
(The total number of parking spaces, including accessible parking spaces, available and useable for vehicular parking on the area covered by this site plan [See Note 6 below])															TOTAL PARKING SPACE(S) PROVIDED	145

<sup>1</sup>List proffered use Prohibitions or Limitations.

<sup>2</sup>In building where one floor has more than one use (personal services, general office & retail), use a separate line for each use. The uses must correspond to those identified in Article 11 of the Zoning Ordinance, or else documentation of the Zoning Administration determination must be attached to the tabulation.

<sup>3</sup>Units which are vacant shall be included, the intended use shall be indicated and parking allocated.

<sup>4</sup>Developer should make an initial parking assignment for each unit on the site plan. If developer, condominium, association or landlord wishes to make changes to assigned number of spaces after final site plan bond release, a site plan revision for reallocation of parking will be required. This form, when properly completed and certified, is intended to be such a site plan revision.

<sup>5</sup>If use is a Grandfathered use, it may be calculated at previous code parking rate if so identified and justification is submitted with the parking tabulations.

<sup>6</sup>Certification is taken to mean that the number of parking spaces shown as being provided is actually available on the site and useable (not occupied or blocked by dumpsters, air conditioners, incinerators, storage trailers, etc.), that all uses on the site have been included in the above listing, and that the requisite number of spaces and signage for compliance with ADA are provided. The number of parking spaces must be in conformance with the associated rezoning, special exception, special permit and variance.

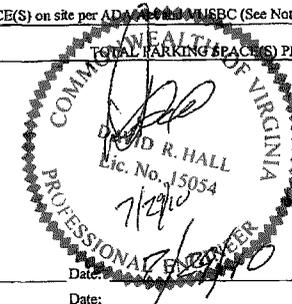
Certified Correct<sup>6</sup> (Applicant) Engineer's Signature: [Signature] Date: \_\_\_\_\_

County Approval by: \_\_\_\_\_ Date: \_\_\_\_\_

Property Owners, Landlords, Condominium Association - Concurrence with Tabulation Print Name & Title (Include company name when appropriate): RAJ DHEKAR Signature: [Signature] Date: 7/29/2009

Submit to: Land Development Services, Plan and Document Control, 12055 Government Center Parkway, Suite 506 Fairfax, Virginia 22035-5503  
 REVISED FORM (7/2009)

Number of copies required: One (1) original with Engineer's Seal, Signature and date, plus four (4) copies.



# HAMPTON INN & SUITES

## SEVEN CORNERS - FALL CHURCH, VA

PROVIDENCE DISTRICT  
FAIRFAX COUNTY, VIRGINIA

PREPARED BY:



ENGINEERS • PLANNERS • SURVEYORS

35 Rock Pointe Lane - Suite 200  
Warrenton, Virginia 20186  
540-349-8385  
540-349-9588 fax

[www.drhdesigngroup.com](http://www.drhdesigngroup.com)

PREPARED FOR:

BAYWOOD HOTELS  
BELLE POINT OFFICE PARK  
7871 BELLE POINTE DRIVE  
GREENBELT, MD. 20770

PHONE: (301) 345-8700 EXT.213

NOVEMBER 28, 2007

**General Notes**

- Zoning:**  
Planned Development Commercial (PDC) Zoning, 6-200 Z.O.
- 1970 Rezoning Conditions vs. Current Proposal**

Condition	1970 Rezoning	Current Proposal
Gross Floor Area	117,219 S.F.	101,866 S.F.
F.A.R.	1.41	1.22
Number of Rooms	182	180
Parking Spaces Provided	228	145
Building Height to eave	83.67' (@ front)	83.50'
	103.67' (@rear)	

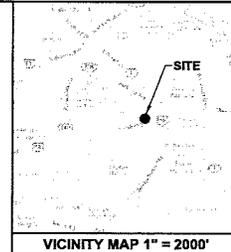
- Landscaping:**  
A Transitional Screening and Barrier Waiver / Modification: No. 006402-WTSW-001-1 was approved per the landscaped plan stamped by David R. Hall on February 26, 2010. The Northern and Southern sides of the masonry wall barrier required along the northern property line shall be constructed with veneer facing.

- Revitalization District - Streetscape Requirements:**  
South Street Streetscape: The streetscape shall include the following dimensions:  
2' landscaped strip between curb and sidewalk, 5' concrete sidewalk, there is to be no landscaping within the existing utility easement per the Urban Forest Management Division, which is 10' from the Right of Way line. The transitional screening shall conform to the landscaping plan dated February 26, 2010.

Arlington Boulevard Streetscape: The streetscape shall include the following dimensions:  
5' landscaped strip between curb and sidewalk, 6' concrete sidewalk, 5' landscaping beyond sidewalk with landscape wall before parking lot  
The 5' strip between the curb and the sidewalk, shall be planted with a variety of shrubs due to an existing storm sewer within this strip. The 5' strip between the sidewalk and the parking lot shall be planted with a row of shade trees spaced 20'-25' on center.  
The following additional materials are to be used on Arlington Boulevard:  
Concrete sidewalk pavers  
Cobra-head light fixtures with accom-able fixtures  
Heavy plant materials including street trees, low and high shrubs and ornamental plantings  
Metal benches, trash receptacles, bike racks, metal fittings such as bollards and tree grates.

- Parking Requirements:**  
Parking Required - Hotel/Motel  
1 space per rental unit: 180 units = 180 spaces  
+ 4 spaces/50 rental units = 160/50 x 4 = 13 spaces  
+ spaces for eating facilities, assembly facilities = N/A  
Total required = 173 spaces  
  
Parking Provided  
Underground provided = 49  
Above ground provided = 96  
Total provided = 145 spaces

Note: A parking reduction has been submitted and is pending on approval



SHEET INDEX		
SHT. NO.	DWG. NO.	SHEET NAME
1.	T-01	TITLE SHEET
2.	SK-01	OVERLAY OF 1970 DEVELOPMENT PLAN
3.	SK-02	PROPOSED SITE LAYOUT
4.	SK-03	PROPOSED SITE LAYOUT WITH 1970 DEVELOPMENT PLAN OVERLAY
5.	SK-04	PROPOSED LANDSCAPE PLAN
6.	SK-05	BUILDING ELEVATIONS
7.	SK-06	WAIVERS AND APPROVALS
8.	SK-07	ORIGINAL DEVELOPMENT PLAN

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Warrenton, Virginia 20186  
540-349-8385  
www.drhdesigngroup.com

**DRH Design Group, Inc.**  
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DESIGNED BY: [ ]  
DRAWN BY: [ ]  
CHECKED BY: [ ]  
SCALE: [ ]  
AS SHOWN: [ ]  
DATE: [ ]  
DATE PLOTTED: [ ]  
DRAWING NO: [ ]

TITLE SHEET

**HAMPTON INN & SUITES**  
SEVEN CORNERS - FALL CHURCH, VA  
PROVIDENCE DISTRICT - FAIRFAX COUNTY, VIRGINIA

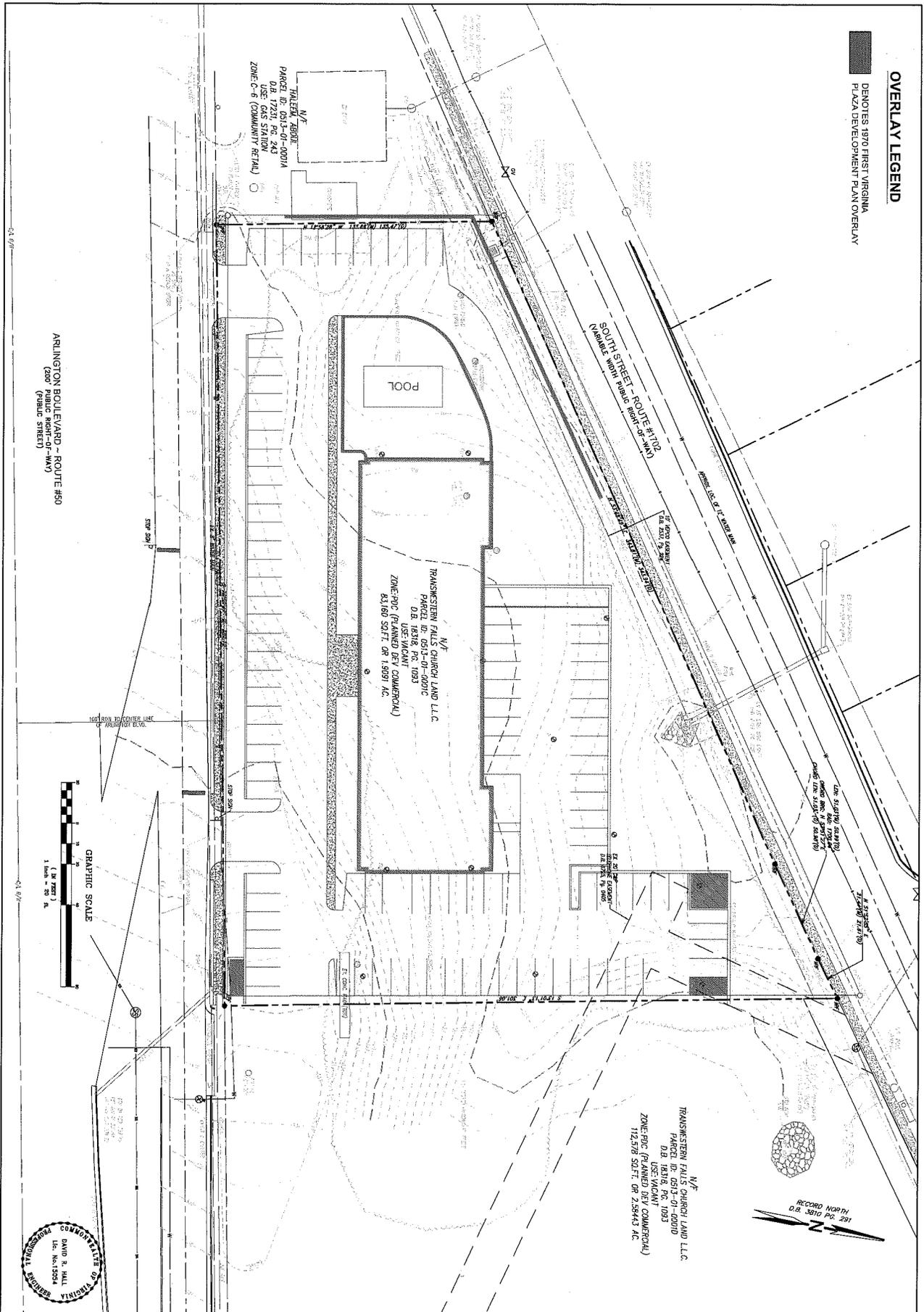


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SCALE: [ ]  
AS SHOWN: [ ]  
DATE: [ ]  
DATE PLOTTED: [ ]  
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T-01  
SHEET 1 OF 8

**OVERLAY LEGEND**

■ DENOTES 1970 FIRST VIRGINIA PLAZA DEVELOPMENT PLAN OVERLAY



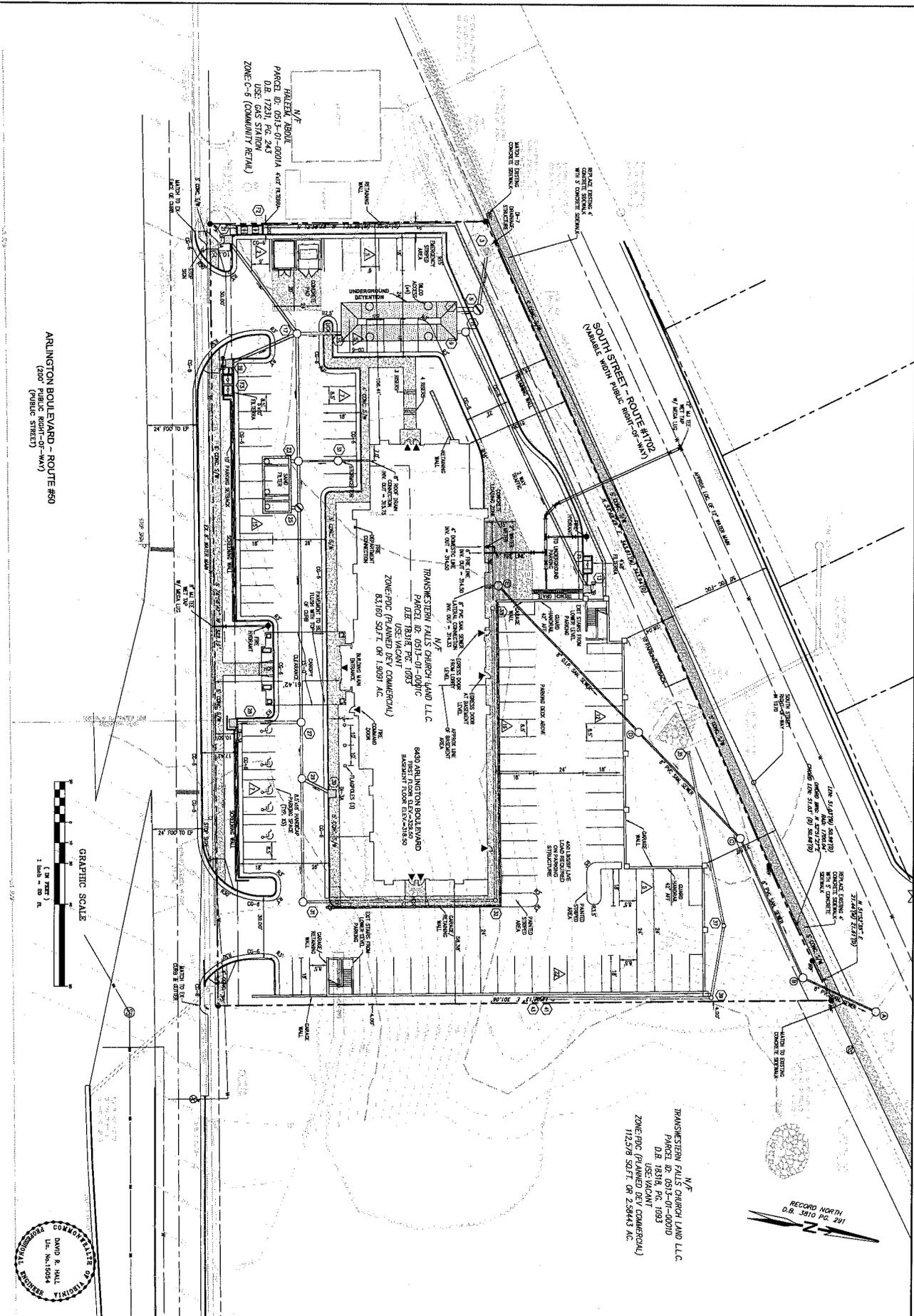
**HAMPTON INN & SUITES**  
SEVEN CORNERS - FALLS CHURCH, VA.  
PROVIDENCE DISTRICT - FAIRFAX COUNTY, VIRGINIA

**OVERLAY OF 1970 FIRST VIRGINIA PLAZA DEVELOPMENT PLAN**

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Warrenton, Oregon 97146  
503-866-8285  
503-866-9888 fax

PROJECT 1 OF 1  
SK-01



ARLINGTON BOULEVARD - ROUTE #50  
(200' PUBLIC RIGHT-OF-WAY)  
(PUBLIC STREET)



DESIGNED BY	DAVID S. HALL
CHECKED BY	DAVID S. HALL
DATE	08/11/2017
SCALE	AS SHOWN
PROJECT	HAMPTON INN & SUITES
LOCATION	SEVEN CORNERS - FALLS CHURCH, VA
DATE	08/11/2017
DRAWING NO.	SR-02
DATE	08/11/2017

**HAMPTON INN & SUITES**  
SEVEN CORNERS - FALLS CHURCH, VA  
PROVIDENCE DISTRICT - FAIRFAX COUNTY, VIRGINIA

**PROPOSED SITE LAYOUT PLAN**

REVISIONS	
02/27/16	REVISIONS REQUESTED BY PLANNER AND ARCHITECT

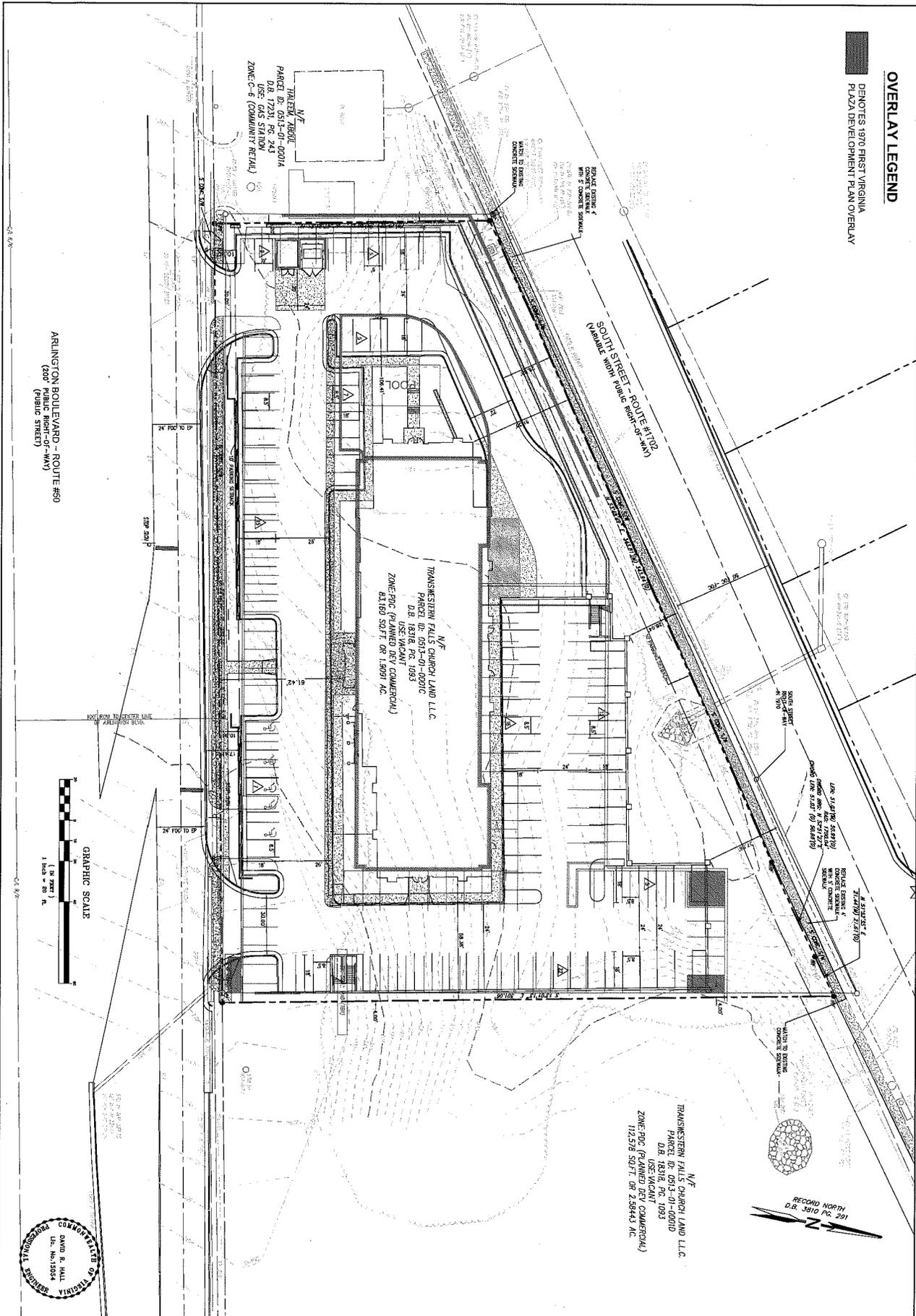
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35 Rock Pointe Lane, Suite 200  
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703-548-9288 fax

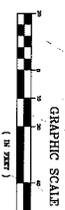
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**OVERLAY LEGEND**

■ DENOTES 1970 FIRST VIRGINIA  
PLAZA DEVELOPMENT PLAN OVERLAY



ARLINGTON BOULEVARD - ROUTE #50  
(200' PUBLIC RIGHT-OF-WAY)  
(PUBLIC STREET)



**HAMPTON INN & SUITES**  
SEVEN CORNERS - FALLS CHURCH, VA.  
PROVIDENCE DISTRICT - FAIRFAX COUNTY, VIRGINIA

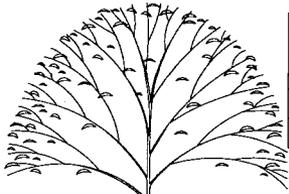
**PROPOSED SITE LAYOUT WITH 1970 DEVELOPMENT PLAN OVERLAY**

REVISIONS	
NO.	DESCRIPTION
01/20/19	REVISIONS REQUESTED BY PLANNER AND ARCHITECT

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35 Rock Pointe Lane - Suite 200  
Warrenton, Virginia 20185  
360-536-5300  
340-242-9589 fax

SK-03  
DATE: 1/20/19  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
APPROVED BY: [Name]



SHRUB PLANTING SCHEDULE

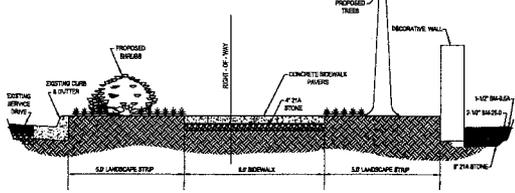
KEY	SYMBOL	BOTANICAL NAME	QUANTITY	HEIGHT	REMARKS
IB	(Symbol)	ILEX BLAUBRA 'COMPACTA'	COMPACT INKBERRY HOLLY	118	18'-24" #3 CONT.
OL	(Symbol)	PRUNUS LAUROCERASUS	OTTO LUYKEN LAUREL	63	18'-24" #3 CONT.
JH	(Symbol)	ILEX CRENATA	JAPANESE HOLLY	22	18'-24" #3 CONT.
NC	(Symbol)	LAGERSTROEMIA X NATCHEZ	NATCHEZ GRAPEMYRTLE	5	1' B & B SPACE AS INDICATED

SCHEDULE H

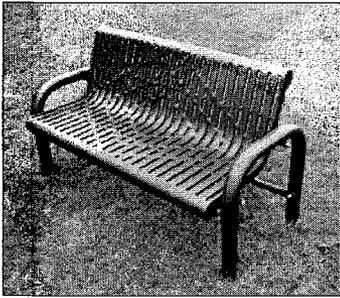
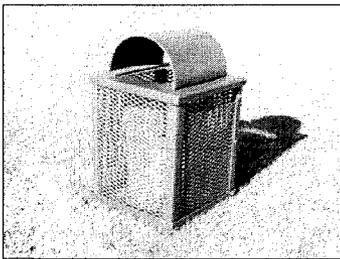
LANDSCAPE PLANTING SCHEDULE

KEY	SYMBOL	BOTANICAL NAME	QUANTITY	CALIPER	HEIGHT	REMARKS	TREE COVER CREDIT	TOTAL CANOPY
PO	(Symbol)	QUERCUS PALUSTRIS	PIN OAK	11	2"	B & B SPACE AS INDICATED	200 SF PER =	2,200
TH	(Symbol)	GLEDITSIA TRICANTHOS INERMIS 'SKYLARK'	THORNLESS HONEYLOCUST	6	2"	B & B SPACE AS INDICATED	150 SF PER =	750
AM	(Symbol)	ACER GINNALA	AMUR MAPLE	6	2"	B & B SPACE AS INDICATED	100 SF PER =	500
EG	(Symbol)	THUJA OCCIDENTALIS	EMERALD GREEN ARBORVITAE	17	7'-8"	B & B SPACE AS INDICATED	50 SF PER =	850
RC	(Symbol)	JUNIPERUS VIRGINIANA	EASTERN RED CEDAR	15	7'-8"	B & B SPACE AS INDICATED	100 SF PER =	1,500
NP	(Symbol)	PICEA ABIES	NORWAY SPRUCE	6	7'-8"	B & B SPACE AS INDICATED	150 SF PER =	900
YC	(Symbol)	PRUNUS YEDOENSIS	YOSHINO CHERRY	15	2"	B & B SPACE AS INDICATED	150 SF PER =	2,250
JM	(Symbol)	ACER PALMATUM	JAPANESE MAPLE	9	1"	B & B SPACE AS INDICATED	76 SF PER =	675
							TOTAL	9,625

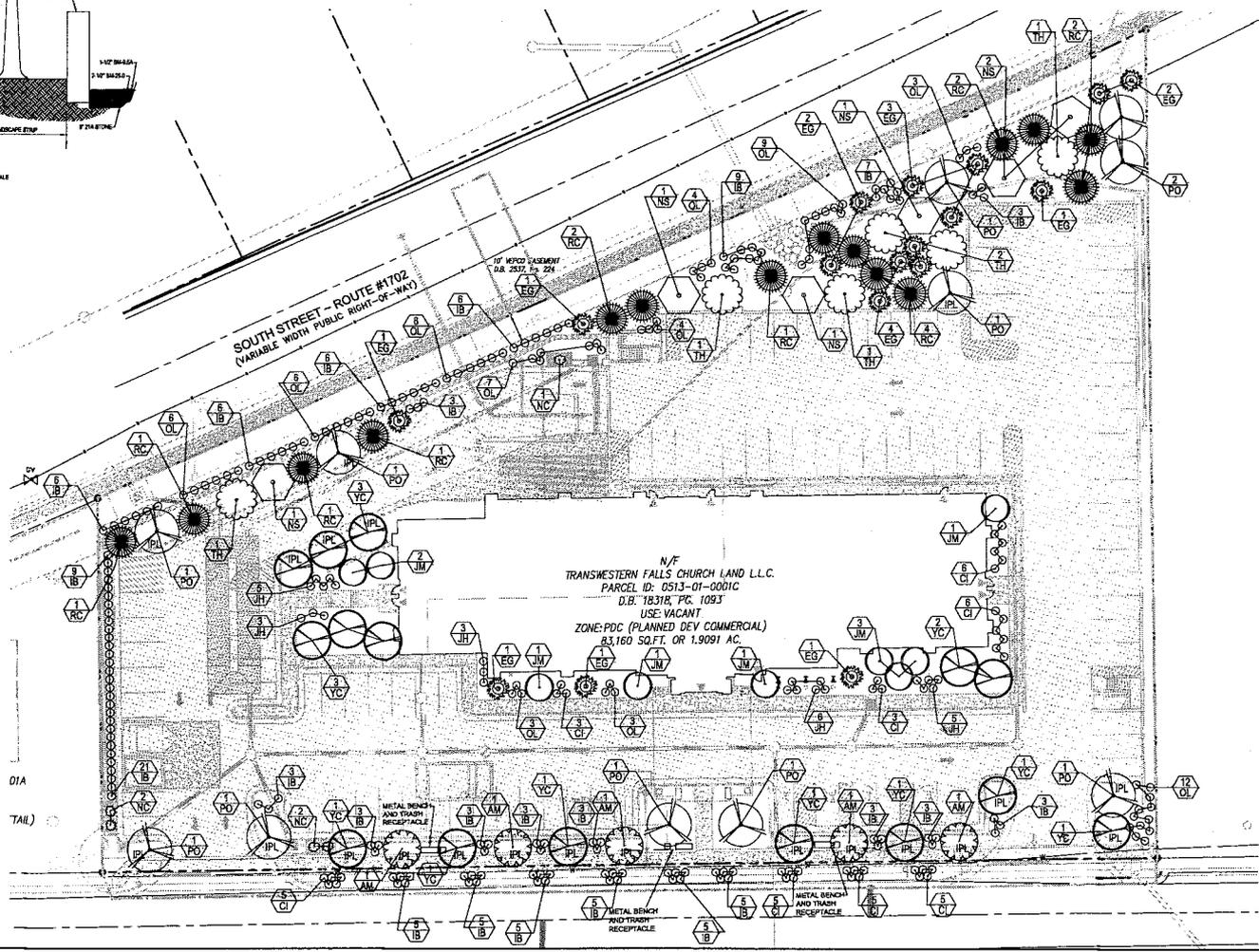
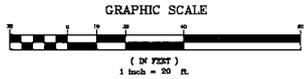
ALL LANDSCAPED BUFFER YARD ISLANDS CONTAINING CANOPY TREES AND SHRUBS SHALL BE MULCHED.



FAIRFAX COUNTY STREETSCAPE  
NOT TO SCALE



- RECOMMENDED FURNISHINGS/FIXTURES:
- BENCH - COLUMBIA CASCADE TIMBERFORM, RENAISSANCE SERIES #28068
  - TRASH CAN - COLUMBIA CASCADE TIMBERFORM, RENAISSANCE SERIES #28111 PY-P
  - BICYCLE RACK - ANY INVERTED 'U' MODEL RACK WITH IN-GROUND MOUNT.
  - TREE GRATE - NEENAH FOUNDRY #R2804-1
  - BOLLARD - VISCO #V1 30 14



28 West Main Street, Suite 200  
Newport News, Virginia 23603  
424-1488  
www.dhigroup.com

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PROPOSED LANDSCAPE PLAN

PROPOSED LANDSCAPE PLAN

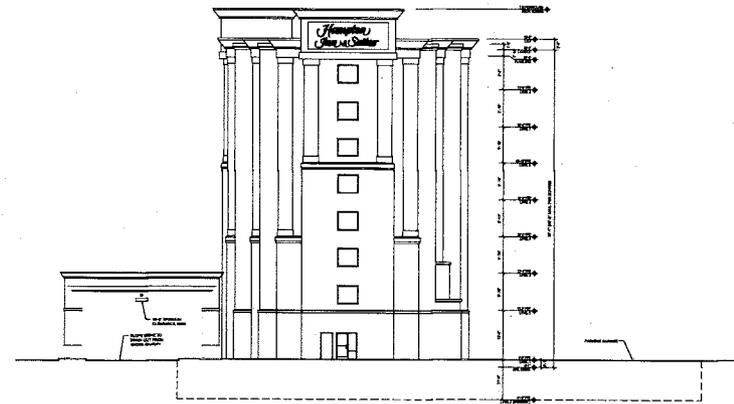
**HAMPTON INN & SUITES**  
SEVEN CORNERS - FALLS CHURCH, VA  
PROVIDENCE DISTRICT - FAIRFAX COUNTY, VIRGINIA

DESIGNED BY: SAC  
DRAWN BY: SAC  
CHECKED BY: SAC  
DATE: 01/19/2010  
SCALE: 1" = 20'  
DRAWING NO: SK-04  
SHEET 5 OF 5



FRONT ELEVATION

SCALE: 1/16" = 1'-0"



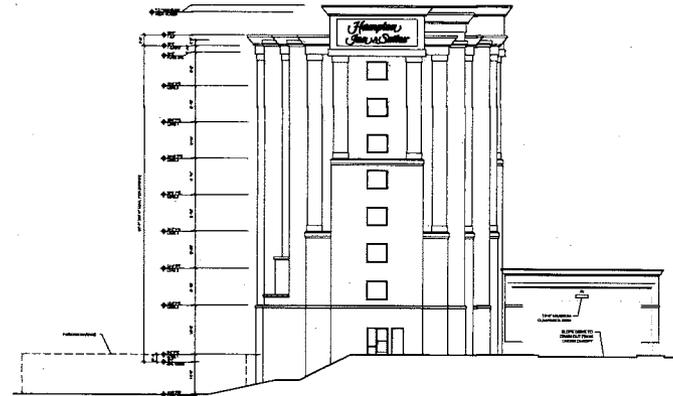
RIGHT SIDE ELEVATION

SCALE: 1/16" = 1'-0"



REAR ELEVATION

SCALE: 1/16" = 1'-0"



LEFT SIDE ELEVATION

SCALE: 1/16" = 1'-0"

25 First Pointe Lane - Suite 200  
 Mechanicsville, Virginia 20110  
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HAMPTON INN & SUITES  
 SEVER CORNERS - FALLS CHURCH, VA  
 PROVIDENCE DISTRICT - FAIRFAX COUNTY, VIRGINIA

DESIGNED BY:  
 CRC  
 DRAWN BY:  
 CRC  
 CHECKED BY:  
 DRY  
 SCALE:  
 AS SHOWN  
 DATE:  
 01/18/2012  
 DRY\_JOB NO:  
 30758  
 DRAWING NO:

SK-05

SHEET 2 OF 3





Board Agenda Item  
February 22, 2011

ACTION - 2

Approval of Supplemental Appropriation Resolution AS 11120 and Approval of a Standard Project Administration Agreement for the Department of Transportation to Accept Congestion Mitigation and Air Quality and Regional Surface Transportation Program Funding for the Route 50 Pedestrian Initiative (Providence and Mason Districts)

ISSUE:

Board approval of Supplemental Appropriation Resolution AS 11120 for the Department of Transportation to accept funding in the amount of \$1,975,000 and to execute a Standard Project Administration Agreement with the Virginia Department of Transportation (VDOT) to administer the design and construction of the Route 50 pedestrian initiative between Jaguar Trail and Seven Corners.

RECOMMENDATION:

The County Executive recommends that the Board approve the Standard Project Administration Agreement (Attachment 1), in substantial form, between the Department of Transportation and VDOT and the Supplemental Appropriation Resolution AS 11120 for the Department of Transportation to accept \$1,975,000 in Congestion Mitigation and Air Quality (CMAQ) and Regional Surface Transportation Program (RSTP) funding to administer the Route 50 pedestrian initiative between Jaguar Trail and Seven Corners. No local cash match is required.

TIMING:

Board approval is requested on February 22, 2011, so that project design can be initiated.

BACKGROUND:

As part of prior CMAQ and RSTP allocation programs, the Board approved the use of funds for pedestrian safety and access improvements along the Route 50 corridor between Jaguar Trail and Seven Corners. In December 2009, VDOT approved the administration of these improvements by Fairfax County. Staff has identified the top priority improvements needed along the corridor based on safety concerns, missing links, and access to activity generators along the corridor.

Board Agenda Item  
February 22, 2011

In order to participate in the CMAQ and RSTP programs, a Standard Project Administration Agreement for the development and administration of the proposed project must be executed with VDOT before work on the project can be initiated. This agreement (Attachment 1) stipulates the guidelines and requirements that the County must adhere to during the design, land acquisition, and construction of the project. As part of the FY 2011 Appropriation Act, the General Assembly included additional regulations requiring that CMAQ and RSTP funds be expended within 24 months and 36 months respectively, of obligation by the Commonwealth Transportation Board. These time requirements are reflected in the agreement.

FISCAL IMPACT:

The Board of Supervisors previously endorsed submitting this project for the CMAQ and RSTP programs, and in December 2009, VDOT approved the administration of this project by the County. The total amount of this award is \$1,975,000. The total project cost is estimated to be \$2,972,000, of which \$1,975,000 is currently available in CMAQ and RSTP funding. Additional funding will need to be identified when the design is complete. Potential funding sources include CMAQ and RSTP funds and/or Fund 124, County and Regional Transportation Projects. No local cash match is required. Upon approval, budget appropriation will be requested in Fund 102, Federal/State Grant Fund, as part of a quarterly review. This grant does not allow for the recovery of indirect costs.

CREATION OF POSITIONS:

No positions will be created through this grant award.

ENCLOSED DOCUMENTS:

Attachment 1 - Project Agreement for Route 50 Pedestrian Improvements  
Attachment 2 - Supplemental Appropriation Resolution AS 11120  
Attachment 3 - Resolution to Execute Agreement

STAFF:

Robert A. Stalzer, Deputy County Executive  
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)  
Tom Biesiadny, Chief, Coordination and Funding Division, FCDOT  
Eric Teitelman, Chief, Capital Projects and Operations Division, FCDOT  
Todd Minnix, Chief, Transportation Design Division, FCDOT  
Chris Wells, Pedestrian Program Manager, FCDOT  
Jay Guy, Coordination and Funding Division, FCDOT

**STANDARD PROJECT ADMINISTRATION AGREEMENT**  
**Federal-aid Projects**

Project Number	UPC	Local Government
0050-029-140 P101, C501	58601	Fairfax County

THIS AGREEMENT, made and executed in triplicate this \_\_\_\_ day of \_\_\_\_\_, 2011, by and between the County of Fairfax, Virginia, hereinafter referred to as the LOCALITY and the Commonwealth of Virginia, Department of Transportation, hereinafter referred to as the DEPARTMENT.

WHEREAS, the LOCALITY has expressed its desire to administer the work described in Appendix A, and such work for each improvement shown is hereinafter referred to as the Project; and

WHEREAS, the funds shown in Appendix A have been allocated to finance each Project; and

WHEREAS, the LOCALITY is committed to the development and delivery of each Project described in Appendix A in an expeditious manner; and;

WHEREAS, both parties have concurred in the LOCALITY's administration of the phase(s) of work for the respective Project(s) listed in Appendix A in accordance with applicable federal, state, and local law and regulations.

NOW THEREFORE, in consideration of the mutual premises contained herein, the parties hereto agree as follows:

1. The LOCALITY shall:
  - a. Be responsible for all activities necessary to complete the noted phase(s) of each Project shown in Appendix A, except for activities, decisions, and approvals which are the responsibility of the DEPARTMENT, as required by federal or state laws and regulations or as otherwise agreed to, in writing, between the parties. Each Project will be designed and constructed to meet or exceed current American Association of State Highway and Transportation Officials standards or supplementary standards approved by the DEPARTMENT.
  - b. Meet all funding obligation and expenditure timeline requirements in accordance with all applicable federal and state laws and regulations, and Commonwealth Transportation Board and DEPARTMENT policies and as identified in Appendix A to this Agreement. Noncompliance with this requirement can result in deallocation of the funding, rescinding of state funding match and/or termination of this Agreement.

- c. Receive prior written authorization from the DEPARTMENT to proceed with preliminary engineering, right-of-way acquisition and utility relocation, and construction phases of each Project.
- d. Administer the project(s) in accordance with guidelines applicable to Locally Administered Projects as published by the DEPARTMENT.
- e. Maintain accurate and complete records of each Project's development and documentation of all expenditures and make such information available for inspection or auditing by the DEPARTMENT. Records and documentation for items for which reimbursement will be requested shall be maintained for no less than three (3) years following acceptance of the final voucher on each Project.
- f. No more frequently than monthly, submit invoices with supporting documentation to the DEPARTMENT in the form prescribed by the DEPARTMENT. The supporting documentation shall include copies of related vendor invoices paid by the LOCALITY and an up-to-date project summary and schedule tracking payment requests and adjustments. A request for reimbursement shall be made within 90 days after any eligible project expenses are incurred by the Locality. For federally funded projects and pursuant to the Code of Federal Regulations, Title 49, Section 18.43, violations of the provision may result in the imposition of sanctions including but not limited to possible denial or delay of payment of all or a part of the costs associated with the activity or action not in compliance.
- g. Reimburse the DEPARTMENT all Project expenses incurred by the DEPARTMENT if, due to action or inaction solely by the LOCALITY, federally funded Project expenditures incurred are not reimbursed by the Federal Highway Administration (FHWA), or reimbursements are required to be returned to the FHWA, or in the event the reimbursement provisions of Section 33.1-44 or Section 33.1-70.01 of the Code of Virginia, 1950, as amended, or other applicable provisions of federal, state, or local law or regulations require such reimbursement.
- h. On Projects that the LOCALITY is providing the required match to state or federal funds, pay the DEPARTMENT the LOCALITY's match for eligible Project expenses incurred by the DEPARTMENT in the performance of activities set forth in paragraph 2.a.
- i. Administer the Project in accordance with all applicable federal, state, or local laws and regulations. Failure to fulfill legal obligations associated with the project may result in forfeiture of federal or state-aid reimbursements
- j. Provide certification by a LOCALITY official that all LOCALITY administered Project activities have been performed in accordance with all federal, state, and local laws and regulations. If the locality expends over

\$500,000 annually in federal funding, such certification shall include a copy of the LOCALITY's single program audit in accordance with Office of Management and Budget Circular A-133.

- k. If legal services other than that provided by staff counsel are required in connection with condemnation proceedings associated with the acquisition of Right-of-Way, the LOCALITY will consult the DEPARTMENT to obtain an attorney from the list of outside counsel approved by the Office of the Attorney General. Costs associated with outside counsel services shall be reimbursable expenses of the project.
  - l. For Projects on facilities not maintained by the DEPARTMENT, provide, or have others provide, maintenance of the Project upon completion, unless otherwise agreed to by the DEPARTMENT.
  - m. Ensure compliance with the provisions of Title VI of the Civil Rights Act of 1964, regulations of the United States Department of Transportation (USDOT), Presidential Executive Orders and the Code of Virginia relative to nondiscrimination.
2. The DEPARTMENT shall:
- a. Perform any actions and provide any decisions and approvals which are the responsibility of the DEPARTMENT, as required by federal and state laws and regulations or as otherwise agreed to, in writing, between the parties and provide necessary coordination with the FHWA as determined to be necessary by the DEPARTMENT.
  - b. Upon receipt of the LOCALITY's invoices pursuant to paragraph 1.f., reimburse the LOCALITY the cost of eligible Project expenses, as described in Appendix A. Such reimbursements shall be payable by the DEPARTMENT within 30 days of an acceptable submission by the LOCALITY.
  - c. If appropriate, submit invoices to the LOCALITY for the LOCALITY's share of eligible project expenses incurred by the DEPARTMENT in the performance of activities pursuant to paragraph 2.a.
  - d. Audit the LOCALITY's Project records and documentation as may be required to verify LOCALITY compliance with federal and state laws and regulations.
  - e. Make available to the LOCALITY guidelines to assist the parties in carrying out responsibilities under this Agreement.
3. Appendix A identifies the funding sources for the project, phases of work to be administered by the LOCALITY, and additional project-specific requirements agreed to by the parties. There may be additional elements that, once identified,

shall be addressed by the parties hereto in writing, which may require an amendment to this Agreement.

4. If designated by the DEPARTMENT, the LOCALITY is authorized to act as the DEPARTMENT's agent for the purpose of conducting survey work pursuant to Section 33.1-94 of the Code of Virginia, 1950, as amended.
5. Nothing in this Agreement shall obligate the parties hereto to expend or provide any funds in excess of funds agreed upon in this Agreement or as shall have been included in an annual or other lawful appropriation. In the event the cost of a Project is anticipated to exceed the allocation shown for such respective Project on Appendix A, both parties agree to cooperate in providing additional funding for the Project or to terminate the Project before its costs exceed the allocated amount, however the DEPARTMENT and the LOCALITY shall not be obligated to provide additional funds beyond those appropriated pursuant to an annual or other lawful appropriation.
6. Nothing in this Agreement shall be construed as a waiver of the LOCALITY's or the Commonwealth of Virginia's sovereign immunity.
7. The Parties mutually agree and acknowledge, in entering this Agreement, that the individuals acting on behalf of the Parties are acting within the scope of their official authority and the Parties agree that neither Party will bring a suit or assert a claim against any official, officer, or employee of either party, in their individual or personal capacity for a breach or violation of the terms of this Agreement or to otherwise enforce the terms and conditions of this Agreement. The foregoing notwithstanding, nothing in this subparagraph shall prevent the enforcement of the terms and conditions of this Agreement by or against either Party in a competent court of law.
8. The Parties mutually agree that no provision of this Agreement shall create in the public, or in any person or entity other than parties, rights as a third party beneficiary hereunder, or authorize any person or entity, not a party hereto, to maintain any action for, without limitation, personal injury, property damage, breach of contract, or return of money, or property, deposit(s), cancellation or forfeiture of bonds, financial instruments, pursuant to the terms of this of this Agreement or otherwise. Notwithstanding any other provision of this Agreement to the contrary, unless otherwise provided, the Parties agree that the LOCALITY or the DEPARTMENT shall not be bound by any agreements between the either party and other persons or entities concerning any matter which is the subject of this Agreement, unless and until the LOCALITY or the DEPARTMENT has, in writing, receive a true copy of such agreement(s) and has affirmatively agreed, in writing, to be bound by such Agreement.
9. This Agreement may be terminated by either party upon 30 days advance written notice. Eligible Project expenses incurred through the date of termination shall be reimbursed in accordance with paragraphs 1.f, 1.g., and 2.b, subject to the limitations established in this Agreement and Appendix A. Upon termination, the

DEPARTMENT shall retain ownership of plans, specifications, and right of way, unless all state and federal funds provided for the Project have been reimbursed to the DEPARTMENT by the LOCALITY, in which case the LOCALITY will have ownership of the plans, specifications, and right of way, unless otherwise mutually agreed upon in writing.

10. Prior to any action pursuant to paragraphs 1.b or 1.g of this Agreement, the DEPARTMENT shall provide notice to the LOCALITY with a specific description of the breach of agreement provisions. Upon receipt of a notice of breach, the LOCALITY will be provided the opportunity to cure such breach or to provide a plan to cure to the satisfaction to the DEPARTMENT. If, within sixty (60) days after receipt of the written notice of breach, the LOCALITY has neither cured the breach, nor is diligently pursuing a cure of the breach to the satisfaction of the DEPARTMENT, then upon receipt by the LOCALITY of a written notice from the DEPARTMENT stating that the breach has neither been cured, nor is the LOCALITY diligently pursuing a cure, the DEPARTMENT may exercise any remedies it may have under this Agreement.

THE LOCALITY and DEPARTMENT acknowledge and agree that this Agreement has been prepared jointly by the parties and shall be construed simply and in accordance with its fair meaning and not strictly for or against any party.

THIS AGREEMENT, when properly executed, shall be binding upon both parties, their successors, and assigns.

THIS AGREEMENT may be modified in writing by mutual agreement of both parties.

IN WITNESS WHEREOF, each party hereto has caused this Agreement to be executed as of the day, month, and year first herein written.

\_\_\_\_\_ OF \_\_\_\_\_, VIRGINIA:

\_\_\_\_\_

\_\_\_\_\_  
Typed or printed name of signatory

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Date

NOTE: The official signing for the LOCALITY must attach a certified copy of his or her authority to execute this Agreement.

**COMMONWEALTH OF VIRGINIA, DEPARTMENT OF  
TRANSPORTATION:**

\_\_\_\_\_  
Commonwealth Transportation Commissioner  
Commonwealth of Virginia  
Department of Transportation

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Date

**Attachments**

Appendix A (list out all App A's to be included, by UPC)

**Appendix A**

**Project Number:** 0050-029-140 P101, C501 (UPC 58601) **Locality:** Fairfax County

<b>Project Narrative</b>	
<b>Scope:</b>	<b>Route 50 Pedestrian Improvements</b>
<b>From:</b>	<b>Jaguar Trail</b>
<b>To:</b>	<b>Seven Corners</b>
Locality Project Manager Contact Info: Chris Wells ; <a href="mailto:Chris.Wells@fairfaxcounty.gov">Chris.Wells@fairfaxcounty.gov</a> ; 703-877-5772	
Department Project Coordinator Contact Info: Hamid Misaghian ; <a href="mailto:H.Misaghian@VDOT.Virginia.gov">H.Misaghian@VDOT.Virginia.gov</a> ; 703-259-1795	

<b>Project Costs and Reimbursement</b>				
<b>Phase</b>	<b>Estimated Project Costs</b>	<b>Estimated Eligible Project Costs</b>	<b>Estimated Eligible VDOT Project Expenses</b>	<b>Estimated Reimbursement to Locality</b>
Preliminary Engineering	\$600,000	\$600,000	\$10,000	\$590,000
Right-of-Way & Utilities	\$0	\$0	\$0	\$0
Construction	\$1,375,000	\$1,375,000	\$15,000	\$1,360,000
<b>Total Estimated Cost</b>	<b>\$1,975,000</b>	<b>\$1,975,000</b>	<b>\$25,000</b>	<b>\$1,950,000</b>

<b>Total Maximum Reimbursement by Locality to VDOT</b>	\$0
<b>Total Maximum Reimbursement by VDOT to Locality</b>	\$1,950,000

<b>Project Financing</b>				
A	B	C	D	E
CMAQ	CMAQ Match	RSTP	RSTP Match	Aggregate Allocations (A+B+C+D)
\$500,000	\$125,000	\$1,080,000 (Incl. \$960,000 from UPC 70595)	\$270,000 (Incl. \$240,000 from UPC 70595)	\$1,975,000

<b>Specific Funding Notes</b>
<p>This project shall be administered in accordance with VDOT's Locally Administered Projects Manual</p> <ul style="list-style-type: none"> <li>This project is funded with federal-aid Regional Surface Transportation Program (RSTP) funds. By Appropriations Act, these funds must be obligated within 12 months of CTB allocation and expended within 36 months of the obligation.                             <ul style="list-style-type: none"> <li>FY <b>Previous year(s) - \$1,080,000</b> (RSTP); Allocation by CTB <b>Previous year(s) &amp; ,</b> Obligation Deadline <b>7/1/2011</b>; expenditure Deadline <b>7/1/2014</b></li> </ul> </li> <li>This project is funded with federal-aid Congestion Mitigation and Air Quality (CMAQ) funds. By Appropriations Act, these funds must be obligated within 24 months of CTB allocation and expended within 48 months of the obligation.                             <ul style="list-style-type: none"> <li>FY <b>Previous year- \$500,000</b> (CMAQ); Allocation by CTB <b>Previous year</b>, Obligation Deadline <b>7/1/2010</b>, Expenditure Deadline <b>7/1/2016</b></li> </ul> </li> </ul>

This attachment is certified and made an official attachment to this document by the parties of this agreement

\_\_\_\_\_  
Authorized Locality Official and date

\_\_\_\_\_  
Residency Administrator/PE Manager/District Construction Engineer  
Recommendation and date

\_\_\_\_\_  
Typed or printed name of person signing

\_\_\_\_\_  
Typed or printed name of person signing

## Appendix B

**Project Number:** 0050-029-140 P101, C501  
(UPC 58601)

**Locality:** Fairfax County

Project Scope	
<b>Work Description:</b>	<b>Design and construct sidewalks, crossings, and other pedestrian improvements along Route 50.</b>
<b>From:</b>	<b>Jaguar Trail</b>
<b>To:</b>	<b>Seven Corners</b>
Locality Project Manager Contact Info: Chris Wells; <a href="mailto:Chris.Wells@fairfaxcounty.gov">Chris.Wells@fairfaxcounty.gov</a> ; 703-877-572 Department Project Coordinator Contact Info: Hamid Misaghian ; <a href="mailto:H.Misaghian@VDOT.Virginia.gov">H.Misaghian@VDOT.Virginia.gov</a> ; 703-259-1795	

Detailed Scope of Services
<h3>Project Description</h3> <p>Route 50 north side from Cedar Hill Road to Allen Street, approx. 1,400' sidewalk/trail Route 50 at Allen Street, pedestrian intersection and bus stop improvements Route 50 south side from Graham Road to Wayne Road, approx. 1,700' sidewalk/trail Route 50 at Wayne Road/Woodlawn Avenue, add pedestrian signalization and sidewalk Route 50 north side from Woodlawn Avenue to church, approx. 550' sidewalk Route 50 north side from Westcott Street to Annandale Road, approx. 2,800' sidewalk/trail Route 50 at Annandale Road, pedestrian intersection improvement Route 50 north side from Annandale Road to Cherry Street, approx. 1,100' sidewalk/trail Route 50 north side from Meadow Lane to Linden Lane, approx. 600' sidewalk Route 50 south side from South Street to Aspen Lane, approx. 1,300' sidewalk Route 50 south side from Patrick Henry Drive to east of Olin Drive, approx. 500' sidewalk</p>

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This attachment is certified and made an official attachment to this document by the parties of this agreement

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Authorized Locality Official and date

---

Typed or printed name of person signing

---

Residency Administrator/PE Manager/District Construction Engineer  
Recommendation and date

---

Typed or printed name of person signing

**SUPPLEMENTAL APPROPRIATION RESOLUTION AS 11120**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at 12000 Government Center Parkway, Fairfax Virginia on February 22, 2011 at which a quorum was present and voting, the following resolution was adopted:

**BE IT RESOLVED** by the Board of Supervisors of Fairfax County, Virginia, that in addition to appropriations made previously for FY 2011, the following supplemental appropriation is authorized and the Fiscal Planning Resolution is amended accordingly:

Appropriate to:

Agency:	40, Department of Transportation	\$1,975,000
Fund:	102, Federal/State Grant Fund	

Grant: 40028G, Route 50 Pedestrian Improvements

Reduce Appropriation to:

Agency:	87, Unclassified Administrative Expenses	\$1,975,000
Fund:	102, Federal/State Grant Fund	

Grant: 87107G, Unclassified Administrative Expenses

Source of Funds:	Virginia Department of Transportation	\$1,975,000
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A Copy - Teste:

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Nancy Vehrs  
Clerk to the Board of Supervisors

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center of Fairfax, Virginia on Tuesday, February 22, 2011, at which meeting a quorum was present and voting, the following resolution was adopted.

AGREEMENT EXECUTION RESOLUTION

WHEREAS, in accordance with Virginia Department of Transportation project agreement procedures, it is necessary that a resolution be received from the local government authorizing execution of an agreement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Fairfax County, Virginia, authorizes County staff to execute on behalf of the County of Fairfax a Project Administration Agreement with the Virginia Department of Transportation for the Route 50 Pedestrian, Access and Safety Improvements by the County of Fairfax.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2011, Fairfax, Virginia

ATTEST \_\_\_\_\_  
Nancy Vehrs  
Clerk to the Board of Supervisors

Board Agenda Item  
February 22, 2011

12:15 p.m.

Matters Presented by Board Members

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1:05 p.m.

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
  - (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
  - (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
1. *Louise Root v. County of Fairfax, et al.*, Case No. CL-2008-0005303 (Fx. Co. Cir. Ct.)
  2. *Vienna Metro, LLC v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2010-0014219 (Fx. Co. Cir. Ct.) (Providence District)
  3. *Fairfax County School Board v. USA Telecommunications, Inc., William L. Collins, Jr., Joseph M. Gallagher, Jr., Donald M. Clark and William L. Collins, III*, Court Case Nos. 09-032704 and 09-032705 (Fx. Co. Gen. Dist. Ct.)
  4. *Town of Herndon v. Irene Sayers-Berard, Trustee of the Berard Trust, Regina Johnson, Trustee of the Berard Trust, Donald Berard, Jr., Trustee of the Berard Trust, William Berard, Trustee of the Berard Trust, Parties Unknown, County of Fairfax, Four Seasons Homeowners Association, Four Seasons of Herndon Recreation Association, Lee R. Mote a/k/a Lee R. Berard, Mark A Urbanski, Real Estate known as 1139 Autumnhaze Court*, Case No. CL-2011-0000510 (Fx. Co. Cir. Ct.) (Dranesville District)
  5. *Citimortgage, Inc. v. Alam Badar, et al.*, Case No. CL-2011-0000023 (Fx. Co. Cir. Ct.) (Sully District)
  6. *Kenneth R. Andersen v. Zoning Administrator of Fairfax County*, Case No. CL-2010-0017593 (Fx. Co. Cir. Ct.) (Hunter Mill District)

Board Agenda Item  
February 22, 2011

7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Reynaldo C. Medrano and Carla Munoz-Lopez*, Case No. CL-2006-0010659 (Fx. Co. Cir. Ct.) (Mason District)
8. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Iris Y. Villalobos Aguilar*, Case No. CL-2009-0010920 (Fx. Co. Cir. Ct.) (Lee District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Thinh V. Luong and Thuy T. Trinh*, CL-2010-0008779 (Fx. Co. Cir. Ct.) (Mason District)
10. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Antonio Pereira*, Case No. CL-2009-0017509 (Fx. Co. Cir. Ct.) (Dranesville District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Chau Quynh Nguyen and Sarah K. Nguyen*, Case No. CL-2009-0016344 (Fx. Co. Cir. Ct.) (Mason District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. ARPA Enterprises, Inc.*, Case No. CL-2008-0015529 (Fx. Co. Cir. Ct.) (Providence District)
13. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. George W. Garber and Mary L. Garber*, Case No. CL-2010-0015516 (Fx. Co. Cir. Ct.) (Hunter Mill District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Peter A. Shultz*, Case No. CL-2009-0012158 (Fx. Co. Cir. Ct.) (Springfield District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Dulal M. Miah*, Case No. CL-2010-0014408 (Fx. Co. Cir. Ct.) (Mason District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Samphy Iep and Sorn K. Iep*, Case No. CL-2010-0017544 (Fx. Co. Cir. Ct.) (Mason District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Daniel H. Shin and Seong J. Shin*, Case No. CL-2010-0017656 (Fx. Co. Cir. Ct.) (Mason District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Laurence A. Rieder and Edwina Irene Rieder*, Case No. CL-2011-0000627 (Fx. Co. Cir. Ct.) (Lee District)

Board Agenda Item  
February 22, 2011

19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ibrahim I. Abdullah*, Case No. CL-2011-0000993 (Mason District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marvin Bermudez and Elsa Bermudez*, Case No. CL-2011-0001456 (Fx. Co. Cir. Ct.) (Providence District)
21. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Hite W. Sweeny, Jr., and Dianne C. Sweeny*, Case No. CL-2011-0001535 (Fx. Co. Cir. Ct.) (Mount Vernon District)

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Board Agenda Item  
February 22, 2011

3:30 p.m.

Public Hearing on SE 2010-DR-024 (Discovery Woods Learning Community, LLC) to Permit a Child Care Center and Private School of General Education with a Total Enrollment of 26 Students, Located on Approximately 1.48 Acres Zoned R-1, Dranesville District

Public Hearing on SE 2010-DR-024 was deferred by the Planning Commission to February 24, 2011; therefore, the Board of Supervisor's public hearing is **to be deferred to March 8, 2011, at 3:30 p.m.**

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Board Agenda Item  
February 22, 2011

3:30 p.m.

Public Hearing on SE 2010-LE-017 (Iskalo CBR LLC) to Permit a Regional Non-Rail Transit Facility (Bus Maintenance Facility) Driveway for Uses in an I-District and Uses in a Floodplain, Located on Approximately 17.37 Acres Zoned I-6 and R-1, Lee District

The application property is located at 7901, 7909, 7915 and 7828 Cinder Bed Road, Tax Map 99-2 ((3)) 1, 2, 3A and 3B.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing on 2232-L10-17 and SE 2010-LE-017 was held on Thursday, January 13, 2011. On Thursday, February 3, 2011, the Planning Commission voted 8-1-1 (Commissioner Flanagan opposed; Commissioner Hall abstaining; Commissioners Harsel and Sargeant absent from the meeting) to approve 2232-L10-17. The Commission noted that the application satisfies the criteria of location, character and extent, as specified in Sect. 15.2-2232 of the *Code of Virginia* and is substantially in accord with the provisions of the Comprehensive Plan.

The Commission voted 8-1-1 (Commissioner Flanagan opposed; Commissioner Hall abstaining; Commissioners Harsel and Sargeant absent from the meeting) to recommend that the Board of Supervisors approve SE 2010-LE-017, subject to the Development Conditions dated February 2, 2011.

The Planning Commission voted 9-0-1 (Commissioner Hall abstaining; Commissioners Harsel and Sargeant absent from the meeting) to recommend that the Board of Supervisors approve the modification of the interior parking lot landscaping requirements in favor of that shown on the SE Plat.

ENCLOSED DOCUMENTS:

Attachment 1 - Verbatim

Staff Report previously furnished and available online at  
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4337803.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)  
St. Clair Williams, Staff Coordinator, Zoning Evaluation Division, DPZ

SE 2010-LE-017 – ISKALO CBR, LLC  
2232-L10-17 – WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

Decision Only During Commission Matters  
(Public Hearing held on January 13, 2011)

Commissioner Migliaccio: Thank you, Mr. Chairman. I have one decision only tonight. And before we go on verbatim I would like to ask staff a few questions, and perhaps the applicant. Staff, after the site visit that we had, I believe that it was January 21<sup>st</sup>, did VDOT and OT find that the WMATA buses could safely navigate the intersection of Backlick Road and the Fairfax County Parkway, as Development Condition 16 had indicated?

St. Clair Williams, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ): I'm St. Clair Williams with the Department of Planning and Zoning. Yes. Following the site visit to watch the bus - - review the turning movements, both Fairfax County DOT and VDOT - - both determined that there were no turning issues. They've also provided memos, which I believe you would have received via email yesterday.

Commissioner Migliaccio: Yes, thank you. Mr. St. Clair (*sic*), does this application satisfy the criteria of Section 9-400 for the transportation facilities in our Code?

Mr. Williams: Yes. Staff has determined that the application is in conformance with the applicable standards of Section 9-404 of the Ordinance.

Commissioner Migliaccio: And two more: Does Objective 38 of the Plan apply to this application?

Mr. Williams: Objective 38 of the Policy Plan refers to County maintenance facilities and it actually states that it's to "ensure that County vehicle maintenance facilities are located on adequate and appropriate sites."

Commissioner Migliaccio: – but not WMATA facilities.

Mr. Williams: Yes. That would not be a County facility.

Commissioner Migliaccio: Okay. And, does this application conform to the agreement between WMATA and the County?

Mr. Williams: I have consulted with the County Attorney's Office on this matter and there is a master agreement between WMATA and Fairfax County. It states that, I guess, WMATA would comply with all laws, ordinances, and regulations of the County. And based on staff's review of the application, this application is in conformance.

Commissioner Migliaccio: Okay. And one last one, is this proposed use in harmony with the adopted Plan?

Mr. Williams: Staff's determination is that the application is in harmony with the Comprehensive Plan.

Commissioner Migliaccio: Okay, thank you. And one question for the applicant, please.

*[Inaudible]*

Chairman Murphy: Hold on. Before – we're having an audio... Can you hear? No, it's - - it's - -Can we get some audio adjustment down here, guys, okay? Because I can hardly hear the applicant. God knows, we don't want to miss one of those words.

David Gill, Esquire, McGuireWoods LLP: That's right.

Chairman Murphy: Okay. Go ahead.

Commissioner Migliaccio: Thank you. There has been a question about the service area. Do you have any map or any diagram to show us the proposed service area?

Mr. Gill: Sure. It may be a little bit difficult to see here as it comes up here on the overhead for each individual - - but the red dot here is the service - - is the proposed bus garage. As you slide over what we've done is highlighted the three closest WMATA routes that are going to be serviced from this garage. And those are in yellow on this plan. You can see there is a number of routes going east and west here along Old Keene Mill Road. There is the REX facility, which is the Richmond Highway Express, which is actually run by WMATA. They are WMATA buses that, pursuant to "John Quigley Buyer," it is pursuant to the contract – correct? – but we –

Unidentified Associate: – No, they're Metrobuses. The paint is different.

Mr. Gill: They are Metrobuses, just painted differently to reflect the Richmond Highway Express. Those run from Fort Belvoir directly to the Huntington Metro and points north as well as bus service originating to and from the Springfield Metro.

Commissioner Migliaccio: And, and - - oh, I'm sorry. And that bottom one, is that Richmond Highway? Is that Route 1? I can't –

Mr. Gill: Yes, it is. Yes. Sorry. It is difficult to see. We have copies of the map. We'd be happy to share it with the Commission.

Commissioner Migliaccio: Thank you. One other question.

Mr. Gill: Sure.

Commissioner Migliaccio: Can you explain - - there's been questions at the public hearing about air pollution. Can you just tell us what you did as the applicant?

Mr. Gill: I think we mentioned this a little bit at the public hearing, but because this project was subject to WMATA applying for federal funds, instead of federal stimulus funds and FTA funds in order to help fund this project, it underwent the federal environmental analysis that's required, including compliance with federal environmental regulations. As part of that environmental evaluation, WMATA also did an air quality analysis. That was part of it; it was included prior to their public hearing they held back in June of 2009. The public hearing was in July but the analysis was from June. And they concluded that there was no impact, largely because this is swapping facilities within the same area. And, again, because air quality is measured on a broader scale that - - there was a conclusion by that analysis that there was no impact from the proposed facility.

Commissioner Migliaccio: And one final question that was brought up quite a bit: Do you as - Does the applicant commit to not using Newington Road?

Mr. Gill: Absolutely.

Commissioner Migliaccio: Okay, thank you.

Chairman Murphy: All right. Mr. Migliaccio.

Commissioner Migliaccio: Thank you, Mr. Chairman. On January 13<sup>th</sup> of this year we held a public hearing to receive comment regarding application SE 2010-LE-017, concurrent with 2232-L10-17. The applicant proposes to build in Lee District a regional non-rail transit facility for up to 160 buses, located on Cinder Bed Road, a driveway for uses in an I-District and uses in a floodplain. This facility will ultimately be owned and operated by WMATA and replace an aging bus garage on Royal Street. The proposed building would be located on what is now blighted industrial property on the I-95 Corridor Industrial. Per Plan guidelines, this and the adjacent lots are designated to remain industrial. One benefit of locating a facility here among compatible uses includes the minimal impact it would have on its immediate neighbors. This application has not been without critics who have raised some valid points throughout the process. With citizen input, this application has been improved through a number of development conditions. Chief among them are the ones that relate to traffic. The applicant has committed to not run buses on Newington Road, a key point for nearby residents. Instead, all buses will travel down Cinder Bed Road to Backlick Road and then onto the Fairfax County Parkway. The applicant has also committed to provide a stoplight at the intersection of Newington Road and Cinder Bed Road. While these conditions may not please everyone, they have made this a better application. The application also benefits the environment. The applicant will clean up and restore a blighted property with extensive environmental issues and will employ BMPs not currently found onsite in order to protect Long Branch stream. The facility will be LEED certified up to the Silver level. In addition, the existence of a compressed natural gas pipeline onsite will help facilitate a quicker transition to a fleet of buses powered by CNG.

Overall, this application would provide much needed mass transit capacity for this part of the County as it grows and it would help improve the efficiency of the transit system by providing a new garage at a key location. The nearest residential neighborhood - - neighborhood, which is in Lee, supports this application with the development conditions, as does the Lee District Land Use Committee. County staff has reviewed both the SE and 2232, and recommends approval. I concur. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION FIND THAT THE FACILITY PROPOSED UNDER 2232-L10-17 SATISFIES THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT AS SPECIFIED IN SECTION 15.2-2232 OF THE *CODE OF VIRGINIA* AND IS SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE COMPREHENSIVE PLAN.

Commissioners de la Fe and Alcorn: Second.

Chairman Murphy: Seconded by Mr. de la Fe and Mr. Alcorn. Is there a discussion of the motion?

Commissioner Flanagan: Mr. Chairman?

Chairman Murphy: Mr. Flanagan.

Commissioner Flanagan: Mr. Chairman, I would like to move a substitute motion at this time. I WOULD LIKE TO MOVE THAT THIS MATTER BE DEFERRED TO THE NEXT DATE AVAILABLE. And if I can get a second to that.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. Is there a discussion of the motion?

Commissioner Migliaccio: Mr. Chairman?

Commissioner Flanagan: Yes, Mr. Chairman, I'd like to - -

Chairman Murphy: All right. Mr. - - ? Substitute.

Commissioner Migliaccio: Oh, I'm sorry.

Chairman Murphy: Mr. Flanagan.

Commissioner Hall: That's odd. Why?

Commissioner Flanagan: No, it's not odd at all.

Commissioner Hall: What's the purpose of the -

Chairman Murphy: He's going to say right now.

Commissioner Hall: Oh, all right. I'll wait.

Chairman Murphy: That's why I said, "Discussion."

Commissioner Hall: Ah, good. I'll listen.

Commissioner Flanagan: Okay. During the subject public hearing on January 13th, a Commissioner asked to be provided with a map of the Metrobus routes in Virginia. And I was able to find such a map and I'd like to ask the staff to put that up on the screen at the present time. This cannot be focused a little better than that?

Chairman Murphy: Probably not. I don't think it's - - I think it's the texture of the original that I'm looking at. Sometimes - -

Commissioner Flanagan: There's nothing wrong with the focus of the original.

Kristin Abrahamson, ZED, DPZ: Well, if you tune to your little screens it should be pretty clear.

Commissioner Hart: I can't read it.

Commissioner Hall: Oh no, they're not. But we have copies.

Chairman Murphy: We all have copies.

Commissioner Flanagan: Anyway, we all got - - I think that all the Commissioners got copies of it anyway.

Chairman Murphy: Yes.

Commissioner Flanagan: My understanding - - and staff, I'd like to ask these questions. You know - - no it was.

Chairman Murphy: Is that the best you can do?

Ms. Abrahamson: That's the best I can do.

Chairman Murphy: Okay, go ahead, Earl.

Commissioner Flanagan: Oh, I can read it from the - - I'll tell you what those words say there. The - - but I'd like to ask the staff. Staff, as I understand it, this facility on - - the proposed facility on Cinder Bed would take the place of the Royal Street - -

Chairman Murphy: There we go.

Commissioner Flanagan: - - garage that's now in Alexandria. Is that correct?

Mr. Williams: That is correct.

Commissioner Flanagan: And does the - - my understanding is that the Royal Street serves all those blue lines on there, all the Metrobus blue routes that are in Alexandria and Arlington to the - - on this map. This map contains the lines, those blue lines you see on there are basically the routes of the Metrobus system.

Mr. Williams: Yes, I think that would be a better question for the applicant to answer.

Commissioner Flanagan: I don't know if you can see this map or not.

Mr. Gill: It doesn't recognize the REX necessarily, but - -

Commissioner Flanagan: This a Metro map, by the way.

Mr. Gill: Sure, and we don't include it on the - - the REX on there because it is - - it is a different service, but Metro does run that.

Commissioner Flanagan: Right.

Mr. Gill: The only point I would raise is absolutely lines going to other jurisdictions. That's the very reason why we have a regional transit agency, is they serve Fairfax and Arlington, Alexandria, and the District, and the region. And so yes, there are certainly service lines that will service other jurisdictions.

Commissioner Flanagan: The lines that are being serviced by that Royal Street at the present time are basically - -

Chairman Murphy: Hold on, please. Ma'am, if you're going to have a conversation on your cell phone, please take it outside. And please, if you have a cell phone, please turn it off or put it on "stun." Go ahead.

Mr. Gill: Sorry, Commissioner Flanagan, go ahead.

Chairman Murphy: Okay.

Commissioner Flanagan: The area that's just below the - - where it says "proposed Cinder Bed Road" on there, with the red star.

Mr. Gill: Yes, where the Fort is, primarily.

Commissioner Flanagan: Right. All of that area in there between all of the blue lines of the Metro lines is not served by Metro. Is that right?

Mr. Gill: Correct. Those are primarily Connector routes and those are -

Commissioner Flanagan: These are all Fairfax County Connector routes.

Mr. Gill: Right. And frankly as BRAC comes online, it's one of the reasons that made this site more attractive was we anticipate cooperating with the County and making sure we can serve BRAC, which would likely bring more of those blue lines to Fort Belvoir and the EPG.

Commissioner Flanagan: The Connector routes at the present time area all being serviced by the bus maintenance facility that already exists in Newington on Cinder Bed Road?

Mr. Gill: I can't - - that's for the County to answer.

Commissioner Flanagan: Oh, all right.

Mr. Gill: There's the facility at West Ox as well, obviously.

Commissioner Flanagan: So there is a facility there. And that facility does meet the Objective 38 - - the Policy statement in the Policy Plan that says that it should located in the center of its service area.

Mr. Gill: For a County facility, I'd leave it to staff to answer that.

Commissioner Flanagan: Well, staff could answer it then.

Mr. Williams: Could you repeat the question, please?

Commissioner Flanagan: The bus facility that serves the Connector bus is now located on Cinder Bed Road and is in the center of its service area, thereby meeting the Policy Plan requirement that it be in the center of its service area?

Mr. Williams: Yes, I do not know the details of the services provided by the Connector buses using that site. And again, as I stated previously, the Objective 38 of the Policy Plan applies to County maintenance facilities, which the subject application is not a County maintenance facility.

Commissioner Flanagan: But that bus, I think the 2232 staff report that I had when we approved the improvement of those facilities there did state that it was not on an arterial highway. And - - is that correct? You have - -?

Mr. Williams: That is correct because, again, it also has access to Cinder Bed Road.

Commissioner Flanagan: Right, but the reason why we approved - - the only reason we approved a bus at that location was because it was grandfathered in. It was there in 1960 before the Policy Plan contained this language at the present time.

Mr. Williams: I do not know. I was - - I'm not familiar with that application.

Commissioner Flanagan: I just want to be sure this is part of the record and that is the case. On this map it shows that - - and this, by the way, is my own - - these are my own figures - - that when I left the site I found that it was 5.5 miles to the Keene Mill intersection from this site. You know, it's the first place I could come to a Metrobus line route was at - - was 5.5 miles away from this bus site.

Mr. Gill: We disagree. I mean, when we ran it, it was 4.3, but - - I mean, we're not going to look at that.

Commissioner Flanagan: It's more than one mile.

Mr. Gill: The service originates from the Metro station.

Commissioner Flanagan: Okay. Anyway, this is - - this site is not on a Metrobus route.

Mr. Gill: Correct.

Commissioner Flanagan: Okay. I also clocked it at five miles. Is five miles to Springfield Metro?

Mr. Gill: We came out at 4.3, but again - -

Commissioner Flanagan: Basically, there's a five-mile radius or circle here where there are no Metrobuses serving the public.

Mr. Gill: Again, with REX, that is - - could be closer as well. We didn't go out and measure the distance to Fort Belvoir.

Commissioner Flanagan: I measured it. It was 4.7 miles to REX and that was to the main gate over there as well. The reason why I bring that up is because I was disappointed to find that in the staff report there was no mention of the zoning requirements in Section 9-400 that are requirements for the Transportation Facilities that Special Exception applications must meet. And there's no discussion, there's no listing of those requirements for a Special Exception in the staff report, and there's no mention of any response from the applicant. The applicant didn't volunteer any information along this line in the application.

Mr. Gill: Did you check the Statement of Justification? Because we would have had to address it as part of our Statement of Justification.

Commissioner Flanagan: Okay.

Mr. Williams: Excuse me, if I can respond to that. Actually, yes, again the response is included in the Statement of Justification. And also the applicable standards, which apply to the site in 9-404, are actually standards which are addressed in other areas of the staff report. The first standard is that all buildings and structures shall comply with the bulk regulations of the zoning district in which they're located. And the staff report does note that the proposed development is in compliance with the bulk standards for the

zoning district or site that it's located in. Another standard which applies says, "Except in the I-6 District, all maintenance, repair, and mechanical work, except of an emergency nature, shall be performed in enclosed buildings." And while the proposed - - this proposed site - - the repairs are to take place in an enclosed building, it is on property that's zoned I-6. Standard Number 4 says, "All facilities shall be located and so designed that the operation thereof will not seriously affect adjacent residential areas, particularly with respect to noise levels." And the staff report notes that the applicant has provided a noise study which demonstrates that the noise impacts will be - - meet the County standards. And the last standard in that section which applies is Number 8, and it talks about such applications being subject to the provisions of Article 17, which is site plans. And this application will be subject to site plan review.

Commissioner Flanagan: Okay. The one thing which I'd like to have you clarify for me: On page 16 of the staff report, it starts out by listing all of the General Standards of the zoning requirements for a Special Exception. And the first one mentioned is 9-006, as I read it. The next one is 9-104, -606, -905, 9-616. I don't see any listing of the - - any of the "400" provisions there.

Mr. Williams: That is correct.

Commissioner Hart: Mr. Chairman, may I bring up a point of order?

Chairman Murphy: Yes, Mr. Hart.

Commissioner Hart: Thank you. I hesitate to interrupt, but I thought the business that was on the table was the discussion of a substitute motion to defer Commissioner Migliaccio's motion to another date. It seemed to me the discussion ought to be germane to the deferral and somehow we've transitioned back into a reopening of the public hearing. We've had questions of staff, questions of the applicant, and I'm not sure what had - - how that public hearing got reopened. I thought the discussion now ought to be just on the reason for the deferral, which was Commissioner Hall's question, I think.

Commissioner de la Fe: I would agree with that.

Commissioner Flanagan: Mr. Chairman, I'm bringing this point up because I think that in order to have a complete package going to the Board of Supervisors we need to have this information listed and responded to, that there should be some response to these. And so the purpose in my deferral would be to give the staff an opportunity to indicate how that might be done.

Chairman Murphy: Okay. Further discussion of the motion?

Commissioner Lawrence: Mr. Chairman?

Chairman Murphy: Yes, Mr. Lawrence.

Commissioner Lawrence: Point of clarification on the substitute motion. If the purpose of the deferral is to include Ordinance provisions that are not now included in the staff report - -

Commissioner Flanagan: Yes.

Commissioner Lawrence: Let me ask the staff whether the omission is deliberate because what we are considering is a 2232. Staff, can you respond to that, please?

Mr. Williams: Could you repeat the question, please?

Commissioner Lawrence: As I understand it, what we have here tonight to vote on is a 2232.

Commissioner de la Fe, Chairman Murphy, and Mr. Williams: And a Special Exception.

Commissioner Lawrence: And a Special Exception.

Mr. Williams: Yes.

Commissioner Lawrence: Does the staff report list all the applicable standards?

Mr. Williams: The standards of 9-404 were not included in the staff report; however, as I just stated, those same standards are addressed in other sections of the Ordinance, which were included in the staff report.

Commissioner Lawrence: So the reason they are not addressed by number is that the same content appears in other sections of the Ordinance. Did I understand that correctly?

Mr. Williams: That is correct.

Commissioner Flanagan: I'd like to - -

Commissioner Lawrence: So in that case, the content - - the substantive content is present whether the numbers are present or not. Does that affect your desire to defer?

Commissioner Flanagan: Yes, it helps but it doesn't really answer the need to have all of them mentioned in the staff report going to the Board of Supervisors. Because I'm passing out here - -

Chairman Murphy: What's - - are we talking about the staff report for the 2232?

Commissioner Flanagan: We're talking about the Special Exception staff report.

Chairman Murphy: We haven't made that motion yet. Am I correct?

Commissioner de la Fe: We are at the 2232.

Chairman Murphy: We have not talked about the Special Exception application. We're talking about the 2232, which is the up or down for the Planning Commission. And the motion was to approve the 2232 because it met the standards - - the State standards of character, location, and extent. The second motion was to defer the 2232 application, which does not include citations from the Zoning Ordinance.

Commissioner Flanagan: But if there's a deferral on the SE, then will the 2232 also be deferred?

Chairman Murphy: No.

Commissioner Flanagan: Well, I think we need to take up the SE first.

Chairman Murphy: All right, all those in favor of the motion to defer the decision only on 2232-L10-17, say aye.

Commissioners Flanagan and Litzenberger: Aye.

Chairman Murphy: Opposed?

Commissioners: Nay.

Chairman Murphy: Motion carries. (*sic*)

Commissioner Hall: Abstain.

Commissioners: No.

Commissioner Alcorn: Motion doesn't carry.

Chairman Murphy: Motion doesn't carry, I should say.

Commissioner Hall: Excuse me.

Chairman Murphy: Mr. Flanagan was the only one that supported that motion (*sic*). Is there further discussion? Yes.

Commissioner Hall: I need to abstain because even though I was here at the beginning of the meeting, I did go home ill. So I did miss the public hearing. So I'll be abstaining from voting on this issue.

Chairman Murphy: And I'm glad you brought that up because I had to leave before the public hearing, but I watched the public hearing tonight on video. All those in - - ? Okay.

Commissioner de la Fe: Mr. Litzenberger also supported, I believe.

Chairman Murphy: Did you support that?

Commissioner Litzenberger: The deferral, yes.

Chairman Murphy: Okay. Mr. Litzenberger and Mr. Flanagan supported the deferral, okay. Further discussion of the motion? All those in favor - -?

Commissioner Lawrence: We just made the motion.

Commissioner Alcorn: No, we're returning to the main motion.

Commissioner Hall: Now you return to the main motion.

Commissioner Lawrence: Return to the main motion.

Chairman Murphy: That which I'm - - yes, okay. All right, all those in favor of the motion to approve 2232-L10-17, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Hall: Abstain.

Chairman Murphy: Opposed?

Commissioner Flanagan: Nay.

Chairman Murphy: Motion carries. Mr. Flanagan votes no. Mr. Migliaccio.

Commissioner Migliaccio: Thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2010-LE-017, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED FEBRUARY 2<sup>ND</sup>, 2011.

Commissioners de la Fe and Alcorn: Second.

Chairman Murphy: Seconded by Mr. de la Fe and - - was there another second? Mr. Alcorn. Is there a discussion of that motion?

Commissioner Flanagan: Mr. Chairman?

Chairman Murphy: Mr. Flanagan.

Commissioner Flanagan: I apologize for bringing up my motion during the - -

Chairman Murphy: Okay.

Commissioner Flanagan: - - the 2232 - -

Chairman Murphy: That's all right.

Commissioner Flanagan: - - to the Commission. But, now is the time to bring it up. And yes, I would - - I WOULD LIKE TO SEE IS THE APPLICATION IMPROVED BY INCLUDING IN THE APPLICATION A LISTING OF THE SPECIAL EXCEPTION REQUIREMENTS LISTED IN 9-400, WITH RESPONSE.

Chairman Murphy: Are you MAKING A MOTION NOW TO DEFER?

Commissioner Flanagan: YES.

Chairman Murphy: Okay. Is there a second to that motion?

Commissioner Litzenberger: Second.

Chairman Murphy: Mr. Litzenberger seconded the motion. For discussion, Mr. - -

Commissioner Flanagan: - - Flanagan.

Chairman Murphy: Flanagan. Mr. Lawrence.

Commissioner Lawrence: Just a point of clarification, Mr. Chairman.

Chairman Murphy: Yes.

Commissioner Lawrence: Just a point of clarification. It is for staff. If the content of these ordinances - - these provisions of the Ordinance - - is covered in the staff report, is it permissible to reference those in a document appended to the staff report by the time it gets to the Board for their disposition?

Ms. Abrahamson: Thank you, Commissioner Lawrence. And actually, it's - - certainly we could do an appendix - - an addendum, I'm sorry - - with an appendix attached. But it is common practice for staff not to always list every redundant standard. And what we probably erred in was we didn't list the citation. But often you'll see the citations - - three, four, five citations - - and we'll give you the summary statement on them. We don't usually go through them over and over again when they're redundant.

Commissioner Lawrence: Could such a citation statement be prepared and attached?

Ms. Abrahamson: All it would be--would be, you know, the section number. It just would be - -

Commissioner Lawrence: And that would not violate the scope of advertising?

Ms. Abrahamson: No. No. It has nothing to do with that.

Commissioner Lawrence: Thank you very much. Thank you, Mr. Chairman.

Commissioner de la Fe: Mr. Chairman?

Chairman Murphy: Yes, Mr. de la Fe.

Commissioner de la Fe: I have a point of - - further point of clarification from staff, or maybe from Commissioner Flanagan. What SE standards are not included in the staff report? I see, beginning on page 16 of the staff report, "Special Exception Requirements (See Appendix 10)." And then it lists "General Standards" and then the discussion of that. There are standards for all Category Use 1 - - you know, all sorts. What specifically is not in the staff report?

Commissioner Flanagan: Okay. That's what I was enumerating.

Ms. Abrahamson: Yes. The standards that Mr. Flanagan is referring to are Section 9-404, which are Standards for All Category use - - All Category 4 Uses, excuse me. And again, because those standards are somewhat redundant of the others, we often don't separately evaluate them and lump them into the discussion; although, usually we do include a header that says, "These are the sections we've reviewed." And that was omitted inadvertently. But the standards themselves are covered by the other standards that have been discussed. So the only thing that's really missing is a header that says, "Section 9-404." That's it. And that would be the substance of an addendum to say we typographically left out a citation, but the review has been completed below.

Commissioner de la Fe: Okay, thank you. That answers my question.

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Mr. Alcorn, and then Mr. Hart.

Commissioner Alcorn: Just another point of clarification for staff. In this motion, are we being asked to make a recommendation on the staff report? Or are we being asked to make a recommendation on the application?

Ms. Abrahamson: Much as we would love you to, you know, make a recommendation on our staff, it is your evaluation that you're considering. The staff report is merely an aid for your consideration of the facts of the case and therefore what you're voting on are the facts of the case. You know, the staff recommendation is explained in the staff report, and we try to put it forth for you, but that has nothing to do with what you recommend.

Commissioner Alcorn: That's what I thought. Thank you.

Commissioner Flanagan: Mr. Chairman?

Chairman Murphy: Mr. Hart, then Mr. Flanagan. We're on verbatim.

Commissioner Hart: Thank you. Thank you, Mr. Chairman. I think Commissioner Alcorn has made my point. Thank you.

Chairman Murphy: Mr. Flanagan.

Commissioner Flanagan: Yes. The reason for listing them is because there should have been a discussion that would have - - at the public hearing - - that brought all of these issues up. And that did not occur because they weren't listed in the staff report. Had 9-404, Paragraph 8 been listed in the staff report, it would have - - you would have known that it says that the regional non-rail transit facilities and electrically powered regional rail transit facilities operated by WMATA shall be established in conformance with the provisions of the agreement between WMATA and the County. I passed out to everybody here the first page of that - - of that agreement and there is a controversy at the present time as to whether - - between legal counsel, as to whether that requires WMATA to comply with the County's Objective 38 or not. And so I've consulted with the corporation counsel on this and they have told me that they think it's odd that it would be alleged that they're not - - that WMATA is - - is not complying with the County's requirements - - Policy requirements in this regard. They think it's odd but, as St. Clair Williams accurately stated, if you take it to read it literally, it says the County only has to comply with those requirements for County facilities. But in this memorandum that you have before you, WMATA clearly promises to abide by all of the requirements that are the obligation of County facilities. So I'm just saying that there's a - - there's a disconnect here in the staff report at the present time. And I'm not voting against this application, I'm just saying that this is something I think needs to be cleared in the next week. And my deferral is to allow staff and everybody time to make these corrections.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion to - - yes.

Commissioner Hall: If I can figure - - oh, okay, I think this is working. You know, I thought this only happened in the federal government, but let me take a shot because what I'm hearing is kind of disconcerting, or maybe making a mountain out of a molehill. I'm not sure which it is, but let me make sure. Basically, the provisions are there; they were maybe omitted in one place but they do appear, and it's clear that the intent of the staff report lists the pertinent regulations. Is that right?

Mr. Williams: That is correct. And I would just like to add that I have consulted with the County Attorney's Office regarding the agreement between WMATA and the County and, again, it does state that WMATA will comply with all County laws, ordinances, and regulations. However, the objectives of the Policy Plan which the Commissioners referred to are not laws, ordinances, or regulations. They're guidelines, so therefore that isn't - - that would not be applicable.

Commissioner Hall: They're guidelines, so they're not regulations at all. Okay. You know, I like - - in one way I do like the federal government. I'm the chief of contracting and procurement. I love the Christian Act. And for those of you who don't know what that is, it has nothing to do with religion. But it was a case where even if it isn't there, it's there. So I kind of get the feeling that, even though it isn't there, it's there. So I don't have a problem with it. Thank you, Mr. Chairman. Not that I can vote - - because I missed the public hearing.

Chairman Murphy: Further discussion of the motion?

Commissioner Flanagan: Mr. Chairman?

Chairman Murphy: Mr. Flanagan.

Commissioner Flanagan: Yes. One of the requirements that hasn't been mentioned yet, which I think you should all be aware of, it says that - - in the 400 series, it says that if an applicant is, for a Special Exception, and only in the case of a Special Exception, do they have to comply with the Comprehensive Plan. So the Comprehensive Plan doesn't become just another guideline, it's now a requirement that they have to comply. So that's - - that's the sticking point here, that this legal point needs to be brought to the attention of the Board of Supervisors before it gets to them. It needs to be settled and I'm asking for a week to settle it.

Chairman Murphy: All right. All those in favor of the motion to defer the decision only on SE - -

Commissioner de la Fe: The recommendation.

Chairman Murphy: - - the recommendation to defer Special Exception 2010-LE-017, say aye.

Commissioners Flanagan and Litzenberger: Aye.

Chairman Murphy: Opposed?

Commissioners: Nay.

Chairman Murphy: Motion carries.

Commissioner Hall: Abstain.

Chairman Murphy: Vote - - and Ms. Hall abstains. Mr. Flanagan voted aye.

Commissioner de la Fe: Motion fails.

Chairman Murphy: Motion fails. I'm sorry. And Mr. Litzenberger voted to support the motion. Now, we'll return to the main motion. All those in favor of the motion to - -

Commissioners Flanagan: Mr. Chairman? Mr. Chairman?

Chairman Murphy: Yes. We're on verbatim, Earl.

Commissioner Flanagan: I know. This is an important issue in my mind.

Chairman Murphy: Go ahead. All right.

Commissioner Flanagan: If the Board agrees to disregard, you know, the requirement for - - that are in Number 38 (*sic*), then I recommend that Condition 15 - - I would like to move an amendment to Condition 15, and that - - if I can get a second to that.

Chairman Murphy: Well, we want to hear what it is.

Commissioner Flanagan: I have a - -

Chairman Murphy: Do you have a list of them?

Commissioner Flanagan: Okay, I'D LIKE TO RECOMMEND THAT 15 BE WORDED TO ADD THE FOLLOWING TEXT: No buses shall use - - well, I guess I should say, "NO BUSES SHALL USE TELEGRAPH ROAD NORTH OF THE FAIRFAX COUNTY PARKWAY UNLESS NEEDED TO ACCESS ROUTES THAT ORIGINATE DIRECTLY FROM TELEGRAPH ROAD." And then, "NO BUSES SHALL USE RICHMOND HIGHWAY NORTH OF THE FAIRFAX COUNTY PARKWAY UNTIL RICHMOND HIGHWAY IS IMPROVED TO SIX LANES OR WHEN THE LEVEL OF SERVICE IS 'D' OR BETTER, UNLESS NEEDED TO ACCESS ROUTES THAT ORIGINATE DIRECTLY FROM RICHMOND HIGHWAY." And I'd like to - - if I can get a second.

Commissioner Litzenberger: Second.

Commissioner Flanagan: I'd like to, you know, give rationale behind that.

Commissioner de la Fe: Is this a substitute motion?

Commissioner Flanagan: This is an amendment to the motion, yes.

Chairman Murphy: Main motion.

Commissioner Flanagan: The motions would still stand. Yes.

Chairman Murphy: All right. Is there a discussion to that motion?

Commissioner Flanagan: Yes, Mr. Chairman.

Chairman Murphy: All right, Mr. Flanagan.

Commissioner Flanagan: Now that Condition 15 prevents any increase to traffic through Lee District along Telegraph Road, I MOVE THAT THE FOLLOWING TEXT PROVIDE THE SAME FOR THE MOUNT VERNON DISTRICT ALONG ROUTE 1 NORTH OF THE PARKWAY: "UNTIL ROUTE 1 HAS BEEN WIDENED TO ACCOMMODATE BRAC AND END THE 25 MINUTES NEEDED TO MOVE PAST THE GATES INTO AND OUT OF FORT BELVOIR." I see no benefit to Fairfax County inviting "deadhead" buses that don't pick up any County residents and only provide further congestion. In addition, I'd like to also note that - - that this - - that Mount Vernon District probably will bear the most of the brunt of any of this extra traffic by having this bus facility at this location. So that is the reason for advancing the amendment.

Chairman Murphy: All right. That's the discussion. Further discussion on the amendment? All those in - - Mr. Migliaccio?

Commissioner Migliaccio: No, never mind.

Chairman Murphy: All those in favor of the amendment, as articulated by Mr. Flanagan, say aye.

Commissioners Litzenberger and Flanagan: Aye.

Chairman Murphy: Opposed?

Commissioners: Nay.

Chairman Murphy: Motion fails.

Commissioner Hall: Abstain.

Chairman Murphy: Mr. Litzenberger and Mr. Flanagan vote in support of the motion. Ms. Hall abstains. Returning to - -

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes, Mr. Hart.

Commissioner Hart: Thank you. I have a discussion on the main motion if we're ready.

Chairman Murphy: All right. Further discussion on the main motion, which we have now returned to, to recommend to the Board of Supervisors, that it approve SE 2010-LE-017. Mr. Hart.

Commissioner Hart: Thank you Mr. Chairman. I will be supporting the motion. Because this is an application with Countywide or regional implications, I wanted to add some comments to the record to explain my decision. I'm sorry, Jeanette; this is going to be a long night. I was troubled initially by the transportation aspect of this application, but I'm now satisfied that both VDOT

and the Office of Transportation have concluded that the intersection with the Fairfax County Parkway is safe for the buses which are the subject of the applications. The support of those agencies was confirmed with the memoranda we received this past week. This process is not an exact science. Although we may not always achieve unanimity, I believe we have abundant evidence in the record, coupled with favorable recommendations from our professional staff, including Transportation, to justify our support of the applications. We've also received an unusual volume of written communications in opposition to the application. Some of this is based on unfortunate rumors. I believe some of the opposition also misconstrues the law applicable to our decision. First and foremost, in Virginia, a locality's comprehensive plan is a guide, not a mandatory regulation. The General Assembly has provided in Section 15.2-2233 that the Plan is general in nature to show the general or approximate location, character, and extent of each feature. And a comprehensive plan is not the same thing as a zoning ordinance. The Ordinance requirement that an application be harmonious with the adopted Plan still is not the same thing as incorporating - - incorporating generalized Plan text as mandatory regulation. If the Comprehensive Plan was the last word on land use, on the one hand it would need to be much more specific, and on the other hand we might not need to hear so many applications. The Board of Supervisors also retains the important flexibility to approve an application, notwithstanding Plan text, and it occasionally exercises its judgment to do so for the greater good. Nothing in the Ordinance deprives the Board of that discretion. Ordinarily, under our Zoning Ordinance, applications such as these must be in harmony with the adopted Comprehensive Plan. Harmony, however, does not necessarily require total uniformity or inflexibility. To the contrary, a harmonious county necessarily includes a great variety of uses with adjustments and coordination. To my way of thinking, the concept of harmony implies that multiple components coexist and complement each other. In the land use context, harmony could be achieved among multiple uses through a combination of development conditions appropriate to the context. A bus facility easily can coexist in harmony with other component parts of an industrial area, or the whole county, especially with the imposition of development conditions. An argument is made by some opponents that although this particular site is surrounded by industrial uses, it is over one mile from an arterial roadway and therefore inconsistent with the adopted Plan. But staff has included important development conditions that, for example, prohibit bus traffic to and from this use on Newington Road or Loisdale Road. With specific and appropriate development conditions, even an otherwise inconsistent application can be harmonized with the spirit and intent of the Comprehensive Plan. The evaluation of these development conditions is part of our land use function. Here, with the restrictions recommended by staff, I believe harmonization has been satisfactorily accomplished and this use, in my judgment, is in harmony with the Plan. Specific references to Plan Objectives 38 and 39 also are made by opponents. But both Objectives 38 and 39 are expressly applicable only to County-owned public facilities, not those owned by others or operated by other entities. That text simply does not govern a WMATA facility unless it is on County-owned land. The reliance on Objectives 38 and 39 is incorrect. Air pollution from buses is another articulated rationale for denial. But we have other bus facilities throughout the County, including within residential areas, and we have no criteria or local zoning regulations regarding the permissible level of air pollution from buses. If air pollution were an appropriate justification for zoning denial, we would not locate bus facilities anywhere in the County. In the overall sense, buses can reduce air pollution significantly because they are reducing the number of vehicles on the road. I do not

believe a denial of this bus facility based on fears of air pollution is consistent with the applicable standards in the Zoning Ordinance; nor for that matter is there any prohibition now on which streets WMATA chooses to run its buses or the location of bus stops. No matter what, this applicant still must comply with the Noise Ordinance and important site plan requirements. Nothing in the approval will relax or modify those requirements. Similarly, some of the opposition complains of the lack of enforcement of development conditions on other approvals. That is a matter for enforcement, not an issue for denial. If citizens have specific examples of violations of development conditions, they need to notify Zoning Enforcement staff. Our system is essentially complaint driven, and staff may not even be aware of the specific issue. Zoning Enforcement staff will follow up if notified. Another unfortunate rumor is that there is a statute requiring that bus facilities be located within one mile of an arterial roadway, making this application somehow illegal. No such statute exists and there is nothing illegal about this application. I recognize that there is adamant opposition from a number of the nearby Mount Vernon residents, but land use is not a popularity contest. We need, from time to time, to locate bus facilities such as this within the County and Cinder Bed Road, a blighted industrial area, is an appropriate location for this type of use, particularly with the imposition of these development conditions. Therefore, Mr. Chairman, I believe this application warrants our favorable recommendation to the Board of Supervisors. Thank you.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion to recommend to the Board of supervisors that it approve SE 2010-LE-017, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Hall: Abstain.

Commissioner Flanagan: Nay.

Chairman Murphy: Motion carries. Mr. Flanagan votes no.

Commissioner Flanagan: Right.

Chairman Murphy: And Ms. Hall abstains. Thank you very much. Is that it?

Commissioner Migliaccio: No, Mr. Chairman, one last - -

Chairman Murphy: I'm sorry. Go ahead.

Commissioner Migliaccio: - - piece. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATION OF THE INTERIOR PARKING LOT LANDSCAPING REQUIREMENTS, IN FAVOR OF THAT SHOWN ON THE SE PLAT.

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by Mr. de la Fe. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much. Thank you, Mr. Williams, excellent job as usual.

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The substitute motion to defer the decision on 2232-L10-17 failed by a vote of 2-7-1 with Commissioners Flanagan and Litzenberger in support; Commissioner Hall abstaining; Commissioners Harsel and Sargeant absent from the meeting.

The motion to approve 2232-L10-17 carried by a vote of 8-1-1 with Commissioner Flanagan opposed; Commissioner Hall abstaining; Commissioners Harsel and Sargeant absent from the meeting.

The substitute motion to defer the decision on SE 2010-LE-017 (to include references to Sect. 9-400) failed by a vote of 2-7-1 with Commissioners Flanagan and Litzenberger in support; Commissioner Hall abstaining; Commissioners Harsel and Sargeant absent from the meeting.

The motion to amend Development Condition Number 15 of SE 2010-LE-017 failed by a vote of 2-7-1 with Commissioners Flanagan and Litzenberger in support; Commissioner Hall abstaining; Commissioners Harsel and Sargeant absent from the meeting.

The motion to recommend approval of SE 2010-LE-017 carried by a vote of 8-1-1 with Commissioner Flanagan opposed; Commissioner Hall abstaining; Commissioners Harsel and Sargeant absent from the meeting.

The motion to recommend approval of the modification of the interior parking lot landscaping requirements carried 9-0-1 with Commissioner Hall abstaining; Commissioners Harsel and Sargeant absent from the meeting.

JN

Board Agenda Item  
February 22, 2011

4:00 pm

Public Hearing on Proposed BRAC Area Plans Review Item 08-IV-4MV for Property Located West of Richmond Highway and North of Huntington Avenue (Mount Vernon District)

ISSUE:

The proposed nomination pertains to land located in Sub-unit A-3 of the North Gateway Community Business Center in the Mount Vernon Planning District. The subject area, Tax Map Parcel 83-3 ((1)) 101, is planned for high-rise residential use at a density of 35 dwelling units per acre with first floor retail or office. The nomination proposes to amend the Comprehensive Plan to recommend infill mixed-use development that retains the existing residential multifamily use and adds new mid-rise multifamily residential structures with ground floor retail and/or restaurant use, and townhouses at a density up to 65 du/ac and an overall intensity up to 1.65 floor area ratio (FAR).

PLANNING COMMISSION RECOMMENDATION:

On Thursday, February 3, 2011, the Planning Commission voted unanimously (Commissioners Harsel and Sargeant absent from the meeting) to recommend that the Board of Supervisors adopt BRAC APR 08-IV-4MV, as set forth in the attached handout dated February 3, 2011.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the Planning Commission recommendation as shown in the Planning Commission verbatim (Attachment I) which contains modifications to the Staff recommendation relating to stormwater management, circulation system and character of development.

TIMING:

Planning Commission public hearing – February 3, 2011  
Board of Supervisors public hearing – February 22, 2010

BACKGROUND:

The subject property was nominated for a Comprehensive Plan amendment in the 2005-2006 South County Area Plans Review, but was deferred by the Planning Commission for consideration in the special 2008 BRAC Area Plans Review (APR) process. During the 2008 BRAC APR process the BRAC APR Task Force supported

Board Agenda Item  
February 22, 2011

the nomination with conditions related to consolidation, impacts on parks, and restoration of environmentally sensitive areas (Attachment II). However, the Planning Commission indefinitely deferred item 4MV at a public hearing held on June 17, 2009. In June of 2010, the nominator requested that staff and the Planning Commission bring the nomination forward for a new evaluation.

FISCAL IMPACT:  
None

ENCLOSED DOCUMENTS:  
Attachment I: Planning Commission Verbatim and Recommendation  
Attachment II: BRAC APR Task Force Recommendation  
Attachment III: Staff Report also available online at  
<http://www.fairfaxcounty.gov/dpz/apr/brac/finalstaffreports/4mv.pdf>

STAFF:  
Fred R. Selden, Acting Director, Department of Planning and Zoning (DPZ)  
Marianne Gardner, Chief, Policy and Plan Development Branch, PD, DPZ  
Aaron Klibaner, Planner II, PD, DPZ

BRAC AREA PLANS REVIEW 08-IV-4MV

After the Close of the Public Hearing

Chairman Murphy: Public hearing is closed; Mr. Flanagan.

Commissioner Flanagan: Thank you, Mr. Chairman. It's a pleasure to finally make a motion on a project that it is in such good shape. But Mr. Chairman, this Amendment proposes to modify the Comprehensive Plan for Tax Map Parcel 83-3 ((1)) 101 to support adding mid-rise residential structures with ground floor retail or restaurant use. At the present time nobody has indicated, but there are three buildings – three 16-story buildings at this site now, surrounded by a sea of asphalt with cars all over the place. When combined with the existing high-rise residential community, the new density would be 61 dwelling units per acre with an overall intensity up to 1.60 FAR.

Chairman Murphy: Your time ran out. You should have turned that on a long time ago.

Commissioner Flanagan: That was the previous motion. And I'd like to also note at this particular point that almost all of the surface parking is going to be now collected in multi-story structured parking. And you won't see that from the street at any point because the mid-rise apartments are going to be around the perimeter backing up to the structured parking. And it's going to be a very interesting development I think you all would be proud of. I know I am. I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS ADOPT THE RECOMMENDATION FOR BRAC APR 08-IV-4MV, SHOWN ON MY HANDOUT DATED FEBRUARY 3, 2011. MY LANGUAGE REFLECTS THAT SHOWN IN THE STAFF REPORT DATED JANUARY 20, 2011, WITH A CHANGE TO EMPHASIZE THE INTENDED MID-RISE CHARACTER OF THE NEW DEVELOPMENT AND CLARIFY, IN THE FOURTH BULLET OF THE TEXT "STORMWATER MANAGEMENT GUIDANCE", which I also think is really worthy of noting for any future projects that are going to come before us. With that, I would entertain a second.

Commissioner Lawrence: Second, at your pleasure.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio and Mr. Lawrence. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it adopt BRAC APR 08-IV-4MV, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(The motion carried unanimously with Commissioners Harsel and Sargeant absent from the meeting.)

JN

February 3, 2011

Commissioner Earl Flanagan, Mount Vernon District

**PROPOSED COMPREHENSIVE PLAN LANGUAGE**  
**BRAC Area Plans Review 08-IV-4MV**

Planning Commission recommended modifications to the Comprehensive Plan are shown as underlined for text to be added and as ~~struck through~~ for text to be deleted.

**MODIFY:** Fairfax County Comprehensive Plan, 2007 edition, Area IV, Mount Vernon Planning District, Amended through 1-11-2011, Richmond Highway Corridor Area, North Gateway Community Business Center, page 34:

**"Sub-unit A-3**

The Riverside Apartments complex, located on the north side of Huntington Avenue between Cameron Run Terrace and Hunting Creek Road, is planned for mid-rise and high-rise residential use with first floor retail and/or office restaurant use with structured parking at a density up to 35 61 dwelling units per acre and an overall FAR of 1.60. The site is almost entirely covered by impervious surfaces, includes outdated stormwater management facilities, little to no useable open space for residents, and minimal landscaping. Any redevelopment of the site should be designed to substantially re-vegetate the Cameron Run floodplain, providing additional open space and park land to serve the recreational needs of residents and the surrounding community, and provide stormwater management facilities that address long standing water quantity and quality issues associated with the site and its impacts to Cameron Run and neighboring properties. Therefore, any proposed redevelopment should be subject to the following conditions: This recommendation reflects the existing use which should be retained.

- Any proposed redevelopment of the site should provide substantial, useable, additional open space areas and urban park amenities for residents and provision of a linear park along the shoreline of Cameron Run that includes wayside areas with benches:
- The Cameron Run floodplain should be re-vegetated to the maximum extent possible:
- The proposed trail that appears on the County Trails Plan Map should be constructed within the linear park. It is not necessary for the trail to be constructed directly along Cameron Run: this is particularly relevant should flood controls (e.g., a levee) impact the area shown on the Trails Map. The trail should provide a link to the planned trail east of the site, and linkages to the existing Huntington Park and any new park that may be constructed by the Park Authority on land dedicated by the abutting property to the west:
- Provision of stormwater quantity and quality control measures that are substantially more extensive than minimum requirements, with the goal of reducing the total runoff volume if appropriate. The emphasis should be on low impact development (LID) techniques and best management practices (BMPs) that evapotranspire water, filter water through vegetation and/or soil and return water in to the ground or reuse it and should include such features as rooftop landscaping on the proposed parking structures. Stormwater management measures that are sufficient to attain the stormwater design-quantity control credit if appropriate and the stormwater design-quality control credit of the most current version of the Leadership in Energy and Environmental Design for New Construction (LEED-NC) or Leadership in Energy and Environmental Design for Core and Shell (LEED-CS) rating system (or third party equivalent of these credits) should be provided. If this goal is demonstrated not to be achievable, all measures should be implemented to the extent possible in support of this goal:

- No freestanding retail and/or restaurant uses;
- Provision of high quality architecture in mid-rise structures;
- Provision of structured parking, incidental surface parking shall be allowed consistent with urban design guidelines;
- Provision of pedestrian oriented site design which should include buildings oriented to internal streets and mitigation of visual impacts of structured parking, internal streets, walkways, trails, sidewalks and street crossings should connect buildings and open spaces, and amenities such as street trees, benches, bus shelters, adequate lighting and various paving textures;
- Provision of integrated pedestrian linkages to nearby streets should be provided and bicycle systems with features such as covered and secure bicycle storage facilities;
- A coordinated circulation system that will accommodate vehicular and pedestrian access among Sub-units A-1, A-2 and A-3 of the North Gateway Community Business Center should be provided;
- Building design should accommodate telecommunications antennas and equipment cabinets in a way that is compatible with the building's architecture, and conceals the antennas and equipment from surrounding properties and roadways by flush mounting or screening antennas and concealing related equipment behind screen walls or building features;

NOTE:

Figures 8, 13 "Richmond Highway Corridor Area", and Figures 21, 22 and 27 "MV1 -Huntington Community Planning Sector" will be amended to show that the entirety of the site is located within Subunit A-3 of the North Gateway CBC, and that the northwestern portion of the subject area is removed from Land Unit S of the Huntington TSA.

**BRAC APR TASK FORCE  
RECOMMENDATION  
2008 BRAC AREA PLANS REVIEW**

**APR ITEM #**                      **08-IV-4MV**

**DATE(S) REVIEWED BY TASK FORCE:**      **06/16/08 and 08/19/08**  
**NOMINATOR(S):**   **INDA STAGG for AIMCO RIVERSIDE PARK, LLC**

**SUMMARY TASK FORCE RECOMMENDATION:**

Approve Nomination as submitted \_\_\_\_\_  
Approve Nomination with Modification \_\_\_\_X\_\_\_\_  
Retain Adopted Plan \_\_\_\_\_

**VOTE TALLY**

In favor: \_\_\_\_14\_\_\_\_  
Opposed: \_\_\_\_3\_\_\_\_  
Abstentions: \_\_\_\_1\_\_\_\_

**Task Force member(s) who recused themselves from the vote:**

\_\_\_\_\_  
\_\_\_\_\_

**TASK FORCE EXPLANATION/COMMENTS:**

1. THE IMPACT ON PARKS AND RECREATION SHOULD BE MITIGATED PER POLICIES CONTAINED IN OBJECTIVE 6 OF THE PARK AND RECREATION SECTION OF THE POLICY PLAN
2. BUILDINGS SHOULD BE DESIGNED TO ACCOMMODATE TELECOMMUNICATIONS ANTENNAS AND EQUIPMENT CABINETS IN A WAY THAT IS COMPATIBLE WITH THE BUILDING'S ARCHITECTURE AND CONCEALS THE ANTENNAS AND EQUIPMENT FROM SURROUNDING PROPERTIES AND ROADWAYS BY FLUSH MOUNTING OR SCREENING ANTENNAS AND CONCEALING RELATED EQUIPMENT BEHIND SCREEN WALLS OR BUILDING FEATURES
3. RESTORE RPA AND EQC AND OTHER SENSITIVE AREAS ALONG CAMERON RUN SHORELINE TO EXTENT POSSIBLE WOTHOUT DISRUPTING EXISTING TRANSPORTATION PATTERNS
4. CONSOLIDATION OF SUBUNITS A-1, A-2 AND A-3 AND/OR THE CREATION OF A COORDINATED INTERNAL VEHICULAR CIRCULATION SYSTEM BETWEEN ALL THREE AREAS TO REDUCE AUTOMOBILE TRIPS IN THE AREA

Task Force Chairman (initials): \_\_\_\_SF\_\_\_\_\_



**STAFF REPORT ADDENDUM  
2008 BRAC AREA PLANS REVIEW  
(REVISED JANUARY 20, 2011)**

**SUPERVISOR DISTRICT:** MOUNT VERNON

**BRAC APR ITEM:** 08-IV-4MV

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**NOMINATOR:** Inda Stagg on behalf of AIMCO Riverside Park LLC

**ACREAGE:** 28.1 Acres

**TAX MAP I.D.:** 83-3 ((1)) 101

**GENERAL LOCATION:** West of Richmond Highway, north of Huntington Avenue, east of Hunting Creek Road, south of the Fairfax County – City of Alexandria Line.

**PLANNING AREA:** IV  
**District:** Mount Vernon  
**Sector:** N/A  
**Special Areas:** Sub-unit A-3 of the North Gateway Community Business Center (CBC), Richmond Highway Corridor Area

**ADOPTED PLAN MAP:** Residential use at 20+ dwelling units per acre (du/ac)

**ADOPTED PLAN TEXT:** “High-rise residential use at 35 dwelling units per acre with first floor retail or office.”

For complete Plan text see: <http://www.fairfaxcounty.gov/dpz/comprehensiveplan/area4/mtvernon1.pdf>

**PROPOSED PLAN AMENDMENT:** Infill mixed-use development that retains the existing residential multifamily use and includes five new 4-5 story multifamily residential structures with 1<sup>st</sup> floor retail and/or restaurant use, and two new 2-story townhouse or multifamily residential buildings at a density/intensity up to 65 du/ac and 1.65 floor area ratio (FAR).

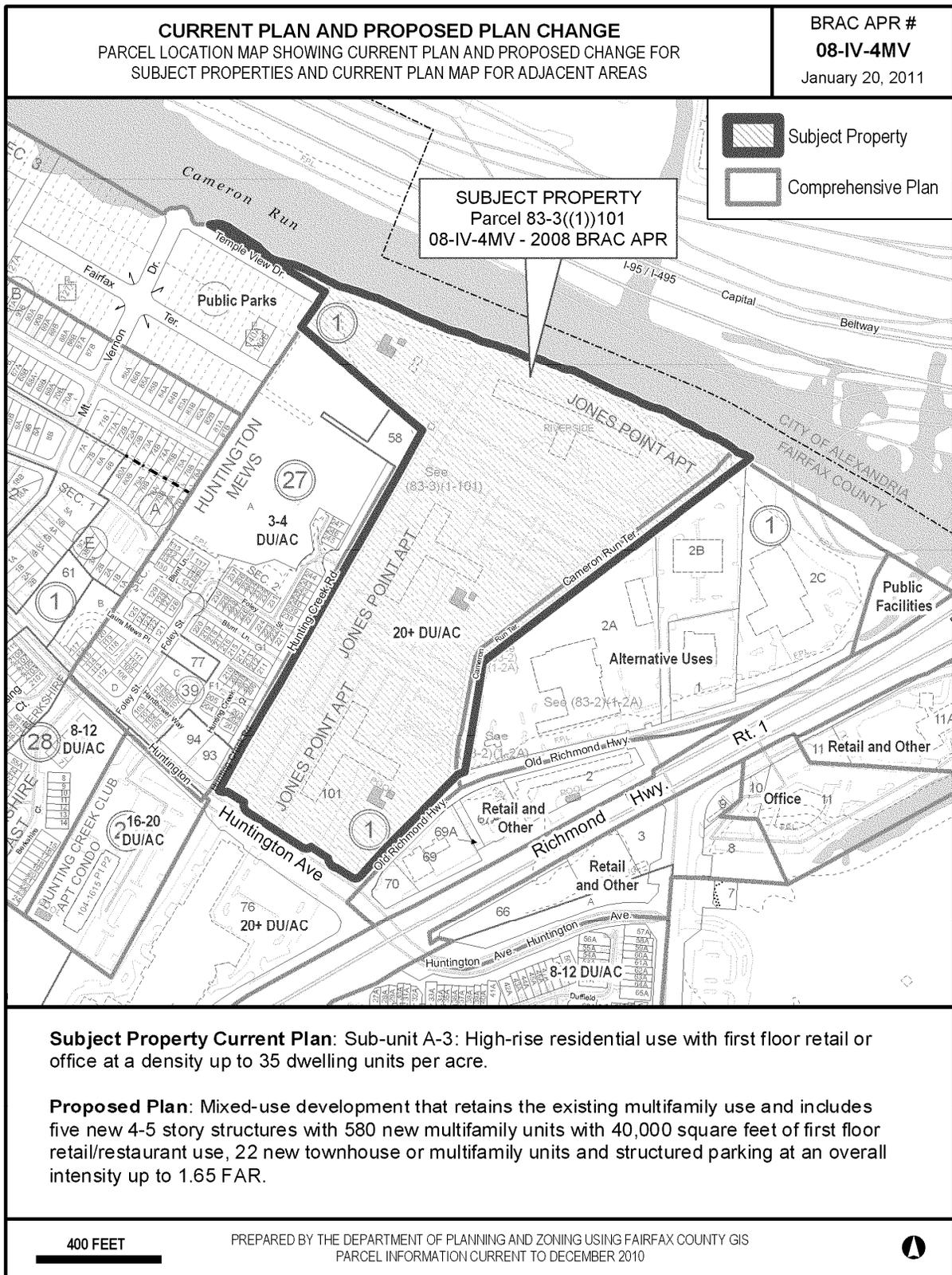
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**SUMMARY OF STAFF RECOMMENDATION:**

- Approve Nomination as Submitted  
 Approve Staff Alternative  
 Retain Adopted Plan

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Staff recommends an alternative that reflects a development potential of 61 du/ac and 1.60 FAR. The reduction in the number of new dwelling units from 602 to approximately 501 units in buildings of 4-5 stories in height would result in additional open space that could provide areas



for urban park amenities including a linear park along the shoreline of Cameron Run and re-vegetation of the Cameron Run floodplain, and create opportunities for additional open space in other portions of the subject area. Staff also recommends the installation of stormwater management facilities on the site that exceed minimum requirements for water quantity and quality of stormwater runoff. The Comprehensive Plan text recommended by staff is provided at the end of the document.

## CONTEXT

### **General Location:**

The subject property is coterminous with Sub-unit A-3 of the North Gateway CBC. The sub-unit is located north of Richmond Highway, east of Huntington Avenue and west of a portion of Old Richmond Highway.

### **Existing and Planned Land Use and Zoning:**

**Subject Property:** The subject property is 28.1 acres in size. Parcel 83-3 ((1)) 101 contains the Riverside Apartments, 1,222 high-rise units. The parcel is planned for residential use at a density of 35 du/ac. The Plan text recommends that this use be retained. The site is zoned R-30 (Residential use at 30 du/ac).

### **Adjacent Area:**

**North:** Cameron Run abuts the subject property on the north.

**East:** To the east is Sub-unit A-1 within the North Gateway CBC. It is developed with two car dealerships, a restaurant and mid-rise office uses and is planned for retail, office and/or residential uses up to .50 FAR, and mixed-use development up to 1.0 FAR provided specific conditions are met. Sub-unit A-1 is zoned C-8.

**South:** To the south across Huntington Avenue, is Land Unit R within the Huntington Transit Station Area (TSA) that contains the Hunting Creek condominiums and the Huntington Gateway high-rise apartments and is planned for residential use at 52 du/ac and full service hotel, and zoned PDH-40. To the southeast of the subject property is Sub-unit A-2 within the North Gateway CBC that contains a bank, motel, low-rise offices and neighborhood serving commercial uses and is planned for retail and other uses. Sub-unit A-2 is zoned C-8.

**West:** To the west and northwest is Land Unit S of the Huntington TSA. It is planned for residential use at 3-4 du/ac with a redevelopment option for residential use at 16-20 du/ac for land outside of the Resource Protection Area (RPA) subject to specific conditions. The parcels are zoned PDH-8 and with a few R-4 parcels that were not included in the PDH-8 consolidation. The site is being developed with townhouse units.

## PLANNING HISTORY

The subject property was nominated for a Comprehensive Plan amendment in the 2005-2006 South County Area Plans Review, but was deferred by the Planning Commission for consideration in the special 2008 BRAC Area Plans Review process. During the 2008 BRAC APR process, the Planning Commission indefinitely deferred item 4MV at a public hearing held on June 17, 2009. In June of 2010, before the nomination was set to expire, the nominator requested that staff and the Planning Commission re-evaluate the nomination. Staff began a new analysis of the nomination, and a public hearing before the Planning Commission was scheduled for February 2, 2011.

**ADOPTED COMPREHENSIVE PLAN TEXT**

Fairfax County Comprehensive Plan, 2007 Edition, Area IV, Mount Vernon Planning District, Amended Through 9-28-2010, Richmond Highway Corridor Area, Page 34:

**“Sub-unit A-3**

The Riverside Apartments complex, located on the north side of Huntington Avenue between Cameron Run Terrace and Hunting Creek Road, is planned for high-rise residential use with first floor retail or office use at a density up to 35 dwelling units per acre. This recommendation reflects the existing use which should be retained.”

**NOMINATED PLAN AMENDMENT**

The nomination proposes to replan Sub-unit A-3 for mixed-use development by adding 602 dwelling units and 40,000 square feet of retail use to the existing complex of 1,222 residential units. Most of the new units would be provided in new 4-5 story structures with first floor retail use, and with 22 units constructed in two separate buildings. The resulting development potential would have an overall intensity of 1.65 FAR comprised of 1,824 dwellings and 40,000 square feet of retail use.

**FIGURE 1: Quantification Table**

	Total Acres	Residential					Nonresidential		
		Total Units	Res. Sq. Ft.	SF Attached	Multifamily		Retail Sq. Ft.	Total GFA	Max. FAR
					Mid Rise	High Rise			
Existing Development:	28.2	1222	1,266,600			1222		1,266,600	
Zoning Potential: R-30	28.2	846				846			
Current Plan Potential:	28.2	987				987			
<b>Proposed Plan: Retain current use and add 4 mid-rise multifamily buildings 4-5 stories in height, at a density of 65 du/ac with first floor retail/restaurant uses.</b>	<b>28.2</b>	<b>1,824</b>	<b>1,994,816</b>	<b>22</b>	<b>580</b>	<b>1,222</b>	<b>40,000</b>	<b>2,029,816</b>	<b>1.65</b>

**ANALYSIS**

**Land Use**

During the 2008 BRAC Area Plans Review process staff recommended denial of the proposed plan amendment based on the nominator’s justification of the proposed plan as a transit oriented development with a 15% trip reduction in both the a.m. and p.m. peak periods. In staff’s view, this assertion could not be supported due to the site’s distance to the Huntington Metro Station. Since then staff has re-evaluated the nomination as an infill residential development, and reduced the amount of assumed transit trips due to the site’s location being outside of the traditional walking distance (1/2 mile) from the Metro station. Evaluation also takes into account factors other than transit-oriented development, including potential re-vegetation of the floodplain and the provision of useable open space.

Nomination 4MV is situated in a built out area of the county and can be characterized as an infill development, in that it would add new components to an existing residential development.

With proper design, the redevelopment of the site could yield improved stormwater management, re-vegetate a portion of the Cameron Run floodplain traversing the site to create a vital segment of a linear park along the waterway, create new trails connections and provide needed open space to an area dominated by surface parking.

The mid-rise design of the proposed buildings would preserve the limited views of the Cameron Run shoreline from upper floors of the existing high-rise buildings and would also avoid creating a canyon effect in the design of the site. The extensive site coverage associated with the mid-rise, however, would restrict improvement to the Cameron Run floodplain, may block views and possibly access to Cameron Run, and would limit useable open space for residents of Riverside Park. The nomination would minimally increase the amount of open space but when considered against the increased population, much less open space would be available to each resident.

Nomination 4MV impacts the floodplain and shoreline of Cameron Run, an area that has been subject to frequent flooding and that is almost completely covered by impervious surfaces and structures. The subject property is elevated above and severed from Cameron Run by a bulkhead intended to provide flood protection. This condition prevents full restoration of this degraded area to its natural condition. However, re-vegetation of the flood plain through removing surface parking and limiting new construction is an alternative that could help address water quality and stormwater reduction goals.

With respect to open space, according to the nominator, approximately 37.5 percent of the existing site is devoted to open space, and the proposed development will provide approximately 38.9 percent open space, including providing additional frontage along Cameron Run for the construction of the Cameron Run Trail. A significant amount of the open space is in the form of landscaped parking islands and is not useable. When considering that a 50 percent increase in density is proposed, the amount of open space available to individual residents would be greatly decreased.

The Park Authority's Great Parks Great Communities Comprehensive Park Plan identifies a need for an additional 1.9 acres of new park land to serve the recreational needs of residents in the Huntington area. Staff recommends that the nominator provide additional useable open space on the site, and that connections be established to other open space and park lands in the surrounding area. In addition to constructing Cameron Run Trail, the re-vegetation of the floodplain would provide space for a linear park that would contain the trail. The County Trails Plan Map shows the Cameron Run Trail as a major paved trail with a minimum width of 8 feet, and the Public Facilities Manual requires that a trails easement of at least 13 feet in width be provided, exclusive of the trail itself. This would mean that at least 21 feet is needed to accommodate the trail and easement measured from the edge of the Cameron Run bulkhead. The shoreline narrows considerably towards the northwestern edge of the site, and the amount of space created by removing the existing row of parking spaces in this area may not be sufficient to accommodate the trail and proposed park. Staff recommends more of the existing impervious

surfaces in this area be removed in order to create the space needed for the trail and for a larger linear park area along the shoreline of Cameron Run.

The current concept proposed by the nomination is land consumptive in that little new open space is provided. Additional open space, coupled with reduced density would address this issue and other issues by creating additional useable open space for the residents of Riverside Park and a connection to the neighboring property to the west where land is being donated to the Park Authority.

In order to accomplish the goals of re-vegetating the floodplain, providing more useable open space on the property than what exists today and providing the proposed linear park along Cameron Run, staff recommends an alternative that would reduce the proposed density of the nomination. The reduction is justified for several reasons. The nominated density of 65 du/ac is more than 50 percent greater than the existing Riverside Park Apartments (43 du/ac). At this density, the development would be much greater than multifamily residential developments in the surrounding area. For example, the nomination proposes development that is 86 percent greater than the Montebello Condominiums (35 du/ac), and 38 percent greater than the Huntington Gateway Apartments (47 du/ac) both located on the south side of Huntington Avenue, east of the subject area. Staff recommends reducing the number of new units from 602 to approximately 501 units. The lower density would be closer to nearby multi-family densities, create more internal open space as well as buffer the new townhouse development in Land Unit S to the west, and most importantly, add an essential segment of park land along Cameron Run as well as achieve significant restoration of the northern portion of the site along Cameron Run to a vegetated condition.

In total, this revision would reduce total density by approximately 5 percent, and result in an overall intensity of 1.60 FAR, as opposed to 1.65 FAR. This modest density reduction would be sufficient to create significant additional open space principally along the shoreline of Cameron Run, resulting in significant community and environmental benefits. Dedication of land in this location would add another segment to the shoreline park that now extends from existing Huntington Park through land donated to the Park Authority directly to the west of the site. This unified park would provide both important community benefits, address the Park Authority's recommendation for additional new park land in the Huntington area, and create additional connections in the park system as well as provide significant environmental benefits.

Finally, redevelopment of the Riverside Park property provides an opportunity to install modern stormwater management facilities on a site that currently has badly outdated infrastructure, and drains directly into Cameron Run, and also presents an opportunity to utilize low impact design features (LID) and best management practices (BMPs) that might include such features as green roofs on the proposed parking structures. The Policy Plan, Environment Chapter, Countywide Objectives and Policies, Water Quality section contains the following objective that addresses these issues:

- **“Objective 2: Prevent and reduce pollution of surface and groundwater resources. Protect and restore the ecological integrity of streams in Fairfax County.**
  - Policy k: For new development and redevelopment, apply better site design and low impact development (LID) techniques and pursue commitments to reduce stormwater runoff volumes and peak flows to increase groundwater recharge including:
    - Minimize the amount of impervious surface created;
    - Site buildings to minimize impervious cover associated with driveways and parking areas;
    - Encourage the use of innovative BMPs and infiltration techniques of stormwater management where site conditions are appropriate;
    - Maximize the use of infiltration landscaping within streetscapes.”

The Environmental section of this report provides a more detailed discussion of new stormwater management infrastructure, and the use of LID and BMP features on this site, and also describes the benefits to the surrounding community that improving stormwater management facilities on the subject property would have, including addressing flooding problems that occur frequently in the Huntington area.

### **Transportation**

The traffic impact study previously submitted for this APR (December 2008, revised September 2009) adequately addresses transportation comments provided by Fairfax County Department of Transportation and the Virginia Department of Transportation. While a small number of issues were left unresolved, the traffic study does sufficiently address transportation impacts associated with the proposed changes in land use, at a planning level.

### **Trip Generation**

Virginia Department of Transportation guidance indicates internal capture rates of 5% in the a.m. peak hour and 10% in the p.m. peak hour for the residential-retail land use mix. The nomination has applied 15% in each peak period. Being outside the ½ mile radius of the Huntington Metrorail Station, FCDOT staff also feels that the 10% reduction rate applied by the nominator is too high. Should the internal capture rate be reduced to 5% a.m., and 10% p.m., and the transit reduction rate to 5% (allowance for existing shuttle service), the adjusted net trip generation totals would increase by 334 daily trips, 44 a.m. peak hour trips and 64 p.m. peak hour trips (see trip generation table above). Once dispersed directionally throughout the network (north, south, east and west) and at each intersection approach (left, through, right), the adjusted trip generation would be unlikely to impact operations significantly.

**FIGURE 2: TRIP GENERATION COMPARISON - NOMINATION VS. FCDOT ADJUSTED**

Scenario	Daily	AM Peak Hour		PM Peak Hour	
		In	Out	In	Out
Current Plan (35 du/ac) <sup>1</sup> High-Rise Apartment (222); 985 DU	3,532	70	209	190	122
Total	3,532	70	209	190	122
Existing Development <sup>1</sup> High-Rise Apartment (222); 1,222 DU	4,224	86	259	234	149
Total	4,224	86	259	234	149
Proposed Amendment (Nominator) <sup>2</sup> High-Rise Apartment (222); 1,222 DU Mid-Rise Apartment (223); 602 DU Commercial (820); 40 KSF	5,998 <sup>3</sup> 2,705	140 <sup>3</sup> 40	386 <sup>3</sup> 25	344 <sup>3</sup> 118	222 <sup>3</sup> 128
Total	8,703	180	411	462	350
Proposed Amendment (FCDOT) <sup>4</sup> High-Rise Apartment (222); 1,222 DU Mid-Rise Apartment (223); 602 DU Commercial (820); 40 KSF	6,332 <sup>3</sup> 2,705 <sup>5</sup>	153 <sup>3</sup> 44 <sup>5</sup>	410 <sup>3</sup> 28 <sup>5</sup>	371 <sup>3</sup> 126 <sup>5</sup>	243 <sup>3</sup> 136 <sup>5</sup>
Total	9,037	197	438	497	379
<b>Net Impact of FCDOT Trip Adjustments</b>	<b>+334</b>	<b>+17</b>	<b>+27</b>	<b>+35</b>	<b>+29</b>

**Trip Generation Adjustments:**

- (1) Current Plan and Existing Development Scenarios Assume 5% Transit Reduction
- (2) Nominator Proposed Amendment Scenario Assumes 15% Internal Capture, 15% Pass-By Reduction, and 10% Transit Reduction
- (3) High-Rise and Mid-Rise Apartments Combined to “Residential Uses”
- (4) FCDOT Proposed Amendment Scenario Assumes 5% and 10% AM & PM Internal Capture, 15% Pass-By Reduction, and 5% Transit Reduction
- (5) Transit Reduction Applied Only to Residential Uses (Not Community Retail)

**Environmental**

The subject property is located in the Cameron Run and Belle Haven watersheds and is almost entirely impervious surface. The 2007 Cameron Run Watershed Management Plan identifies this area as severely degraded.

RPA, EQC, Tidal Wetlands and Floodplain – Cameron Run traverses the subject nomination in an east west direction to the north of the site. The Chesapeake Bay Preservation Ordinance provides that when/if redevelopment occurs the current amount of impervious surface which is in the RPA can be allowed as part of a redevelopment, but no net increase in imperviousness in the RPA should occur. However, reduction and restoration of existing impervious surface located in environmentally sensitive areas should occur as part of redevelopment.

The proposed nomination includes development in a portion of the RPA along Cameron Run, an area flooded in June 2006. The associated surface parking areas and floodplain encroachment into the RPA and floodplain likely contributes to the flooding upstream which encompasses most

of Huntington Park and extends into the Huntington community during heavy rainfall. Fairfax County Department of Public Works and Environmental Services and the US Army Corps of Engineers have developed plans for flood prevention improvements which may result in a levee being constructed across Huntington Park and/or other stormwater related improvements. If the proposed nomination is approved, language should be recommended describing a condition that the majority of impervious surfaces be removed from the Cameron Run floodplain and the floodplain restored with native vegetation in order to aid in correcting some of the flooding problems.

Water Quality – Stormwater management and water quality controls and practices should be optimized for any redevelopment of the property consistent with the scale of the project and revitalization goals. For any new multi-family residential buildings:

- Stormwater quantity and quality control measures should be provided that are substantially more extensive than minimum requirements, with the goal of reducing the total runoff volume or significantly delaying entry into Cameron Run. The emphasis should be on low impact development (LID) techniques that evapotranspire water, filter water through vegetation and/or soil, return water in to the ground or reuse it.
- At a minimum, stormwater management measures that are sufficient to attain both the stormwater design-quantity control and stormwater design-quality control credits of the most current version of the Leadership in Energy and Environmental Design for New Construction (LEED-NC) or Leadership in Energy and Environmental Design for Core and Shell (LEED-CS) rating system (or third party equivalent of these credits) should be provided. If this goal is demonstrated not to be achievable, all measures should be implemented to the extent possible in support of this goal. Examples of specific LEED stormwater management credits include:
  - Credit 6.1 - Stormwater Rate and Quantity: If existing imperviousness is greater than 50%, implement a stormwater management plan that results in a 25% decrease in the rate and quantity of stormwater runoff.
  - Credit 6.2 - Construct site stormwater treatment systems designed to remove 80% of the average annual post-development total suspended solids (TSS) and 40% of the average annual post-development total phosphorous (TP) based on the average annual loadings from all storms less than or equal to the 2-year/24-hour storm. Do so by implementing Best Management Practices (BMPs) outlined in Chapter 4, Part 2 (Urban Runoff), of the United States Environmental Protection Agency's (EPA's) Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters, January 1993 (Document No. EPA-840-B-92-002) or the local government's BMP document (whichever is more stringent).

Noise - Transportation generated noise from Huntington Avenue, I-495 and Old Richmond Highway affects the subject property. Any new residential development would be required to mitigate interior and exterior noise impacts as outlined in Fairfax County's Policy Plan.

### **Parks**

As identified in the adopted Comprehensive Plan, Mount Vernon Planning District, redevelopment in the Richmond Highway Corridor should address broader parks and recreation needs including providing additional active recreation facilities, urban parks and local parks. Existing nearby parks, including Huntington, Jefferson Manor, Mount Eagle and Belle Haven, meet only a portion of the demand for parkland generated by residential development in the service area of the nomination. Creating additional parks within new infill development and redevelopment sites serve the critical needs of communities within revitalization districts.

According to the Park Authority's Urban Parks Framework, the proposed increase in residents will create an additional demand for 1.9 acres of urban parkland within the proposed development. Integration of publicly accessible urban parks in the overall development design is critical to providing on-site recreation resources, and to creating a sense of place. Urban park facilities should include useable open spaces such as pocket parks, plazas, and common greens.

The Countywide Trails Map designates the Cameron Run Trail, to be located along the northern length of the subject property. This trail section is a critical link for the area, providing multi-modal and recreation access from areas west of the nominated site to Richmond Highway, Old Town Alexandria, and the Potomac River. Plan text should emphasize the need for this trail connection, recommending land area for the trail easement dedication and trail right-of-way when the site is redeveloped. It is not necessary for the trail to be constructed directly along Cameron Run; this is particularly relevant should flood controls (e.g., a levee) impact the area shown on the Trails Map.

It may also be appropriate for the trail to be situated within a linear park along Cameron Run. A linear park in this location would support trail connectivity goals, decrease impervious surface on the site, and provide opportunities to restore native vegetation to the floodplain. It is recommended that uses within this linear park be passive and natural only, such as trails, nature observation, seating, interpretive features, landscaped and restoration areas. Regardless of whether the trail is situated within a linear park or not, plan language describing the provision of a wayside area along this section of trail should also be included. Figure 3 illustrates the locations and size of new opens space areas that could be added to the subject property.

Finally, there is a state historic record of rare species in this location. At the time a Development plan is submitted, consultation with the Virginia Natural Heritage Program and compliance with all regulations concerning rare species will be required.

**FIGURE 3: PROPOSED NEW OPEN SPACE AREA CONCEPT**



**RECOMMENDATION**

Based on the previous analysis, the intensity proposed in the nomination coupled with the mid-rise character of the proposed development would not support reduction and re-vegetation of existing impervious surface located in environmentally sensitive areas. As proposed, it would fail to provide substantial useable open space areas for residents and to reduce the demand for recreational opportunities in the larger Huntington area.

Partially or completely re-vegetating the area along the shoreline of Cameron Run during the redevelopment process is a goal that is supported by the Policy Plan and the Area IV Plan, and would have many benefits for the community including alleviating upstream flooding and improving the water quality of stormwater runoff from the subject area into Cameron Run.

The Riverside Park Apartments were built in 1971 and the site is almost entirely covered by impervious surfaces. The site lacks modern stormwater management facilities, and stormwater runoff is currently discharged directly into Cameron Run. The site’s stormwater management infrastructure should be upgraded beyond minimum requirements with any redevelopment that occurs, and both water quantity and quality issues should be addressed.

Staff proposes an alternative that reflects a development potential of 61 du/ac and 1.60 FAR. The reduction in the number of new dwelling units from 602 to approximately 501 units in buildings of 4-5 stories in height would result in additional open space that could provide areas for urban park amenities including a linear park along the shoreline of Cameron Run and re-vegetation of the Cameron Run floodplain, and create opportunities for additional open space in other portions of the subject area.

Finally, staff also proposes a correction to the Plan Map. The Plan Map shows that the majority of the subject property is located within Subunit A-3 of the North Gateway Community Business Center but it appears that a small area of the subject property located at the northwest corner of the site as being located within Land Unit S of the Huntington Transit Station Area. Staff recommends that the Plan Map be amended to reflect that the entirety of the subject area is included in Subunit A-3 of the North Gateway CBC, and that the northwestern portion of the site be removed from Land Unit S of the Huntington TSA.

**MODIFY:** Fairfax County Comprehensive Plan, 2007 Edition, Area IV, Mount Vernon Planning District, Amended Through 9-28-2010, Richmond Highway Corridor Area, Page 34:

**“Sub-unit A-3**

The Riverside Apartments complex, located on the north side of Huntington Avenue between Cameron Run Terrace and Hunting Creek Road, is planned for high-rise residential use with first floor retail and/or office restaurant use with structured parking at a density up to 35 61 dwelling units per acre; and an overall FAR of 1.60. The site is almost entirely covered by impervious surfaces, includes outdated stormwater management facilities, little to no useable open space for residents, and minimal landscaping. Any redevelopment of the site should be designed to substantially re-vegetate the Cameron Run floodplain, providing additional open space and park land to serve the recreational needs of residents and the surrounding community, and provide stormwater management facilities that address long standing water quantity and quality issues associated with the site and its impacts to Cameron Run and neighboring properties. Therefore, any proposed redevelopment should be subject to the following conditions: ~~This recommendation reflects the existing use which should be retained.~~

- Any proposed redevelopment of the site should provide substantial, useable, additional open space areas and urban park amenities for residents and provision of a linear park along the shoreline of Cameron Run that includes wayside areas with benches and an infiltration strip along Cameron Run to capture sediments from stormwater runoff on the site;
- The Cameron Run floodplain should be re-vegetated to the maximum extent possible;
- The Cameron Run Trail should be constructed within the linear park. It is not necessary for the trail to be constructed directly along Cameron Run; this is particularly relevant should flood controls (e.g., a levee) impact the area shown on the Trails Map. The trail should provide a link to the planned trail east of the site, and linkages to the existing Huntington Park and any new park that may be constructed by the Park Authority on land dedicated by the abutting property to the west;

- Provision of stormwater quantity and quality control measures that are substantially more extensive than minimum requirements, with the goal of reducing the total runoff volume or significantly delaying entry into Cameron Run. The emphasis should be on low impact development (LID) techniques and best management practices (BMPs) that evapotranspire water, filter water through vegetation and/or soil, and return water in to the ground or reuse it and should include such features as rooftop landscaping on the proposed parking structures, stormwater management measures that are sufficient to attain both the stormwater design-quantity control and stormwater design-quality control credits of the most current version of the Leadership in Energy and Environmental Design for New Construction (LEED-NC) or Leadership in Energy and Environmental Design for Core and Shell (LEED-CS) rating system (or third party equivalent of these credits) should be provided. If this goal is demonstrated not to be achievable, all measures should be implemented to the extent possible in support of this goal;
- No freestanding retail and/or restaurant uses;
- Provision of high quality architecture;
- Provision of structured parking, incidental surface parking shall be allowed consistent with urban design guidelines;
- Provision of pedestrian oriented site design which should include buildings oriented to internal streets and mitigation of visual impacts of structured parking, internal streets, walkways, trails, sidewalks and street crossings should connect buildings and open spaces, and amenities such as street trees, benches, bus shelters, adequate lighting and various paving textures;
- Provision of integrated pedestrian linkages to nearby streets should be provided and bicycle systems with features such as covered and secure bicycle storage facilities;
- Building design should accommodate telecommunications antennas and equipment cabinets in a way that is compatible with the building's architecture, and conceals the antennas and equipment from surrounding properties and roadways by flush mounting or screening antennas and concealing related equipment behind screen walls or building features;

NOTE: Figures 8, 13 "Richmond Highway Corridor Area", and Figures 21, 22 and 27 "MV1-Huntington Community Planning Sector" will be amended to show that the entirety of the site is located within Subunit A-3 of the North Gateway CBC, and that the northwestern portion of the subject area is removed from Land Unit S of the Huntington TSA.

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Board Agenda Item  
February 22, 2011

4:00 p.m.

Public Hearing on a Proposed Zoning Ordinance Amendment Re: State Code, Editorial and Minor Revisions

ISSUE:

The proposed amendment incorporates a revision required as a result of legislative action by the 2010 Virginia General Assembly, corrects inconsistencies and errors that have resulted from the adoption of previous Zoning Ordinance amendments and makes other clarifying and minor revisions.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing will be held on February 16, 2011. The Commission's recommendation will be forwarded to the Board of Supervisors subsequent to that date.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the amendment as shown in the staff report, dated November 16, 2010.

TIMING:

Board of Supervisors' authorization to advertise – November 16, 2010; Planning Commission public hearing – January 26, 2011, public hearing deferred to February 16, 2011; Board of Supervisors' public hearing – February 22, 2011 at 4:00 p.m.

BACKGROUND:

The proposed amendment is on the 2010 Priority 1 Zoning Ordinance Amendment Work Program and incorporates a change due to legislative action by the 2010 Virginia General Assembly, corrects inconsistencies and errors that have resulted from the adoption of previous Zoning Ordinance amendments and makes other clarifying and minor revisions. Specifically, the amendment:

- (1) Clarifies that pipestem lots are permitted in conjunction with special exception approval for waiving minimum lot width requirements.
- (2) Requires that the minimum required front yard distance be maintained between the principal structure on the building lot and the street line when there are two or more contiguous outlots located between the building lot and the street.

Board Agenda Item  
February 22, 2011

- (3) Permits chain link fencing as an alternative method of telecommunications cabinet screening located under bleachers.
- (4) Replaces references to 'inoperable vehicle' with 'inoperative vehicle,' and clarifies the length of time and number of abandoned, wrecked, or inoperative vehicles that may be stored outdoors.
- (5) Revises the maximum parking rate to 1.05 for hotel/motel uses within ¼ to ½ mile of a Metro station entrance for the Planned Tysons Corner Urban District.
- (6) Corrects the cross-reference for 'DNL' to read 'Day Night Average Sound Level.'
- (7) Adds the abbreviation 'FAR' to the definition of 'Floor Area Ratio.'
- (8) Revises the 'Group Residential Facility' definition to include up to eight aged, infirm or disabled persons as licensed by the Virginia Department of Social Services in accordance with the State Code.

A more detailed discussion of the proposed amendment is set forth in the Staff Report enclosed as Attachment 1.

REGULATORY IMPACT:

The proposed amendment enhances existing regulations, by providing clarification, resolving inconsistencies, and updating the Zoning Ordinance for conformity with the Code of Virginia. The editorial and clarifying revisions do not alter any provisions from that intended by the Board in adoption of the original amendment.

FISCAL IMPACT:

The proposed amendment will not require any additional review by staff or cost to the public and, as such, there will be no fiscal impact to applicants or staff.

ENCLOSED DOCUMENTS:

Attachment 1 – Staff Report

STAFF:

Fred Selden, Acting Director, Department of Planning and Zoning (DPZ)  
Eileen M. McLane, Zoning Administrator, DPZ  
Douglas W. Hansen, Senior Assistant to the Zoning Administrator, DPZ



FAIRFAX  
COUNTY

ATTACHMENT 1

# STAFF REPORT

V I R G I N I A

## PROPOSED ZONING ORDINANCE AMENDMENT

State Code, Editorial and Minor Revisions

### PUBLIC HEARING DATES

**Planning Commission**

January 26, 2011 at 8:15 p.m.

**Board of Supervisors**

February 22, 2011 at 4:00 p.m.

**PREPARED BY**  
**ZONING ADMINISTRATION DIVISION**  
**DEPARTMENT OF PLANNING AND ZONING**  
**703-324-1314**

November 16, 2010

DWH



Americans With Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice.  
For additional information on ADA call 703-324-1334 or TTY 711 (Virginia Relay Center).

## STAFF COMMENT

The proposed amendment is on the 2010 Priority 1 Zoning Ordinance Amendment Work Program and incorporates a change due to legislative action by the 2010 Virginia General Assembly, corrects inconsistencies and errors that have resulted from the adoption of previous Zoning Ordinance amendments and makes other clarifying and minor revisions.

### **Pipestem Lots and Driveways**

The Board of Supervisors (Board) requested that the Zoning Ordinance be clarified regarding the creation of pipestem lots and driveways in conjunction with the approval of a special exception for waiving minimum lot width requirements. It has been the practice that pipestem lots and driveways may be created as part of the approval of a special exception for waiving minimum lot width requirements, pursuant to Sect. 9-610 of the Zoning Ordinance. However, under Sect. 2-406 which provides for the creation of pipestem lots, there is not a specific provision relating to this practice. As such, this amendment adds a provision to Sect. 2-406 to clarify that pipestem lots and driveways are permitted when approved in conjunction with a special exception for waiving minimum lot width requirements.

### **Limitation on Yards that Abut Multiple Outlots**

When the Board approved Zoning Ordinance Amendment ZO-10-421 on February 23, 2010, creating a new Sect. 2-423 to place limits on yards that abut outlots that are contiguous to a street, the Board asked staff to prepare a follow-up amendment that would further clarify such limitations. The 2010 amendment requires that a distance equal to or greater than the minimum front yard of the district in which a building lot is located be maintained between the principal structure and the street line when there is an outlot between the building lot and the street. The intent is to remove the incentive for creating an outlot for the purpose of circumventing a front yard setback. However, through the public hearing process for the 2010 amendment, it was discovered that the amendment did not prevent the use of two or more outlots for the purpose of circumventing the front yard setback. Under the 2010 amendment the potential still exists for two or more outlots to be placed between a building lot and a street and, therefore, a minimum front yard distance would not be required because the building lot would no longer abut an outlot that is contiguous to a street. The ability to correct this oversight with the adoption of the 2010 amendment was not possible given it was not within the scope of the advertisement for the 2010 amendment. As such, this amendment revises Sect. 2-423 by specifically requiring that the minimum required front yard distance be maintained between the principal structure on the building lot and the street line when there are two or more contiguous outlots located between the building lot and the street. The proposed amendment also revises Illustration 4 in Appendix 2 by adding a multiple outlot configuration to the original drawing.

### **Telecommunications Cabinet Screening**

Under Par. 2C(3) of Sect. 2-514, mobile and land based telecommunication facilities (antennas) can be mounted by right on new or replacement light/camera poles on property used for athletic fields and owned or controlled by a public use or Fairfax County governmental unit, provided that certain

conditions are met. Such conditions include the size, placement and screening for the associated equipment cabinets. Par. 2C(3)(a) requires that the equipment cabinets be screened from view of all residentially zoned and developed or vacant property which abuts or is directly across the street from the structure or cabinet. The screening must consist of a solid fence, wall or berm 8 feet in height, an evergreen hedge with an ultimate height of 8 feet and a planted height of 4 feet, or an 8 foot tall fence, wall, berm and/or planting combination.

In many instances, antennas have been mounted on athletic field light poles on public school property with the associated equipment cabinet being placed under the bleachers. Given that the bleachers themselves provide screening for the equipment cabinet, many mobile and land based telecommunication carriers have requested to place a chain link fence around the equipment cabinet instead of the solid screening required by Par. 2C(3)(a). However, the current provisions do not allow this option, absent the approval of a special exception.

Staff believes that it is appropriate to allow an 8 foot tall chain link fence as a screening option for equipment cabinets located under bleachers as the bleachers themselves provide screening, and frequently there is already chain link fencing used for other purposes under the bleachers. Therefore, the proposed amendment would add an 8 foot tall chain link fence as a screening option for equipment cabinets associated with antennas mounted on light/camera poles located on athletic fields that are government owned or controlled when the equipment cabinets are located either completely or partially under bleachers.

### **PTC District Parking**

On June 22, 2010, the Board adopted Zoning Ordinance Amendment ZO-10-423 to create a new zoning district for Tysons, the Planned Tysons Corner Urban District (PTC). As part of this new district, required minimum and maximum parking rates were established. However, the parking chart set forth in Sect. 6-509 contains an incorrect maximum parking rate for hotel/motel uses within a ¼ to ½ mile distance of a Metro Station entrance and should read 1.05 rather than 1.5 spaces. This amendment corrects the hotel rate to be in conformance with the parking chart adopted with Tysons Comprehensive Plan amendment.

### **Inoperative Vehicles and Standardization of Language Relating to Their Storage**

The Zoning Ordinance regulates the storage of abandoned, wrecked or inoperable vehicles when found in association with certain uses, such as motor vehicle storage and impoundment yards, service stations and vehicle light service establishments. For certain of these uses the Ordinance also limits how many of these vehicles can be stored outdoors and for how long. During the public hearing process for the Tysons amendment it was noted that the existing language limiting the number and duration of abandoned/inoperable vehicles that may be stored outdoors was confusing and needed clarification. Additionally, the appropriateness of the use of the term “inoperable” rather than “inoperative vehicles” was raised. To eliminate any ambiguity regarding the intent of these provisions, the proposed amendment clarifies the text throughout the Zoning Ordinance relating to the number and duration that abandoned/wrecked vehicles can be stored outdoors and is consistent with the language recently adopted as part of the Tysons PTC amendment. Additionally, the term “inoperable” is being replaced with the term “inoperative,” as inoperative motor vehicles are defined

under Chapter 110 of the Fairfax County Code. The Code defines an inoperative motor vehicle as *“Any motor vehicle, trailer or semitrailer, as herein defined: (A) Which is not in operating condition, or (B) Which does not display valid license plates; or (C) Which does not display an inspection decal that is valid or does displays an inspection decal that has been expired for more than sixty (60) days.”* Using the word inoperative clarifies that a vehicle without valid license plates, or a valid inspection sticker, or not in operating condition, all are subject to the storage limitations.

### **Definitions: Article 20**

Revise the “DNL” entry set forth in Article 20, Definitions, by adding the word “AVERAGE” to this reference, which was inadvertently omitted, all to read “DNL: See DAY NIGHT AVERAGE SOUND LEVEL.”

Revise the definition of FLOOR AREA RATIO set forth in Article 20 to add the abbreviation FAR, which is a common acronym for floor area ratio and which is already used in other sections of the Zoning Ordinance.

Revise the GROUP RESIDENTIAL FACILITY definition set forth in Article 20 to incorporate the 2010 Virginia General Assembly change to § 15.2-2291 of the Code of Virginia (see Attachment ‘A’), which broaden the definition of a group residential facility to include persons that are aged, infirm or disabled, as licensed by the Virginia Department of Social Services.

### **Conclusion**

The proposed amendment clarifies certain provisions, corrects certain inconsistencies, provides for a few minor revisions and incorporates a 2010 State Code change. Staff recommends approval of the proposed amendment with an effective date of 12:01 a.m. on the day following adoption.

## PROPOSED AMENDMENT

*This proposed Zoning Ordinance amendment is based on the Zoning Ordinance in effect as of November 16, 2010 and there may be other proposed amendments which may affect some of the numbering, order or text arrangement of the paragraphs or sections set forth in this amendment, which other amendments may be adopted prior to action on this amendment. In such event, any necessary renumbering or editorial revisions caused by the adoption of any Zoning Ordinance amendments by the Board of Supervisors prior to the date of adoption of this amendment will be administratively incorporated by the Clerk in the printed version of this amendment following Board adoption.*

1 **Amend Article 2, General Regulations, as follows:**

2  
3 **- Amend Part 4, Qualifying Lot and Yard Regulations, as follows:**

4  
5 **- Amend Sect. 2-406, Pipestem Lots, by adding a new Par. 1F to read as follows:**

6  
7 1. When deemed necessary to achieve more creative planning and preservation of  
8 natural property features or to provide for affordable dwelling unit developments,  
9 the Director may approve pipestem lots either as a single lot or in a group of lots  
10 not to exceed five (5) in number, but only in accordance with the provisions of the  
11 Public Facilities Manual and one of the following:

12  
13 A. Affordable dwelling unit developments required under the provisions of Part  
14 8 below.

15  
16 B. Residential cluster subdivisions approved under the provisions of Sections 2-  
17 421 or 9-615.

18  
19 C. Notwithstanding the minimum lot width requirements, in the R-5, R-8 and  
20 R-12 Districts when shown on an approved proffered generalized  
21 development plan.

22  
23 D. In the PDH and PDC Districts when shown on an approved final  
24 development plan.

25  
26 E. In the PRC District when shown on an approved PRC plan.

27  
28 F. In conjunction with the approval of a special exception waiving minimum lot  
29 width requirements pursuant to Sect. 9-610.

30

1       -    **Amend Sect. 2-423, Limitations on Yards That Abut Outlots That Are Contiguous**  
 2       **to Streets, to read as follows:**

3  
 4       When a building lot abuts an outlot that is contiguous to a street, the minimum distance  
 5       between the principal structure on the building lot and the street line of the outlot shall be  
 6       equal to or greater than the minimum required front yard for the district in which the  
 7       building lot is located. If two (2) or more contiguous outlots are located between a  
 8       building lot and a street line, a distance equal to or greater than the minimum required  
 9       front yard for the district in which the building lot is located shall be maintained between  
 10       the principal structure on the building lot and such street line. In addition, the minimum  
 11       yard dimension of the building lot that is abutting the outlot shall be equal to or greater  
 12       than the applicable minimum required yard for the district in which the building lot is  
 13       located. (Reference Illustration 4 in Appendix 2) The Board may modify this yard  
 14       requirement in conjunction with the approval of a rezoning or special exception when it  
 15       is determined that such modification will have minimal adverse impacts on adjacent  
 16       properties.

17  
 18       -    **Amend Part 5, Qualifying Use, Structure Regulations, Sect. 2-514, Limitations on**  
 19       **Mobile and Land Based Telecommunication Facilities, by revising the introductory**  
 20       **paragraph of Par. 2C(3)(a) to read as follows:**

21  
 22       2.    Antennas mounted on existing or replacement utility distribution and transmission poles  
 23       (poles) and light/camera standards (standards), with related unmanned equipment  
 24       cabinets and/or structures, shall be permitted in accordance with the following and may  
 25       exceed the maximum building height limitations, subject to the following paragraphs:

26  
 27       C.    The antennas listed in Par. 2B above shall be permitted as follows:

28  
 29       (3)    In commercial or industrial districts; in commercial areas of PDH, PDC,  
 30       PRC, PRM, and PTC Districts; in districts zoned for multiple family  
 31       dwellings and residentially developed with buildings that are greater than  
 32       thirty-five (35) feet in height; in any zoning district on lots containing:  
 33       Group 3 special permit uses, except home child care facilities and group  
 34       housekeeping units, Group 4, 5 or 6 special permit uses, Category 1, 2, 3 or 4  
 35       special exception uses, or Category 5 special exception uses of country clubs,  
 36       golf clubs, commercial golf courses, golf driving ranges, miniature golf  
 37       ancillary to golf driving ranges, baseball hitting and archery ranges, or  
 38       kennels and veterinary hospitals ancillary to kennels; or in any zoning district  
 39       on property owned or controlled by a public use or Fairfax County  
 40       governmental unit, to include street right-of-ways, the following shall apply:

41  
 42       (a)    When located on the ground, each provider shall be limited to a related  
 43       equipment cabinet or structure which shall not exceed 12 feet in height  
 44       or a total of 500 square feet in gross floor area. Notwithstanding the  
 45       fence/wall height limitations of Sect. 10-104, ground-mounted related  
 46       equipment cabinets or structures shall be screened from view of all  
 47       residentially zoned and developed or residentially zoned and vacant  
 48       property which abuts or is directly across the street from the structure

1 or cabinet. Such screening shall consist of a solid fence, wall or berm  
 2 eight (8) feet in height, an evergreen hedge with an ultimate height of  
 3 eight (8) feet and a planted height of forty-eight (48) inches, or an eight  
 4 (8) foot tall fence, wall, berm and/or landscaping combination. In  
 5 addition to the above, screening for ground-mounted equipment  
 6 cabinets located on property used for athletic fields and owned or  
 7 controlled by a public use or a Fairfax County governmental unit may  
 8 consist of an eight (8) foot tall chain link fence when such cabinets are  
 9 located entirely or partially under bleachers. If a new ground-mounted  
 10 equipment cabinet or structure is added to an existing fenced or  
 11 screened enclosure that contains telecommunications equipment  
 12 structures, the screening requirement for the new equipment cabinet or  
 13 structure may be satisfied with the existing screening, provided that  
 14 such screening meets the requirements listed above.  
 15

16  
 17 **Amend Article 5, Industrial District Regulations, as follows:**

18  
 19 - **Amend Part 4, I-4 Medium Intensity Industrial District, Sect. 5-405, Use Limitations,**  
 20 **by revising Par. 4 to read as follows:**

- 21  
 22 4. Motor vehicle storage and impoundment facilities shall be used only for the temporary  
 23 storage of wrecked and/or ~~inoperable~~ inoperative and/or abandoned vehicles, but shall  
 24 not include the dismantling, wrecking or sale of said vehicles or parts thereof. Such  
 25 storage and impoundment facilities shall be conducted only within a completely enclosed  
 26 building.  
 27

28 - **Amend Part 5, I-5 General Industrial District, Sect. 5-505, Use Limitations, by revising**  
 29 **Par. 5 to read as follows:**

- 30  
 31 5. Motor vehicle storage and impoundment yards shall be used only for the temporary  
 32 storage of wrecked and/or ~~inoperable~~ inoperative and/or abandoned vehicles, but shall  
 33 not include the dismantling, wrecking or sale of said vehicles or parts thereof.  
 34  
 35

36 **Amend Article 6, Planned Development District Regulations, as follows:**

37  
 38 - **Amend Part 1, PDH Planned Development Housing District, Sect. 6-106, Use Limitations,**  
 39 **by revising Par. 7B to read as follows:**

- 40  
 41 7. Service stations, service station/mini-marts and vehicle light service establishments shall  
 42 be permitted only under the following conditions:  
 43

B. There shall be no vehicle or tool rental and no outdoor storage or display of goods offered for sale, except for the outdoor storage and display of goods permitted at a service station or service station/mini-mart. In addition, there shall be no separate freestanding sign associated with the use except as required by Chapter 10 of The Code, and ~~no more than two (2) vehicles that are wrecked, inoperable inoperative or abandoned vehicles~~ may be temporarily stored outdoors for a period in excess of seventy-two (72) hours, and ~~in no event there shall be no more than two (2) any one such vehicles be stored outdoors for a period exceeding seventy-two (72) hours on site at any one time.~~

- **Amend Part 2, PDC Planned Development Commercial District, Sect. 6-206, Use Limitations, by revising Par. 7B to read as follows:**

7. Service stations, service station/mini-marts and vehicle light service establishments shall be permitted only under the following conditions:

B. There shall be no vehicle or tool rental and no outdoor storage or display of goods offered for sale, except for the outdoor storage or display of goods permitted at a service station or service station/mini-mart. In addition, ~~no more than two (2) vehicles that are wrecked, inoperable inoperative or abandoned vehicles~~ may be temporarily stored outdoors for a period in excess of seventy-two (72) hours, and ~~in no event there shall be no more than two (2) any one such vehicles be stored outdoors for a period exceeding seventy-two (72) hours on site at any one time.~~

- **Amend Part 5, PTC Planned Tysons Corner Urban District, Sect. 6-509, Off-Street Parking and Loading, by revising the parking chart in Par. 1A to read as follows:**

Min. and Max. Off-Street Parking Spaces per Unit or Spaces per 1000 sq. ft. of GFA

	Per Unit or 1000 square feet of gfa	< 1/8 mile to Metro Station Entrance* (TOD District)		1/8 - 1/4 mile to Metro Station Entrance* (TOD District)		>1/4 - 1/2 mile to Metro Station Entrance* (TOD District)		Non-TOD Districts	
		Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.
Single Family Attached	Space(s) per unit	1.75	2.2	1.75	2.2	2.0	2.5	2.0	2.7
Multiple Family:									
0-1 bedroom		1.0	1.3	1.0	1.3	1.1	1.4	1.1	1.4
2 bedroom		1.0	1.6	1.0	1.6	1.35	1.7	1.35	1.7
3+ bedroom		1.0	1.9	1.0	1.9	1.6	2.0	1.6	2.0
Hotel/Motel		none	1.0	none	1.0	none	<del>1.5</del> 1.05	.85	1.08
Office	Spaces per 1000 sq. ft. of gfa	none	1.6	none	2.0	none	2.2	2.0	2.4

\* As set forth in the adopted comprehensive plan

**Amend Article 7, Overlay and Commercial Revitalization District Regulations, Part 6,**

1 **Highway Corridor Overlay District, Sect. 7-608, Use Limitations, by revising Paragraphs 2B,**  
 2 **3A and 4A to read as follows:**

3  
 4 2. Where the underlying district is C-2, C-3 or C-4, in addition to Par. 1 above:

5  
 6 B. Service stations shall not be used for the performance of major repairs, and ~~shall not~~  
 7 ~~include the outdoor storage of more than two (2) abandoned, no wrecked, or inoperable~~  
 8 inoperative or abandoned vehicles may be temporarily stored outdoors on the site for a  
 9 period in excess of more than seventy-two (72) hours, subject to the limitation that there  
 10 shall be no dismantling, wrecking or sale of said vehicles or parts thereof. In addition, ~~in~~  
 11 ~~no event there shall be no more than two (2) any one (1) abandoned, wrecked or~~  
 12 ~~inoperable such vehicles be stored outdoors for a period exceeding seventy two (72)~~  
 13 ~~hours on site at any one time.~~

14  
 15 3. Where the underlying district is C-5 or C-6, in addition to Par. 1 above:

16  
 17 A. Service stations and service station/mini-marts shall not be used for the performance of  
 18 major repairs, and ~~shall not include the outdoor storage of more than two (2) abandoned,~~  
 19 ~~no wrecked, or inoperable inoperative or abandoned vehicles may be temporarily stored~~  
 20 outdoors on the site for a period in excess of more than seventy-two (72) hours, subject  
 21 to the limitation that there shall be no dismantling, wrecking or sale of said vehicles or  
 22 parts thereof. In addition, ~~in no event there shall be no more than two (2) any one (1)~~  
 23 ~~abandoned, wrecked or inoperable such vehicles be stored outdoors for a period~~  
 24 ~~exceeding seventy two (72) hours on site at any one time.~~

25  
 26 4. Where the underlying district is C-7, C-8, C-9, I-3 or I-4, in addition to Par. 1 above:

27  
 28 A. Service stations and service station/mini-marts shall not be used for the performance of  
 29 major repairs, and ~~shall not include the outdoor storage of more than four (4) abandoned,~~  
 30 ~~no wrecked, or inoperable inoperative or abandoned vehicles may be temporarily stored~~  
 31 outdoors on the site for a period in excess of more than seventy-two (72) hours, subject  
 32 to the limitation that there shall be no dismantling, wrecking or sale of said vehicles or  
 33 parts thereof. In addition, ~~in no event there shall be no more than four (4) any one (1)~~  
 34 ~~abandoned, wrecked or inoperable such vehicles be stored outdoors for a period~~  
 35 ~~exceeding seventy two (72) hours on site at any one time.~~

36  
 37  
 38 **Amend Article 9, Special Exceptions, Part 5, Category 5 Commercial and Industrial Uses of**  
 39 **Special Impact, Sect. 9-505, Additional Standards for Automobile-Oriented Uses, Car Washes,**  
 40 **Drive-In Financial Institutions, Drive-Through Pharmacies, Fast Food Restaurants,**  
 41 **Quick-Service Food Stores, Service Stations and Service Stations/Mini-Marts, by revising**  
 42 **Paragraphs 2E, 3B, 4B and 5C to read as follows:**

43  
 44 2. In the C-3 and C-4 Districts, in addition to Par. 1 above:

45  
 46 E. Service stations shall not be used for the performance of major repairs, and ~~shall not~~  
 47 ~~include the outdoor storage of more than two (2) abandoned, no wrecked, or inoperable~~  
 48 inoperative or abandoned vehicles may be temporarily stored outdoors on the site for a

- 1            ~~period in excess of more than~~ seventy-two (72) hours, subject to the limitation that there  
 2 shall be no dismantling, wrecking or sale of said vehicles or parts thereof. In addition, ~~in~~  
 3 ~~no event there shall be no more than (2) any one (1) abandoned, wrecked or inoperable~~  
 4 ~~such vehicles be stored outdoors for a period exceeding seventy-two (72) hours on site at~~  
 5 ~~any one time.~~
- 6
- 7    3.    In the C-5 and C-6 Districts, in addition to Par. 1 above:
- 8
- 9            B.    Service stations and service station/mini-marts shall not be used for the performance of  
 10 major repairs, and ~~shall not include the outdoor storage of more than two (2) abandoned,~~  
 11 ~~no wrecked, or inoperable inoperative or abandoned vehicles may be temporarily stored~~  
 12 ~~outdoors on the site for a period in excess of more than~~ seventy-two (72) hours, subject  
 13 to the limitation that there shall be no dismantling, wrecking or sale of said vehicles or  
 14 parts thereof. In addition, ~~in no event there shall be no more than two (2) any one (1)~~  
 15 ~~abandoned, wrecked or inoperable such vehicles be stored outdoors for a period~~  
 16 ~~exceeding seventy-two hours on site at any one time.~~
- 17
- 18    4.    In the C-7, C-8 and C-9 Districts, in addition to Par. 1 above:
- 19
- 20            B.    Service stations and service station/mini-marts shall not be used for the performance of  
 21 major repairs, and ~~shall not include the outdoor storage of more than four (4) abandoned,~~  
 22 ~~no wrecked, or inoperable inoperative or abandoned vehicles may be temporarily stored~~  
 23 ~~outdoors on the site for a period in excess of more than~~ seventy-two (72) hours, subject  
 24 to the limitation that there shall be no dismantling, wrecking or sale of said vehicles or  
 25 parts thereof. In addition, ~~in no event there shall be no more than four (4) any one (1)~~  
 26 ~~abandoned, wrecked or inoperable such vehicles be stored outdoors for a period~~  
 27 ~~exceeding seventy two (72) hours on site at any one time.~~
- 28
- 29    5.    In the I-3, I-4, I-5 and I-6 Districts, in addition to Par. 1 above:
- 30
- 31            C.    In an I-3 or I-4 District, service stations shall not be used for the performance of major  
 32 repairs, and ~~shall not include the outdoor storage of more than four (4) abandoned, no~~  
 33 ~~wrecked, or inoperable inoperative or abandoned vehicles may be temporarily stored~~  
 34 ~~outdoors on the site for a period in excess of more than~~ seventy-two (72) hours, subject  
 35 to the limitation that there shall be no dismantling, wrecking or sale of said vehicles or  
 36 parts thereof. In addition, ~~in no event there shall be no more than four (4) any one (1)~~  
 37 ~~abandoned, wrecked or inoperable such vehicles be stored outdoors for a period~~  
 38 ~~exceeding seventy two (72) hours on site at any one time.~~
- 39
- 40

41 **Amend Article 20, Ordinance Structure, Interpretations and Definitions, Part 3, Definitions,**  
 42 **by revising the DNL, Floor Area Ratio, Group Residential Facility and Motor Vehicle Storage**  
 43 **and Impoundment Yard definitions to read as follows:**

44

45 DNL: See DAY NIGHT AVERAGE SOUND LEVEL.

46

47 FLOOR AREA RATIO (FAR): Determined by dividing the gross floor area of all buildings on a lot  
 48 by the area of that lot.

1  
2 GROUP RESIDENTIAL FACILITY: A group home or other residential facility, with one or more  
3 resident counselors or other staff persons, in which no more than: (a) eight (8) mentally ill, mentally  
4 retarded or developmentally disabled persons reside and such home is licensed by the Virginia  
5 Department of Behavioral Health and Developmental Services; or (b) eight (8) mentally retarded  
6 persons or eight (8) aged, infirm or disabled persons reside and such home is licensed by the  
7 Virginia Department of Social Services; or (c) eight (8) handicapped persons reside, with  
8 handicapped defined in accordance with the Federal Fair Housing Amendments Act of 1988. The  
9 terms handicapped, mental illness and developmental disability shall not include current illegal use  
10 or addiction to a controlled substance as defined in Sect. 54.1-3401 of the Code of Virginia or as  
11 defined in Sect. 102 of the Controlled Substance Act (21 U.S.C. 802).

12 For the purpose of this Ordinance, a group residential facility shall not be deemed a  
13 group housekeeping unit, or ASSISTED LIVING FACILITY and a dwelling unit or facility for  
14 more than four (4) persons who do not meet the criteria set forth above or for more than eight (8)  
15 handicapped, mentally ill, mentally retarded or developmentally disabled persons shall be  
16 deemed a CONGREGATE LIVING FACILITY.

17  
18 MOTOR VEHICLE STORAGE AND IMPOUNDMENT YARD: An area designed for the  
19 temporary storage of wrecked and/or ~~inoperable~~ inoperative and/or abandoned motor vehicles, but  
20 not to include the dismantling, wrecking or sale of said vehicles or parts thereof.

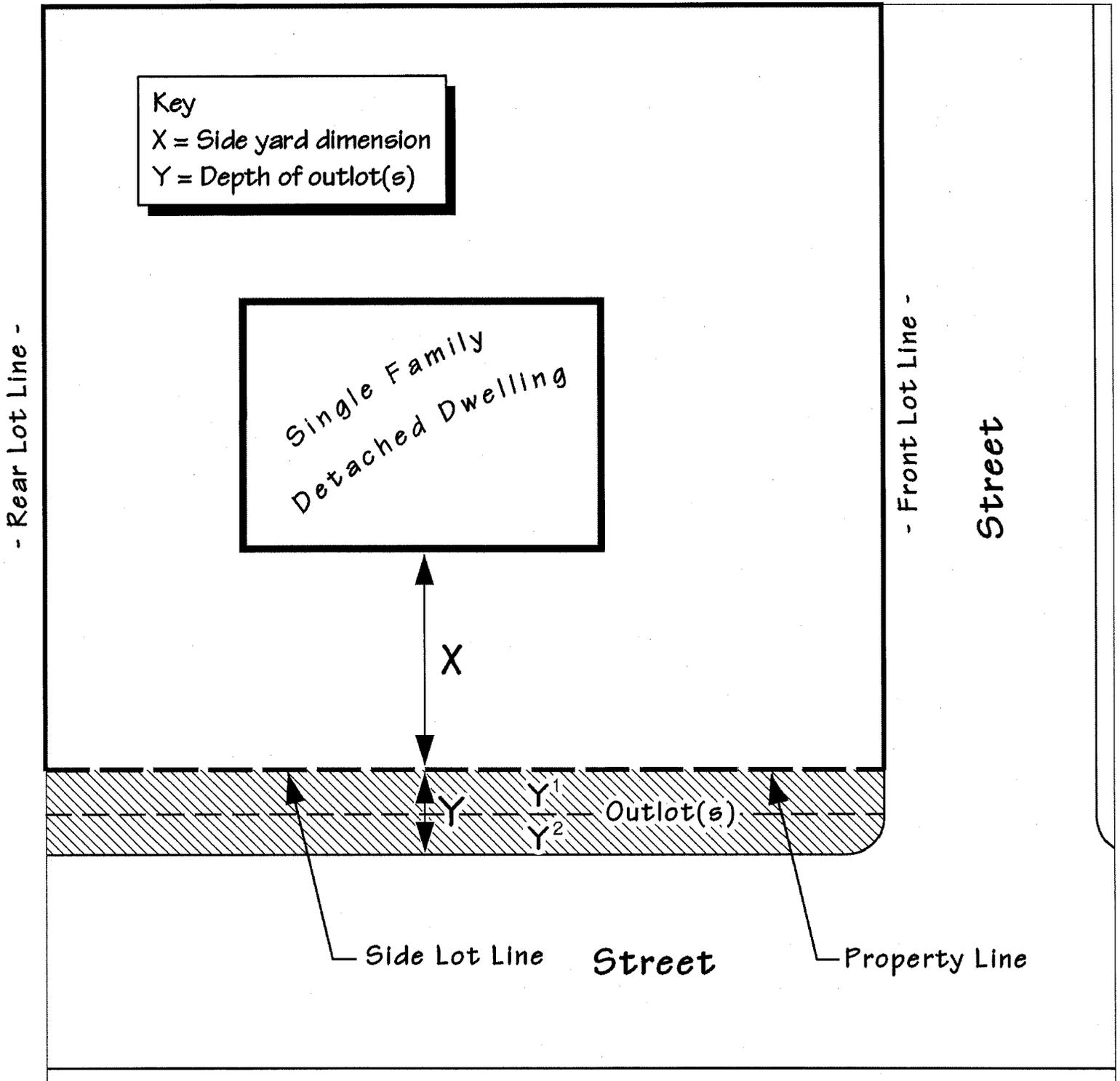
21  
22  
23 **Amend Appendix 2, Illustrations, by revising Illustration 4 as set forth on the following page:**

# ILLUSTRATION 4

LOTS THAT ARE CONTIGUOUS TO OUTLOTS  
THAT ABUT A STREET

## PLATE 1

- Side Lot Line -



- Notes: (1)  $X+Y$  (or  $X+Y^1+Y^2$ ) - must be equal to or greater than the required front minimum yard of the district in which located.  
(2)  $X$  - must be equal to or greater than the minimum required side yard of the district in which located.

Board Agenda Item  
February 22, 2011

4:00 p.m.

Public Hearing to Consider Amending Fairfax County Code Section 82-5A (Residential Permit Parking Districts) Related to High School, Rail Station, and University Criteria

ISSUE:

Public hearing to consider the proposed amendments to Section 82-5B of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to include properties that are within 1,000 feet of high school, rail station, or university property boundaries in the Residential Permit Parking District (RPPD) criteria when considering petitions for restricted parking.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed amendments (Attachment I) to the Fairfax County Code.

TIMING:

The public hearing was authorized on January 25, 2011, for February 22, 2011, at 4:00 p.m.

BACKGROUND:

On November 16, 2010, the Board directed County staff to prepare an amendment to the RPPD Ordinance as a result of out-of-the-area vehicles that were being parked in portions of residential neighborhoods near universities. The RPPD Ordinance currently allows for residents of properties to petition for restricted parking without requiring a field study and vehicle occupancy count if they are within 2,000 feet, when traversing along a roadway, of an official pedestrian entrance of the facility. Since the aforementioned drivers of out-of-the-area vehicles are creating ad hoc walking paths to the facilities, the parking is occurring outside of the current parameters.

The proposed amendment to 82-5A-4(a) would include properties that are within 1,000 feet of the property boundaries of an existing or proposed high school, existing or proposed rail station, or existing Virginia college or university campus when considering petitions for restricted parking that do not require a field study and vehicle occupancy count.

Board Agenda Item  
February 22, 2011

The proposed changes to the Fairfax County Code, Chapter 82, Article 5A are shown in Attachment I.

FISCAL IMPACT:

The recommended changes should have minimal fiscal impact.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to Fairfax County Code Section 82-5A

STAFF:

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

Eric Teitelman, Chief, Capital Projects and Operations Division, FCDOT

Selby Thannikary, Chief, Traffic Operations Section, FCDOT

Maria Turner, Sr. Transportation Planner, FCDOT

**ARTICLE 5A. Residential Permit Parking Districts.99**

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99. For authority of the County to adopt this Chapter, see Va. Code Ann., §§ 46.2-1220, 46.2-1222.

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**Section 82-5A-1. Purpose and intent.**

In order to reduce or prevent congestion and/or hazardous traffic conditions in residential areas, to protect those areas from polluted air, excessive noise, and other adverse environmental impacts of automobile commuting, to protect the residents of these areas from unreasonable burdens in gaining access to their property, to preserve the residential character of these areas and the property values therein, Residential Permit Parking Districts are created to impose on-street parking restrictions in certain designated areas of the County on public streets other than primary highways. (34-83-82; 3-85-82; 38-04-82; 6-06-82; 26-07-82.)

**Section 82-5A-2. Definitions.**

For the purposes of this Article, the following words and phrases shall have the meanings ascribed to them in this Section, except in those instances where the context clearly indicates a different meaning:

(a) *Block* shall mean that land abutting on two (2) sides of a street, extending to the rear lot lines of lots fronting on said street, Blocks shall start at an intersecting street and end at the next intersecting street; or the end of the street; or the boundary of any railroad right-of-way, park, school ground, or other significant division of a street as determined by the Fairfax County Department of Transportation.

(b) *Block face* shall mean the land abutting one side of a block.

(c) *Petition Area* means:

- (1) Addresses along the blocks in the proposed Residential Permit Parking District, and
- (2) Addresses which are on private streets within 100' of proposed Residential Permit Parking District roadways.

(d) *Petitioner* means the current owner, lessee, or designated representative of the residents within RPPD.

(e) *Proper display--Decal.* Residential Permit Parking decal shall be displayed in the lower left corner of the rear window of the vehicle issued to. The decal must be adhered to the window and may not be taped on to the window or displayed in any manner which may allow the transfer of the decal to another vehicle. If the vehicle does not have a rear window or is legally obscured (i.e. louvers), the decal may be displayed on the driver's side on the lower right corner of the window furthest to the rear of the vehicle. Any

alteration of the decal (i.e. district number changed and/or serial number changed) shall deem the permit invalid.

(f) *Proper display--Motorcycle sticker.* The Residential Permit Parking District motorcycle sticker shall be displayed beside the State inspection sticker and the County motorcycle license on the motorcycle front fork. Any alteration to the sticker (i.e. change to the district number and/or serial number) shall deem the permit invalid.

(g) *Proper display--Visitor/sixty-day new resident/nonresident owner pass/temporary RPPD pass.* The Residential Permit Parking District Visitor/60 Day New Resident/Nonresident Owner Pass/Temporary RPPD Pass shall be displayed on the vehicle dashboard so that the pass and all of the information displayed on the pass is entirely visible through the vehicle windshield. Any alterations to the pass including changes to the address the pass is issued to and/or to the district number shall deem the pass invalid. Any obscuring of information displayed on the pass (i.e. folding under the address issued to) shall also deem the pass invalid.

(h) *Residential area* shall mean that side of any street, road or highway adjacent to property: used exclusively as a residence; contained in any one of the residential (R) districts; or contained in the residential portion of any of the planned development (P) districts set forth in the Zoning Ordinance, Chapter 112 of this Code.

(i) *Temporary RPPD* shall mean any RPPD created by the Board of Supervisors to address a short-term situation or event, such as a construction project, that may cause significant, short-term parking problems in surrounding residential areas. (34-83-82; 3-85-82; 4-93-82; 31-00-82; 38-04-82; 6-06-82; 26-07-82.)

(j) *RPPD allowable vehicle* shall mean a motor vehicle having a Gross Vehicle Weight Rating (GVWR) of less than twelve thousand (12,000) pounds. This term shall not be deemed to include a COMMERCIAL VEHICLE as defined in 82-5-7 of this Code.

(k) *Virginia college or university campus* shall mean a permanent public higher education facility that occupies land owned by the Commonwealth of Virginia.

### **Section 82-5A-3. District designation.**

Residential Permit Parking Districts shall be as designated, on a block face-by-block face basis as set forth in Appendix G of this Code. (34-83-82; 3-85-82; 38-04-82; 6-06-82; 26-07-82.)

### **Section 82-5A-4. Criteria for the establishment or modification of Districts.**

(a) The Board of Supervisors may establish and expand a Residential Permit Parking District encompassing an area within either 2,000 feet walking distance from the pedestrian entrances or within 1,000 feet from the property boundaries of an existing or proposed high school, existing or proposed rail station, or existing Virginia college or university campus if:

(1) The Board of Supervisors receives a petition requesting the establishment of such a District;

(2) Such petition contains signatures of petitioners representing at least 60 percent of the eligible addresses of the proposed District and representing more than 50 percent of the eligible addresses on each block face of the proposed District or, in the case of private-street townhouse and multi-family dwelling units, such petition contains signatures representing at least 60 percent of the eligible addresses as defined in Section 82-5A-4.1; and

(3) The Board of Supervisors determines that at least 75 percent of the land abutting each block within the proposed District is developed residential.

(b) In addition, in any residential area of the County, the Board of Supervisors, upon receipt of a petition of petitioners representing at least 60 percent of the eligible addresses of a proposed District and representing more than 50 percent of the eligible addresses on each block face of the proposed District, may establish a Residential Permit Parking District upon a determination that:

(1) The proposed District contains a minimum of 100 contiguous or nearly contiguous on-street parking spaces, 20 linear feet in length per space (not required for additions to existing Districts) ; and

(2) At least 75 percent of the land abutting each block within the proposed District is developed residential; and

(3) At least 75 percent of the total number of on-street parking spaces of the petitioning blocks are occupied, and at least 50 percent of those occupied spaces are occupied by nonresidents of the petitioning blocks, as authenticated by a survey taken during the hours of peak demand as determined on a District-by-District basis.

(c) The Board of Supervisors may waive the requirement for 100 contiguous or nearly contiguous on-street parking spaces as set forth above if the Board finds that the proposed District meets the purpose and intent of this Article.

(d) The residents of an area where Residential Permit Parking District restrictions have been removed by the Board of Supervisors in response to a petition by the residents of the area may not petition to reestablish Residential Permit Parking District restrictions in such area until two years have passed since the Board of Supervisors enacted the ordinance that removed the restrictions from the area.

(e) A temporary RPPD may be created by the Board of Supervisors when a residential area is experiencing and/or expects to experience significant parking problems due to a short-term situation, such as a construction project. Short-term situations shall, at a minimum, be of at least six months duration. Any request(s) for a temporary RPPD shall be in writing from all affected homeowners associations that represent the affected residential area or, in cases where there are no homeowners associations representing an area, a written request signed by residents of at least ten residences in the proposed area or 60% of the affected residents, whichever is less. (34-83-82; 3-85-82; 9-95-82; 31-00-82; 34-03-82; 38-04-82; 6-06-82; 26-07-82.)

(f) A University-Townhouse RPPD may be created by the Board of Supervisors for townhouse communities having a pedestrian or vehicular entrance(s) located within 2,000 feet walking distance from the pedestrian entrances of an existing Virginia college or university campus, to allow parking on streets functionally classified as a local street by the Virginia Department of Transportation (VDOT). The blocks of the local street qualifying for inclusion in a University-Townhouse RPPD must be located within 2,000 feet walking distance from the pedestrian entrance of the Virginia college or university campus, must be abutting or adjacent to the townhouse communities included in the University-Townhouse RPPD, must not be part of an existing RPPD, and block faces must not contain residential addresses. A University-Townhouse RPPD cannot be expanded or modified to include any other type of RPPD containing single-family dwelling units. Any request(s) for a University-Townhouse RPPD shall be in writing from all affected homeowners associations that represent the affected residential area or, in cases where there are no homeowners associations representing an area, a written request signed by 60% of the affected residents. Upon receiving a written request, the Fairfax County Department of Transportation and VDOT shall review the proposed request prior to processing for approval by the Board of Supervisors.

#### **Section 82-5A-4.1. Residence eligibility for District inclusion.**

In a new, existing, or temporary Residential Permit Parking District, residences are considered eligible for District inclusion if:

- (a) They have addresses on public streets within the District; or
- (b) They have addresses on a street outside the District but their properties abut a street within the District; or
- (c) They have addresses on a private road and their residence is within 100 feet of a public road within the District and that public road, in the District, provides access to the private road. (17-85-82; 1-88-82; 31-00-82; 38-04-82; 6-06-82; 26-07-82.)

#### **Section 82-5A-5. Submission requirements.**

Every petition, as required by Section 82-5A-4 (a), shall be submitted to the Department of Transportation on forms provided by the County and shall include the following:

- (a) The legible name, address, and signature of the petitioners, one (1) signature per address.
- (b) The hours the restricted parking is requested to be in effect.
- (c) Unless otherwise waived or modified by the Board of Supervisors, the application fee for the establishment or expansion of a Residential Permit Parking District shall be \$10.00 per petitioning address. Application fees shall be returned if the area fails to qualify for the establishment or expansion of a Residential Permit Parking District.

(d) Written requests for temporary RPPDs, as required by Section 82-5A-4(e), shall be submitted to the Board of Supervisors member(s) in whose district the proposed RPPD is located. No petition or application fees are required for the creation or modification of temporary RPPDs. (34-83-82; 3-85-82; 31-00-82; 34-03-82; 38-04-82; 6-06-82; 26-07-82.)

(e) Written requests for University-Townhouse RPPDs, as required by Section 82-5A-4(f), shall be submitted to the Board of Supervisors member(s) in whose district the proposed RPPD is located. No application fees are required for the creation of a University-Townhouse RPPD.

### **Section 82-5A-6. Procedures for the establishment of Districts.**

(a) Upon receipt of any petition or request for a temporary RPPD, the petition/request addresses shall be validated by the Department of Transportation using parcel ownership information. If it is determined that the petition/request does not meet the standards set forth in Section 82-5A-5 above, the application shall not be deemed to be accepted and shall be returned to the applicant.

(b) Upon validation of the petition/request addresses, staff shall review the application and conduct a parking survey if applicable, to determine if the provisions of Section 82-5A-4 (b) are met.

(c) All proposed applications, including temporary RPPDs, which are accepted shall be the subject of a public hearing before the Board of Supervisors in accordance with the provisions below:

(1) A public notice of the proposed ordinance shall be published in a local newspaper having general circulation within the County in accordance with Virginia Code § 15.2-1427.

(2) The County shall, simultaneously with the advertisement specified in Paragraph (1) above, post on the land involved in any application a notice of the public hearing. Said notice(s) should be removed no later than seven (7) days after the conclusion of the last hearing to which they pertain. Said notice shall be posted at reasonable intervals in the proposed District. Said notice shall contain the date, location and time of the public hearing, a description of the application, and such other information as may be necessary to provide adequate identification of the application, and additionally, where further information on the application may be obtained. With the permission of the owner, said notice may be placed on private property if such is necessary to provide adequate posting.

(3) The County shall send written notice to all residences within the proposed District and in the impact area. Such written notices shall set forth the date, time, place and subject matter of the hearing. (34-83-82; 3-85-82; 9-95-82; 31-00-82; 38-04-82; 6-06-82; 26-07-82.)

### **Section 82-5A-7. Adoption and effective date.**

Upon approval by the Board of Supervisors of any Residential Permit Parking District, the District shall be deemed to be adopted and shall become effective in accordance with the following provisions:

(a) A permit shall be requested from the Virginia Department of Transportation to allow the placement of signs designating the restriction of parking on certain streets within the Virginia Secondary System of State Highways.

(b) Upon receipt of an approved permit, staff shall send notification to each address within the approved District. Such notification shall include:

(1) Notice that approval for the District has been given;

(2) The date upon which the District will be effective;

(3) The specific rules and regulations for the approved District, to include the hours when parking will be restricted;

(4) The procedures for obtaining parking permits/passes and the location of the County office where the permits may be obtained. (34-83-82; 3-85-82; 31-00-82; 38-04-82; 6-06-82; 26-07-82.)

### **Section 82-5A-8. Signs.**

All signs to designate a Residential Permit Parking District shall be erected by the County and shall be in conformance with the applicable Virginia Department of Transportation regulations and shall be of such design and character as to readily inform the operators of vehicles in Residential Permit Parking Districts of the existence, nature and requirements of the regulations pertaining to the particular District. All signs shall include at least the following information, from top to bottom of the sign, in the order listed below:

(a) Restriction or prohibition;

(b) Time of day the restriction or prohibition is applicable, if not at all hours;

(c) The days of the week applicable, if not every day;

(d) Indication that permit/pass holders are exempt;

(e) The number of the Residential Parking District. (34-83-82; 3-85-82; 38-04-82; 6-06-82; 26-07-82.)

### **Section 82-5A-9. Parking restrictions.**

On-street parking during specified hours in any Residential Permit Parking District shall be permitted only upon display of a valid parking permit or pass on an

RPPD allowable vehicle as defined in Section 82-5A-2; provided, however, that the parking limitations of this Article shall not apply to vehicles owned or leased by a public agency, or marked service or delivery vehicles which are being used to provide services or make deliveries to dwellings within the designated District.

In Residential Permit Parking Districts, the hours during which the regulations of this Article shall apply shall be as designated by the Board of Supervisors in adopting the District. (34-83-82; 3-85-82; 1-88-82; 31-00-82; 38-04-82; 6-06-82; 26-07-82.)

### **Section 82-5A-10. Administration.**

The provision of this Article shall be administered by the Department of Transportation with all permits only available to an RPPD allowable vehicle as defined in Section 82-5A-2 for an address location within the Residential Permit Parking District.

(a) Permits/passes to allow parking during restricted hours of a Residential Permit Parking District shall be issued only in accordance with the provisions of Paragraph (b) below.

(b) Permits, in the form of decals, will be available from the Department of Transportation. Decals shall be issued for a period of up to two years, one per vehicle with the expiration date as set forth on the decal. Decals may be renewed for additional two-year periods in the manner prescribed herein.

(c) Temporary RPPD passes shall be issued to the affected residents in the temporary RPPD and shall be valid for a period of two years or until the construction project or other situation that caused the establishment of the temporary RPPD has ended, whichever occurs first. Passes may be renewed if the construction project or other situation that caused the establishment of the temporary RPPD is still in effect.

Permits/passes shall be applied for in person, by mail, or by electronic means in accordance with procedures established by the Department of Transportation, and shall be accompanied by proof of payment of Fairfax County vehicle license to validate the applicant's residency in the District and proof of vehicle ownership or use of a vehicle for which the permit is requested. Vehicles that are exempted from the requirement of a Fairfax County vehicle license must submit the vehicle registration and two (2) proofs of residency that show current residence in the district. Acceptable proofs shall consist of the following:

- (1) Virginia driver's license.
- (2) Vehicle or personal property insurance policy.
- (3) Proof of payment of a security deposit or paid rent receipt.
- (4) Lease or mortgage documents.
- (5) Virginia voter registration.

(6) Utility bill.

A new resident of a District need show only one of the proofs of residency identified in subsection (c) of this Section and any current vehicle registration to be issued one 60-day nonrenewable new resident pass. Before expiration of same, the new resident shall comply with the provisions above in order to obtain a parking permit.

Any person on active duty in the military service, absent from his state of residence or domicile solely by reason of compliance with military orders, may prove vehicle ownership by showing a current military identification and a current vehicle registration.

Applications for renewal of permits/passes shall be processed in the same manner as an original permit application, except that an applicant who has a valid Fairfax County vehicle license which shows that such applicant continues to be a resident at the same address of the Residential Permit Parking District, may renew his or her permit/pass in accordance with the renewal procedures established by the Department of Transportation.

If a current District resident purchases a vehicle, they will obtain a 60-day non-renewable pass to use until the temporary plates are replaced with permanent plates when presenting the temporary registration.

(d) Decals shall be displayed in the lower left corner of the vehicle's rear window in such a way as to be clearly visible (see Section 82-5A-2 (d) for proper display provisions). Passes shall be displayed in such a way as to be entirely visible through the vehicle windshield (see Section 82-5A-2 (f) for proper display provisions).

(e) Individual district permits/passes shall be identified by a different number. A valid permit/pass for one Residential Permit Parking District shall not entitle the permit/pass holder to park in any other such District.

(f) An individual who continues to reside at the same address of the Residential Permit Parking District, upon disposing of a vehicle with a permit decal, may obtain a new decal for a replacement vehicle upon presentation of a Virginia vehicle registration or Fairfax County vehicle license for the replacement vehicle.

(g) Decals and passes shall be removed from the vehicle upon moving from the District.

(h) Decals and passes shall remain the property of Fairfax County and may be revoked without notice and must be surrendered on demand by the County.

(i) Temporary RPPDs will be terminated by the Department of Transportation when the end of the construction project or other situation that caused the establishment of the temporary RPPD has ended. The Department of Transportation will notify the residents, by mail, of the termination of the temporary RPPD. (34-83-82; 3-85-82; 30-90-82; 30-95-82; 31-00-82; 38-04-82; 6-06-82; 08-06-82; 26-07-82.)

**Section 82-5A-11. Visitor parking.**

(a) A transferable visitor parking pass shall be issued upon request in accordance with the provisions designated by the Board of Supervisors in adopting the District. Residents who continue to reside at the same address and do not have a valid Fairfax County vehicle license may renew their visitor parking pass at the time of pass expiration, provided the resident submits proof of residence as prescribed in Section 82-5A-10(b), in accordance with the renewal procedures established by the Department of Transportation.

(b) Visitor passes shall not be issued to multifamily or townhouse addresses which have off-street parking lots provided.

(c) One additional visitor pass may be issued for a long-term medical condition that requires the frequent services of a health care provider in a residence within a Residential Permit Parking District. In order to qualify, the resident must provide a statement from a physician stating the need for a long-term health care provider, the frequency the health care provider needs to go to the residence, and the duration of the need for the health care provider visits.

(d) A visitor pass may only be used on an RPPD allowable vehicle as defined in Section 82-5A-2.

(34-83-82; 3-85-82; 17-85-82; 30-95-82; 31-00-82; 38-04-82; 6-06-82; 08-06-82; 26-07-82.)

### **Section 82-5A-12. Enforcement and penalties.**

(a) It shall be unlawful for any person to park a motor vehicle in violation of the provisions of this Article.

(b) It shall be unlawful for any person to represent that they are entitled to a parking permit/pass when they are not so entitled, to fail to destroy a permit/pass to which they are no longer entitled, or to park a vehicle displaying such a permit /pass at any time when the user of such permit/pass is not entitled to it.

(c) It shall be unlawful for any person to represent that they are entitled to a pass when they are not so entitled or to park a vehicle displaying such a pass at any time when the user of such a pass is not entitled to it.

(d) It shall be unlawful for any person entitled to a visitor pass to allow said pass to be used by anyone other than a person visiting a residence in the specified Residential Permit Parking District.

(e) It shall be unlawful to improperly display Residential Permit Parking Decals/Passes pursuant to Section 82-5A-2 (d), (e) and (f). Failure to properly display decals/passes shall be punishable by a fine of Seventy-Five Dollars (\$75.00) for each violation.

(f) Enforcement of Residential Permit Parking District regulations shall be under the jurisdiction of the Fairfax County Police Department, who shall issue citations against those persons who violate the provisions of this Article or the provisions of Appendix G.

(g) Violation of Paragraphs (b), (c) or (d) of this Section shall be subject to a fine of One Hundred Dollars (\$100.00) for each violation. Violation of any other provisions of this Article shall be punishable by a fine of Seventy-Five Dollars (\$75.00) for each violation. Vehicles parked in violation of these provisions may be towed at the owner's expense.

(h) The Director, Department of Tax Administration, shall collect and account for all uncontested payments of parking citations penalties under this Article; and any contest by any person of any parking citation shall be certified by said Director in writing, on an appropriate form, to the Fairfax County General District Court.

(i) The Director, Department of Tax Administration, shall enforce payment of delinquent parking citations.

(j) The Fairfax County Police Department may waive the enforcement of Residential Permit Parking District for the purpose of providing parking for special events. Generally, this waiver shall be valid for one (1) day only. In addition, the Police Department and the Department of Transportation shall maintain temporary vehicle exemption passes as an alternative to the enforcement waiver. Temporary vehicle exemption passes are intended to enable discretionary authority on behalf of the Police Department and the Department of Transportation to allow vehicles to park within restricted areas on a temporary basis when justified by unique circumstances. (34-83-82; 3-85-82; 1-88-82; 31-00-82; 5-03-82; 34-03-82; 6-06-82; 26-07-82.)

Board Agenda Item  
February 22, 2011

4:00 p.m.

Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Zion Drive Road Improvements (Braddock District)

ISSUE:

Public Hearing on the acquisition of certain land rights necessary for the construction of Project 4YP205 – Zion Drive Road Improvements, Fund 304, Transportation Improvements.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors (Board) adopt the attached resolution authorizing the acquisition of the necessary land rights.

TIMING:

On January 25, 2011, the Board authorized advertisement of a public hearing to be held on February 22, 2011, at 4:00 p.m.

BACKGROUND:

The County is planning to realign Zion Drive from Windsor Hills Drive to Grovewood Way. The project also includes the installation of dedicated walkway, with curb and gutter, along both sides of Zion Drive, and storm drainage improvements. These improvements are proposed to enhance safety and improve traffic flow on Zion Drive.

Land rights for these improvements are required on 12 properties. Dedications for public street purposes and storm drainage, sight distance, grading and temporary construction easements are needed to facilitate this construction.

Negotiations are in progress with several owners of these properties; however, because resolution of these acquisitions is not imminent, it may become necessary for the Board to utilize quick-take eminent domain powers to commence construction of this project on schedule. These powers are conferred upon the Board by statute, namely, Va. Code Ann. Sections 15.2-1904 and 15.2-1905 (2008). Pursuant to these provisions, a public hearing is required before property interests can be acquired in such an accelerated manner.

Board Agenda Item  
February 22, 2011

FISCAL IMPACT:

Funding is available in Project 4YP205 – Zion Drive Road Improvements, Fund 304, Transportation Improvements. This project is included in the FY 2011-FY 2015 Adopted Capital Improvement Program. No additional funds are required at this time for land acquisition.

ENCLOSED DOCUMENTS:

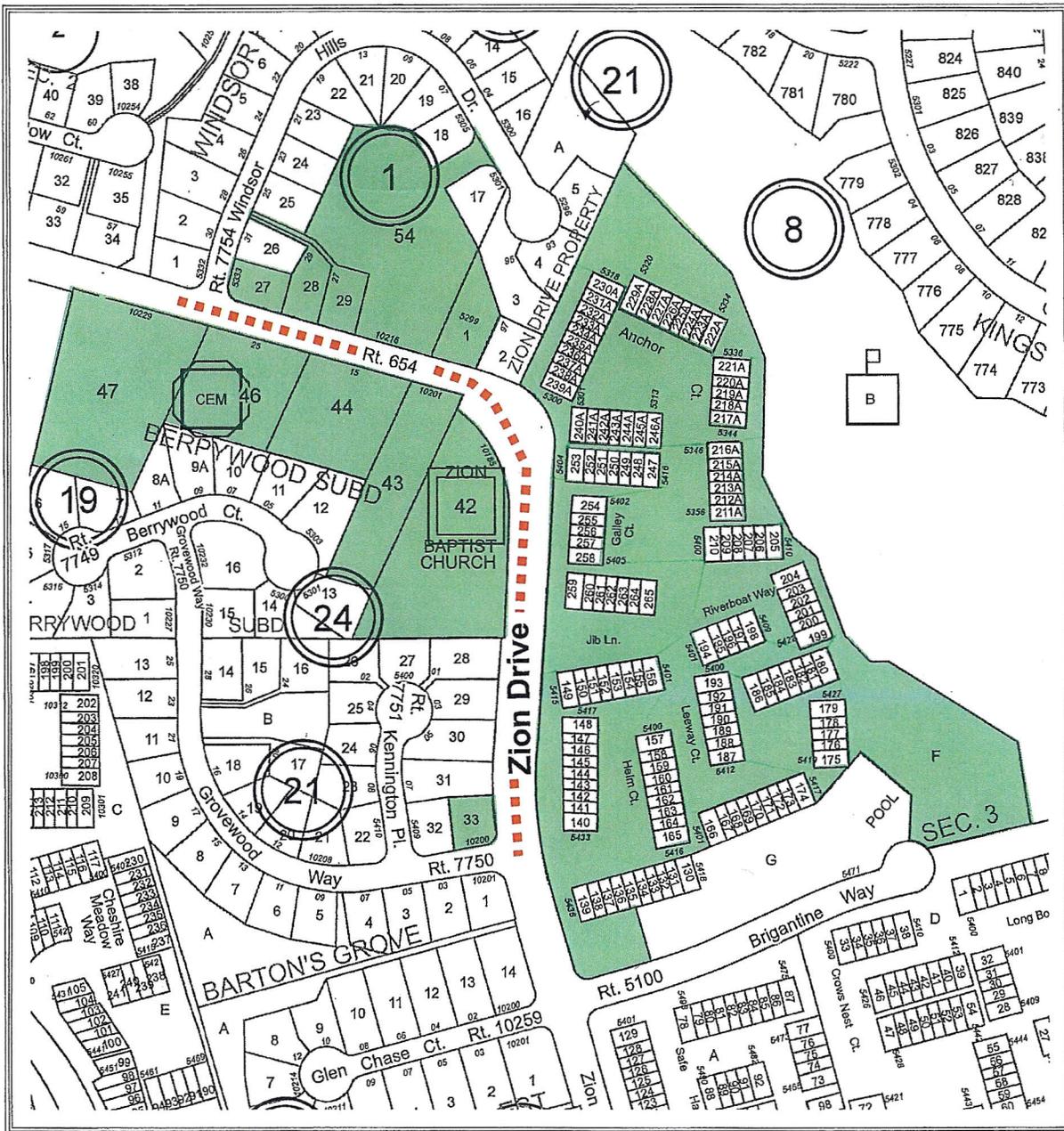
Attachment A – Project Location Map

Attachment B – Resolution with Fact Sheets on the affected parcels with plats showing interests to be acquired (Attachments 1 through 5A).

STAFF:

James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)

Ronald N. Kirkpatrick, Deputy Director, DPWES, Capital Facilities



**ZION DRIVE**

Tax Map: 68-4 and 77-2

Project: 4YP205

Scale: Not to Scale

Braddock District

Scope: This project consists of the re-alignment of Zion Drive (Route 654) from Windsor Hills Drive (Route 7754) to Grovewood Way (Route 7750).

Affected Properties:

Proposed Improvements:

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday, February 22, 2011, at which meeting a quorum was present and voting, the following resolution was adopted:

**WHEREAS**, certain Project 4YP205 – Zion Drive Road Improvements had been approved; and

**WHEREAS**, a public hearing pursuant to advertisement of notice was held on this matter, as required by law; and

**WHEREAS**, the property interests that are necessary have been identified; and

**WHEREAS**, in order to keep this project on schedule, it is necessary that the required property interests be acquired not later than February 28, 2011.

**NOW THEREFORE BE IT RESOLVED**, that the Director, Land Acquisition Division, in cooperation with the County Attorney, is directed to acquire the property interests listed in Attachments 1 through 5A by gift, purchase, exchange, or eminent domain; and be it further

**RESOLVED**, that following the public hearing, this Board hereby declares it necessary to acquire the said property and property interests and that this Board intends to enter and take the said property interests for the purpose of constructing sidewalk improvements, new roadway and to provide adequate storm drainage as shown and described in the plans of Project 4YP205 – Zion Drive Road Improvements on file in the Land Acquisition Division of the Department of Public Works and Environmental Services, 12000 Government Center Parkway, Suite 457, Fairfax, Virginia; and be it further

**RESOLVED**, that this Board does hereby exercise those powers granted to it by the Code of Virginia and does hereby authorize and direct the Director, Land Acquisition Division, on or subsequent to February 23, 2011, unless the required interests are sooner acquired, to execute and cause to be recorded and indexed among the land records of this County, on behalf of this Board, the appropriate certificates in accordance with the requirements of the Code of Virginia as to the property owners, the indicated estimate of fair market value of the property and property interests and/or damages, if any, to the residue of the affected parcels relating to the certificates; and be it further

**RESOLVED**, that the County Attorney is hereby directed to institute the necessary legal proceedings to acquire indefeasible title to the property and property interests identified in the said certificates by condemnation proceedings; if necessary.

LISTING OF AFFECTED PROPERTIES

Project 4YP205 – Zion Drive Road Improvements  
(Braddock District)

	<u>PROPERTY OWNER(S)</u>	<u>TAX MAP NUMBER(S)</u>
1.	Mason L. Jackson Address: 10201 Zion Drive, Fairfax, VA 22032	068-4-01-0043
2.	Steven D. Presing and Margaret A. Piper-Presing Address: 5299 Windsor Hills Drive, Fairfax, VA 22032	068-4-21-0001
3.	William B. Allison Judith E. Allison Address: 10200 Grovewood Way, Fairfax, VA 22032	077-2-21-0033
4.	Greater Little Zion Baptist Church Address: 10185 Zion Drive, Fairfax, VA 22032	068-4-01-0042
5.	Greater Little Zion Baptist Church Address: 10215 Zion Drive, Fairfax, VA 22032	068-4-01-0044

A Copy – Teste:

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Nancy Vehrs  
Clerk to the Board of Supervisors

1. AFFECTED PROPERTY

Tax Map Number: 068-4-01-0043  
Street Address: 10201 Zion Drive, Fairfax, VA 22032

2. OWNER(S): Mason L. Jackson

3. INTEREST(S) REQUIRED (As shown on attached plat/plan)

Deed of Dedication – 959 sq. ft.  
Storm Drainage Easement – 70 sq. ft.  
Sight Distance Easement – 2,211 sq. ft.  
Grading Agreement and Temporary Construction Easement – 2,732 sq. ft.

4. VALUE

Estimated value of interests and damages:

FIFTEEN THOUSAND SEVENTY-TWO DOLLARS (\$15,072.00)

1. AFFECTED PROPERTY

Tax Map Number: 068-4-21-0001  
Street Address: 5299 Windsor Hills Drive, Fairfax, VA 22032

2. OWNER(S): Steven D. Presing and Margaret A. Piper-Presing

3. INTEREST(S) REQUIRED (As shown on attached plat/plan)

Grading Agreement and Temporary Construction Easement – 375 sq. ft.

4. VALUE

Estimated value of interests and damages:

ONE THOUSAND FIFTY-SIX DOLLARS (\$1,056.00)

1. AFFECTED PROPERTY

Tax Map Number: 077-2-21-0033  
Street Address: 10200 Grovewood Way, Fairfax, VA 22032

2. OWNER(S): William B. Allison  
Judith E. Allison

3. INTEREST(S) REQUIRED (As shown on attached plat/plan)

Grading Agreement and Temporary Construction Easement – 167 sq. ft.

4. VALUE

Estimated value of interests and damages:

EIGHT HUNDRED TWENTY-ONE DOLLARS (\$821.00)

1. AFFECTED PROPERTY

Tax Map Number: 068-4-01-0042  
Street Address: 10185 Zion Drive, Fairfax, VA 22032

2. OWNER(S): Greater Little Zion Baptist Church

3. INTEREST(S) REQUIRED (As shown on attached plat/plan)

Sight Distance Easement – 1,214 sq. ft.  
Grading Agreement and Temporary Construction Easement – 8,913 sq. ft.

4. VALUE

Estimated value of interests and damages:

SEVEN THOUSAND ONE HUNDRED THIRTY-NINE DOLLARS (\$7,139.00)

1. AFFECTED PROPERTY

Tax Map Number: 068-4-01-0044  
Street Address: 10215 Zion Drive, Fairfax, VA 22032

2. OWNER(S): Greater Little Zion Baptist Church

3. INTEREST(S) REQUIRED (As shown on attached plat/plan)

Deed of Dedication – 1,253 sq. ft.  
Sight Distance Easement – 2,056 sq. ft.  
Storm Drainage Easement – 2,833 sq. ft.  
Grading Agreement and Temporary Construction Easement – 600 sq. ft.

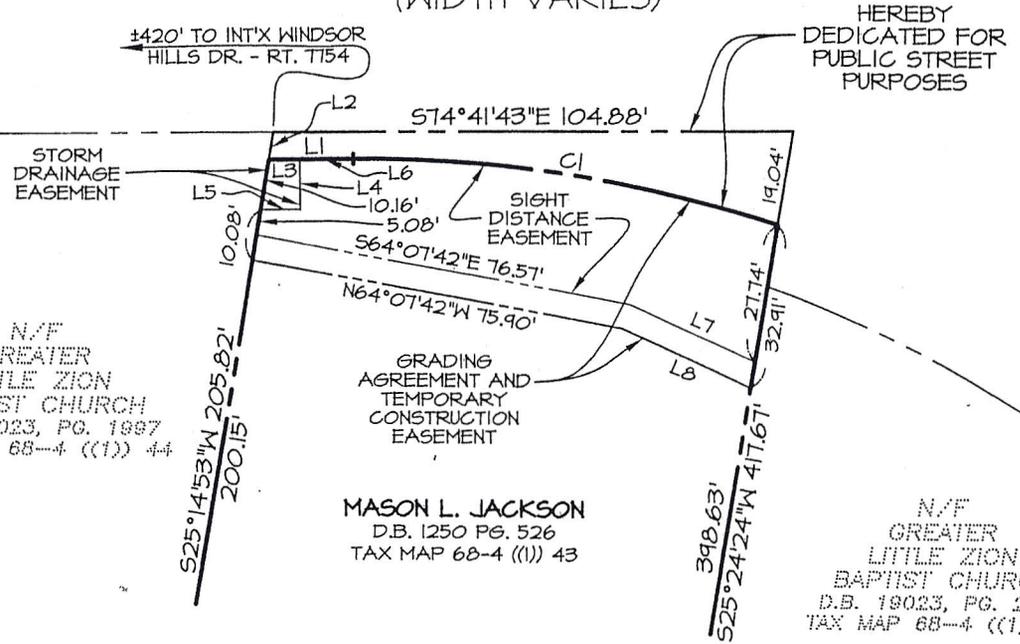
4. VALUE

Estimated value of interests and damages:

SIXTEEN THOUSAND NINE HUNDRED SEVENTEEN DOLLARS (\$16,917.00)

# ZION DRIVE - RT. 654 (WIDTH VARIES)

LINE TABLE		
LINE	LENGTH	BEARING
L1	16.97'	N75°01'20"W
L2	5.67'	N25°14'53"E
L3	6.09'	S75°01'20"E
L4	10.00'	S14°58'40"W
L5	7.91'	N75°01'20"W
L6	10.88'	S75°01'20"E
L7	27.50'	N50°09'36"W
L8	28.18'	N50°09'36"W



HEREBY DEDICATED FOR PUBLIC STREET PURPOSES

**NOTES:**  
THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. THEREFORE ALL ENCUMBRANCES TO THE PROPERTY ARE NOT NECESSARILY SHOWN HEREON.

THE INFORMATION SHOWN ON THIS PLAT WAS COMPILED FROM EXISTING LAND RECORDS AND DOES NOT REPRESENT THE RESULT OF AN ACTUAL FIELD SURVEY.

THE PROPERTY DELINEATED ON THIS PLAT IS LOCATED ON TAX ASSESSMENT MAP 68-4 ((1)) 43.

ZION DRIVE  
PROJECT NUMBER 4YP205

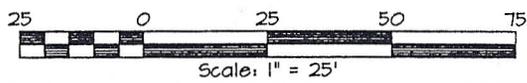
FAIRFAX COUNTY, VIRGINIA  
DEPT. OF PUBLIC WORKS & ENVIRONMENTAL SERVICES  
CAPITAL FACILITIES, LAND SURVEY BRANCH  
12000 GOVERNMENT CENTER PKWY, FAIRFAX, VIRGINIA

PLAT SHOWING DEDICATION FOR PUBLIC STREET PURPOSES, STORM DRAINAGE EASEMENT, SIGHT DISTANCE EASEMENT AND GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT THROUGH PROPERTY BEING IN THE NAME OF MASON L. JACKSON D.B. 1250, PG. 526

BRADDOCK DISTRICT, FAIRFAX COUNTY SHEET 1 OF 1  
SCALE: 1"=25' DATE: 4/14/2010 DRAWN BY: GMH

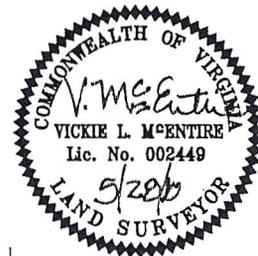
CURVE TABLE						
CURVE	RADIUS	DELTA	LENGTH	TANGENT	CHORD	CHORD BEARING
CI	272.50'	18°16'46"	86.94'	43.84'	86.51'	N65°52'57"W

**EASEMENT AND DEDICATION AREAS**  
DEDICATION FOR PUBLIC STREET PURPOSES 459 SQ. FT.  
STORM DRAINAGE EASEMENT 70 SQ. FT.  
GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT 2,732 SQ. FT.  
SIGHT DISTANCE EASEMENT 2,211 SQ. FT.



**NOT TO SCALE**

N/F  
GREATER  
LITTLE ZION  
BAPTIST CHURCH  
D.B. 19023, PG. 2003  
TAX MAP 68-4 ((1)) 42



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ATTACHMENT 1-A

GRID NORTH  
VA STATE  
NAD 83  
NORTH ZONE

LOT 54  
WALTER E. HAMILTON  
PROPERTY  
PART OF PARCEL D  
D.B. 3581, PG. 136  
TAX MAP 68-4 ((1)) 54

EX. 20' SANITARY  
SEWER EASEMENT  
D.B. 3906, PG. 54  
D.B. 3958, PG. 442

LOT 1  
ZION DRIVE  
PROPERTY  
D.B. 11671, PG. 622  
TAX MAP  
68-4 ((2)) 1

GRADING  
AGREEMENT AND  
TEMPORARY  
CONSTRUCTION  
EASEMENT

LOT 2  
ZION DRIVE  
PROPERTY  
D.B. 11671, PG. 622  
TAX MAP 68-4 ((2)) 2

EX. 15' FAIRFAX  
COUNTY WATER  
AUTHORITY  
EASEMENT  
D.B. 11671, PG. 0622

EX. 5' PUBLIC  
TRAIL EASEMENT  
D.B. 11671, PG. 0622

ZION DRIVE - RT. 654  
(WIDTH VARIES)

±450' TO INT'X WINDSOR HILLS  
DRIVE - RT. 7154

CURVE TABLE						
CURVE	RADIUS	DELTA	LENGTH	TANGENT	CHORD	CHORD BEARING
C1	1326.63'	4°06'23"	95.08'	47.56'	95.06'	N73°02'24"W

LINE TABLE		
LINE	LENGTH	BEARING
L1	5.01'	N24°33'40"E
L2	4.10'	S24°30'06"W

**NOTES:**  
THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. THEREFORE ALL ENCUMBRANCES TO THE PROPERTY ARE NOT NECESSARILY SHOWN HEREON.

THE INFORMATION SHOWN ON THIS PLAT WAS COMPILED FROM EXISTING LAND RECORDS AND DOES NOT REPRESENT THE RESULT OF AN ACTUAL FIELD SURVEY.

THE PROPERTY DELINEATED ON THIS PLAT IS LOCATED ON TAX ASSESSMENT MAP 68-4 ((2)) 1.

ZION DRIVE  
PROJECT NUMBER 4YP205

FAIRFAX COUNTY, VIRGINIA  
DEPT. OF PUBLIC WORKS & ENVIRONMENTAL SERVICES  
CAPITAL FACILITIES, LAND SURVEY BRANCH  
12000 GOVERNMENT CENTER PKWY, FAIRFAX, VIRGINIA

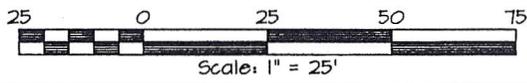
PLAT SHOWING  
GRADING AGREEMENT  
AND TEMPORARY  
CONSTRUCTION EASEMENT  
THROUGH  
LOT 1  
ZION DRIVE PROPERTY  
D.B. 11671, PG. 622  
BEING IN THE NAME OF  
STEVEN D. PRESING &  
MARGARET A. PIPER-PRESING  
D.B. 12012, PG. 2017  
BRADDOCK DISTRICT, FAIRFAX COUNTY

SCALE: 1"=25'    DATE: 4/29/2010    DRAWN BY: GMH

CURVE TABLE						
CURVE	RADIUS	DELTA	LENGTH	TANGENT	CHORD	CHORD BEARING
C1	1326.63'	4°06'23"	95.08'	47.56'	95.06'	N73°02'24"W

**EASEMENT AREAS**

GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT    375 SQ. FT.



**NOT TO SCALE**



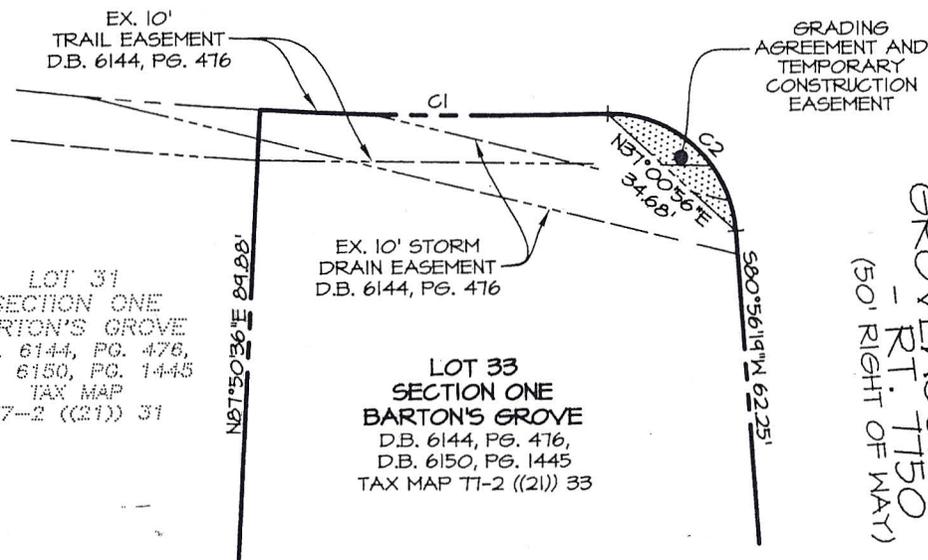
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ATTACHMENT 2-A

VA STATE  
GRID NORTH  
VCS 83; NORTH ZONE

ZION DRIVE - RT. 654  
(WIDTH VARIES)

CURVE TABLE						
CURVE	RADIUS	DELTA	LENGTH	TANGENT	CHORD	CHORD BEARING
C1	845.00'	4°44'26"	69.92'	34.98'	69.90'	S04°31'58"E
C2	25.00'	87°50'45"	38.33'	24.08'	34.68'	N37°00'56"E



**NOTES:**  
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THE PROPERTY DELINEATED ON THIS PLAT IS LOCATED ON TAX ASSESSMENT MAP 77-2 ((21)) 33.

ZION DRIVE  
PROJECT NUMBER 4YP205

FAIRFAX COUNTY, VIRGINIA  
DEPT. OF PUBLIC WORKS & ENVIRONMENTAL SERVICES  
CAPITAL FACILITIES, LAND SURVEY BRANCH  
12000 GOVERNMENT CENTER PKWY, FAIRFAX, VIRGINIA

PLAT SHOWING  
GRADING AGREEMENT AND  
TEMPORARY CONSTRUCTION EASEMENT  
THROUGH  
LOT 33  
SECTION ONE  
BARTON'S GROVE  
D.B. 6144, PG. 476 AND DB. 6150, PG. 1445  
BEING IN THE NAME OF  
WILLIAM B. ALLISON &  
JUDITH E. ALLISON  
D.B. 6297, PG. 1207

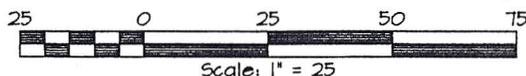
BRADDOCK DISTRICT, FAIRFAX COUNTY SHEET 1 OF 1

SCALE: 1"=25' DATE: 4/29/2010 DRAWN BY: GMH

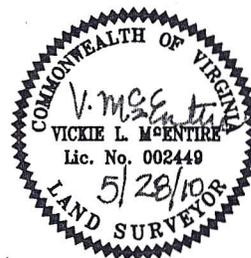
GROVEMOOD WAY  
- RT. 7750  
(50' RIGHT OF WAY)

EASEMENT AREAS

GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT 167 SQ. FT.



NOT TO SCALE

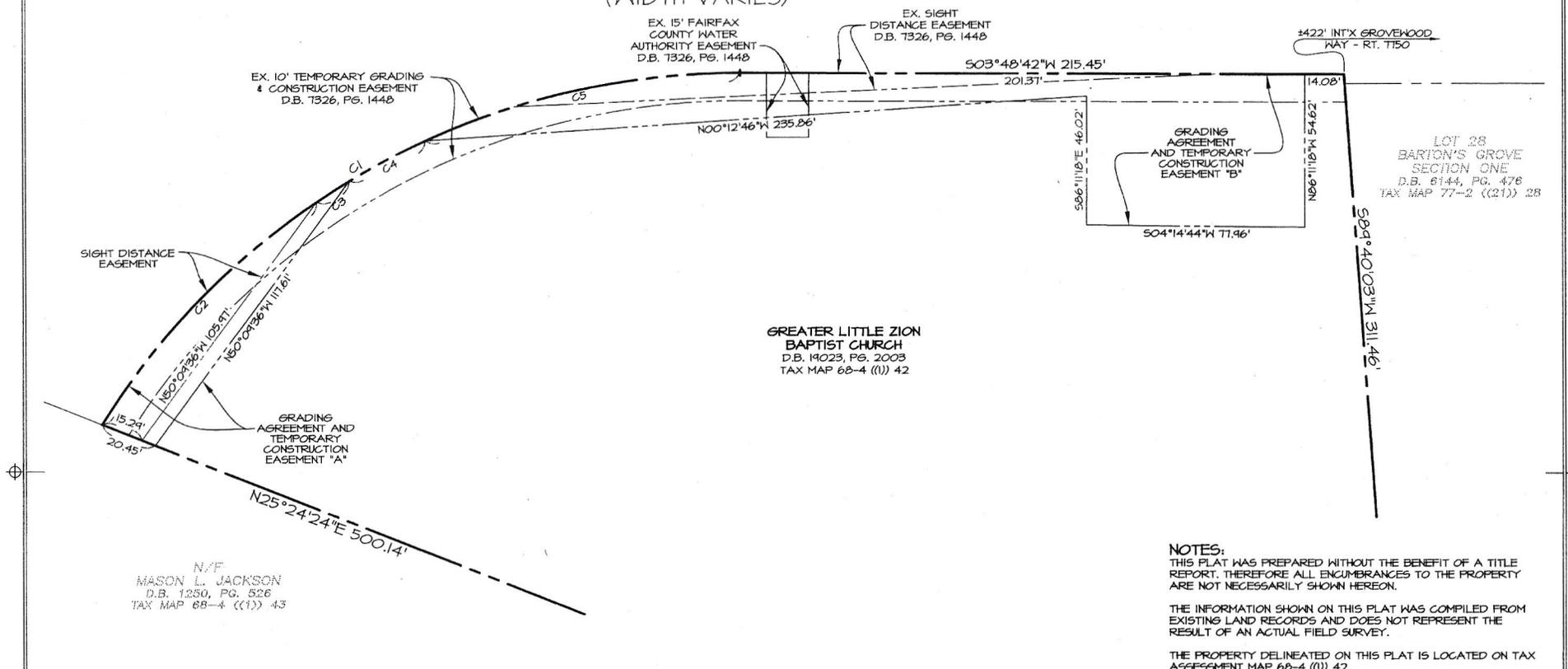


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ATTACHMENT 3-A

VA STATE  
GRID NORTH  
VCS 83, NORTH ZONE

# ZION DRIVE - RT. 654 (WIDTH VARIES)



SIGHT DISTANCE  
EASEMENT

EX. 10' TEMPORARY GRADING  
& CONSTRUCTION EASEMENT  
D.B. T326, PG. 1448

EX. 15' FAIRFAX  
COUNTY WATER  
AUTHORITY EASEMENT  
D.B. T326, PG. 1448

EX. SIGHT  
DISTANCE EASEMENT  
D.B. T326, PG. 1448

1422' INT'X GROVEWOOD  
WAY - RT. 7150

GRADING  
AGREEMENT  
AND TEMPORARY  
CONSTRUCTION  
EASEMENT "B"

LOT 28  
BARTON'S GROVE  
SECTION ONE  
D.B. 6144, PG. 476  
TAX MAP 77-2 ((1)) 28

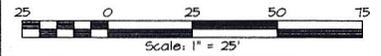
GREATER LITTLE ZION  
BAPTIST CHURCH  
D.B. 14023, PG. 2003  
TAX MAP 68-4 ((1)) 42

N/F  
MASON L. JACKSON  
D.B. 1250, PG. 526  
TAX MAP 68-4 ((1)) 43

**NOTES:**  
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THE PROPERTY DELINEATED ON THIS PLAT IS LOCATED ON TAX ASSESSMENT MAP 68-4 ((1)) 42.

CURVE TABLE						
CURVE	RADIUS	DELTA	LENGTH	TANGENT	CHORD	CHORD BEARING
C1	267.00'	52°15'49"	271.51'	148.80'	259.96'	S25°19'13"E
C2	267.00'	23°56'38"	111.58'	56.62'	110.77'	S42°28'48"E
C3	267.00'	2°58'32"	13.87'	6.93'	13.86'	S29°01'14"E
C4	267.00'	6°34'28"	30.64'	15.34'	30.62'	S24°14'44"E
C5	267.00'	24°46'11"	115.43'	58.63'	114.53'	S08°34'24"E

**EASEMENT AREAS**  
GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT "A" 1,744 SQ. FT.  
GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT "B" 7,169 SQ. FT.  
SIGHT DISTANCE EASEMENT 1,214 SQ. FT.



**NOT TO SCALE**



**ZION DRIVE**  
PROJECT NUMBER 4YP201

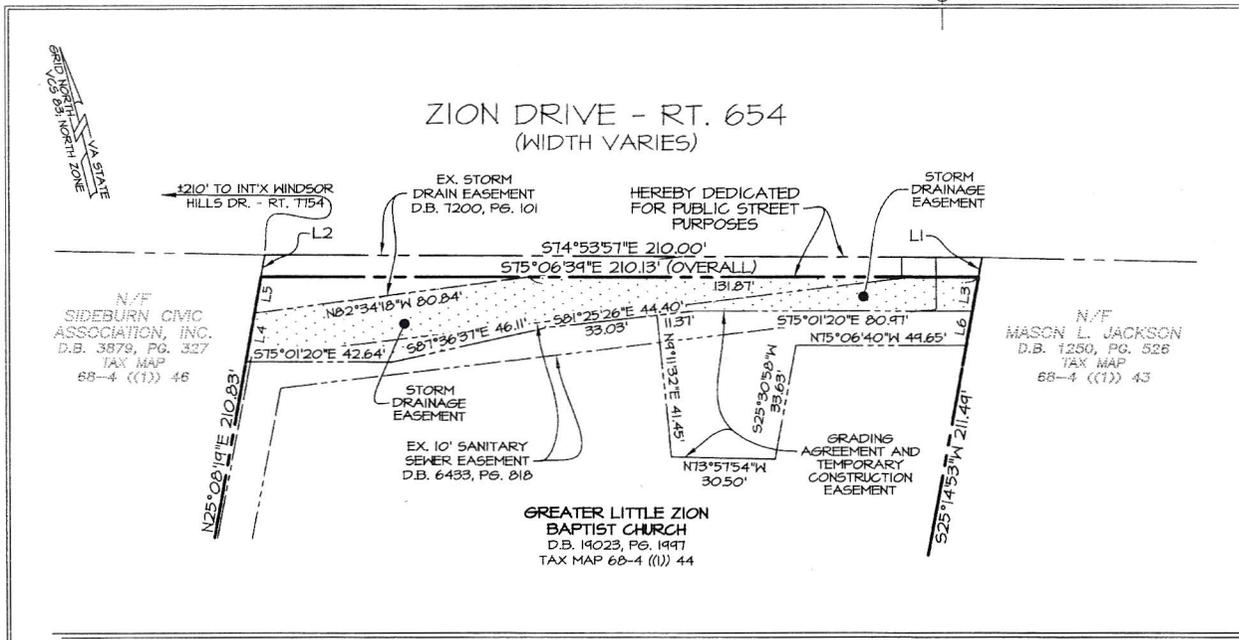
**FAIRFAX COUNTY, VIRGINIA**  
DEPT. OF PUBLIC WORKS & ENVIRONMENTAL SERVICES  
CAPITAL FACILITIES, LAND SURVEY BRANCH  
12000 GOVERNMENT CENTER PKWY, FAIRFAX, VIRGINIA

PLAT SHOWING  
SIGHT DISTANCE EASEMENT AND  
GRADING AGREEMENT AND  
TEMPORARY CONSTRUCTION EASEMENT  
THROUGH PROPERTY  
BEING IN THE NAME OF  
**GREATER LITTLE ZION  
BAPTIST CHURCH**  
D.B. 14023, PG. 2003

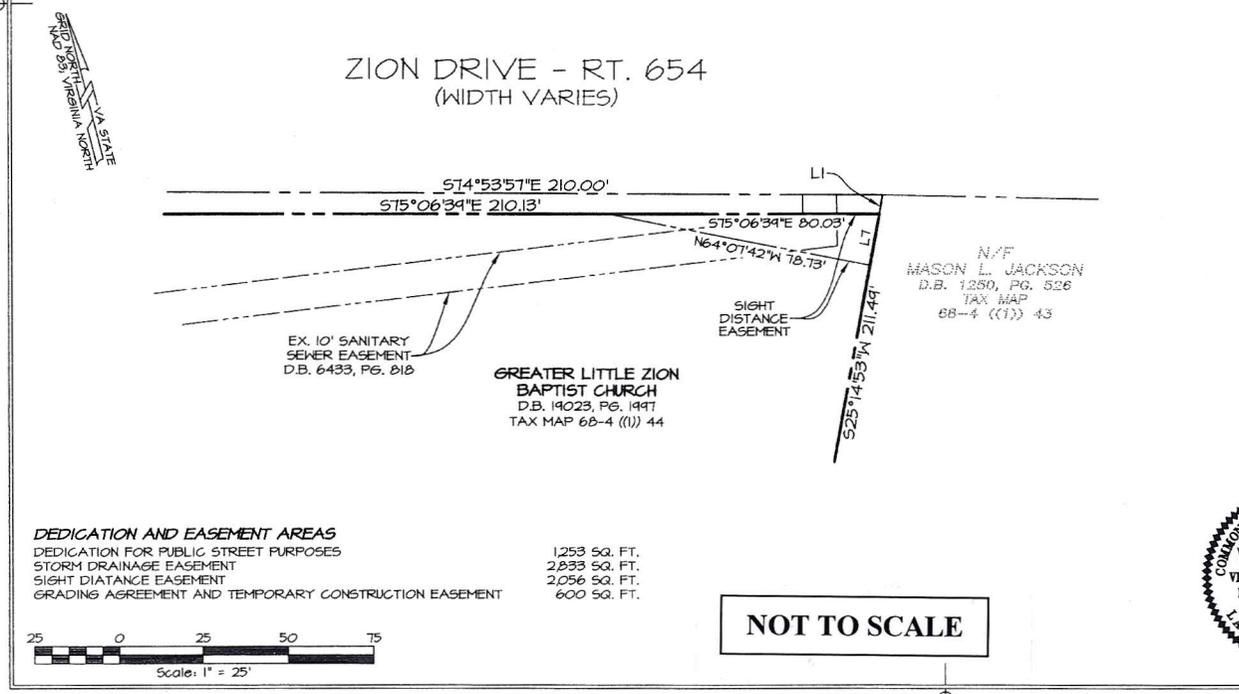
BRADDOCK DISTRICT, FAIRFAX COUNTY      SHEET 1 OF 1

SCALE: 1"=25'      DATE: 4/16/2010      DRAWN BY: GMH

G:\ASURVEY\PROJECTS\2010\_05\4280 Zion Drive\dwg\4yp201\_dwg.plt\42.dwg



LINE TABLE		
LINE	LENGTH	BEARING
L1	5.67'	S25°14'53\"W
L2	6.45'	N25°08'19\"E
L3	10.16'	S25°14'53\"W
L4	14.40'	N25°08'19\"E
L5	10.67'	N25°08'19\"E
L6	10.08'	S25°14'53\"W
L7	15.25'	S25°14'53\"W



**NOTES:**

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THE PROPERTY DELINEATED ON THIS PLAT IS LOCATED ON TAX ASSESSMENT MAP 68-4 ((1)) 44.

**ZION DRIVE**  
PROJECT NUMBER 4YP205

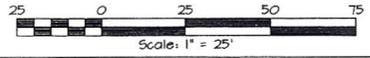
**FAIRFAX COUNTY, VIRGINIA**  
DEPT. OF PUBLIC WORKS & ENVIRONMENTAL SERVICES  
CAPITAL FACILITIES, LAND SURVEY BRANCH  
12000 GOVERNMENT CENTER PKWY, FAIRFAX, VIRGINIA

PLAT SHOWING  
DEDICATION FOR PUBLIC  
STREET PURPOSES, STORM DRAINAGE  
EASEMENT, SIGHT DISTANCE EASEMENT  
GRADING AGREEMENT AND  
TEMPORARY CONSTRUCTION EASEMENT  
THROUGH PROPERTY  
BEING IN THE NAME OF  
**GREATER LITTLE ZION  
BAPTIST CHURCH**  
D.B. 19023, PG. 1997

BRADDOCK DISTRICT, FAIRFAX COUNTY SHEET 1 OF 1  
SCALE: 1"=25' DATE: 4/29/2010 DRAWN BY: GMH

**DEDICATION AND EASEMENT AREAS**

DEDICATION FOR PUBLIC STREET PURPOSES	1253 SQ. FT.
STORM DRAINAGE EASEMENT	2,833 SQ. FT.
SIGHT DISTANCE EASEMENT	2,056 SQ. FT.
GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT	600 SQ. FT.



**NOT TO SCALE**



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ATTACHMENT 5-A

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Board Agenda Item  
February 22, 2011

4:30 p.m.

Public Hearing Concerning the I-95 Waste-to-Energy Facility (Mount Vernon District)

ISSUE:

Public hearing concerning Fairfax County's option to purchase the I-95 Waste-to-Energy Facility at its fair market value, as an exercise of an option in the existing Service Agreement among Fairfax County, the Solid Waste Authority, and Covanta Fairfax, Inc. (CFI).

RECOMMENDATION:

The County Executive recommends Board approval of the purchase of the I-95 Waste-to-Energy Facility, at its fair market value, in accordance with the Service Agreement. The purchase must be executed by April 4, 2011.

TIMING:

Under Schedule 21 of the Service Agreement, Fairfax County must make a decision about the purchase of the facility within 90 days of a completed appraisal process. CFI has agreed with the County to extend that 90-day period by 30 days. The Board must act by April 4, 2011, to preserve the purchase option.

BACKGROUND:

Fairfax County has utilized the I-95 Waste-to-Energy facility as its primary disposal location for municipal solid waste since 1990. The facility is owned and operated by CFI, and the current agreement extends until 2016. Fairfax County identified in its 20-year Solid Waste Management Plan, originally completed in 2004, that use of the facility was the preferable method for long-term management of the County's waste stream. County staff began discussion with CFI in 2006 to determine terms for an extension of the current agreement. The Service Agreement also contains terms which provide the County with an option to purchase the facility. Following the exercise of due diligence to explore this option, staff concluded that the purchase of the facility was a viable option due to a variety of factors including lower bond prices, a lower than expected fair market value estimate, and increasing energy revenue projections. On May 25, 2010, the County Executive notified CFI of the County's intent to determine the fair market value of the facility through the process outlined in Schedule 21 of the Service Agreement. The appraisal process was completed on December 3, 2010, with a fair market value determination of \$417,500,000.

Board Agenda Item  
February 22, 2011

As part of its analysis of options available to the County, County staff compared costs of three alternatives: allowing the current Service Agreement with CFI to end in 2016 (do nothing); renegotiating an extended Service Agreement with CFI at least through the site lease period of 2031 (rent option); and, purchase of the facility at its fair market value and the associated cost of ownership (purchase option).

A financial model to compare the economics of the three alternatives was commissioned, incorporating economic input from subject matter experts in the area of bond financing, energy projections, facility condition and assessment, and capital reinvestment. When the analysis was complete, a clear picture emerged as to the financial efficacy of purchasing the facility.

County staff further identified important public policy considerations that would be enhanced by purchasing the facility such as control of the waste coming to the facility, additional revenue generated by the facility coming to the County, and additional assurance that the current waste management system would continue to support a clean, sustainable environment in the County for the long term.

Based on an analysis of the economics, policy considerations and identification of potential risks, the County Executive has recommended that the County purchase the facility. Ownership will provide the County with more control over what happens at the facility and we would pay less for trash disposal.

The Board of Supervisors has directed that discussions continue with CFI to determine if an agreement structure that reflects the County's financial and public policy advantages of ownership can be achieved in an agreement extension.

Several public meetings have been held to gain community input about the options available to the County for continued use of the facility. The Board of Supervisors also desires to receive input through this public hearing prior to its deliberation on the options and decision on the purchase.

**FISCAL IMPACT:**

The County would purchase the I-95 Waste-to-Energy facility at its fair market value of approximately \$417,500,000. An analysis of the alternatives has shown that the purchase of the facility would be the financially best alternative for the County. Interim financing is expected to be arranged to purchase the facility. After five years, long term revenue bonds would be sold to be repaid from the tipping fees and energy revenues generated by the facility. The purchase and financing would not impact the County's General Fund, its credit rating, or its ability to finance other capital improvements.

Board Agenda Item  
February 22, 2011

Revenues realized by the sale of electricity generated by the facility will, in the long-term, significantly reduce solid waste disposal costs.

ENCLOSED DOCUMENTS:

Attachment I: Public Meeting Presentation

Additional information is available at: [www.fairfaxcounty.gov/dpwes/trash/waste-to-energy.htm](http://www.fairfaxcounty.gov/dpwes/trash/waste-to-energy.htm)

STAFF:

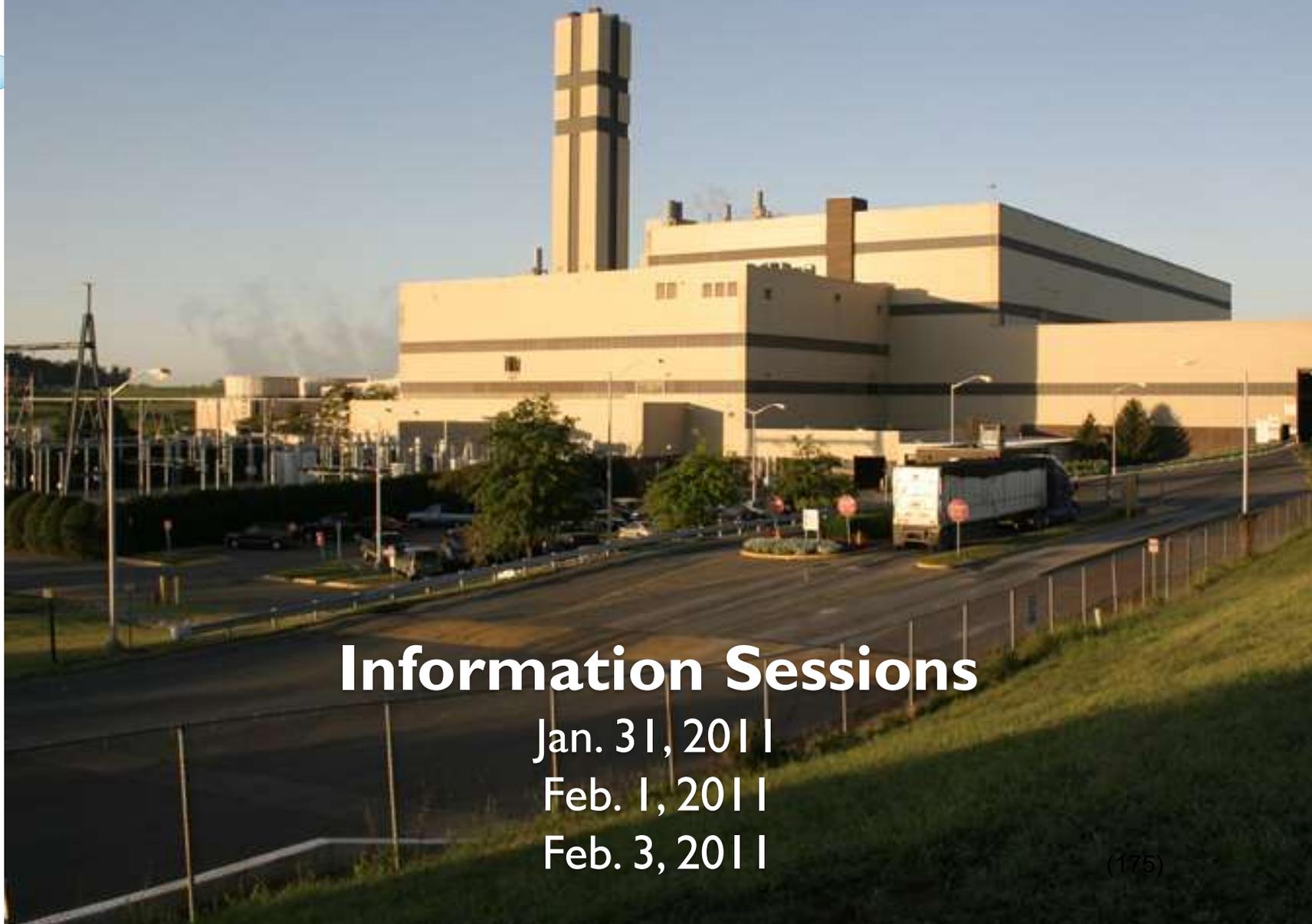
James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)

Joyce M. Doughty, Director, Division of Solid Waste Disposal and Resource Recovery, DPWES

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# Fairfax County Solid Waste Management:

*The Future Ownership of the I-95 Waste-to-Energy Facility*



## Information Sessions

Jan. 31, 2011

Feb. 1, 2011

Feb. 3, 2011

# Who Are We?

We are the Department of Public Works and Environmental Services.

- Anthony Griffin, County Executive
- James Patteson, Director  
Department of Public Works & Environmental
- Joyce Doughty, Director  
Solid Waste Management Program
- Jeff Smithberger, Director  
Solid Waste Management Program
- Charlie Forbes, Assistant Director  
Solid Waste Management Program
- Linda Boone, Branch Chief  
Planning and Resource Recovery
- Ben Boxer, Communications & Outreach Manager  
Solid Waste Management Program



# What is Our Role?



Trash is generated from homes & businesses.



Trash collection services hired to haul trash away.

(85% use private companies, 15% use county collection service)



Trash is delivered to Fairfax County Disposal Facility.



Trash is delivered to WTE facility.



Trash converted to energy & sold.



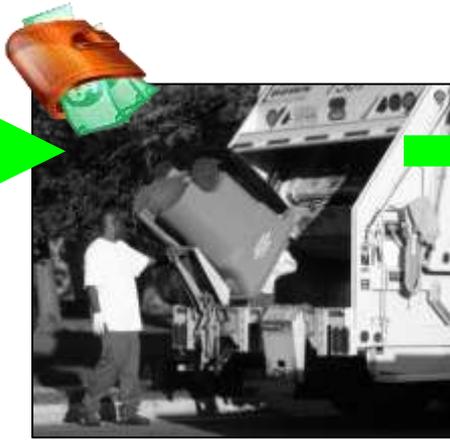
Remaining ash is landfilled.  
(177)

# How Is Waste Management Paid For?

## **NO TAX DOLLARS**



Homes & Businesses pay trash collectors to take trash away.  
Costs average \$350 per home each year.



Trash collectors pay county tipping fees.



Fairfax County pays WTE facility disposal fees.



County credited 90% of electricity revenue (\$24 million/year).



Covanta pays landfilling cost. (178)

# Why Are We Here?

- WTE facility built in 1990 using revenue bonds which Fairfax County developed and financed. Those bonds are now paid off. The WTE facility was built on county land, but the actual building is owned and operated by Covanta Fairfax, Inc.
- Currently the county has three options, the county must act by April 4, 2011 on the purchase option.
  - Do Nothing
  - Extend Agreement (Rent Option)
  - Purchase Option (Ownership Option)

***Under any option, the Waste-to-Energy Facility remains in operation in Fairfax County.*** (179)

# Comparison of the Options

	Do Nothing	Rent Option	Ownership Option
Cost (thru 2041) Net Present Value (Short-term = 5 years)	<p><b>\$1.1 Billion</b></p> <p><b>Overall highest cost option.</b></p> <ul style="list-style-type: none"> <li>• Short-term fees drop.</li> <li>• Fees significantly increase after 2016.</li> </ul>	<p><b>\$ 556 Million</b></p> <ul style="list-style-type: none"> <li>• Short-term fees remain the same.</li> <li>• Disposal fees similar to the purchase option thru 2035.</li> </ul>	<p><b>\$432 Million</b></p> <p><b>Overall least cost option.</b></p> <ul style="list-style-type: none"> <li>• Short-term fees remain the same.</li> <li>• Disposal fees similar to the rent option thru 2035. <b>Significant savings beginning in 2036.</b></li> </ul>
Control	<ul style="list-style-type: none"> <li>• No control of waste-to-energy operations (expansion, etc.).</li> <li>• No control of waste sources.</li> </ul>	<ul style="list-style-type: none"> <li>• Minimal county input on facility operations.</li> <li>• No control of waste sources.</li> </ul>	<ul style="list-style-type: none"> <li>• County ownership ensures ability to be responsive to community/government input.</li> <li>• County selects sources of waste.</li> </ul>
Risk	<ul style="list-style-type: none"> <li>• Strong likelihood of waste imports.</li> <li>• Future of county's disposal program entirely dependant on market conditions.</li> <li>• Fuel costs (long-haul).</li> </ul>	<ul style="list-style-type: none"> <li>• County must deliver specified quantity of waste – penalties for under-delivering.</li> <li>• Costs of regulatory changes fall to county.</li> <li>• Many unknowns.</li> </ul>	<ul style="list-style-type: none"> <li>• Costs of regulatory changes fall to county.</li> <li>• Normal financing risk.</li> </ul>
Ownership	<ul style="list-style-type: none"> <li>• Fully-owned by Covanta .</li> </ul>	<ul style="list-style-type: none"> <li>• Owned by Covanta with future opportunity to purchase in 2031 at Fair Market Value.</li> </ul>	<ul style="list-style-type: none"> <li>• Immediate county ownership with private operation.</li> </ul>
Community Concern	<ul style="list-style-type: none"> <li>• Imported waste from NE U.S.</li> <li>• Increased costs, traffic, noise, etc.</li> <li>• No County oversight</li> </ul>	<ul style="list-style-type: none"> <li>• Some imported waste from NE U.S.</li> <li>• Pricing pre-set with less energy revenue sharing</li> <li>• Limited County oversight</li> </ul>	<ul style="list-style-type: none"> <li>• No change in current traffic, other environmental practices</li> <li>• Full County oversight and control</li> </ul>

## **County Staff Recommendation After Evaluation of All Options**

- **Purchase the facility and competitively contract for its operations.**
- Staff is also continuing discussions on a possible extension with Covanta so the Board has the choice of either purchasing the facility or approving an extension.

# Cost Comparison (30-Year Net Present Value)

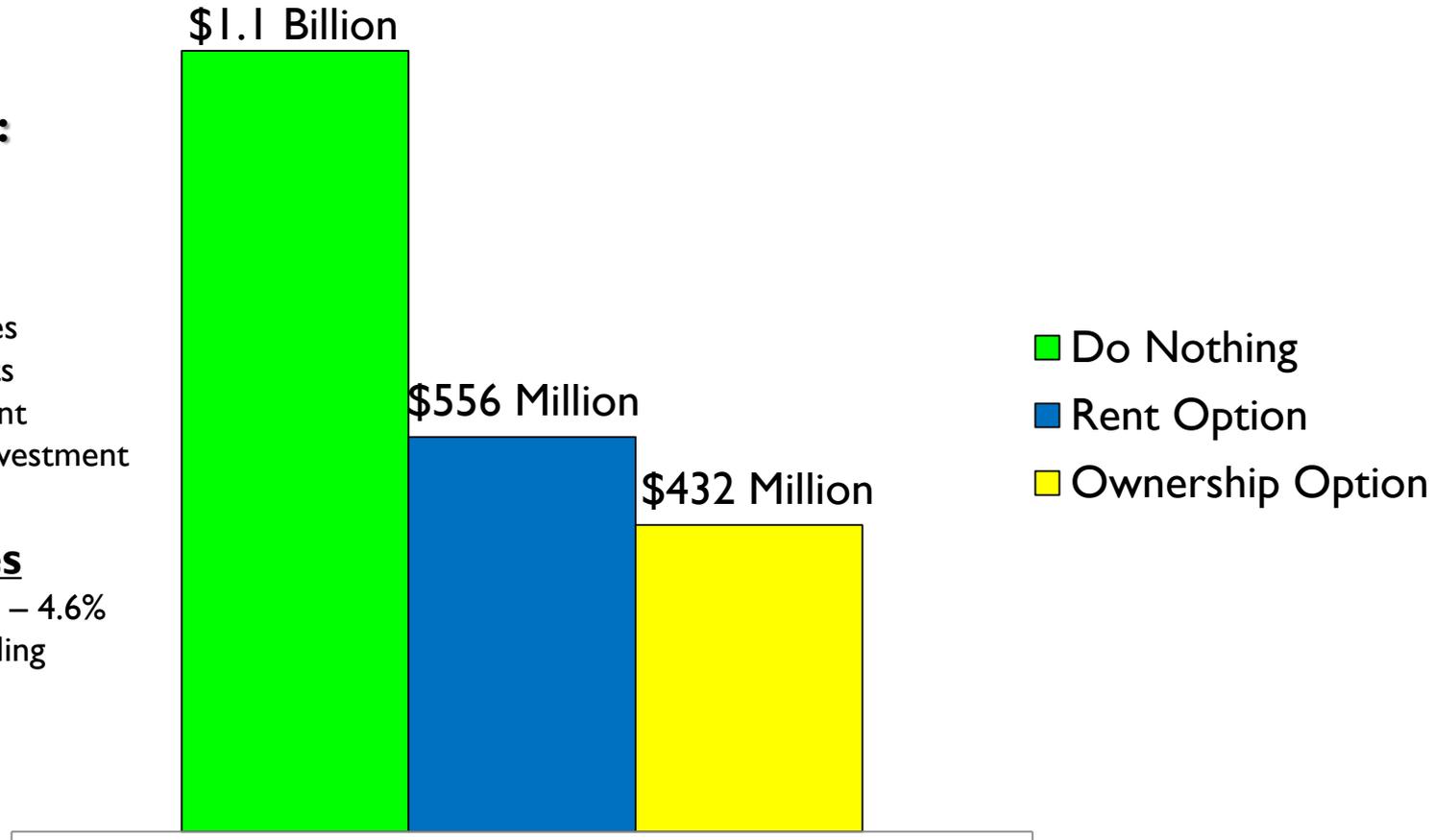
## Includes:

### Costs

Haul – 3.5%  
Disposal Fees  
O & M Costs  
Debt Payment  
Capital Reinvestment

### Revenues

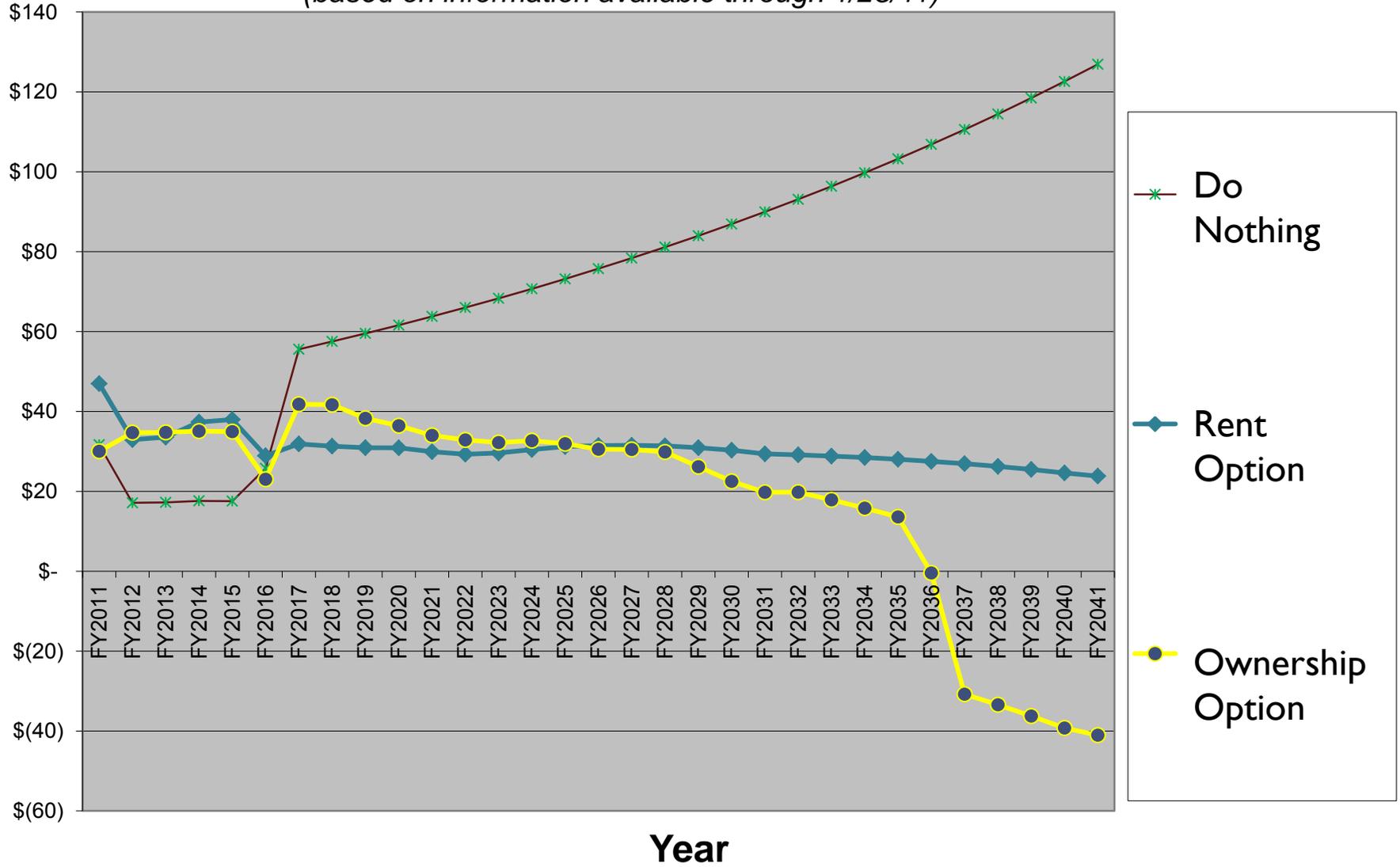
Energy Sales – 4.6%  
Metal Recycling



**Purchase to be financed through revenue bonds and not tax-supported general obligation bonds.**<sup>(182)</sup>

# Comparative Cost of Options – 30 Year Outlook

(based on information available through 1/25/11)



## What Do Other Communities Do?

- More than half of U.S. Waste-to-Energy plants are owned by the communities they serve.
- More than half of the plants operated by Covanta are publicly-owned.

***Owning your WTE plant and having a contractor operate it is commonplace both in the U.S. and throughout the world.***

# What's In It For Me?

- Ensures long-term environmentally-preferable waste management system.
- Purchasing the plant won't cost you any more tomorrow and it will save you money in the long-term.
- Buying the plant allows us to control whose trash is processed there.
- The plant is a revenue generator.
- Allows continuation of public benefit programs.
- No tax dollars are needed to purchase the plant.
- Nothing changes – collection services and disposal.

***Under any option, the facility will remain in operation in Fairfax County. If it's going to be here anyway, why not own it and get the full benefit?***

# Public Benefit Programs

## ***Purchase Option Ensures Long-Term Funding (\$5 million/year)***

- Household Hazardous Waste Collection and Disposal
- E-Waste (Electric Sunday)
- Secure Document Shredding and Recycling
- Fluorescent Lamp and Rechargeable Battery Collection and Disposal
- Recycling Outreach and Education
- Code Enforcement
- Specialty Events and Programs

## Next Steps

- Public Information sessions will be conducted thru February 22<sup>nd</sup>.
- Public Hearing to be held February 22<sup>nd</sup> at 4:30 p.m. at the Fairfax County Government Center.
- The Board of Supervisors will act by April 4 regarding the purchase of the WTE facility.

# Thank You

For more information or to submit additional questions, visit our website at:

[www.fairfaxcounty.gov/dpwes/trash/  
waste-to-energy.htm](http://www.fairfaxcounty.gov/dpwes/trash/waste-to-energy.htm)

Board Agenda Item  
February 22, 2011

5:00 p.m.

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

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