

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
June 19, 2012**

AGENDA

9:00	Held	Onthank Award Reception, Conference Center Reception Area
9:30	Done	Presentations
10:30	Done	Presentation of the A. Heath Onthank Awards
10:30	Done	Presentation of the Volunteer Fire Commission Annual Report
10:40	Done	Board Appointments
10:50	Done	Items Presented by the County Executive

**ADMINISTRATIVE
ITEMS**

1	Approved	Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 8409 Lorton Road, Lorton, VA 22079 (Mount Vernon District)
2	Approved	Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 700 Utterback Store Road, Great Falls, VA 22066 (Dranesville District)
3	Approved	Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 115 Tinner Hill Road, Falls Church, VA 22046 (Providence District)
4	Approved	Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance Amendment Re: Truck Rental Establishments in the Planned Residential Community (PRC) District
5	Approved	Extension of Review Periods for 2232 Review Applications (Springfield and Sully Districts)
6	Approved	Additional Time to Establish the Use for Special Exception Amendment SEA 2006-PR-019, Virginia International University (Providence District)
7	Approved	Streets into the Secondary System (Lee, Mason, and Sully Districts)
8	Approved	Authorization to Advertise a Public Hearing to Consider an Ordinance Amending County Code Relating to Election Precincts and to Consider Temporarily Relocating Two Absentee Voting Satellites

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
June 19, 2012**

**ADMINISTRATIVE
ITEMS**

**(Continued)
Approved**

- | | | |
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| 9 | Approved | Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Lorton Road Improvements (Mount Vernon District) |
| 10 | Deferred | Authorization to Advertise Public Hearings on Proposed Amendments to Chapter 4 (Geotechnical Guidelines), Chapter 2 (General Subdivision and Site Plan Information), and Chapter 7 (Streets, Parking and Driveways) of the Public Facilities Manual Re: Testing Procedures for Infiltration Facilities and Minor Editorial Corrections |
| 11 | Approved | Authorization for the Fairfax County Police Department to Apply For and Accept Grant Funding from the U.S. Department of Justice, Office of Community Policing Services – Toolkit for Police Officer Military Veterans |
| 12 | Approved | Authorization for the Fairfax County Police Department to Apply For and Accept Grant Funding from the U.S. Department of Justice, Office of Community Policing Services - Suicide Prevention of Police Officers |

ACTION ITEMS

- | | | |
|---|--------------------------------|---|
| 1 | Approved | Resolution Adopting Changes to the Virginia Retirement System (VRS) Plan |
| 2 | Approved | Approval of an Updated Standard Project Administration Agreement Between Fairfax County and the Virginia 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) |
| 3 | Approved with amendment | Approval of 2012 Zoning Ordinance Amendment Work Program |
| 4 | Approved | Approval of a Cooperative Agreement Renewal – A Water Resources Monitoring Network for Fairfax County in Partnership with the United States Geological Survey |
| 5 | Approved | Approval of an Agreement Between the Town of Herndon and Fairfax County to Construct a Pond Retrofit at the Herndon Centennial Park Golf Course (Dranesville District) |

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
June 19, 2012**

**ACTION ITEMS
(Continued)
Approved**

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|---|-----------------|--|
| 6 | Approved | Approval of a Standard Project Administration Agreement with the Virginia Department of Transportation to Receive Funding for the Burke Centre Parkway School Safe Routes to School Project and Supplemental Appropriation Resolution AS12127(Braddock District) |
| 7 | Approved | Approval of an Agreement Between the Town of Herndon and Fairfax County to Construct a Pond Retrofit at the Herndon Public Works Maintenance Facility (Dranesville District) |
| 8 | Approved | Adoption of a Corrected Resolution Opting Out of the Line of Duty Act Fund |
| 9 | Approved | Approval of Regional Comments Regarding the Virginia Department of Rail and Public Transportation Change for Disbursing Transit Assistance in Northern Virginia |

**INFORMATION
ITEMS**

- | | | |
|-------|--------------|--|
| 1 | Noted | Minor Service Adjustments and Implementation of Transit Development Plan (TDP) Recommendations for Fairfax Connector Routes Effective June 2012 |
| 2 | Noted | Contract Award – Prescription and Nonprescription Medications for Inmates in the Adult Detention Center |
| 3 | Noted | 2012 Office of Justice Programs Edward Byrne Memorial Justice Assistance Grant Application Requirement to Present the Proposal to the Board of Supervisors and the Public for Review |
| 4 | Noted | Planning Commission Action On Application 2232-P12-1, Newpath Networks, LLC and New Cingular Wireless PCS, LLC (Providence District) |
| 11:00 | Done | Matters Presented by Board Members |
| 11:50 | Done | Closed Session |

PUBLIC HEARINGS

- | | | |
|------|-----------------|--|
| 3:30 | Approved | Public Hearing on, and Approval of, the Sale of Sewer Revenue Bonds, Series 2012 |
| 3:30 | Approved | Public Hearing on SE 2011-HM-019, Coresite Real Estate 12100, Sunrise Valley Drive, LLC to Permit an Increase in Floor Area Ratio (Hunter Mill District) |

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
June 19, 2012**

**PUBLIC HEARINGS
(Continued)**

4:00	Approved	Public Hearing on Proposed Plan Amendment S11-CW-1CP Regarding Updates to the Comprehensive Land Use Plan Map
4:00	Approved	Public Hearing on Proposed Plan Amendment S11-CW-2CP, Update to the Concept for Future Development
4:00	Deferred to 7/31/12 at 5 p.m.	Public Hearing to Consider Amending Fairfax County Code Section 82-5-37 (Designation of Restricted Parking) and Appendix R Related to Restricting Parking in Non-Residential Areas
4:30	Approved	Public Hearing on Amendments to the Code of the County of Fairfax, Chapter 82, Motor Vehicles and Traffic, Section 82-1-6, Adoption of State Law
5:00	Held	Public Comment



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Tuesday
June 19, 2012

9:30 a.m.

PRESENTATIONS

SPORTS/SCHOOLS

- CERTIFICATE – To recognize Forestville Elementary School Odyssey of the Mind Team for winning the world final. Requested by Supervisor Foust.

RECOGNITIONS

- RESOLUTION – To recognize Stephen DeBenedittis, mayor of the Town of Herndon, for his service. Requested by Supervisor Foust.

DESIGNATIONS

- PROCLAMATION – To designate June 17-23, 2012, as Fire and EMS Safety, Health and Survival Week in Fairfax County. Requested by Chairman Bulova.
- PROCLAMATION – To designate June 23, 2012, as Hepatitis Awareness Day in Fairfax County. Requested by Chairman Bulova.
- PROCLAMATION – To designate June 25-30, 2012, as Mosquito Control Awareness Week in Fairfax County. Requested by Chairman Bulova.

STAFF:

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

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Board Agenda Item
June 19, 2012

10:30 a.m.

Presentation of the A. Heath Onthank Awards

ENCLOSED DOCUMENTS:

None

PRESENTED BY:

Thomas Garnett, Civil Service Commission
Phil Rosenthal, Onthank Award Committee Chairman
Sharon Bulova, Chairman, Board of Supervisors
Edward L. Long Jr, County Executive

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Board Agenda Item
June 19, 2012

10:30 a.m.

Presentation of the Volunteer Fire Commission Annual Report

ENCLOSED DOCUMENTS:

None. Report delivered under separate cover.

PRESENTED BY:

Tim Fleming, Chief, Franconia VFD, the Chair of the Volunteer Fire Commission

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Board Agenda Item
June 19, 2012

10:40 a.m.

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

ENCLOSED DOCUMENTS:

Attachment 1: Appointments to be heard June 19, 2012
(A final list will be distributed at the Board meeting.)

STAFF:

Catherine A. Chianese, Clerk to the Board of Supervisors

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June 19, 2012

NOTE: A revised list will be distributed immediately prior to the Board meeting.

APPOINTMENTS TO BE HEARD June 19, 2012
(ENCOMPASSING VACANCIES PROJECTED THROUGH JULY 1, 2012)
 (Unless otherwise noted, members are eligible for reappointment)

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 Gretchen Johnson; appointed 3/08 by Hyland) Term exp. 9/12 <i>Resigned</i>	Mount Vernon District Representative		Hyland	Mount Vernon
VACANT (Formerly held by Sosthenes Klu; Appointed 12/05-9/08 by Frey) Term exp. 9/12 <i>Resigned</i>	Sully District Representative		Frey	Sully

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 Barbara Kreykenbohm; appointed 1/09 by Gross) Term exp. 1/11 <i>Resigned</i>	Mason District Representative		Gross	Mason

ATHLETIC COUNCIL (2 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Tonya McCreary; appointed 1/10 & 6/11 by Cook) Term exp. 6/13 <i>Resigned</i>	Braddock District Representative		Cook	Braddock
Michael Champness (Appointed 2/05&3/07 by DuBois; 3/09 by Foust) Term exp. 3/11	Dranesville District Principal Representative		Foust	Dranesville
Michael Thompson (Appointed 1/09 & 6/10 by Herrity) Term exp. 6/12	Springfield District Principal Representative	Michael Thompson	Herrity	Springfield
Christy Winters Scott (Appointed 6/08-7/10 by Hudgins) Term exp. 6/12	Women’s Sports Alternate Representative		By Any Supervisor	At-Large
Jenni R. Cantwell (Appointed 9/10 by Herrity) Term exp. 6/12	Women’s Sports Principal Representative	Jenni R. Cantwell (Herrity)	By Any Supervisor	At-Large

**BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE
(1 year)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Ken Balbuena (Appointed 9/11 by Bulova) Term exp. 6/12	At-Large Chairman's Representative		Bulova	At-Large Chairman's
William Hanks (Appointed 2/10-7/11 by Cook) Term exp. 6/12	Braddock District Representative	William Hanks	Cook	Braddock
Barbara Glakas (Appointed 1/12 by Foust) Term exp. 6/12	Dranesville District Representative		Foust	Dranesville
VACANT (Formerly held by Regina Jordan; appointed 6/04&6/09 by Hudgins) Term exp. 6/10 <i>Resigned</i>	Hunter Mill District Representative		Hudgins	Hunter Mill
Rachel Rifkind (Appointed 5/09-6/09 by Gross) Term exp. 6/11	Mason District Representative		Gross	Mason
John Byers (Appointed 6/09-1/12 by Hyland) Term exp. 6/12	Mount Vernon District Representative		Hyland	Mount Vernon
Emilie F. Miller (Appointed 7/05-6/11 by Smyth) Term exp. 6/12	Providence District Representative		Smyth	Providence

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**BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE (1 year)
continued**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Robert McDaniel; appointed 9/10 by Herrity) Term exp. 6/11 <i>Resigned</i>	Springfield District Representative		Herrity	Springfield
Olga Hernandez (Appointed 9/04-6/11 by Frey) Term exp. 6/12	Sully District Representative		Frey	Sully

**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 <i>Resigned</i>	Providence District Representative		Smyth	Providence
VACANT (Formerly held by Christina Terpak-Malm; appointed 12/3-9/07 by Frey) Term exp. 9/11 <i>Resigned</i>	Sully District Representative		Frey	Sully

CHILD CARE ADVISORY COUNCIL (2 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Karen Hecker; appointed 10/03-9/09 by Hyland) Term exp. 9/11 <i>Resigned</i>	Mount Vernon District Representative		Hyland	Mt. Vernon
VACANT (Formerly held by Joan C. Holtz; appointed 5/09 by Smyth) Term exp. 9/11 <i>Resigned</i>	Providence District Representative		Smyth	Providence
VACANT (Formerly held by Patricia Cornwell; Appointed 12/05-2/11 by Frey) Term exp. 2/13 <i>Resigned</i>	Sully District Representative		Frey	Sully

**CITIZEN CORPS COUNCIL, FAIRFAX COUNTY
(2 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
A. James Diehl (Appointed 8/09-5/10 by Foust) Term exp. 5/12	Dranesville District Representative		Foust	Dranesville
VACANT (Formerly held by Glenda DeVinney; appointed 5/10 by McKay) Term exp. 5/12 <i>Resigned</i>	Lee District Representative		McKay	Lee
Jean Zettler (appointed 11/08-5/10 by Smyth) Term exp. 5/12	Providence District Representative		Smyth	Providence

COMMISSION FOR WOMEN (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. Chhabra Sakshi as a Student Representative

COMMISSION ON AGING (2 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Faviola Donato- Galindo; appointed 5/10 by McKay) Term exp. 5/12 <i>Resigned</i>	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>
VACANT (Formerly held by Luis F. Padilla; appointed 4/10 by Smyth) Term exp. 2/13 <i>Resigned</i>	Providence District Representative		Smyth	Providence

CONFIRMATION NEEDED:

- Ms. Susannah J. Harris as the United Way Representative

CONSUMER PROTECTION COMMISSION
 (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Felicia Boyd; appointed 11/08 by Connolly; 7/09 by Bulova) Term exp. 7/12 <i>Resigned</i>	Fairfax County Resident #3 Representative		By Any Supervisor	At-Large

CRIMINAL JUSTICE ADVISORY BOARD (CJAB) (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Rose Miles Robinson (Appointed 7/06-2/09 by Hudgins) Term exp. 2/12	Hunter Mill District Representative		Hudgins	Hunter Mill
Andrew Hunter (Appointed 4/04-2/09 by Gross) Term exp. 2/12	Mason District Representative		Gross	Mason

**DULLES RAIL TRANSPORTATION IMPROVEMENT
DISTRICT ADVISORY BOARD, PHASE I (4 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Brenda Krieger; appointed 8/04-3/08 by Smyth) Term exp. 3/12 <i>Resigned</i>	At-Large #3 Representative		By Any Supervisor	At-Large

ECONOMIC ADVISORY COMMISSION (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
James Socas (Appointed 1/09 by Foust) Term exp. 12/11	Dranesville District Representative		Foust	Dranesville

ECONOMIC DEVELOPMENT AUTHORITY (EDA) (4 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Sudhakar Shenoy (Appointed 4/02 by Hanley; 6/04-6/07 by Connolly; 6/08 by Bulova) Term exp. 7/12	At-Large #1 Citizen Representative	Sudhakar Shenoy (Bulova)	By Any Supervisor	At-Large

ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC) (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Patricia Greenberg (Appointed 1/11 by Hudgins) Term exp. 1/12	Hunter Mill District Representative		Hudgins	Hunter Mill
VACANT (Formerly held by Angela Greenberg; appointed 9/11 by Herrity) Term exp. 11/12 <i>Resigned</i>	Springfield District Representative	Jeff Allcroft	Herrity	Springfield

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>
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

FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION
BOARD OF DIRECTORS
(3 years)
 [Note: Established by Board on 6/21/04 for the general administration and proper operation of the Fairfax County Convention and Visitors Corporation.]

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Paul Gilbert (Appointed 6/09 by Bulova) Term exp. 6/12	At-Large Chairman's Representative	Paul Gilbert (Bulova)	Bulova	At-Large
David Melugin (Appointed 7/05-6/06 by Kauffman; 6/09 by McKay) Term exp. 6/12	Lee District Representative	David Melugin	McKay	Lee
Roland Gunn (Appointed 7/04-6/06 by McConnell; 6/09 by Herrity) Term exp. 6/12	Springfield District Representative		Herrity	Springfield
Frank McNally (Appointed 10/11 by Frey) Term exp. 6/12	Sully District Representative		Frey	Sully

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

(3 years – limited to 3 full terms)

[NOTE: In accordance with *Virginia Code* Section 37.2-502, "**prior to making any appointment, the appointing authority shall disclose and make available to the public the names of those persons being considered for appointment.** The appointing authority shall also make information on the candidates available to the public, if such information is available to the appointing authority." **Members can be reappointed after 3 year break from initial 3 full terms. VA Code 37.2-502]**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Pamela Barrett (Appointed 9/09 by Bulova) Term exp. 6/12	At-Large Chairman’s #1 Representative	Pamela Barrett <i>(Nomination announced on May 22, 2012)</i>	Bulova	At-Large Chairman’s
Jessica Burmester (Appointed 5/97-7/03 by Bulova; 7/09 by Cook) Term exp. 6/12	Braddock District Representative	Jessica Burmester <i>(Nomination announced on May 22, 2012)</i>	Cook	Braddock
Glenn Kamber (Appointed 1/05-6/09 by Hudgins) Term exp. 6/12	Hunter Mill District Representative	Glenn Kamber <i>(Nomination announced on May 22, 2012)</i>	Hudgins	Hunter Mill
VACANT (Formerly held by Martha Lloyd; appointed 12/06 by Kauffman; 6/09 by McKay) Term exp. 6/12 <i>Resigned</i>	Lee District Representative		McKay	Lee

**HEALTH CARE ADVISORY BOARD
(4 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
J. Martin Lebowitz (Appointed 5/98-5/00 by Hanley; 7/04- 6/08by Connolly) Term exp. 6/12	At-Large Chairman’s Representative		Bulova	At-Large Chairman’s
Ann Zuvekas (Appointed 9/10 by Cook) Term exp. 6/12	Braddock District Representative	Ann Zuvekas	Cook	Braddock
David West (Appointed 11/76- 6/92 by Alexander; 6/96-9/04 by Kauffman; 6/08 by McKay) Term exp. 6/12	Lee District Representative	David West	McKay	Lee
William Finerfrock (Appointed 9/92-6/04 by McConnell; 6/08 by Herrity) Term exp. 6/12	Springfield District Representative		Herrity	Springfield
VACANT (Formerly held by Susan Conrad; appointed 1/08 by Frey) Term exp. 6/12 <i>Resigned</i>	Sully District Representative		Frey	Sully

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>
VACANT (Formerly held by David Braun; appointed 10/06-6/09 by Smyth) Term exp. 6/12 <i>Resigned</i>	Consumer #1 Representative		By Any Supervisor	At-Large
Sally Patterson (Appointed 6/11 by Hudgins) Term exp. 6/12	Consumer #2 Representative		By Any Supervisor	At-Large
Dorri Scott (Appointed 10/09 by Foust) Term exp. 6/12	Consumer #5 Representative		By Any Supervisor	At-Large
Carol Ann Coryell (Appointed 6/05-6/08 by Frey) Term exp. 6/11	Consumer #6 Representative		By Any Supervisor	At-Large
Samuel Jones (Appointed 12/09 by Gross) Term exp. 6/12	Provider #1 Representative		By Any Supervisor	At-Large
Stephen Goldberger (Appointed 7/04-6/06 by Kauffman; 7/09 by McKay) Term exp. 6/11	Provider #3 Representative		By Any Supervisor	At-Large

HISTORY COMMISSION (3 years)

[NOTE: The Commission shall include at least one member who is a resident from each supervisor district.] Current Membership:

Braddock - 3	Lee - 2	Providence - 1
Dranesville - 2	Mason - 2	Springfield - 2
Hunter Mill - 3	Mt. Vernon - 3	Sully - 2

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Carole Herrick (Appointed 6/06 by DuBois; 6/09 by Foust) Term exp. 6/12 <i>Dranesville Resident</i>	At-Large #1 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 Donna Fleming; appointed 9/99-7/01 by Connolly; 7/05- 8/09 by Smyth) Term exp. 7/13 <i>Resigned</i>	Providence District Representative		Smyth	Providence

**INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE (ITPAC)
(3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Michael DiConti; appointed 6/04-12/10 by Frey) Term exp. 12/13 <i>Resigned</i>	Sully District Representative		Frey	Sully

**LIBRARY BOARD
(4 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Stephanie Abbott; appointed 6/00-6/08 by Hudgins) Term exp. 6/12 <i>Resigned</i>	Hunter Mill District Representative		Hudgins	Hunter Mill
VACANT (Formerly held by Jay Jupiter; appointed 12/10 by Hyland) Term exp. 7/13 <i>Resigned</i>	Mount Vernon District Representative		Hyland	Mount Vernon

**OVERSIGHT COMMITTEE ON DRINKING AND DRIVING
(3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
William Uehling (Appointed 3/10 by Bulova) Term exp. 6/12	Braddock District Representative		Cook	Braddock
Amy Reif (Appointed 8/09 by Foust) Term exp. 6/12	Dranesville District Representative		Foust	Dranesville
Adam Parnes (Appointed 9/03-6/09 by Hudgins) Term exp. 6/12	Hunter Mill District Representative		Hudgins	Hunter Mill

**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 Lawrence Bussey; appointed 3/05-3/09 by Hudgins) Term exp. 3/11 <i>Resigned</i>	Fairfax County #2 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>
VACANT (Formerly held by Kevin Denton; appointed 4/10&1/11 by Smyth) Term exp. 1/14 <i>Resigned</i>	Tenant Member #3 Representative		By Any Supervisor	At-Large

TRANSPORTATION ADVISORY COMMISSION (2 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Edson Tennyson (Appointed 7/08 by Connolly; 6/10 by Bulova) Term exp. 6/12	At-Large Representative		By Any Supervisor	At-Large
Kevin Morse (Appointed 6/10 by Cook) Term exp. 6/12	Braddock District Representative	Kevin Morse	Cook	Braddock
John Terzaken (Appointed 6/09 by Foust) Term exp. 6/12	Dranesville District Representative		Foust	Dranesville
Jennifer Joy Madden (Appointed 9/06-6/10 by Hudgins) Term exp. 6/12	Hunter Mill District Representative		Hudgins	Hunter Mill

TRANSPORTATION ADVISORY COMMISSION (2 years)

Continued

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Harry Zimmerman (Appointed 6/04-6/06 by Kauffman; 6/08- 6/10 by McKay) Term exp. 6/12	Lee District Representative		McKay	Lee
Roger Hoskin (Appointed 5/96-6/10 by Gross) Term exp. 6/12	Mason District Representative		Gross	Mason
Frank Cohn (Appointed 7/08-6/10 by Hyland) Term exp. 6/12	Mount Vernon District Representative		Hyland	Mount Vernon
VACANT (Formerly held by Stephen Still; appointed 10/09-6/10 by Smyth) Term exp. 6/12 <i>Resigned</i>	Providence District Representative		Smyth	Providence
Eric D. Thiel (Appointed 3/04-6/06 by McConnell; 6/08- 7/10 by Herrity) Term exp. 6/12	Springfield District Representative		Herrity	Springfield
Jeff M. Parnes (Appointed 9/03-6/10 by Frey) Term exp. 6/12	Sully District Representative		Frey	Sully

TRESPASS TOWING ADVISORY BOARD (3 years)

[Note: Advisory board created effective 7/1/06 to advise the Board of Supervisors with regard to the appropriate provisions of Va. Code Section 46.2-1233.2 and Fairfax County Code 82.5-32.]

Membership: Members shall be Fairfax County residents. A towing representative shall be defined as a person who, prior to the time of his or her appointment, and throughout his or her term, shall be an operator of a towing business in Fairfax County.

Incumbent History **Requirement** **Nominee** **Supervisor** **District**

CONFIRMATION NEEDED:

- PFC Harold Morris as the Law Enforcement #2 Representative

WATER AUTHORITY (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Anthony H. Griffin (Appointed 5/12 by Bulova) Term exp. 6/12	At-Large Chairman’s Representative	Anthony Griffin	Bulova	At-Large Chairman’s
J. Alan Roberson (Appointed 8/09 by Cook) Term exp. 6/12	Braddock District Representative	J. Alan Roberson	Cook	Braddock
Frank Begovich (Appointed 9/04-6/06 by Kauffman; 6/09 by McKay) Term exp. 6/12	Lee District Representative	Frank Begovich	McKay	Lee

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Board Agenda Item
June 19, 2012

10:50 a.m.

Items Presented by the County Executive

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Board Agenda Item
June 19, 2012

ADMINISTRATIVE - 1

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 8409 Lorton Road, Lorton, VA 22079 (Mount Vernon District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 8409 Lorton Road, Lorton, VA 22079 (Tax Map No. 107-3-((01)) - 0001).

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing.

TIMING:

Authorization to advertise on June 19, 2012 a public hearing to be held Tuesday, July 31, 2012, at 4:30 P.M.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (2011) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2008) or Va. Code Ann. § 15.2-1115 (2008) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permits the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered "blighted" under the Spot Blight Abatement Statute as defined in Va. Code Ann. 36-3 (2011) as any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or improvement previously designated as blighted pursuant to § 36-49.1:1, under the process for determination of "spot blight."

In November 1996, the Board authorized the implementation of a Blight Abatement

Board Agenda Item
June 19, 2012

Program using the Spot Blight Abatement Statute to address citizen concerns about specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state.

A property can be considered blighted if it meets the standards set forth in Va. Code Ann. § 36-3 (2011) and if it meets all of the following conditions:

1. It has been vacant and/or boarded up for at least one year.
2. It has been the subject of complaints.
3. It is no longer being maintained for useful occupancy.
4. It is in a dilapidated condition or lacks normal maintenance or upkeep.

The property located at 8409 Lorton Road referred to the Blight Abatement Program (BAP) by a technical assistant to the Maintenance Official in December 2007. Located on the subject property is an extensively fire damaged, substantially collapsed two story wood frame dwelling with a full basement. Also located on the property are two wells and a septic tank. The residential structure is directly adjacent to Lorton Valley North, a large townhome community, and, as such, provides an attractive nuisance and a safety hazard for children and residences of this community. Although an easement is available for access, the area is heavily overgrown and no current driveway exists. Site access by demolition equipment may provide a particular challenge above normal BAP projects, and BAP have reflected this into the project estimate.

The structure was initially placarded in 2006 by the Health Department, and a wire fence was installed around the structure to abate the safety concern. When the property was brought into the BAP in December 2007 the owners were sent an initial blight letter. At that time the owners advised they were in litigation with the developer of the adjacent townhome community regarding an encroachment matter. The owners indicated at that time they would remedy the blighted conditions once the litigation was resolved. Staff understands that the encroachment litigation was resolved in July, 2010; however, the owners have failed to take action to abate the blighted conditions. Fairfax County Tax records currently indicate that the property improvements have a zero value.

Due to the unsafe condition of the structure, its proximity to the neighboring development and impact on the surrounding community, BAP staff feels that the dwelling is not economically feasible to repair and recommends demolition.

This property was reviewed by the Neighborhood Enhancement Task Force (NETF) on May 2, 2012 and the NETF Committee found that the subject property met the blighted property guidelines and the property received a preliminary blight determination. Certified and regular Notice was sent to the owner advising her of this determination.

Board Agenda Item
June 19, 2012

Although the County will continue to seek cooperation from the owner, or potential new owners, to eliminate blighted conditions, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the property to be blighted, which constitutes a nuisance. State code requires that the Board provide notice concerning proposed adoption of such an Ordinance.

At the public hearing, the County will also request authorization to contract for demolition of the blighted structure on the site pursuant to Va. Code Ann. §15.2-1115 (2008) as authorized under the Spot Blight Abatement Statute. If the owner fails to abate the blighted conditions within thirty days after notification of the Board's action, the County will proceed with the demolition process for the structure. The County will incur the cost, expending funds that are available in Fund 303, County Construction, Project 009801, Strike Force Blight Abatement. The County will then pursue reimbursement from the owner who is ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owner, the County will fund the demolition from Fund 303, County Construction, Project 009801, Strike Force Blight Abatement. Funding is available in Project 009801 to proceed with the demolition estimated to cost approximately \$52,000.

It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the property owners. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

STAFF:

Robert A. Stalzer, Deputy County Executive
Jeffrey L. Blackford, Director, Department of Code Compliance
Karen McClellan, Operations Manager, Department of Code Compliance
Susan Epstein, Division Supervisor, Department of Code Compliance
Victoria Dzierzek, Code Compliance Investigator III, Department of Code Compliance

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**8409 Lorton Road, Lorton, Virginia 22079
Tax Map # 107-3 ((01)) 0001
Mount Vernon District
Attachment 1**



**8409 Lorton Road, Lorton, Virginia 22079
Tax Map # 107-3 ((01)) 0001
Mount Vernon District
Attachment 1**

Board Agenda Item
June 19, 2012

ADMINISTRATIVE – 2

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 700 Utterback Store Road, Great Falls, VA 22066 (Dranesville District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 700 Utterback Store Road, Great Falls, VA 22066 (Tax Map No. 007– 1 – ((01)) - 0037).

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing.

TIMING:

Authorization to advertise on June 19, 2012, a public hearing to be held Tuesday, July 31, 2012, at 4:30 P.M.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (2011) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2008) or Va. Code Ann. § 15.2-1115 (2008) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permits the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered “blighted” under the Spot Blight Abatement Statute as defined in Va. Code Ann. 36-3 (2011) as any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or improvement previously designated as blighted pursuant to § 36-49.1:1, under the process for determination of “spot blight.”

In November 1996, the Board authorized the implementation of a Blight Abatement

Board Agenda Item
June 19, 2012

Program using the Spot Blight Abatement Statute to address citizen concerns about specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state.

A property can be considered blighted if it meets the standards set forth in Va. Code Ann. § 36-3 (2011) and if it meets all of the following conditions:

1. It has been vacant and/or boarded up for at least one year.
2. It has been the subject of complaints.
3. It is no longer being maintained for useful occupancy.
4. It is in a dilapidated condition or lacks normal maintenance or upkeep.

The property located at 700 Utterback Store Road was referred to the Blight Abatement Program (BAP) on February 21, 2012 by a neighboring property owner who expressed concerns about the unsafe condition of the structure, debris strewn about the property and past squatters. The Department of Tax Administration has forwarded the property to a third party collection attorney to recover \$84,071 in back taxes from 1991 through the end of May. According to their research, the property owner is deceased, there are no known heirs, and the property is currently being processed for auction.

Located on the subject property is an abandoned, single story wood frame dwelling unit, with a partial cellar, in a state of partial collapse. The structure is located approximately 160 feet in the woods, off Utterback Store Road. Tax records indicate the structure was built in 1950; however, the deed was recorded in 1896. The property is known to have been vacant since at least 1988 when the structure was placarded by the Health Department in 1988 and the wells and privy were abandoned through a Health Department Directive. The structure was placarded again on February 27, 2012 under the authority of the Virginia Maintenance Code Official.

Due to the structural condition of the structure and the likeliness of further collapse, BAP staff feels that the dwelling is not economically feasible to repair and recommends demolition.

This property was reviewed by the Neighborhood Enhancement Task Force (NETF) on May 2, 2012 and the NETF Committee found that the subject property met the blighted property guidelines and the property received a preliminary blight determination. Certified and regular Notice was sent to the owner advising her of this determination.

Although the County will continue to seek cooperation from the owner, or potential new owners, to eliminate blighted conditions, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the property to be blighted, which constitutes a nuisance. State code requires that the Board provide notice concerning proposed adoption of such an Ordinance.

Board Agenda Item
June 19, 2012

At the public hearing, the County will also request authorization to contract for demolition of the blighted structure on the site pursuant to Va. Code Ann. §15.2-1115 (2008) as authorized under the Spot Blight Abatement Statute. If the owner fails to abate the blighted conditions within thirty days after notification of the Board's action, the County will proceed with the demolition process for the structure. The County will incur the cost, expending funds that are available in Fund 303, County Construction, Project 009801, Strike Force Blight Abatement. The County will then pursue reimbursement from the owner who is ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owner, or subsequent owner, the County will fund the demolition from Fund 303, County Construction, Project 009801, Strike Force Blight Abatement. Funding is available in Project 009801 to proceed with the demolition estimated to cost approximately \$40,000.

It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the property owner/s. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

STAFF:

Robert A. Stalzer, Deputy County Executive
Jeffrey L. Blackford, Director, Department of Code Compliance
Karen McClellan Operations Manager, Department of Code Compliance
Susan Epstein, Division Supervisor, Department of Code Compliance
Victoria Dzierzek, Code Compliance Investigator III, Department of Code Compliance

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700 Utterback Store Road, Great Falls, Virginia 22066
Tax Map # 007-1 ((01)) 0037
Dranesville District
Attachment 1

05/16/2012



700 Utterback Store Road, Great Falls, Virginia 22066
Tax Map # 007-1 ((01)) 0037
Dranesville District
Attachment 1

05/16/2012

Board Agenda Item
June 19, 2012

ADMINISTRATIVE - 3

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 115 Tinner Hill Road, Falls Church, VA 22046 (Providence District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 115 Tinner Hill Road, Falls Church, VA 22046 (Tax Map No. 050-2-((07))-0008).

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing.

TIMING:

Authorization to advertise on June 19, 2012, a public hearing to be held Tuesday, July 31, 2012, at 4:30 P.M.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (2011) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2008) or Va. Code Ann. § 15.2-1115 (2008) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permit the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered "blighted" under the Spot Blight Abatement Statute as defined in Va. Code Ann. 36-3 (2011) as any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or improvement previously designated as blighted pursuant to § 36-49.1:1, under the process for determination of "spot blight."

In November 1996, the Board authorized the implementation of a Blight Abatement

Board Agenda Item
June 19, 2012

Program using the Spot Blight Abatement Statute to address citizen concerns about specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state.

A property can be considered blighted if it meets the standards set forth in Va. Code Ann. § 36-3 (2011) and if it meets all of the following conditions:

1. It has been vacant and/or boarded up for at least one year.
2. It has been the subject of complaints.
3. It is no longer being maintained for useful occupancy.
4. It is in a dilapidated condition or lacks normal maintenance or upkeep.

The property located at 115 Tinner Hill Road was referred to the Blight Abatement Program (BAP) on February 6, 2012 by a technical assistant to the Virginia Maintenance Code Official. In addition to referral to BAP, a property maintenance case was opened and investigated in February 2009 for neglect and maintenance concerns. The property owner has failed to respond to correspondence from the property maintenance investigator, Blight Abatement staff, and the county attorney's office regarding the maintenance violations.

Located on the subject property is an abandoned, two story dwelling with a full basement. The structure was constructed in 1915 according to Fairfax County Tax Records. In 1994, the owner of the property obtained a building permit for renovations to the property, however, there were no inspections on the permit, and the permit has become invalid due to abandonment of the work. The structure is a brick veneer front, and due to lack of protective treatment on the sides or rear, the plywood sheathing has deteriorated. The property has been vacant since February 2006, when power was terminated to the property according to Dominion Virginia Power records.

Due to the extreme lack of maintenance over the course of at least 6 years BAP staff feels that the dwelling is not economically feasible to repair and recommends demolition.

This property was reviewed by the Neighborhood Enhancement Task Force (NETF) on May 2, 2012 and the NETF Committee found that the subject property met the blighted property guidelines and the property received a preliminary blight determination. Certified and regular Notice was sent to the owner advising her of this determination.

Although the County will continue to seek cooperation from the owner to eliminate blighted conditions, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the property to be blighted, which constitutes a nuisance. State code requires that the Board provide notice concerning proposed adoption of such an Ordinance.

Board Agenda Item
June 19, 2012

At the public hearing, the County will also request authorization to contract for demolition of the blighted structure on the site pursuant to Va. Code Ann. §15.2-1115 (2008) as authorized under the Spot Blight Abatement Statute. If the owner fails to abate the blighted conditions within thirty days after notification of the Board's action, the County will proceed with the demolition process for the structure. The County will incur the cost, expending funds that are available in Fund 303, County Construction, Project 009801, Strike Force Blight Abatement. The County will then pursue reimbursement from the owner who is ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owner, the County will fund the demolition from Fund 303, County Construction, Project 009801, Strike Force Blight Abatement. Funding is available in Project 009801 to proceed with the demolition estimated to cost approximately \$35,000.

It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the property owners. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

STAFF:

Robert A. Stalzer, Deputy County Executive
Jeffrey L. Blackford, Director, Department of Code Compliance
Karen McClellan, Operations Manager, Department of Code Compliance
Susan Epstein, Division Supervisor, Department of Code Compliance
Victoria Dzierzek, Code Compliance Investigator III, Department of Code Compliance

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115 Tinner Hill Road, Falls Church, Virginia 22046
Tax Map # 050-2 ((07)) 0008
Providence District
Attachment 1

05/16/2012



115 Tinner Hill Road, Falls Church, Virginia 22046
Tax Map # 050-2 ((07)) 0008
Providence District
Attachment 1

05/16/2012

Board Agenda Item
June 19, 2012

ADMINISTRATIVE - 4

Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance
Amendment Re: Truck Rental Establishments in the Planned Residential Community
(PRC) District

ISSUE:

The proposed Zoning Ordinance amendment will allow a truck rental establishment (U-Haul type trucks) on a very limited scale in the Village Center areas of the PRC District as an ancillary or secondary use to a principal use, when shown on an approved development plan or by special exception approval. The proposed Zoning Ordinance Amendment is on the 2011 Priority 1 Zoning Ordinance Work Program and is in response to a request by the Board of Supervisors to consider whether truck rental establishments are appropriate for the Planned Residential Community District.

RECOMMENDATION:

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

TIMING:

Board action is requested on June 19, 2012, to provide sufficient time to advertise the proposed Planning Commission public hearing on July 19, 2012, at 8:15 p.m. and proposed Board of Supervisors' public hearing on September 11, 2012, at 4:00 p.m.

BACKGROUND:

Currently, the Zoning Ordinance allows truck rental establishments as an ancillary or secondary use upon special exception approval in the C-5 through C-8 Districts and as a principal by-right use in the I-5 and I-6 Districts. However, a truck rental establishment is not allowed in the PRC District. Given the diversity of the uses and the size of the PRC District, a truck rental establishment may be an appropriate use in the Village Center areas of the PRC District as an ancillary or secondary use to a principal use, subject to specific standards when specifically identified on a development plan or as special exception use. A more detailed discussion of the proposed amendment is set forth in the attached Staff Report.

REGULATORY IMPACT:

The proposed amendment would allow a truck rental establishment in the PRC District, with limitations when either specifically identified on a Board approved development plan or by special exception approval.

Board Agenda Item
June 19, 2012

FISCAL IMPACT:

The application fee to allow a truck rental establishment would be the same fee currently applied for PRC District related applications. For a development plan amendment the fee is \$13,640 plus \$1,345 per acre fee for acreage affected by the amendment; for a special exception the fee is \$16,375. These fees would also cover the concurrent filing of a PRC plan.

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution
Attachment 2 – Staff Report

STAFF:

Robert A. Stalzer, Deputy County Executive
Fred Selden, Director, Department of Planning and Zoning (DPZ)
Eileen McLane, Zoning Administrator, DPZ
Michelle O'Hare, Deputy Zoning Administrator, DPZ
Roger Marcy, Staff Coordinator, DPZ

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center Building, Fairfax, Virginia, on June 19, 2012, at which meeting a quorum was present and the following resolution was adopted:

WHEREAS, the current Zoning Ordinance permits a truck rental establishment as a principal by-right use in the I-5 and I-6 Districts and as an ancillary or secondary use in the C-5, C-6, C-7, and C-8 Districts with special exception approval;

WHEREAS, the current Zoning Ordinance does not permit truck rental establishments in the Planned Residential Community (PRC) District; and

WHEREAS, it is believed that it may be appropriate to allow truck rental establishments in the Village Center areas of the PRC District as an ancillary or secondary use to a principal use when shown on an approved development plan or by special exception approval, subject to the additional standards in Sect. 9-525 of the Zoning Ordinance; and

WHEREAS, the public necessity, convenience, general welfare, and good zoning practice require consideration of the proposed revisions to Chapter 112 (Zoning Ordinance) of the County Code.

NOW THEREFORE BE IT RESOLVED, for the foregoing reasons and as further set forth in the Staff Report, the Board of Supervisors authorizes the advertisement of the proposed Zoning Ordinance amendment as recommended by staff.

A Copy Teste:

Catherine A. Chianese
Clerk to the Board of Supervisors



**FAIRFAX
COUNTY**

STAFF REPORT

V I R G I N I A

PROPOSED ZONING ORDINANCE AMENDMENT

Truck Rental Establishments in the PRC District

PUBLIC HEARING DATES

Planning Commission

July 19, 2012 at 8:15 p.m.

Board of Supervisors

September 11, 2012 at 4:00 p.m.

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

June 19, 2012

RM



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 Zoning Ordinance Amendment is on the 2011 Priority 1 Zoning Ordinance Work Program and is in response to a request by the Board of Supervisors (Board) to consider whether truck rental establishments are appropriate for the Planned Residential Community (PRC) District. This amendment proposes to allow U-Haul type truck rentals in the Village Center areas of the PRC District as an ancillary or secondary use in association with a principal use, with limitations, when specifically identified on an approved development plan or by special exception approval.

Under the current Zoning Ordinance, a truck rental establishment is defined as a building and premises for the rental and ancillary minor servicing of truck, utility trailers and related items generally used by persons to move their personal and household belongings. These U-Haul type trucks and trailers are limited to no more than 17 feet in box length and 12 feet in height and do not require a commercial driver's license to operate.

Prior to 1997, the Zoning Ordinance classified truck rental establishments as a heavy equipment and vehicle sale, rental and service establishment use, which was only permitted as a by-right use in the I-5 and I-6 Districts. The Ordinance was amended on November 17, 1997, (Zoning Ordinance Amendment ZO-97-304) to permit smaller U-Haul type truck rentals, as a special exception use with limitations, in the C-5 through C-8 Districts, but only as an ancillary or secondary use on the same lot with a principal use. This amendment provided homeowners in nearby residential areas convenient access to such a service and established a remedy for numerous U-Haul type business that were operating in conjunction with another business, typically a service station, in violation of the Zoning Ordinance.

The current truck rental special exception standards address noise, parking, lighting, site access, size of the use, number of trucks, as well as adequate buffering and screening of abutting properties. The additional standards are set forth in Sect. 9-525 of the Ordinance and are as follows:

1. Such use shall be allowed only as an ancillary use to a principal use on a lot and shall be limited to the rental and minor servicing of trucks and trailers typically rented to individuals for the moving of personal belongings (i.e., rental moving vans and trailers).
2. The maximum number and type of trucks/trailers to be kept on a lot shall be determined by the Board upon consideration of the lot characteristics, and a determination that the lot is of sufficient area and width to support the use, that the site has safe and efficient access and on-site circulation, and that any such use will not adversely affect any nearby existing or planned residential uses as a result of the hours of operation, noise generation, parking, outdoor lighting or other operational factors. The area used for the parking and storage of rental trucks and trailers shall not exceed ten (10) percent of the total area of the site.
3. All outdoor storage areas, including aisles and driveways, shall be designated on the special exception plat, and constructed and maintained with an approved surface in

accordance with Sect. 11-102, and shall be improved in accordance with construction standards presented in the Public Facilities Manual. Such trucks and trailers stored on site shall be stored only in a portion of the site so designated on the special exception plat for the storage of rental trucks and trailers. Rental trucks and trailers shall not be parked or stored within fifteen (15) feet of the front lot line.

4. The outdoor storage areas shall not be used for the storage of trucks or trailers that are not in operating condition.
5. All such uses shall be provided with safe and convenient access to a street. The street frontage shall be curbed, and ingress and egress shall be provided only through driveway openings through the curb of such dimension, location and construction as may be approved by the Director in accordance with the Public Facilities Manual.
6. All lighting fixtures used to illuminate such outdoor areas shall be in conformance with the performance standards for outdoor lighting set forth in Part 9 of Article 14.

In 1997, consideration was only given to the allowance of U-Haul type truck rentals, with limitations, in the conventional commercial zoning districts, as that is where the demand/problem existed and not in the PRC District. However, it is believed that such a use, subject to the additional standards of Sect. 9-525, may be appropriate in the Village Center areas of the PRC District. The Village Center is intended as a central location for retail, community, and service uses on a scale serving a number of neighborhoods. Further, allowing U-Haul type truck rentals in the PRC District fulfills the purpose and intent of the District, which is to create a balanced, self-sustaining community by providing a variety of commercial services.

There are three PRC Districts in the County: Reston, Burke Centre, and Cardinal Forest. Each has at least one Village Center. Given that a truck rental establishment provides a moving service for residents in the surrounding neighborhood and each PRC District has at least one Village Center, staff believes it may be appropriate, with limitations, to allow U-Haul type truck rentals in the PRC District, under the Village Center designation, as ancillary or secondary to a principal use when either specifically identified on an approved development plan or as a special exception use. Whether truck rental is part of a development plan approval or as a special exception, it is proposed that the additional standards set forth in Sect. 9-525 of the Zoning Ordinance shall be used to evaluate the proposed establishment. These additional standards will ensure that the use is appropriate and does not adversely affect abutting properties. Under either approval process, the Board would consider each application on a case by case basis and may approve additional conditions through the public hearing process to ensure that the use is appropriate for the proposed location and is in character with the surrounding area. It is noted that in one of Reston's Village Centers, a truck rental use is operating on the same lot with a service station and was issued a Notice of Violation for operating a use not permitted. The Notice has been appealed to the Board of Zoning Appeals and the appeal public hearing has been deferred awaiting the outcome of this amendment, which would give the truck rental use an opportunity, if the Board deems appropriate, to obtain the requisite approvals to operate.

The proposed amendment also revises Sect. 6-305 which sets forth the PRC District use limitations. Par. 8 of Sect. 6-305, which prohibits outdoor storage, is revised to allow outdoor storage of U-Haul type trucks associated with an approved truck rental establishment. Additionally, a new Par. 14 is added for truck rental establishments to specifically state that the use is subject to the additional standards set forth in Sect. 9-525 of the Zoning Ordinance.

Staff believes that allowing for limited truck rentals in the Village Center areas of the PRC District, as proposed with the built in safeguards, is appropriate and recommends approval of the proposed amendment with an effective date of 12:01 a.m. on the day following the adoption.

PROPOSED AMENDMENT

This proposed Zoning Ordinance amendment is based on the Zoning Ordinance in effect as of June 19, 2012 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 6, Planned Development District Regulations, Part 3, PRC Planned**
 2 **Residential Community District, as follows:**

- 3
 4 - **Amend Sect. 6-304, Special Exception Uses, by adding a new Par. 5 to read as follows:**

5
 6 5. Truck rental establishments – Village Center, limited by Sect. 6-305.

- 7
 8 - **Amend Sect. 6-305, Use Limitations, by amending Par. 8 and adding a new Par. 14 to**
 9 **read as follows:**

10
 11 8. In all commercial centers, all business, service, storage and display of goods shall be
 12 conducted within a completely enclosed building, except those particular uses,
 13 which by their nature must be conducted outside a building, and the storing of rental
 14 trucks approved for a truck rental establishment.

15
 16 14. Truck rental establishments approved in accordance with Sect. 304 above shall be
 17 subject to the provisions of Sect. 9-525.

18
 19 **Amend Article 9, Special Exceptions, Part 5, Category 5, Commercial and Industrial Uses**
 20 **of Special Impact, Sect. 9-502, Districts in Which Category 5 Uses May be Located, by**
 21 **revising the PRC District entry in Paragraphs 1 and 2 to add #34 truck rental**
 22 **establishments, as follows:**

- 23
 24 1. Category 5 uses may be permitted by right or as an accessory service use in the
 25 following districts:

26
 27 PRC District: Limited to uses 1, 2, 3, 6, 9, 11, 12, 14, 15, 17, 18, 20, 21, 22, 23, 25, 32,
 28 33, 34, 36, 37, 38, 39, kennels (indoor), 42 and 43 when represented on an approved
 29 development plan

- 30
 31
 32
 33 2. Category 5 uses may be allowed by special exception in the following districts:

34
 35 PRC District: Limited to uses 27, 34 and 35

Board Agenda Item
June 19, 2012

ADMINISTRATIVE – 5

Extension of Review Periods for 2232 Review Applications (Springfield and Sully Districts)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board extend the review periods for the following applications: application FSA-S01-57-1 to August 31, 2012 and application 2232-Y11-9 to September 3, 2012.

TIMING:

Board action is required on June 19, 2012, to extend the review periods of the applications noted above before their expirations.

BACKGROUND:

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

The Board is requested to extend the review period for applications FSA-S01-57-1 and 2232-Y11-9 which were accepted for review by the Department of Planning and Zoning (DPZ) on April 3, 2012 and April 6, 2012 correspondingly. These applications are for telecommunication facilities and thus are subject to the State Code provision that the Board may extend the time required for the Planning Commission to act on these applications by no more than sixty additional days.

Board Agenda Item
June 19, 2012

Specific information for the applications requested for extended review is as follows:

2232-Y11-9 NewPath Networks LLC/New Cingular Wireless PCS LLC
Distributed Antenna System
Vale and Fox Mill Roads, Oakton
Sully District

FSA-S01-57-1 Sprint
Antennas collocated on an existing tower
7325 Kincheloe Road, Clifton
Springfield District

The need for the full time of these extensions may not be necessary, and is not intended to set a date for final action.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

None

STAFF:

Robert A. Stalzer, Deputy County Executive
Fred R. Selden, Director, Department of Planning and Zoning (DPZ)
Marianne Gardner, Director, Planning Division, DPZ
Chris B. Caperton, Chief, Facilities Planning Branch, Planning Division, DPZ
Sandi M. Beaulieu, Planner, Facilities Planning Branch, Planning Division, DPZ

Board Agenda Item
June 19, 2012

ADMINISTRATIVE - 6

Additional Time to Establish the Use for Special Exception Amendment SEA 2006-PR-019, Virginia International University (Providence District)

ISSUE:

Board consideration of additional time to establish the use for SEA 2006-PR-019, pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve six months additional time for SEA 2006-PR-019 to August 3, 2012.

TIMING:

Routine.

BACKGROUND:

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

On August 3, 2009, the Board of Supervisors approved Special Exception Amendment SEA 2006-PR-019, subject to development conditions. The application was filed in the name of Virginia International University to permit modifications to site design and the development conditions for the previously approved college/university, pursuant to Section 5-404 of the Fairfax County Zoning Ordinance, for the property at 3953 and 3957 Pender Drive, Tax Map 57-1 ((1)) 10 (see Locator Map in Attachment 1). SEA 2006-PR-019 was approved with a condition that the use be established or construction commenced and diligently prosecuted within thirty (30) months of the approval date unless the Board grants additional time. The development conditions for SEA 2006-PR-019 are included as part of the Clerk to the Board's letter (see Attachment 2).

Board Agenda Item
June 19, 2012

On January 27, 2012, the Department of Planning and Zoning (DPZ) received a letter dated January 25, 2012, from Sue Ann Myers, Vice President of Business Affairs, Virginia International University, requesting thirty (30) days additional time to establish the use. On February 16, 2012, DPZ received a revised letter dated February 17, 2012, requesting six (6) months (180 days) of additional time. On May 22, 2012, DPZ received a revised letter to confirm the request for six (6) months additional time and to provide an update on the status of the parking tabulations (see Attachment 3). The request for additional time was received prior to the date on which the approval would have expired; therefore, the Special Exception Amendment will not expire pending the Board's action on the request for additional time.

Ms. Myers states that the additional time is needed to complete the requirements of the SEA development conditions for parking and transportation management. Development Condition 9 requires the submission of a parking tabulation sheet to Department of Public Works and Environmental Services (DPWES) prior to the issuance of a Non-Residential Use Permit (Non-RUP). In addition, Development Condition 10 requires the coordination with the Fairfax County Department of Transportation (FCDOT) to revise the Transportation Demand Management (TDM) Program. The applicant states that since approval of the SEA, they have been preparing the parking tabulations for review by DPWES. The additional time is needed to complete the plans and documents required for approval of the parking tabulations and to coordinate with FCDOT to update and revise the TDM plan.

Staff has reviewed Special Exception Amendment SEA 2006-PR-019 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance to permit a college/university. Further, staff knows of no change in land use circumstances that affects the compliance of SEA 2006-PR-019 with the special exception standards applicable to this use or which should cause the filing of a new special exception amendment application and review through the public hearing process. The Comprehensive Plan recommendation has not changed since approval of the Special Exception Amendment. Finally, the conditions associated with the Board's approval of SEA 2006-PR-019 are still appropriate and remain in full force and effect. Staff believes that approval of the request for six (6) months additional time is in the public interest and recommends that it be approved. The additional time would begin from the prior specified expiration date of February 3, 2012, and would result in a new expiration date of August 3, 2012.

FISCAL IMPACT:
None

Board Agenda Item
June 19, 2012

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Letter dated August 4, 2009, to Michael M. Pavlovich

Attachment 3: Letters dated January 25, 2012, February 17, 2012, and February 22, 2012, to Eileen M. McLane

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Barbara C. Berlin, Director, Zoning Evaluation Division (ZED), DPZ

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

Pamela Nee, Chief, Environment and Development Review Branch, Planning Division, DPZ

Carrie Lee, Staff Coordinator, ZED, DPZ

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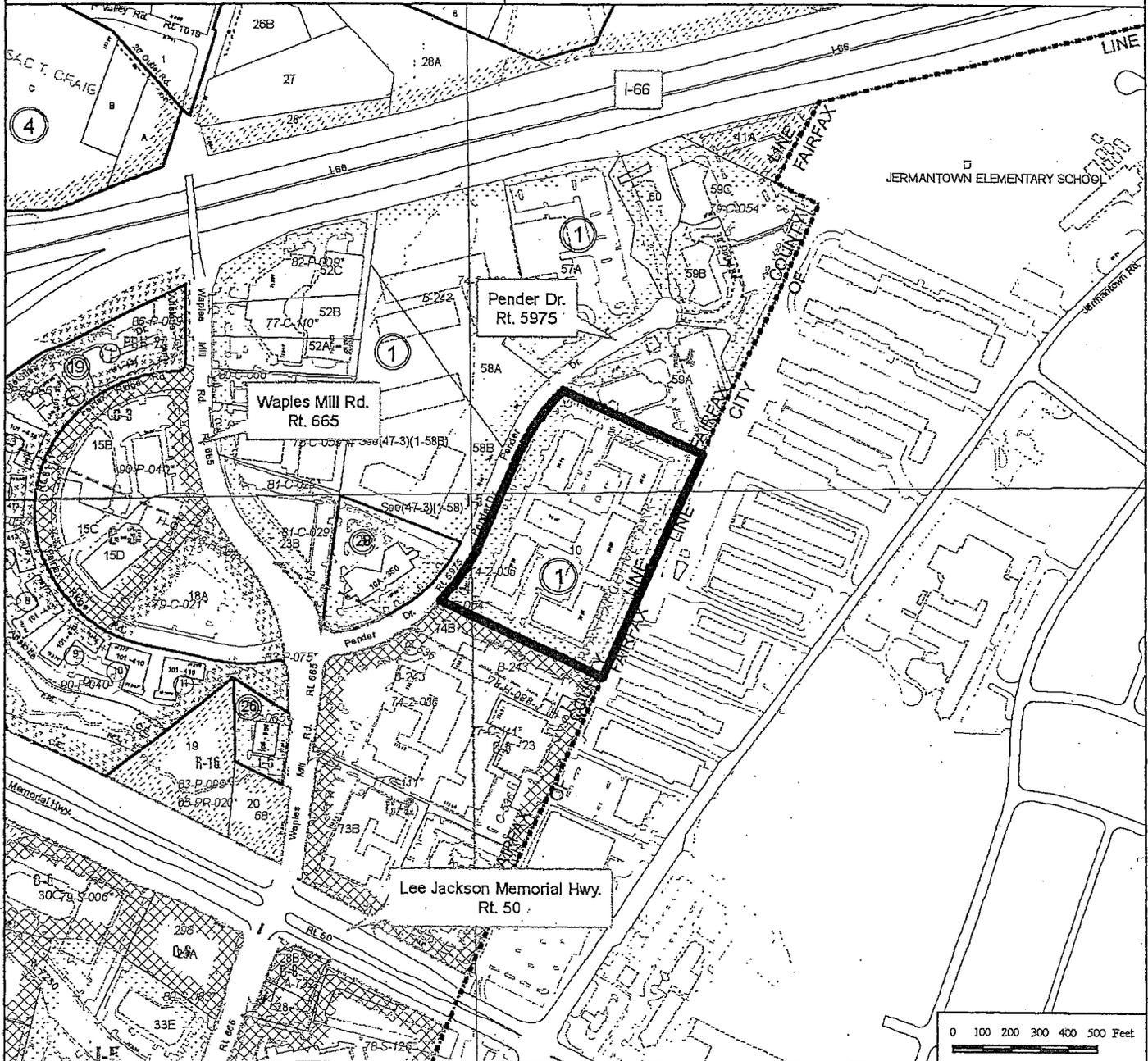
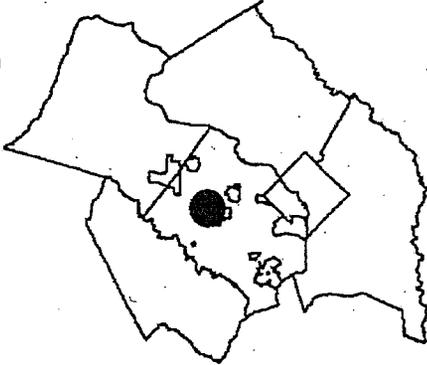
Special Exception Amendment

SEA 2006-PR-019

Applicant:
Accepted:
Proposed:

VIRGINIA INTERNATIONAL UNIVERSITY
04/02/2009
AMEND SE 2006-PR-019 PREVIOUSLY APPROVED FOR COLLEGE/UNIVERSITY TO PERMIT SITE MODIFICATIONS

Area: 11 AC OF LAND; DISTRICT - PROVIDENCE
Zoning Dist Sect: 05-0404
Art 9 Group and Use: 3-01
Located: 3957 PENDER DRIVE
Zoning: I-4
Plan Area: 2,
Overlay Dist:
Map Ref Num: 057-1- /01/ /0010





County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

August 4, 2009

Michael M. Pavlovich
Westberg Croessmann & Warren, P.C.
1220 N. Fillmore Street, Suite 310
Arlington, Virginia 22201

RE: Special Exception Amendment Application SEA 2006-PR-019

Dear Mr. Pavlovich:

At a regular meeting of the Board of Supervisors held on August 3, 2009, the Board approved Special Exception Amendment Application SEA 2006-PR-019 in the name of Virginia International University. The subject property is located at 3953 and 3957 Pender Drive on approximately 11.0 acres of land zoned I-4 in the Providence District [Tax Map 57-1 ((1)) 10]. The Board's action amends Special Exception Application SE 2006-PR-019, previously approved for a college/university to permit modifications to site design and development conditions pursuant to Section 5-404 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions which supersede all previous conditions (those conditions carried forward from previous approval are marked with an asterisk*):

1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.*
2. This Special Exception Amendment is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions. Other Permitted or Special Permit uses may be allowed on the site without amending this special exception so long as the proposed use is in substantial conformance with the SE Plat and all Zoning Ordinance requirements have been met.*

Office of the Clerk to the Board of Supervisors
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035

Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903
Email: clerktothebos@fairfaxcounty.gov
<http://www.fairfaxcounty.gov/bosclerk>

(68)

3. This Special Exception Amendment is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Plat entitled As Built Site Plan: Fairfax Executive Park, prepared by Patton, Harris, Rust and Guy, consisting of 1 sheets dated December, 1980 as revised through October 10, 1985, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. The amount of gross floor area devoted to the university use on the subject property shall be limited to a total of 13,000 square feet.
5. The maximum daily enrollment shall be limited to 400 students.
6. In no event shall more than 225 students be permitted to attend classes during the day before 6:00 p.m.
7. The maximum number of parking spaces for university employees and faculty members shall be limited to 40.
8. There shall be no dorms or dedicated eating establishments on the portions of the site devoted to university use.*
9. Prior to the issuance of a Non-Residential Use Permit (Non-Rup), the applicant shall provide a parking tabulation sheet to DPWES.
10. Prior to NonRUP, the applicant shall work with Fairfax County Department of Transportation (FCDOT) to revise and continue the existing Transportation Demand Management (TDM) program that serves transportation needs of the students, employees and faculty while reducing the number of vehicular trips to and from the site. This TDM Program shall include:
 - i. Transportation Coordinator. Upon of approval of this Special Exception, an individual shall be designated to act as the Transportation Coordinator (TC), whose responsibility will be to implement the TDM strategies with on-going coordination with Fairfax County Department of Transportation (FCDOT). Written notice shall be provided to FCDOT of the appointment of the TC within thirty (30) days of such appointment, and thereafter, within thirty (30) days of any change in such appointment.
 - ii. TDM Plan. Sixty (60) days after the appointment of the TC, an updated TDM Plan for the Property shall be submitted to FCDOT for review and approval. The TDM Plan and any amendments thereto shall include, at a minimum, the following measures:

- i. Information Dissemination. Transit maps and schedules, ridesharing and other relevant information shall be made available to students, employees and faculty in an easily-accessible location and by electronic means such as websites, email and social networking media.
- ii. SmarTrip Cards. Transit fare media, pre-loaded with fare value, will be provided to students, employees and faculty each academic year to encourage use of non-SOV transportation options. The amount of fare value and number of cards distributed each year will be determined in consultation with FCDOT.
- iii. Ride Matching. Coordination and assistance with vanpool and carpool formation programs, ride matching services, and established guaranteed ride home programs shall be provided to employees and faculty;
- iv. Bicycle Storage. Adequate bicycle racks for all users and visitors to the Property shall be provided. The location and design of the bicycle racks shall be determined in consultation with FCDOT.
- v. Preferential Parking. Coordination with the property owner shall be performed to establish preferential parking spaces for carpools/vanpools.

Other measures may be included as determined by FCDOT. If FCDOT has not responded with any comments to the TC within sixty (60) days of receipt of the TDM Plan, the TDM Plan shall be deemed approved.

- iii. Mode Share Goal. The objective of the TDM Plan shall be to increase the non-Single Occupant Vehicle (non-SOV) mode share (as measured by the Annual Survey) from year to year.
- iv. Annual Surveys & Coordination with FCDOT. Within thirty (30) days following the first day of classes of each calendar year, the TC shall conduct a survey of students, employees and faculty designed to evaluate the effectiveness of the TDM measures and to evaluate the need for changes to the TDM measures then in place. The TC shall coordinate the draft survey materials and the methodology with FCDOT at least thirty (30) days prior to each year's Survey. The survey content shall include at a minimum:
 - i. A description of the TDM measures in effect for the survey period and a description of how such measures have been implemented;
 - ii. The number of students, employees and faculty surveyed and the number who responded;

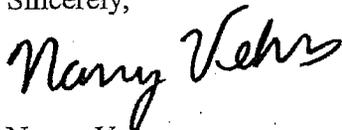
August 4, 2009

- iii. The results of the survey (including number of individuals participating in the TDM programs, displayed by category and mode of use); and,
- iv. An evaluation of the effectiveness of the TDM program elements in place, and, if necessary, proposed modifications to meet the Mode Share Goal, above.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Sincerely,



Nancy Vehrs
Clerk to the Board of Supervisors
NV/dms

Cc: Chairman Sharon Bulova
Supervisor Linda Smyth, Providence District
Janet Coldsmith, Director, Real Estate Division, Dept. of Tax Administration
Regina Coyle, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Angela K. Rodeheaver, Section Chief, Transportation, Planning Division
Ellen Gallagher, Capital Projects and Operations Div., Dept. of Transportation
Ken Williams, Plans & Document Control, ESRD, DPWES
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division
District Planning Commissioner
Barbara J. Lippa, Executive Director, Planning Commission
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation



VIRGINIA INTERNATIONAL UNIVERSITY

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ATTACHMENT 3

RECEIVED
Dept. of Planning & Zoning

JAN 27 2012

Zoning Administration Div.

2012-0132

January 25, 2012

Eileen M. McLane, Zoning Administrator
Zoning Administration Division
Zoning Permit Review Branch
12055 Government Center Parkway, Suite 250
Fairfax, Virginia 22035-5508

Re: Request for Extension of Deadline for the Special Exception Amendment SEA 2006-PR-019
Virginia International University
3953 & 3957 Pender Drive
Tax Map Ref: 057-1 ((1)) I0
Zoning District: I-4

Dear Ms. McLane:

Our above referenced special exception amendment is due to expire on February 3, 2012. We are doing our best to complete all requirements for the Non-Residential Use Permit on time. However, we are still missing the parking tabulation and our engineer who is working on it is currently out of the country, but will return shortly. There is the possibility that he will be unable to complete the parking tabulation prior to February 3, 2012. Therefore, we would like to request an extension of the deadline for our special exception amendment for 30 days.

We sincerely hope you will consider our request favorably and let us know your decision.

If you have any questions, please feel free to contact me at 703-591-7042, ext: 322 or by email at samyers@viu.edu.

Sincerely,

Sue Ann Myers
Vice president of Business Affairs
Virginia International University

RECEIVED
Department of Planning & Zoning

JAN 30 2012



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RECEIVED
Dept. of Planning & Zoning

FEB 16 2012

Zoning Administration Div.

2012-0240

February 17, 2012

Eileen M. McLane, Zoning Administrator
Zoning Administration Division
Zoning Permit Review Branch
12055 Government Center Parkway, Suite 250
Fairfax, Virginia 22035-5508

Re: Revise Request for Extension of Deadline for the Special Exception Amendment SEA 2006-PR-019

Virginia International University
3953 & 3957 Pender Drive
Tax Map Ref: 057-1 ((1)) I0
Zoning District: I-4

Dear Ms. McLane:

Our above referenced special exception amendment was due to expire on February 3, 2012. We previously requested an extension of 30 days based on the required documentation that had been communicated to our engineer by the Fairfax County Department of Planning and Zoning. However, when our engineer visited the Department of Planning and Zoning to submit the required documents, he was informed that there is now additional documentation needed, including a Minor Site Plan submission in addition to the original request of a Parking Tabulation. I spoke with Ms. Carrie Lee with the Department of Planning & Zoning, by telephone regarding the extension, and she suggested that if we are not able to complete the documentation within the original 30 day extension, we have the option to request a longer extension period. Due to this conversation, we would like to request an extension of the deadline for our special exception amendment for 180 days.

We sincerely hope you will consider our request favorably and let us know your decision.

If you have any questions, please feel free to contact me at 703-591-7042, ext: 322 or by email at samyers@viu.edu.

Sincerely,

Sue Ann Myers
Vice president of Business Affairs
Virginia International University

RECEIVED
Department of Planning & Zoning

FEB 22 2012

Zoning Evaluation Division



VIRGINIA INTERNATIONAL UNIVERSITY

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RECEIVED
Department of Planning & Zoning

MAY 23 2012

Zoning Evaluation Division

May 22, 2012

Eileen M. McLane, Zoning Administrator
Zoning Administration Division
Zoning Permit Review Branch
12055 Government Center Parkway, Suite 250
Fairfax, Virginia 22035-5508

Re: Revise Request for Extension of Deadline for the Special Exception Amendment SEA 2006-PR-019
Virginia International University
3953 & 3957 Pender Drive
Tax Map Ref: 057-1 ((1)) I0
Zoning District: I-4

Dear Ms. McLane:

We previously requested an extension of 30 days. However, our engineer is waiting for a Parking Tabulation Form that has to be filled out and signed by the building management company's Engineer with his professional stamp and by them as owners of the property. Therefore, we need more time to complete the documentation required for our special exception amendment. We would like to revise request for extension of deadline for six months, for a new expiration date of August 3, 2012.

We sincerely hope you will consider our request favorably and let us know your decision.

If you have any questions, please feel free to contact me at 703-591-7042, ext: 322 or by email at samyers@viu.edu.

Sincerely,

Sue Ann Myers
Vice president of Business Affairs
Virginia International University

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Board Agenda Item
June 19, 2012

ADMINISTRATIVE – 7

Streets into the Secondary System (Lee, Mason, and Sully Districts)

ISSUE:

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

RECOMMENDATION:

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
1998, LTD (VW Springfield)	Lee	Backlick Road (Route 617) (Additional Right-of-Way (ROW) Only)
Land of the Kroger Company (Lambros Jewelry)	Mason	Little River Turnpike Service Drive (FR 781) (Additional ROW Only)
Magnolia Manor	Mason	Magnolia Manor Way
Kensington Parc	Sully	Rugby Road (Route 750) (Additional ROW Only)
Parcel 4-A-1 Warehousing Co., Inc. (2900 Towerview Road)	Sully	McLearen Road (Route 668) (Additional ROW Only) Towerview Road (Route 3861) (Additional ROW Only) Park Center Road (Route 3865) (Additional ROW Only)

TIMING:

Routine.

Board Agenda Item
June 19, 2012

BACKGROUND:

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

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Street Acceptance Forms

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Michelle Brickner, Deputy Director, DPWES, Land Development Services

Street Acceptance Form For Board of Supervisors Resolution - June 2005

<p>FAIRFAX COUNTY BOARD OF SUPERVISORS FAIRFAX, VA</p> <p>Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.</p>	<p>VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA</p> <p>REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.</p>		
<p>ENGINEERING MANAGER: Terry L. Yates, P.E.</p> <p>BY: <i>Nellie R. Plouffe</i></p>	<p>PLAN NUMBER: 7207-SP-02</p> <p>SUBDIVISION PLAT NAME: 1998, LTD (VW Springfield)</p> <p>COUNTY MAGISTERIAL DISTRICT: Lee</p> <p>FOR OFFICIAL USE ONLY</p> <p>DATE OF VDOT INSPECTION APPROVAL: 03/23/2012</p>		
<p>LOCATION</p>			
<p>STREET NAME</p>	<p>FROM</p>	<p>TO</p>	<p>LENGTH MILE</p>
Backlick Road (Route 617) (Additional Right-of-Way Only)	530' S CL Springfield Boulevard (Route 8760)	742' S to Section Line	0.0
<p>NOTES:</p> <p>Sidewalks and brick pavers are privately maintained.</p>			<p>TOTALS: 0.0</p>

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

**FAIRFAX COUNTY BOARD OF SUPERVISORS
FAIRFAX, VA**

Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.

VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA

REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.

PLAN NUMBER: 1784-SP-01

SUBDIVISION PLAT NAME: Land of the Kroger Company (Lambros Jewelry)

COUNTY MAGISTERIAL DISTRICT: Mason

ENGINEERING MANAGER: Terry L. Yates, P.E.

FOR OFFICIAL USE ONLY

BY: Nadia Alphonse **DATE OF VDOT INSPECTION APPROVAL:** 03/23/2012

STREET NAME	LOCATION		MILE LENGTH
	FROM	TO	
Little River Turnpike Service Drive (FR 781) (Additional Right-of-Way Only)	512' W CL John Marr Drive (Route 2948)	200' W to Section Line	0.0
NOTES:			TOTALS:
140' of Brick Pavers Sidewalk on South Side to be maintained by Fairfax County.			0.0

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

**FAIRFAX COUNTY BOARD OF SUPERVISORS
FAIRFAX, VA**

Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.

VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA

REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.

PLAN NUMBER: 5487-SD-003

SUBDIVISION PLAT NAME: Magnolia Manor

COUNTY MAGISTERIAL DISTRICT: Mason

ENGINEERING MANAGER: Terry L. Yates, P.E.

FOR OFFICIAL USE ONLY

BY: *Nadia Alphonse* DATE OF VDOT INSPECTION APPROVAL: 03/27/2012

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Magnolia Manor Way	CL Vale Street (Route 2220) - 453' W CL Park Road (Route 2221)	256' S to End of Cul-de-Sac	0.05
NOTES:			TOTALS:
.523' of 5' Concrete Sidewalk on Both Sides to be maintained by Fairfax County.			0.05

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

**FAIRFAX COUNTY BOARD OF SUPERVISORS
FAIRFAX, VA**

Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.

VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA

REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.

PLAN NUMBER: 4669-SP-002
SUBDIVISION PLAT NAME: Parcel 4-A-1 Warehousing Co., Inc. (2900 Towerview Road)
COUNTY MAGISTERIAL DISTRICT: Sully

ENGINEERING MANAGER: Terry L. Yates, P.E.
 BY: *Nadia Ryzhenko*

FOR OFFICIAL USE ONLY
DATE OF VDOT INSPECTION APPROVAL: 03/26/2012

STREET NAME	LOCATION		MILE LENGTH
	FROM	TO	
McLearen Road (Route 668) (Additional Right-of-Way Only)	35' NW CL Towerview Road (Route 3861)	658' NW to Section Line	0.0
Towerview Road (Route 3861) (Additional Right-of-Way Only)	35' SW CL Park Center Road (Route 3865)	792' SW to Section Line	0.0
Park Center Road (Route 3865) (Additional Right-of-Way Only)	35' NW CL Towerview Road (Route 3861)	690' NW to Section Line	0.0
TOTALS:			0.0

NOTES:

McLearen Road: 658' of 4' Concrete Sidewalk on North Side to be maintained by VDOT.
 Towerview Road: 730' of 4' Concrete Sidewalk on West Side to be maintained by VDOT.
 Park Center Road: 660' of 4' Concrete Sidewalk on South Side to be maintained by VDOT.

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Board Agenda Item
June 19, 2012

ADMINISTRATIVE - 8

Authorization to Advertise a Public Hearing to Consider an Ordinance Amending County Code Relating to Election Precincts and to Consider Temporarily Relocating Two Absentee Voting Satellites

ISSUE:

Authorization to advertise a public hearing to consider an ordinance that proposes to amend Chapter 7 of the Fairfax County Code to (1) establish 2 new precincts, (2) abolish 4 precincts, (3) rename a precinct, (4) move polling places for 5 precincts, (5) adjust the boundaries of 5 precincts, and (6) correct the description of a precinct, and by separate motion, to consider the temporary relocation of 2 absentee voting satellites.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing on Tuesday July 10, 2012, at 4:00 p.m. to consider this ordinance and to consider the temporary relocation of 2 absentee voting satellites.

TIMING:

Board action is requested on June 19, 2012, to provide sufficient time to advertise the proposed public hearing for adoption of this ordinance on July 10, 2012, at 4:00 p.m. and to complete the federal preclearance process thereafter in advance of the November 6, 2012, Presidential Election. Note that September 1, 2012, will be the effective date for the proposed changes.

BACKGROUND:

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

The County staff is recommending that the Board consider these changes to voting precincts:

Board Agenda Item
June 19, 2012

- (1) In Braddock District, staff recommends combining North Springfield #1 and North Springfield #2 precincts into one precinct to conserve resources. The combined precinct will be named "North Springfield" and the polling place will be established at the North Springfield Elementary School located at 7602 Heming Court, Springfield, which previously served as the polling place for both the North Springfield #1 and the North Springfield #2 precincts.
- (2) In Mason District, staff recommends moving the polling place for Masonville precinct from the Westminster School, a private school located at 3819 Gallows Road, Annandale, to the Mason Crest Elementary School, a Fairfax County Public School located at 3705 Crest Drive, Annandale. The Westminster School kindly allowed the use of their facility as a polling place while the new Mason Crest Elementary School was under construction.
- (3) In Mount Vernon District, staff recommends moving the polling place for South County precinct from the South County Secondary School located at 8501 Silverbrook Road to the new South County Middle School located at 8700 Laurel Crest Drive, Lorton. Relocating this polling place will reduce the number of voters at South County Secondary School which currently serves as the polling place for two precincts. The Laurel Hill precinct will continue to vote at the South County Secondary School, which will be renamed "South County High School" in the fall.
- (4) In Providence District, staff recommends combining the Graham and Greenway precincts into one precinct to conserve resources. The combined precinct will be named "Graham-Greenway" and its polling place will be established at the new Graham Road Elementary School located at 2831 Graham Road, Falls Church.
- (5) In Providence District staff recommends adjusting the precinct boundary between the Magarity and Tysons precincts to conform to the newly adopted boundary between the 8th and the 11th Congressional Districts. The change will put Magarity precinct entirely within the 8th Congressional District and Tysons precinct entirely within in the 11th Congressional District. The area to be moved consists of commercial property including the Tysons Corner Shopping Center. No voters are affected by the change and the existing polling places will remain the same.
- (6) In Springfield District, staff recommends moving the polling place for Hunt precinct from the Hunt Valley Elementary School located at 7107 Sydenstricker Road, Springfield, to the Sydenstricker United Methodist Church located at 8508 Hooes Road, Springfield. The Sydenstricker Church has kindly offered the use of their facility as a polling place. Staff further recommends that the precinct be renamed "Sydenstricker" to match the name of the church. Relocating this polling place will reduce the number of voters at Hunt Valley Elementary School which currently serves as the polling place for two precincts.

Board Agenda Item
June 19, 2012

(7) In Springfield District, staff recommends moving the polling place for the Cedar Lake precinct from the Centerpointe Church at Fair Oaks located at 4104 Legato Road, Fairfax, to the Virginia Department of Transportation (VDOT) Building located at 4975 Alliance Drive, Fairfax. Relocating this polling place will reduce the number of voters at Centerpointe Church which currently serves as the polling place for two precincts.

(8) In Springfield District, staff recommends readopting the precinct description for Burke precinct to correct a clerical error that misidentified an "unnamed stream" as Pohick Creek along the northwestern boundary of the precinct. The correction does not change the existing precinct boundary and does not affect any voters.

(9) In Sully District, staff recommends adjusting the boundaries of Centre Ridge, Green Trails and Old Mill precincts to conform to the newly adopted boundary between the 10th and 11th Congressional Districts. The boundary changes will move 26 voters from Old Mill into Green Trails and 658 voters from Old Mill into Centre Ridge.

In addition, County staff is recommending the following changes to absentee voting sites:

(10) In Hunter Mill District, staff recommends temporarily moving the North County Absentee Voting Satellite from the North County Governmental Center, located at 12000 Bowman Towne Drive, Reston to the North County Human Services Building located at 1850 Cameron Glen Drive, Reston, while the Governmental Center and Police Station are undergoing renovation.

(11) In Dranesville District, staff recommends temporarily moving the McLean Absentee Voting Satellite from the McLean Governmental Center located at 1437 Balls Hill Road, McLean, to the Dolley Madison Library located at 1244 Oak Ridge Avenue, McLean, while the Governmental Center and Police Station are undergoing renovation.

For the Board's information, the 5 Absentee Voting Satellites located at the Mason, Franconia, Mount Vernon, West Springfield and Sully District Governmental Centers remain unchanged. Additionally, the Electoral Board has expanded satellite voting hours from 2 p.m. to 8 p.m. on weekdays beginning October 17 and extending through November 2, 2012, and from 9 a.m. to 5 p.m. on 3 Saturdays, October 20 and 27, and November 3, 2012.

FISCAL IMPACT:

Insignificant. Funding for polling place change notifications is provided in the agency's FY 2013 Adopted Budget.

Board Agenda Item
June 19, 2012

ENCLOSED DOCUMENTS:

Attachment 1 – Virginia Code Pertaining to Election Precincts and Polling Places

Attachment 2 – Descriptions and Maps of Proposed Changes

Attachment 3 – Proposed Ordinance

STAFF:

Cameron Quinn, General Registrar

Michael Long, Deputy County Attorney

§ 24.2-305. Composition of election districts and precincts.

A. Each election district and precinct shall be composed of compact and contiguous territory and shall have clearly defined and clearly observable boundaries.

B. A "clearly observable boundary" shall include (i) any named road or street, (ii) any road or highway which is a part of the federal, state primary, or state secondary road system, (iii) any river, stream, or drainage feature shown as a polygon boundary on the TIGER/line files of the United States Bureau of the Census, or (iv) any other natural or constructed or erected permanent physical feature which is shown on an official map issued by the Virginia Department of Transportation, on a United States Geological Survey topographical map, or as a polygon boundary on the TIGER/line files of the United States Bureau of the Census. No property line or subdivision boundary shall be deemed to be a clearly observable boundary unless it is marked by a permanent physical feature that is shown on an official map issued by the Virginia Department of Transportation, on a United States Geological Survey topographical map, or as a polygon boundary on the TIGER/line files of the United States Bureau of the Census.

§ 24.2-307. Requirements for county and city precincts.

The governing body of each county and city shall establish by ordinance as many precincts as it deems necessary. Each governing body is authorized to increase or decrease the number of precincts and alter precinct boundaries subject to the requirements of this chapter.

At the time any precinct is established, it shall have no more than 5,000 registered voters. The general registrar shall notify the governing body whenever the number of voters who voted in a precinct in an election for President of the United States exceeds 4,000. Within six months of receiving the notice, the governing body shall proceed to revise the precinct boundaries, and any newly established or redrawn precinct shall have no more than 5,000 registered voters.

At the time any precinct is established, each precinct in a county shall have no fewer than 100 registered voters and each precinct in a city shall have no fewer than 500 registered voters.

Each precinct shall be wholly contained within any election district used for the election of one or more members of the governing body or school board for the county or city.

The governing body shall establish by ordinance one polling place for each precinct.

§ 24.2-310. Requirements for polling places.

A. The polling place for each precinct shall be located within the county or city and either within the precinct or within one mile of the precinct boundary. The polling place for a county precinct may be located within a city if the city is wholly contained within the county election district served by the precinct. The polling place for a town precinct may be located within one mile of the precinct and town boundary. For town elections held in November, the town shall use the polling places established by the county for its elections.

B. The governing body of each county, city, and town shall provide funds to enable the electoral board to provide adequate facilities at each polling place for the conduct of elections. Each polling place shall be located in a public building whenever practicable. If more than one polling place is located in the same building, each polling place shall be located in a separate room or separate and defined space.

C. Polling places shall be accessible to qualified voters as required by the provisions of the Virginians with Disabilities Act (§ [51.5-1](#) et seq.), the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. § 1973ee et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.). The State Board shall provide instructions to the local electoral boards and general registrars to assist the localities in complying with the requirements of the Acts.

D. If an emergency makes a polling place unusable or inaccessible, the electoral board shall provide an alternative polling place and give notice of the change in polling place, including to all candidates, or such candidate's campaign, appearing on the ballot to be voted at the alternative polling place, subject to the prior approval of the State Board. The electoral board shall provide notice to the voters appropriate to the circumstances of the emergency. For the purposes of this subsection, an "emergency" means a rare and unforeseen combination of circumstances, or the resulting state, that calls for immediate action.

E. It shall be permissible to distribute campaign materials on the election day on the property on which a polling place is located and outside of the building containing the room where the election is conducted except (i) as specifically prohibited by law including, without limitation, the prohibitions of § [24.2-604](#) and the establishment of the "Prohibited Area" within 40 feet of any entrance to the polling place or (ii) upon the approval of the local electoral board, inside the structure where the election is conducted, provided that a reasonable person would not observe any campaigning activities while inside the polling place. The local electoral board may approve campaigning activities inside the building where the election is conducted pursuant to clause (ii) when an entrance to the building is from an adjoining building, or if establishing the 40-foot prohibited area outside the polling place would hinder or delay a qualified voter from entering or leaving the building.

F. Any local government, local electoral board, or the State Board may make monetary grants to any non-governmental entity furnishing facilities under the provisions of § [24.2-307](#) or [24.2-308](#) for use as a polling place. Such grants shall be made for the sole purpose of meeting the accessibility requirements of this section. Nothing in this subsection shall be construed to obligate any local government, local electoral board, or the State Board to appropriate funds to any non-governmental entity.

§ 24.2-310.1. Polling places; additional requirement.

The requirement stated in this section shall be in addition to requirements stated in §§ [24.2-307](#), [24.2-308](#), and [24.2-310](#), including the requirement that polling places be located in public buildings whenever practical. No polling place shall be located in a building which serves primarily as the headquarters, office, or assembly building for any private organization, other than an organization of a civic, educational, religious, charitable, historical, patriotic, cultural, or similar nature, unless the State Board has approved the use of the building because no other building meeting the accessibility requirements of this title is available.

2012 CONGRESSIONAL REDISTRICTING PROPOSED PRECINCT BOUNDARY and POLLING PLACE CHANGES								
SUPERVISOR DISTRICT	EXISTING PRECINCT(S)	CURRENT ACTIVE REG. VOTERS*	EXISTING POLLING PLACE(S)	PROPOSED PRECINCT(S)	PROJECTED ACTIVE REG. VOTERS	PROPOSED POLLING PLACE(S)	NOTES ON PROPOSED CHANGES	
BRADDOCK	NO. SPRINGFIELD #1 NO. SPRINGFIELD #2	2,397 1,511	North Springfield Elem. North Springfield Elem.	NORTH SPRINGFIELD	3,908	North Springfield Elem.	Consolidate precincts to conserve resources.	
MASON	MASONVILLE	2,623	Westminster School (private)	MASONVILLE	2,623	Mason Crest Elem.	Move polling place to new elementary school.	
MOUNT VERNON	LAUREL HILL SOUTH COUNTY	2,847 3,468	South County Secondary South County Secondary	LAUREL HILL SOUTH COUNTY	2,847 3,468	South County High School South County Middle	Move South County precinct to new middle school and rename Laurel Hill polling place.	
PROVIDENCE	GRAHAM GREENWAY	1,253 1,902	[old] Graham Road Elem. Timber Lane Elem. School	GRAHAM-GREENWAY	3,155	[new] Graham Road Elem.	Consolidate precincts to conserve resources and move polling place to new school.	
PROVIDENCE	MAGARITY TYSONS	3,494 2,791	Westgate Elem. School Providence Meeting Room	MAGARITY TYSONS	3,494 2,791	Westgate Elem. School Providence Meeting Room	Adjust precinct boundary to conform to new Congressional District boundary.	
SPRINGFIELD	HUNT	3,073	Hunt Valley Elem. School	SYDENSTRICKER	3,073	Sydenstricker U.M. Church	Move polling place to reduce number of voters at Hunt Valley Elem. School.	
SPRINGFIELD	CEDAR LAKE	1,143	Centerpointe Church	CEDAR LAKE	1,143	VDOT Building	Move polling place to a more suitable location.	
SPRINGFIELD	BURKE	4,564	West Springfield H.S.	BURKE	4,564	West Springfield H.S.	Readopt precinct description to correct misidentified stream along its northwestern boundary.	
SULLY	CENTRE RIDGE GREEN TRAILS OLD MILL	3,788 3,711 2,343	Centre Ridge Elem. Centreville Elem. School Centreville U.M. Church	CENTRE RIDGE GREEN TRAILS OLD MILL	4,446 3,737 1,659	Centre Ridge Elem. Centreville Elem. Centreville U.M. Church	Adjust precinct boundaries to conform to the new boundary between the 10 th and 11 th Congressional Districts.	

2012 PROPOSED ABSENTEE VOTING SATELLITE CHANGES

SUPERVISOR DISTRICT	ABSENTEE SATELLITE	EXISTING LOCATION	PROPOSED LOCATION	REASON FOR CHANGE
HUNTER MILL	NORTH COUNTY	North County Governmental Center	North County Human Services Bldg.	Temporary change during construction at the North County Governmental Center/Police Station.
DRANESVILLE	MCLEAN	McLean Governmental Center	Dolly Madison Library	Temporary change during construction at the McLean Governmental Center/Police Station.
<p>PROPOSED DATES AND HOURS OF OPERATION FOR ALL SATELLITES: Weekdays, October 17 through November 2, 2012, from 2:00 p.m. to 8:00 p.m. Saturdays, October 20 and 27, and November 3, 2012, from 9 a.m. to 5 p.m.</p> <p>NOTE THE FOLLOWING SATELLITES ARE UNCHANGED: Mason Governmental Center, Franconia Governmental Center, Mount Vernon Governmental Center, West Springfield Governmental Center, and the Sully District Governmental Center</p>				

Commonwealth of Virginia
COUNTY OF FAIRFAX
Braddock District

PRECINCT 110: NORTH SPRINGFIELD ~~NO. 1~~

CONGRESSIONAL DISTRICT:	ELEVENTH
VIRGINIA SENATORIAL DISTRICT:	THIRTY-FIFTH
HOUSE OF DELEGATES DISTRICT:	THIRTY-NINTH

DESCRIPTION:

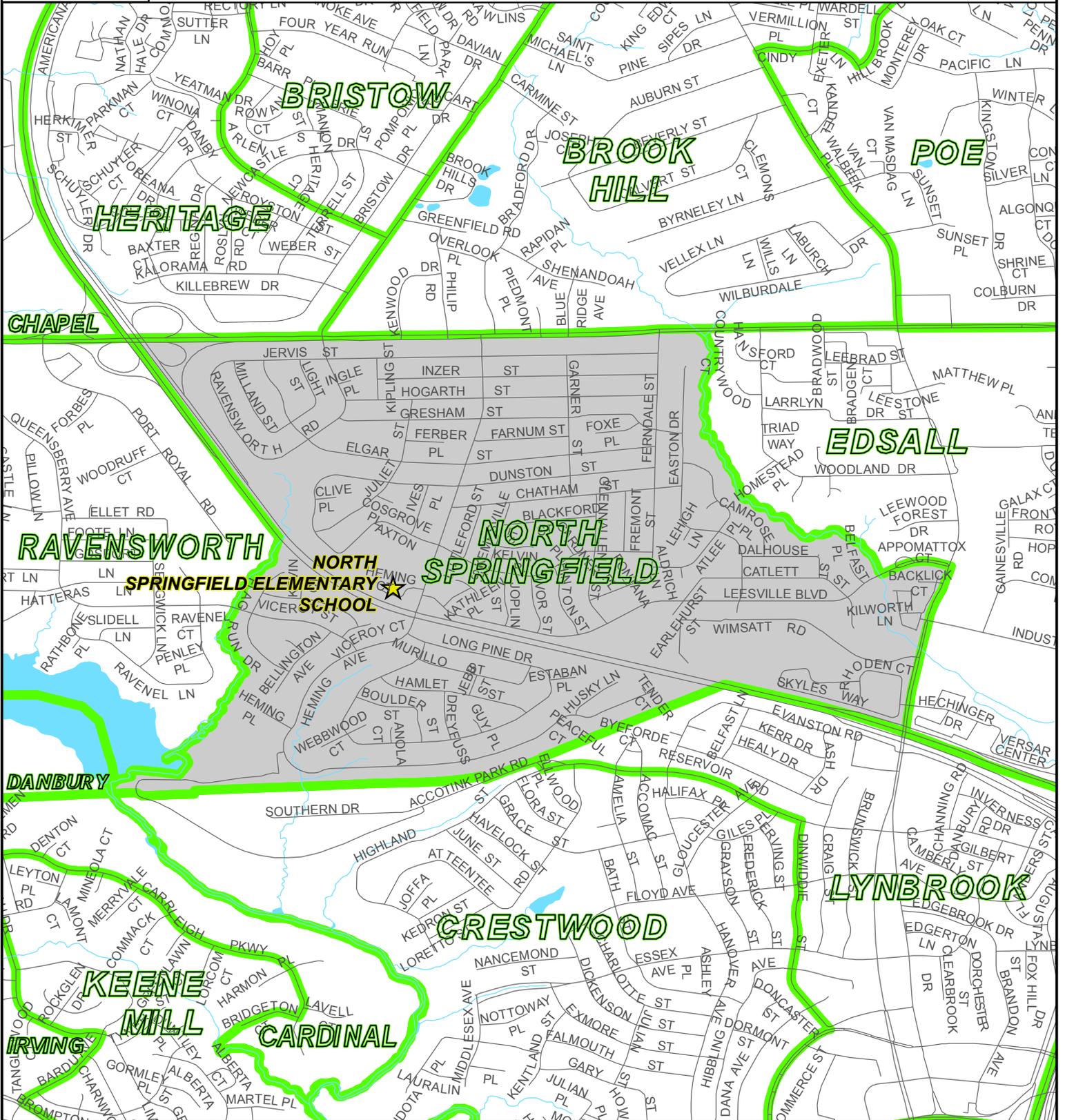
Beginning at the intersection of the Capital Beltway (I-495) and Braddock Road, thence with Braddock Road in an easterly direction to its intersection with Backlick Run (stream), thence with the meanders of Backlick Run in a generally southeasterly direction to its intersection with Leesville Boulevard, thence with Leesville Boulevard in a generally easterly direction to its intersection with Backlick Road, thence with Backlick Road in a southerly direction to its intersection with the Capital Beltway, thence with the Capital Beltway in a northwesterly direction to its intersection with the Norfolk Southern Railroad, thence with the Norfolk Southern Railroad in a southwesterly direction to its intersection with Accotink Creek, thence with the meanders of Accotink Creek, into and through Lake Accotink, in a northeasterly direction to the mouth of Flag Run, thence with the meanders of Flag Run in a northeasterly direction to its intersection with the Capital Beltway, thence with the Capital Beltway in a northwesterly direction to its intersection with Braddock Road, the point of beginning.

POLLING PLACE: North Springfield Elementary School
7602 Heming Court, Springfield

MAP GRIDS: 70-4, 71-3, 79-2, 80-1, 80-2

NOTES: Adopted December 1976
New boundary adopted - August 2001
Precinct description revised and readopted – March 2003
Precinct consolidated with North Springfield No. 2 – July 2012

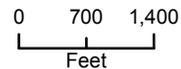
Commonwealth of Virginia County of Fairfax Braddock District



Precinct: 110 NORTH SPRINGFIELD

Polling Place: North Springfield Elementary School

- Fairfax County Voting Precincts
- Featured Precinct Polling Place
- Roadway Centerlines
- Water Features
- Other Jurisdictions



(94) 2012

Commonwealth of Virginia
COUNTY OF FAIRFAX
Mason District

PRECINCT 508: MASONVILLE

CONGRESSIONAL DISTRICT: ELEVENTH
VIRGINIA SENATORIAL DISTRICT: THIRTY-SEVENTH
HOUSE OF DELEGATES DISTRICT: THIRTY-EIGHTH

DESCRIPTION:

Beginning at the intersection of Annandale Road and Rose Lane, thence with Rose Lane in a southerly direction to its intersection with Slade Run Drive, thence with Slade Run Drive in southeasterly direction to its intersection with an access walkway to Holmes Run, thence with this access walkway in a southerly direction to its intersection with an unpaved path, thence with the unpaved path in a southerly direction to its intersection with Holmes Run (stream), thence with the meanders of Holmes Run in a westerly direction to its intersection with an unpaved pathway with access to Rose Lane, thence with this pathway in a southerly direction to its intersection with Rose Lane, thence with Rose Lane in a generally southerly direction to its intersection with Murray Lane, thence with Murray Lane in a northwesterly direction to its intersection with Terrace Drive, then with Terrace Drive in a southwesterly direction to its intersection with Justine Drive, thence with Justine Drive in a southeasterly, then southwesterly, then southerly direction to its intersection with Gallows Road, thence with Gallows Road in a northwesterly direction to its intersection with Annandale Road, thence with Annandale Road in a northwesterly, then generally northeasterly direction to its intersection with Rose Lane, point of beginning.

POLLING PLACE: ~~Westminster School~~ Mason Crest Elementary School
~~3819 Gallows Road~~ 3705 Crest Drive, Annandale

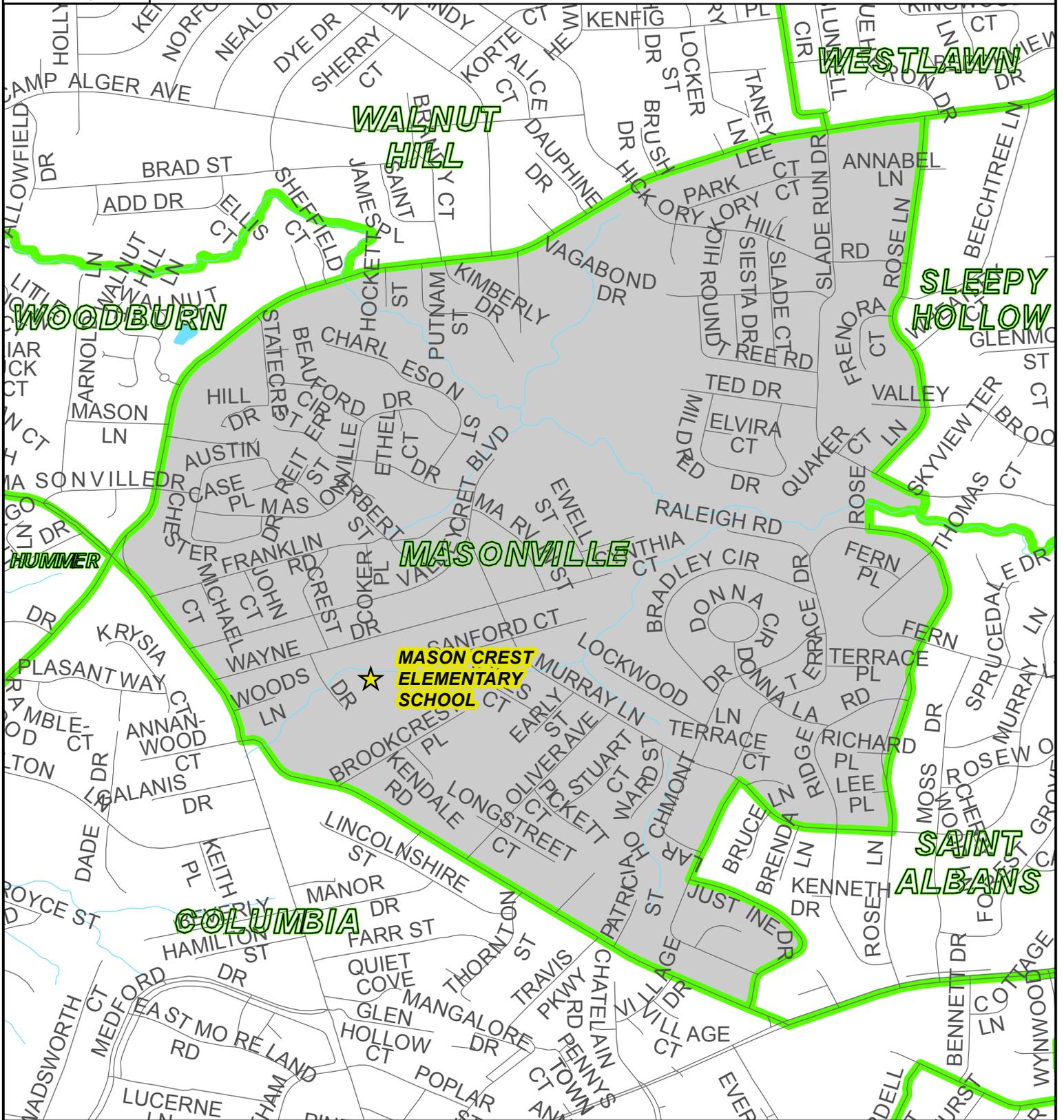
MAP GRIDS: 60-1, 60-2, 60-3, 60-4

NOTES: Adopted June 1971
Boundary adjusted with Saint Albans - June 1991
Precinct description revised and readopted – March 2003
Polling place temporarily moved to the Westminster School – March 2010
Precinct boundary adjusted – July 2011
Polling place moved to new school – July 2012



Commonwealth of Virginia County of Fairfax

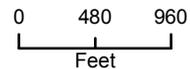
Mason District



Precinct: 508 MASONVILLE

Polling Place: *Mason Crest Elementary School*

- █ Fairfax County Voting Precincts
- Roadway Centerlines
- Other Jurisdictions
- ★ Featured Precinct Polling Place
- Water Features



(96) 2012

Commonwealth of Virginia
COUNTY OF FAIRFAX
Mount Vernon District

PRECINCT 628: LAUREL HILL

CONGRESSIONAL DISTRICT: ELEVENTH
VIRGINIA SENATORIAL DISTRICT: THIRTY-NINTH
HOUSE OF DELEGATES DISTRICT: FORTY-SECOND

DESCRIPTION:

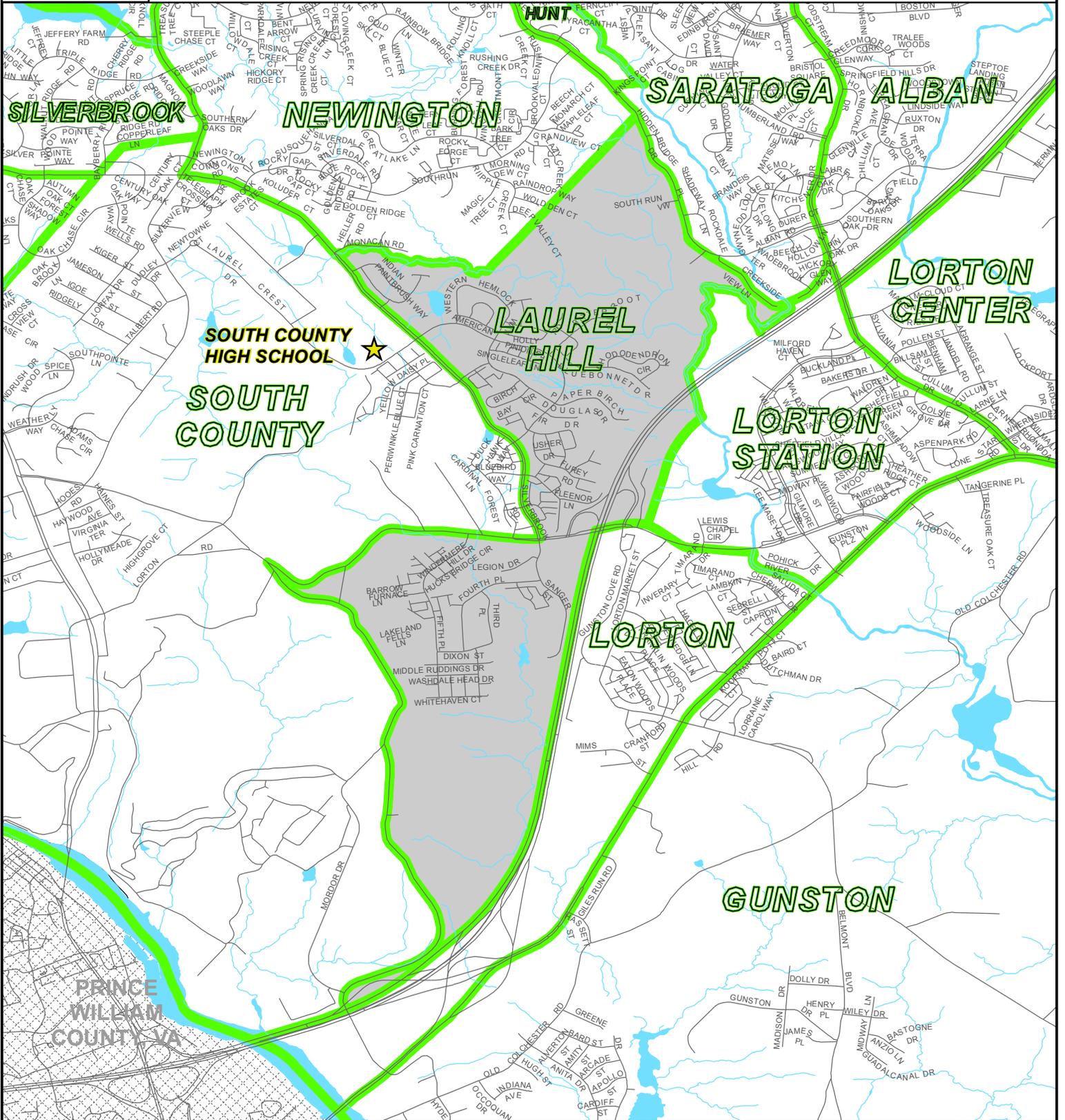
Beginning at the intersection of Silverbrook Road and Silverbrook Run (stream), thence with the meanders of Silverbrook Run in an easterly direction to its intersection with Rocky Branch (stream), thence with the meanders of Rocky Branch in an easterly direction to its intersection with the northwestern boundary of the Fairfax County Park Authority property, thence with the boundary of the Fairfax County Park Authority property in a northeasterly direction to its intersection with Pohick Road, thence with Pohick Road in a southeasterly direction to its intersection with Creekside View Lane, thence with Creekside View Lane in a southeasterly direction and a right-angle projection of Creekside View Lane in a southwesterly direction to its intersection with Pohick Creek, thence with the meanders of Pohick Creek in a northwesterly, then southerly direction to its intersection with the Richmond Fredericksburg and Potomac Railroad, thence with the Richmond Fredericksburg and Potomac Railroad in a southerly direction to its intersection with Lorton Road, thence with Lorton Road in an southwesterly direction to its intersection with the Shirley Memorial Highway (I-95), thence with the Shirley Memorial Highway in a southerly, then southwesterly direction to its intersection with Furnace Road, thence with Furnace Road in a generally northerly direction to its intersection with Lorton Road, thence with Lorton Road in an easterly direction to its intersection with Silverbrook Road, thence with Silverbrook Road in a northwesterly direction to its intersection with the north boundary of the Fairfax County Park Authority property, point of beginning.

POLLING PLACE: South County ~~High~~ Secondary School
8501 Silverbrook Road, Lorton

MAP GRIDS: 98-3, 98-4, 107-1, 107-2, 107-3, 107-4, 113-1, 113-2, 113-3

NOTES: Established March 2006
Precinct divided – January 2009
School name updated – July 2012

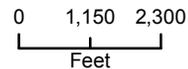
Commonwealth of Virginia
County of Fairfax
 Mount Vernon District



Precinct: 628 LAUREL HILL

Polling Place: South County High School

- █ Fairfax County Voting Precincts
- █ Featured Precinct Polling Place
- Roadway Centerlines
- Water Features
- ☐ Other Jurisdictions



(g8y) 2012

Commonwealth of Virginia
COUNTY OF FAIRFAX
Mount Vernon District

PRECINCT 629: SOUTH COUNTY

CONGRESSIONAL DISTRICT: ELEVENTH
VIRGINIA SENATORIAL DISTRICT: THIRTY-NINTH
HOUSE OF DELEGATES DISTRICT: FORTY-SECOND

DESCRIPTION:

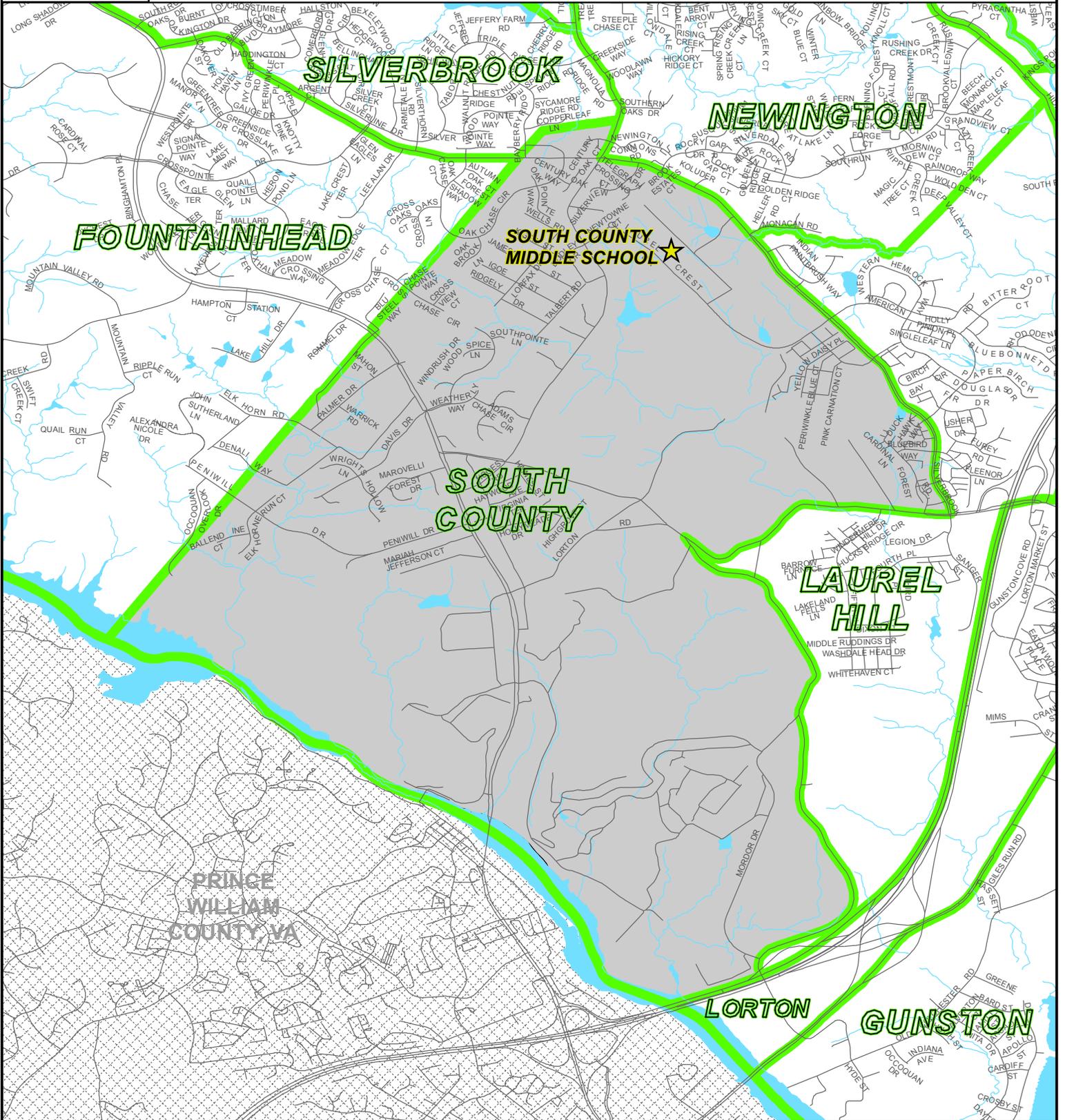
Beginning at the intersection of the Virginia Power Easement and Hooes Road, thence with Hooes Road in a southerly direction to its intersection with Silverbrook Road, thence with Silverbrook Road in a southeasterly direction to its intersection with Lorton Road, thence with Lorton Road in a westerly direction to its intersection with Furnace Road, thence with Furnace Road in a generally southerly direction to its intersection with the Shirley Memorial Highway (I-95), thence with the Shirley Memorial Highway in a southwesterly direction to its intersection with the Prince William County/Fairfax County Line (Occoquan River), thence with the Prince William County/Fairfax County Line in a northwesterly direction to its intersection with the Virginia Power Easement, thence with the Virginia Power Easement in a northeasterly direction to its intersection with Hooes Road, point of beginning.

POLLING PLACE: South County ~~Middle Secondary~~ School
8700 Laurel Crest Drive, ~~8501 Silverbrook Road~~ Lorton

MAP GRIDS: 97-4, 98-3, 106-1, 106-2, 106-3, 106-4, 107-1, 107-2, 107-3, 107-4, 112-1, 112-2, 112-4, 113-1, 113-3

NOTES: Established January 2009
Polling place moved to new school – July 2012

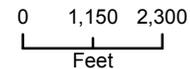
Commonwealth of Virginia
County of Fairfax
 Mount Vernon District



Precinct: 629 SOUTH COUNTY

Polling Place: South County Middle School

- █ Fairfax County Voting Precincts
- Roadway Centerlines
- Other Jurisdictions
- ★ Featured Precinct Polling Place
- Water Features



(100) 2012

Commonwealth of Virginia
COUNTY OF FAIRFAX
Providence District

PRECINCT 705: GRAHAM-GREENWAY

CONGRESSIONAL DISTRICT: EIGHTH
VIRGINIA SENATORIAL DISTRICT: THIRTY-FIFTH
HOUSE OF DELEGATES DISTRICT: FIFTY-THIRD

DESCRIPTION:

Beginning at the intersection of Stuart Drive and Lee Highway (Route 29), thence with Lee Highway in a northeasterly direction to its intersection with the south corporate boundary of the City of Falls Church, thence with the corporate boundary of the City of Falls Church in an easterly direction to its intersection with Tripps Run (stream), thence with the meanders of Tripps Run in a southerly direction to its intersection with Chestnut Avenue, thence with Chestnut Avenue in a westerly direction to its intersection with Summerfield Road, thence with Summerfield Road in a southerly direction to its intersection with Arlington Boulevard (Route 50), thence with Arlington Boulevard in a southwesterly direction to its intersection with Allen Street, thence with Allen Street in a northerly, then westerly direction to its intersection with Rogers Drive, thence with Rogers Drive in a northeasterly direction to its intersection with Elmwood Drive, thence with Elmwood Drive in a northeasterly direction to its intersection with Stuart Drive, thence with Stuart Drive in a northerly direction to its intersection with Lee Highway, point of beginning.

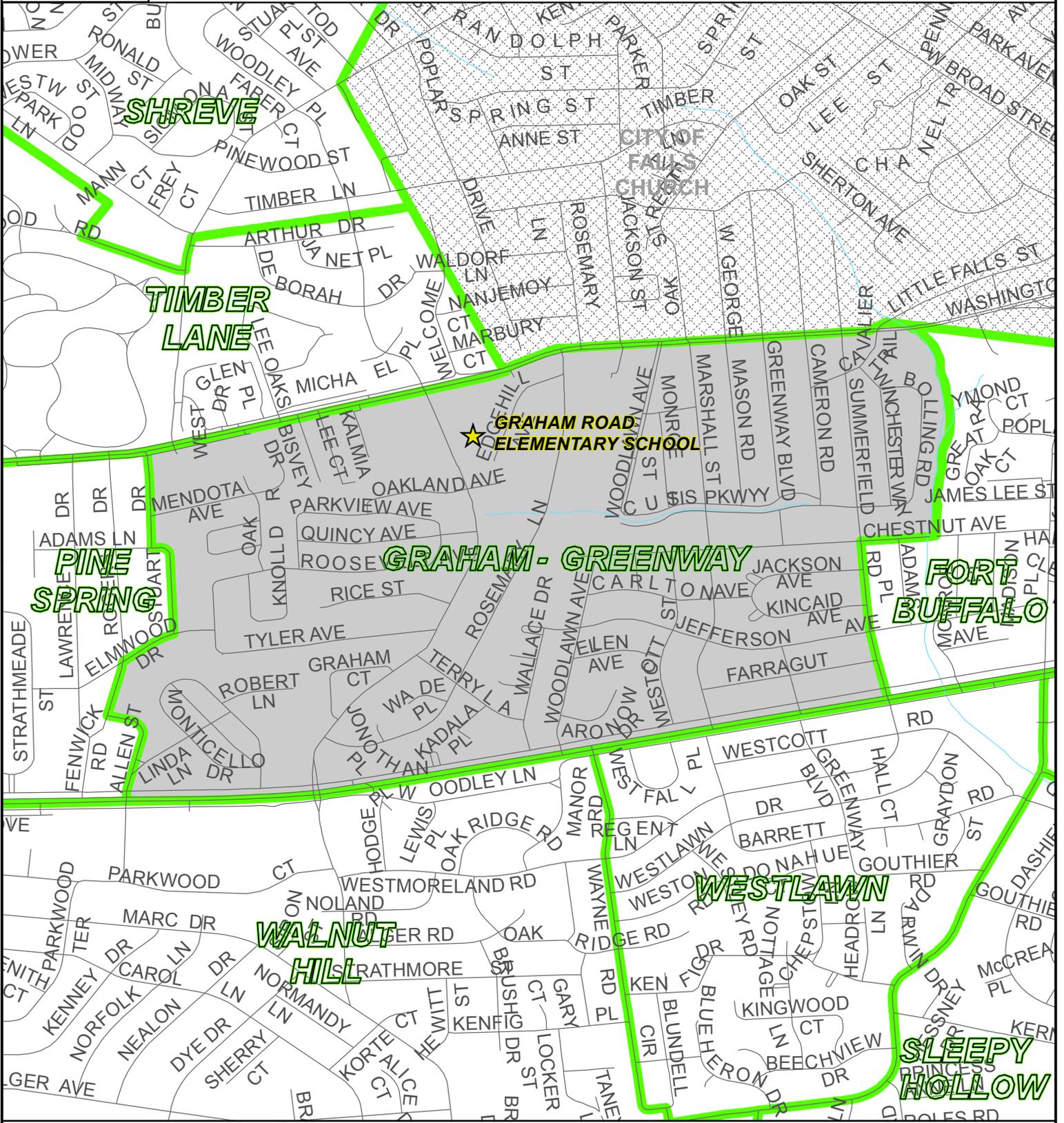
POLLING PLACE: [New] Graham Road Elementary School
2831 Graham Road ~~3036 Graham Road~~, Falls Church

MAP GRIDS: 50-1, 50-2, 50-3, 50-4

NOTES: Adopted July 1981
 Precinct description revised and readopted – March 2003
 Precinct consolidated with Greenway and polling place moved to new school
 – July 2012



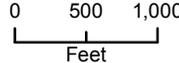
Commonwealth of Virginia
County of Fairfax
 Providence District



Precinct: 705 GRAHAM - GREENWAY

Polling Place: Graham Road Elementary School

- █ Fairfax County Voting Precincts
- █ Roadway Centerlines
- Other Jurisdictions
- ★ Featured Precinct Polling Place
- Water Features



Commonwealth of Virginia
COUNTY OF FAIRFAX
Providence District

PRECINCT 726: MAGARITY

CONGRESSIONAL DISTRICT: EIGHTH / ~~ELEVENTH~~
VIRGINIA SENATORIAL DISTRICT: THIRTY-SECOND
HOUSE OF DELEGATES DISTRICT: THIRTY-FIFTH

DESCRIPTION:

Beginning at the intersection of the Capital Beltway (I-495) and the Washington Dulles Access and Toll Road, thence with the Washington Dulles Access and Toll Road in a southeasterly direction to its intersection with Magarity Road, thence with Magarity Road in a generally southwesterly direction to its intersection with Leesburg Pike (Route 7) at Lisle Avenue, thence with Leesburg Pike in a northwesterly direction to its intersection with Chain Bridge Road (Route 123), ~~thence with Chain Bridge Road in a northeasterly direction to its intersection with~~ the Capital Beltway, thence with the Capital Beltway in a northeasterly direction to its intersection with the Washington Dulles Access and Toll Road, point of beginning.

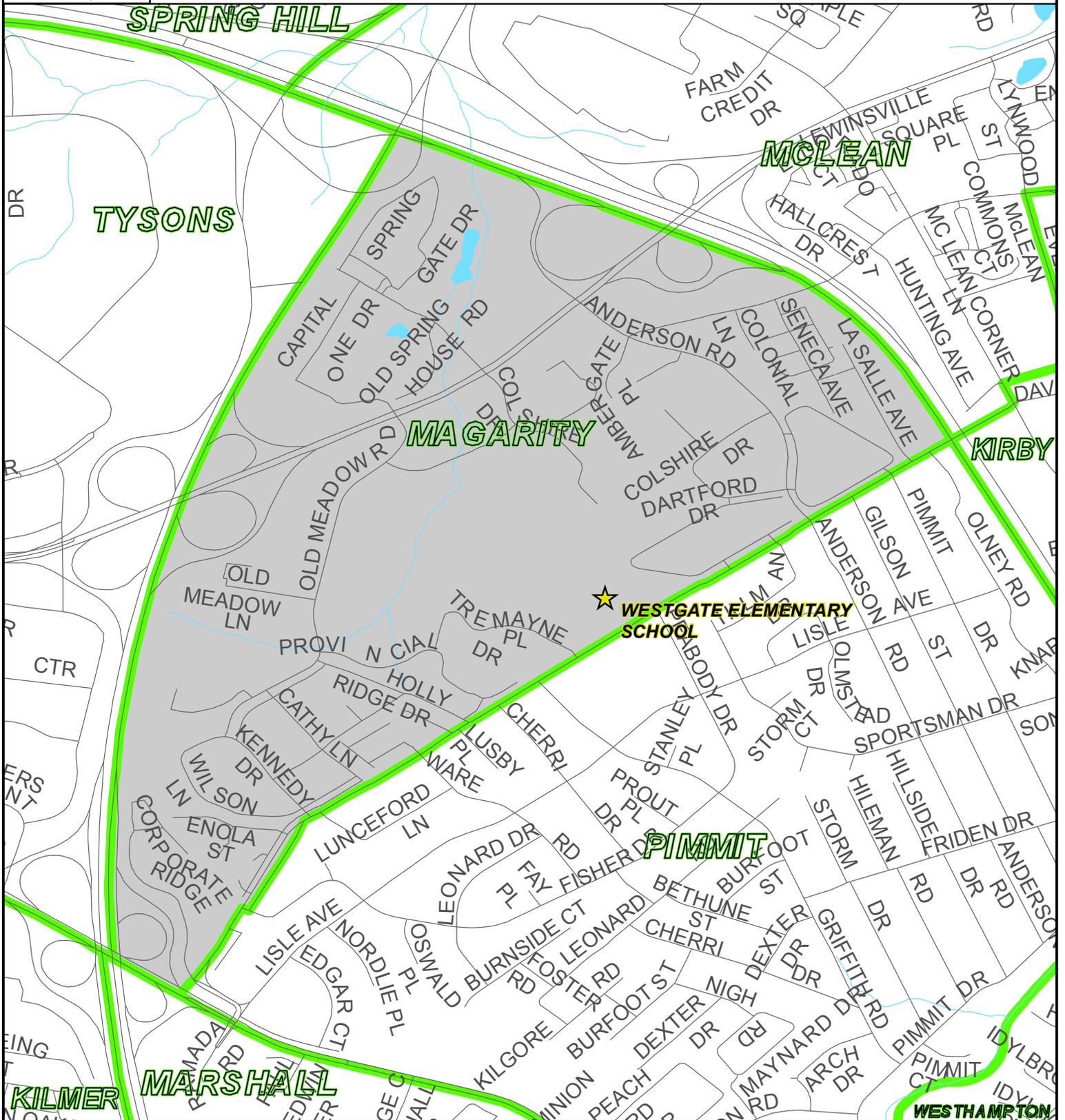
POLLING PLACE: Westgate Elementary School
 7500 Magarity Road, Falls Church

MAP GRIDS: 29-4, 30-3, 39-2

NOTES: Adopted February 1982
 Precinct description revised and readopted – March 2003
 Boundary adjusted to conform to Congressional District line – July 2012



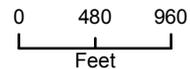
Commonwealth of Virginia
County of Fairfax
 Providence District



Precinct: 726 MAGARITY

Polling Place: *Westgate Elementary School*

- Fairfax County Voting Precincts
- Roadway Centerlines
- Other Jurisdictions
- ★ Featured Precinct Polling Place
- Water Features



Commonwealth of Virginia
COUNTY OF FAIRFAX
Providence District

PRECINCT 731: TYSONS

CONGRESSIONAL DISTRICT: ELEVENTH
VIRGINIA SENATORIAL DISTRICT: THIRTY-SECOND
HOUSE OF DELEGATES DISTRICT: THIRTY-FIFTH

DESCRIPTION:

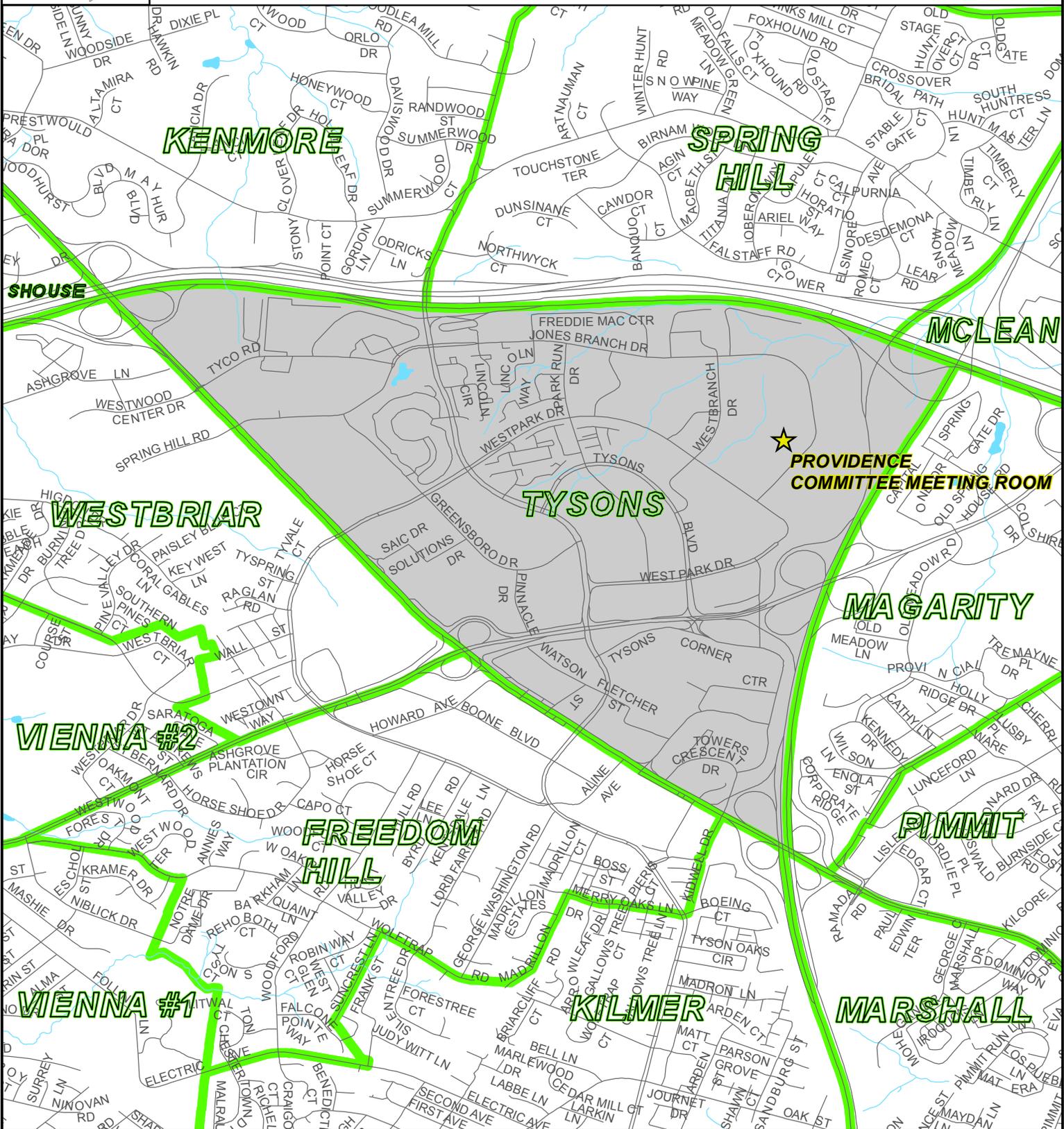
Beginning at the intersection of Leesburg Pike (Route 7) and the Washington Dulles Access and Toll Road, thence with the Washington Dulles Access and Toll Road in an easterly direction to its intersection with the Capital Beltway (I-495), thence with the Capital Beltway in a southwesterly direction to its intersection with ~~Chain Bridge Road (Route 123)~~, thence ~~with Chain Bridge Road in a southwesterly direction to its intersection with~~ Leesburg Pike, thence with Leesburg Pike in a northwesterly direction to its intersection with the Washington Dulles Access and Toll Road, point of beginning.

POLLING PLACE: Providence Committee Meeting Room
7921 Jones Branch Drive, McLean

MAP GRIDS: 29-1, 29-2, 29-3, 29-4, 39-2

NOTES: Adopted June 1991
Precinct description revised and readopted – March 2003
Polling place moved – July 2011
Boundary adjusted to conform to Congressional District line – July 2012

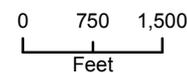
Commonwealth of Virginia
County of Fairfax
 Providence District



Precinct: 731 TYSONS

Polling Place: Providence Committee Meeting Room

- █ Fairfax County Voting Precincts
- █ Other Jurisdictions
- Roadway Centerlines
- Water Features
- ★ Featured Precinct Polling Place



Commonwealth of Virginia
COUNTY OF FAIRFAX
Springfield District

PRECINCT 806: ~~HUNT~~-SYDENSTRICKER

CONGRESSIONAL DISTRICT: ELEVENTH
VIRGINIA SENATORIAL DISTRICT: THIRTY-NINTH
HOUSE OF DELEGATES DISTRICT: FORTY-SECOND

DESCRIPTION:

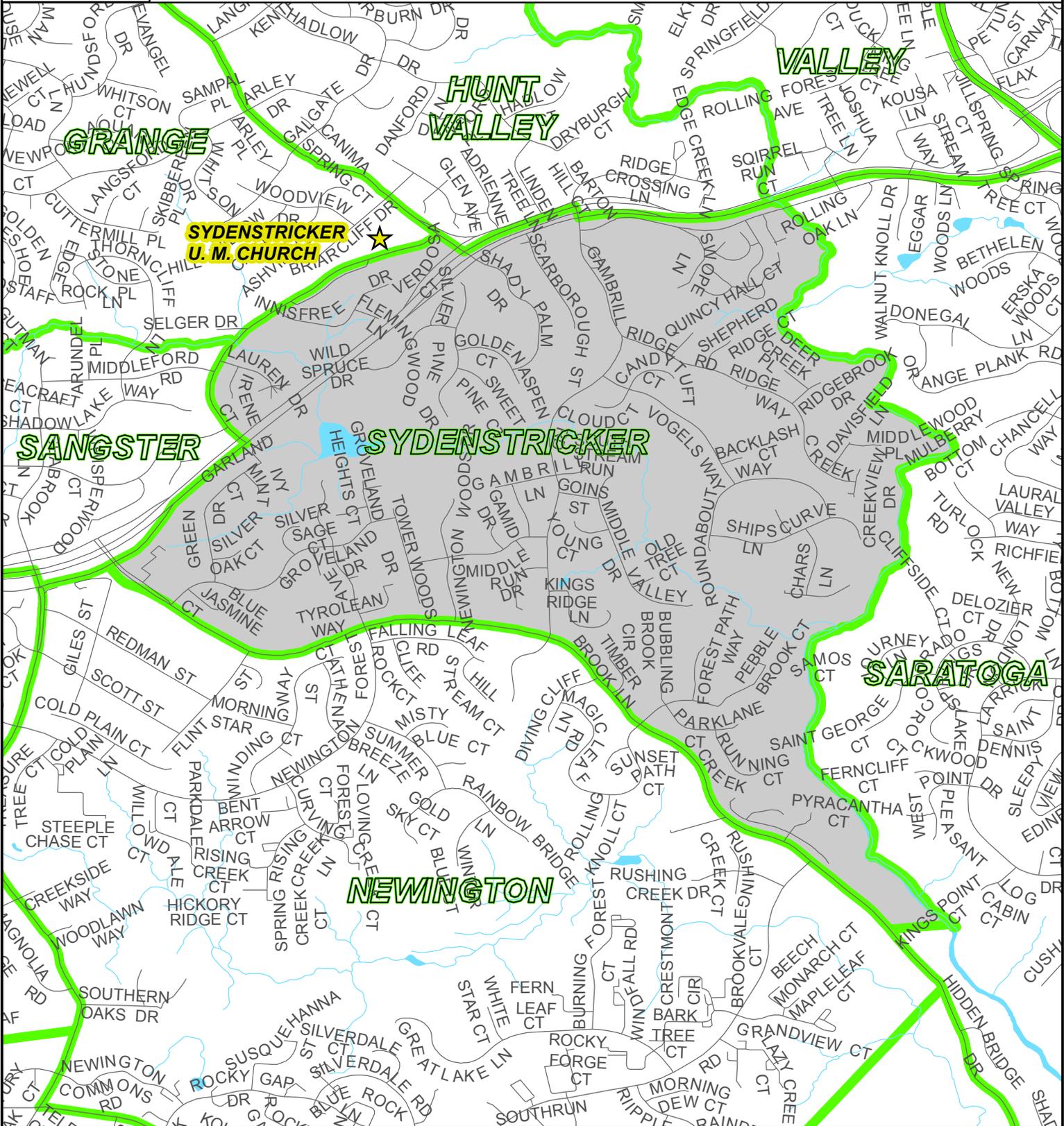
Beginning at the intersection of Sydenstricker Road and Kentford Drive, thence with Kentford Drive in a northeasterly direction to its intersection with Hadlow Drive, thence with Hadlow Drive in a southeasterly direction to its intersection with Linden Tree Lane, thence with Linden Tree Lane in a southerly direction to its intersection with the Fairfax County Parkway (Route 7100), thence with the Fairfax County Parkway in an easterly direction to its intersection with Pohick Creek, thence with the meanders of Pohick Creek in a southerly direction to its intersection with the Virginia Power Easement, thence with the Virginia Power Easement in a westerly direction to its intersection with Pohick Road, thence with Pohick Road in a northwesterly direction to its intersection with the Fairfax County Parkway, thence with the Fairfax County Parkway in a northeasterly direction to its intersection with Hooes Road, thence with Hooes Road in a generally northeasterly direction to its intersection with Sydenstricker Road, thence with Sydenstricker Road in a northwesterly direction to its intersection with Kentford Drive, point of beginning.

POLLING PLACE: Sydenstricker United Methodist Church
~~Hunt Valley Elementary School~~
8508 Hooes Road ~~7107 Sydenstricker Road~~, Springfield

MAP GRIDS: 89-3, 89-4, 98-1, 98-2, 98-4

NOTES: Adopted June 1991
 Moved from Springfield District to Mount Vernon District-2001 Redistricting
 Precinct description revised and readopted – March 2003
 Precinct moved from Mount Vernon to Springfield District – April 2011
 Polling place moved – July 2012

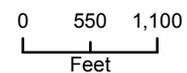
Commonwealth of Virginia
County of Fairfax
 Springfield District



Precinct: 806 SYDENSTRICKER

Polling Place: Sydenstricker United Methodist Church

- █ Fairfax County Voting Precincts
- Roadway Centerlines
- Other Jurisdictions
- ★ Featured Precinct Polling Place
- Water Features



Commonwealth of Virginia
COUNTY OF FAIRFAX
Springfield District

PRECINCT 802: CEDAR LAKE

CONGRESSIONAL DISTRICT: TENTH
VIRGINIA SENATORIAL DISTRICT: THIRTY-SEVENTH
HOUSE OF DELEGATES DISTRICT: THIRTY-FIFTH

DESCRIPTION:

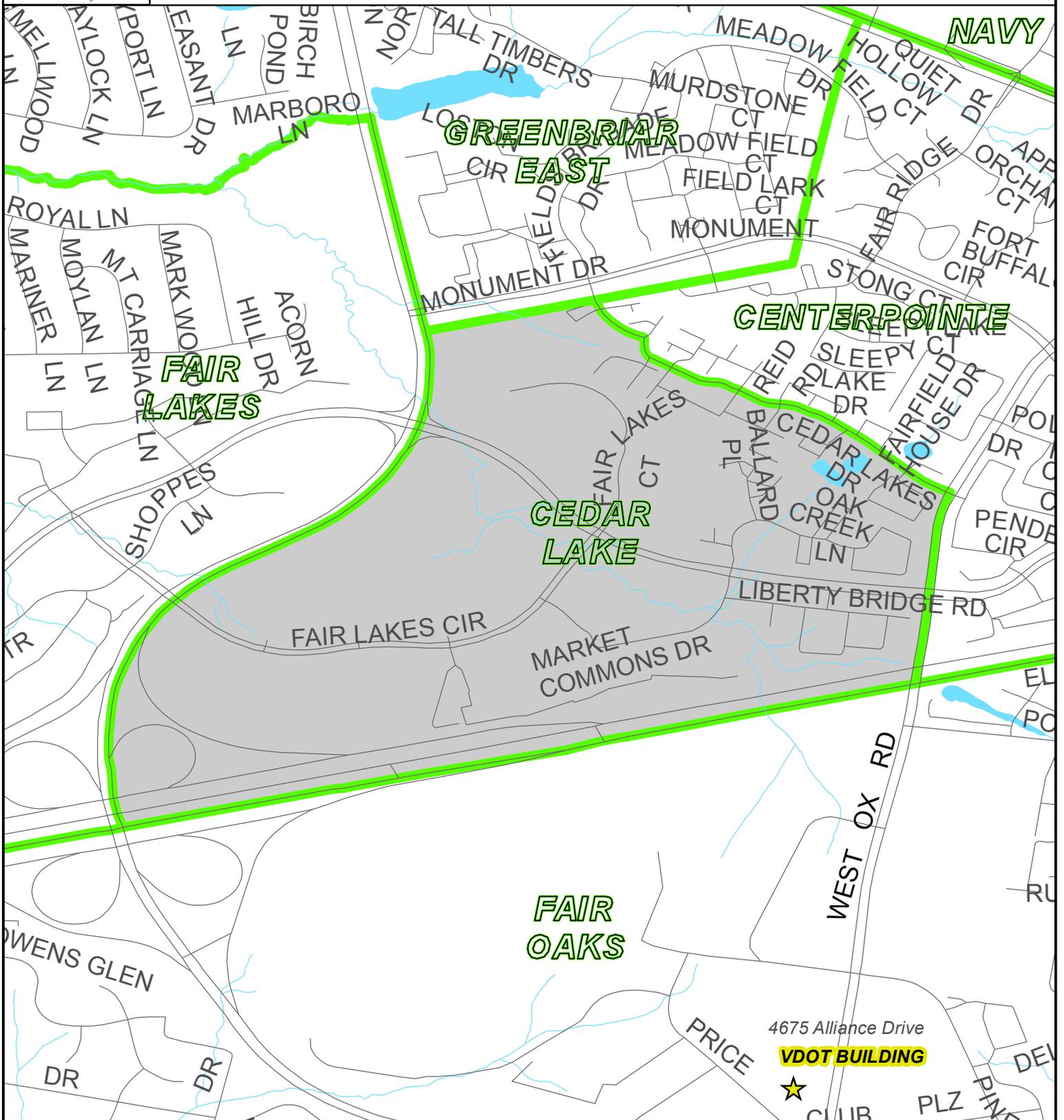
Beginning at the intersection of the Fairfax County Parkway (Route 7100) and the Virginia Power Easement (adjacent to Monument Drive,) thence with the Virginia Power Easement in a northwesterly direction to its intersection with Fields Brigade Road, thence with Fields Brigade Road in a southeasterly direction to its intersection with Cedar Lakes Drive, thence with Cedar Lakes Drive in a south easterly direction to its intersection with West Ox Road, thence with West Ox Road in a southerly direction to its intersection with Interstate 66, thence with Interstate 66 in a southwesterly direction to its intersection with the Fairfax County Parkway (Route 7100), thence with the Fairfax County Parkway in a generally northeasterly direction to its intersection with the Virginia Power Easement, point of beginning.

POLLING PLACE: Virginia Department of Transportation (VDOT) Building
~~Centerpointe Church at Fair Oaks~~
4975 Alliance Drive ~~4104 Legato Road~~, Fairfax

MAP GRIDS: 45-4, 46-3, 46-4, 55-2, 56-1, 56-2

NOTES: Adopted July 2011
Polling place moved – July 2012

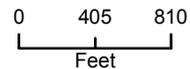
Commonwealth of Virginia
County of Fairfax
Springfield District



Precinct: 802 CEDAR LAKE

Polling Place: VDOT Building

- Fairfax County Voting Precincts
- Roadway Centerlines
- Other Jurisdictions
- Featured Precinct Polling Place
- Water Features



(11/10) 2012

Commonwealth of Virginia
COUNTY OF FAIRFAX
Springfield District

PRECINCT 801: BURKE

CONGRESSIONAL DISTRICT: ELEVENTH
VIRGINIA SENATORIAL DISTRICT: THIRTY-SEVENTH
HOUSE OF DELEGATES DISTRICT: FORTY-FIRST

DESCRIPTION:

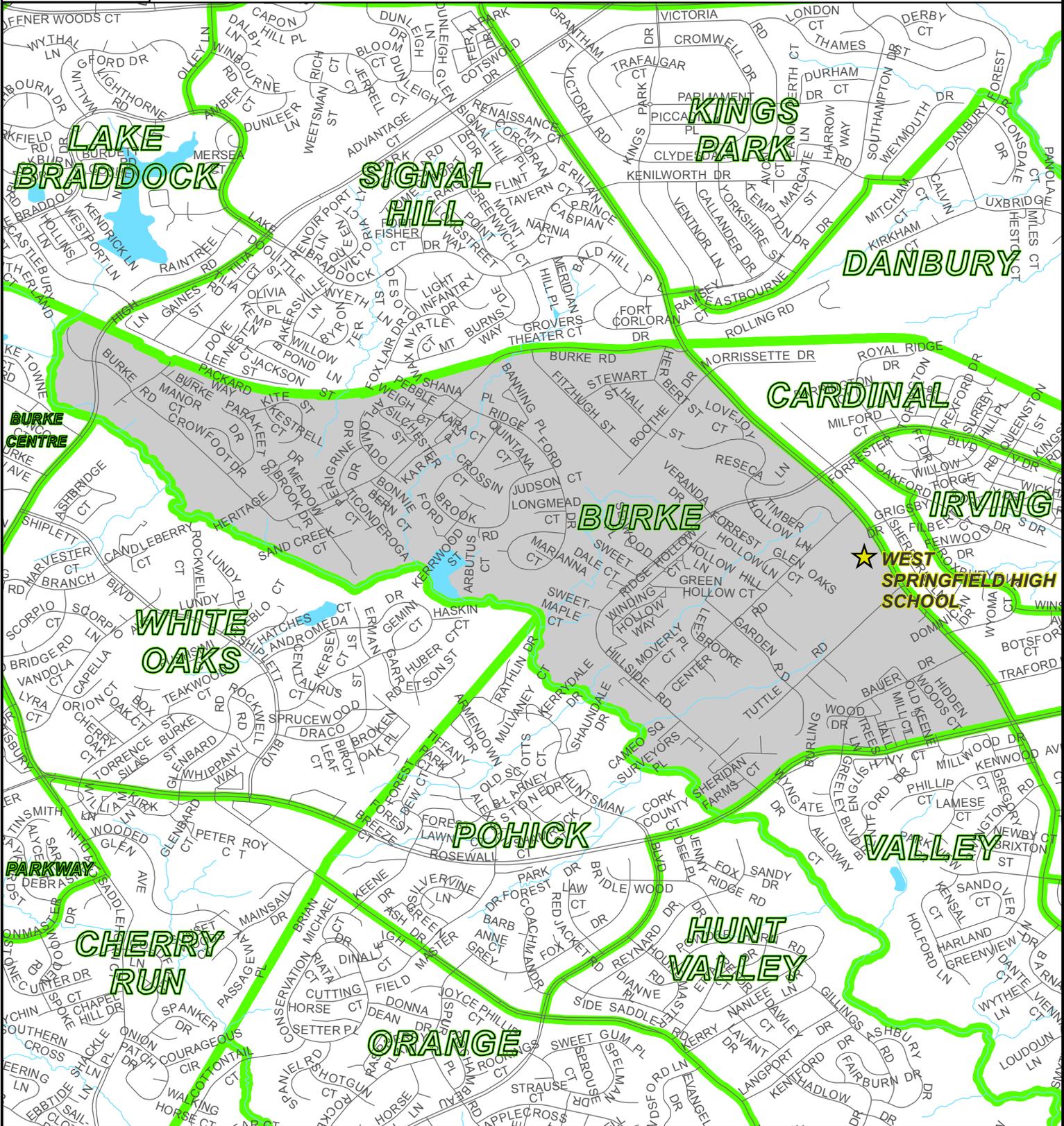
Beginning at the intersection of an unnamed stream on the northwest side of the Burke Village Center ~~Pohick Creek~~ and the Norfolk Southern Railroad, thence with the Norfolk Southern Railroad in an easterly direction to its intersection with Rolling Road, thence with Rolling Road in a southeasterly direction to its intersection with Old Keene Mill Road, thence with Old Keene Mill Road in a southwesterly direction to its intersection with Pohick Creek, thence with the meanders of Pohick Creek in a northwesterly direction to its intersection with an unnamed stream on the northwest side of the Burke Village Center, thence with the meanders of the unnamed stream in a northerly direction to its intersection with the Norfolk Southern Railroad, point of beginning.

POLLING PLACE: West Springfield High School
 6100 Rolling Road, Springfield

MAP GRIDS: 78-1, 78-2, 78-3, 78-4, 79-1, 79-3, 89-1

NOTES: Adopted July 1981
 Precinct description revised and readopted – March 2003
 Precinct description corrected and readopted – July 2012

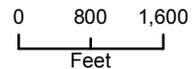
Commonwealth of Virginia County of Fairfax Springfield District



Precinct: 801 BURKE

Polling Place: West Springfield High School

- █ Fairfax County Voting Precincts
- Roadway Centerlines
- Other Jurisdictions
- ★ Featured Precinct Polling Place
- Water Features



September, 2011

Commonwealth of Virginia
COUNTY OF FAIRFAX
Sully District

PRECINCT 901: CENTRE RIDGE

CONGRESSIONAL DISTRICT: ELEVENTH
VIRGINIA SENATORIAL DISTRICT: THIRTY-SEVENTH
HOUSE OF DELEGATES DISTRICT: FORTIETH

DESCRIPTION:

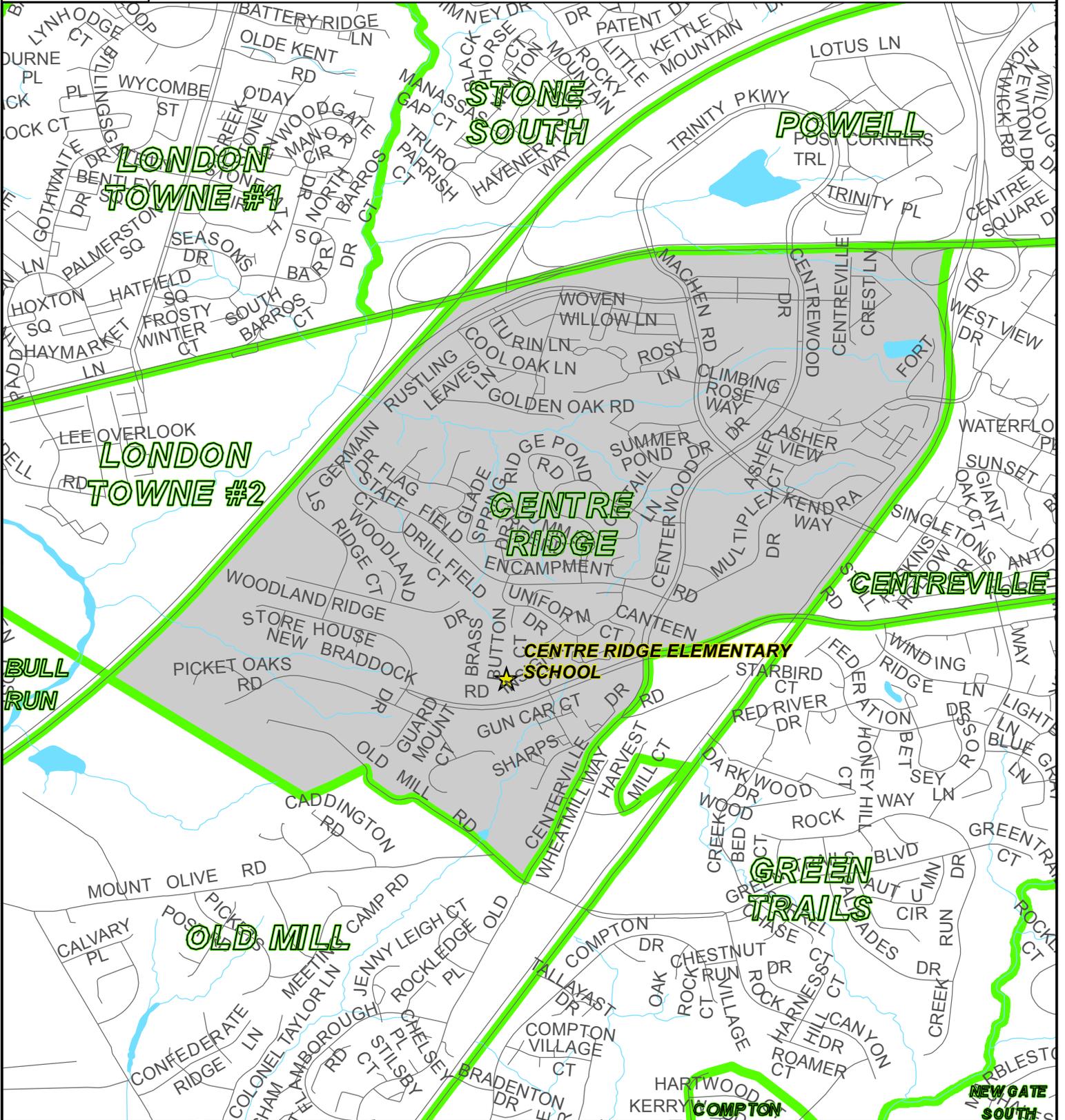
Beginning at the intersection of Interstate 66 and Lee Highway (Route 29), thence with Lee Highway in an easterly direction to its intersection with Centreville Road, thence with Centreville Road in a generally southwesterly direction to its intersection with New Braddock Road, thence with New Braddock Road in a westerly direction to its intersection with Machen Road, thence with Machen Road in a southerly direction to its intersection with Centrewood Drive, thence with Centrewood Drive in a southwesterly direction to its intersection with Old Centreville Road, thence with Old Centreville Road in a southwesterly direction to its intersection with Old Mill Road, thence with Old Mill Road in a northwesterly direction to its intersection with the Colonial Pipe Line Company Easement, thence with the Colonial Pipe Line Company Easement in a southwesterly direction to its intersection with the Virginia Power Easement, thence with the Virginia Power Easement in a northwesterly direction to its intersection with Interstate 66, thence with Interstate 66 in northwesterly direction to its intersection with Lee Highway, point of beginning.

POLLING PLACE: Centre Ridge Elementary School
14400 New Braddock Road, Centreville

MAP GRIDS: 54-3, 54-4, 65-1, 65-2

NOTES: Adopted - May 1993
Boundary adjusted - August 2001
Precinct description revised and readopted – March 2003
Boundary adjusted – July 2012

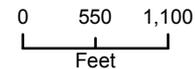
Commonwealth of Virginia
County of Fairfax
 Sully District



Precinct: 901 CENTRE RIDGE

Polling Place: *Centre Ridge Elementary School*

- █ Fairfax County Voting Precincts
- Roadway Centerlines
- Other Jurisdictions
- ★ Featured Precinct Polling Place
- Water Features



(114) 2012

Commonwealth of Virginia
COUNTY OF FAIRFAX
Sully District

PRECINCT 919: GREEN TRAILS

CONGRESSIONAL DISTRICT: ELEVENTH
VIRGINIA SENATORIAL DISTRICT: THIRTY-SEVENTH
HOUSE OF DELEGATES DISTRICT: FORTIETH

DESCRIPTION:

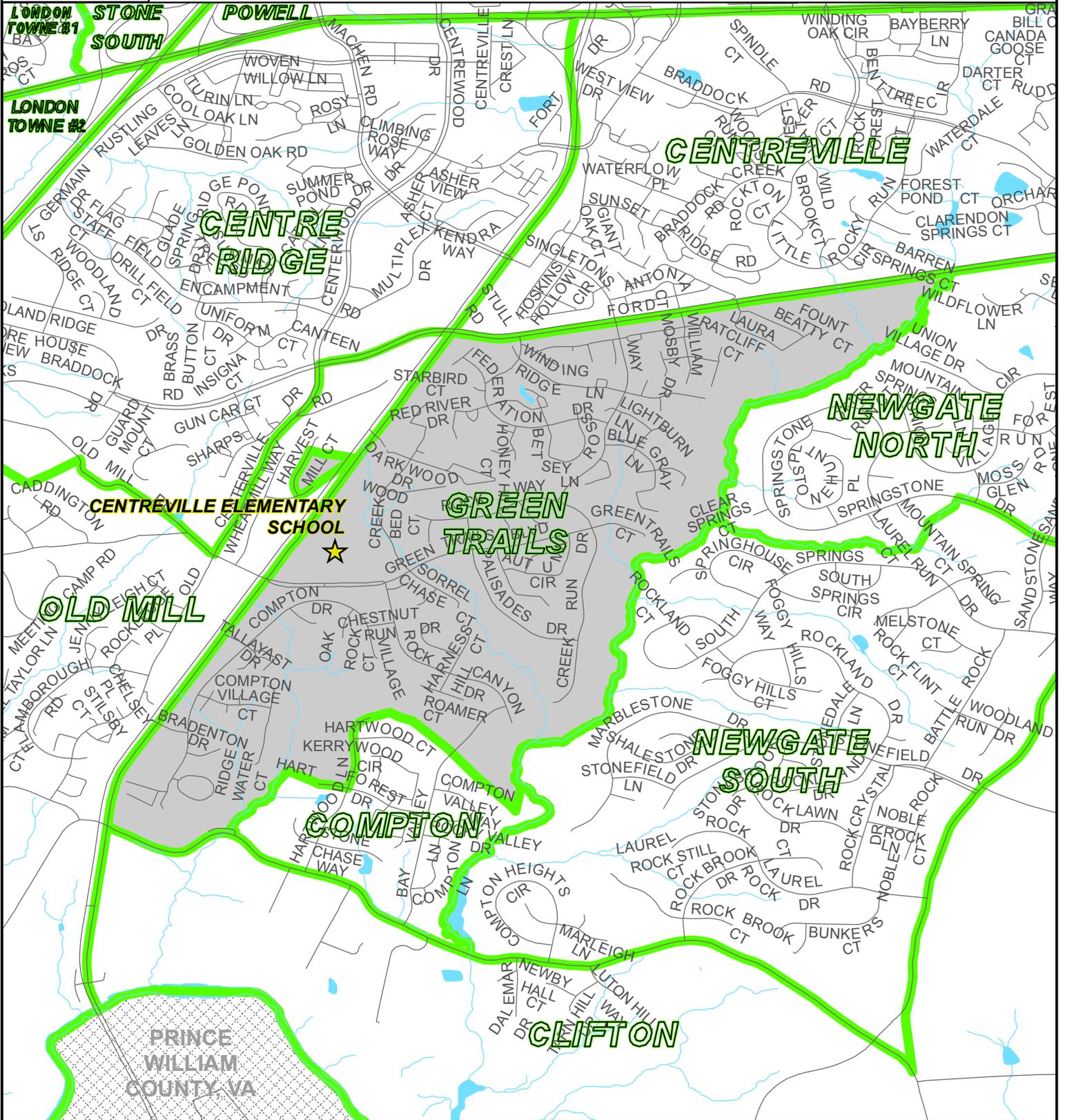
Beginning at the intersection of Centreville Road (Route 28) and New Braddock Road, thence with New Braddock Road in an easterly direction to its intersection with Little Rocky Run (stream), thence with the meanders of Little Rocky Run in a generally southwesterly direction to its intersection with the Virginia Power Easement, the Virginia Power Easement in a southerly direction to its intersection with the Virginia Power and Columbia Liquefied Natural Gas Easement, thence with the Virginia Power and Columbia Liquefied Natural Gas Easement in a northwesterly direction to its intersection with a projection of Hartwood Lane along a pathway between residences numbered 6700 and 6701, thence with this projection and Hartwood Lane in a southerly direction to its intersection with Hart Forest Drive, thence with Hart Forest Drive and a projection of Hart Forest Drive along the pipe-stem between residences numbered 14258 and 14259 in a westerly direction to its intersection with an unnamed stream, thence with the meanders of the unnamed stream in a southwesterly direction to its intersection with Compton Road, thence with Compton Road in a northwesterly direction to its intersection with Centreville Road, thence with Centreville Road in a northeasterly direction to its intersection with a projection of Grainery Road, thence with this projection and Grainery Road in a southwesterly direct to its intersection with Harvest Mill Court, thence with Harvest Mill Court in a generally northerly direction to its intersection with a pipe-stem driveway, thence with the pipe-stem driveway and a projection of the driveway between residences numbered 6513 and 6515 in an easterly direction to its intersection with Centreville Road, thence with Centreville Road in a northeasterly direction to its intersection with New Braddock Road, point of beginning.

POLLING PLACE: Centreville Elementary School
14330 Green Trails Boulevard, Centreville

MAP GRIDS: 65-1, 65-2, 65-3, 65-4

NOTES: Adopted May 1993
Precinct description revised and readopted – March 2003
Precinct divided – July 2011
Boundary adjusted – July 2012

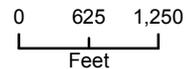
Commonwealth of Virginia
County of Fairfax
Sully District



Precinct: 919 GREEN TRAILS

Polling Place: Centreville Elementary School

- Fairfax County Voting Precincts
- Roadway Centerlines
- Other Jurisdictions
- Featured Precinct Polling Place
- Water Features



(11/16) 2012

Commonwealth of Virginia
COUNTY OF FAIRFAX
Sully District

PRECINCT 925: OLD MILL

CONGRESSIONAL DISTRICT: TENTH /~~ELEVENTH~~
VIRGINIA SENATORIAL DISTRICT: THIRTY-SEVENTH
HOUSE OF DELEGATES DISTRICT: FORTIETH

DESCRIPTION:

Beginning at the intersection Old Centreville Road and New Braddock Road, thence with New Braddock Road in an easterly direction of Machen Road and Lee Highway (Route 29), ~~thence with Lee Highway in an easterly direction~~ to its intersection with Centreville Road (Route 28), thence with Centreville Road (Route 28) in a southwesterly direction to its intersection with a projection of a pipe-stem driveway from Harvest Mill Court, thence with this projection and the pipe-stem driveway in an westerly direction between residences numbered 6513 and 6515 to its intersection with Harvest Mill Court, thence with Harvest Mill Court in a generally southerly direction to its intersection with Grainery Road, thence with Grainery and a projection of Grainery Road in a northeasterly direction to its intersection with Centerville Road, thence with Centerville Road in a southwesterly direction to its intersection with the Prince William County/Fairfax County Line (Bull Run), thence with the Prince William County/Fairfax County Line in a southerly, then westerly direction to its intersection with Cub Run (stream), thence with the meanders of Cub Run in a generally northwesterly direction to its intersection with Interstate 66, thence with Interstate 66 in a northeasterly direction to its intersection with the Virginia Power Easement, thence with the Virginia Power Easement in a southeasterly direction to its intersection with the Colonial Pipe Line Company Easement, thence with the Colonial Pipe Line Company Easement in a northeasterly direction to its intersection with Old Mill Road, thence with Old Mill Road in a southeasterly direction to its intersection with Old Centreville Road, thence with Old Centreville Road in a northeasterly direction to its intersection with ~~Centrewood Drive~~, ~~thence with Centrewood Drive in a northerly direction to its intersection with Machen Road~~, ~~thence with Machen Road in a northwesterly direction to its intersection with Lee Highway~~ New Braddock Road, point of beginning.

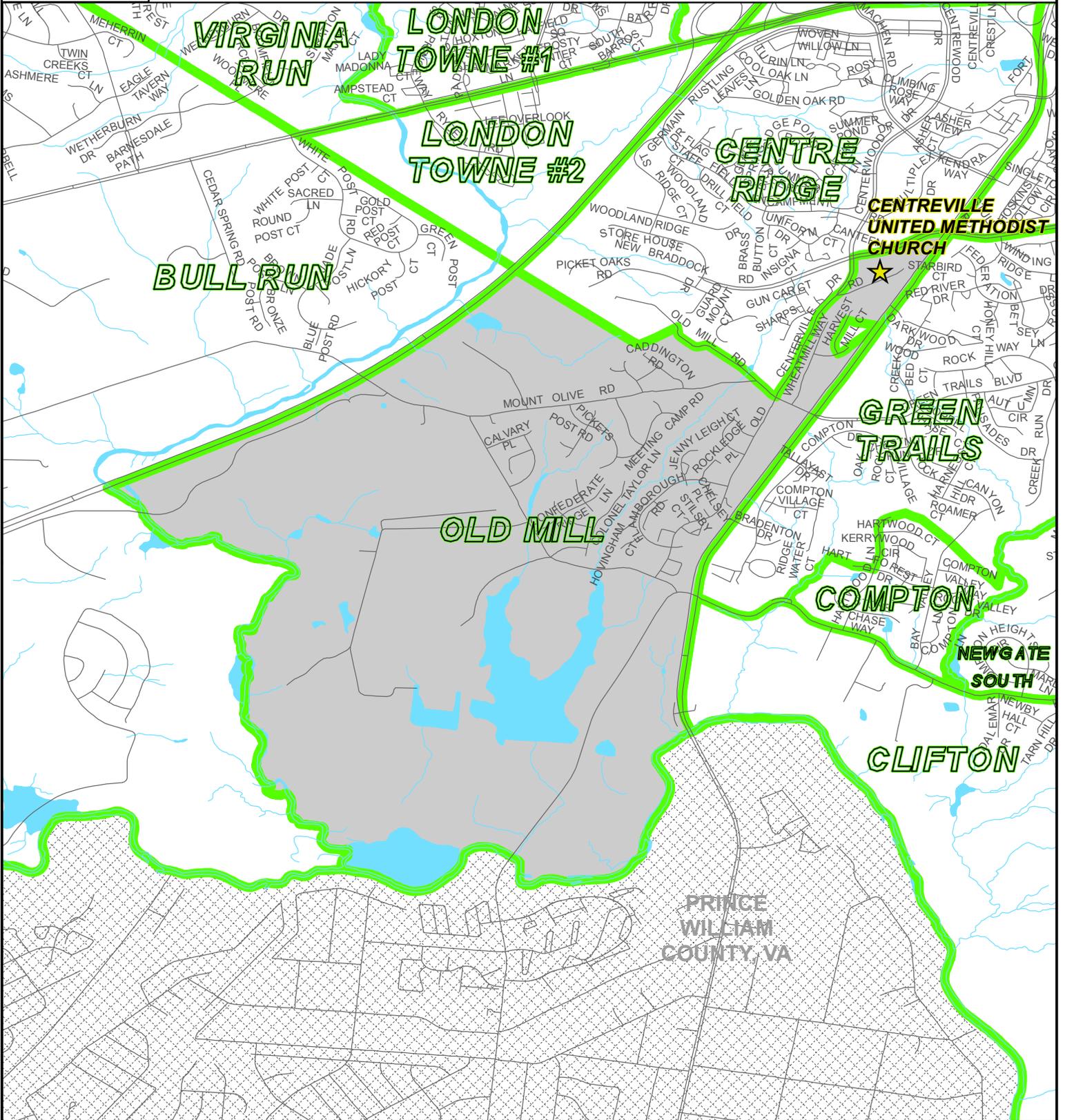
POLLING PLACE: Centreville United Methodist Church
6400 Old Centreville Road, Centreville

MAP GRIDS: 64-2, 64-4, 65-1, 65-3, 73-2, 74-1

NOTES: Adopted August 2001
Precinct description revised and readopted – March 2003
Boundary adjusted – July 2012



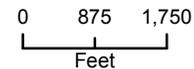
Commonwealth of Virginia County of Fairfax Sully District



Precinct: 925 OLD MILL

Polling Place: Centreville United Methodist Church

- ▬ Fairfax County Voting Precincts
- ▬ Roadway Centerlines
- Other Jurisdictions
- ★ Featured Precinct Polling Place
- Water Features



(11/8) 2012

Board Agenda Item
June 19, 2012

ADMINISTRATIVE - 9

Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Lorton Road Improvements (Mount Vernon District)

ISSUE:

Board authorization to advertise a public hearing on the acquisition of certain land rights necessary for the construction of Project 4YP213, also known as 5G25-053-000, Lorton Road, Fund 304, Transportation Improvements.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for July 31, 2012, commencing at 4:00 p.m.

TIMING:

Board action is requested on June 19, 2012, to provide sufficient time to advertise the proposed public hearing on the acquisition of certain land rights necessary to keep this project on schedule.

BACKGROUND:

The County is planning to widen Lorton Road from Route 123/Ox Road to Silverbrook Road and Furnace Road from Route 123/Ox Road to Lorton Road to a four-lane divided section. The project includes a shared use path; on-road bike lanes, 5-foot wide concrete sidewalks, low impact development, storm water management, improved horizontal and vertical alignment, and a wide center median in the Laurel Hill area.

Land rights for these improvements are required on 35 properties. The construction of the project requires the acquisition of Dedications for public street purposes and storm drainage, sight distance, flood plain and storm drainage, access, landscaping, retaining wall, sanitary sewer, detention pond and storm drainage, temporary access, grading agreement and temporary construction, Dominion Virginia Power, Verizon, Cox Communications, Dominion Transmission, AT&T, Washington Gas, and Fairfax Water easements.

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.

Board Agenda Item
June 19, 2012

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.

FISCAL IMPACT:

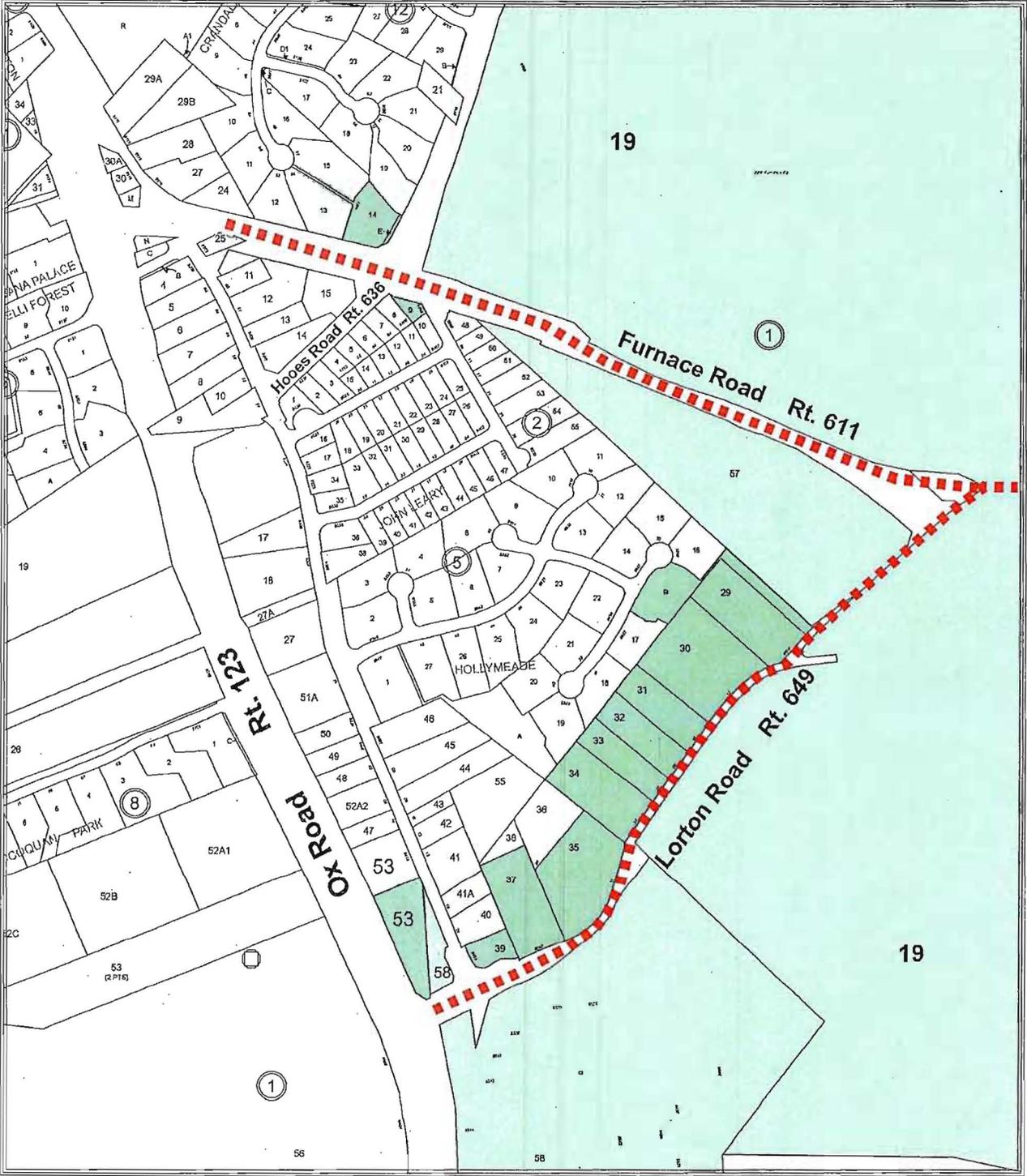
Funding is currently available in Project 4YP213, also known as 5G25-053-000, Lorton Road, Fund 304, Transportation Improvements and Project 2G40-022-000, Lorton Road – Route 123/Silverbrook Road, Fund 124, County and Regional Transportation Projects. No additional funds are required at this time for land acquisition.

ENCLOSED DOCUMENTS:

Attachment A - Project Location Map
Attachment B - Listing of Affected Properties

STAFF:

Robert A. Stalzer, Deputy County Executive
James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)
Ronald N. Kirkpatrick, Deputy Director, DPWES, Capital Facilities



LORTON ROAD IMPROVEMENTS

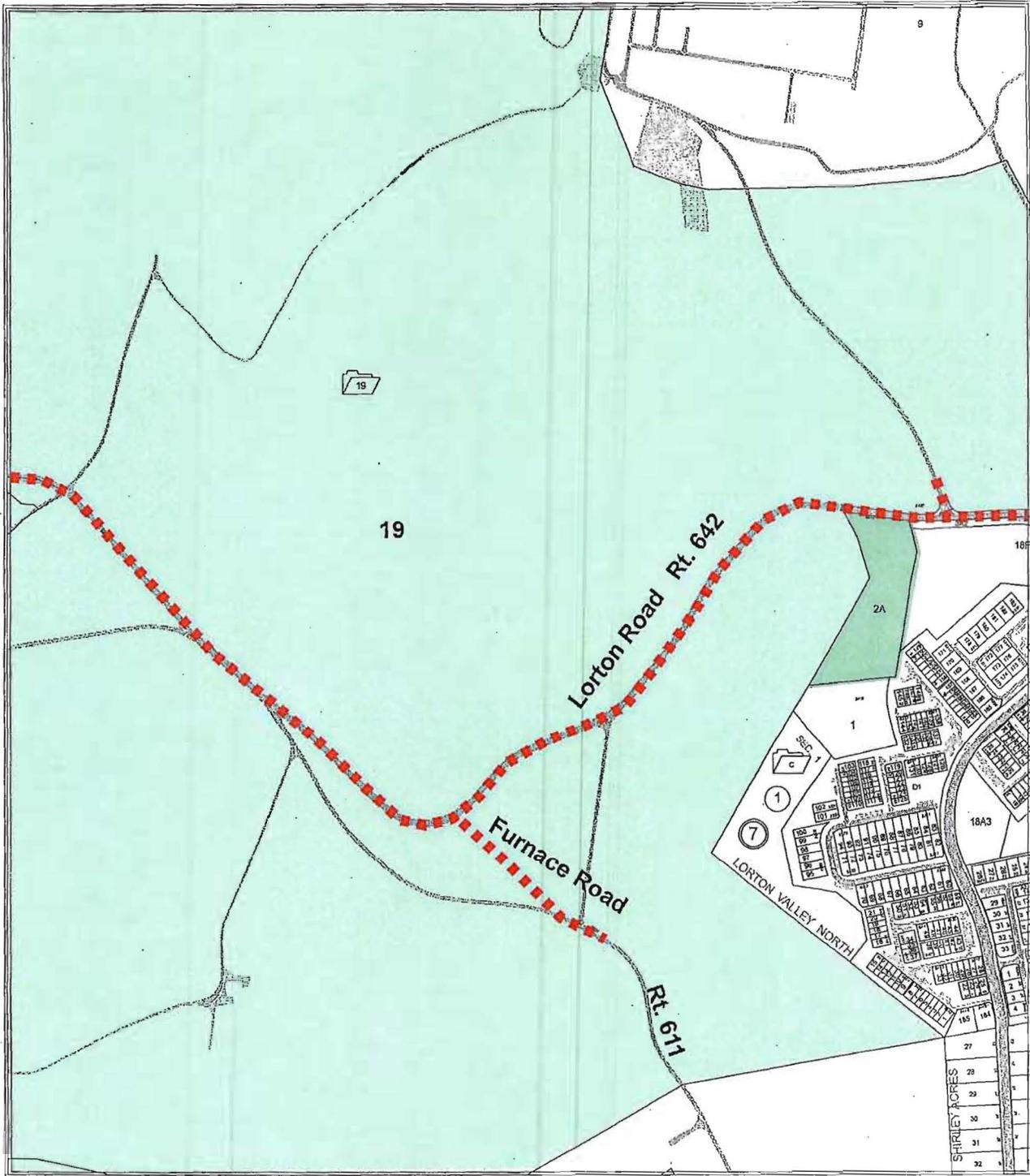
Tax Map: 106-2 & 106-4 Project 4YP213, also known as 5G25-053-000
Mount Vernon District

Scale: 1' = 600"

Scope: The County is planning to widen Lorton Rd. from Rt. 123/Ox Rd. to Silverbrook Rd. and Furnace Rd. from Rt. 123/Ox Rd. to Lorton Rd. to a four-lane divided section. The project includes a shared use path; on-road bike lanes, 5-foot wide concrete sidewalks, low impact development, storm water management, improved horizontal and vertical alignment, and a wide center median in the Laurel Hill area.

Affected Properties: County Properties: Proposed Improvements:

Note: One additional proposed utility easement is required on Tax Map 113-1-01-0014, Board of Supervisors (121)pty.



LORTON ROAD IMPROVEMENTS

Tax Map: 106-2 & 106-4 Project 4YP213, also known as 5G25-053-000
Mount Vernon District

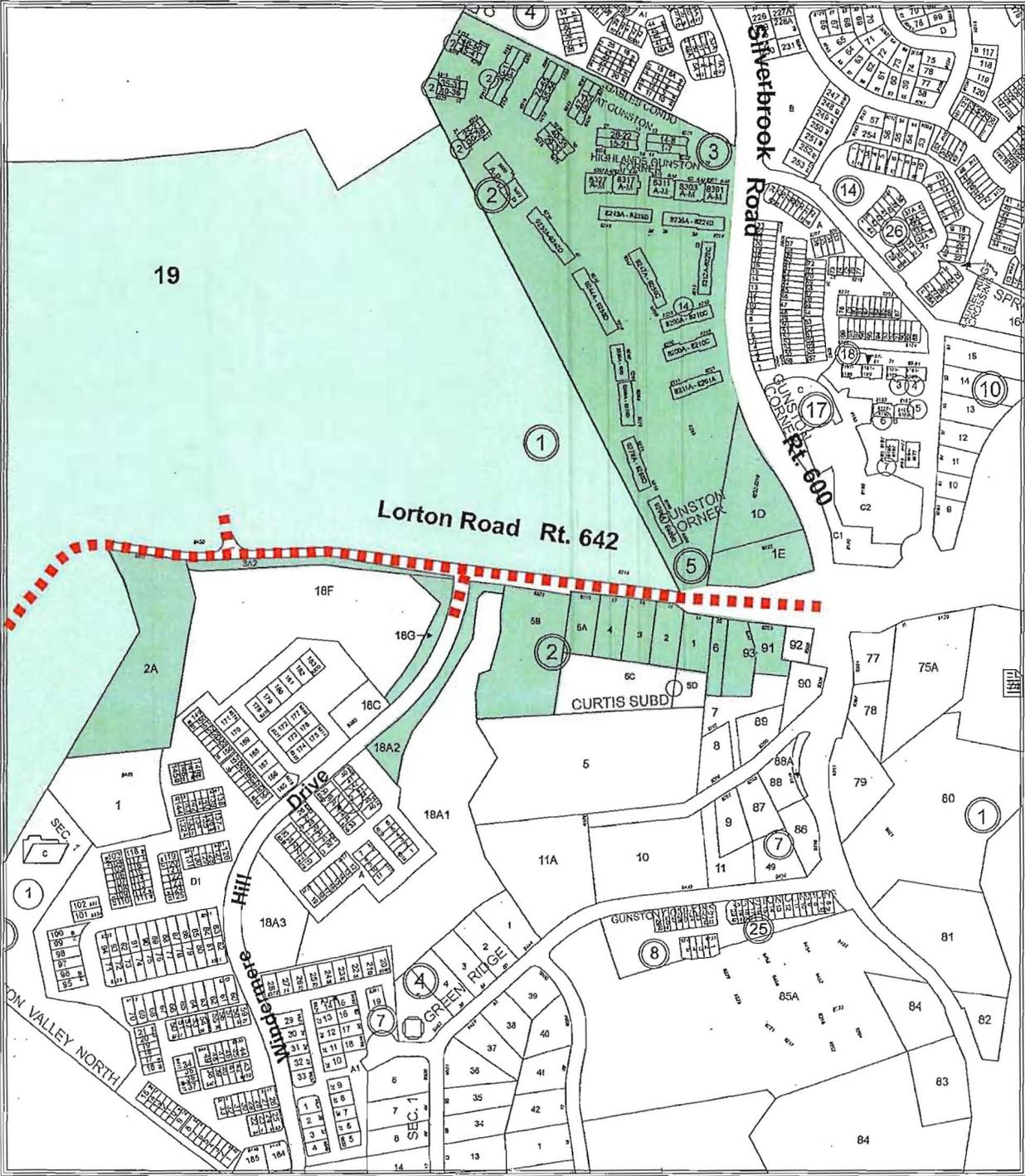
Scale: 1" = 600"

Scope: The County is planning to widen Lorton Rd. from Rt. 123/Ox Rd. to Silverbrook Rd. and Furnace Rd. from Rt. 123/Ox Rd. to Lorton Rd. to a four-lane divided section. The project includes a shared use path; on-road bike lanes, 5-foot wide concrete sidewalks, low impact development, storm water management, improved horizontal and vertical alignment, and a wide center median in the Laurel Hill area.

Affected Properties: County Properties: Proposed Improvements:

(122)

Note: One additional proposed utility easement is required on Tax Map 113-1-01-0014, Board of Supervisors property.



LORTON ROAD IMPROVEMENTS

Tax Map: 107-3 & 107-4 Project 4YP213, also known as 5G25-053-000
Mount Vernon District

Scale: 1" = 600"

Scope: The County is planning to widen Lorton Rd. from Rt. 123/Ox Rd. to Silverbrook Rd. and Furnace Rd. from Rt. 123/Ox Rd. to Lorton Rd. to a four-lane divided section. The project includes a shared use path; on-road bike lanes, 5-foot wide concrete sidewalks, low impact development, storm water management, improved horizontal and vertical alignment, and a wide center median in the Laurel Hill area.

Affected Properties: County Properties: Proposed Improvements:

Note: One additional proposed utility easement is required on Tax Map 113-1-01-0014, Board of Supervisors property.

LISTING OF AFFECTED PROPERTIES
 Project 4YP213 – Lorton Road Improvements
 (Mount Vernon District)

<u>PROPERTY OWNER(S)</u>	<u>TAX MAP NUMBER</u>
1. Crandall Run Homeowners Address: Situated on the NW corner of Hooes Road and Furnace Road	106-2-12-0000-E
2. Daniel M. Clark Lynne N. Clark Address: 9053 Swans Creek Way Lorton, Virginia 22079	106-2-12-0014
3. Omar Wali Zakia Elgamal Address: 9103 Osprey Ridge Lane Lorton, Virginia 22079	106-2-12-0019
4. John G. Hanchin, Jr. Lucinda L. Hanchin Address: 8908 Lorton Road Lorton, Virginia 22079	106-4-01-0029
5. Edward A. Byrne III, Trustee Address: 8914 Lorton Road Lorton, Virginia 22079	106-4-01-0030
6. Edward A. Byrne III, Trustee Address: 8916 Lorton Road Lorton, Virginia 22079	106-4-01-0031

7. Jacie M. Hubbard 106-4-01-0032
Address:
8920 Lorton Road
Lorton, Virginia 22079
8. Kenneth W. Hartson 106-4-01-0033
Tracy L. Hartson
Address:
8922 Lorton Road
Lorton, Virginia 22079
9. Kenneth W. Hartson 106-4-01-0034
Tracy L. Hartson
Address:
8924 Lorton Road
Lorton, Virginia 22079
10. Michael B. Wolfe 106-4-01-0035
Melinda K. Wolfe
Address:
8932 Lorton Road
Lorton, Virginia 22079
11. Patty P. Chartak 106-4-01-0037
Address:
8940 Lorton Road
Lorton, Virginia 22079
12. Rebecca L. Fry 106-4-01-0039
Address:
9425 Ox Road
Lorton, Virginia 22079
13. Trustees of The Vision Presbyterian Church 106-4-01-0053
Of Washington
Address:
9414 Ox Road
Lorton, Virginia 22079

14. Board of Supervisors 106-4-01-0057
 Address:
 Situated South of Furnace Road
15. Board of Supervisors 106-4-01-0058
 Address:
 Situated SE of Lorton Road and SW of Lorton Road
16. Cavanaugh Crossing Homeowners Association 106-4-02-0009
 Address:
 9200 Haines Drive
 Lorton, Virginia 22079
17. Hollymeade Owners Association 106-4-05-0000-B
 Address:
 Situated on the SW corner of Lorton Road
18. Walter L. Hughes 107-3-01-0002-A
 Joyce G Hughes
 Address:
 8411 Lorton Road
 Lorton, Virginia 22079
19. Lorton Valley Homeowners Association, Inc. 107-3-01-0003-A2
 Address:
 Situated SW of Lorton Road and Windermere Hill Drive
20. Joan C. Duncan, Trustee 107-3-01-0006
 Address:
 8209 Lorton Road
 Lorton, Virginia 22079
21. Lorton Valley Homeowners Association, Inc. 107-3-01-0018-A2
 Address:
 Situated SE of Lorton Road and Windermere Hill Drive

22. Lorton Valley Homeowners Association, Inc. 107-3-01-0018-G
Address:
Situated SW of Lorton Road and Windermere Hill Drive
23. Fairfax County Park Authority 107-3-01-0019
Address: Situated South of Lorton Road extending NW of Furnace Road onto Lorton Road Connector
24. Joan C. Duncan 107-3-02-0001
Address:
8211 Lorton Road
Lorton, Virginia 22079
25. Lawrence B. Boley 107-3-02-0002
Barbara A. Boley
Address:
8213 Lorton Road
Lorton, Virginia 22079
26. Earl H. Curtis, Jr. 107-3-02-0003
Elzye Curtis
Address:
8215 Lorton Road
Lorton, Virginia 22079
27. Selina Kutin 107-3-02-0004
Solomon Antwi
Address:
8217 Lorton Road
Lorton, Virginia 22079
28. Daniel Lewis Lester 107-3-02-0005-A
Donna J. Lester
Address:
8219 Lorton Road
Lorton, Virginia 22079

29. Ralph Edward Beahm 107-3-02-0005-B
Address:
8301 Lorton Road
Lorton, Virginia 22079
30. Gunston Corner Condominiums Unit Owners Association 107-3-05-CONDO
Address:
Situated NW of Lorton Road and Silverbrook Road
31. GC Retail, LC 107-4-01-0001-D
Address:
Situated on the NW corner of Silverbrook Road and Lorton Road
32. Mid Atlantic Petroleum Properties LLC 107-4-01-0001-E
Address:
Situated on the NW corner of Lorton Road and Silverbrook Road
33. Henry J. Choffrey 107-4-01-0091
Address:
8205 Lorton Road
Lorton, Virginia 22079
34. Peyton E. Duncan, Jr. 107-4-01-0093
Joan C. Duncan
Address:
8207 Lorton Road
Lorton, Virginia 22079
35. Board of Supervisors 113-1-01-0014
Address:
Situated SW of Furnace Road

ADMINISTRATIVE – 10

Authorization to Advertise Public Hearings on Proposed Amendments to Chapter 4 (Geotechnical Guidelines), Chapter 2 (General Subdivision and Site Plan Information), and Chapter 7 (Streets, Parking and Driveways) of the Public Facilities Manual Re: Testing Procedures for Infiltration Facilities and Minor Editorial Corrections

ISSUE:

Board authorization to advertise public hearings on proposed amendments to Chapter 4 (Geotechnical Guidelines), Chapter 2 (General Subdivision and Site Plan Information), and Chapter 7 (Streets, Parking and Driveways) of the Public Facilities Manual (PFM). The proposed amendments to Chapter 4 incorporate procedures for soil testing necessary for the design of infiltration facilities. The proposed amendments to Chapters 2 and 7 are limited to minor editorial corrections.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of the proposed amendments to the PFM.

The proposed amendments have been prepared by the Department of Public Works and Environmental Services and coordinated with the Office of the County Attorney. The proposed amendments to Chapter 4 of the PFM have been recommended for approval by the Engineering Standards Review Committee.

TIMING:

The Board is requested to take action on June 19, 2012, to provide sufficient time to advertise public hearings on July 12, 2012, at 8:15 p.m. before the Planning Commission and on September 11, 2012, at 4:00 p.m. before the Board.

BACKGROUND:

Testing guidelines for infiltration facilities have been available in Chapter 5 of the Northern Virginia BMP Handbook since 1992. The guidelines in the Northern Virginia BMP Handbook were originally developed by the Fairfax County Soil Science Office. A review of the soil testing guidelines was initiated by County staff in 2005. The testing guidelines were refined and distributed informally to submitting engineers. Those

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June 19, 2012

guidelines were first published by the Department of Public Works and Environmental Services (DPWES) in Letter to Industry No. 07-04 on April 3, 2007. In June, 2010, Letter to Industry No. 10-04 and its accompanying Technical Memorandum further refined the guidelines. This most recent letter to industry included a new technique for determining the seasonal high water table based on soil morphology that can be used regardless of the season of the year or amount of antecedent rainfall.

The soil testing guidelines for infiltration facilities were developed in cooperation with industry and the academic community between 2005 and 2010. Committee members from industry included practicing geotechnical engineers, soil scientists and geologists. Representatives from the Northern Virginia Soil and Water Conservation District and the Virginia Polytechnic Institute and State University were also involved in the development of the procedures. County staff members involved in the committee meetings included geotechnical and stormwater engineers. Current scientific literature on soil science and soil morphology was reviewed and discussed during the many committee meetings. The Engineering Standards Review Committee (ESRC) reviewed the proposed amendments and provided comments in 2011 and 2012.

The proposed amendments will incorporate the procedures for soil testing necessary for the design of infiltration facilities into the PFM. The proposed amendments include requirements and procedures for the determination of the seasonal high water table, soil characterization, soil borings, soil infiltration rate, laboratory testing, and report presentation. The proposed amendments also include a requirement for a pre-construction conference to discuss construction and certification requirements for proposed infiltration facilities.

There has been an increase in the number of Low-Impact Development (LID) stormwater facilities proposed since LID facilities were added to the PFM in 2007. Many of the LID practices are enhanced when used in conjunction with infiltration facilities or depend on infiltration of stormwater runoff to provide water quality and quantity controls. These LID practices include pervious pavement, bioretention facilities and wet and dry swales. The number of site, subdivision construction and grading plans proposing the construction of LID facilities is expected to further increase when the new State stormwater regulations come into effect. Infiltration testing will become more important as the number of proposed LID facilities grows.

PROPOSED AMENDMENTS:

The amendments to Chapter 4 of the PFM incorporate the following provisions:

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- The amendments describe the soil testing procedures required before the design of an infiltration facility can be approved on a site plan, a subdivision construction plan or a grading plan. The number, depth and location of borings and test pits for each facility are specified. The method to determine the depth requirements of the soil tests, based on the depth of the proposed infiltration facility, is established. Also specified are the measurements to be taken during the soil testing.
- A definition of bedrock, to distinguish it from soil, is provided in the amendments.
- The use of soil morphology to determine the seasonal high water table (SHWT) is provided as an alternative to some of the required soil tests. Normal testing of the SHWT by observation of water levels in boring holes is limited to only part of the year depending on the antecedent rainfall. By incorporating this testing procedure, infiltration facilities can be sited and designed throughout the year.
- The methodology to be used to determine the infiltration rate of soils is provided in the procedures. The requirements for the casing used to line the soil borings where the infiltration test is to be completed are provided. The groundwater sampling methodology is specified. The minimum acceptable infiltration rate at the location of the future infiltration facility is defined.
- A notable change from the current soil testing guidelines is the maximum infiltration rate allowed. Previously, the maximum infiltration rate was limited to 8 inches per hour based on concerns that higher rates would not allow the stormwater runoff to be treated before it entered the groundwater. The amendments propose to allow infiltration facilities in areas where the infiltration rate is over 8 inches per hour provided that the facility is in an environmentally suitable location.
- The amendments require a preconstruction meeting to discuss PFM and site-specific requirements as well as third-party inspection certifications. Earlier guidelines did not require this meeting.
- The amendments require infiltration rate tests use a modified constant head methodology. The ESRC recently suggested this methodology since it would better model an infiltration system. The letters to industry in 2007 and 2010 used a falling head test.
- The amendments identify how the soil samples for the laboratory tests are gathered and identify the required laboratory tests.

- The amendments identify the information from the soil testing procedures to be included in the final report for each project. The final report can be provided within the Soil Report for the project. Alternatively, the final report can be submitted as a part of the first submission of a site plan, a subdivision construction plan or a grading plan. A narrative would accompany the testing results and the soil classifications. The feasibility of the proposed infiltration facility and recommendations for the design and construction of the facility would also be a part of the narrative.

The amendments to Chapters 2 and 7 are limited to minor editorial corrections.

FISCAL IMPACT:

None. Staff currently reviews infiltration testing, which is required for the design of facilities utilizing infiltration by other sections of the PFM as part of Geotechnical Reports and plan submissions, and holds pre-construction meetings and performs inspections of infiltration facilities as part of normal inspection-related activities. The amendments to PFM Chapter 4 formalize existing County guidelines for infiltration testing currently being used by industry with minimal changes. Therefore, the proposed amendments will have no appreciable impact to industry with respect to costs.

REGULATORY IMPACT:

Minimal. As noted above in the Fiscal Impact Section, the requirement to perform the testing already exists. The infiltration testing procedures will help to ensure proper design of infiltration facilities.

ENCLOSED DOCUMENTS:

Attachment I – Staff Report

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Michelle Brickner, Deputy Director, DPWES

STAFF REPORT

- PROPOSED COUNTY CODE AMENDMENT
- PROPOSED PFM AMENDMENT
- APPEAL OF DECISION
- WAIVER REQUEST

Proposed Amendments to Chapter 4 (Geotechnical Guidelines), Chapter 2 (General Subdivision and Site Plan Information), and Chapter 7 (Streets, Parking and Driveways) of the Public Facilities Manual Re: Testing Procedures for Infiltration Facilities and Minor Editorial Corrections

Authorization to Advertise	<u>June 19, 2012</u>
Planning Commission Hearing	<u>July 12, 2012</u>
Board of Supervisors Hearing	<u>September 11, 2012</u>
Prepared by:	Site Code Research and Development Branch <u>BF 703- 324-7180</u>
	June 19, 2012

STAFF REPORT

A. ISSUE:

Proposed amendments to Chapter 4 (Geotechnical Guidelines), Chapter 2 (General Subdivision and Site Plan Information) and Chapter 7 (Streets, Parking and Driveways) of the Public Facilities Manual (PFM). The proposed amendments address soil testing procedures for infiltration facilities and minor editorial corrections.

B. RECOMMENDED ACTION:

Staff recommends that the Board of Supervisors adopt the proposed amendments to Chapter 4 (Geotechnical Guidelines), Chapter 2 (General Subdivision and Site Plan Information) and Chapter 7 (Streets, Parking and Driveways) of the PFM.

C. TIMING:

Board of Supervisors authorization to advertise – June 19, 2012

Planning Commission Public Hearing – July 12, 2012

Board of Supervisors Public Hearing – September 11, 2012

Effective Date – September 12, 2012

D. SOURCE:

Department of Public Works and Environmental Services (DPWES)

E. COORDINATION:

The proposed amendments have been prepared by the Department of Public Works and Environmental Services and coordinated with the Office of the County Attorney. The proposed amendments to Chapter 4 the PFM have been recommended for approval by the Engineering Standards Review Committee.

F. BACKGROUND:

Testing guidelines for infiltration facilities have been available in Chapter 5 of the Northern Virginia BMP Handbook since 1992. The guidelines in the Northern Virginia BMP Handbook were originally developed by the Fairfax County Soil Science Office. A review of the soil testing guidelines was initiated by County staff in 2005. The testing

guidelines were refined and distributed informally to submitting engineers. Those guidelines were first published by the Department of Public Works and Environmental Services (DPWES) in Letter to Industry No. 07-04 on April 3, 2007. In June, 2010, Letter to Industry No. 10-04 and its accompanying Technical Memorandum further refined the guidelines. This most recent letter to industry included a new technique for determining the seasonal high water table based on soil morphology that can be used regardless of the season of the year or amount of antecedent rainfall.

The soil testing guidelines for infiltration facilities were developed in cooperation with industry and the academic community between 2005 and 2010. Committee members from industry included practicing geotechnical engineers, soil scientists and geologists. Representatives from the Northern Virginia Soil and Water Conservation District and the Virginia Polytechnic Institute and State University were also involved in the development of the procedures. County staff members involved in the committee meetings included geotechnical and stormwater engineers. Current scientific literature on soil science and soil morphology was reviewed and discussed during the many committee meetings. The Engineering Standards Review Committee (ESRC) reviewed the proposed amendments and provided comments in 2011 and 2012.

The proposed amendments will incorporate the procedures for soil testing necessary for the design of infiltration facilities into the PFM. The proposed amendments include requirements and procedures for the determination of the seasonal high water table, soil characterization, soil borings, soil infiltration rate, laboratory testing, and report presentation. The proposed amendments also include a requirement for a pre-construction conference to discuss construction and certification requirements for proposed infiltration facilities.

There has been an increase in the number of Low-Impact Development (LID) stormwater facilities proposed since LID facilities were added to the PFM in 2007. Many of the LID practices are enhanced when used in conjunction with infiltration facilities or depend on infiltration of stormwater runoff to provide water quality and quantity controls. These LID practices include pervious pavement, bioretention facilities and wet and dry swales. The number of site, subdivision construction and grading plans proposing the construction of LID facilities is expected to further increase when the new State stormwater regulations come into effect. Infiltration testing will become more important as the number of proposed LID facilities grows.

G. PROPOSED AMENDMENTS:

The amendments to Chapter 4 of the PFM incorporate the following provisions:

- The amendments describe the soil testing procedures required before the design of an infiltration facility can be approved on a site plan, a subdivision construction plan or a grading plan. The number, depth and location of borings and test pits for each facility are specified. The method to determine the depth requirements of the soil tests, based on the depth of the proposed infiltration facility, is

established. Also specified are the measurements to be taken during the soil testing.

- A definition of bedrock, to distinguish it from soil, is provided in the amendments.
- The use of soil morphology to determine the seasonal high water table (SHWT) is provided as an alternative to some of the required soil tests. Normal testing of the SHWT by observation of water levels in boring holes is limited to only part of the year depending on the antecedent rainfall. By incorporating this testing procedure, infiltration facilities can be sited and designed throughout the year
- The methodology to be used to determine the infiltration rate of soils is provided in the procedures. The requirements for the casing used to line the soil borings where the infiltration test is to be completed are provided. The groundwater sampling methodology is specified. The minimum acceptable infiltration rate at the location of the future infiltration facility is defined.
- A notable change from the current soil testing guidelines is the maximum infiltration rate allowed. Previously, the maximum infiltration rate was limited to 8 inches per hour based on concerns that higher rates would not allow the stormwater runoff to be treated before it entered the groundwater. The amendments propose to allow infiltration facilities in areas where the infiltration rate is over 8 inches per hour provided that the facility is in an environmentally suitable location.
- The amendments require a preconstruction meeting to discuss PFM and site-specific requirements as well as third-party inspection certifications. Earlier guidelines did not require this meeting.
- The amendments require infiltration rate tests use a modified constant head methodology. The ESRC recently suggested this methodology since it would better model an infiltration system. The letters to industry in 2007 and 2010 used a falling head test.
- The amendments identify how the soil samples for the laboratory tests are gathered and identify the required laboratory tests.
- The amendments identify the information from the soil testing procedures to be included in the final report for each project. The final report can be provided within the Soil Report for the project. Alternatively, the final report can be submitted as a part of the first submission of a site plan, a subdivision construction plan or a grading plan. A narrative would accompany the testing results and the soil classifications. The feasibility of the proposed infiltration facility and recommendations for the design and construction of the facility would also be a part of the narrative.

The amendments to Chapters 2 and 7 are limited to minor editorial corrections.

H. REGULATORY IMPACT:

Minimal. The amendments to PFM Chapter 4 formalize existing County guidelines for infiltration testing currently being used by industry with minimal changes. The requirement to perform the testing already exists. The infiltration testing procedures will help to ensure proper design of infiltration facilities.

I. ATTACHED DOCUMENTS:

Attachment A -- Proposed amendments to Chapter 4 of the PFM
Attachment B -- Proposed amendments to Chapter 2 of the PFM
Attachment C -- Proposed amendments to Chapter 7 of the PFM

**Proposed Amendment to Chapter 4 (Geotechnical Guidelines)
of the
Public Facilities Manual**

1 **Deletions are shown as strikeouts and insertions are underlined.**

2
3 **Insert §4-0700 (Testing for Infiltration Facilities) into the Public Facilities Manual**
4 **to read as follows:**

5
6 **4-0700 Testing for Infiltration Facilities**

7
8 **4-0701 Purpose and Scope**

9
10 4-0701.1 The purpose of infiltration testing is to determine the character, physical
11 properties and seasonal high water table (SHWT) of natural soil deposits proposed to be
12 used for infiltration of stormwater. Infiltration facilities include facilities such as
13 percolation trenches (see § 6-1303), pervious pavement with full or partial exfiltration
14 (see § 6-1304), and bioretention basins or rain gardens (see § 6-1307). See Virginia DCR
15 Stormwater Design Specification No. 8, Infiltration Practices for a general discussion of
16 the design of infiltration facilities.

17
18 4-0701.2 The scope of the investigation must be planned with knowledge of the intended
19 project size, facility size, land utilization, and general subsurface characteristics. The
20 complete evaluation must include a geotechnical investigation in the field, laboratory
21 testing of select soil samples retrieved in the field to confirm soil and strata classifications
22 and a final report.

23
24
25 **4-0702 Geotechnical Investigation**

26
27 4-0702.1 Geotechnical investigations are to be performed by borings or a combination of
28 borings and test pit(s) per § 4-0702.5.

29
30 4-0702.2 A determination of the SHWT should be performed during the months of
31 November through May. A SHWT determination by direct observation of the
32 groundwater level should not be performed during the months of June through October,
33 unless the value of the Palmer Drought Severity Index (PDSI) is equal to or greater than
34 2.0 (i.e., wet). If the value of the PDSI is less than 2.0 (i.e., near normal or drier), the
35 determination of SHWT by direct observation and testing conducted during the months of
36 June through October may be used for preliminary design only. Final design shall then
37 be based on a confirmatory investigation performed during the months of November
38 through May (or anytime of the year when the PDSI is equal to or greater than 2.0).
39 Weekly values of the PDSI may be obtained from the National Weather Service Climate
40 Prediction Center. Fairfax County is located in Virginia Climate Division #4.

41
42 4-0702.3 The SHWT may be determined using soil morphology throughout the year by a
43 certified or licensed professional registered in Virginia with training and experience in

1 soil morphology such as a certified or licensed professional soil scientist, a licensed
2 onsite soil evaluator, a certified professional wetland delineator or a certified professional
3 geologist. Professional engineers registered in Virginia with experience in the field of
4 geotechnical engineering may also be certified to determine the SHWT provided that they
5 have successfully completed the Soil Morphology Training Class offered by the Northern
6 Virginia Soil and Water Conservation District (NVSWCD) and are on its list of certified
7 professionals.

8
9 4-0702.4 Evaluation of the SHWT utilizing soil morphology shall be based on low
10 chroma colors, mottles, and redoximorphic features of the soil. Unlike other types of
11 field tests which may be performed by an individual under the responsible charge of the
12 registered professional, this evaluation must be performed by the registered professional
13 personally. If the registered professional performing the evaluation or the County
14 determines that a follow-up confirmatory field measurement of the SHWT is required,
15 the follow-up evaluation shall be performed when the Palmer Drought Severity Index
16 (PDSI) is equal to or greater than 2.0, or anytime during the months of November
17 through May.

18
19 4-0702.5 Each proposed facility requires a minimum of three borings, or a test pit and
20 two borings, located within the footprint of the proposed infiltration facility.

21
22 4-0702.5A The first or initial boring, which could also be a test pit, should be located
23 approximately in the center of the footprint of the proposed facility. The first boring or
24 test pit is performed to document the soil profile, horizons, groundwater table, depth of
25 bedrock (see § 4-0702.5B) and the general suitability of the site for infiltration.

26
27 4-0702.5B Bedrock is defined as materials exhibiting a minimum SPT N-value of 60. In
28 the Triassic (Culpeper) Basin and Piedmont Upland physiographic provinces, the
29 aforementioned minimum SPT N-value will correlate approximately to weathered rock
30 (i.e., in such areas the separation is measured to weathered rock surface especially where
31 underlain by shale, siltstone, sandstone and/or schist).

32
33 4-0702.5C The soil description must include all soil horizons.

34
35 4-0702.5D Soil textures should be identified according to the Unified Soil Classification
36 System (USCS) per ASTM D-2488 (Description and Identification of Soils Visual-
37 Manual Procedure) and the USDA textural classification.

38
39 4-0702.5E Dynamic Cone Penetrometer (DCP) [ASTM Special Technical Publication
40 #399] test or Standard Penetration Test (SPT) [ASTM D1586-99] results should be
41 provided for the initial boring or test pit.

42
43 4-0702.5F The boring or test pit depth shall extend no less than 48 inches below the
44 invert of the proposed facility.

45

1 4-0702.5G The boring shall be continuously sampled from 24 inches above the
2 anticipated or proposed facility invert to the termination depth of the boring in order to
3 evaluate the subsurface conditions.

4
5 4-0702.5H Groundwater elevations are to be recorded at the time of the boring and at
6 least 24 hours following its completion.

7
8 4-0702.5I The shallowest measurement may be used as the SHWT if the conditions of §
9 4-0702.2 are met.

10
11 4-0702.6 The second and third borings, with minimum diameters defined in § 4-0703.3B
12 and drilled at an offset distance of not less than 5 feet from the initial boring or test pit,
13 shall be used for the infiltration tests.

14
15 4-0702.7 Additional profile borings and/or test pits shall be provided for every 100 linear
16 feet or every 10,000 square feet of the proposed infiltration facility. Additional borings
17 and/or test pits may also be performed at the discretion of the registered professional to
18 adequately characterize infiltration characteristics.

19
20 4-0702.8 Additional infiltration tests shall be required for every 50 linear feet or every
21 2,000 square feet of the proposed facility. Additional infiltration tests may also be
22 performed at the discretion of the registered professional to adequately characterize
23 infiltration characteristics.

24
25 4-0702.9 The field infiltration rate is based on the average of all field tests located within
26 the facility.

27 28 29 **4-0703 Infiltration Testing**

30
31 4-0703.1 Actual infiltration rates shall be determined through on-site test(s) conducted
32 within 24 inches of the anticipated or proposed invert of the facility.

33
34 4-0703.2 Specific requirements are as follows:

35
36 4-0703.2A Drill two borings adjacent to the initial test pit or boring, each at an offset of
37 greater than 5 feet, and to a depth of within 24 inches of the anticipated or proposed
38 invert of the facility. The diameter of the boring shall snugly fit the diameter of the
39 casing (see § 4-0703.3B). Remove any loose material from each boring.

40
41 4-0703.2B Install a solid casing 3 to 5 inches in diameter to the bottom of the boring.
42 Remove any smeared soil surfaces and loose material from the casing. A 2-inch layer of
43 coarse sand or fine gravel may be placed at the bottom of the boring to prevent scouring
44 and sedimentation.

45

1 4-0703.2C Fill a standpipe with water to a height of at least 24 inches above the bottom
2 of the casing and allow pre-soaking for 24 hours.

3
4 4-0703.2D After 24 hours, refill the standpipe to a height of 24 inches above the bottom
5 of the casing and record the water level drop in inches after one hour. Repeat the
6 procedure three times by filling the standpipe to a height of 24 inches and measuring the
7 drop in water level after one hour. A total of four observations shall be completed. The
8 infiltration rate of each test boring is the average of the change in water level readings in
9 inches per hour or the last reading, whichever is the most representative of the subsurface
10 conditions based on the opinion of the registered professional conducting the tests.
11 Should the infiltration rates in the two borings prove inconsistent, additional borings and
12 infiltration tests must be performed or the lowest infiltration rate obtained shall be used as
13 the field infiltration rate.

14
15 4-0703.2E The field infiltration rate for a proposed facility is the average of all field
16 infiltration rates conducted within that facility, see § 4-0702.9. A field infiltration rate of
17 at least 0.5 inches per hour at the design depth of the proposed facility must be obtained
18 for the infiltration facility to be considered feasible. The design infiltration rate for the
19 facility is one-half of the field infiltration rate. If field infiltration rates of 8 or more
20 inches per hour are recorded, the facility's design professional shall be contacted to
21 confirm that the facility is in a suitable location with respect to environmental concerns.

22
23 4-0703.2F Soil boring locations shall be accurately documented on the plans.

24
25 4-0703.2G Infiltration testing shall be performed by a registered professional or his/her
26 authorized representatives. The professional shall either be a Virginia licensed
27 professional engineer with experience in geotechnical engineering and soil evaluation, a
28 Virginia certified or licensed professional soil scientist, or a Virginia certified
29 professional geologist.

30
31 4-0703.2H A change in design at the permitting plan review stage may necessitate
32 additional testing. The final design invert of the proposed facility must be within 24
33 inches of the elevation at which the infiltration test(s) used for design were conducted.

34
35 4-0703.2I Septic percolation tests are not an acceptable alternative to infiltration tests.

36 37 38 **4-0704 Laboratory Testing**

39
40 4-0704.1 Grain-size sieve analyses and hydrometer tests must be performed to determine
41 the USDA textural classification and the USCS soil description at the proposed or
42 anticipated invert of the facility.

43
44 4-0704.2 The tests should also be done on representative samples from all soil layers
45 encountered to a depth of 4 feet below the final invert of the facility.

46

1
2 **4-0705 Report Presentation and Submission**
3

4 4-0705.1 The report shall include the proposed infiltration facility plan, the boring
5 locations, all boring logs and laboratory test data.
6

7 4-0705.1A The USDA textural classification and the USCS soil description shall be
8 provided in the report as well as on the boring logs.
9

10 4-0705.1B A table shall be included in the report showing the dates, times and hourly
11 readings of the water level for each infiltration test and the averaged field infiltration
12 rates for each test within the proposed facility.
13

14 4-0705.1C The report shall discuss the feasibility of the proposed facility, the impact of
15 the proposed facility on adjoining properties, provide recommendations for construction
16 for the proposed facility and provide the design infiltration rate for the proposed facility.
17

18 4-0705.2 The report can be included as part of the formal Geotechnical Report submitted
19 for a site plan, a subdivision construction plan or a grading plan.
20

21 4-0705.2A The report may also be submitted as part of the site plan, the subdivision
22 construction plan or the grading plan provided it is included on the first submission.
23

24 4-0705.2B The report may also be submitted separately as a Geotechnical Report or as an
25 addendum to a Geotechnical Report if a separate report was previously submitted.
26

27
28 **4-0706 Preconstruction Meeting**
29

30 4-0706.1 A preconstruction meeting shall be held with representatives of the
31 owner/developer, contractor, third-party inspection firm, and the Site Development and
32 Inspection Division. The PFM and site-specific requirements and the third-party
33 inspection certification shall be reviewed and discussed.

**Proposed Amendment to Chapter 2 (General Subdivision and Site Plan
Information)
of the
Public Facilities Manual**

1 **Deletions are shown as strikeouts and insertions are underlined.**

2

3 **Amend §2-0502 (Inspections) of the Public Facilities Manual by revising the text to**
4 **read as follows:**

5

6 2-0502.1B Prior to requesting a pre-construction conference, the developer ~~director~~
7 shall:

8

9 2-0502.1B(1) Have the project plans approved by the Director.

10

11 2-0502.1B(2) Obtain all necessary permits.

**Proposed Amendment to Chapter 7 (Streets, Parking and Driveways)
of the
Public Facilities Manual**

1 **Deletions are shown as strikeouts and insertions are underlined.**

2

3 **Amend §7-1004 (Standards and Criteria) of the Public Facilities Manual by revising**
4 **Table 7.11 to read as follows:**

5

Table 7.11 Lighting Levels For Proposed Curb & Gutter Streets: Alternate Security Fixtures (RF-3) (High Pressure Sodium Vapor) (110-12-PFM, 99-07-PFM, 80-03-PFM)						
Area Class	Roadway Class	ADT	Lamp Size Lumens	Maximum Spacing ft.	Mounting Height ft.	Notes
Residential	Local	<u>0-400</u>	5,000	160	14	1,2
		251-400	5,000	160	14	1,2
		401- 1000 <u>2000</u>	8,000	160	14	1,2
		1001-2000	8,000	160	14	1,2
NOTES: ^{1/} Measured from face of pole to face of curb. ^{2/} Poles to be placed on one side of the roadway.						

6

ADMINISTRATIVE – 11

Authorization for the Fairfax County Police Department to Apply For and Accept Grant Funding from the U.S. Department of Justice, Office of Community Policing Services – Toolkit for Police Officer Military Veterans

ISSUE:

Board of Supervisors authorization is requested for the Fairfax County Police Department (FCPD) to apply for and accept funding, if received, from the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS) for COPS Community Policing Development (CPD). Grant funding in the amount of \$400,000 will support the “Veterans Toolkit for Law Enforcement Agencies” program, including psychological consultants, training, and overtime for field training officers to assist current employees returning from active duty as well as newly hired veterans. The grant period of 24 months will run approximately October 1, 2012 to September 30, 2014. There are no positions associated with this grant and Local Cash Match is not required to accept this funding. If the actual award received is significantly different from the application amount, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, staff will process the award administratively as per Board policy.

RECOMMENDATION:

The County Executive recommends that the Board authorize the Police Department to apply for and accept funding, if received, from the Office of Community Oriented Policing Services (COPS) for COPS Community Policing Development (CPD).

TIMING:

Board action is requested on June 19, 2012. It should be noted that the Police Department received notice of this grant opportunity on April 27, 2012, with an application deadline of May 21, 2012. Following review of this grant opportunity the Police Department decided to apply on May 7, 2012. However, as the deadlines for submission of this item for the next scheduled Board meetings of May 22 and June 5, 2012 preceded submission of the grant application, the application was submitted pending Board approval. Therefore, this Board item is being presented at the earliest subsequent Board meeting scheduled for June 19, 2012. If the Board does not approve this request, the application will be immediately withdrawn.

Board Agenda Item
June 19, 2012

BACKGROUND:

The Office of Community Oriented Policing Services (COPS) solicited applications for developing resource and training materials to promote the successful transition of veterans into employment positions within law enforcement agencies. The primary project deliverables will be a toolkit including items such as guides to address a range of police agency veteran hiring and training considerations; products that support the successful transition and integration of new recruits and returning veterans, sworn and non-sworn, within law enforcement agencies; the collection of best practices of model transition programs; and/or curricula that reinforces community policing principles post-deployment. The grant will fund psychological consultants, training, and overtime for Field Training Officers.

FISCAL IMPACT:

If awarded, grant funding in the amount of \$400,000 from the Office of Community Oriented Policing Services (COPS) for COPS Community Policing Development (CPD) will support the “Veterans Toolkit for Law Enforcement Agencies” program, including psychological consultants, training, and overtime for field training officers to assist current employees returning from active duty and newly hired veterans. No Local Cash Match is required. This action does not increase the expenditure level in the Federal-State Grant Fund, as funds are held in reserve for unanticipated grant awards. This grant does not allow for the recovery of indirect costs.

CREATION OF POSITIONS:

No positions will be created by this grant award.

ENCLOSED DOCUMENTS:

Attachment 1 – Grant Application, Excerpt

STAFF:

Robert A. Stalzer, Deputy County Executive
David M. Rohrer, Chief of Police
Karen L. Gibbons, Assistant County Attorney

Section 10: Executive Summary

By virtue of training and temperance, veterans are ideally suited for community-oriented policing. The Fairfax County Police Department, situated in the metropolitan D.C. area, is poised to be a competitive employer of veterans—and yet a preliminary analysis suggests only a small percent of current employees are veterans. The Fairfax County Police Department will use COPS funding to create a toolkit designed to ease veterans' transition into, or back to, local police departments based on best-practice models. The model will be developed so that it is self-sustaining upon completion of the grant period. We will formally assess the Department's current response to veterans, using surveys, assessment measures, and focus groups of veterans. We will partner with local universities and agencies to produce multimedia resources and live trainings. The Police Department staff will work with returning veterans and veteran recruits to identify and utilize each veteran's unique skills and abilities, and also address the training needs of each veteran. A "Veteran Mentor" program is already being addressed to pair each veteran and his/her family with an officer who is also a veteran. Additionally, all of our Field Training Instructors will be trained to work proactively with veterans, monitor their progress, and be aware of any emerging issues for early intervention. Consultants and Department health providers will assess veterans for physical and psychological injuries and, when necessary, use empirically validated treatment methods to heal the wounds of combat, including monitoring of risk factors, such as suicidal thoughts and Post-traumatic Stress Disorder. A recent report from the American Psychological Association ("The Department of Defense: Center for Deployment Psychology") stated that early interventions "can help prevent the long-term, chronic and devastating psychological consequences of one of the most serious consequences of war – Post Traumatic Stress Disorder (PTSD)". We will also assess performance outcomes at regular intervals, using empirically rigorous outcome measures and report to the Administrative Support Bureau Commander on a regular basis on our progress and concerns. In order to enrich other local law-enforcement agencies, we will include their personnel in our training exercises, provide all program materials that we develop to be shared with other jurisdictions, consult as needed and update them on lessons we learn along the way.

Section 13: Budget Narrative

The Fairfax County Police Department will have two primary psychologists as consultants to develop and oversee all realms of the Veterans Toolkit for Law Enforcement Agencies. Dr. Colby Mills and Dr. Jill Milloy (MM Psychological Services), contract psychologists with the Administrative Support Bureau (ASB), will work in conjunction with and under the guidance of the commander of the ASB, Major Sharon Smith. Dr. Mills and Dr. Milloy will cover developing and monitoring the program, as well as providing mental health treatment to officers as needed. Kris Morris, Ph.D., the Director of Military Sexual Trauma Program at the Veterans Administration in Washington, D.C., will be hired to provide two seminars on PTSD and Prolonged Exposure Therapy, and to train psychologists in evidence-based treatment for PTSD and to supervise them over a number of sessions as they provide the treatment. Dr. Morris will also provide consultation for post-deployment issues and groups for veterans. Dr. Stephen R. Band and his Behavioral On-Call Team (BOT) will be hired to attend the training and provide assistance and consulting services to the project. Other personnel fees, supplies, and training are documented below. The total projected cost of the grant proposal is \$399,633.

Budget Estimates

A) Consultants/Personnel Costs (\$354,396)

1) *MM Psychological Services (MM)* *\$113,600*

Colby Mills, Ph.D., Jill Milloy, Ph.D., Licensed Clinical Psychologists, are contract psychologists with the Administrative Support Bureau (ASB) and will work under the supervision and in conjunction with the commander of the ASB, Major Sharon Smith, to provide the program services and operational control. The project will continue to be housed under the supervision of ASB once the grant ends. Drs. Mills and Milloy will be responsible for timelines, deliverables, and monitoring budget issues and supervising the overall grant operation. The project coordinators will provide continual feedback to the Police Department in order to ensure the continued development of the project.

1136 hours X \$100/hour (2 years) = \$113,600

2) *MM Psychological Services (MM) Two additional Clinicians* *\$1,600*

Consulting and training time for 2 yet to be identified clinicians from MM Psychological Services, to attend seminars on PTSD and Prolonged Exposure Treatment and provide treatment.

16 hours X \$100/hour = \$1,600

COPS FY2012 Community Policing Development Grant
Fairfax County Police

3) *Kris Morris, Ph.D. (Licensed Clinical Psychologist)* *\$10,240*

Kris Morris, Ph.D., the Director of Military Sexual Trauma Program at the Veterans Administration in Washington, D.C. will be hired to provide two seminars on PTSD and Prolonged Exposure Therapy and to train psychologists in evidence-based treatment for PTSD. Dr. Morris will also supervise them over a number of sessions as they provide the treatment. Dr. Morris will ultimately provide consultation for post-deployment issues and therapy groups for veterans.

- \$160/hour for 1 hour/week for 30 weeks to train clinicians in Prolonged Exposure Treatment = \$4,800.
- \$160/hour for (2) 4/hour seminars on PTSD and Prolonged Exposure Treatment = \$1,280.
- \$160 for 1 hour/week for 26 weeks ongoing consultation, providing various trainings regarding after deployment issues = \$4,160.

4) *ADA Consultants (Americans with Disabilities)* *\$6,000*

These consultants will be identified in the near future to provide counseling and teaching opportunities about veterans with disabilities for the project in conjunction with the leadership psychologists.

\$150/hour X 40 hours = \$6,000.

5) *Medical Screening Professionals* *\$4,500*

Fees for medical staff for their time to perform medical screenings. The medical staff at a recognized facility will provide extensive medical screenings as needed to the veterans.

\$150/hour X 30 hours/year = \$4,500.

6) *Veteran Mentors* *\$112,320*

Twenty veteran mentors will provide direct services to veterans and their families and attend the training sessions to enhance the services provided to affected officers and families. This Funding will pay for their overtime so they can attend training sessions and mentor other returning veterans.

20 (mentors) X 78 hours X \$72/hour = \$112,320

COPS FY2012 Community Policing Development Grant
Fairfax County Police

7) *Field Training Instructors (FTI)* \$93,600

All FTIs will be trained to work with officers who are veterans. They will attend the sessions then assist the veterans on a daily basis since they have the most interaction with the veterans. These costs would pay for overtime so the FTI's can attend the sessions.

130 FTIs X 10/hour X at \$72/hour = \$93,600.

8) *Videographer* \$5,000

A professional videographer will be hired to film high-quality training videos to be developed within the toolkit and utilized for training for our Department and other departments in the national Capital Region.

9) *Stephen R. Band, Ph.D. and Behavioral On-Call Team* \$7536

The Behavioral On-Call Team will provide consultation and services as well as attend trainings, such as IACP Conference and seminars on Prolonged Exposure Treatment.

B) Travel/Attending Training (\$37,237)

1) *Behavioral On-Call Team (BOT)* \$7536

Steve Band, Ph.D. (Licensed Clinical Psychologist) fee to attend 48 hours IACP Conference at \$157/hour = \$7,536. He will provide consultation and services to veterans subsequent to this training.

2) *Two MM Clinicians IACP Conference* \$9,600

Pay for two clinicians to attend IACP Conference for training on veterans issues.

3) *IACP Conference in San Diego, CA* \$12,601

Training 3 psychologists to attend the 5-day IACP Conference in September, 2012.

Registration fee \$1725

COPS FY2012 Community Policing Development Grant
Fairfax County Police

Air Fare	\$2100
Vehicle Rental	\$835
Tolls/parking	\$560
Lodging	\$5796
Meals	\$1385
Miscellaneous	\$200

4) *Clinicians Training* \$3,000

Two additional clinicians from MM Psychological Services to attend training at one of the IACP events yet to be determined or located.

5) *Additional Training* \$4,500

Anticipate that the 2 primary psychologists from MM Psychological Services will attend one additional training in the field of veterans' issues after deployment.

C) **Other Costs (\$4,000)** **\$4000**

Assessment Measures
Post-traumatic Stress Disorder Checklist and Beck Depression Inventory
Development of Checklists to Monitor Veterans
Creation of Surveys for Veterans, Commanders, Field Training Instructors, Family Members
Creation of Outcome Measures to Assess Success of Program and other measures to be determined

D) **Supplies (\$4,000)** **\$4,000**

Flyers, Brochures, Posters, Surveys, DVDs
Development of Training Manuals
Copying Costs
Developing Internet Resources

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ADMINISTRATIVE – 12

Authorization for the Fairfax County Police Department to Apply For and Accept Grant Funding from the U.S. Department of Justice, Office of Community Policing Services - Suicide Prevention of Police Officers

ISSUE:

Board of Supervisors authorization is requested for the Fairfax County Police Department (FCPD) to apply for and accept funding, if received, from the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS) for COPS Community Policing Development (CPD). Grant funding in the amount of \$200,000 will support the “Resources to Address Officer Suicide” program, including psychological consultants, training, and overtime for police officers providing peer support. The grant period of 24 months will run approximately October 1, 2012 to September 30, 2014. There are no positions associated with this grant and Local Cash Match is not required to accept this funding. If the actual award received is significantly different from the application amount, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, staff will process the award administratively as per Board policy.

RECOMMENDATION:

The County Executive recommends that the Board authorize FCPD to apply for and accept funding, if received, from the Office of Community Oriented Policing Services (COPS) for COPS Community Policing Development (CPD).

TIMING:

Board action is requested on June 19, 2012. It should be noted that the Office of the County Executive notified FCPD of this grant opportunity on April 27, 2012 and FCPD decided to apply on May 7, 2012. Due to the grant application deadline of May 21, 2012, the application was submitted pending Board approval. The deadline for submission of this item for the next scheduled Board meeting of June 5, 2012 preceded submission of the grant application. Therefore, this Board Item is being presented at the earliest subsequent Board meeting scheduled for June 19, 2012. If the Board does not approve this request, the application will be immediately withdrawn.

Board Agenda Item
June 19, 2012

BACKGROUND:

The Office of Community Oriented Policing Services (COPS) solicited applications for developing agency-wide police officer suicide prevention programs, including educational programs regarding the signs and risks of police officer suicides. Currently, FCPD does not have a department-wide police officer suicide prevention program or educational materials for officers. If awarded, FCPD will use grant funding to fill gaps in education, prevention, and intervention services so that officers may learn how to recognize warning signs in themselves and others and where to find assistance. The grant will promote prevention and intervention by funding psychological consultants, training, and overtime for police officers providing peer support.

FISCAL IMPACT:

If awarded, grant funding in the amount of \$200,000 from the Office of Community Oriented Policing Services (COPS) for COPS Community Policing Development (CPD) will support the "Resources to Address Officer Suicide" program, including psychological consultants, training, and overtime for police officers providing peer support. No Local Cash Match is required. This action does not increase the expenditure level in the Federal-State Grant Fund, as funds are held in reserve for unanticipated grant awards. This grant does not allow for the recovery of indirect costs.

CREATION OF POSITIONS:

No positions will be created by this grant award.

ENCLOSED DOCUMENTS:

Attachment 1 – Grant Application, Excerpt

STAFF:

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

Section 10: Executive Summary

Beyond the controversy about suicide rates and risk factors in law enforcement, a central truth remains: one more is one too many. A recent series of officer suicides in the New York Police Department highlights the ongoing risk of tragedy, even within departments that make every effort to provide mental health resources for their staff.

Information about suicide is not difficult to obtain, but education alone will not save lives. Leaders must work to shift the balance between mental toughness and willingness to seek help. In a population trained to be cynical and independent, trust must be established and maintained. Officers and staff must accept responsibility for themselves and each other. When police culture embraces resilience and mutual support as well as individual strength, we will have made significant progress.

The Fairfax County Police Department has made increased efforts to provide more resources. The Department now has 24-hour coverage from police psychologists who have provided trainings about suicide prevention and related topics (such as Post-Traumatic Stress Disorder). The Department's Incident Support Services program is developing training materials to provide information about suicide to the entire Department under the supervision of the Administrative Support Bureau Commander. But even these measures are not enough. Commanders and officers must acknowledge the escalating stress and exposure to trauma inherent in police work. Greater acceptance that it is "okay" to sustain (and recover from) psychological injury may ameliorate the isolation that may leave officers at increased risk of self-harm.

We intend to bring the core elements of community-oriented policing – proactive problem-solving and community relationships – to suicide prevention. We will go beyond reactive measures to build psychological wellness and resilience in each officer, from recruits to retirees. We will partner with other local law enforcement agencies about the best methods for early intervention and to make help-seeking more acceptable (to officers as well as commanders). We will develop organizational recommendations to decrease stress, while also helping individuals identify more ways to manage stress before it becomes insurmountable.

As in community-oriented policing, the success of these interventions depends on trust. Our officers must believe that they can seek help in absolute confidence and without fear of disciplinary action. We believe we have already begun to establish trust by educating staff. The timeframe of the grant will allow us to make measurable gains. True prevention, of not only suicide but its related risk factors, will pay dividends beyond officer safety. Addressing issues such as stress management, resilience, and destigmatization will improve the overall psychological wellness of our officers. This, in turn, should allow our officers to make better decisions and intervene more proactively in the community.

Budget Narrative

The Fairfax County Police Department will have two primary psychologists as consultants to develop and oversee all aspects of the Resources to Assess Officer Suicide Program. MM Psychological Services, contract psychologists with the Fairfax County Police Department, will work closely with the Commander of the Administrative Support Bureau (ASB), a 22-year veteran with the Department. The project will continue to be housed under the aegis of the ASB once the grant ends. MM Psychological Services, and the Commander of ASB, will be responsible for timelines, deliverables, monitoring budget issues, providing and attending training, as well as providing mental health treatment to officers. Other psychologists as needed will attend trainings and provide services. Special Psychological Services will provide consultation and training to MM Psychological Services. David A. Jobes, Ph.D., developed the evidence-based Collaborative Assessment and Management of Suicidality (CAMS). Dr. Jobes or his colleague will provide training on the CAMS to be used by clinicians in assessing and managing suicide risk. Peer Support Team Members and Police Chaplains will be trained in recognizing at risk officers and providing support and linking with mental health treatment. Travel fees will cover sending MM Psychological Services clinicians and another clinician to IACP Conference. Additional travel fees will be incurred to send MM Psychological Services clinicians to relevant trainings on suicide prevention. There will be additional miscellaneous fees for equipment, supplies to run program, and assessment measures. The total projected cost of the project is \$199,497.

Budget Projections

A)	<u>Consultants/Personnel Costs</u>	\$157,996
1)	<i>MM Psychological Services (MM)</i> Colby Mills, Ph.D., Jill Milloy, Ph.D., Licensed Clinical Psychologists (and two other clinicians) are contract psychologists with the Administrative Support Bureau (ASB) and will work under the supervision and in conjunction with the commander of the ASB, Major Sharon Smith, to provide the program services and operational control. The project will continue to be housed under the supervision of ASB once the grant ends. Drs. Mills and Milloy will be responsible for timelines, deliverables, and monitoring budget issues and supervising the overall grant operation.	\$60,000
	600 hours X \$100/hour (100 weeks) = \$60,000.	
2)	<i>Neil Hibler, Ph.D., ABPP</i> Expert on police suicide, to provide consultation and training to MM Psychological Services. Dr. Hibler is a recognized expert in police psychology who has published research on early identification and prevention of police suicide. His guidance will be essential in the early stages of the project, and potentially for “course corrections” throughout the timeline.	\$5,000
	20 hours X \$250/hour = \$5,000	

3) *David A. Jobes, Ph.D. (or colleague)* \$5,000
Developed the evidence-based Collaborative Assessment and Management of Suicidality (CAMS). Will provide training on CAMS and ongoing consultation.

20 hours X \$250/hour = \$5,000

4) *Chaplains & Peer Support Officers* \$43,200
50 Peer Support Team officers and Chaplains will be trained in suicide risk and prevention to help support at risk officers and their significant others. These funds will be used to pay for overtime and backfill for the officers to attend the training sessions over a two year period.

600 hours X \$72/hour = \$43,200

5) *Videographer* \$5,000
A professional videographer will be hired to film high-quality training videos to be developed and utilized for training for our Department and neighboring public safety agencies.

6) *Other Psychologists and Clinicians* \$28,260
Six clinicians to provide consultation and training as well as attend trainings.

\$157 hour X 180 hours = \$28,260

7) *Other Clinicians* \$4000
Other clinicians to attend training and their costs

8) *Other Clinicians and Psychologists* \$7,536
Pay for psychologist and other clinicians to attend training

B) Travel/Training \$30,701

1) *MM Psychological Services* \$9,600
Pay two clinicians to attend training at upcoming IACP conference.

2) *IACP Conference September 2012* \$12,601
Travel funding for 3 psychologists to attend the 6-day International Association Chiefs of Police Conference (IACP) in San Diego, CA at which Suicide Prevention in Law

Enforcement will be a primary focus.

Registration fee	\$1725
Air Fare	\$2100
Vehicle Rental	\$835
Tolls/parking	\$560
Lodging	\$5796
Miscellaneous	\$200

3) *Additional Training* \$4,500

Anticipate that the 2 primary psychologists from MM Psychological Services will attend additional training in the field of suicide prevention in law enforcement at a date and location to be determined once the training is made available.

4) *Cams Training* \$4,000

Send 2 clinicians to Collaborative Assessment and management of Suicidality at yet to be determined location or time

C) Other Costs \$4,000

Assessment Measures

- Beck Depression Inventory
- Creation of surveys to assess pre- and post-knowledge of suicide risk factors
- Creation of Outcome Measures to assess success of program (increased knowledge, use of services, feedback on training)
- Other measures to be determined

D) Supplies \$4,000

Flyers, Brochures, Posters, Surveys, DVDs, Wallet Cards
Development of Training Manuals
Copying Costs

E) Biofeedback Equipment \$2,800

Portable biofeedback equipment for personal (temporary) use for officers. We plan to purchase 20 machines that will be loaned to officers while learning biofeedback.

20 devises at \$140 X \$2,800

ACTION - 1

Resolution Adopting Changes to the Virginia Retirement System (VRS) Plan

ISSUE:

Board adoption of resolution accepting new VRS plan rules effective July 1, 2012

BACKGROUND:

There are sixty seven (67) county employees, most of them working in the Health Department, who are currently participating in the VRS. Under the current VRS plan rules, the employee does not contribute to the VRS; the county is required to make contributions on their behalf.

The 2012 Virginia General Assembly passed legislation (Senate Bill 497) requiring that school division and political subdivision employees begin paying the 5 percent member contribution effective July 1, 2012. The bill permits governing bodies to phase in the member contribution in each of the next five years or until employees are paying the full 5 percent, whichever is earlier. All employees hired after July 1, 2012, must pay the full 5 percent contribution, with no phase in allowed.

After staff review, it was determined that it was more efficient to implement the full 5% member contribution change beginning July 1, 2012. Accordingly, with the Board's approval, the affected employees' salaries will be increased by 5% effective June 29, 2012, permitting the 5 % retirement contribution beginning July 1, 2012.

RECOMMENDATION:

The County Executive recommends that the Board adopt the resolution as required by the Virginia General Assembly for the new VRS plan (Attachment 1).

TIMING:

The resolution must be adopted and sent to VRS by July 10, 2012.

FISCAL IMPACT:

The anticipated cost of the 5% increase is approximately \$285,352 annually, however the funding for the 5% employee contribution currently paid by the County will essentially offset this cost. A funding adjustment will be made at a subsequent quarterly

Board Agenda Item
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review to reallocate this funding from Agency 89, Employee Benefits where it is currently budgeted for payment to the State.

ENCLOSED DOCUMENTS:
Attachment 1: VRS Resolution

STAFF:
Edward L. Long Jr., County Executive
Susan Woodruff, Director, Department of Human Resources

Member Contributions by Salary Reduction for Counties, Cities, Towns, and Other Political Subdivisions

(In accordance with Chapter 822 of the 2012 Acts of Assembly (SB497))

Resolution

WHEREAS, the County of Fairfax [employer code 35129] employees who are Virginia Retirement System members who commence or recommence employment on or after July 1, 2012 (“FY2013 Employees” for purposes of this resolution), shall be required to contribute five percent of their creditable compensation by salary reduction pursuant to Internal Revenue Code § 414(h) on a pre-tax basis upon commencing or recommencing employment; and

WHEREAS, the County of Fairfax [employer code 35129] employees who are Virginia Retirement System members and in service on June 30, 2012, shall be required to contribute five percent of their creditable compensation by salary reduction pursuant to Internal Revenue Code § 414(h) on a pre-tax basis no later than July 1, 2016; and

WHEREAS, such employees in service on June 30, 2012, shall contribute a minimum of an additional one percent of their creditable compensation beginning on each July 1 of 2012, 2013, 2014, 2015, and 2016, or until the employees’ contributions equal five percent of creditable compensation; and

WHEREAS, the Fairfax County Board of Supervisors [employer code 35129] may elect to require such employees in service on June 30, 2012, to contribute more than an additional one percent each year, in whole percentages, until the employees’ contributions equal five percent of creditable compensation; and

WHEREAS, the second enactment clause of Chapter 822 of the 2012 Acts of Assembly (SB497) requires an increase in total creditable compensation, effective July 1, 2012, to each such employee in service on June 30, 2012, to offset the cost of the member contributions, such increase in total creditable compensation to be equal to the difference between five percent of the employee's total creditable compensation and the percentage of the member contribution paid by such employee on January 1, 2012.

BE IT THEREFORE RESOLVED, that the Fairfax County Board of Supervisors [employer code 35129] does hereby certify to the Virginia Retirement System Board of Trustees that it shall effect the implementation of the member contribution requirements of Chapter 822 of the 2012 Acts of Assembly (SB497) according to the following schedule for the fiscal year beginning July 1, 2012 (i.e., FY2013):

Type of Employee	Employer Paid Member Contribution	Employee Paid Member Contribution
Plan 1	%	%
Plan 2	%	%
FY2013 Employees	0%	5%

(Note: Each row must add up to 5 percent.); and

BE IT FURTHER RESOLVED, that such contributions, although designated as member contributions, are to be made by the County of Fairfax in lieu of member contributions; and

BE IT FURTHER RESOLVED, that pick up member contributions shall be paid from the same source of funds as used in paying the wages to affected employees; and

BE IT FURTHER RESOLVED, that member contributions made by the County of Fairfax under the pick up arrangement shall be treated for all purposes other than income taxation, including but not limited to VRS benefits, in the same manner and to the same extent as member contributions made prior to the pick up arrangement; and

BE IT FURTHER RESOLVED, that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the pick up contributions made by the County of Fairfax directly instead of having them paid to VRS; and

BE IT FURTHER RESOLVED, that notwithstanding any contractual or other provisions, the wages of each member of VRS who is an employee of the County of Fairfax shall be reduced by the amount of member contributions picked up by the County of Fairfax on behalf of such employee pursuant to the foregoing resolutions.

NOW, THEREFORE, the members of the Fairfax County Board of Supervisors [employer code 35129] are hereby authorized and directed in the name of the County of Fairfax to carry out the provisions of this resolution, and said officers of the County of Fairfax are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by the County of Fairfax for this purpose.

Sharon Bulova
Governing Body Chairman

CERTIFICATE

I, Catherine Chianese, Clerk of the Fairfax County Board of Supervisors, certify that the foregoing is a true and correct copy of a resolution passed at a lawfully organized meeting of the Fairfax County Board of Supervisors held at 12000 Government Center Parkway, Fairfax, Virginia at _____ o'clock on June 19, 2012. Given under my hand and seal of the County of Fairfax this 19th day of June, 2012.

Clerk

This resolution must be passed prior to July 1, 2012 and received by VRS no later than July 10, 2012.

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ACTION - 2

Approval of an Updated Standard Project Administration Agreement Between Fairfax County and the Virginia 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 to execute a Standard Project Administration Agreement with the Virginia Department of Transportation (VDOT) to administer the preliminary engineering of the Route 50 Pedestrian Initiative between Jaguar Trail and the Seven Corners area (UPC 58601).

RECOMMENDATION:

The County Executive recommends that the Board approve the updated Standard Project Administration Agreement (Attachment 1), in substantial form, between the County and VDOT to use previously approved funding in the amount of \$1,974,159 in Congestion Mitigation and Air Quality (CMAQ) and Regional Surface Transportation Program (RSTP) funding to administer the preliminary engineering of the Route 50 Pedestrian Initiative between Jaguar Trail and the Seven Corners area. No local cash match is required.

TIMING:

Board approval is requested on June 19, 2012, so that project preliminary engineering can be initiated.

DISCUSSION:

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. 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. The total funding amount of \$1,975,000 is only a portion of the original agreement approved by the Board on February 22, 2011, and was intended to fund design and construction of the Route 50 Pedestrian Initiative improvements. However, since this amount would not fully cover the cost of all design and construction, VDOT has requested that the Standard Project Administration Agreement (Attachment 1) be modified to reflect VDOT's new standard form, and to fully fund and cover only preliminary engineering (PE). The total funding amount of \$1,974,159 in the updated agreement will fully cover preliminary engineering to determine feasibility and cost estimates of individual segments of the Route 50 Pedestrian Initiative. Once cost estimates are known, additional funding will be required to construct all segments.

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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. The 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. On February 22, 2011, the Board approved a Standard Project Administration Agreement for the Department of Transportation to accept CMAQ and RSTP funding for the Route 50 Pedestrian Initiative. The update to this agreement will allow funding to cover only preliminary engineering. There are no significant changes to the amount of funding. The total amount of the award is \$1,974,159, of which all is currently available in CMAQ, RSTP, and state funding. Additional funding will need to be identified when the design is complete. Potential funding sources include CMAQ and RSTP funds and/or Fund 400-C40011, County and Regional Transportation Projects (Capital). No local cash match is required. Upon approval, budget appropriation will be requested in Fund 500-C50000, 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 - Resolution to Execute Agreement

STAFF:

Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Eric Teitelman, Chief, Capital Projects and Operations Division, FCDOT
Todd Minnix, Chief, Transportation Design Division, FCDOT
Chris Wells, Pedestrian Program Manager, FCDOT
Todd Wigglesworth, Section Chief, Coordination and Funding Division, FCDOT
Carroll Johnson, Coordination and Funding Division, FCDOT
Janet Nguyen, Coordination and Funding Division, FCDOT

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

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

THIS AGREEMENT, made and executed in triplicate this ____ day of _____, 2012, 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 the 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 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.

COUNTY OF FAIRFAX, 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:

Commissioner of Highways
Commonwealth of Virginia
Department of Transportation

Date

Signature of Witness

Date

Attachments

Appendix A – UPC 58601

Project Number: 0050-029-140 UPC: 58601 Locality: Fairfax County

Project Location ZIP+4: 22042-2004	Locality DUNS# 074837626	Locality Address (incl ZIP+4): 4050 Legato Road, Suite 400 Fairfax, VA 22033-2895
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Project Narrative

Scope: Route 50 Pedestrian Improvements

From: Jaguar Trail

To: Seven Corners

Locality Project Manager Contact info: Chris Wells, 703-877-5772 christopher.wells@fairfaxcounty.gov

Department Project Coordinator Contact Info: Hamid Misaghian, 703-259-1795 hamid.misaghian@vdot.virginia.gov

Project Estimates

	Preliminary Engineering	Right of Way and Utilities	Construction	Total Estimated Cost
Estimated Locality Project Expenses	\$1,914,934	\$0	\$0	\$1,914,934
Estimated VDOT Project Expenses	\$59,225			\$59,225
Estimated Total Project Costs	\$1,974,159			\$1,974,159

Project Cost and Reimbursement

Phase	Estimated Project Costs	Funds type <i>(Choose from drop down box)</i>	Local % Participation for Funds Type	Local Share Amount	Maximum Reimbursement (Estimated Cost - Local Share)	Estimated Reimbursement to Locality (Max. Reimbursement - Est. VDOT Expenses)
Preliminary Engineering	\$500,000	CMAQ	0%	\$0	\$500,000	\$1,914,934
	\$125,000	State Match	0%	\$0	\$125,000	
	\$120,000	RSTP	0%	\$0	\$120,000	
	\$30,000	State Match	0%	\$0	\$30,000	
	\$1,199,159	State Funds	0%	\$0	\$1,199,159	
Total PE	\$1,974,159			\$0	\$1,974,159	
Right of Way & Utilities			0%	\$0	\$0	\$0
				\$0	\$0	
Total RW	\$0			\$0	\$0	
Construction			0%	\$0	\$0	\$0
			0%	\$0	\$0	
Total CN	\$0			\$0	\$0	
Total Estimated Cost	\$1,974,159			\$0	\$1,974,159	\$1,914,934

Total Maximum Reimbursement by VDOT to Locality (Less Local Share)	\$1,974,159
Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses)	\$1,914,934

Project Financing

CMAQ	State Match	RSTP	State Match	State Funds	Aggregate Allocations (A+B+C+D+E+F)
\$500,000	\$125,000	\$120,000	\$30,000	\$1,199,159	\$1,974,159

Program and project Specific Funding Requirements

- This project shall be administered in accordance with VDOT's Locally Administered Projects Manual
- this agreement covers **PE Only**
- The Locality will continue to operate and maintain the facility as constructed. Should the design features of the project be altered by the Locality subsequent to project completion without approval of the Department, the locality inherently agrees, by execution of this agreement, to make restitution, either physically or monetarily, as required by the Department.
- This is a limited funds project. The Locality shall be responsible for any additional funding in excess of \$1,974,159 (if applicable)
- This project is funded with federal-aid Congestion Mitigation and Air Quality Program (CMAQ) funds. These funds must be obligated within 24 months of allocation and expended within 48 months of the obligation.
 - Previous \$625,000 Allocation by the CTB, Obligation deadline 6/30/2012, Expenditure deadline 6/30/2016
- This project is funded with federal-aid Regional Surface Transportation Program (RSTP) funds. These funds must be obligated within 12 months of allocation and expended within 36 months of the obligation.
 - Previous \$150,000 Allocation by the CTB, Obligation deadline 6/30/2012, Expenditure deadline 6/30/2015
- Total project allocations:** \$1,974,159

Authorized Locality Official and date

Typed or printed name of person signing

Authorized VDOT Official
Recommendation and Date

Typed or printed name of person signing

Fairfax County Board of Supervisors Resolution

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, June 19, 2012, 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, authorize County staff to execute on behalf of the County of Fairfax a Standard Project Administration Agreement with the Virginia Department of Transportation for the Route 50 Pedestrian Initiative (UPC 58601) by the County of Fairfax.

Adopted this ____ day of _____, 2012, Fairfax, Virginia

ATTEST _____
Catherine A. Chianese
Clerk to the Board of Supervisors

Board Agenda Item
June 19, 2012

ACTION – 3

Approval of 2012 Zoning Ordinance Amendment Work Program

ISSUE:

Approval of the 2012 Zoning Ordinance Amendment Work Program.

RECOMMENDATION:

The County Executive recommends that the Board approve the 2012 Zoning Ordinance Amendment Work Program as recommended by the Development Process Committee, and as set forth in Attachments 2, 3 and 4.

TIMING:

Board action is requested on June 19, 2012.

BACKGROUND:

The Zoning Ordinance Amendment Work Program is approved by the Board on an annual basis, and contains requests for amendments to the Zoning Ordinance generated from the Board, the Planning Commission, the Board of Zoning Appeals, staff, citizens, and industry representatives. The Work Program is comprised of a Priority 1 list and a Priority 2 list. The Priority 1 list includes those items to be addressed in the up-coming year and the Priority 2 list includes items to be retained for future Priority 1 consideration.

Enclosed as Attachments 1 and 2 are summary charts of the status of the 2011 Priority 1 list and those items proposed for the 2012 Priority 1 list, respectively. Attachment 3 sets forth the 2012 Priority 1 list with a description of each item, and Attachment 4 provides a description of the items on the 2012 Priority 2 list. Attachment 5 contains a list of new amendment requests that have been made since the adoption of the 2011 Work Program, and Attachment 6 is the Planning Commission's recommendation on the proposed 2012 Work Program.

With regard to the status of the 2011 Priority 1 list, there were a total of 27 items of which 26 items were originally approved by the Board, and 1 was added during the course of the year. Eleven items have been addressed; including 4 items that have been adopted, 4 authorized for public hearings, and 3 were addressed without requiring an amendment.

With regard to the proposed 2012 Work Program, on April 18, 2012, the Planning

Board Agenda Item
June 19, 2012

Commission's Policy and Procedures Committee reviewed the proposed 2012 Work Program. The Committee and subsequently the full Planning Commission on May 10, 2012, endorsed the staff recommended 2012 Work Program.

At its May 15, 2012 meeting, the Board's Development Process Committee reviewed the proposed 2012 Work Program and recommended approval by the full Board on June 19, 2012. The following matters were discussed by the Committee:

1. There was discussion pertaining to noise. Specifically, the adverse impacts that leaf blowers have on nearby residences was discussed and it was suggested that consideration be given to reducing the hours that leaf blowers can operate. It is noted that this item is already on the Priority 2 list - [Item #25(b) (Page 13 of Attachment 4).] It was also requested that the impacts of echo noise and base sounds from music be considered when dealing with noise impacts in areas with high rise buildings. These issues are being addressed with the Priority 1 noise item. [This item is listed in Item #7 (Page 4 of Attachment 3).]
2. Although not under the purview of the Zoning Ordinance, but rather a ventilation, building and health issue, there was discussion regarding the ill effects of second hand smoke in high rise buildings, and it was suggested that this matter be reviewed.
3. There was discussion regarding the regulations for the keeping of chickens. The committee concurred that, instead of creating a domestic fowl overlay district or a pilot program in the Mount Vernon District for the keeping of chickens, consideration should be given to reducing the current \$910 special permit application fee for the modification of the limitations for the keeping of chickens. It was recognized that any reduction of the application fee could not apply to only chickens, but must apply to all special permit requests for the modification to the limitations on the keeping of animals. [This item is listed in Item #1 (Page 3 of Attachment 3).]

As recommended by the Development Process Committee, the 2012 Priority 1 list contains 23 items, 16 of which are carryover items from the 2011 Priority 1 list and 7 are new items.

FISCAL IMPACT:

None. The 2012 Work Program can be addressed using existing staff and resources.

Board Agenda Item
June 19, 2012

ENCLOSED DOCUMENTS:

Attachment 1 - Summary Chart of the Status of 2011 Priority 1 Work Program
Attachment 2 - Summary Chart of the Proposed 2012 Priority 1 Work Program
Attachment 3 - Proposed 2012 Priority 1 Zoning Ordinance Work Program
Attachment 4 - Proposed 2012 Priority 2 Zoning Ordinance Work Program
Attachment 5 - New Requests since July 12, 2011
Attachment 6 - Planning Commission Recommendation

STAFF:

Robert A. Stalzer, Deputy County Executive
Fred Selden, Director, Department of Planning and Zoning (DPZ)
Eileen M. McLane, Zoning Administrator, DPZ
Lorrie Kirst, Deputy Zoning Administrator, Ordinance Administration Branch, DPZ

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Adopted	Amendment Authorized	No Amendment Necessary	Amendment Being Researched	Target Date
Grading Plan 7/26/11	Building Height for Certain Independent Living Facilities (3) PC PH 7/19/12 BOS PH 9/11/12	Minor Revisions – Site Distance on Corner Lots	Farm Wineries (4)	TBD
Housing - Independent Living Facilities for Low Income Residents; ADU Administrative Provisions; Dwelling Unit & Independent Living Facility Definitions 2/28/12	Housing - Independent Living Facilities for Low Income Residents; ADU Administrative Provisions; Dwelling Unit and Independent Living Facility Definitions 10/18/11 Bd. Ind. Deferred (Revised amendment was reauthorized on 1/26/12 & adopted on 2/28/12)	State Code – Property Owner Notice	Gross Floor Area – Cellar Space (5)	10/12
Minor Revisions - Rooftop Guard Rail Height Exclusion - Repair Service Establishments - Home Child Care SE Application Fee - Editorial Revisions 3/20/12	Public Entertainment Establishments (13) 3/6/12 Bd. Ind. Deferred (working on revisions)	State Code – Traffic Impact Submission Requirements	Housing – Study Allowing Affordable/Work Force Dwellings in C and/or I Districts (Priority 2. – No. 19(h))	TBD
P District Recreational Fees 1/10/12	Truck Rental Establishments in PRC District (20) PC PH 7/19/12 BOS PH 9/11/12		Maintaining Neighborhood Character (Priority 2 – No. 17(g))	TBD
			Minor Revisions (6)	9/12
			Noise (7)	10/12
			Open Space (Priority 2- Nos. 27, 28, 29)	TBD
			Outdoor Lighting (9)	10/12
			Parking Reductions in Transit Oriented Areas (10)	12/12
			PDC and PRM Districts - FAR (11)	12/12
			Planned Development Districts (Priority 2 – No. 36)	TBD
			PRC District Density (12)	TBD
			Public Entertainment Establishments (13)	6/12
			R-C District (14)	TBD
			State Code – Development in Dam Break Inundation Zones (18)	9/12
			State Code – Temporary Health Care Structures (19)	10/12
			Yards – Infill (21)	TBD

() Denotes paragraph reference on 2012 Priority 1 Work Program – Attachment 3 or 2012 Priority 2 Work Program – Attachment 4
 Highlights denote the items that have been added to the Priority 1 list subsequent to the Board’s 7/12/11 endorsement of the 2011 Work Program.

Carry Over from 2011			New Priority 1	
Amendment Authorized	Amendment Being Researched	Target Date	New Amendments	Target Date
Building Height for Certain Independent Living Facilities (3) PC PH 7/19/12 BOS PH 9/11/12	Farm Wineries (4)	TBD	Application Fees (1)	1/13
Minor Revisions – Home Child Care Facilities Substitute Providers (6c) 3/6/12 Bd. Dec. Deferred	Gross Floor Area – Cellar Space (5)	10/12	Building Height (2)	10/12
Truck Rental Establishments in PRC District (20) PC PH 7/19/12 BOS PH 9/11/12	Minor Revisions - Error in Building Location for Detached Accessory Structures (6a) - BZA Approval of Error in Building Location of Less than 10% (6b)	9/12	Minor Revisions - ARB Membership (6d) - Parking (6e)	9/12
	Noise (7)	10/12	Office (8)	9/12
	Outdoor Lighting (9)	10/12	Site Plan Exemptions (15)	10/12
	Parking Reductions in Transit Oriented Areas (10)	12/12	Special Permit Submission Requirements (16)	9/12
	PDC and PRM Districts - FAR (11)	12/12	State Code - 2012 Session (17)	7/12
	PRC District Density (12)	TBD		
	Public Entertainment Establishments (13)	TBD		
	R-C District (14)	TBD		
	State Code – Development in Dam Break Inundation Zones (18)	9/12		
	State Code – Temporary Health Care Structures (19)	10/12		
	Yards – Infill (21)	TBD		
Total Authorized:3	Total Outstanding: 13		New Amendments: 7	

Total Amendments 23

() Denotes paragraph reference on 2012 Priority 1 Work Program – Attachment 3

**PROPOSED 2012 PRIORITY 1
ZONING ORDINANCE AMENDMENT WORK PROGRAM
June 19, 2012**

Highlighted items are those items that are new to the Priority 1 list. Several of the items listed below are annotated with an asterisk (*) without any projected timeline. Although these items are of importance and are listed on the Priority 1 list, these items may not be completed within the 12 month time frame covered by this Work Program if the other higher priority items place greater demands on staff resources than originally anticipated. Additionally, several of the items listed below are annotated with the abbreviation (EAC), as they are directly aligned with the recommendations of the Fairfax County Economic Advisory Commission as presented in its February, 2011 report.

1. **Application Fees (New)**

As requested by the Board, review the zoning application fees every two years for appropriateness. Specifically look at a possible lower fee for a special permit amendment application involving only a change in permittee, and a lower fee for a special permit application for a modification to the limitations on the keeping of animals.

January, 2013 Authorization to Advertise; February, 2013 Planning Commission public hearing; March, 2013 Board of Supervisors' public hearing

2. **Building Height (New)**

Consider increasing the building height for single family detached dwellings in the R-C and R-E Districts when the impact of the increased height on adjacent properties would be mitigated.

October, 2012 Authorization to Advertise; November, 2012 Planning Commission public hearing; January, 2013 Board of Supervisors' public hearing

3. **Building Height for Certain Independent Living Facilities (New)**

Amend the maximum building height for independent living facilities in the R-E through R-8 Districts from 50 to 35 feet when the building is designed to resemble a single family dwelling and when the applicable minimum yard requirements for the district in which located are used.

July 19, 2012 Planning Commission public hearing; September 11, 2012 Board of Supervisors' public hearing

4. **Farm Wineries (EAC – 2011 Priority 1)***

Consider adding regulations for farm wineries.

Monitoring amendment efforts in Albemarle and Fauquier Counties

5. Gross Floor Area – Cellar Space (2011 Priority 1)
Review the definition of gross floor area as to how it is calculated for underground space in areas located outside of the PTC District.

October, 2012 authorization to advertise; November, 2012 Planning Commission public hearing; January, 2013 Board of Supervisors' public hearing

6. Minor Revisions (2011 Priority 1 and New)
Minor revisions to include the following: (a) Clarify that an error in building location special permit or an administrative reduction in minimum required yards pursuant to Sect. 2-419 can be granted for the location regulation for detached accessory structures that requires such structures be setback a distance of their height from the rear lot line;. (b) Consider allowing the Board of Zoning Appeals in conjunction with the approval of another special permit to approve an error in building location of less than ten percent. (c) Revise the home child care facility provisions set forth in Par. 6 of Sect. 10-103 to allow for a substitute child care provider for up to 6 weeks per year in accordance with the State's guidelines for licensed home child care providers; (d) Require that at least one of the 10 Architectural Review Board members be an archaeologist; and (e) Clarify the meaning of "permanent availability" in Par. 1 of Sect. 11-102 as it pertains to the use of off-site parking spaces on a contiguous lot.

September, 2012 Authorization to Advertise; October, 2012 Planning Commission public hearing; November, 2012 Board of Supervisors' public hearing

7. Noise (EAC – 2011 Priority 1)
Consider revising the regulations in Sect. 108-4-4 of the Noise Ordinance regarding the method of noise measurement as well as establishment of day time and night time noise levels designed to protect the community. Due to a 2009 Virginia Supreme Court Decision, review the nuisance noise provisions of the Noise Ordinance. Consider the appropriateness of the weekend construction start times; and consider regulating vehicle alarm noise.

October, 2012 Authorization to Advertise; November, 2012 Planning Commission public hearing; December, 2012 Board of Supervisors' public hearing

8. Office (New)
Clarify that a certain amount of biotech (bioscience) research and development, which is primarily computer related and not involving animal testing, is permitted as an office use (similar to the Ignite proposal).

September, 2012 Authorization to Advertise; October, 2012 Planning Commission public hearing; November, 2012 Board of Supervisors' public hearing

9. Outdoor Lighting (EAC - 2011 Priority 1)

Consider revisions to the outdoor lighting standards pertaining to security lighting, outdoor sports facilities and automatic teller machines to improve the overall effectiveness of such provisions; consider requiring Architectural Review Board review of sports illumination plans and photometric plans that are submitted in Historic Overlay Districts when such plans do not require site plan, special permit, special exception, rezoning or development plan approval; and review single family residential lighting exemptions to consider additional requirements for minimum spacing of lighting fixtures and possible limitations on cumulative allowable initial light outputs.

October, 2012 authorization to advertise; November, 2012 Planning Commission public hearing; December, 2012 Board of Supervisors' public hearing

10. Parking Reductions in Transit Oriented Areas (EAC - 2011 Priority 1)

Consider applying parking maximums and a reduction of the minimum parking requirements due to transit oriented areas and/or transportation demand management provisions.

This will be addressed with the PDC and PRM Districts – FAR Amendment (See No. 11 below). December, 2012 authorization to advertise; January, 2013 Planning Commission public hearing; February, 2013 Board of Supervisors' public hearing

11. PDC and PRM Districts – FAR (Environmental Improvement Program and EAC - 2011 Priority 1)

Consider increasing the maximum allowable floor area ratio (FAR) as well as other provisions in the PDC and PRM Districts to facilitate the implementation of the Comprehensive Plan recommendations for Revitalization Districts and Areas, Community Business Centers and Transit Station Areas.

December, 2012 authorization to advertise; January, 2013 Planning Commission public hearing; February, 2013 Board of Supervisors' public hearing

12. PRC District Density (2011 Priority 1)*

Consider possible revisions to the maximum allowable densities and/or persons per acre in the PRC District.

To be processed in conjunction with the Reston Plan update.

13. Public Entertainment Establishments (EAC - 2011 Priority 1)*
Consider requiring special exception approval to establish dancing and/or live entertainment/recreation venues and clarify what is allowed as accessory entertainment to an eating establishment.

Ongoing coordination with the Planning Commission's Entertainment Establishment Committee.

14. R-C District (New Millennium Occoquan Task Force Recommendations and EAC – 2011 Priority 1)*
Establish an advisory committee to, among other things, review standards and guidelines associated with special permit, special exception and public uses in the R-C District; review maximum allowable floor area ratios; consider whether standards need to be established for total impervious cover and/or undisturbed open space and review combined impact of the facility footprint and total impervious surface cover, to include parking; and review the Comprehensive Plan to determine if clearer guidance is needed for special permit, special exception and public uses in the Occoquan.

15. Site Plan Exemptions (New)
Consider increasing the amount of gross floor area or disturbed area that is exempt from site plan or minor site plan requirements.

October, 2012 authorization to advertise; November, 2012 Planning Commission public hearing; January, 2013 Board of Supervisors' public hearing

16. Special Permit Submission Requirements (New)
In conjunction with a special permit for an accessory dwelling unit or home professional office, require the submission of a certified dimensioned floor plan for the special permit use and principal dwelling unit that shows all ingresses and egresses, including any window egresses required under the Building Code, gross floor area for both the principal dwelling and special permit use, use of each room, and any kitchen sinks, cabinets or appliances.

September, 2012 authorization to advertise; October, 2012 Planning Commission public hearing; November, 2012 Board of Supervisors' public hearing

STATE CODE

17. State Code (2012 Session)
Possible revisions resulting from the 2012 General Assembly. (Continuing)

July, 2012 authorization to advertise; September, 2012 Planning Commission public hearing; October, 2012 Board of Supervisors' public hearing

18. State Code – Development in Dam Break Inundation Zones (2011 Priority 1)
Incorporate the new requirements for development in dam break inundation zones.

September, 2012 authorization to advertise; October, 2012 Planning Commission public hearing; November, 2012 Board of Supervisors' public hearing

19. State Code - Temporary Health Care Structures (2011 Priority 1)
Incorporate provisions for temporary health care structures (granny pods).

October, 2012 authorization to advertise; November, 2012 Planning Commission public hearing; January, 2013 Board of Supervisors' public hearing

20. Truck Rental Establishments in PRC District (2011 Priority 1)
Consider allowing truck rental establishments in the PRC District as a special exception use and subject to appropriate standards.

June 19, 2012 authorization to advertise; July 19, 2012 Planning Commission public hearing; September 11, 2012 Board of Supervisors' public hearing

21. Yards (Infill Study - 2011 Priority 1)*
Consider revisions to the lot and yard definitions; consider whether front yards should be required from unimproved dedicated rights-of-way.

**PROPOSED 2012
PRIORITY 2 ZONING ORDINANCE AMENDMENT
WORK PROGRAM
June 19, 2012**

New requests are underlined and those proposed for deletion are reflected by strike-throughs.

The Following Abbreviations are used:

Environmental Improvement Program (EIP)
Business Process Redesign (BPR)
Department of Public Works and Environmental Services (DPWES)
Planning Commission (PC)
Board of Zoning Appeals (BZA)
Fairfax County Economic Advisory Commission (EAC)

SOURCE

ACCESSORY USES, ACCESSORY SERVICE USES AND HOME OCCUPATIONS

- | | |
|---|---------------------------------|
| 1. Comprehensive review of accessory uses and structures, to include consideration of issues such as: | Board/PC/BZA/
Staff/Industry |
| (a) The establishment of a maximum height limitation. | |
| (b) Revisions to the location regulations for uses/structures accessory to residential, commercial and industrial uses. | |
| (c) Establishment of a side yard requirement for accessory structures in the PRC District. | |
| (d) Consider revising the height of accessory structures and accessory storage structures that can be located anywhere in the rear or side yards to be the same. | |
| (e) Modify the accessory structure location provisions to require a freestanding wind turbine structure to be setback a distance of its height from all property lines. | Board |
| (f) Review the accessory use limitations to determine whether they adequately address the placement of commercial portable storage containers in commercial districts. | Board |
| (g) Review the allowable placement of roll-off debris containers-dumpsters in residential districts during home improvement projects | Board |

SOURCE

BZA/PC

2. Consider revisions to the accessory service use provisions to include:
 - (a) A clearer distinction between accessory service uses and accessory uses.
 - (b) The appropriateness of whether office buildings in the retail commercial districts should be allowed to have a small deli as a by right accessory service use instead of requiring special exception approval.
3. ~~Consider allowing a fence to be located on a vacant lot even though the fence is an accessory structure and there is no principal use on the lot. [Added to Priority 1 list in 2004 – Issue has been addressed by interpretation.]~~ Staff
4. Consider revising the home occupation provisions to allow a small amount of storage of stock in trade (64 sq. ft.) for a home business conducted via the internet or sales outside of the dwelling unit. Citizen

ADMINISTRATION

5. Consider allowing the Board of Supervisors, Planning Commission and Board of Zoning Appeals to set the day or days to which any public hearing shall be continued due to inclement weather or other conditions without further advertisement or posting of the property. Staff/ General Assembly
6. Revise the cluster provisions to return to the pre-2004 status. General Assembly

BOARDS, COMMISSIONS, COMMITTEES

7. Review Par. 7 of Sect. 19-101 to clarify that the Planning Commission has the authority to make recommendations on variance applications to the Board of Zoning Appeals. Staff

COMMERCIAL ZONING DISTRICTS

8. Consider allowing veterinary clinics in the C-3 and C-4 Districts with use limitations or as a special exception use. Staff

DEFINITIONS AND USE LIMITATIONS

9. Review the following definitions: Staff
 - (a) private schools
 - (b) streets
 - (c) storage yard

SOURCE
Staff/BPR/BZA

- | | |
|---|----------------------|
| 10. Add the following definitions | |
| (a) establishment for production, processing, etc. | |
| (b) storage | |
| (c) place of worship | |
| (d) colleges and universities | |
| 11. Review definition and accessory use provisions for commercial vehicles to determine whether existing provisions are adequate, especially review whether the tractor of a tractor-trailer should be allowed. | Board |
| 12. Consider excluding patios from the deck definition in order to facilitate the placement of patios in side yards. | Staff |
| 13. Consider allowing the use of pervious pavers in more parking situations in order to reduce the amount of impervious surfaces and stormwater runoff. | Board/DPWES |
| 14. Revise definition of Quick-Service Food Store so that small specialty markets are excluded and allowed as retail sales establishments, also revise use limitations regarding allowing quick-service food stores by right in shopping centers. [Added to Priority 2 list in 1993 – No longer an issue.] | Board/BPR |
| 15. Consider revising the contractors’ office and shops definition to clarify that the use includes establishments used by paving and road contractors and by facilities that install water and sewer pipes. | BZA |

GENERAL REGULATIONS

- | | |
|---|-------|
| 16. <u>District Regulation Interpretations</u> – Consider allowing the transfer of allowable density or gross floor area from parcels located within an identified sending area to parcels located within an identified receiving area. | Board |
| 17. <u>Qualifying Lot and Yard Regulations</u> – Consider the following: | |
| (a) Allow approval of modifications to the setback requirements from railroads and interstate highways in conjunction with review and approval of SP/SE uses. | BPR |
| (b) Review of pipestem lot and yard requirements, to include possible addition of illustrations. | BPR |
| (c) Review the existing provisions which allow uncovered stairs and stoops to encroach into minimum required yards. | Staff |
| (d) Allow certain lattice screening walls and/or limited trellis-like features | Staff |

SOURCE

on decks for single family dwellings without requiring such features to meet the minimum required yards of the district in which located.

- (e) Addition of shape factor limitations to the R-C District. Board
- (f) Consider requiring greater setbacks for proposed construction in areas influenced by tidal flooding. Board's Environmental Committee
- (g) In order to address compatibility issues associated with new residential development in existing residential areas, review methods, such as lot coverage and square footage maximums. [2011 Priority 1] Board

18. Qualifying Use and Structure Regulations - Consider the following:

- (a) Consider revising the maximum number of horses that may be maintained on a lot. No. Va. Soil and Water Conservation Dist.
- (b) Consider allowing chickens to be permitted on lots less than two acres in size in certain situations. Citizen

HOUSING

19. Consider the following revisions to the ADU program:

Staff

- (a) Allow units that are acquired by the Fairfax County Redevelopment and Housing Authority (FCRHA) and are part of any FCRHA affordable housing program to be considered equivalent.
- (b) Clarify Par. 2B of Sect. 2-812 to indicate that resales can be sold to nonprofits pursuant to the guidelines for new units.
- (c) Increase the closing cost allowance from 1.5% of the sales price to either the actual closing costs or up to 3%, whichever is less.
- (d) For resales, allow 3% of closing costs to be part of the sales price so that applicants can apply for closing costs assistance.
- (e) Establish a for-sale ADU pricing schedule to include the renovation and/or preservation of existing units and condominium conversions. *[Currently under review by consultant.]*
- (f) Consider requiring an ADU bedroom mix of 50% one-bedroom units and 50% two-bedroom units for independent living facilities.

SOURCE

[Place holder until data and resources are available to complete the required survey of independent living facilities in ADUs]

- (g) Determine whether inheritance laws affect the retention of an ADU within the ADU Program in the event of the death of an ADU owner, and if so, whether an amendment is necessary.
- (h) Study the implications of allowing ADUs and/or workforce housing in certain commercial and/or industrial districts, subject to specific standards or by special exception. [2011 Priority 1 list]

20. Review the Board of Supervisors' accessory dwelling unit policy in Appendix 5 to determine whether updates are necessary. Staff

INDUSTRIAL ZONING DISTRICTS

- 21. Revise use limitations in I-5 District regarding outdoor storage of trucks and equipment. Board
- 22. Clarify use limitations in the I-5 and I-6 Districts which allow vehicle light service establishments by right. Also consider allowing this use by right in other C and I Districts. BPR

LANDSCAPING & SCREENING

- 23. Comprehensive review of landscaping and screening provisions to include:
 - (a) Appropriateness of modification provisions. BPR/Staff
 - (b) Address issue of requirements when property abuts open space, parkland, including major trails such as the W&OD) and public schools. Staff/EIP
 - (c) Increase the parking lot landscaping requirements. Tree Action Plan/EIP
 - (d) Include street tree preservation and planting requirements. Tree Action Plan
 - (e) Consider requiring the use of native trees and shrubs to meet the landscaping requirements for developments along Richmond Highway. Board
- 24. Evaluate opportunities to include provisions that support and promote sustainable principles in site development and redevelopment, including the application of better site design, Low Impact Development (LIDs) and natural landscaping practices. Tree Action Plan

SOURCE

NOISE ORDINANCE – CHAPTER 108 OF THE COUNTY CODE

25. Review of this Chapter to consider:

(a) The addition of provisions to regulate helicopter noise at helicopter landing sites.

Board/EQAC

(b) The addition of leaf blower provisions.

Board/Citizens

NONCONFORMITIES – ARTICLE 15

26. Comprehensive review and study, to include addition of provisions to address situations resulting from condemnation of right-of-way by public agencies.

Staff/BPR

OPEN SPACE

27. Review of the open space provisions to include: [2011 Priority 1 list – Place holder until new stormwater and LID regulations are in place.]

Infill Study/EIP/Staff

(a) Consider the establishment of minimum sizes/dimensions for required open space areas.

(b) Exempt either all or part of stormwater management dry pond facilities from the open space calculations.

(c) Provide open space credit for innovative BMPs but not for non-innovative BMPs

(d) Allow open space credit only for usable open space.

(e) Develop a consistent approach to open space as it relates to various existing and proposed elements of the Comprehensive Plan.

(f) Review the general open space provisions to clarify that open space is only intended for land that is dedicated or conveyed without monetary compensation.

OVERLAY DISTRICTS

28. Airport Protection Overlay District - Establish an Airport Protection Zoning Overlay District for Dulles International Airport, Ronald Reagan National Airport and Davison Airfield

Board

29. Historic Overlay Districts - Consider the following revisions to the Historic Overlay Districts:
- (a) Consider establishing an historic overlay district for the Lorton Correctional Facility (Laurel Hill). Board
 - (b) Consider requiring all demolition permits for structures listed on the County Inventory of Historic Places to be reviewed by the History Commission prior to the issuance of the permit. History Commission
 - (c) Establish an historic overlay district for Mason Neck. Board

PARKING REQUIREMENTS

30. Study parking requirements for: Board/Staff
- (a) funerals homes
 - (b) places of worship
 - (c) child care centers and nursery schools
31. Consider reducing the minimum required parking requirement for all retail and retail mixed projects and not only those projects that are located near mass transit. *[This item has been incorporated in part in 2012 Priority 1 – No. 10]* Industry
32. Consider limiting the amount of pavement for driveways and parking that can be provided in the front yard of single family detached dwellings in the R-5 and R-8 Districts. Citizen

PLANNED DEVELOPMENT DISTRICTS

33. Consider the following revisions to the Planned Development Districts *[A number of these items will be addressed as part of 2012 Priority 1 – No. 11]* Infill Study/EIP/EAC/PC/Staff
- Clarify the office secondary use limitations in the PDH District; Review the P district purpose and intent statements and the General and Design Standards; Review the minimum lot size and open space requirements; Review the CDP/FDP submission requirements; Review the density credit for RPAs, streams and floodplains; Review the permitted secondary commercial uses in the PDH District and consider increasing the amount of commercial uses permitted in a PDH District; Consider allowing the waiver of the minimum district size requirement for additions to existing PDH or PDC Districts; Consider allowing the Planning Commission to waive the 200 foot privacy yard for single family attached dwelling in the PDH and PDC Districts in conjunction with FDP approvals. [2011 Priority 1]

34. Consider allowing vehicle sales and rental establishments in the PDC and PRM Districts with use limitations and special exception approval. Citizen/PC/EIP

PERFORMANCE STANDARDS

35. Review the earthborn vibration performance standards for quarries to facilitate proper enforcement. Staff

SIGNS

36. Review the sign provisions to include the consideration of:
- (a) Allowing auto parks to have the same freestanding signs as currently permitted for an office park. Board
 - (b) Allowing, by special permit, off-site signs based on hardships due to topography or visibility. Board
 - (c) Allowing office parks and industrial parks comprised of a single tenant to be deemed an office/industrial park by revising the definition and to expand or modify the sign provisions for office/industrial parks. Board
 - (d) Review regulations pertaining to temporary political campaign signs. Board
[Given questions regarding legal implications, this item is a place holder until such issues can be addressed.]

SPECIAL EXCEPTIONS/SPECIAL PERMIT USES

37. Consider allowing BZA to modify or waive general standards when uses are proposed for existing structures and/or lots. BPR
38. Consider deletion of requirement for extension requests to be submitted 30 days prior to an expiration date, consistent with renewal requests. Staff
39. Allow BZA to modify special permit additional standards. BPR

SPECIAL EXCEPTION USES

40. Category 2 Heavy Public Utility Uses – Consider the deletion of special exception requirement in the I-5 District for storage yards and office/maintenance facilities in conjunction with public utility uses, so these uses will be allowed by right. BPR
41. Category 5 Commercial and Industrial Uses of Special Impact – Consider the appropriateness of the list of heavy industrial uses. Staff

42. ~~Category 6 Miscellaneous Provisions Requiring Board of Supervisors' Approval~~ – Consider allowing the Board of Supervisors to increase the maximum building height limitations with special exception approval for residential uses. *[Added to Priority 2 list in 2005. This issue will be addressed in conjunction with 2012 Priority 1 – No. 2]* Staff

43. Consider increasing the minimum 55 year age requirement for accessory dwelling units. BZA

SPECIAL PERMIT USES

44. Group 1 Extraction and Excavation Uses - Consider expanding the number of property owners that are required to be notified for the renewal of a special permit for a quarry. Board

45. Group 4 Community Uses – Consider allowing community uses to be approved via development plans in the rezoning process in lieu of requiring special permit approval. Staff/BPR

SPECIAL PERMITS – GROUP 5 COMMERCIAL RECREATIONAL USES

46. Group 9 Uses Requiring Special Regulations – Consider the following:

(a) Revise the reduction of certain yard special permit additional standards to increase the allowable size of an addition and to allow the complete teardown and rebuild of a structure. Board/PC

(b) Revise the accessory dwelling unit submission requirements, occupancy and lot size limitations. Board

SUBMISSION REQUIREMENTS

47. Revise submission requirements to include identification of heritage resources; and consider expanding the archaeological survey submission requirements to be applicable to all zoning applications and not only those applications located in Historic Overlay Districts. Plan/Board

48. Consider adding specificity to the submission requirements for Comprehensive Sign applications. Staff

49. Consider adding an environmental site assessment submission requirement for site plans and certain zoning applications. General Assembly

50. Consider the strengthening of zoning application submission requirements to require the submission of a preliminary utility plan where utility construction could conceivably result in clearing of trees. Tree Action Plan/EIP

USES

51. Review regulations related to: Staff/Board
- (a) adult day care
 - (b) adult video stores
 - (b) “doggie” day care
 - (c) sports arenas, stadiums
52. Review the drug paraphernalia regulations to determine whether changes are necessary due to State Code revisions. Staff

NEW AMENDMENT REQUESTS SINCE JULY 12, 2011 ENDORSEMENT OF
THE 2011 ZONING ORDINANCE WORK PROGRAM
June 19, 2012

A total of 10 new amendment requests have been received, and of those, 9 have been placed on either the 2012 Priority 1 or 2 list, and no amendment is required for one.

1. Accessory Dwelling Units - Considering increasing the minimum 55 year age requirement for accessory dwelling units. (BZA) **[Priority 2 – No. 43]**
2. Application Fees – As requested by the Board, review the zoning application fees every two years for appropriateness. Specifically look at a possible lower fee for a special permit amendment application involving only a change in permittee, and a lower fee for a special permit application for a modification to the limitations on the keeping of animals. (Board) **[Priority 1 – No. 1]**
3. Architectural Review Board Membership – Require that at least one of the 10 Architectural Review Board members be an archaeologist. (Staff) **[[Priority 1 – No 6(d)]**
4. Consider increasing the building height for single family detached dwellings in the R-E and R-C Districts when the impact of the increased height on adjacent properties would be mitigated. (Board 7/12/11) **[Priority 1 – No. 2]**
5. Building Height for Certain Independent Living Facilities - Amend the maximum building height for independent living facilities in the R-E through R-8 Districts from 50 to 35 feet when the building is designed to resemble a single family dwelling and when the applicable minimum yard requirements for the district in which located are used. (Board 2/28/12) **[Priority 1 – No. 3]**
6. Home Child Care Facilities – Consider reducing the number of children that may be permitted in a by right home child care facility in single family detached dwellings. (Citizen) **[No Amendment Necessary]**
7. Office – Clarify that a certain amount of biotech (bioscience) research and development, which is primarily computer related and not involving animal testing, is permitted as an office use (similar to the Ignite proposal). (Staff/Industry). **[Priority 1 – No. 8]**
8. Parking – Clarify the meaning of “permanent availability” in Par. 1 of Sect. 11-102 as it pertains to the use of off-site parking spaces on a contiguous lot. (Industry) **[Priority 1 – No. 6(e)]**

**Attachment 5
New Requests**

- 9.** Site Plan Exemptions – Consider increasing the amount of gross floor area or disturbed area that is exempt from site plan or minor site plan requirements. (staff) **[Priority 1 – No. 15]**

- 10.** Special Permit Submission Requirements – In conjunction with a special permit for an accessory dwelling unit or home professional office, require the submission of a certified dimensioned floor plan for the special permit use and principal dwelling unit that shows all ingresses and egresses, including any window egresses required under the Building Code, gross floor area for both the principal dwelling and special permit use, use of each room, and any kitchen sinks, cabinets or appliances. (Staff) **[Priority 1 – No. 16]**



County of Fairfax, Virginia

MEMORANDUM

DATE: May 11, 2012

TO: Eileen McLane, Director
Zoning Administration Division
Department of Planning & Zoning

FROM: Barbara J. Lippa, Executive Director *BJL*
Planning Commission Office

SUBJECT: Planning Commission Action Re: Proposed 2012 Zoning Ordinance Work Program

On Thursday, May 10, 2012, the Planning Commission voted unanimously (Commissioner Hall absent from the meeting) to endorse the recommendation of its Policy and Procedures Committee that the proposed 2012 Zoning Ordinance Work Program be approved, as presented by staff in the memorandum from you, dated April 12, 2012.

Attached for your information is the verbatim of the Commission's action on this item and I would be happy to answer any questions you may have.

Attachment (a/s)

cc: Lorrie Kirst, ZAD, DPZ
May 10, 2012 date file
O-3c File



Planning Commission Meeting
May 10, 2012
Verbatim Excerpt

REVIEW OF 2012 ZONING ORDINANCE WORK PROGRAM

During Commission Matters

Chairman Murphy: Now is there any other business before – Mr. Lawrence, please.

Commissioner Lawrence: Thank you, Mr. Chairman. By the way, you're certainly welcome to wear my jacket if you like. I have a number of items that I'm trying desperately to find the paper that goes with them because I just got swamped with more pieces of paper. I can do one of them from memory. The Planning Commission's Policy and Procedures Committee met this evening and we have reviewed the document on the Zoning Ordinance Work Program. And the Committee voted to recommend to the full Commission that the Commission support the program. So accordingly, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION SUPPORT THE ZONING ORDINANCE WORK PLAN AS DELINEATED IN THE MEMORANDUM FROM THE ZONING ADMINISTRATOR DATED APRIL 12, 2012.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion – is it to support the recommendations of the Committee and forward it to the Board of Supervisors?

Commissioner Lawrence: Yes, sir.

Chairman Murphy: Okay. All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.

//

(The motion carried unanimously with Commissioner Hall absent from the meeting.)

JLC

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Board Agenda Item
June 19, 2012

ACTION – 4

Approval of a Cooperative Agreement Renewal – A Water Resources Monitoring Network for Fairfax County in Partnership with the United States Geological Survey

ISSUE:

Board of Supervisors authorization is requested for the County to continue the Joint Funding Agreement (JFA) with the United States Geological Survey (USGS) for the water resources monitoring network established in Fairfax County.

RECOMMENDATION:

The County Executive recommends the Board authorize the JFA between the County and the USGS in the amount of \$217,000 for the continuation of this water resources monitoring network. At the County's option, the agreement may be extended annually to continue the monitoring program at a cost of approximately \$220,000 per year for a term of 5 years (as outlined in Table 1 of the attachment).

TIMING:

Board action is requested on June 19, 2012 to ensure continuity of monitoring network operations which would otherwise expire on July 1, 2012.

BACKGROUND:

Water quality Best Management Practices (BMPs) have been employed and constructed throughout the County for the past several decades and will continue to be implemented as part of the County's ongoing stormwater management efforts to improve aquatic resources and meet various regulatory requirements of the MS4 permit. BMPs are designed and constructed in an effort to reduce excess runoff and pollution reaching the receiving waters of Fairfax County that drain into the Potomac River, and eventually, the Chesapeake Bay. As part of the County's watershed management plans that were completed in 2011, over 1700 structural projects were identified countywide with an estimated cost of \$700 million.

Many of the watershed management plan projects are BMPs that have been shown to be effective at the site scale, but much less is known about the effect of multiple BMPs at the larger watershed scale. Evaluating BMP effectiveness on the watershed scale is

Board Agenda Item
June 19, 2012

critical from regulatory compliance and watershed planning perspectives. Long-term monitoring is necessary to discern the processes and patterns occurring in the more urbanized watersheds typically found throughout Fairfax County, especially as watershed improvements are implemented in anticipation of current and impending regulatory requirements.

With long-term water quality monitoring data, many questions can begin to be answered, such as:

- How well are the current BMPs working?
- How might they be improved?
- How can we create more cost and time-effective BMPs?
- Can we quantify the effects of the projects being implemented out of the current watershed planning process?
- Can these results be transferred to other watersheds with similar characteristics?
- How can we effectively implement BMPs and retrofits in older, less-protected watersheds?

On June 18, 2007, the County authorized the initial Joint Funding Agreement (JFA) between Fairfax County and the United States Geological Survey (USGS) to construct and operate a long-term water resources monitoring network. The agreement outlined a five-year funding plan with annual JFA renewals for work through June 2012. The County had successfully partnered with USGS twice before (Accotink Creek Fecal Coliform Source Tracking Studies) and has continued to build on this productive partnership through the establishment and operation of this robust, countywide water monitoring network. By partnering with the federal government in this important initiative, the County is able to further leverage its resources.

The monitoring program is designed to be an ongoing, long-term effort to describe current conditions and trends in both water quality (e.g. nutrients, sediment) and water quantity. Both dry and wet weather (storm event) data are collected. Details of the current study are discussed in the attachment. The basic study framework consists of four USGS continuous water gaging stations throughout the County. These gages collect flow data and water quality data every 15 minutes as well as nutrient and sediment samples during rain events. This data is posted to a USGS-maintained, publicly accessible web page. To supplement the data from these gaged stations in a cost-effective manner and provide greater spatial coverage, ten less-intensely monitored locations are also established (see map in attachment for gaging locations). This network has been successfully operational since 2008 and is providing an extensive and useful dataset upon which trend analysis can soon be performed once baseline conditions are established.

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Additionally, this established monitoring program will continue to satisfy the evolving requirements of the County's MS4 permit. The MS4 permit is administered by the VA

Department of Conservation and Recreation (DCR), and has been operating on the basis on an administrative continuance since 2007 in anticipation of renewal by the end of 2012. The current language in the draft permit renewal specifically identifies this study as one of the County's monitoring requirements. The results of this monitoring will likely also be used in the future calibration of the Chesapeake Bay Watershed Model to further refine nutrient and sediment pollutant loads entering the Bay from tributary areas as part of the ongoing Total Maximum Daily Load process.

FISCAL IMPACT:

Funding for this project will continue to be provided on a cost-share basis with the USGS and Fairfax County. Funding is available to award this Joint Funding Agreement from Fund 125, Stormwater Management Program in Project FX7000, Municipal Separate Storm Sewer System (MS4) Permit. The County will continue to contribute approximately 75 percent of the operating costs, while USGS will be responsible for the remaining 25 percent which includes primary data collection, processing, and analysis. The USGS will continue to be responsible for facility repair costs as ownership responsibilities reside with them. This agreement will be extended annually at the County's option for the 5-year term described in the attachment.

The County will also be providing in-kind services as follows:

1. Laboratory services for nutrient analysis (nitrogen and phosphorus) of up to 520 water samples per year will be performed by the County's Wastewater Management Division at the Noman M. Cole Lower Potomac Pollution Control Plant's laboratory.
2. Staff ecologists will provide support in water quality sample collection and biological sampling and processing.

ENCLOSED DOCUMENTS:

Attachment 1: USGS Joint Funding Agreement Renewal Package

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Randy Bartlett, Deputy Director, Department of Public Works and Environmental Services

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Continuation of the Water-Resources Monitoring Network for Fairfax County, VA

John Jastram
USGS Virginia Water Science Center
May 2012

Introduction

In 2007, Fairfax County initiated a cooperative water-resources monitoring program with the US Geological Survey (USGS). The goals of this effort are to establish baseline characterizations of water-quality and streamflow conditions in County streams, to determine sediment and nutrient trends and loadings in those streams, and to evaluate relations between the observed water-resources conditions and Best Management Practice (BMP) implementation activities in the monitored watersheds. Through this monitoring program fourteen monitoring sites were established in watersheds for which watershed plans were developed in Phase 1 of the watershed planning effort.

The monitoring program established in 2007 has successfully provided the expected baseline water-resources characterizations at all 14 monitoring sites and constituent loads at the 4 intensive monitoring sites, and the data sets are approaching the temporal duration required for trend analyses. This monitoring program was initially funded through a 5-year Joint Funding Agreement (JFA) between Fairfax County and USGS – that initial JFA will expire on June 30, 2012, and therefore it is proposed that a new 5-year JFA be established to continue funding the operation of this monitoring network.

Rationale

In the past decade, hundreds of millions of dollars have been invested into the implementation of Best Management Practices (BMPs), with the explicit goal of improving water quality. Earlier research has demonstrated that these implemented BMPs are effective at the plot-scale and the field-scale; however, less information is available to document the effectiveness of these BMPs at the watershed scale - precisely the scale at which water-quality compliance and water-quality improvements are typically judged. Because of the costs associated with the implementation of these BMPs, federal, state, and local agencies are asking:

1. Are the implementation activities working?
2. How long will it take for the BMPs to work?
3. Are there more time-efficient, cost-effective methods for detecting these improvements?

Answers are needed to these questions to support the development of watershed implementation plans, to motivate BMP implementation by stakeholders, and to ensure the vitality of the cost-share programs that have supplemented the cost of implementing these BMPs.

Unfortunately, water-quality improvements that are related to BMP implementation activities are frequently difficult to statistically quantify for these reasons:

1. Numerous individual samples are needed every year to provide sufficient data with which to calculate trends in water-quality parameters. The cost associated with the collection of these samples is significant and often limits monitoring after BMP implementation.
2. Environmental factors cause extensive variability (noise) in concentrations of monitored parameters and confound attempts to quantify improvements (signal) that are related to BMP activities. Streamflow is the single greatest of these confounding environmental factors because even small changes in streamflow typically are associated with measurable changes in nutrient, sediment and bacterial concentrations. Additional confounding variables include rainfall rate, rainfall amount, landscape changes, and seasonality.
3. Lag times between implementation of BMPs and corresponding improvement in water quality may be considerable.

Detailed, data-rich water-quality monitoring is required to quantify improvements in water-quality that are related to implementation activities. Once water-quality improvements are documented in watersheds with extensive water-quality monitoring, there is a need to transfer the lessons learned to other watersheds with considerably less water-quality monitoring.

Objectives

Operate a water-resources monitoring network within Fairfax County to describe surface-water quantity and quality in numerous County streams. The data collection is designed to provide a long-term record that can be used to address three objectives:

1. Generate long-term monitoring data to describe current water-quality (sediment and nutrients) and quantity conditions, trends in water-quality and quantity, and nutrient and sediment loads and yields;
2. Evaluate relations between observed conditions/trends and BMP implementation within the monitored watersheds; and
3. Transfer the understanding gained to other less-intensively monitored watersheds.

Approach

Operate four intensive water-resources monitoring stations throughout the County to monitor streamflow and water quality in selected County streams. Each water-resources monitoring station includes the following.

- **Continuous-record stream gage:** A standard USGS stream gage is operated at each site for the collection of water level and streamflow at 5-minute intervals. Both water level and streamflow data are served on the internet approximately 1 hour after the data are collected (<http://waterdata.usgs.gov/va>).
- **Continuous-record water-quality monitor:** A water-quality monitoring sonde is deployed to measure turbidity, pH, specific conductance, dissolved oxygen and water temperature at 15-minute intervals. These water-quality parameters are also served on the internet approximately 1 hour after the data were collected. These continuous data are critical to understanding water-quality conditions in these highly dynamic urban streams, and when coupled with surrogate approaches allow the computation of a continuous record of nutrient and sediment concentrations which captures events that would be missed by traditional approaches relying solely on discrete sample collection. Further, use of these computed concentration data in load

computations results in load estimates with greatly reduced uncertainty – a factor critical to the detection of change over time.

- **Automated stream sampling:** Because these relatively small basins rise and fall very quickly with storm events (commonly termed “flashy”), manual storm sampling is not a reasonable long-term sampling option. Therefore, each intensive monitoring station is equipped with an automated stream sampler to collect stream-water samples during storm-flow periods; in general, the goal is to collect wet-weather samples over a wide range of flow conditions. For planning purposes, the automated samplers are configured to activate during storm events, and it is estimated that approximately 12 storm events will be sampled each year (with 5-10 samples collected during each event). These automated stream samples are analyzed for both suspended sediments and nutrients. To ensure that the intake for each automated sampler is in a representative location, manual samples are collected by USGS as needed, using standard USGS integrated sampling protocols.
- **Monthly sampling:** Water-quality samples have been collected by USGS during scheduled sampling visits each month to generate the requisite dataset for trend analysis. However, the assumption that a scheduled sampling approach will result in randomly representing the range of hydrologic conditions possible (an important characteristic of a trend-monitoring dataset) has not proven true in these small urbanized watersheds. This approach has worked well in larger systems, but given the flashy nature of the streams monitored in this network higher flow conditions do not persist for a sufficient duration to randomly achieve this distribution of sampled conditions. Therefore, the monthly sampling approach will be modified such that approximately 25% of the monthly samples will be collected during targeted wet weather conditions. It is expected that such targeting will result in a better representation of the range of hydrologic conditions, and thereby support a trend analysis that is more representative of changes over that range. To minimize the potential of introducing a seasonal bias when using this approach, the months in which wet-weather flows will be targeted will be randomly selected at the beginning of the sampling year, and regardless of the success of the targeting in a selected month those data will be included in the data set. In other words, it is likely that conditions may change after the decision is made to target an event, but those data will be used as the monthly sample regardless of the magnitude of flow they represent.

To evaluate the transferability of the results from the intensive water-resources monitoring stations, additional data are collected in other less-intensively monitored basins - hereafter referred to trend stations. These trend stations will be used to determine whether (and how) the inferences drawn in the intensively monitored basins are applicable to other County basins. To cost-effectively monitor these trend basins the trend network is operated as follows:

- At these additional 10 sites, monthly water-quality monitoring is performed by USGS and these data will be evaluated for water-quality trends. To perform trend analyses, stream flow data also are needed.
- Streamflow measurements will be made at the trend monitoring stations to support the development of stage-streamflow relations. Streamflow measurements at these stations will be made during visits independent of the sampling visits, as the time required to measure streamflow would inhibit the ability to sample the entire network in a single day. However, once defined, these relations will be used to associate a streamflow value with each water-quality sample to permit the computation of flow-adjusted trends.

- These expanded data will provide an improved platform for predicting how water-quality conditions may change and improve in other un-monitored County basins with BMP implementation.

Cumulatively, inclusion of these 10 trend monitoring stations results in a significantly greater number of water-quality trend sites, which will greatly enhance our ability to perform statistical analyses on these data and evaluate whether these responses are transferable to other basins. This 14 site water-quality monitoring network is regarded as the most robust urban-focused water-quality monitoring network in the entire Chesapeake Bay Watershed.

In-kind Contributions by Fairfax County

As a collaborative study, several in-kind contributions from Fairfax County are required to improve data collection protocols, reduce project costs, and increase overall study efficiency. In-kind project contributions from Fairfax County include:

- Assistance with the collection of water-quality samples, including the removal of storm samples from the automated samplers and delivery to the laboratory within the appropriate holding times. Approximately 12 storm events are anticipated to be sampled each year, at each site.
- All nutrient samples are to be processed and analyzed by the Fairfax County Environmental Services Lab at the Noman M. Cole, Jr. Pollution Control Plant. It is anticipated that as many as 100 nutrient samples may be collected from each of the 4 intensively monitored sites, while only 12 samples will be collected from each of the less intensively monitored sites. Under these plans, Fairfax County would be responsible for a total of approximately 520 nutrient analyses per year (USGS performs all sediment analyses). Nutrient analyses include total nitrogen, total phosphorus, particulate nitrogen, particulate phosphorus, total dissolved nitrogen, total dissolved phosphorus, dissolved nitrate, and dissolved orthophosphorus. Fewer samples could be collected, however, it is the intention at the intensively monitored sites to collect as much detailed data as possible, because these detailed data will improve our ability to detect improvements in water quality, and in the longer term will permit the evaluation of revised sampling designs as the data can be evaluated to determine whether a reduced number of samples would permit observation of similar loads and trends. Throughout the study, quality assurance samples will be submitted to the lab to ensure that project data-quality objectives are met.
- All sites will be sampled as part of the County's ongoing benthic sampling program. USGS will assist with collecting benthic samples as needed, following methods used by Fairfax County. Fairfax County will process the samples and perform the taxa counts in a manner consistent with other benthic sampling activities conducted by the County. Collection of these supporting benthic data will further permit a holistic approach for evaluating improvements in flow, water quality, and ecological health.

Deliverables

All continuously-recorded data will be made publicly available on the USGS Virginia Water Science Center web site, and through a separate USGS-maintained project-specific web site.

Additionally, annual progress reports will be prepared. All data collected also will be published as part of the Virginia Water Science Center’s Annual Data Report or similar USGS data publication outlet.

It should be noted that the work described herein includes the data collection efforts and annual summarization or basic analysis of the data. Accomplishment of the overall study goal of evaluating water-quality response to BMP implementation will require support for in-depth data analysis and report production. It is anticipated that support for this effort will be arranged in an independent JFA once implementation levels have been achieved at a level sufficient to generate water-quality responses.

Funding

This monitoring effort was initially funded at a rate of \$252,000 per year, with Fairfax County contributing \$202,000 and USGS contributing \$50,000. That rate has increased to offset inflation according to an annual increase of 3%. To continue operation of the monitoring network as it has been operated in the first 5-year agreement, and according to the rates established in that agreement, the annual cost for the first year (Fairfax County Fiscal Year July 2012 – June 2013) of the new 5-year JFA is \$281,000. Of this amount, Fairfax County will contribute \$217,000 and USGS will contribute \$64,000. The Fairfax County contribution will be billed in equal quarterly billings. The USGS contribution represents an increase in the USGS contribution as compared to the previous JFA, thereby reducing the cost to Fairfax County. The annual cost will increase at a rate of 2.5% per year to offset inflationary increases in the cost of supplies, services, and salary (Table 1). It is necessary to account for such cost increases to ensure the monitoring program can continue without the need to reduce scope to offset such cost increases.

Table 1. Annual funding for monitoring network.

Year (County FY)	Fairfax Contribution	USGS Contribution	Annual Total
2013	\$ 217,000	\$ 64,000	\$ 281,000
2014	\$ 222,500	\$ 65,500	\$ 288,000
2015	\$ 228,000	\$ 67,000	\$ 295,000
2016	\$ 233,500	\$ 69,000	\$ 302,500
2017	\$ 239,500	\$ 70,500	\$ 310,000
TOTAL	\$1,140,500	\$336,000	\$1,476,500

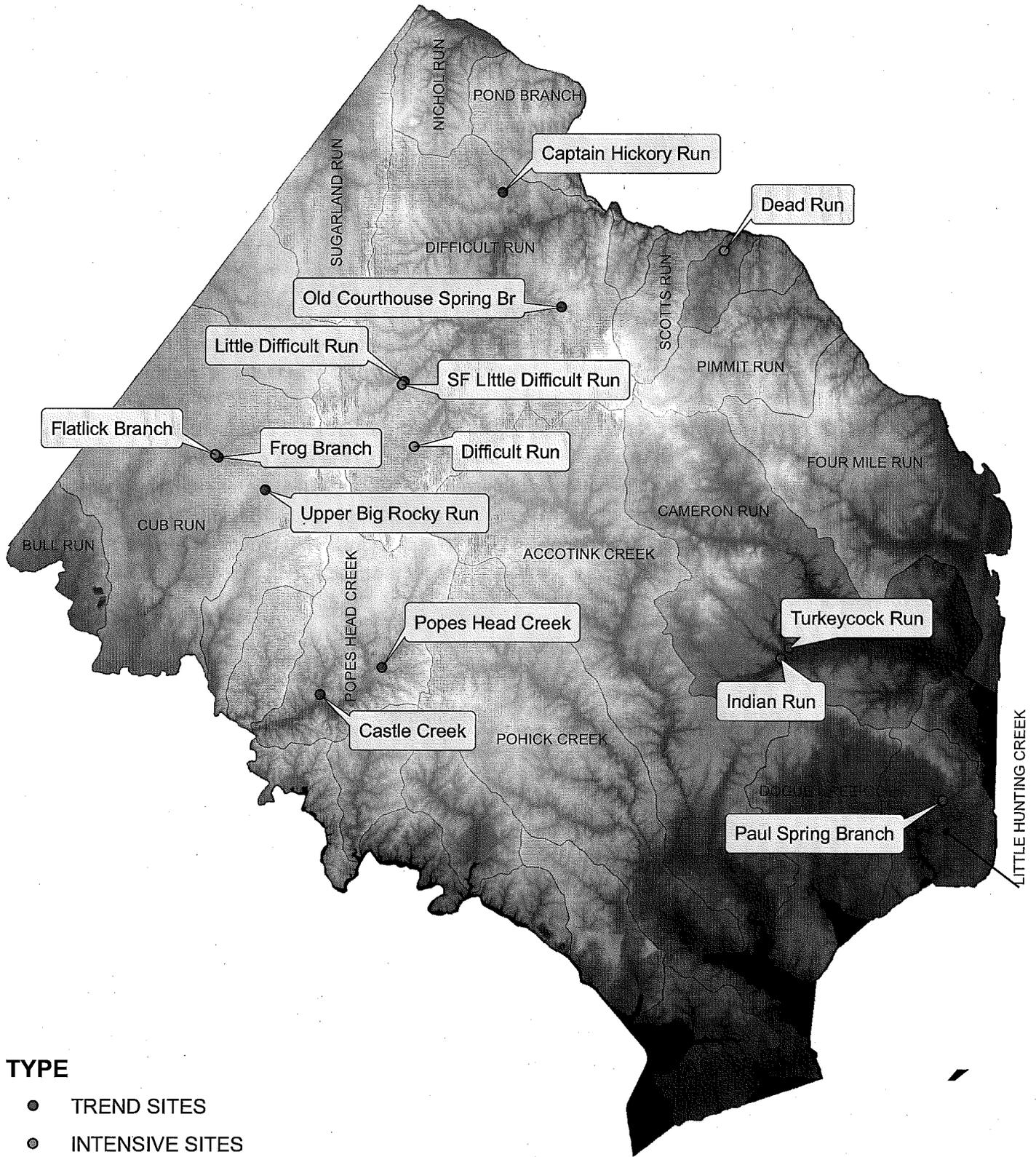
Contact

Please contact John Jastram with any questions or comments at:

804-261-2648

jdjastra@usgs.gov

Fairfax Stream Monitoring Network



TYPE

- TREND SITES
- INTENSIVE SITES

0 1.25 2.5 5 Miles



United States Department of the Interior

U.S. GEOLOGICAL SURVEY
1730 East Parham Road
Richmond, Virginia 23228

May 23, 2012

Mr. Shannon Curtis
County of Fairfax
12000 Government Center Parkway
Suite 449
Fairfax, VA 22035

Dear Mr. Curtis:

Enclosed please find a fully executed copy of a Joint Funding Agreement for Water Resources Monitoring Network for Fairfax County. Work cannot be continued or started until we receive the signed agreement.

Work performed with funds from this agreement will be conducted on a fixed-price basis with bills issued at the end of each quarter. The results of all work under this agreement will be available for publication by the U.S. Geological Survey.

We look forward to a successful relationship.

Sincerely,

George E. Harlow, Jr.
Acting Director, USGS Virginia
Water Science Center

Enclosure

Form 9-1366
(Oct. 2005)

U.S. Department of the Interior
U.S. Geological Survey
Joint Funding Agreement

Customer #: 6000000666
Agreement #: 12ENVALM0000026
Project #: GC12LM0009RO3500
TIN #: 54-0787833
Fixed Cost Agreement Yes No

FOR
INVESTIGATION OF WATER RESOURCES

THIS AGREEMENT is entered into as of the 23rd day of May, 2012, by the U.S. GEOLOGICAL SURVEY, UNITED STATES DEPARTMENT OF THE INTERIOR, party of the first part, and the COUNTY OF FAIRFAX, party of the second part.

1. The parties hereto agree that subject to availability of appropriations and in accordance with their respective authorities there shall be maintained in cooperation for continuation of the Water-Resources Monitoring Network for Fairfax County, VA, herein called the program. The USGS legal authority is 43 USC 36C; 43 USC 50; and 43 USC 50b.
2. The following amounts shall be contributed to cover all of the cost of the necessary field and analytical work directly related to this program. 2(b) includes In-Kind Services in the amount of \$0.

(a) \$64,000.00 by the party of the first part during the period
July 1, 2012 to June 30, 2013

(b) \$217,000.00 by the party of the second part during the period
July 1, 2012 to June 30, 2013

USGS DUNS number 137784646, TAS number 142/30804

- (c) Additional or reduced amounts by each party during the above period or succeeding periods as may be determined by mutual agreement and set forth in an exchange of letters between the parties.
- (d) The performance period may be changed by mutual agreement and set forth in an exchange of letters between the parties.
3. The costs of this program may be paid by either party in conformity with the laws and regulations respectively governing each party.
4. The field and analytical work pertaining to this program shall be under the direction of or subject to periodic review by an authorized representative of the party of the first part.
5. The areas to be included in the program shall be determined by mutual agreement between the parties hereto or their authorized representatives. The methods employed in the field and office shall be those adopted by the party of the first part to insure the required standards of accuracy subject to modification by mutual agreement.
6. During the course of this program, all field and analytical work of either party pertaining to this program shall be open to the inspection of the other party, and if the work is not being carried on in a mutually satisfactory manner, either party may terminate this agreement upon 60 days written notice to the other party.
7. The original records resulting from this program will be deposited in the office of origin of those records. Upon request, copies of the original records will be provided to the office of the other party.

Form 9-1366
continued

U.S. Department of the Interior
U.S. Geological Survey
Joint Funding Agreement

Customer #: 6000000666
Agreement #: 12ENVALM0000026
Project #: GC12LM0009RO3500
TIN #: 54-0787833

- 8. The maps, records, or reports resulting from this program shall be made available to the public as promptly as possible. The maps, records, or reports normally will be published by the party of the first part. However, the party of the second part reserves the right to publish the results of this program and, if already published by the party of the first part shall, upon request, be furnished by the party of the first part, at costs, impressions suitable for purposes of reproduction similar to that for which the original copy was prepared. The maps, records, or reports published by either party shall contain a statement of the cooperative relations between the parties.
- 9. USGS will issue billings utilizing Department of the Interior Bill for Collection (form DI-1040). Billing documents are to be rendered quarterly. Payments of bills are due within 60 days after the billing date. If not paid by the due date, interest will be charged at the current Treasury rate for each 30 day period, or portion thereof, that the payment is delayed beyond the due date. (31 USC 3717; Comptroller General File B-212222, August 23, 1983).

U.S. Geological Survey
United States
Department of the Interior

COUNTY OF FAIRFAX

USGS Point of Contact

Customer Point of Contact

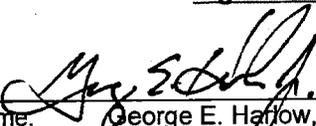
Name: John Jastram
Address: 1730 East Parham Road
Richmond, VA 23228

Telephone: 804-261-2648
Email: jdjastra@usgs.gov

Name: Mr. Shannon Curtis
Address: 12000 Government Center Parkway
Suite 449
Fairfax, VA 22035
Telephone: 703-324-5811
Email: acsava@netelos.net

Signatures

Signatures

By  Date 5/23/12
Name: George E. Harlow, Jr.
Title: Acting Director, USGS Virginia Water
Science Center

By _____ Date _____
Name:
Title:

U.S. Department of the Interior
U.S. Geological Survey
Joint Funding Agreement

Page 1 of 2
Customer #: 600000666
Agreement #: 12ENVALM0000026
Project #: GC12LM0009RO3500
TIN #: 54-0787833
Fixed Cost Agreement Yes No

FOR
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(a) \$64,000.00 by the party of the first part during the period
July 1, 2012 to June 30, 2013

(b) \$217,000.00 by the party of the second part during the period
July 1, 2012 to June 30, 2013

USGS DUNS number 137784646, TAS number 142/30804

- (c) Additional or reduced amounts by each party during the above period or succeeding periods as may be determined by mutual agreement and set forth in an exchange of letters between the parties.
- (d) The performance period may be changed by mutual agreement and set forth in an exchange of letters between the parties.
3. The costs of this program may be paid by either party in conformity with the laws and regulations respectively governing each party.
4. The field and analytical work pertaining to this program shall be under the direction of or subject to periodic review by an authorized representative of the party of the first part.
5. The areas to be included in the program shall be determined by mutual agreement between the parties hereto or their authorized representatives. The methods employed in the field and office shall be those adopted by the party of the first part to insure the required standards of accuracy subject to modification by mutual agreement.
6. During the course of this program, all field and analytical work of either party pertaining to this program shall be open to the inspection of the other party, and if the work is not being carried on in a mutually satisfactory manner, either party may terminate this agreement upon 60 days written notice to the other party.
7. The original records resulting from this program will be deposited in the office of origin of those records. Upon request, copies of the original records will be provided to the office of the other party.

Form 9-1366
continued

U.S. Department of the Interior
U.S. Geological Survey
Joint Funding Agreement

Customer #: 6000000666
Agreement #: 12ENVALM0000026
Project #: GC12LM0009RO3500
TIN #: 54-0787833

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- 9. USGS will issue billings utilizing Department of the Interior Bill for Collection (form DI-1040). Billing documents are to be rendered **quarterly**. Payments of bills are due within 60 days after the billing date. If not paid by the due date, interest will be charged at the current Treasury rate for each 30 day period, or portion thereof, that the payment is delayed beyond the due date. (31 USC 3717; Comptroller General File B-212222, August 23, 1983).

U.S. Geological Survey
United States
Department of the Interior

COUNTY OF FAIRFAX

USGS Point of Contact

Customer Point of Contact

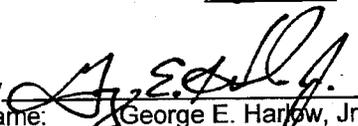
Name: John Jastram
Address: 1730 East Parham Road
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Telephone: 804-261-2648
Email: jdjastra@usgs.gov

Name: Mr. Shannon Curtis
Address: 12000 Government Center Parkway
Suite 449
Fairfax, VA 22035
Telephone: 703-324-5811
Email: acsava@netelos.net

Signatures

Signatures

By  Date 5/23/12
Name: George E. Harlow, Jr.
Title: Acting Director, USGS Virginia Water
Science Center

By _____ Date _____
Name:
Title:

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ACTION – 5

Approval of an Agreement Between the Town of Herndon and Fairfax County to Construct a Pond Retrofit at the Herndon Centennial Park Golf Course (Dranesville District)

ISSUE:

Board of Supervisors authorization is requested for the County to enter into an agreement with the Town of Herndon (the Town) to retrofit a stormwater management facility that lies within the Town and the Sugarland Run watershed.

RECOMMENDATION:

The County Executive recommends that the Board authorize the agreement with the Town to fund the construction of a pond retrofit to the stormwater management facility that is located within the Town limits.

TIMING:

Board approval is requested on June 19, 2012

BACKGROUND:

The Town of Herndon has requested financial assistance from the County to retrofit a stormwater management facility that exists within the Sugarland Run watershed. The proposed project includes the expansion and enhancement of an existing stormwater management facility to capture and treat additional runoff and provide extended detention of the water that drains to the facility. The Town has determined that the proposed enhancements to the stormwater management facility would provide improved nutrient reduction and increase the approximate size of the drainage area by approximately 58 acres.

The County's Sugarland Run and Horsepen Creek Watershed Management Plan identified the area of the proposed project as a candidate for the implementation of stormwater improvements. In addition to improving water quality, the proposed project is being implemented to achieve compliance with the Town's Municipal Separate Storm Sewer System (MS4) permit and Chesapeake Bay Total Maximum Daily Load requirements.

The Town is included within the County's Stormwater Service District (Service District). The County collects revenue from property owners within the Town. Providing funding through this partnership will save the County the time and administrative costs that would be incurred if the County implemented the project as part of its stormwater program. Effective on July 1, 2012, the Virginia Code will allow the Town to retain any Service District revenues collected from the Town by the County. The funding for this project is from the Fiscal Year 2012 budget. The new legislation, only applies to revenues collected after July 1, 2012 and this statute is not retroactive. Therefore, funds that have been collected under the Service District before July 1, 2012, are not required to be disbursed to the Town.

FISCAL IMPACT:

The estimated total cost of the project is \$297,000. The County will pay the Town up to \$243,000 for the cost of the design, permit fees and construction of the pond retrofit project. The value of the costs of planning, development of a concept and feasibility study, land acquisition or easements, and in-kind credit provided by the town is estimated to be \$54,000. The Town will be responsible for any cost over-runs and will reimburse the County for design and construction costs that do not exceed \$243,000. Funding is currently available in Project Number SD-000031, Streams and Water Quality, Fund 400-C40101 (Fund 125), for the County's obligation to this project.

CREATION OF POSITIONS:

No positions will be created.

ENCLOSED DOCUMENTS:

Attachment 1: Agreement between the Board of Supervisors of Fairfax County, Virginia and the Town of Herndon without attachments

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Randolph W. Bartlett, Deputy Director, DPWES

AGREEMENT

This Agreement (“Agreement”) made and entered into this _____ day of _____, 2012, by and between the **BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA** (the “County”), a body politic, and the **Town of Herndon** (the “Town”).

WITNESSETH:

WHEREAS, the Town owns property known as the Herndon Centennial Park Golf Course (the “Town Property”), which is located within the boundaries of the Town; and

WHEREAS, on the Town Property lies a detention pond and a tributary to Folly Lick Branch (“Watershed Project Area”), the location of which is more specifically shown on the Fairfax County Real Property Identification Map as Tax Map No. 10-3((9) parcel A1; and

WHEREAS, the Watershed Project Area is within the Sugarland Run Watershed; and

WHEREAS, the County developed and approved in December 2010 the Sugarland Run and Horsepen Creek Watershed Management Plan (“Management Plan”), which identifies within those watersheds opportunities and strategies for improving water quality and reducing water quantity within receiving waters (“Stormwater Improvements”); and

WHEREAS, the Management Plan identifies the Watershed Project Area as a candidate for the implementation of Stormwater Improvements; and

WHEREAS, the Town has obtained a feasibility study (“Feasibility Study”) from which the Town and the County have identified Option 1, involving a pond retrofit, as the preferred option for implementing Stormwater Improvements in the Watershed Project Area; and

WHEREAS, the County intends to grant the Town two hundred forty-three thousand dollars (\$243,000) from the Financial Year 2012 Stormwater Budget for the purpose of supporting the design and implementation of a pond retrofit within the

Watershed Project Area that increases water detention capacity of such pond and improves water quality discharges therefrom (the “Town Project”); and

WHEREAS, the Town intends to provide funding to complete the Town Project and dedicate Town staff expertise and time for the purpose of supporting, developing, and implementing a plan for the improvement of the Watershed Project Area; and

NOW, THEREFORE, in consideration of the foregoing recitals, the mutual promises contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. The County hereby grants to the Town the amount of two hundred forty-three thousand dollars (\$243,000) (the “Grant”), upon the conditions and in a manner described herein:
 - a. The Grant shall be used and expended solely for the purpose of designing and constructing the Town Project in the Watershed Project Area but shall not be used for the cost of any feasibility study or acquisition of any lands or easements necessary for the completion of the Town Project.
 - b. A portion of the Grant in the amount of eighty-nine thousand dollars (\$89,000) (the estimated cost of the design fee and contingency fee) shall be disbursed to the Town upon execution of this agreement.
 - c. Upon completion of the Town Project design, the County shall disburse any remaining amount to the Town for an amount up to the Town’s costs incurred in the construction of the Town Project.
2. The Town shall acquire, at its sole expense, any and all land or easements, or other interests in real property that are necessary to complete the Town Project.
3. The Town, at its sole expense, shall administer the Project design and construction contracts, obtain approval of all plans, and obtain all permits necessary for the completion of the Town Project.
4. The Town shall provide to the County a copy of the final Town Project design.
5. The Town shall notify the County if the Town , at any time, modifies the scope of the Project. The scope of the project is generally described as Option 1 in the

Feasibility Study, which is attached hereto and incorporated herein by reference as Attachment 1. If the scope of the Town Project design, in the sole judgment of the County, significantly deviates from the design scope described in Option 1 of the Feasibility Study, the Town shall, within 30 days after such notification of such deviation is provided by the County, reimburse to the County the amount of the Grant less the Grant money disbursed for the Town Project design.

6. The Town shall retain all invoices and all records of payments for any and all services rendered for the design, construction, and any related expenses for completion of the Town Project, and copies of any such invoices and records of payments shall be provided to the County upon request within three business days after such a request.

7. If at any time the Town abandons the Town Project, the Town shall immediately return any amount of the Grant not expended in accordance with this agreement and all invoices and records of payments related to the Town Project shall be delivered within 14 days of such abandonment. Abandon, as used herein, shall mean the failure to initiate or the termination of the design or construction before the Town Project's completion.

8. The Town shall timely pay all Town Project cost overruns.

9. The Town shall complete the Town Project not later than two years after this agreement is executed.

10. This agreement can only be modified in writing and signed by both parties.

[Signatures appear on following page]

Town of Herndon

By: _____
(Title)

STATE OF VIRGINIA :
: to-wit
COUNTY OF FAIRFAX :

The foregoing Agreement was acknowledged before me by _____
of the Town of Herndon, this _____ day of _____ 2012 on behalf of the
Town of Herndon.

Notary Public

My commission expires: _____

Notary Registration Number: _____

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Board Agenda Item
June 19, 2012

ACTION - 6

Approval of a Standard Project Administration Agreement with the Virginia Department of Transportation to Receive Funding for the Burke Centre Parkway School Safe Routes to School Project and Supplemental Appropriation Resolution AS12127(Braddock District)

ISSUE:

Board of Supervisors authorization is requested for the County (DOT) to enter into a construction and funding agreement with the Virginia Department of Transportation (VDOT) for the median refuge improvement component of the Burke Centre Parkway project (SRTS-029-993, P101, RW201, C501). Funding of \$150,000 is available as part of the Safe Routes to School Grant Program and would support preliminary engineering and construction costs for installation of a pedestrian refuge island at the intersection of Burke Center Parkway and Marshall Pond Road in the vicinity of Terra Centre Elementary School. This project would be required to be completed within three years of execution of this agreement. There are no positions associated with this award and no Local Cash Match is required to accept this funding.

RECOMMENDATION:

The County Executive recommends that the Board authorize the County to enter into the Standard Project Administration Agreement (Attachment 1) in substantial form, approve the resolution authorizing County staff to execute the agreement (Attachment 2), and approve Supplemental Appropriation Resolution AS 12127 (Attachment 3) to accept funding in the amount of \$150,000 from VDOT under the Safe Routes to School Grant Program for the median refuge improvement component of the Burke Centre Parkway project.

TIMING:

Board approval is requested on June 19, 2012.

DISCUSSION:

The Board of Supervisors had previously endorsed application to the Safe Routes to School Grant Program on May 24, 2011. The Safe Routes to School Program is designed for schools in the state of Virginia to encourage more children walking and biking to school safely. There are two levels of participation in this program. There is an educational portion of the program which includes the development of a travel plan.

Board Agenda Item
June 19, 2012

Terra Centre Elementary School has had a travel plan in place for several years. The current grant is for the next level of participation in the program, which includes capital improvements. The Burke Centre Parkway Project is an intersection improvement project that includes a median refuge on Burke Centre Parkway. The County's full application had requested \$290,000 for two separate improvements in the vicinity of Terra Centre Elementary School. The current amount awarded is \$150,000 for the median refuge improvement portion of the grant application. The County can anticipate the other portion of the project to be pursued with future Safe Routes to School grant applications. VDOT also anticipates that it will charge approximately \$10,000 to this project for staff review. These staff review activities include VDOT preparing the environmental documents for this project and will be covered by the awarded funds.

FISCAL IMPACT:

If approved, the County will receive \$150,000 for the Safe Routes to School Grant Program to support the preliminary engineering and construction costs for installation of a pedestrian refuge island at the intersection of Burke Center Parkway and Marshall Pond Road in the vicinity of Terra Centre Elementary School. The awarded funds of \$150,000 will be appropriated entirely within the Federal-State Grant Fund. No Local Cash Match is required. This action does not increase the expenditure level in the Federal-State Grant Fund, as funds are held in reserve for unanticipated grant awards. This grant does not allow for recovery of indirect costs.

CREATION OF POSITIONS:

No positions will be created through this grant award.

ENCLOSED DOCUMENTS:

Attachment 1 - Standard Project Agreement
Attachment 2 - Board Resolution to Execute Agreement
Attachment 3 - Supplemental Appropriation Resolution AS 12127

STAFF:

Robert A. Stalzer, Deputy County Executive
Michael Long, Assistant County Attorney
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Todd Wigglesworth, Acting Chief, Coordination and Funding Division, FCDOT
Ken Kanownik, Transportation Planner, Coordination and Funding Division, FCDOT
Chris Wells, Pedestrian Program Manager, FCDOT

STANDARD PROJECT ADMINISTRATION AGREEMENT
Federal-aid Projects

Project Number	UPC	Local Government
SRTS-029-993,P101,R201,C501	102848	Fairfax County

THIS AGREEMENT, made and executed in triplicate this ____ day of _____, 20__, by and between the Fairfax County, 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 l.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 the 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 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:

Commissioner of Highways
Commonwealth of Virginia
Department of Transportation

Date

Signature of Witness

Date

Attachments

Appendix A for the following Project UPC(s): 102848

Locally Administered Appendix A1

Project Number: **SRTS-029-993** UPC: **102848** Locality: **Fairfax County**

Project Location ZIP+4: 22015-3701	Locality DUNS# 074873626	Locality Address (incl ZIP+4): 4050 Legato Road Fairfax, VA 22033
Project Narrative		
Scope:	Installation of pedestrian refuge island at the intersection of Burke Centre Parkway and Marshall Pond Road.	
From:	Near Terra Centre ES	
To:		
Locality Project Manager Contact info:	Chris Wells - chris.wells@fairfaxcounty.gov (703) 877-5600	
Department Project Coordinator Contact Info:	Doug Miller - Douglas.Miller@VDOT.Virginia.gov	

Project Estimates				
	Preliminary Engineering	Right of Way and Utilities	Construction	Total Estimated Cost
Estimated Locality Project Expenses	\$37,500	\$0	\$102,500	\$140,000
Estimated VDOT Project Expenses	\$10,000	\$0	\$0	\$10,000
Estimated Total Project Costs	\$47,500	\$0	\$102,500	\$150,000

Project Cost and Reimbursement						
Phase	Estimated Project Costs	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount	Maximum Reimbursement (Estimated Cost - Local Share)	Est. Reimbursement to Locality (Max. Reimbursement - Est. VDOT Expenses)
Preliminary Engineering	\$47,500	SRTS	0%	\$0	\$47,500	
Total PE	\$47,500			\$0	\$47,500	\$37,500
Right of Way & Utilities	\$0	SRTS	0%	\$0	\$0	
Total RW	\$0			\$0	\$0	\$0
Construction	\$102,500	SRTS	0%	\$0	\$102,500	
Total CN	\$102,500			\$0	\$102,500	\$102,500
Total Estimated Cost	\$150,000			\$0	\$150,000	\$140,000

Total Maximum Reimbursement by VDOT to Locality (Less Local Share)	\$150,000
Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses)	\$140,000

Project Financing						
						Aggregate Allocations (A+B+C+D+E+F)
SRTS						\$150,000
\$150,000						\$150,000

Program and project specific Funding Requirements	
<ul style="list-style-type: none"> • This project shall be administered in accordance with VDOT's <u>Locally Administered Projects Manual</u> • The project will be constructed and maintained in accordance with VDOT's <u>Road Design Manual</u> • The Locality will continue to operate and maintain the facility as constructed. Should the design features of the project be altered by the Locality subsequent to project completion without approval of the Department, the locality inherently agrees, by execution of this agreement, to make restitution, either physically or monetarily, as required by the Department. • This is a limited funds project. The Locality shall be responsible for any additional funding in excess of \$150,000 (if applicable) • VDOT charges may increase due to increased VDOT oversight. • VDOT may prepare environmental review documents for the project, if agreed upon by both VDOT and the locality. • SERP is not required for SRTS projects. • In accordance with federal policy for Safe Routes to School infrastructure projects, public funds must be spent on projects within the public right of way. • The project must be completed and the full SRTS allocation expended by three years from date of agreement or the project may be subject to de-allocation. • Preliminary engineering must be underway within three (3) months from the date of agreement; and the first invoice sent within six (6) months and no less than every 90 days thereafter. • Total project allocations: <u>\$150,000</u> 	

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

 Authorized Locality Official and date

 Typed or printed name of person signing

 Authorized VDOT Official Recommendation and Date

 Typed or printed name of person signing

Fairfax County Board of Supervisors Resolution

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, June 19, 2012, 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 Burke Centre Parkway Safe Routes to School Program.

Adopted this _____ day of _____, 2012, Fairfax, Virginia

ATTEST _____
Catherine A. Chianese
Clerk to the Board of Supervisors

SUPPLEMENTAL APPROPRIATION RESOLUTION AS 12127

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 June 19, 2012, 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 2012, the following supplemental appropriation is authorized and the Fiscal Planning Resolution is amended accordingly:

Appropriate to:

Fund:	500-C50000, Federal-State Grant Fund (formerly Fund 102, Federal/State Grant Fund)	
Agency:	G4040, Department of Transportation	\$150,000
Grant:	1400089-2012, Safe Routes to School Grant	

Reduce Appropriation to:

Agency:	G8787, Unclassified Admin	\$150,000
Fund:	500-C50000, Federal-State Grant Fund (formerly Fund 102, Federal/State Grant Fund)	

Source of Funds: Commonwealth of Virginia Department of Transportation,
\$150,000

A Copy - Teste:

Catherine A. Chianese
Clerk to the Board of Supervisors

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Action – 7

Approval of an Agreement Between the Town of Herndon and Fairfax County to Construct a Pond Retrofit at the Herndon Public Works Maintenance Facility (Dranesville District)

ISSUE:

Board of Supervisors authorization is requested for the County to enter into an agreement with the Town of Herndon (the Town) to provide funding to construct a stormwater management facility retrofit to the Herndon Public Works Maintenance Facility (Maintenance Facility), which is located in the Town and Horsepen Creek watershed.

RECOMMENDATION:

The County Executive recommends that the Board authorize the agreement with the Town to fund the construction of a pond retrofit at the Maintenance Facility.

TIMING:

Board approval is requested on June 19, 2012

BACKGROUND:

The Town has requested financial assistance from the County to retrofit the Maintenance Facility that is located within the Town and Horsepen Creek watershed. The proposed project includes expanding the existing facility to capture and treat additional runoff and provide extended detention of the water that drains to the facility. The proposed enhanced extended detention facility would also provide improved nutrient reduction through the creation of marsh areas with emergent and aquatic vegetation. In addition to improving water quality, the proposed project is being implemented to achieve compliance with the Town's Municipal Separate Storm Sewer System (MS4) permit and Chesapeake Bay Total Maximum Daily Load requirements.

Board Agenda Item
June 19, 2012

The Town is included within the County's Stormwater Service District (Service District). The County collects revenue from property owners within the Town. Providing funding through this partnership will save the County the time and administrative costs that would be incurred if the County implemented the project as part of its stormwater program. Effective on July 1, 2012, the Virginia Code will allow the Town to retain any Service District revenues collected from the Town by the County. The funding for this project is from the Fiscal Year 2012 budget. The new legislation, only applies to revenues collected after July 1, 2012 and this statute is not retroactive. Therefore, funds that have been collected under the Service District before July 1, 2012, are not required to be disbursed to the Town.

FISCAL IMPACT:

The estimated total cost of the project is \$122,680. The County will transfer up to \$98,000 to the Town for the cost of the design, permit fees and construction of the pond retrofit project. The value of the costs of planning, development of a concept and feasibility study, land acquisition or easements and in-kind credit provided by the Town is \$24,680. The Town will be responsible for any cost over-runs and will reimburse the County for design and construction costs that do not exceed \$98,000. Funding is currently available in Project Number SD-000031, Streams and Water Quality, Fund 400-C40101 (Fund 125), for the County's obligation to this project.

CREATION OF POSITIONS:

No positions will be created.

ENCLOSED DOCUMENTS:

Attachment 1: Agreement between the Board of Supervisors of Fairfax County, Virginia and the Town of Herndon without attachments

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Randolph W. Bartlett, Deputy Director, DPWES

AGREEMENT

This Agreement (“Agreement”) made and entered into this _____ day of _____, 2012, by and between the **BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA** (the "County"), a body politic, and the **Town of Herndon** (the “Town”).

WITNESSETH:

WHEREAS, the Town owns property known as the Public Works Maintenance Facility (the “Town Facility”), which is located within the boundaries of the Town; and

WHEREAS, on the Town Facility lies a detention pond, the location of which is more specifically shown on the Fairfax County Real Property Identification Map as Tax Map No. 10-3((2))-7D ; and

WHEREAS, the Town Facility is within the Horsepen Creek Watershed, which lies within the Town and County; and

WHEREAS, the County seeks to identify opportunities to implement projects to improve water quality and reduce water quantity within receiving waters (“Stormwater Improvements”) in the County’s watersheds; and

WHEREAS, the Town has completed evaluations and the design for a pond rehabilitation and enhancement to the Town Facility (“Town Project”), which implements Stormwater Improvements in the Horsepen Creek Watershed; and

WHEREAS, the County intends to grant the Town ninety-eight thousand dollars (\$98,000) from the Financial Year 2012 Stormwater Budget for the purpose of supporting the construction of a pond rehabilitation and enhancement to the Town Facility (the “ Town Project”) that increases water detention capacity of such facility and improves water quality discharges therefrom; and

WHEREAS, the Town intends to provide funding to complete the Town Project and dedicate Town staff expertise and time for the purpose of supporting, developing, and implementing the Town Project; and

NOW, THEREFORE, in consideration of the foregoing recitals, the mutual promises contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. The County shall grant to the Town the amount of ninety-eight thousand dollars (\$98,000) (the “Grant”), upon execution of this agreement.
2. The Grant shall be used and expended solely for the purpose of constructing the Town Project in the Watershed Project Area but shall not be used for the cost of any feasibility study or acquisition of any lands or easements necessary for the completion of the Town Project.
3. The Town shall acquire, at its sole expense, any and all land or easements, or other interests in real property that are necessary to complete the Town Project.
4. The Town, at its sole expense, shall administer the design and construction contracts, obtain approval of all plans, and obtain all permits necessary for the completion of the Town Project.
5. The Town shall notify the County if the Town , at any time, modifies the scope of the Project. The scope of the project is generally described as shown in the Town Shop Pond Rehabilitation site plan dated April, 2012 (“Site Plan”), which is attached hereto and incorporated herein by reference as Attachment 1. If the scope of the Town Project design, in the sole judgment of the County, significantly deviates from the design scope described in the Site Plan, the Town shall, within 30 days after such notification of such deviation is provided by the County, reimburse to the County the amount of the Grant.
6. The Town shall provide to the County a copy of the final Site Plan.
7. The Town shall retain all invoices and all records of payments for any and all services rendered for the design, construction, and any related expenses for completion of the Town Project, and copies of any such invoices and records of payments shall be provided to the County upon request within three business days after such a request.
8. If at any time the Town abandons the Town Project, the Town shall immediately return any amount of the Grant not expended in accordance with this agreement and all invoices and records of payments related to the Town Project shall be delivered within 14 days of such abandonment. Abandon, as used herein, shall mean the failure to initiate or the termination of the design or construction before the Town Project’s completion.

9. The Town shall timely pay all Town Project cost overruns.
10. The Town shall complete the Town Project not later than two years after this agreement is executed.
11. This agreement can only be modified in writing and signed by both parties.

[Signatures appear on following page]

Town of Herndon

By: _____
(Title)

STATE OF VIRGINIA :
: to-wit
COUNTY OF FAIRFAX :

The foregoing Agreement was acknowledged before me by _____
of the Town of Herndon, this _____ day of _____ 2012 on behalf of the
Town of Herndon.

Notary Public

My commission expires: _____

Notary Registration Number: _____

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Board Agenda Item
June 19, 2012

ACTION – 8

Adoption of a Corrected Resolution Opting Out of the Line of Duty Act Fund

ISSUE:

Board adoption of a corrected resolution permitting the county to opt out of the Line of Duty Act Fund.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached corrected resolution opting out of the VRS Line of Duty Act Fund.

TIMING:

Routine.

BACKGROUND:

At the Board Meeting of March 20, 2012, the Board adopted a Resolution opting out of the Virginia Retirement System Line of Duty Act Fund. A copy of the Board Package Item, Action 3, and the Clerk's Board Summary are attached.

Subsequent to the Board's adoption of the Resolution, the county was notified that the template we had been provided contained a date that was in error. According to the Virginia Retirement System (VRS), the date in the second to last paragraph of page 1 should read July 1, 2010, instead of July 1, 2012.

This correction in the date is in order to comply with VRS requirements of the 2011 Appropriations Act. Specifically, when opting-out of the LODA Fund the County is stating that we are taking over the obligations of the listed entities, to cover employees that are eligible by the Line of Duty Act as stated in §9.1-400. Those obligations began on July 1, 2010 when the Line of Duty Act Fund was created and the state program was decentralized. Therefore, in order for the opt-out resolution to comply with the 2011 Appropriation Act as stated in Item 258, Paragraph B.4 the date in the second to last paragraph of the VRS Line of Duty Act(LODA) Opt-Out Resolution should read July 1, 2010, and not July 1, 2012. VRS has explained to us that this date change does not increase our obligations as the county will continue to be responsible for actual claims in 2011, and has already paid the premium for 2012.

Board Agenda Item
June 19, 2012

FISCAL IMPACT:

As reported in the March 20, 2012, Board Package Action Item, the anticipated cost, of the county opting out, is approximately \$700,000 which is funded in the FY 2013 Proposed Budget

ENCLOSED DOCUMENTS:

Attachment 1 - Corrected Resolution-Irrevocable Election Not to Participate in Line of Duty Act Fund

Attachment 2 - March 20, 2012, Board Package Item Action - 3, Adoption of a Resolution Opting Out of the Line of Duty Act Fund (without Attachment), and Clerk's Board Summary, Action 3

STAFF:

Edward L. Long Jr., County Executive

Susan Woodruff, Director, Department of Human Resources

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center at Fairfax, Virginia, on Tuesday, March 20, 2012, at which meeting a quorum was present and voting, the following resolution was adopted:

RESOLUTION

Irrevocable Election Not to Participate in Line of Duty Act Fund

WHEREAS, pursuant to Item 258 of the Appropriations Act, paragraph B, the Virginia General Assembly has established the Line of Duty Act Fund (the "Fund") for the payment of benefits prescribed by and administered under the Line of Duty Act (Va. Code § 9.1-400 et seq.); and

WHEREAS, for purposes of administration of the Fund, a political subdivision with covered employees (including volunteers pursuant to paragraph B2 of Item 258 of the Appropriations Act) may make an irrevocable election on or before July 1, 2012, to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds; and

WHEREAS, it is the intent of The County of Fairfax, Virginia to make this irrevocable election to be a non-participating employer with respect to the Fund;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the County of Fairfax, Virginia, hereby elects to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds; and it is further

RESOLVED that the following entities,

[See Schedule A]

to the best of the knowledge of the County of Fairfax, Virginia, constitute the population of its past and present covered employees under the Line of Duty Act; and it is further

RESOLVED that, as a non-participating employer, the County of Fairfax, Virginia, agrees that it will be responsible for, and reimburse the State Comptroller for, all Line of Duty Act benefit payments (relating to existing, pending or prospective claims) approved and made by the State Comptroller on behalf of the County of Fairfax, Virginia, on or after July 1, 2012; and it is further

2010

RESOLVED that, as a non-participating employer, the County of Fairfax, Virginia, agrees that it will reimburse the State Comptroller an amount representing reasonable costs incurred and associated, directly and indirectly, with the administration, management and investment of the Fund; and it is further

RESOLVED that shall the County of Fairfax, Virginia, reimburse the State Comptroller on no more than a monthly basis from documentation provided to it from the State Comptroller.

Adopted in Fairfax, Virginia, this 19th day of June, 2012.

Catherine A. Chianese
Clerk to the Board of Supervisors

Schedule A

Fairfax County Sheriff's Office

Fairfax County Police Department

Fire & Rescue Headquarters - 4100 Chain Bridge Road, Fairfax, VA 22030-7000

McLean, Station 1 - Volunteer Organization - 1455 Laughlin Avenue, McLean, VA 22101-5709

Vienna, Station 2 - Volunteer Organization - 400 Center Street SW, Vienna, VA 22180-4109

City of Fairfax, Station 3 - 4081 University Drive, Fairfax, VA 22030

Herndon, Station 4 - 680 Spring Street, Herndon, VA 20170-5124

Franconia, Station 5 Volunteer Organization - 6300 Beulah Street, Alexandria, VA 22310-2626

Annandale, Station 8 Volunteer Organization - 7128 Columbia Pike, Annandale, VA 22003-3106

Mount Vernon, Station 9 - 2601 Sherwood Hall Lane, Alexandria, VA 22306-3143

Bailey's Crossroads, Station 10 - Volunteer Organization - 3601 Firehouse Lane, Falls Church, VA 22041-3684

Penn Daw, Station 11 - 6624 Hulvey Terrace, Alexandria, VA 22306-6631

Great Falls, Station 12 - Volunteer Organization - 9916 Georgetown Pike, Great Falls, VA 22066-2825

Dunn Loring, Station 13 - Volunteer Organization - 2148 Gallows Road, Dunn Loring, VA 22027-1023

Burke, Station 14 - Volunteer Organization - 9501 Old Burke Lake Road, Burke, VA 22015-3129

Chantilly, Station 15 - 14005 Vernon Street, Chantilly, VA 20151-2906

Clifton, Station 16 - 12645 Chapel Road, Clifton, VA 20124-1717

Centreville, Station 17 - Volunteer Organization - 5856 Old Centreville Road, Centreville, VA 20121-2426

Jefferson, Station 18 - 3101 Hodge Place, Falls Church, VA 22042-2509

Lorton, Station 19 - Volunteer Organization - 7701 Armistead Road, Lorton, VA 22079-1914

Gunston, Station 20 - 10417 Gunston Road, Lorton, VA 22079-3916

Fair Oaks, Station 21 - Volunteer Organization - 12300 Lee Jackson Memorial Highway, Fairfax, VA 22033-2810

Springfield, Station 22 - Volunteer Organization - 7011 Backlick Road, Springfield, VA 22150-3102

West Annandale, Station 23 - Volunteer Organization - 8914 Little River Turnpike, Fairfax, VA 22031-3123

Woodlawn, Station 24 - 8701 Lukens Lane, Alexandria, VA 22309-4103

Reston, Station 25 - 1820 Wiehle Avenue, Reston, VA 20190-5209

Edsall Road, Station 26 - 5316 Carolina Place, Springfield, VA 22151-4401

West Springfield, Station 27 - 6140 Rolling Road, Springfield, VA 22152-1511

Seven Corners, Station 28 - 2949 Sleepy Hollow Road, Falls Church, VA 22044-2002

Tysons Corner, Station 29 - 1560 Spring Hill Road, McLean, VA 22102-3004

Merrifield, Station 30 - 8739 Lee Highway, Fairfax, VA 22031-2103

Fox Mill, Station 31 - 2610 Reston Parkway, Herndon, VA 20171-2559

Fairview, Station 32 - 5600 Burke Centre Parkway, Fairfax Station, VA 22039-1420

City of Fairfax, Station 33 - 10101 Fairfax Boulevard, Fairfax, VA 22030-2055

Oakton, Station 34 - 10511 Rosehaven Street, Fairfax, VA 22030-2837

Pohick, Station 35 - 7801 Maritime Lane, Springfield, VA 22153-2170

Frying Pan, Station 36 - 2660 West Ox Road, Herndon, VA 20171-3530

Kingstowne, Station 37 - 7936 Telegraph Road, Alexandria, VA 22315-3703

West Centreville, Station 38 - 6001 ODay Drive, Centreville, VA 20120-1612

North Point, Station 39 - 1117 Reston Avenue, Herndon, VA 20170-2444

Fairfax Center, Station 40 - 4621 Legato Road, Fairfax, VA 22030-6133

Crosspointe, Station 41 - 9610 Hampton Road, Fairfax Station, VA 22039-2813

Future Station, Wolftrap area, Station 42 - Intersection of Beulah and Leesburg Pike, Fairfax, VA

Logistics Distribution Center - 6800A Industrial Road, Springfield, VA 22151-4205

Apparatus Shop, South - 6902 Newington Road, Lorton, VA 22079-1106

Apparatus Shop, North - 4612 West Ox Road, Fairfax, VA 22033-6124

EMS Training Center - 7921 Jones Branch Road, #127, McLean, VA 22102-3332

Training Academy - 4600 West Ox Road, Fairfax, VA 22033-6124

Board Agenda Item
March 20, 2012

ACTION – 3

Adoption of a Resolution Opting Out of the Line of Duty Act Fund

ISSUE:

Board adoption of a resolution permitting the county to opt out of the Line of Duty Act Fund.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached resolution opting out of the VRS Line of Duty Act Fund.

TIMING:

Routine.

BACKGROUND:

The Line of Duty Act (LODA) was passed by Virginia's General Assembly in 1972 to provide a state-funded death benefit for public safety officers killed in the line of duty. Since that initial passage, the population covered by the LODA has been expanded and additional benefits added, including a health insurance component.

In 2010, the General Assembly shifted funding responsibility for LODA benefits from the state to local counties and municipalities for their covered populations. The legislature also created the LODA Fund as a voluntary, pooled funding mechanism and appointed the Virginia Retirement System (VRS) as the investment manager. Under the new law, local governments can either opt in or out of the VRS LODA trust. At this point, the State continues to be responsible for benefit eligibility determinations. Local governments opting out of the LODA fund can either pay claims on a self-insured basis or utilize other funding mechanisms, such as a "competing" trust created by the Virginia Municipal League (VML) and Virginia Association of Counties (VACO). The deadline for the opt out decision by localities is currently July 1, 2012.

After consideration of the options available, staff recommends that the county opt out of the VRS LODA Fund and fund LODA benefits on a self-insured basis. From the outset of this process, there has been a significant probability Fairfax, with its large pool of participants and low utilization, would be subsidizing the fund for poorer performing jurisdictions.

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March 20, 2012

The opt out decision for the county was deferred waiting for the state to provide more comprehensive guidelines for the program, define the full extent of administrative fees and potentially even repeal the funding decision. Indications are that repeal is unlikely at this point. And, while guidelines and administrative fee decisions are still in a state of flux, the potential cost of participation in the VRS LODA fund appears to be significantly increasing. The Virginia Department of Accounts (DOA), which administers the program for the State, has confirmed that it will propose rates for FY2013 that represent a 74 percent increase over the rates originally expected. This could mean a funding obligation for the county of \$1.58 million versus the state's initial estimate of \$906,521 for FY2013 alone. Future years could mean even further increases.

New legislation has been introduced in the General Assembly that (1) further extends the opt-out deadline to 2013 and (2) moves benefit eligibility determination authority to either localities or the VML/VACO trusts if localities opt out. We will continue to monitor these legislative activities as well as further administrative clarifications issued by DOA to ensure the county is in full compliance.

FISCAL IMPACT:

The anticipated cost, if the county opts out, is approximately \$700,000 which is funded in the FY 2013 Proposed Budget. The anticipated cost to remain in the LODA Fund for an additional year is approximately \$1.58 million based on state staff estimates.

ENCLOSED DOCUMENTS:

Attachment 1: Resolution-Irrevocable Election Not to Participate in Line of Duty Act Fund

STAFF:

Susan Woodruff, Director, Department of Human Resources

Discussion ensued, with input from Ms. Sampson, regarding the oversight of condominium associations, financing, and the appraisal process.

With regard to the process improvements, Supervisor Smyth asked unanimous consent that the Board direct staff to, as part of the appraisal process, also review the financial stability and viability of the association. Without objection, it was so ordered.

Discussion continued regarding the process improvements, with input from Ms. Sampson.

The question was called on the motion and it carried by a vote of nine, Supervisor Hyland being out of the room.

23. **A-3 – ADOPTION OF A RESOLUTION OPTING OUT OF THE LINE OF DUTY ACT FUND** (12:10 p.m.)

(R) Supervisor Gross moved that the Board concur in the recommendation of staff and adopt a Resolution opting out of the Virginia Retirement System Line of Duty Act Fund. Supervisor McKay and Supervisor Smyth jointly seconded the motion.

Supervisor Gross noted that this item had been previously discussed in a Personnel Committee meeting and the recommendation was to opt out.

The question was called on the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Gross, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Hyland being out of the room.

24. **A-4 – APPROVAL OF A PARKING REDUCTION FOR MOSAIC DISTRICT – PARCEL H OF THE MERRIFIELD TOWN CENTER (PROVIDENCE DISTRICT)** (12:11 p.m.)

Supervisor Smyth announced that this item has been withdrawn.

25. **A-5 – APPROVAL OF AN AMENDED PARKING REDUCTION FOR MOSAIC DISTRICT – PARCELS I AND J OF THE MERRIFIELD TOWN CENTER (PROVIDENCE DISTRICT)** (12:12 p.m.)

On motion of Supervisor Smyth, jointly seconded by Supervisor Foust and Supervisor McKay, and carried by a vote of nine, Supervisor Hyland being out of the room, the Board concurred in the recommendation of staff and approved a parking reduction of 28.7 percent (87 fewer parking spaces) in required parking for Mosaic District – Parcels I and J of the Merrifield Town Center, pursuant to

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June 19, 2012

ACTION - 9

Endorsement of Regional Comments Regarding the Virginia Department of Rail and Public Transportation Change for Disbursing Transit Assistance in Northern Virginia

ISSUE:

Board endorsement of Regional Letter Regarding the Virginia Department of Rail and Public Transportation Change for Disbursing Transit Assistance in Northern Virginia.

RECOMMENDATION:

The County Executive recommends that the Board endorse the attached draft regional letter regarding the Department of Rail and Public Transportation's decision to change the way transit assistance in Northern Virginia is disbursed.

TIMING:

The Board of Supervisors should act on this item on June 19, 2012, because the Department of Rail and Public Transportation has asked for comments prior to the June 20, 2012, Commonwealth Transportation Board Meeting.

BACKGROUND:

Since 1974, the Northern Virginia jurisdictions served by the Washington Metropolitan Area Transit Authority (WMATA) have used a Subsidy Allocation Model (SAM) to distribute regional transit funding. This SAM has been used to allocate state transit assistance and the regional gas tax. While the SAM has been amended in the past, the Northern Virginia jurisdictions are currently satisfied with the current SAM, which has essentially been in place for approximately ten years.

On May 15, 2012, Virginia Department of Rail and Public Transportation (DRPT) Director Thelma Drake announced her Department's decision to send state transit assistance directly to WMATA and five Northern Virginia jurisdictions, rather than to the Northern Virginia Transportation Commission (NVTC), which administers the SAM (Attachment V). Director Drake noted that this was being done to ensure that each local government and agency understands how much money it is receiving from DRPT. Within the letter, DRPT requests Fairfax, the other jurisdictions, and WMATA directly accept their respective funding. The letter noted that this affirmation had to be received

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in writing by May 25, 2012, for the funding to be included in the 2013-2018 Six-Year Improvement Program (SYIP).

On May 18, 2012, representatives of the five jurisdictions sent a letter to Director Drake requesting that DRPT postpone the implementation of this new approach, and instead work on a mutually beneficial outcome (Attachment IV). A meeting was held on May 31, 2012, to discuss the localities' concerns and legal issues of the proposal. Additionally, Director Drake attended the June 7, 2012, NVTC meeting to discuss this issue further. At each of these meetings, representatives of local governments explained the effect this change would have on local and regional transit service, including:

- Statutory Requirements within the Virginia Code Requiring Transit Assistance for WMATA to be Allocated in Accordance with the SAM.
- Lack of Notice and Consultation Regarding this Change.
- Failure to Understand WMATA's Role in Operating Transit Service.
- Interference with the General Assembly Northern Virginia Delegation's Request to Identify Efficiency Improvements to four Northern Virginia Planning and Transportation Agencies.
- Administrative Costs, Especially Since Each Jurisdiction has Passed its Budget.

During these discussions Director Drake noted that DRPT would still make these changes at the June 20, 2012, Commonwealth Transportation Board (CTB) meeting, but that DRPT would study the issue further. If it was decided that the current process is beneficial, DRPT could return to the CTB at its subsequent meetings and revert to the current process.

During these discussions, Director Drake agreed to extend the deadline for the affirmation letters to June 4, and then June 8, 2012. She noted that the letters had to be received by the Department by June 8, 2012, to ensure that there would be enough time to prepare the final draft of the SYIP for the June 20, 2012, CTB Meeting. The local jurisdictions provided a letter to DRPT on that date (Attachment II). Director Drake also noted that DRPT would receive comments on this change until June 19, 2012, which could also be presented to the CTB at their June meeting. The attached draft letter (Attachment I) would be sent from the five jurisdictions and NVTC in response to the opportunity for comment.

FISCAL IMPACT:

While the exact fiscal impact of the change in disbursing transit assistance has not yet been determined, it has been estimated that a formula change could reduce the amount of state assistance to Fairfax County. Additional staff, at a potential cost, may be

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needed to accommodate this change. In total, DRPT provided \$117 million in transit operating and capital assistance to Northern Virginia in FY 2012.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Regional Letter Regarding the Virginia Department of Rail and Public Transportation Mandated Change for Disbursing Transit Assistance in Northern Virginia

Attachment II: June 8, 2012 Regional Letter to DRPT Director Drake

Attachment III: June 1, 2012 Letter from DRPT Delaying Deadline for Response Letter

Attachment IV: May 18, 2012, Regional Letter to DRPT Director Drake

Attachment V: May 15, 2012 Letter from DRPT Director Drake to Fairfax County Staff Regarding Change to Disbursement Process

STAFF:

Robert A. Stalzer, Deputy County Executive

Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)

Todd Wigglesworth, Acting Chief, Coordination and Funding Division, FCDOT

Noelle Dominguez, Coordination and Funding Division, FCDOT

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FINAL DRAFT

June 19, 2012

The Honorable Sean Connaughton
Secretary of Transportation
Patrick Henry Building, Third Floor
1111 East Broad Street
Richmond, VA 23219

Dear Secretary Connaughton:

We are writing to explain to you and the Commonwealth Transportation Board (CTB) why the Northern Virginia Transportation Commission (NVTC) and its member jurisdictions strenuously object to the new process that the Department of Rail and Public Transportation (DRPT) has described for transmitting state transit financial assistance to WMATA and other Northern Virginia transit systems.

On May 15, 2012, DRPT Director Drake informed NVTC, its member jurisdictions, and the Washington Metropolitan Area Transit Authority (WMATA) that DRPT would no longer provide funding to WMATA and NVTC's jurisdictions through NVTC. Unless all of the entities agreed within ten days, transit funding allocated to our region by the Commonwealth Transportation Board (CTB) in the draft FY 2013 Six Year Improvement Program (SYIP) would be removed from the final SYIP to be presented to CTB on June 20, 2012. DRPT subsequently extended the deadline to June 8, 2012.

While NVTC and its member jurisdictions appreciate the importance of DRPT funding and value the role DRPT plays in delivering these services, we are concerned that DRPT's policy change could well undermine those services, require additional administrative expense, introduce other inefficiencies that would waste precious transit funding and potentially violate state law.

While taking into account these adverse consequences, we ask you to consider that Northern Virginia has by far the greatest transit ridership in the Commonwealth. We strongly believe that a collective focus on transit and continued collaboration is vital to the economic success in this region. Our concerns are outlined below.

1. Statutory Requirements Prohibit DRPT's Approach

Section 58.1-638.A.5 of the Virginia Code compels that DRPT's transit assistance for WMATA must be allocated in accordance with NVTC's Subsidy Allocation Model (SAM). Failure to do so would be a violation of state law. (Attachments explain the use of NVTC's SAM which shares state and regional transit financial resources to sustain the regional WMATA partnership).

2. Lack of Notice

NVTC has used its SAM in various forms since FY 1974 and no state representative to NVTC has ever voted against it. DRPT Director Drake voted for it as recently as June 2, 2011. This formula allows NVTC's jurisdictions to cushion the impact of abrupt changes in state aid and protects especially NVTC's smaller jurisdictions, as codified in state code Section 58.638.A.5.b. It is not reasonable to change NVTC's successful and long-standing process with only ten days notice after FY 2013 local budgets have been adopted and after NVTC had completed applications for the state aid documented in CTB's draft SYIP. NVTC's current formula is the result of significant regional negotiations and collaboration to develop effective transit operations that does not stop at jurisdictional boundaries. Unfortunately, this unexpected DRPT action occurred without any consultation, which would have quickly identified some serious concerns. The new policy will create local winners and losers with no time to identify other workable solutions to achieve DRPT's objectives. NVTC is not aware of any factor that necessitates this rush to action.

3. Failure to Understand WMATA's Role

While WMATA operates transit service, it is not the entity financially responsible for that service. NVTC's jurisdictions must pay WMATA's bills at the beginning of each quarter or lose access to that service. NVTC's WMATA-related collaborative application for state aid is submitted on behalf of NVTC's WMATA jurisdictions collectively and reflects the combined shares of the total WMATA subsidy eligible for DRPT funding. State aid now received through NVTC covers only a portion of each bill and each jurisdiction must assemble sufficient funds from a variety of sources (e.g. regional gas tax received by NVTC, other Trust Funds at NVTC, General Funds, General Obligation Bonds and credits at WMATA).

Since DRPT's capital assistance is provided on a reimbursement basis, if DRPT provides reimbursement directly to WMATA, WMATA will actually be paid twice for the same bill. Trying to track and correct this would be complicated, and less transparent than the current SAM. Similarly, DRPT's operating assistance is also not available for jurisdictions to use to pay WMATA's first quarterly billing each year.

4. Interference with General Assembly Delegation's Request

Elected officials and staff of Northern Virginia's transportation and planning agencies and its member jurisdictions are in the midst of an ambitious study to respond to a

written request signed by every member of Northern Virginia's General Assembly delegation. The mandate is to identify efficiency improvements to four Northern Virginia planning and transportation agencies as well as consider any benefits of possible consolidation of two or more of those agencies. The delegation has asked for a response to this request by this fall, and the agencies and member jurisdictions are acting vigilantly on the study and response. Regardless of DRPT's intent, the result of its new policy makes the task of completing the study on time even more difficult by suddenly shifting NVTC's role significantly and it doesn't allow the task force sufficient time to assess any unintended consequences that could negatively impact the potential recommendations.

5. Administrative Costs

DRPT's policy change creates financial burdens for NVTC and its jurisdictions, because NVTC currently prepares grant applications, submits invoices and assures compliance with DRPT's complex rules. If DRPT requires WMATA and NVTC's member jurisdictions to separately accomplish these activities, additional administrative burdens would be created with no recourse within already approved local FY 2013 budgets for staffing as well as time consuming council/supervisor budget amendment to authorize localities to receive and expend this revenue. This will be even more of a strain on smaller jurisdictions like the cities of Fairfax and Falls Church. This approach causes unnecessary redundancy in administrative functions and reduces transparency, it may also be contradictory to the McDonnell Administration's ongoing efforts to improve government efficiency. Additionally, this proposal could be considered an unfunded mandate as localities must increase staffing and training to offset the efficient expertise currently provided by NVTC, and such action is also contradictory to the McDonnell Administration's unfunded mandates taskforce.

Additionally localities have learned that this policy change only applies to the funding in the SYIP and not to grant funding. Therefore DRPT's new policy will result in the establishment of two administrative processing methodologies, and make tracking the transit funds for the Northern Virginia region even more complex.

NVTC's SAM also provides for shared funding of NVTC's administrative budget and of several other regional projects including electronic transit schedules and data collection resulting in an additional \$6 million of federal funding for WMATA. Interference with these vital projects should have been considered and discussed, before DRPT took its recent action.

6. Consistency

At the NVTC meeting on June 7, 2012 Director Drake indicated that DRPT is simply ensuring that every transit system in the Commonwealth is treated equally. DRPT indicated that they send funds directly to all other jurisdictions. However, in the case of WMATA, they are in fact choosing to send funds to the operator instead of the jurisdictions who own the system and who pay for the service. Therefore, the budget language that DRPT is using to justify its funding policy change is in fact in direct

opposition to their stated policy of ensuring that every transit system in the Commonwealth receives their funding in the exact same manner.

7. Better Ways to Directly Achieve DRPT Objectives

In discussions with DRPT Director Drake, transparency has been cited as the motivation for the sudden policy shift. NVTC takes great pride in its stellar record of fiscal management, as reflected in a long history of clean annual external audits and DRPT audits. Because NVTC and its jurisdictions value DRPT's funding, it would be more productive to collaborate on mutually beneficial ways to increase transparency, without changing a highly efficient process that has been very effective and regionally supported since 1974.

8. Conclusion

NVTC's WMATA jurisdictions have for decades utilized NVTC as their agent for grant purposes and their fiduciary for all grant funds received. This approach is embedded in the Virginia Code and has been consistently supported by DRPT Directors in the past. This approach is consistent with regional cooperation and has helped coordinate Northern Virginia's successful transit network. CTB should not alter its SYIP without a full understanding of the legal and other unintended consequences of DRPT's policy change. NVTC requests that all parties collaborate to develop a solution which will address DRPT's concerns regarding the transparency of transit funds provided to Northern Virginia.

As stated at the June 7, 2012 NVTC meeting, NVTC is prepared to enhance communication efforts to acknowledge any funding that DRPT does provide.

Furthermore, we respectfully request that you and the CTB continue the current process of distributing state funds for Northern Virginia's transit systems through NVTC. At the very least, the legal ramifications of changing NVTC's financial role should be fully understood before any action is taken to change the current process.

Sincerely,

Jay Fisette,
NVTC Chairman

Sharon Bulova,
Fairfax County

Nader Baroukh,
City of Falls Church

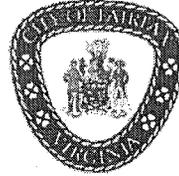
Mary Hynes,
Arlington County

Bill Euille,
City of Alexandria

Robert Lederer,
City of Fairfax

Attachments Included

cc: The Honorable Robert F. McDonnell, Governor of Virginia
Members, The Commonwealth Transportation Board
Ms. Thelma Drake, Director of Virginia Department of Rail and Public
Transportation
The Honorable George Barker
The Honorable Richard Black
The Honorable Charles Colgan
The Honorable Adam Ebbin
The Honorable Barbara Favola
The Honorable Mark Herring
The Honorable Janet Howell
The Honorable David Marsden
The Honorable Chap Petersen
The Honorable Toddy Puller
The Honorable Richard Saslaw
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The Honorable Richard Anderson
The Honorable Robert Brink
The Honorable David Bulova
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The Honorable David Englin
The Honorable Eileen Filler-Corn
The Honorable Thomas Greason
The Honorable Charniele Herring
The Honorable Patrick Hope
The Honorable Timothy Hugo
The Honorable Mark L. Keam
The Honorable Kaye Kory
The Honorable James M. LeMunyon
The Honorable Scott Lingamfelter
The Honorable Alfonso Lopez
The Honorable Robert Marshall
The Honorable Joe May
The Honorable J. Randall Minchew
The Honorable Jackson Miller
The Honorable Ken Plum
The Honorable David Ramadan
The Honorable Thomas Davis Rust
The Honorable Jim Scott
The Honorable Mark Sickles
The Honorable Scott A. Surovell
The Honorable Luke E. Torian
The Honorable Vivian Watts



June 8, 2012

The Honorable Thelma Drake
Director
Virginia Department of Rail and Public Transportation
600 E. Main Street, Suite 2102
Richmond, VA 23219

Dear Director Drake:

The below signed Mayors and Chairs or their jurisdiction designees are collectively responding to your request for each jurisdiction to comply to the Department of Rail and Public Transportation's (DRPT's) directive that they accept as their own the Northern Virginia Transportation Commission's (NVTC's) applications for Metro and local transit funding submitted on our behalf. On May 15, 2012, DRPT informed the NVTC, its member jurisdictions, and the Washington Metropolitan Area Transit Authority (WMATA) that DRPT would no longer provide funding to NVTC on behalf of NVTC's members, but would provide funding directly to WMATA and each local transit provider. DRPT allowed ten (10) days for all entities to agree with this change, and informed us that failure to do so would result in the removal of Metro and local transit funding from the final recommended Six Year Improvement Program (SYIP) to be presented to the Commonwealth Transportation Board (CTB) on June 20, 2012. In response to our significant concerns, DRPT extended the deadline initially until June 4, 2012, and then to June 8, 2012.

In our meeting on May 31, 2012, you stated that you would begin to more fully examine the decades-old process used by us for Metro and local transit grants, the role of NVTC, and degree to which these procedures have been included in state statute. In particular, you agreed that you needed to understand the Subsidy Allocation Model (SAM) adopted by NVTC's member jurisdictions and how the SAM is a requirement of state law. You have asked that we provide comments to you by June 19, 2012, about DRPT's proposal so that, if necessary, you can rescind it at the July CTB meeting. In our judgment, this alone demonstrates the need to study DRPT's policy change in more detail. A change of such significance should not be introduced in such a short time, with no consultation by those most affected by it, and without fully understanding the implications of doing so.

While we expect to detail our concerns more fully, we want to emphasize two points now. First, while the FY 2013 budget language appears to permit DRPT to make transit grant payments directly to WMATA notwithstanding statutory language requiring NVTC to do so, the language does not eliminate the requirement that the grant funds be allocated in accordance with the SAM. Failure to do so would be in violation of the law. This issue must be resolved before DRPT proceeds with its proposal.

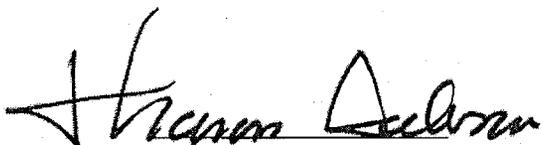
Second, DRPT's directive to remove transit funding from the recommended SYIP unless the recipient accepts NVTC's applications as its own cannot be applied to WMATA. Your May 15 and June 1, 2012 letters to WMATA are inaccurate because NVTC's Metro related application is not made on behalf of WMATA. Rather, it was submitted on behalf of each of us collectively and reflects our combined shares of the total Metro subsidy eligible for grant funding. It is critical that DRPT recognize this fact so that the applications for Metro funding are not omitted from the recommended SYIP.

As we discussed at our meeting with you, we believe that DRPT's proposal should be delayed so that legal, financial, and administrative requirements can be considered and unintended consequences can be avoided. DRPT's stated goal of making plain the significant role Commonwealth funding plays in our Metro and local transit services can be achieved in less extreme ways. We recognize and appreciate the importance of this funding and value the role DRPT plays in delivering these services. However, we are concerned that DRPT's proposal could well undermine these services, require unnecessary additional administrative expense, introduce other inefficiencies that waste precious transit funding, and potentially violate the law. While we believe it best that DRPT defer its plan until the next SYIP, we ask that the proposal be deferred at least until the July CTB meeting when DRPT's desired modifications to the SYIP can be made if we are all satisfied that this can be done without adverse consequences.

Finally, in direct response to your directive regarding NVTC's grant applications, we acknowledge that NVTC's grant applications were submitted on our behalf for Metro and local transit funding, and accept them as our own. NVTC is our agent for grant purposes and our fiduciary for all grant funds received. As you agreed was permissible, we expect to continue to use NVTC for grant application purposes, for receipt of funds, for application of the SAM, and for payment purposes, and we expect DRPT to cooperate in this regard.

We believe that the foregoing is sufficient for your stated purposes and that the Metro and local grant funding applied for by NVTC will be included in the recommended SYIP. Please advise us at once if this is not the case.

Sincerely,



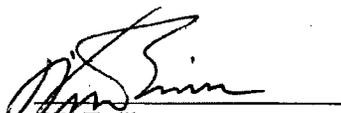
Sharon Bulova,
Fairfax County



Nader Baroukh,
City of Falls Church



Mary Hynes,
Arlington County



Bill Euille,
City of Alexandria



Jeff Greenfield,
City of Fairfax

- cc: The Honorable Sean Connaughton
- F. Gary Garczinsky, At-Large Urban Board Member (CTB)
- J. Douglas Koelemay, Northern Virginia District Board Member (CTB)
- The Honorable George Barker
- The Honorable Richard Black
- The Honorable Charles Colgan
- The Honorable Adam Ebbin
- The Honorable Barbara Favola
- The Honorable Mark Herring
- The Honorable Janet Howell
- The Honorable David Marsden
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The Honorable J. Randall Minchew
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The Honorable Ken Plum
The Honorable David Ramadan
The Honorable Thomas Davis Rust
The Honorable Jim Scott
The Honorable Mark Sickles
The Honorable Scott A. Surovell
The Honorable Luke E. Torian
The Honorable Vivian Watts



COMMONWEALTH of VIRGINIA

Thelma D. Drake
Director

DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION
600 EAST MAIN STREET, SUITE 2102
RICHMOND, VA 23219-2416

(804) 786-4440
FAX: (804) 225-3752
VIRGINIA RELAY CENTER
1-800-828-1120 (TDD)

June 1, 2012

VIA E-MAIL

Dear Grantee:

At the request of Secretary Connaughton, I am writing to notify you that the Department of Rail and Public Transportation (DRPT) will allow for comments and concerns until 5:00 pm on June 19, 2012 regarding the shift of providing DRPT grant funds directly to WMATA and the local jurisdictions instead of through NVTC beginning July 1, 2012.

DRPT will submit the Six-Year Improvement Plan (SYIP) in the name of WMATA and the local jurisdictions for approval to the Commonwealth Transportation Board (CTB) in June. If it is determined that there are significant reasons for the current DRPT funding process with NVTC as the direct recipient of DRPT administered funds to continue, I will request that the CTB amend the SYIP to reflect that change at its July action meeting.

In order for DRPT to include you in the SYIP being presented to the CTB for approval, we need in writing your acceptance of the application that was submitted on your behalf by NVTC by 5:00 pm, June 8, 2012 (note that this is an extension from our previous request). **Please note that by agreeing to accept the application you are in no way indicating that you concur with our proposed change to the NVTC funding process.** If you elect not to accept the NVTC application, the funding that would have been allocated to your entity will be redistributed to all other transit properties in the Commonwealth according to Code specified distribution formulas.

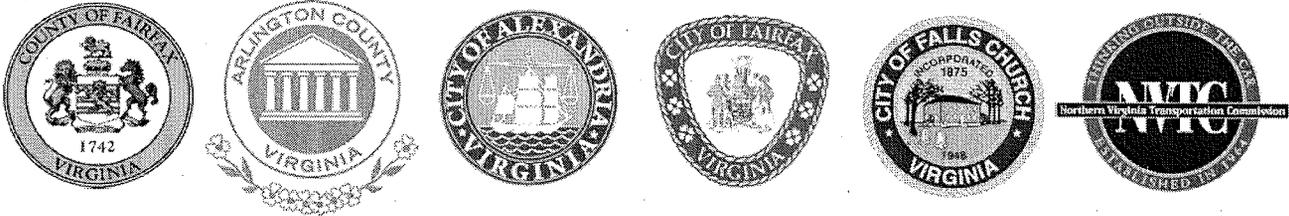
I look forward to hearing your concerns about the new WMATA and jurisdiction direct funding process. Between now and June 19th, DRPT will conduct a documentation of the Subsidy Allocation Model (SAM) currently in use by NVTC to better understand the model and method of funding.

Sincerely,

A handwritten signature in cursive script that reads "Thelma Drake".

Thelma Drake

The Smartest Distance Between Two Points
www.drpt.virginia.gov



May 18, 2012

The Honorable Thelma Drake
Director
Virginia Department of Rail and Public Transportation
600 E. Main Street, Suite 2102
Richmond, VA 23219

Dear Director Drake:

Our respective agencies and jurisdictions have received your letters informing us of DRPT's decision to bypass NVTC and provide state aid funds directly to "actual providers of transit services." Per your letter, failure to agree within 10 days would result in losing the allocated transit assistance included in the FY 2013-18 Six-Year Improvement Program.

Each of us is fully aware of the important role DRPT plays in supporting public transit systems throughout the Commonwealth and especially here in Northern Virginia. We also understand your interest in greater public transparency of the role DRPT plays in funding our transit systems.

We wish you had consulted us prior to this notification initiating a major change to the longstanding method of distributing transit funds for transit in Northern Virginia. Our process for using NVTC's services in applying for, receiving, allocating and holding in trust our state transit assistance has served us well for many good reasons.

We would appreciate the opportunity to discuss those reasons with you and to carefully consider your new proposal.

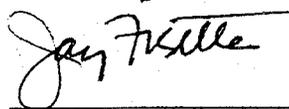
Among the reasons for our request are:

1. The Northern Virginia General Assembly Delegation has asked NVTC and other transportation and planning agencies to report on efficiency and consolidation measures. We are working intensively now to meet a tight deadline and the significant change in NVTC's role resulting from DRPT's unilateral action preempts our efforts to respond to our General Assembly Delegation.

2. Our FY 2013 budgets have all been recently adopted and without allocating our state aid through the NVTC sharing formula that is in the Virginia Code, DRPT is creating winners and losers. For example, some jurisdictions could lose hundreds of thousands of dollars as a result of this change.
3. In order to apply for DRPT aid and process DRPT invoices, each of NVTC's jurisdictions will need to acquire staff and expertise. This will be especially burdensome for determining WMATA's allocations, since WMATA bills each NVTC jurisdiction separately and those jurisdictions must pay those bills with a combination of local funds and regional gas tax received by NVTC, in addition to state aid. DRPT's approach adds complications and risks confusion without an adequate transition period.

We respectfully request that you postpone implementation of your new approach and ask that you engage in a constructive dialogue with us that would lead to a mutually beneficial outcome that ensures that DRPT's substantial contributions to our success are fully recognized, while also ensuring the most efficient and effective distribution mechanism for these transit funds.

Sincerely,



Jay Fisetle,
NVTC Chairman



Sharon Bulova,
Fairfax County



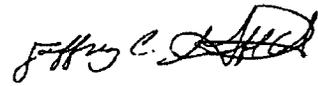
David Snyder,
City of Falls Church



Mary Hynes,
Arlington County



Bill Euille,
City of Alexandria



Jeff Greenfield,
City of Fairfax

Enc.

cc: The Honorable Robert McDonnell
The Honorable Sean Connaughton
The Honorable George Barker
The Honorable Richard Black
The Honorable Charles Colgan
The Honorable Adam Ebbin
The Honorable Barbara Favola
The Honorable Mark Herring

The Honorable Janet Howell
The Honorable David Marsden
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The Honorable Thomas Greason
The Honorable Charniele Herring
The Honorable Patrick Hope
The Honorable Timothy Hugo
The Honorable Mark L. Keam
The Honorable Kaye Kory
The Honorable James M. LeMunyon
The Honorable Scott Lingamfelter
The Honorable Alfonso Lopez
The Honorable Robert Marshall
The Honorable Joe May
The Honorable J. Randall Minchew
The Honorable Jackson Miller
The Honorable Ken Plum
The Honorable David Ramadan
The Honorable Thomas Davis Rust
The Honorable Jim Scott
The Honorable Mark Sickles
The Honorable Scott A. Surovell
The Honorable Luke E. Torian
The Honorable Vivian Watts



COMMONWEALTH of VIRGINIA

Thelma D. Drake
Director

DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION
600 EAST MAIN STREET, SUITE 2102
RICHMOND, VA 23219-2416

(804) 786-4440
FAX: (804) 225-3752
VIRGINIA RELAY CENTER
1-800-828-1120 (TDD)

May 15, 2012

Mr. Tom Biesiadny
Fairfax County
4050 Legato Road, Suite 400
Fairfax, Virginia 22033

Dear Mr. Biesiadny,

As part of our continuing efforts to conduct our business in a transparent manner, the Department of Rail and Public Transportation (DRPT) will be contracting directly with the actual providers of transit services for the funding included in the FY 2013 Six Year Improvement Program (SYIP). This change will improve our working relationship with our transit partners as we move forward by allowing direct financial interaction with the actual provider of the transit services that the Commonwealth is funding.

From an administrative perspective, DRPT is requesting that Fairfax County accept the application for funding made by the Northern Virginia Transportation Commission (NVTC) on your behalf as your direct application to DRPT. Please confirm to us in writing by May 25, 2012 your acceptance of the application made by NVTC. Since funding will be provided directly to Fairfax County, we must receive this affirmation in order to include the funding for these services in the final recommended FY 2013 – 2018 SYIP presented for the Commonwealth Transportation Board’s approval in June.

If you have any questions regarding this business process improvement, please feel free to contact me or my staff.

Sincerely,

Thelma Drake

C: Steve Pittard
Kevin Page

Board Agenda Item
June 19, 2012

INFORMATION – 1

Minor Service Adjustments and Implementation of Transit Development Plan (TDP)
Recommendations for Fairfax Connector Routes Effective June 2012

This item is to notify the Board that the Fairfax County Department of Transportation (FCDOT) intends to make several schedule and/or routing changes to Fairfax Connector service effective June 30, 2012, as outlined below:

New Service:

Route 981 (Dranesville, Hunter Mill): Implement the TDP recommendation for a new express route to Dulles Airport from the Tyson*West Park Transit Center via the Reston Town Center Transit Center and Herndon-Monroe Park and Ride Lot. Service will run from 6:00 AM – 12:00 AM on 25 minute headways during the week and 6:30 AM – 11:30 PM on 50 minutes headways during weekends.

Service Adjustments:

Route 101 (Lee, Mount Vernon): Adjust the schedule to meet trains at Huntington Metrorail Station and improve mid-day headways from 60 minutes to 30 minutes to address ridership demand.

Route 151 (Lee, Mount Vernon): To accommodate increased passenger loads, headways are improved from 30 minutes to 20 minutes in the peak direction during AM and PM peak periods.

Route 159 (Lee, Mount Vernon): To accommodate increased passenger loads, headways are improved from 30 minutes to 20 minutes in the peak direction during AM and PM peak periods.

Route 171 (Lee, Mount Vernon): Adjust the schedule to avoid mid-route lay-over weekdays, and improve the running time.

Route 335 (Lee, Mount Vernon): Adjust the routing to reach points further south on Fort Belvoir Main Post; widen headway from 20 minutes to 30 minutes and reduce fares from \$3.85 cash fare and \$3.65 SmarTrip® fare to the base fare of \$1.70 cash fare and \$1.50 SmarTrip® fare.

Route 395 (Lee, Springfield): Shift trip start times to provide additional service during the peak-of-the-peak period (6:30 AM - 7:15 AM) to the Pentagon. Shift the trip leaving at 5:50 PM from the Pentagon to 5:55 PM to eliminate the bus bay conflict with Route 595.

Route 402 (Dranesville, Hunter Mill, Mason): Adjust the schedule and routing of the bus to access the transit center at INOVA Fairfax Hospital.

Route 950 (Hunter Mill): Adjust the early AM schedule to improve on-time performance.

RIBS 3 (Hunter Mill): Adjust routing to make all right hand turns through INOVA Reston Hospital to avoid delays caused by the left hand turn onto New Dominion Parkway.

RIBS 4/5 (Hunter Mill): Adjust the Sunday schedule by adding run time and eliminating 10:05 AM and 5:05 PM trips on RIBS 4 to improve schedule adherence.

Route 926 (Hunter Mill) Adjust the schedule to improve on-time performance.

Route 929 (Hunter Mill) Adjust the schedule to improve on-time performance.

BACKGROUND:

The new Route 981 express service (Attachment 1) and the increased service on the 101, 151 and 159 are based on recommendations from the Fairfax County Transit Development Plan (TDP). The TDP is a short range planning document that serves as the basis for modifications and adjustments to bus service in Fairfax County.

To better serve County residents and to boost reverse-commute ridership in the Dulles Corridor prior to full implementation of the Silver Line, the TDP recommended that a new Connector express route, called the 981, be initiated between Tysons Corner and Dulles Airport. This route would originate at Tysons West*Park Transit Center and make stops on every trip at Reston Town Center Transit Center and Herndon-Monroe Park and Ride Lot before reaching Dulles Airport. After Dulles Rail Phase I is operational, Connector Route 981 will be truncated at the Wiehle-Reston East Metrorail Station. Otherwise, operations would remain the same. Finally, the route will be eliminated once Phase II of the Silver Line is operational to the Dulles International Airport. This service has a conditional start date of June 30, 2012, pending concurrence by the Metropolitan Washington Airport Authority.

Route 335, "The Eagle Express", (Attachment 2) was created to fill a gap in service identified in the analysis of routes created to help alleviate additional traffic generated by the Base Realignment and Closure (BRAC) movements to Fort Belvoir. Route 335 has not produced the ridership expected. The modifications to Route 335 include extending it further south on Ft. Belvoir, compressing the span of service and reducing the fare in conjunction with the discontinuation of free shuttles provided by agencies on

Board Agenda Item
June 19, 2012

the base. In addition, a new local segment will be added to facilitate the movement of county residents to the Franconia-Springfield Metrorail Station. These modifications are anticipated to greatly increase ridership.

The Richmond Highway corridor currently generates approximately 25 percent of all daily Fairfax Connector boardings. According to FCDOT historical ridership reports, routes operating on Richmond Highway have seen ridership grow by more than 25 percent since 2005. According to the TDP, ridership in this corridor will continue to grow as it serves a growing transit-dependent population. Over time, service frequencies must be increased to accommodate these new riders. As a part of the June changes, improvements to Weekday services on routes 151, 159 and 101, and on the weekends to Route 101, are being recommended.

The minor adjustments to the other routes are being recommended to improve schedule adherence and the overall operation of Fairfax Connector bus service. Staff continually monitors service to identify changes that can be made to improve services with small or no budget implications. These changes include shifting run times and minor adjustments to routing. The proposed changes reflect minor adjustments and improvements to service to improve operations.

Unless otherwise directed by the Board, the Department of Transportation will implement these service changes in June 2012.

FISCAL IMPACT:

The plan outlined above expands service by approximately 29,200 annual revenue hours at an estimated annual cost of approximately \$3.2 million. Funding for this expansion was assumed in the development of the FY 2013 budget. Sufficient funds to cover these service changes are included in Fund 100, County Transit Systems.

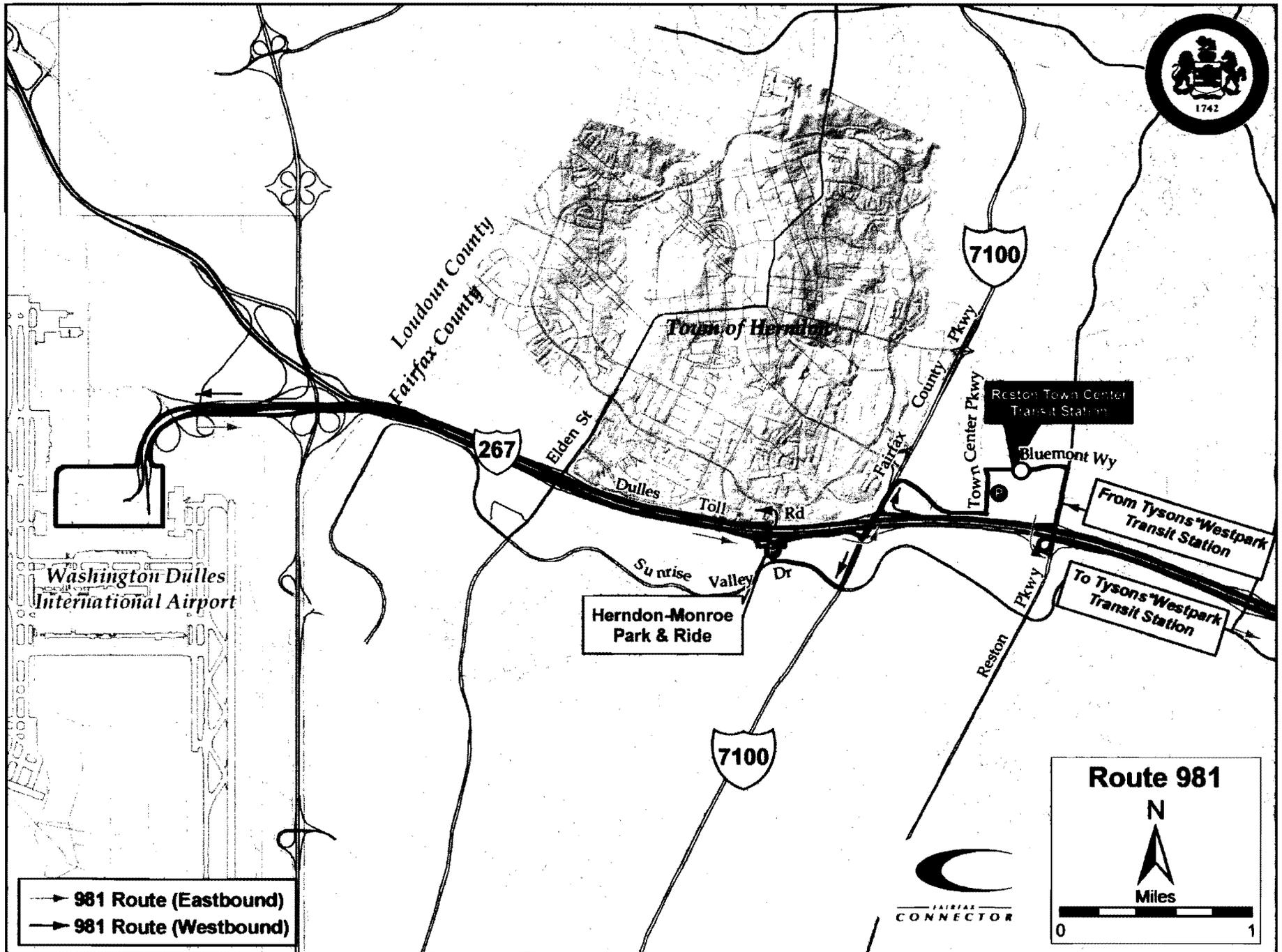
ENCLOSED DOCUMENTS:

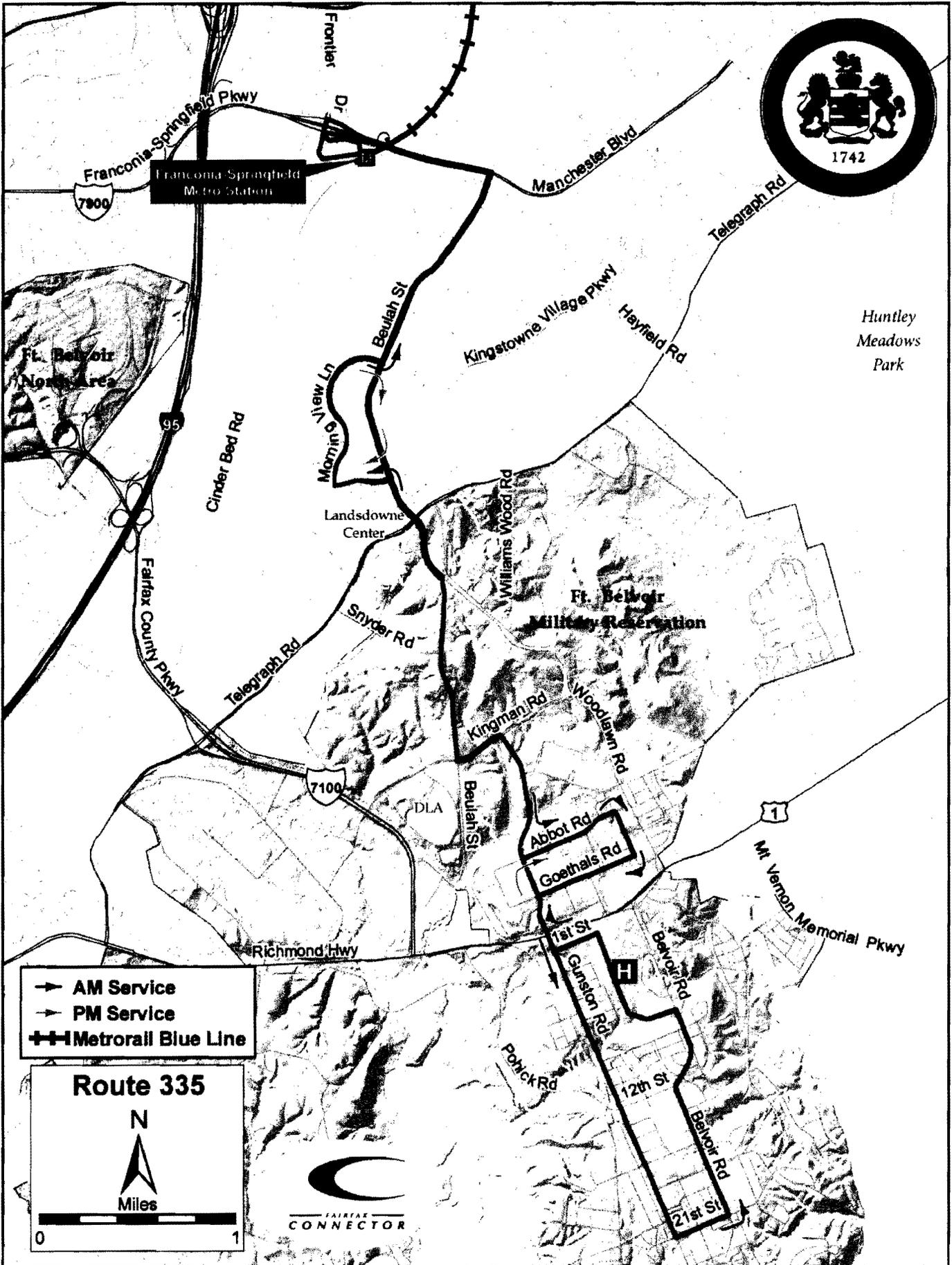
Attachment 1 - New Route 981, Express Service
Attachment 2 - Route 335, The Eagle Express

STAFF:

Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Rollo Axton, Chief, Transit Services Division, FCDOT
Christin Wegener, Chief, Fairfax Connector Section, FCDOT
Paul Mounier, Fairfax Connector Section, FCDOT

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Huntley Meadows Park



- ➔ AM Service
- ➔ PM Service
- ⚡ Metrorail Blue Line

Route 335

N

Miles

0 1



INFORMATION - 2

Contract Award – Prescription and Nonprescription Medications for Inmates in the Adult Detention Center

The Fairfax County Sheriff's Office is required to provide comprehensive preliminary, primary and continuing health and medical services to all inmates while housed in the Fairfax County Adult Detention Center and Pre-Release Center. State and national accrediting agencies require that all inmates have access to the full range and scope of health and medical care services for all chronic and acute health care needs.

On January 23, 2012, the Department of Purchasing and Supply Management issued a Request for Proposal (RFP 2000000096) for prescription and nonprescription medications for inmates housed in the Adult Detention Center (ADC) of the Office of the Sheriff. This five-year term contract will provide for medications both prescription and nonprescription to be purchased and dispensed to the inmates within the scope of all state and federal laws and regulations. The provisions contained in the RFP and evaluation criteria allowed the County to make a single vendor award for this service.

Tasks requested for the contract included:

- An agreed medication formulary to be used by the licensed healthcare providers when ordering prescription and nonprescription medications;
- A monthly capitated rate per inmate housed within the ADC;
- All federal and license requirements relating to pharmaceuticals will be adhered to and maintained;
- Quarterly meetings with the physicians to discuss medication ordering practices and cost containment measures;
- Capability to order and reorder medications electronically with potential to interface (at a future date) with electronic medical records.

The solicitation notice was sent to 418 firms, and seven firms responded with a proposal by the closing date of February 21, 2012. The Selection Advisory Committee (SAC), appointed by the County Purchasing Agent, evaluated the proposals in accordance with the criteria established in the RFP. Upon completion of the final evaluation of the proposals, the SAC negotiated with the top ranked offeror and unanimously recommended to award the contract to Contract Pharmacy Services located in Warrington, Pennsylvania. The company has submitted all required licenses and insurance information that would allow for them to provide pharmacy services in the Commonwealth of Virginia.

Board Agenda Item
June 19, 2012

The Department of Tax Administration has verified that Contract Pharmacy Services is not required to have a Fairfax County Business, Professional and Occupational License (BPOL).

Unless otherwise directed by the Board of Supervisors, the Purchasing Agent will proceed to award the contract to Contract Pharmacy Services, Inc. The contract has a term of five years with no renewal options. The estimated annual amount of this contract is \$550,000.

FISCAL IMPACT:

The total fiscal impact to the County for this five-year contract is approximately \$3 million to be shared between the Office of the Sheriff and the Fairfax–Falls Church Community Services Board. Funds are available in the current baseline budgets of both agencies to cover this cost, so no additional funding is required. The cost of the contract is shared between the two agencies based on the diagnosis and specific needs of those served by the medical staff of each agency. It should be noted that the annual fiscal impact for CSB is anticipated to be consistent with levels from prior years and is not recommended for adjustment as part of the review of CSB services currently underway.

ENCLOSED DOCUMENTS:

Attachment 1 - List of Offerors for RFP 2000000096

STAFF:

Cathy A. Muse, Director, Department of Purchasing and Supply Management
Stan Berry, Sheriff, Office of the Sheriff

Attachment 1

List of Offerors
RFP 2000000096

Contract Pharmacy Services, Inc.
125 Titus Avenue
Warrington, PA 189062

Correctional Pharmacy Services, Inc.
803 A Backwood Court
Linthicum, MD 21090

MAXOR
Correctional Pharmacy Services
416 Mary Lindsay Polk Drive
Suite 515
Franklin, TN 37067

Diamond Pharmacy Services, Inc.
645 Kolter Drive
Indiana, PA 15701-3570

Mount Olivet Pharmacy
1809 West Virginia Ave, NE
Washington, DC 20002

OMNICORP
5185 South 9th St
Milwaukee, WI 53221

Westwood Pharmacy
5823 Patterson Ave
Richmond, VA 23226

Board Agenda Item
June 19, 2012

INFORMATION – 3

2012 Office of Justice Programs Edward Byrne Memorial Justice Assistance Grant Application Requirement to Present the Proposal to the Board of Supervisors and the Public for Review

The Fairfax County Police Department (FCPD) has submitted an application for the 2012 Office of Justice Programs Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$98,366. As part of the grant application process and in accordance with the special conditions of the JAG program, the grant application must be made available for review by the governing body of the local government during a scheduled meeting open to the public. The application must also be made available to provide an opportunity for citizens to comment.

FISCAL IMPACT:

The JAG program will award funding in the amount of \$98,366 to the Fairfax County Police Department if all special conditions of the grant program are met, including the condition mentioned above. Grant funding will be used to purchase Tasers as part of FCPD's Less Lethal Force Initiative.

ENCLOSED DOCUMENTS:

Attachment 1 – Grant Application

STAFF:

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

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Department of Criminal Justice Services – Justice Assistance Grant

Byrne Memorial Justice Assistance Grant Program: Local Solicitation

ABSTRACT PROPOSAL

Less-Lethal Force Initiative

The Fairfax County Police Department (FCPD) requests grant funding in the amount of \$98,366 to purchase 60 Taser X2 Conductive Energy Weapons to replace the currently deployed Taser X26, improving FCPD’s ability to deploy less-lethal force in police operations.

The Taser X2 Conductive Energy Weapon will provide operators with modern operational enhancements, improving safety for both operators and suspects. Enhanced features of the Taser X2 include:

- An automatic shutoff limiting the amount of energy that can be delivered to a suspect.
- A 25 foot cartridge, an increase of four feet, allowing for greater reaction time as compared to the current model.
- An additional cartridge providing operators an option to control multiple suspects at the same time.
- Two lasers for identifying the location the probes will contact, increasing shot accuracy as compared to the current model.

The Taser X2 Conductive Energy Weapon will eliminate several safety concerns and improve FCPD’s ability to deploy less-lethal force in police operations. In addition, the Taser X2 will improve critical response to high-risk incidents that pose extreme danger to public safety in units such as SWAT. During times of intense stress, officers must be confident that their weapons function properly. The Taser X2’s enhanced safety features allow operators to perform their duties more effectively and safely and should decrease unintended injuries. The ability of officers to safely neutralize violent offenders by initiating only the amount of force necessary to resolve a dangerous situation is paramount to officer safety and crime prevention.

JAG Project Identifiers

Excessive Use of Force

Conflict Resolution

Equipment - Tactical

Officer Safety

Violence - Violent Crime

Department of Criminal Justice Services – Justice Assistance Grant

Byrne Memorial Justice Assistance Grant Program: Local Solicitation

PROGRAM NARRATIVE

The Fairfax County Police Department (FCPD) requests funding in the amount of \$98,366 to purchase 60 Taser X2 Conductive Energy Weapons for police operational units. Deploying Taser X2s will allow FCPD to discontinue use of the currently deployed Taser X26s which pose several safety concerns now corrected with the Taser X2 and improve options for using less-lethal force.

Equipment Improvements

60 Taser X2 Conductive Energy Weapons

Grant funding will be used to purchase 60 Taser X2 Conductive Energy Weapons for patrol officers, SWAT, and other specialty units, supporting the use of less-lethal force to control and neutralize violent suspects and improving officer and suspect safety. The currently deployed Taser X26s pose safety concerns as they allow operators to deploy amounts of energy higher than recommended by Taser International. The new Taser X2 only allows operators to deploy only a five second cycle of energy to suspects, reducing the risk of unintended injury. In addition, the new Taser X2 offers operators the option to deploy two shots, as compared to one shot with the currently deployed model, allowing engagement with multiple suspects. Finally, the new Taser X2 includes two lasers to help officers identify target locations on the suspect, increasing shot accuracy.

The use of less-lethal force weapons is paramount to decreasing injuries and risk of death to officers and suspects, a critical FCPD goal. The introduction of Tasers into the available equipment carried by police officers has had a significant impact on how violent suspects are controlled and arrested as officers do not need to resort to hand-to-hand confrontation as frequently. The Taser X2 will improve options for using less-lethal force.

The Fairfax County Police Department Law Enforcement Training Unit (LETU) will conduct departmental training for the new Taser X2. MPO Travis Schaney and MPO Eric Campbell are FCPD's certified Master Taser Instructors and are assigned to the LETU. Training will be in accordance with the training instructions of Taser International and FCPD policies and procedures.

Goals and Objectives

The goal of this grant funding request is to increase officer safety when responding to incidents where the necessity exists to subdue violent offenders with the use of less-lethal force.

Strategic Objectives:

- Improve Officer Safety – The current Taser allows officers to deploy more energy than the manufacturer recommends while the new Taser X2 will only deploy the

Department of Criminal Justice Services – Justice Assistance Grant

Byrne Memorial Justice Assistance Grant Program: Local Solicitation

recommended amount of energy. The Taser X2 also allows for multiple deployments with fewer misses due to the new devices having dual lasers for target identification. These enhancements will eliminate the safety concerns faced with the current Tasers, thus increasing safety to both officers and suspects and reducing the possibility of injuries.

- Facilitate Critical Response to High Risk Incidents – The replacement of the current Tasers will allow operators such as the SWAT team to have additional less-lethal options in high risk incidents.
- Allow for Less-Lethal Force - The use of the new Taser X2 will allow the officers to utilize less-lethal force on a more consistent basis. These enhanced devices allow the officers to engage more than one suspect, reach a target at greater lengths and more accurately hit the intended target. All of these improvements help reduce injury to both officers and suspects.

Performance Measures

The Internal Affairs Bureau is responsible for documenting and evaluating use of force issues, including deadly force and less-lethal force. The Internal Affairs Bureau will evaluate the new Taser X2 and its success in decreasing the number of injuries to officers and suspects as compared to the older model Tasers.

Implementation

When the grant funding is awarded, the Financial Resources Division will facilitate appropriation of grant funding and procurement of the 60 Taser X2s, following local and federal procurement regulations. It should be noted that Tasers X2s will be issued to officers who have met training and qualification requirements. Documentation will be maintained regarding training requirements fulfilled and where the devices are deployed.

Department of Criminal Justice Services – Justice Assistance Grant

Byrne Memorial Justice Assistance Grant Program: Local Solicitation

PROJECT BUDGET NARRATIVE

The Fairfax County Police Department (FCPD) requests funding in the amount of \$98,366 to purchase 60 Taser X2 Conductive Energy Weapons for police operational units during normal duties, including patrol officers, SWAT, and other specialty units.

Equipment

60 Taser X2 Conductive Energy Weapons **\$98,366**

Grant funding will be used to purchase 60 Taser X2 Conductive Energy Weapons for patrol officers, SWAT, and other specialty units, supporting the use of less-lethal force to control and neutralize violent suspects and improving officer and suspect safety. The Taser X2 Conductive Energy Weapon will provide operators with modern operational enhancements, including:

- An automatic shut-off battery allowing operators to deploy only a five second cycle of energy to suspects, reducing the risk of unintended injury.
- A 25 foot cartridge, an increase of four feet, allowing for greater reaction time as compared to the current model.
- An additional cartridge providing operators an option to control multiple suspects at the same time.
- Two lasers for identifying the location the probes will contact, increasing shot accuracy as compared to the current model.

Equipment acquisition will address five JAG Project Identifiers: Excessive Use of Force; Conflict Resolution; Equipment - Tactical; Officer Safety; and Violent Crime.

Budget Detail Worksheet

Purpose: The Budget Detail Worksheet may be used as a guide to assist you in the preparation of the budget and budget narrative. You may submit the budget and budget narrative using this form or in the format of your choice (plain sheets, your own form, or a variation of this form). However, all required information (including the budget narrative) must be provided. Any category of expense not applicable to your budget may be deleted.

A. Personnel - List each position by title and name of employee, if available. Show the annual salary rate and the percentage of time to be devoted to the project. Compensation paid for employees engaged in grant activities must be consistent with that paid for similar work within the applicant organization.

Name/Position	Computation	Cost
Position 1, each position entry limited to one line		
Position 2		
Position 3		
Position 4		
Position 5		
Position 6		
SUB-TOTAL		\$0.00

B. Fringe Benefits - Fringe benefits should be based on actual known costs or an established formula. Fringe benefits are for the personnel listed in budget category (A) and only for the percentage of time devoted to the project.

Name/Position	Computation	Cost
Fringe benefit 1, each benefit entry is limited to one line		
Fringe benefit 2		
Fringe benefit 3		
Fringe benefit 4		
Fringe benefit 5		
SUB-TOTAL		\$0.00
Total Personnel & Fringe Benefits		\$0.00

C. Travel - Itemize travel expenses of project personnel by purpose (e.g., staff to training, field interviews, advisory group meeting, etc.). Show the basis of computation (e.g., six people to 3-day training at \$X airfare, \$X lodging, \$X subsistence). In training projects, travel and meals for trainees should be listed separately. Show the number of trainees and the unit costs involved. Identify the location of travel, if known. Indicate source of Travel Policies applied, Applicant or Federal Travel Regulations.

Purpose of Travel	Location	Item	Computation	Cost
Travel entry 1, two lines per entry				
Travel entry 2				
Travel entry 3				
Travel entry 4				
Travel entry 5				
Travel entry 6				
Travel entry 7				
TOTAL				\$0.00

D. Equipment - List non-expendable items that are to be purchased. Non-expendable equipment is tangible property having a useful life of more than two years and an acquisition cost of \$5,000 or more per unit. (Note: Organization's own capitalization policy may be used for items costing less than \$5,000). Expendable items should be included either in the "supplies" category or in the "Other" category. Applicants should analyze the cost benefits of purchasing versus leasing equipment, especially high cost items and those subject to rapid technical advances. Rented or leased equipment costs should be listed in the "Contractual" category. Explain how the equipment is necessary for the success of the project. Attach a narrative describing the procurement method to be used.

Item	Computation	Cost
Taser X2 C.E.W. Devices	60 @ \$1,639.43	\$98,366.00
equipment entry 2		
equipment entry 3		
equipment entry 4		
equipment entry 5		
TOTAL		\$98,366.00

E. Supplies - List items by type (office supplies, postage, training materials, copying paper, and expendable equipment items costing less than \$5,000, such as books, hand held tape recorders) and show the basis for computation. (Note: Organization's own capitalization policy may be used for items costing less than \$5,000). Generally, supplies include any materials that are expendable or consumed during the course of the project.

Supply Items	Computation	Cost
Supply item 1, one line per entry		
supply item 2		
supply item 3		
supply item 4		
supply item 5		
supply item 6		
supply item 7		
supply item 8		
supply item 9		
TOTAL		\$0.00

F. Construction - As a rule, construction costs are not allowable. In some cases, minor repairs or renovations may be allowable. Check with the program office before budgeting funds in this category.

Purpose	Description of Work	Cost
four lines per entry, use boxes below or an additional page for more space if required		
TOTAL		\$0.00

G. Consultants/Contracts - Indicate whether applicant's formal, written Procurement Policy or the Federal Acquisition Regulations are followed.

Consultant Fees: For each consultant enter the name, if known, service to be provided, hourly or daily fee (8-hour day), and estimated time on the project. Consultant fees in excess of \$450 per day require additional justification and prior approval from OJP.

Name of Consultant	Service Provided	Computation	Cost
Supply item 1, one line per entry	maximum of three lines		
Supply item 1, one line per entry			
Supply item 1, one line per entry			
Supply item 1, one line per entry			
<i>Subtotal</i>			\$0.00

Consultant Expenses: List all expenses to be paid from the grant to the individual consultants in addition to their fees (i.e., travel, meals, lodging, etc.)

Item	Location	Computation	Cost
Consultant expense entry 1, one line per	maximum of three lines		
	maximum of three lines		
Consultant expense entry 1, one line per	maximum of three lines		
<i>Subtotal</i>			\$0.00

Contracts: Provide a description of the product or service to be procured by contract and an estimate of the cost. Applicants are encouraged to promote free and open competition in awarding contracts. A separate justification must be provided for sole source contracts in excess of \$100,000.

Item	Cost	
maximum of four lines, additional information should be attached on a separate sheet(s)		
maximum of four lines		
<i>Subtotal</i>		\$0.00
TOTAL		\$0.00

H. Other Costs - List items (e.g., rent, reproduction, telephone, janitorial or security services, and investigative or confidential funds) by major type and the basis of the computation. For example, provide the square footage and the cost per square foot for rent, or provide a monthly rental cost and how many months to rent.

Description	Computation	Cost
four lines per entry, use boxes below or an additional page for more space if required		
TOTAL		\$0.00

I. Indirect Costs - Indirect costs are allowed only if the applicant has a Federally approved indirect cost rate. A copy of the rate approval, (a fully executed, negotiated agreement), must be attached. If the applicant does not have an approved rate, one can be requested by contacting the applicant's cognizant Federal agency, which will review all documentation and approve a rate for the applicant organization, or if the applicant's accounting system permits, costs may be allocated in the direct costs categories.

Description	Computation	Cost
one line per entry		
one line per entry		
TOTAL		\$0.00

Budget Summary- When you have completed the budget worksheet, transfer the totals for each category to the spaces below. Compute the total direct costs and the total project costs. Indicate the amount of Federal requested and the amount of non-Federal funds that will support the project.

Budget Category	Amount
A. Personnel	\$0.00
B. Fringe Benefits	\$0.00
C. Travel	\$0.00
D. Equipment	\$98,366.00
E. Supplies	\$0.00
F. Construction	\$0.00
G. Consultants/Contracts	\$0.00
H. Other	\$0.00
Total Direct Costs	\$98,366.00
I. Indirect Costs	\$0.00
TOTAL PROJECT COSTS	\$98,366.00
Federal Request	\$98,366.00
Non-Federal Amount	\$0.00



STANDARD ASSURANCES

The Applicant hereby assures and certifies compliance with all applicable Federal statutes, regulations, policies, guidelines, and requirements, including OMB Circulars A-21, A-87, A-102, A-110, A-122, A-133; Ex. Order 12372 (intergovernmental review of federal programs); and 28 C.F.R. pts. 66 or 70 (administrative requirements for grants and cooperative agreements). The applicant also specifically assures and certifies that:

1. It has the legal authority to apply for federal assistance and the institutional, managerial, and financial capability (including funds sufficient to pay any required non-federal share of project cost) to ensure proper planning, management, and completion of the project described in this application.
2. It will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
3. It will give the awarding agency or the General Accounting Office, through any authorized representative, access to and the right to examine all paper or electronic records related to the financial assistance.
4. It will comply with all lawful requirements imposed by the awarding agency, specifically including any applicable regulations, such as 28 C.F.R. pts. 18, 22, 23, 30, 35, 38, 42, 61, and 63, and the award term in 2 C.F.R. § 175.15(b).
5. It will assist the awarding agency (if necessary) in assuring compliance with section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. § 470), Ex. Order 11593 (identification and protection of historic properties), the Archeological and Historical Preservation Act of 1974 (16 U.S.C. § 469 a-1 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. § 4321).
6. It will comply (and will require any subgrantees or contractors to comply) with any applicable statutorily-imposed nondiscrimination requirements, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d); the Victims of Crime Act (42 U.S.C. § 10604(e)); The Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b)); the Civil Rights Act of 1964 (42 U.S.C. § 2000d); the Rehabilitation Act of 1973 (29 U.S.C. § 794); the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131-34); the Education Amendments of 1972 (20 U.S.C. §§ 1681, 1683, 1685-86); and the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07); *see* Ex. Order 13279 (equal protection of the laws for faith-based and community organizations).
7. If a governmental entity—
 - a) it will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. § 4601 et seq.), which govern the treatment of persons displaced as a result of federal and federally-assisted programs; and
 - b) it will comply with requirements of 5 U.S.C. §§ 1501-08 and §§ 7324-28, which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance.

Signature Date

Date

4/26/12

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS
OFFICE OF THE COMPTROLLER

**CERTIFICATIONS REGARDING LOBBYING; DEBARMENT,
SUSPENSION AND OTHER RESPONSIBILITY MATTERS
AND
DRUG-FREE WORKPLACE REQUIREMENTS**

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying" and 28 CFR Part 67, "Government-wide Debarment and Suspension (Non-procurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

**2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS
(DIRECT RECIPIENT)**

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and (d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67 Sections 67.615 and 67.620

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

- (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
- (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to:

Department of Justice
Office of Justice Programs
ATTN: Control Desk
810 Seventh Street, N.W.,
Washington, D.C. 20531

Notice shall include the identification number(s) of each affected grant;

- (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted
 - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

COUNTY OF FAIRFAX
12000 Government Center Pkwy Suite 552
FAIRFAX, VA. 22035

Check if there are workplaces on file that are not identified here.

Section 67, 630 of the regulations provides that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for Department of Justice funding. States and State agencies may elect to use OJP Form 4061/7.

Check if the State has elected to complete OJP Form 4061/7.

DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67; Sections 67.615 and 67.620

- A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and
- B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to:

Department of Justice
Office of Justice Programs
ATTN: Control Desk
810 Seventh Street, N.W.,
Washington, D.C. 20531

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

- 1. Grantee Name and Address:

FARFAX COUNTY
12000 Government Center Plaza
FARFAX, VA. 22035

- 2. Application Number and/or Project Name:

BJA-2012-3256 Farfax County Police Less-Lethal Taser Purchase

- 3. Grantee IRS/Vendor Number

54-0787833

- 4. Type/Print Name and Title of Authorized Representative

MR. EDWARD L. LONG - County Executive

- 5. Signature

Edward L. Long

- 6. Date

4/24/12

OJP FORM 4061/6 (3-91) REPLACES OJP FORMS 4061/2, 4061/3 AND 4061/4 WHICH ARE OBSOLETE.
OFFICE OF JUSTICE PROGRAMS BJA NIJ OJJDP BJS OVC

Board Agenda Item
June 19, 2012

INFORMATION - 4

Planning Commission Action On Application 2232-P12-1, Newpath Networks, LLC and New Cingular Wireless PCS, LLC (Providence District)

On Thursday, May 31, 2012, the Planning Commission voted unanimously (Commissioner Sargeant having recused himself; Commissioner Hall absent from the meeting) to approve 2232-P12-1.

The Commission noted that the application met the criteria of character, location and extent, and was in conformance with Section 15.2-2232 of the *Code of Virginia*.

Application 2232-P12-1 sought approval for a telecommunications Distributed Antenna System node in the Oakton area to include: three panel antennas and one equipment cabinet attached to one replacement utility pole located on a portion of Hunter Mill Road; equipment hub located inside an existing commercial building; and an aerial fiber-optic cable connecting the node to the hub. (Portion of the public right-of-way on Tax Map 37-4).

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim excerpts from 5/31/12 Commission meeting

Attachment 2: Vicinity map

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Chris Caperton, Chief, Facilities Planning Branch, Planning Division, DPZ

Barbara J. Lipka, Executive Director, Planning Commission Office

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2232-P12-1 – NEWPATH NETWORKS, LLC AND NEW CINGULAR WIRELESS PCS, LLC

After the Close of the Public Hearing

Chairman Murphy: The public hearing is closed. Mr. Lawrence.

Commissioner Lawrence: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION FIND THE PROPOSAL BY NEWPATH NETWORKS, LLC, AND NEW CINGULAR WIRELESS PCS, LLC, FOR A TELECOMMUNICATIONS DISTRIBUTED ANTENNA SYSTEM NODE IN THE OAKTON AREA ON HUNTER MILL ROAD, SUBSTANTIALLY IN ACCORD WITH PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN IN ACCORDANCE WITH *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by Mr. de la Fe. Is there a discussion of the motion? All those in favor of the motion to approve 2232-P12-1, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.

Commissioner Lawrence: Thank you, Mr. Chairman. If I may, I'd like to thank staff very much for this. I'd also like to thank the applicant. Yes, it was two-and-a-half years and we had no speakers. Thank you very much, Mr. Donohue. Keep up the good work.

//

(The motion carried unanimously with Commissioner Sargeant having recused himself; Commissioner Hall absent from the meeting.)

JLC

PLANNING DETERMINATION

Section 15.2 -2232 of the Code of Virginia



Number: 2232-P12-1

District: Providence

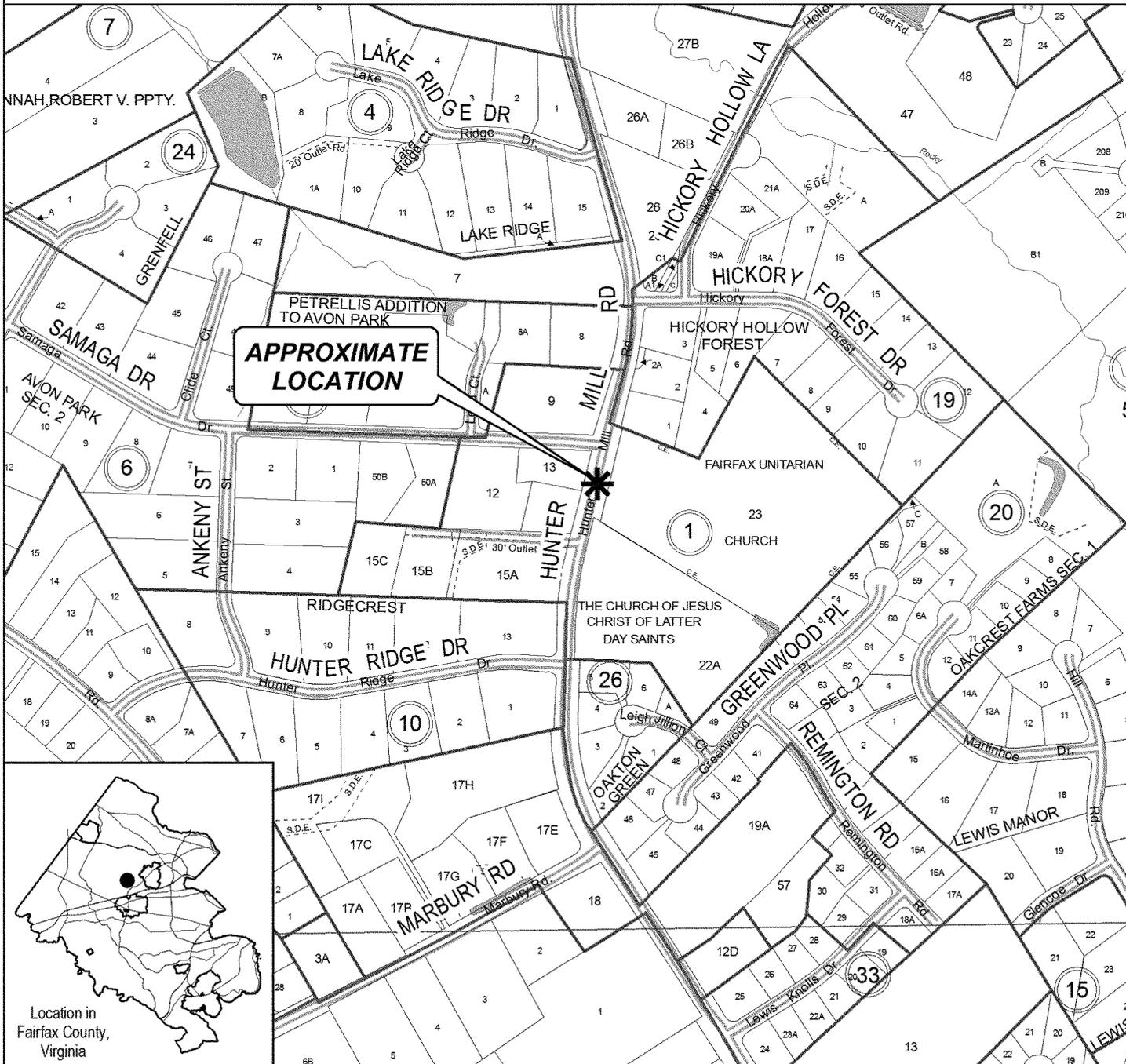
Acreeage: N/A

Tax Map I.D. Number: 37-4 pt.

Planned Use: VDOT Right-of-Way

Applicant: NewPath Networks, LLC/
New Cingular Wireless PCS, LLC

Proposed Use: Telecommunications Facility: DAS node



Location in
Fairfax County,
Virginia

500 FEET

PREPARED BY THE DEPARTMENT OF PLANNING AND ZONING
USING FAIRFAX COUNTY GIS

(302)



Board Agenda Item
June 19, 2012

11:00 a.m.

Matters Presented by Board Members

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Board Agenda Item
June 19, 2012

11:50 a.m.

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
 - 1. *Rose Merchant v. Robert M. Bauer*, Case No. 11-1392 (U.S. Ct. of App. for the Fourth Cir.)
 - 2. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mohammed J. Abdlaez*, Case No. CL-2008-0006965 (Fx. Co. Cir. Ct.) (Mason District)
 - 3. In Re: November 16, 2011, Decision of the Fairfax County Board of Zoning Appeals, Case Nos. CL-2011-0017565 and CL-2011-0017701 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 - 4. *Eileen M. McLane, Fairfax County Zoning Administrator v. Noel J. Gueugneau*, Case No. CL-2011-0006975 (Fx. Co. Cir. Ct.) (Mason District)
 - 5. *Eileen M. McLane, Fairfax County Zoning Administrator v. Roberta Couver*, Case No. CL-2011-0007717 (Fx. Co. Cir. Ct.) (Sully District)
 - 6. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lewis M. Lipscomb, Jr., and Floy A. Lipscomb*, Case No. CL-2007-0014495 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 - 7. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Gail K. Etherton and Debora S. Etherton*, Case No. CL-2011-0013547 (Fx. Co. Cir. Ct.) (Springfield District)

8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Abbas Atash-Sobh and Alireza Bijan Atash-Sobh*, Case No. CL-2012-0004227 (Fx. Co. Cir. Ct.) (Dranesville District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kenneth N. Good*, Case No. CL-2012-0004127 (Fx. Co. Cir. Ct.) (Sully District)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Honglian Chi and Zheyu Li*, Case No. CL-2012-0004053 (Fx. Co. Cir. Ct.) (Braddock District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Robert H. Digges, Trustee, and Robert H. Digges Revocable Trust*, Case No. CL-2011-0011748 (Fx. Co. Cir. Ct.) (Dranesville District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Thomas A. Love and Lora L. Love*, Case No. CL-2012-0004440 (Fx. Co. Cir. Ct.) (Mount Vernon District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Robin Potter*, Case No. CL-2011-0014039 (Fx. Co. Cir. Ct.) (Mount Vernon District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Imran Mushtaq and Mary Frances Barry*, Case No. CL-2012-0003708 (Fx. Co. Cir. Ct.) (Mason District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Gonzalo M. Camberos and Yolanda Camberos*, Case No. CL-2011-0015711 (Fx. Co. Cir. Ct.) (Mason District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ramiro Z. Herrera*, Case No. CL-2012-0002678 (Fx. Co. Cir. Ct.) (Lee District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lucy W. Berkebile*, Case No. 2011-0012842 (Fx. Co. Cir. Ct.) (Dranesville District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Louis A. Bonfiglio and Cristina M. Bonfiglio*, Case No. CL-2012-0007806 (Fx. Co. Cir. Ct.) (Lee District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Eliodoro Guzman*, Case No. CL-2012-0007927 (Fx. Co. Cir. Ct.) (Mason District)

20. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Loren J. Thompson, Case No. CL-2012-0008006 (Fx. Co. Cir. Ct.) (Providence District)*
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Paul J. Gayet, Trustee of the Gayet Living Trust, Case No. CL-2012-0008003 (Fx. Co. Cir. Ct.) (Dranesville District)*
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Akmal Ghani and Hamida Ghani, Case No. CL-2012-0008004 (Fx. Co. Cir. Ct.) (Braddock District)*
23. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Bertha Postigo-Paredes, Case No. CL-2012-0008163 (Fx. Co. Cir. Ct.) (Mason District)*
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Li Yan, Case No. CL-2012-0008158 (Fx. Co. Cir. Ct.) (Dranesville District)*
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tatjana Ute Fernandez and Gil Blanco Benitez, Case No. CL-2012-0008162 (Fx. Co. Cir. Ct.) (Mason District)*
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Roy Melvin Perry, Case No. CL-2012-0008161 (Fx. Co. Cir. Ct.) (Mason District)*
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Randall Frederick Lambert, Case No. CL-2012-0008160 (Fx. Co. Cir. Ct.) (Dranesville District)*
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Phu Khac Do and Tuyen N. Le, Case No. CL-2012-0008223 (Fx. Co. Cir. Ct.) (Lee District)*
29. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Joanne Kreiser, Case No. CL-2012-0008224 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose Ramos, Case No. CL-2012-0008222 (Fx. Co. Cir. Ct.) (Mason District)*
31. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Richard O. Dean and Teresa R. Dean, Case No. CL-2012-0008382 (Fx. Co. Cir. Ct.) (Lee District)*

32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Frank W. Paul, Janet M. Gallo, and Martin G. Gallo*, Case No. CL-2012-0008380 (Fx. Co. Cir. Ct.) (Mount Vernon District)
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Dilhawaz A. Baig*, Civil Case Nos. GV12013834-00, GV12013835-00, GV12013836-00 (Fx. Co. Gen. Dist. Ct.) (Lee District)
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Thao Van Nguyen and Moon T. Nguyen*, Case No. GV12013342 (Fx. Co. Gen. Dist. Ct.) (Providence District)

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3:30 p.m.

Public Hearing on, and Approval of, the Sale of Sewer Revenue Bonds, Series 2012

ISSUE:

The Board of Supervisors' approval is needed to sell Sewer Revenue Bonds in an amount not to exceed \$110,000,000 on or about July 24, 2012. Va. Code Section 15.2-2606 requires the governing body to hold a public hearing on the proposed bond issue before the final authorization of the issuance of the bonds. The bond proceeds will be used to fund a portion of the County's share of construction costs for Capital Improvement Programs at the following Wastewater Treatment Plants (WTPs):

1. The County's Noman M. Cole, Jr. Pollution Control Plant (NMPCPCP)
2. The District of Columbia Water and Sewer Authority (DCWASA) Blue Plains Advanced Wastewater Treatment Plant
3. Alexandria Sanitation Authority's (ASA) WTP
4. Arlington County's WTP
5. Loudoun Water's Broad Run WTP

Bond proceeds will also be used for upgrades to meet current environmental regulations, renovations and replacements (R&R) of aging System infrastructure, to purchase additional treatment capacity, if needed by the Integrated Sewer System (System), to fund the required deposit to bond reserves, and to pay costs of issuance of the bonds.

RECOMMENDATION:

The County Executive recommends that the Board hold a public hearing and then adopt the attached Series Resolution that will authorize the sale of Sewer Revenue Bonds.

The attached Series Resolution supplements the 1985 General Bond Resolution (General Bond Resolution). In summary, the Board of Supervisors should take the following actions:

Adopt the Series Resolution to, among other things:

- a. Authorize the sale of additional Sewer Revenue Bonds in an amount not to exceed \$110,000,000.
- b. Authorize the execution and delivery of a Continuing Disclosure Agreement.
- c. Delegate authority to the County Executive or the County's Chief Financial Officer, in consultation with the County's Financial Advisor, Public Financial Management (PFM), to:

Board Agenda Item
June 19, 2012

- i. Distribute the Preliminary Official Statement (POS) and Official Notice of Sale (NOS) to interested bidders.
- ii. Accept bids and award the bonds to the successful bidder.
- iii. If market conditions dictate, sell the bonds in multiple, smaller series; and/or sell bonds via a negotiated sale process.
- iv. Designate U.S. Bank as the Paying Agent and Bond Registrar for the Bonds.
- v. Designate U.S. Bank as the Depository of the Debt Service Reserve Account.
- vi. Direct the authentication and delivery of bonds.

TIMING:

Immediate. On May 22, 2012, the Board authorized advertisement of a public hearing to be held on June 19, 2012, at 3:30 PM. The bond sale is expected to occur on or about July 24, 2012, and close on or about August 8, 2012.

BACKGROUND:

The proceeds of the sale of the Series 2012 Sewer Revenue Bonds, the second of a series of anticipated, future bond sales, will primarily be used to support the capital improvement projects at certain WTPs that provide wastewater capacity to the System. The upgrades to treatment facilities and new treatment facilities are required by the Commonwealth of Virginia, Department of Environmental Quality (DEQ), to reduce Total Nitrogen to state-of-the-art limits. The bond proceeds can also be used for additional capital needs of the System.

The bond sale is expected to occur on or about July 24, 2012, and close on or about August 8, 2012, in accordance with the schedule of events in Attachment I. The actual sale date will be determined by market conditions. The Series Resolution includes a maximum bond par amount of \$110,000,000 in order to fund \$100,000,000 of project costs. In addition to the project costs, the bonds will finance a deposit to the Debt Service Reserve Fund, which is required by the legal documents governing the sale of the County's sewer revenue bonds, and will finance costs of issuing the bonds. Existing bond ratings for the Sewer Revenue Bonds are Aa1 from Moody's and AAA from S&P and Fitch. Meetings with the rating agencies to evaluate the Sewer Revenue Bond credit are scheduled in mid-June.

Based on market conditions, County staff, Bond Counsel, and the County's financial advisors added flexibility to the bond resolution to provide multiple bond sale options. For example, this flexibility will allow the bond sale to be divided into smaller dollar amounts with several series issued to increase the number of firms bidding and thereby obtain the lowest possible interest rates. Also the Series Resolution allows for a negotiated sale if beneficial. While these strategies are not anticipated to be employed, they provide flexibility to adapt to changing conditions in the financial market.

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The Sewer Fund issues bonds under the 1985 General Bond Resolution (General Bond Resolution) adopted by the County Board of Supervisors on July 29, 1985, which was last amended and restated on May 18, 2009. The General Bond Resolution includes a rate covenant under which the Sewer Fund has agreed to charge reasonable rates for the use of services rendered by the Sewer Fund. Furthermore, the Sewer Fund is required to adjust rates, from time to time, to generate "net revenues" (gross revenues less operating expenses) sufficient to provide an amount equal to 125% (1.25 times) of its annual principal and interest requirements.. This coverage requirement excludes revenues generated from Availability fees and fund balance. The Sewer Fund has been in compliance with all General Bond Resolution covenants.

The Sewer Fund's internal financial policies, which were adopted in May 2009, impose a higher level of annual net revenues to debt service. For all senior lien bonds (County Sewer Revenue Bonds only), net revenues must provide an amount equal to 200% (2.00 times) annual principal and interest requirements. For all senior lien and subordinate lien bonds (County Sewer Revenue Bonds, County payments due to the Virginia Resources Authority and its proportionate share of other jurisdictions' debt service requirements), net revenues must provide an amount equal to 1.25% (1.25 times) annual principal and interest requirements by FY 2013.

FISCAL IMPACT:

Assuming level debt payments, a term of 30 years, and an interest rate of 4.0%, the annual principal and interest payments on \$110 million of project funds will be approximately \$6.1 million. Funding will be provided within the Sewer Fund with no General Fund impact. This bond sale is in conformance with the Sewer Fund's 10 year CIP and January 2012 Revenue Sufficiency and Rate Analysis study.

ENCLOSED DOCUMENTS:

Attachment I – Bond Sale Schedule

Attachment II – Series Resolution

Attachment III – Draft of Preliminary Official Statement (available in the Clerk to the Board of Supervisors' office)

Attachment IV – Notice of Sale

STAFF:

Susan Datta, Chief Financial Officer

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

Randolph W. Bartlett, Deputy Director, DPWES

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

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DRAFT Critical Path Events
Fairfax Sewer Enterprise, Virginia
Sewer Revenue Bonds, Series 2012

April 2012							May 2012							June 2012							July 2012							August 2012						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7		1	2	3	4	5							1	2	1	2	3	4	5	6	7							
8	9	10	11	12	13	14	6	7	8	9	10	11	12	3	4	5	6	7	8	9	8	9	10	11	12	13	14	5	6	7	8	9	10	11
15	16	17	18	19	20	21	13	14	15	16	17	18	19	10	11	12	13	14	15	16	15	16	17	18	19	20	21	12	13	14	15	16	17	18
22	23	24	25	26	27	28	20	21	22	23	24	25	26	17	18	19	20	21	22	23	22	23	24	25	26	27	28	19	20	21	22	23	24	25
29	30						27	28	29	30	31			24	25	26	27	28	29	30	29	30	31					26	27	28	29	30	31	

Week of	Activity & Event	Responsible Party
April 30 th	Working group kick-off call	All
May 7 th	First draft of Bond Documents distributed	SA
May 14 th	Comments due on Bond Documents <i>Thursday, May 17th</i> – Credit Assessment Meeting	All PFM, FX
May 21 st	Second draft of Bond Documents distributed	SA
May 28 th	<i>Tuesday, May 29th</i> – Board Title due <i>Thursday, May 31st</i> – Board Item due Comments due on Bond Documents First Notice of Public Hearing published First draft of Rating Agency Presentation distributed	FX FX All FX PFM
June 4 th	Second Notice of Public Hearing published Documents sent to Rating Agencies Second draft of Rating Agency Presentation distributed	FX PFM PFM
June 11 th	Finalize Rating Agency Presentation	PFM, FX
June 18 th	<i>Monday, June 18th</i> – Rating Meeting with S&P at Noman Cole <i>Tuesday, June 19th</i> – Board considers Bond Documents & Public Hearing <i>Wednesday, June 20th</i> – Rating Meeting with Fitch at Noman Cole <i>Thursday, June 21st</i> – Rating Meeting with Moody's at Noman Cole	FX FX, PFM FX, PFM FX, PFM
July 2 nd	<i>Wednesday, July 5th</i> - Independence Day Holiday	-
July 9 th	<i>NLT Thursday, July 12th</i> – Ratings due <i>Friday, July 13th</i> – POS distributed	- SA
July 16 th	Pre-market bonds	PFM
July 23 rd	<i>Tuesday, July 24th</i> – Competitive bond sale	PFM, FX
July 30 th	Finalize OS and prepare closing documents	SA
August 6 th	<i>Wednesday, August 8th</i> – Closing and investment of bond proceeds	All

Legend:

FX = Fairfax County
SA = Sidley Austin, Bond Counsel
PFM = Public Financial Management, Financial Advisor

At a regular meeting of the Board Supervisors of Fairfax County, Virginia, held in the Board auditorium in the Government Center at 12000 Government Center Parkway, Fairfax, Virginia on June 19, 2012, at which meeting a quorum was present and voting, the following resolution was adopted:

FAIRFAX COUNTY

Virginia

**A SERIES RESOLUTION
PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED
\$110,000,000 SEWER REVENUE BONDS, IN ONE OR MORE SERIES,
PURSUANT TO THE GENERAL BOND RESOLUTION
AUTHORIZING THE ISSUANCE INITIALLY OF
ONE OR MORE SERIES OF SEWER REVENUE BONDS
IN THE AGGREGATE PRINCIPAL AMOUNT
OF NOT EXCEEDING \$179,000,000 AND
THEREAFTER OF SERIES OF ADDITIONAL
AND REFUNDING SEWER REVENUE BONDS.**

SERIES RESOLUTION

SERIES RESOLUTION SUPPLEMENTING THE GENERAL BOND RESOLUTION OF THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, AUTHORIZING THE ISSUANCE OF SEWER REVENUE BONDS, TO PROVIDE FOR THE ISSUANCE OF AN AGGREGATE PRINCIPAL AMOUNT OF \$110,000,000 SEWER REVENUE BONDS, IN ONE OR MORE SERIES; DELEGATING TO THE CHAIRMAN AND VICE CHAIRMAN OF THE BOARD, THE COUNTY EXECUTIVE AND THE CHIEF FINANCIAL OFFICER OF THE COUNTY AUTHORITY TO DETERMINE CERTAIN DETAILS OF SUCH BONDS, DESIGNATING A PAYING AGENT AND BOND REGISTRAR AND DEPOSITARY FOR THE BONDS; APPROVING THE FORM AND AUTHORIZING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT AND APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A FINAL OFFICIAL STATEMENT RELATING TO SUCH BONDS; APPROVING THE USE OF A NOTICE CALLING FOR BIDS TO PURCHASE SUCH BONDS OR THE EXECUTION OF A BOND PURCHASE AGREEMENT RELATING TO THE PURCHASE OF SUCH BONDS; APPROVING THE MAKING OF A CONTINUING DISCLOSURE AGREEMENT; AND DIRECTING THE AUTHENTICATION AND DELIVERY OF SUCH BONDS.

WHEREAS, the Board of Supervisors (the “Board of Supervisors” or “Board”) of Fairfax County, Virginia (“County”), has adopted a General Bond Resolution authorizing the issuance initially of not exceeding \$179,000,000 Sewer Revenue Bonds and thereafter the issuance of additional and refunding sewer revenue bonds (such Resolution as initially adopted on July 29, 1985, amended and restated on July 21, 1986, further amended on January 9, 1989, further amended and restated on June 26, 1989, further amended and restated on May 18, 2009 effective July 1, 2009, and as supplemented, herein called the “General Bond Resolution”); and

WHEREAS, the Board of Supervisors has determined to issue additional bonds authorized pursuant to the provisions of Section 209 of the General Bond Resolution for the purpose of providing funds, with any other available funds, for paying a portion of costs of improvements to the County’s sanitary sewer system including capital improvements to regional systems in which County has acquired capacity (the “Project”), such bonds to be payable solely from the funds provided in the General Bond Resolution and this Series Resolution; and

WHEREAS, the Board has determined to delegate, pursuant to the terms of this Series Resolution, to each of the Chairman and Vice Chairman of the Board and the County Executive and the Chief Financial Officer of the County (each a “Delegate”) authority to determine whether

a competitive sale or negotiated sale of the bonds to be issued pursuant to this Series Resolution is in the best interest of the County; and

WHEREAS, the Board has found and determined that the issuance and sale of the bonds authorized hereby on the terms contemplated hereby are in the public interest and otherwise beneficial to the County; and

WHEREAS, Section 209 of the General Bond Resolution contemplates that the County will fix in this Series Resolution the aggregate principal amount of the additional bonds and the details thereof and describe the Project to be financed; and

WHEREAS, the staff of the County has prepared a draft of the Preliminary Official Statement to be furnished for use in connection with a sale of the bonds authorized hereby upon the terms set forth therein and will prepare a final Official Statement to be furnished to the purchasers or underwriters of the bonds for their use in connection with a bona fide public offering of the bonds;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, AS FOLLOWS:

Section 1. Authorization of Bonds. Pursuant to Section 209 of the General Bond Resolution, bonds of Fairfax County, Virginia, are hereby authorized to be issued as Current Interest Bonds, in one or more series, in the aggregate principal amount not to exceed of \$110,000,000 to provide funds, with any other available funds, for paying a portion of the cost of financing, acquiring, constructing and placing into service the Project specified in Exhibit A hereto. The bonds authorized hereby shall be designated “Sewer Revenue Bonds, Series 2012 [A], [B]” (the “Bonds”). The definitive Bonds shall be issuable as fully registered bonds without coupons, in the denominations of \$5,000 and any whole multiple thereof, shall be dated, and shall be numbered from R-1 upwards. The Bonds will be issued by means of a book-entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to The Depository Trust Company, New York, New York, and immobilized in its custody.

All of the Bonds shall mature on July 15 of such year and in such principal amounts, and shall bear interest, payable on January 15 and July 15 of each year unless such different dates are determined pursuant to Section 2(c) hereof.

Section 2. Delegation. The Board of Supervisors hereby delegates to each of the Delegates, the powers and duties to determine the following, such delegation to be effective only if the Board of Supervisors shall not then be in session (the Board not to be deemed in session if less than a quorum is present and voting):

(a) The aggregate principal amount of the Bonds which is not to exceed \$110,000,000 required to providing financing for the Project, make a deposit to the Reserve Subfund and pay costs of issuance for the Bonds;

(b) Subject to the provisions of Section 5 hereof, whether the Bonds shall be sold in a competitive sale process or in a negotiated sale to one or more underwriters;

(c) The respective annual maturity dates and any mandatory redemption dates of the Bonds, and the respective principal amounts of the Bonds to mature or be redeemed on such dates, provided that the first maturity date shall occur no later than December 1, 2013, and the final maturity date shall not be later than December 1, 2042;

(d) The dated date of the Bonds provided, however, the bonds shall be dated their date of issue or as of a customary date preceding their date of issue;

(e) The Bonds shall be dated as of a customary date preceding their date of issue and shall bear interest from such dated date payable semi-annually thereafter, provided that the first interest payment date shall be not more than ten (10) months after the dated date of the Bonds;

(f) The semi-annual interest payment dates, or such other interest payment dates deemed applicable, for the bonds and the record date for the bonds;

(g) The status of the Bonds as Serial Bonds or Term Bonds or a combination thereof, whichever is most likely to be best received by bidders for the Bonds; and

(h) The optional redemption provisions of the Bonds, provided that Bonds shall be made subject to redemption at the option of the County on a date or dates and at the price of par plus accrued interest plus a redemption premium (“Redemption Premium”) not in excess of three percent (3%), the first such date on which such a redemption may occur (the “First Redemption Date”) to be no later than the eleventh (11th) anniversary of the dated date of the Bonds.

Section 3. Designations. Pursuant to the General Bond Resolution, the County hereby appoints U.S. Bank National Association, Richmond, Virginia as (i) Paying Agent and Bond Registrar for the Bonds and (ii) as Depository for the Bonds.

Section 4. Redemption Provisions. (a) When the Bonds become subject to redemption as determined in accordance with Section 2(h), they may be redeemed prior to their respective maturities, at the option of the County, from any moneys that may be made available for such purpose other than moneys set aside in respect of the Sinking Fund Requirement, either in whole or in part on any date, at the applicable redemption prices expressed as a percentage of the principal amount of Bonds to be redeemed, together with the interest accrued thereon to the date fixed for redemption.

Any notice of optional redemption of the Bonds may state that it is conditioned upon there being available an amount of money sufficient to pay the redemption price plus interest accrued and unpaid to the redemption date, and any conditional notice so given may be rescinded at any time before the payment of the redemption price of any such condition so specified is not satisfied. If a redemption does not occur after a conditional notice is given due to an insufficient amount of funds on deposit by the County, the corresponding notice of redemption shall be deemed to be revoked.

If the County gives an unconditional notice of redemption, then on the redemption date the Bonds called for redemption will become due and payable. If the County gives a conditional notice of redemption, and the amount of money to pay the redemption price of the affected Bonds shall have been set aside with the Trustee or a depository (either, a “depository”) for the

purpose of paying such Bonds, then on the redemption date the Bonds will become due and payable. In either case, if on the redemption date the County holds money to pay the Bonds called for redemption, thereafter no interest will accrue on those Bonds, and a bondholder's only right will be to receive payment of the redemption price upon surrender of those Bonds.

The County shall give notice as contemplated by Securities Exchange Act of 1934 Release No. 34-23856, dated December 3, 1986, including the requirement that notice be given to The Electronic Municipal Market Access ("EMMA") system administered by the Municipal Securities Rulemaking Board.

(b) In the event that the successful bidder shall designate any portion of the Bonds as a Term Bond or Bonds, then the following provisions shall apply to such Term Bond or Bonds:

Any Term Bond or Bonds shall be called for redemption, in part, on July 15, or date determined pursuant to the delegation in Section 2 hereof, in such years and in the principal amounts equal to the respective Sinking Fund Requirements for such Term Bonds, which Sinking Fund Requirement shall correspond to the maturities of the Serial Bonds subsumed in such Term Bond or Bonds (less the principal amount of any Term Bond retired by purchase and otherwise subject to adjustment as herein provided in this Section) from moneys in the Debt Service Subfund at a redemption price equal to par plus accrued interest thereon to the date fixed for redemption.

Amounts accumulated for each Sinking Fund Requirement may be applied by the County prior to the giving of notice of redemption of the Bonds on account of such Sinking Fund Requirement to the purchase for cancellation of Bonds at a cost not exceeding the principal amount thereof plus accrued interest, and upon any such purchase, an amount equal to the principal amount thereof shall be credited toward the applicable Sinking Fund Requirement. The accrued interest on any Bonds so purchased shall be paid from moneys in the appropriate special account in the Debt Service Subfund established in respect of the interest accrued on the Bonds.

If at the close of any Principal Payment Date the total principal amount of the Term Bonds of any maturity of each Series retired by purchase or redemption or called for redemption under the provisions of this Series Resolution prior to such Principal Payment Date shall be in excess of the total amount of the Sinking Fund Requirements for the Term Bonds of such maturity and Series on such Principal Payment Date, then, the total amount of the Sinking Fund Requirements for the Term Bonds of such maturity and Series for all subsequent Principal Payment Dates shall be reduced by the amount of such excess. The amount of the reduction in the Sinking Fund Requirement for each such subsequent Principal Payment Date shall be specified in a certificate of a County Representative filed with the Clerk to the Board of Supervisors.

It shall be the duty of the Department of Finance of the County, on or before the 1st day of December, to compute the Sinking Fund Requirements for all subsequent Principal Payment Dates for the Term Bonds of each Series then Outstanding. The Sinking Fund Requirements for the next succeeding Principal Payment Date shall continue to be applicable and no further adjustment shall be made therein by reason of Bonds purchased or redeemed prior to the next succeeding Principal Payment Date.

Any such redemption, either in whole or in part, shall be made in the manner and under the terms and conditions provided in the General Bond Resolution.

Section 5. Sale of the Bonds.

(a) Sale. The Bonds shall be offered for competitive bidding or negotiated sale to one or more underwriters on such dates as a Delegate determine in consultation with the County's Financial Advisor, such dates to be not later than December 31, 2012.

(b) Official Notice of Sale. If Bonds are to be sold on a competitive basis the distribution of the Official Notice of Sale, substantially in the form presented at the meeting at which this Series Resolution is adopted, together with such changes as County staff deems necessary or appropriate (the "Official Notice of Sale"), is hereby authorized. County staff is also authorized to take any actions necessary or appropriate for selling the Bonds in a competitive sale pursuant to bids received electronically via the PARITY Competitive Bidding System or similar electronic based competitive bidding system. The award of the Bonds as contemplated by Section 5(c)(i) of this Series Resolution shall be conclusive evidence of the approval of all such changes and actions.

(c) (i) Competitive Sale Delegation. Each Delegate, is hereby authorized to accept the lowest bid (determined in accordance with the Official Notice of Sale) for the Bonds, being offered for sale by the Board of Supervisors at competitive bidding on one or more dates not later than December 31, 2012, subject to the following conditions: (A) a Delegate shall have determined that the bid conforms in all material respects to the requirements of the Notice of Sale, (B) a Delegate shall have determined that the bid to be accepted is the lowest bid conforming to the terms of the Notice of Sale, (C) the Financial Advisor to the County shall have recommended that the lowest conforming bid be accepted and (D) the True interest cost of such bid shall not exceed 5.50%.

(ii) Negotiated Sale Delegation. Each Delegate, is hereby authorized to sell the Bonds in a negotiated sale to one or more underwriters on one or more dates not later than December 31, 2012, subject to the following conditions: (A) the Financial Advisor to Fairfax County shall have recommended that due to financial market conditions such a negotiated sale best serves the interest of the County, (B) the True interest cost of the Bonds sold shall not exceed 5.50%, (C) the underwriter(s) of the Bonds shall have been chosen pursuant to County guidelines and regulations.

In the event of a negotiated sale the Chairman or Vice Chairman of the Board of Supervisors, the County Executive and the Deputy County Executive/Chief Financial Officer, or such other officer or officers of the County as may be designated by any one of them, is hereby authorized and directed to execute a bond purchase agreement setting forth the terms of the sale of the Bonds. Such bond purchase agreement shall only be executed (i) if such agreement does not contain any terms contradictory to the terms of this Series Resolution and (ii) Bond Counsel to Fairfax County and the Financial Advisor to the County shall recommend to the County the execution of such agreement.

Section 6. Official Statement. A Preliminary Official Statement of the County relating to the Bonds (including bond anticipation notes) shall be prepared, and the preparation and circulation thereof, the completion thereof with the results of the sale and the printing and delivery to the winning bidder or underwriter of a reasonable number of copies thereof as so completed (the “final Official Statement”) are hereby approved and authorized, and the Chairman or Vice Chairman of the Board of Supervisors is hereby authorized and directed to execute and deliver the final Official Statement, both the Preliminary Official Statement and the final Official Statement to be in substantially the form of the draft Preliminary Official Statement presented at this meeting, with the changes contemplated hereby and such other changes as the Chairman or Vice Chairman may approve, his or her signature on the final Official Statement to be conclusive evidence of his or her approval thereof.

Section 7. Continuing Disclosure Agreement. The execution and delivery of a continuing disclosure agreement (the “Continuing Disclosure Agreement”) is hereby authorized, said Continuing Disclosure Agreement to be substantially in the form presented at the meeting at which this Series Resolution is adopted, with such changes, insertions and omissions as may be approved by the Chairman or Vice Chairman of the Board of Supervisors, the County Executive or the Deputy County Executive/Chief Financial Officer of the County, the execution of the Continuing Disclosure Agreement to be conclusive evidence of any such approval of any such changes, insertions and omissions therein.

Section 8. Manner of Execution of Bonds. The Bonds shall be executed with the facsimile signatures of the Chairman of the Board of Supervisors and the Clerk of the Board, and a facsimile of the official seal of the Board shall be imprinted on the Bonds. The Bonds shall be authenticated by the Bond Registrar for the Bonds, and shall be delivered to or for the account of the purchaser of the Bonds upon receipt of the purchase price of the Bonds.

Section 9. Application of Proceeds of Bonds. The proceeds of the Bonds shall be deposited in accordance with the provisions of Section 209 of the General Bond Resolution as follows:

- (1) accrued interest, if any, on the Bonds shall be paid to the Depository thereof for deposit to the Debt Service Subfund;
- (2) such amount, if any, shall be paid to the Depository thereof for deposit to the credit of the Reserve Subfund as shall be required to make the balance to the credit of the Reserve Subfund equal to the amount of the Reserve Subfund Requirement on account of all series of Bonds outstanding immediately after the issuance of the Bonds; and
- (3) the balance shall be retained by the County and deposited to the credit of a special account within the Construction Subfund.

Moneys deposited in each of the Subfunds shall be held in trust and disbursed in accordance with the General Bond Resolution.

Section 10. Tax Covenant. The County covenants that it will comply with the provisions of the Internal Revenue Code of 1986, as amended, to the extent necessary so that

interest on the Bonds will remain excludable from gross income from existing Federal income tax to the same extent as it is excludable on the date of the issuance of the Bonds.

Section 11. Definitions. All terms not otherwise defined herein shall have the meanings ascribed thereto by the General Bond Resolution.

Section 12. Authority of Officers. The officers and agents of Fairfax County are hereby authorized and directed to do all the acts and things required of them by the bonds and by this resolution for the full, punctual and complete performance of all of the terms, covenants, provisions and agreements contained in the bonds and in this Series Resolution.

Section 13. Effectiveness. This Series Resolution shall take effect immediately upon its adoption. This Series Resolution shall also serve as a supplemental resolution to the General Resolution pursuant to Section 1101 of the General Resolution.

A Copy - Teste:

Catherine A. Chianese
Clerk to the Board of Supervisors

Project

Construction costs for capital improvement programs, upgrades to meet environmental regulations and/or the purchase or construction of any necessary treatment capacity at the following wastewater treatment plants (WWTPs):

1. The County's Noman M. Cole Pollution Control Plant (NMCPCP)
2. The District of Columbia Water and Sewer Authority's (WASA) Blue Plains Advanced Wastewater Treatment Plant
3. Alexandria Sanitation Authority's (ASA) WWTP
4. Arlington County's WWTP
5. Loudoun Water's Broad Run WWTP

NOTICE OF SALE

\$*

FAIRFAX COUNTY, VIRGINIA

Sewer Revenue Bonds, Series 2012

Electronic Bids, BiDCOMP/Parity Competitive Bidding System (“BiDCOMP/Parity”) only, will be received by the Board of Supervisors of Fairfax County, Virginia, until 11:00 a.m., Fairfax, Virginia Time, on

_____, 2012*

for the purchase of \$_____ * Sewer Revenue Bonds, Series 2012, of Fairfax County, Virginia (the “Series 2012 Bonds”), dated the date of their delivery and maturing, subject to the right of prior redemption as hereinafter set forth, on the 15th day of July in the following years and in the following amounts, respectively:

Initial Maturity Schedule *

<u>Year of Maturity</u>	<u>Principal Amount*</u>	<u>Year of Maturity</u>	<u>Principal Amount*</u>
2013	\$	2028	\$
2014		2029	
2015		2030	
2016		2031	
2017		2032	
2018		2033	
2019		2034	
2020		2035	
2021		2036	
2022		2037	
2023		2038	
2024		2039	
2025		2040	
2026		2041	
2027		2042	

* Preliminary, subject to change.

The County reserves the right to change the date for receipt of bids (the “Scheduled Bid Date”) in accordance with the section of this Notice of Sale entitled “Change of Bid Date and Closing Date; Other Changes to Notice of Sale.”

BID PARAMETERS TABLE

INTEREST		PRICING	
Dated Date:	Date of Delivery	Max. Aggregate Bid Price:	%
Anticipated Delivery Date:	_____, 2012	Min. Aggregate Bid Price:	%
Interest Payments Dates:	1/15 and 7/15	High Coupon per Maturity	
First Interest:	1/15/2013	Minimum Coupon per Maturity	
Coupon Multiples:	1/8 or 1/20 of 1%		
Split Coupons:	Not Allowed		
		PROCEDURAL	
PRINCIPAL		Sale Date and Time:	Bids due _____, 2012 at 11:00 AM Local Time
Optional Redemption:		Bid Submission:	Electronic bids through PARITY Only
Post-bid Principal Increases in Aggregate:	10%	All or None?	Yes
Post-bid Principal Reductions in Aggregate:	10%	Bid Award Method:	Lowest TIC
Term Bonds:	Any two or more consecutive maturities may be designated as term bonds	Good Faith Deposit:	1% of aggregate par amount, as more fully described on page 5, under "Good Faith Deposit"

Changes to Initial Maturity Schedule

The Initial Maturity Schedule set forth above represents an estimate of the principal amount of Series 2012 Bonds to be sold. The County hereby reserves the right to change the Initial Maturity Schedule, based on market conditions prior to the sale, by announcing any such change not later than one hour prior to the scheduled sale time, on the date for receipt of bids via TM3 (www.tm3.com). The resulting schedule of maturities will become the “Bid Maturity Schedule.” If no such change is announced, the Initial Maturity Schedule will become the Bid Maturity Schedule.

Changes to Bid Maturity Schedule

The County hereby further reserves the right to change the Bid Maturity Schedule after the determination of the winning bidder, by increasing or decreasing the aggregate principal amount of the Series 2012 Bonds, subject to the limitation of no more than a 10% increase or decrease in the aggregate principal amount of the Series 2012 Bonds.

THE SUCCESSFUL BIDDER MAY NOT WITHDRAW ITS BID OR CHANGE THE INTEREST RATES BID OR THE INITIAL REOFFERING TERMS (AS HEREAFTER DEFINED) AS A RESULT OF ANY CHANGES MADE TO THE PRINCIPAL AMOUNTS WITHIN THESE LIMITS. The dollar amount bid by the successful bidder will be adjusted to reflect any adjustments in the final aggregate principal amount of the Series 2012 Bonds. Such adjusted bid price will reflect changes in the dollar amount of the underwriters' discount and original issue discount/premium, if any, but will not change the selling compensation per \$1,000 of par amount of Series 2012 Bonds from the selling compensation that would have been received based on the purchase price in the winning bid and the Initial Reoffering Terms. The interest rates specified by the successful bidder for the various maturities at the Initial Reoffering Terms will not change. The County anticipates that the final annual principal amounts and the final aggregate principal amount of the Series 2012 Bonds will be communicated to the successful bidder within twenty-four hours of the County's receipt of the initial public offering prices and yields of the Series 2012 Bonds (the "Initial Reoffering Terms").

Book-Entry System

The Series 2012 Bonds will be issued by means of a book-entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to The Depository Trust Company, New York, New York ("DTC"), and immobilized in its custody. The book-entry system will evidence beneficial ownership interests of the Series 2012 Bonds in the principal amount of \$5,000 and any multiple thereof, with transfers of beneficial ownership interests effected on the records of DTC participants and, if necessary, in turn by DTC pursuant to rules and procedures established by DTC and its participants. The successful bidder, as a condition to delivery of the Series 2012 Bonds, shall be required to deposit the bond certificates with DTC, registered in the name of Cede & Co., nominee of DTC. Interest on the Series 2012 Bonds will be payable on each January 15 and July 15, the first interest payment date being January 15, 2013, and principal of and any redemption premium on the Series 2012 Bonds will be payable at maturity or upon prior redemption, to DTC or its nominee as registered owner of the Series 2012 Bonds. Transfer of principal, interest and any redemption payments to participants of DTC will be the responsibility of DTC, and transfer of principal, interest and any redemption payments to beneficial owners of the Series 2012 Bonds by participants of DTC will be the responsibility of such participants and other nominees of beneficial owners. The County will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

In the event that (a) DTC determines not to continue to act as securities depository for the Series 2012 Bonds or (b) the County determines that continuation of the book-entry system of evidence and transfer of ownership of the Series 2012 Bonds would adversely affect the interests of the beneficial owners of the Series 2012 Bonds, the County will discontinue the book-entry system with DTC. If the County fails to select another qualified securities depository to replace DTC, the County will deliver replacement Series 2012 Bonds in the form of fully registered certificates.

The Series 2012 Bonds

The bonds are being issued under the General Bond Resolution adopted by the Board of Supervisors of Fairfax County (the “Board of Supervisors”) on July 29, 1985, amended and restated on July 21, 1986, further amended on January 9, 1989, further amended and restated on June 26, 1989 and and further amended and restated on May 18, 2009 effective July 1, 2009 (the “General Bond Resolution”). The General Bond Resolution was supplemented by the Series Resolution adopted by the Board of Supervisors on July 21, 1986 as amended and restated on August 4, 1986, supplemented on June 26, 1989, further supplemented by the Series Resolution adopted by the Board of Supervisors on April 12, 1993, further supplemented by the Series Resolution adopted by the Board of Supervisors on June 17, 1996, further supplemented by the Series Resolution adopted by the Board of Supervisors on September 13, 2004, further amended and supplemented by the Series Resolution adopted by the Board of Supervisors on May 18, 2009 and further and supplemented by the Series Resolution adopted by the Board of providing for the issuance of the Series 2012 Bonds (the “2012 Series Resolution”). The Series 2012 Bonds are being issued to provide funds for (i) paying a portion of capital improvement costs allocable to the County at certain wastewater treatment facilities that are owned by, or that provide service to, the County, which are required by the Commonwealth of Virginia Department of Environmental Quality, to reduce total nitrogen emissions to newly required limits, the purchase of additional capacity at certain wastewater treatment facilities for the benefit of the County and the costs of certain additions, extensions and improvements to the County’s sewage collection, treatment and disposal systems; (ii) making a deposit to the Reserve Subfund, as described herein; and (iii) paying the costs of issuing the Series 2012 Bonds.

Payment of the principal of and redemption premium, if any, and the interest on the Series 2012 Bonds is secured by a pledge of gross revenues (as defined in the General Bond Resolution) derived by the County from the ownership and the operation of the System, after provision for payment of the operating expenses (as defined in the General Bond Resolution) of the System. The Bonds do not constitute general obligations of Fairfax County, the Commonwealth of Virginia or any political subdivision thereof, and will not directly, or indirectly, obligate Fairfax County, the Commonwealth of Virginia or any political subdivision thereof to levy any form of taxation therefor or to make any appropriation for their payment.

Term Bonds

The successful bidder may designate two or more of the consecutive serial maturities as any number of term bond maturities equal in aggregate principal amount, and with sinking fund requirements corresponding, to such designated serial maturities.

Optional Redemption

Except under the circumstances described in the following paragraph, the Series 2012 Bonds maturing on or before July 15, 20__ are not subject to optional redemption prior to their stated date of maturity. The Series 2012 Bonds maturing after July 15, 20__ are subject to optional redemption at the option of the County, in whole or in part, at any time on or after July 15, 20__ at a redemption price equal to 100% of the principal amount of the Bonds to be redeemed plus interest accrued thereon to the redemption date.

Electronic Bidding and Bidding Procedures

Registration to Bid

All prospective bidders must be contracted customers of i-Deal LLC's BiDCOMP/Parity Competitive Bidding System. If you do not have a contract with BiDCOMP/Parity, call (212) 404-8102 to become a customer. By submitting a bid for the Series 2012 Bonds, a prospective bidder represents and warrants to the County that such bidder's bid for the purchase of the Series 2012 Bonds (if a bid is submitted in connection with the sale) is submitted for and on behalf of such prospective bidder by an officer or agent who is duly authorized to bind the prospective bidder to a legal, valid and enforceable contract for the purchase of the Series 2012 Bonds. By contracting with BiDCOMP/Parity a prospective bidder is not obligated to submit a bid in connection with the sale.

IF ANY PROVISIONS OF THIS NOTICE OF SALE SHALL CONFLICT WITH INFORMATION PROVIDED BY BiDCOMP/Parity AS APPROVED PROVIDER OF ELECTRONIC BIDDING SERVICES, THIS NOTICE OF SALE, AS IT MAY BE AMENDED BY THE COUNTY AS DESCRIBED WITHIN, SHALL CONTROL. Further information about BiDCOMP/Parity, including any fee charged, may be obtained from BiDCOMP/Parity at (212) 404-8102.

Disclaimer

Each prospective bidder shall be solely responsible to register to bid via BiDCOMP/Parity. Each qualified prospective bidder shall be solely responsible to make necessary arrangements to access BiDCOMP/Parity for purposes of submitting its bid in a timely manner and in compliance with the requirements of this Notice of Sale. Neither the County nor BiDCOMP/Parity shall have any duty or obligation to undertake such registration to bid for any prospective bidder or to provide or assure such access to any qualified prospective bidder, and neither the County nor BiDCOMP/Parity shall be responsible for a bidder's failure to register to bid or for proper operation of, or have any liability for any delays or interruptions of, or any damages caused by, BiDCOMP/Parity. The County is using BiDCOMP/Parity as a communication mechanism, and not as the County's agent, to conduct the electronic bidding for the bonds. The County is not bound by any advice and determination of BiDCOMP/Parity to the effect that any particular bid complies with the terms of this Notice of Sale and in particular the "Bid Specifications" hereinafter set forth. All costs and expenses incurred by prospective bidders in connection with their registration and submission of bids via BiDCOMP/Parity are the sole responsibility of the bidders; and the County is not responsible, directly or indirectly, for any of such costs or expenses. If a prospective bidder encounters any difficulty in registering to bid or submitting, modifying or withdrawing a bid for the Series 2012 Bonds, it should telephone BiDCOMP/Parity and notify Public Financial Management, Inc., the County's financial advisor, by telephone at (703) 741-0175. After receipt of bids is closed, the County through BiDCOMP/Parity will indicate the apparent successful bidder. Such message is a courtesy only for viewers and does not constitute the award of the Series 2012 Bonds. Each bid will remain subject to review by the County to determine its true interest cost rate and compliance with the terms of this Notice of Sale.

Bidding Procedures

Bids must be submitted electronically for the purchase of the Series 2012 Bonds (all or none) by means of the Fairfax County, Virginia AON Bid Form (the "Bid Form") via Parity. Bids must be communicated electronically to Parity by 11:00 a.m., Fairfax, Virginia Time on the Scheduled Bid Date unless postponed as described herein (see "Change of Bid Date and Closing Date"). Prior to that time, a prospective bidder may input and save the proposed terms of its bid in BiDCOMP/Parity. Once the final bid has been saved in BiDCOMP/Parity, the bidder may select the final bid button in BiDCOMP/Parity to submit the bid to Parity. Once the bids are released electronically via Parity to the County, each bid will

constitute an irrevocable offer to purchase the Series 2012 Bonds on the terms therein provided. For purposes of the electronic bidding process, the time as maintained on BiDCOMP shall constitute the official Fairfax, Virginia Time. For information purposes only, bidders are requested to state in their bids the true interest cost to the County, as described under "Award of Series 2012 Bonds" below, represented by the rate or rates of interest and the bid price specified in their respective bids.

No bids will be accepted in written form, by facsimile transmission or in any other medium or on any system other than by means of the Bid Form via BiDCOMP/Parity. No bid will be received after the time for receiving such bids specified above.

Good Faith Deposit

After receipt of bids is closed and prior to the award (no later than 4:00 p.m.), the apparent successful bidder indicated on BidCOMP/Parity must submit a good faith deposit (Deposit) for 1% of the amount of the Bid Maturity Schedule to the County by wire transfer. The award to the apparent successful bidder is contingent upon receipt of the Deposit and the Series 2012 Bonds will not be awarded to such bidder until the County has confirmation of receipt of the Deposit.

Wire instructions for the Deposit are as follows:

Bank Name: Bank of America VA/Rich
ABA: 026 009 593
Account Name: County of Fairfax
Account Number: 0000 7902 5799
Attention: Tammy Kennedy-Nichols, 410-547-4320

Award of Series 2012 Bonds

Award or rejection of bids will be made by the County prior to 3:00 p.m., Fairfax, Virginia Time on the date of receipt of bids. ALL BIDS SHALL REMAIN FIRM UNTIL 3:00 P.M., FAIRFAX, VIRGINIA TIME, ON THE DATE OF RECEIPT OF BIDS. An award of the Series 2012 Bonds, if made, will be made by the County within such five-hour period of time (11:00 a.m. – 4:00 p.m.).

The Series 2012 Bonds will be awarded to the bidder offering to purchase the Series 2012 Bonds at the lowest "True or Canadian" interest cost, such cost to be determined by doubling the semiannual interest rate (compounded semiannually) necessary to discount to the price bid the payments of the principal of and the interest on the Series 2012 Bonds from their payment dates to their date of delivery of the Series 2012 Bonds.

Change of Bid Date and Closing Date; Other Changes to Notice of Sale

The County reserves the right to postpone, from time to time, the date and time established for the receipt of bids and will undertake to announce any such change via TM3 (www.tm3.com).

Any postponement of the bid date will be announced via TM3 not later than one hour prior to the scheduled sale time on the announced date for receipt of the bids. An alternative bid date and time will be announced via TM3 18 hours prior to such alternative bid date.

On such alternative bid date and time, the County will accept bids for the purchase of the Series 2012 Bonds, such bids to conform in all respects to the provisions of this Notice of Sale, except for the changes in the date and time for bidding and any other changes announced via TM3 at the time the bid date and time are announced.

The County may change the scheduled delivery date for the Series 2012 Bonds by notice given in the same manner as set forth for a change in the date for the receipt of bids.

The County reserves the right to otherwise change this Notice of Sale. The County anticipates that it would communicate any such changes via TM3 by 4:00 p.m., Fairfax, Virginia Time on the date prior to the scheduled date for receipt of bids but no later than 10:00 a.m. Fairfax, Virginia Time on the scheduled date for receipt of bids.

Conflict Waiver

Sidley Austin LLP is serving as Bond Counsel in connection with the issuance and sale of the Series 2012 Bonds. By placing a bid, each bidder represents that it understands that Sidley Austin LLP, in its capacity as Bond Counsel, represents the County, and the successful bidder agrees to waive any conflict of interest that Sidley Austin LLP's involvement in connection with the issuance and sale of the Series 2012 Bonds to such successful bidder presents.

Undertakings of the Successful Bidder

The successful bidder shall make a bona fide public offering of all of the Series 2012 Bonds to the general public (excluding bond houses, brokers, or similar persons acting in the capacity of underwriters or wholesalers who are not purchasing for their own account as ultimate purchasers without a view to resell) and will, within 30 minutes after being notified of the award of the Series 2012 Bonds, advise the County in writing (via facsimile transmission) of the Initial Reoffering Terms. Prior to the delivery of the Series 2012 Bonds, the successful bidder will furnish a certificate acceptable to Bond Counsel as to the "issue price" of the Series 2012 Bonds. It will be the responsibility of the successful bidder to institute such syndicate reporting requirements, to make such investigation, or otherwise to ascertain the facts necessary to enable it to make such certification with reasonable certainty.

Delivery

The Series 2012 Bonds will be delivered on or about _____, 2012 in New York, New York, at DTC against payment of the purchase price therefor (less the amount of the Deposit) in Federal Reserve funds.

The approving opinion of Sidley Austin LLP, Washington, D.C., in substantially the form appearing in the Preliminary Official Statement, will be furnished without cost to the successful bidder. There will also be furnished the usual closing papers, including certifications as to the Official Statement and no-litigation.

CUSIP Numbers

CUSIP numbers are to be applied for by the successful bidder with respect to the Series 2012 Bonds. The County will assume no obligation for the assignment of such numbers or for the correctness of such numbers, and no error with respect thereto shall constitute cause for failure or refusal by the successful bidder to accept delivery or make payment for the Series 2012 Bonds.

Official Statements

Copies of the Preliminary Official Statement may be obtained without cost via the Internet at www.i-dealprospectus.com. The Preliminary Official Statement at its date was "deemed final" by the County for purposes of SEC Rule 15c2-12 but is subject to revision, amendment and completion.

After the award of the Bonds, the County will prepare copies of the Official Statement (no more than 300) and will include therein such additional information concerning the reoffering of the Series

2012 Bonds as the successful bidder may reasonably request; provided, however, that the County will not include in the Official Statement an “NRO” (“not reoffered”) designation with respect to any maturity of the Series 2012 Bonds. The successful bidder will be responsible to the County in all respects for the accuracy and completeness of information provided by such successful bidder with respect to such reoffering. The County expects the successful bidder to deliver copies of such Official Statement to persons to whom such bidder initially sells the Bonds and to The Electronic Municipal Market Access System (“EMMA”) administered by the Municipal Securities Rulemaking Board (“MSRB”). The successful bidder will be required to acknowledge receipt of such Official Statement, to certify that it has made delivery of the Official Statement to EMMA and to acknowledge that the County expects the successful bidder to deliver copies of such Official Statement to persons to whom such bidder initially sells the Series 2012 Bonds and to certify that the Series 2012 Bonds will only be offered pursuant to such Official Statement and only in states where the offer is legal. The successful bidder will be responsible to the County in all respects for the accuracy and completeness of information provided by such successful bidder with respect to such reoffering.

The Securities and Exchange Commission adopted Rule 15c2-12 under the Securities Exchange Act of 1934, as amended (the “Rule”). In general, the Rule prohibits an underwriter from purchasing or selling municipal securities, such as the Series 2012 Bonds, unless it has determined that the issuer of such securities has committed to provide annually certain information, including audited financial information, and notice of various events described in the Rule, if material. The County will provide to EMMA annual information respecting the County, including audited financial statements. In addition, the County will provide to EMMA notice of the occurrence of any events described in the Rule if material.

Official Statements will be provided within seven (7) business days after the date of the award of the Bonds in such quantities as may be necessary for the successful bidder’s regulatory compliance.

Further information will be furnished upon application to Public Financial Management, Inc. at (703) 741-0175.

Reservation of Rights

The right to reject any or all bids and to waive any irregularity or informality in any bid is reserved.

BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA

By: Catherine A. Chianese, Clerk

3:30 p.m.

Public Hearing on SE 2011-HM-019, Coresite Real Estate 12100, Sunrise Valley Drive, LLC to Permit an Increase in Floor Area Ratio, Located on Approximately 13.88 Acres of Land Zoned I-4 (Hunter Mill District)

This property is located in at 12100 Sunrise Valley Dr., Reston, 20191. Tax Map 17-3 ((8)) (3A) 1A.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, June 14, 2012, the Planning Commission voted unanimously (Commissioner Hart absent from the meeting) to recommend to the Board of Supervisors approval of the following actions pertinent to the subject application:

- Approval of SE 2011-HM-019, subject to the development conditions dated June 12, 2012;
- Waiver of the barrier requirement along Sunrise Valley Drive and the northern property line in favor of the existing and proposed fencing and plantings depicted on the SE Plat;
- Modification of the peripheral parking lot landscaping requirements in favor of the existing conditions and proposed vegetation depicted on the planting plan in the SE Plat; and
- Modification of the trails requirement along Sunrise Valley Drive in favor of the existing asphalt sidewalk.

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim excerpt

Staff Report previously furnished and available online at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4387571.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Brent M. Krasner, Staff Coordinator, DPZ

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Planning Commission Meeting
June 14, 2012
Verbatim Excerpt

SE 2011-HM-019 – CORESITE REAL ESTATE 12100 SUNRISE VALLEY DRIVE, LLC

After the Close of the Public Hearing

Chairman Murphy: Public hearing is closed. Mr. de la Fe.

Commissioner de la Fe: Thank you, Mr. Chairman. I appreciate the concerns and the interest on grids of street as I said before, but I believe that the applicant and staff have worked very carefully in coming up with a development condition which will take care of what is in the current Comprehensive Plan concerning a crossing of the Dulles Toll Road. And given that and the fact that as far – unlike almost every other application that we get, it has no impact on traffic. As a matter of fact, it is way over-parked because the minimum requirements are so big for this much square footage when there are so few employees there that – you know, this will probably make nice skateboarding for some of the kids. I don't want to encourage them on that, but – Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SE 2011-HM-019, SUBJECT TO THE DEVELOPMENT CONDITIONS NOW DATED JUNE 12, 2012.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by 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 approve SE 2011-HM-019, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND A WAIVER OF THE BARRIER REQUIREMENT ALONG SUNRISE VALLEY DRIVE AND THE NORTHERN PROPERTY LINE IN FAVOR OF THE EXISTING AND PROPOSED FENCING AND PLANTINGS DEPICTED ON THE SE PLAT.

Commissioner Lawrence: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND A MODIFICATION OF THE PERIPHERAL PARKING LOT LANDSCAPING

Planning Commission Meeting
June 14, 2012
SE 2011-HM-019

Page 2

REQUIREMENTS IN FAVOR OF THE EXISTING CONDITIONS AND PROPOSED VEGETATION DEPICTED ON THE PLANTING PLAN IN THE SE PLAT.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. Discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: And finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND A MODIFICATION OF THE TRAILS REQUIREMENT ALONG SUNRISE VALLEY DRIVE IN FAVOR OF THE EXISTING ASPHALT SIDEWALK.

Commissioner Lawrence: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Thank you very much, Mr. Chairman. Thank you very much, applicant and staff.

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(The motions carried unanimously with Commissioner Hart absent from the meeting.)

JLC

Board Agenda Item
June 19, 2012

4:00 p.m.

Public Hearing on Proposed Plan Amendment S11-CW-1CP Regarding Updates to the Comprehensive Land Use Plan Map

ISSUE:

Plan Amendment S11-CW-1CP proposes amending the Comprehensive Land Use Plan Map to reflect Board of Supervisor actions taken through April 10, 2012 and conditions which have changed since the last printing of the map, such as development of public facilities and public parks. Continued work is also proposed on issues that emerged during research into this amendment, related to the Comprehensive Plan Area Plan volumes and Plan Map, and that are outside of the scope of this amendment.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, May 31, 2012, the Planning Commission voted unanimously (Commissioner Hall absent from the meeting) to recommend that the Board of Supervisors adopt the staff recommendations for S11-CW-1CP, found on pages 10 through 12 of the Staff Report dated April 26, 2012, and incorporating all revisions on the new map dated May 2012, distributed to the Commission on May 17, 2012.

The Planning Commission also voted unanimously (Commissioner Hall absent from the meeting) to recommend to the Board of Supervisors that staff pursue work on the following considerations listed on pages 12 and 13 of the Staff Report to consider appropriate modifications to the Countywide Transportation Plan Map and Transportation Policy Section and to develop a Geographic Information Systems (GIS)-based interactive map. In addition, for staff to review and evaluate the category of "private open space" for consistency and clarity. At the conclusion of this work, staff should provide recommendations to the Planning Commission and the Board of Supervisors about the next steps and any appropriate scope of advertising to address these remaining items.

RECOMMENDATION:

The County Executive recommends that the Board adopt the Planning Commission recommendation for S11-CW-1CP.

TIMING:

Planning Commission public hearing – May 10, 2012
Planning Commission decision – May 31, 2012
Board of Supervisors' public hearing – June 19, 2012

BACKGROUND:

The most recently adopted Comprehensive Plan Land Use Map, adopted by the Board of Supervisors on June 26, 1995 illustrates Plan recommendations for land use, transportation, public facilities, and boundaries of special areas of interest within the County. The map also shows existing features: roads; railways; utilities; corporate boundaries of adjacent cities, towns, and counties; and state and federal properties.

Using GIS technology and through extensive coordination with County and non-County agencies, the map has been reconstructed digitally. The majority of the features on the current map, published in June 1995, remain on the revised map, as amended by Board of Supervisors' action up through the most recent Plan amendment adopted April 10, 2012. A number of additional changes, which warrant Board of Supervisors action, also have been made:

- Public facilities and public parks have been revised to show existing conditions, consistent with the Area Plans volumes of the Comprehensive Plan.
- Areas planned for private recreation use, but developed with residential uses under Plan options are proposed to be changed to reflect existing residential uses.
- Land acquired by the Fairfax County Park Authority, since the last reprint of the map, and not otherwise planned for private open space is proposed to be shown as public park use.
- Two features of the map, proposed public parks and dam failure impact areas, are proposed to be eliminated in favor of more detailed guidance in the Comprehensive Plan text and other County maps.

These changes, listed on pages 10-12 of the Staff Report dated April 26, 2012 under the Recommendations section, would accurately illustrate the most current Plan guidance on the revised map.

The new digital format of the map also would expand accessibility and increase the frequency of map updates in the future. The map is currently available in paper format and would continue to be printed periodically to coincide with the reprint of the Comprehensive Plan text. In addition to the paper format, the digital map would allow for online publication in a similar manner as the Countywide Transportation Plan Map. The online versions of these maps would be updated shortly after the Board of Supervisors adopts amendments to the maps. Using this method, the most current Plan guidance would be available to the public and County staff in a timely manner.

Board Agenda Item
June 19, 2012

Finally, a number of future efforts were identified during research for this amendment. These efforts cannot be addressed during this amendment as they involve Plan guidance not illustrated on the current map or affect the Area Plans volumes of the Comprehensive Plan or the Countywide Transportation Plan Map. Pages 12-13 of the Staff Report for S11-CW-1CP published on April 26, 2012 list these efforts as Follow-on Considerations.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: - Verbatim Excerpt

Staff Report previously furnished and available online at:

<http://www.fairfaxcounty.gov/dpz/comprehensiveplan/planamendments.htm>

STAFF:

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

Marianne R. Gardner, Division Director, PD, DPZ

Meghan D. Van Dam, Planner III, Policy and Plan Development Branch, PD, DPZ

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Planning Commission Meeting
May 31, 2012
Verbatim Excerpt

S11-CW-1CP – COMPREHENSIVE PLAN AMENDMENT (UPDATE OF LAND USE PLAN MAP)

Decision Only During Commission Matters
(Public Hearing held on May 10, 2012)

Commissioner Hart: Secondly, I have a decision only. This is on a Plan Amendment, S11-CW-1CP. At the outset, Mr. Chairman, please let me thank the citizens who either spoke at the public hearing or submitted comments through the process over the last several months. Let me also thank staff, particularly Meghan Van Dam, Marianne Gardner, Sterling Wheeler, and Fred Selden, for their fine work on this complicated project. Let me also single out Harry Rado for his overseeing the digitization and his revisions to the map. As staff mentioned, the Amendment would revise the Comprehensive Land Use Plan Map to show Fairfax County Board of Supervisors actions taken through April 12, 2012, and conditions which have changed since the last printing of the maps, such as public facilities and public parks. The Amendment has staff's favorable recommendation, with which I concur. We deferred our decision to allow for additional corrections and to allow time for the Commission to review the most recent changes. I believe that we're now ready to move forward on this item. Therefore, Mr. Chairman, I will have two motions. First, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF THE STAFF RECOMMENDATIONS FOR PLAN AMENDMENT S11-CW-1CP, FOUND ON PAGES 10 THROUGH 12 OF THE STAFF REPORT DATED APRIL 26, 2012, AND INCORPORATING ALL REVISIONS ON THE NEW MAP DATED MAY 2012, DISTRIBUTED TO THE COMMISSION ON MAY 17.

Commissioners Lawrence and Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant and Mr. Lawrence. Is there a discussion of the motion?

Commissioner Flanagan: Yes, Mr. Chairman?

Chairman Murphy: Yes, Mr. Flanagan.

Commissioner Flanagan: Yes, I'm sure that each of we Commissioners have reviewed the plan, particularly with regard to our – each district.

Commissioner Alcorn: I reviewed the whole County.

Chairman Murphy: That's because he's At-Large.

Commissioner Flanagan: And in the process of reviewing some of the land uses – planned land uses in the Mount Vernon District, I noted that there was a mobile home park – the Penn [Daw] Mobile Home Park at Kings Crossing – that is listed on the Plan as a planned mobile home park.

In fact, the Area Plan does not plan that – the land that it sits on as a mobile home park. So I did ask the staff as to why this was still on the current map as being planned as a mobile home park. And I think they had an explanation for me that I would like to have them repeat to the other Commissioners as well as to me.

Chairman Murphy: I hope we can make it brief because this is on verbatim now.

Marianne Gardner, Planning Division, Department of Planning and Zoning: The mobile home park that you are talking about, Commissioner Flanagan, doesn't have any specific Plan text so we refer only to the map. The map, I believe, had as its density range five to eight dwelling units per acre and then it's further sort of described with a symbol, MHP – or MH, sorry, for mobile homes. So that, in effect, does plan it for a mobile home park.

Commissioner Flanagan: I just want the Commission to note that I was concerned about that because the Zoning Ordinance limits mobile homes to six dwelling units per acre whereas the Plan calls for five to eight and so I was concerned at that inconsistency. But maybe we'll address that later on so I'm satisfied with supporting the motion now.

Commissioner Alcorn: Mr. Chairman?

Chairman Murphy: Mr. Alcorn.

Commissioner Alcorn: I'd just like to acknowledge this is not a perfect process – that there are many such anomalies in our Comprehensive Plan. The map, I think, reflects many of those, but I think it's the best we have right now so I'm going to support the motion. Thank you.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion on S11-CW-1CP as articulated by Mr. Hart, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hart: Thank you. Secondly, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT STAFF PURSUE WORK ON THE FOLLOW-ON CONSIDERATIONS LISTED ON PAGES 12 AND 13 OF THE STAFF REPORT, DATED APRIL 26, 2012, TO CONSIDER APPROPRIATE MODIFICATIONS TO THE COUNTYWIDE TRANSPORTATION PLAN MAP AND TRANSPORTATION POLICY SECTION AND TO DEVELOP A GIS-BASED INTERACTIVE MAP AND, IN ADDITION, FOR STAFF TO REVIEW AND EVALUATE THE CATEGORY OF "PRIVATE OPEN SPACE" FOR CONSISTENCY AND CLARITY. AT THE CONCLUSION OF THIS WORK, STAFF SHOULD PROVIDE RECOMMENDATIONS TO THE PLANNING COMMISSION AND THE BOARD OF SUPERVISORS ABOUT THE

NEXT STEPS AND ANY APPROPRIATE SCOPE OF ADVERTISING TO ADDRESS THESE REMAINING ITEMS.

Commissioners Alcorn and Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant and Mr. Alcorn. Is there a discussion of that motion? Mr. Lawrence.

Commissioner Lawrence: Mr. Chairman, does the motion as worded allow for – in the staff’s recommendations – a recommendation addressing some form of periodic scrubbing of the product once we get it digitized?

Commissioner Hart: Mr. Chairman, I did not expressly spell that out as an item in the motion, but I think I would defer to Ms. Gardner or Ms. Van Dam to explain what we’re going to do about catching other things in the net. I mean – I think as Commissioner Alcorn has recognized, it’s not a perfect process. As Commissioner Flanagan points out with the mobile home park, there are going to be – the longer we look at the map, there are going to continue to be questions about details. This is a work-in-progress. But I would – again, we’re on verbatim. But, I would defer to Ms. Van Dam or Ms. Gardner.

Ms. Gardner: In the follow-on considerations the – up at the sort of the introduction on page 12 it says, “staff recommends that continued analysis be conducted, coordinated with County departments and presented to the Planning Commission and the Board, for further action,” and then it lists the ones that we’ve specifically identified. But by no means did we think that this list would be inclusive so we did, as a part of our – of the work we’re doing for Fairfax Forward – anticipate that we would need to do periodic scrubbing. And we have been actually talking to the County Attorney about what does and does not require a public hearing for a change or an update. So that’s something that we can come back to you with.

Commissioner Lawrence: Thank you, Mr. Chairman. That clarifies that point.

Commissioner Hart: Mr. Chairman, let me – on that point – let me just add I did put in here about staff making a suggestion about appropriate scope of advertising. And one of the problems that we’ve had is that sometimes the problem is identified, but it’s not something that we advertise we can fix. My thought would be by saying, “appropriate scope of advertising,” anything that comes up, staff can say, “Okay, this is what we’re going to do and this is what we need to advertise to fix it.” So even if we – I don’t know what the problem is. Hopefully, staff will tell us and we’ll be back in business.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion as articulated by Mr. Hart, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hart: Thank you, Mr. Chairman.

Chairman Murphy: Thank you very much. Now that we're off verbatim, I – when this was all coming about – I asked the staff if they could just give me a little background on this project and tonight they gave me something. If you don't mind, I'd just like to read this – because it's kind of fascinating. Harry Rado is up here, who is the mastermind behind – oh, over here. I'm sorry. I was looking over at the wrong side. I just want to read this because it's very interesting, at least to me. Harry Rado at the Planning Division made the digitized Comprehensive Plan Map a reality. Thanks to this technology, the Comprehensive Plan Map will be regularly updated and published electronically as Amendments are adopted by the Board of Supervisors. Harry began this massive project in 1996 by digitizing manual pencil work, project-by-project. With consultant assistance in 2002, the project crept forward. During the major studies and Area Plans Review work of the next years, Harry continued to update the map. Thankfully, Harry “Mercator” Rado, and I'll tell you why he's called “Mercator” Rado in case – I knew this, but I want to read it because I'm sure you don't know it – persevered and the digital map 16 years in the making was completed in 2012. Now “Mercator” is Gerardus Mercator, who presented the Mercator projection – a cylindrical map projection in 1569 and that was the year I got on the Planning Commission so I really remember it very well. Harry, thanks a lot. Stand up, Harry. Take a bow. This is a tremendous project. Thank you very much. I wanted to throw that in because I just didn't understand – I mean, I knew the map.

Commissioner Hart: We should put that on the verbatim.

Chairman Murphy: Yeah, I should've probably – you can put it on the verbatim. Yeah, go ahead. It's Mr. Hart's case. If he wants another verbatim, that's fine by me.

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(The motions carried unanimously with Commissioner Hall absent from the meeting.)

JLC

Board Agenda Item
June 19, 2012

4:00 p.m.

Public Hearing on Proposed Plan Amendment S11-CW-2CP, Update to the Concept for Future Development

ISSUE:

Plan Amendment (PA) S11-CW-2CP proposes to update the Concept for Future Development (Concept) of the Comprehensive Plan. The Concept was created in 1990 as part of the Fairfax Planning Horizons, which was a major review of the goals, policies, and specific recommendations of the Comprehensive Plan. The purpose of the Concept is to guide the development and preservation of land, especially when contemplating amendments to the Comprehensive Plan. The amendment considers the extent to which the Concept reflects planning policy as it has evolved since 1990, and recommends revisions so the Concept can be used as a tool over the next twenty years.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, May 17, 2012, the Planning Commission voted unanimously (Commissioner Alcorn not present for the vote and Commissioners Hall and Litzenberger absent from the meeting) to recommend that the Board of Supervisors adopt the Planning Commission's recommended text for S11-CW-2CP, as shown in Attachment 1.

In addition, the Commission voted unanimously (Commissioner Alcorn not present for the vote and Commissioners Hall and Litzenberger absent from the meeting) to recommend to the Board of Supervisors that staff pursue the follow-on considerations found on pages 14 and 15 of the Staff Report dated April 26, 2012, including the following:

- Evaluation of the use of the term "Suburban Center;"
- Completion of the Fairfax Countywide Transit Network Study and consideration of the addition of a variety of transit options to the Concept's summary descriptions; and
- Addition of the Lincolnia area as a Community Business Center.

RECOMMENDATION:

The County Executive recommends that the Board adopt the Planning Commission recommendation.

Board Agenda Item
June 19, 2012

TIMING:

Planning Commission public hearing – May 10, 2012
Planning Commission decision – May 17, 2012
Board of Supervisors' public hearing – June 19, 2012

BACKGROUND:

The 2011-2012 Fairfax Forward effort began in March 2011. As a part of that effort staff is examining the need for greater focus on public outreach, stakeholder engagement and more detailed analysis in the planning process. In addition, there is a concurrent effort to update the Comprehensive Plan Map.

The Concept's non-residential intensity ranges expressed in terms of floor area ratio (FAR) and residential density expressed in terms of dwelling units per acre (du/ac) have been superseded by adopted Plan amendments. The intensity and density ranges which guide the relative variations in character for different areas in the County are now articulated in the Area Plans for individual centers. The Area Plans encourage greater intensity and land use flexibility in mixed-use centers with decreasing intensity further from core areas. These density and intensity ranges should be removed from the Concept and replaced by updated character descriptions that emphasize the character envisioned for these areas.

The Concept Map should also be updated to show future Transit Station Areas in Tysons Corner and in the Reston-Herndon Suburban Center. In addition, by using digital technology, the map can more accurately represent boundaries, be regularly updated to show new major roads and be published in color as well as black and white.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim excerpt

Attachment 2: Proposed Plan Language with Planning Commission Recommendations
Staff Report previously furnished and available online at:

<http://www.fairfaxcounty.gov/dpz/comprehensiveplan/amendments/s11-cw-2cp.pdf>

STAFF:

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

Marianne R. Gardner, Director, Planning Division (PD), DPZ

Clara Johnson, Planner III, Policy and Plan Development Branch, PD, DPZ

Jennifer Lai, Planner II, Policy and Plan Development Branch, PD, DPZ

Planning Commission Meeting
May 17, 2012
Verbatim Excerpt

S11-CW-2CP – COMPREHENSIVE PLAN AMENDMENT (UPDATE OF CONCEPT PLAN FOR FUTURE DEVELOPMENT)

During Commission Matters

Commissioner Hart: Thank you Mr. Chairman. I will have two motions tonight regarding Plan Amendment S11-CW-2CP. At the outset, let me thank staff, particularly Jennifer Lai, Clara Quintero-Johnson, and Marianne Gardner for their fine work on this project. As staff noted at the public hearing last week, the Concept for Future Development was adopted in 1990 with the purpose of setting forth a vision and direction to guide the County's growth over a 20-year horizon. By updating the Concept for Future Development, we can continue to use it as a framework to guide development and the County's land use pattern for the next 20 years. The proposed revisions reflect the findings of planning studies that have incorporated the vision established in the Concept and the evolution of Plan policies as reflected in the current Comprehensive Plan. Additionally, the Concept Map should be updated to show future transit station areas and refine boundaries using digitized shapes. The Amendment has staff's support, with which I concur. We deferred decision to research a number of questions and consider suggested revisions, which staff has since completed. I believe we are now ready to move forward. Therefore, Mr. Chairman, I first MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF THE STAFF RECOMMENDATIONS FOR PLAN AMENDMENT S11-CW-2CP, FOUND ON PAGES 18 THROUGH 34 OF THE STAFF REPORT, DATED APRIL 26, 2012, WITH THE FOLLOWING FIVE MODIFICATIONS AS SUMMARIZED IN ATTACHMENT 1, DATED MAY 17, 2012, WITH ONE ADDITIONAL CORRECTION THIS EVENING:

- FIRST, THE PROPOSED STRIKETHROUGH OF TEXT FOR LAND UNIT D IN THE VAN DORN TRANSIT STATION AREA, FOUND ON THE BOTTOM OF PAGE 32 OF THE STAFF REPORT SHOULD BE REMOVED AND THE SENTENCE SHOULD REMAIN AS CURRENTLY SHOWN IN THE ADOPTED COMPREHENSIVE PLAN.
- SECOND, A GRAMMATICAL ERROR IN THE PROPOSED TRANSIT STATION AREA DEFINITION SHOULD BE CORRECTED.
- THIRD, THE SUMMARY AND GLOSSARY DESCRIPTIONS FOR TRANSIT STATION AREAS SHOULD BE REVISED SO THEY ARE MORE ALIGNED WITH COUNTY TOD POLICY.

There is an additional correction on that item, and – staff had pointed it out tonight. It's not a substantive change, but on the paragraph in the attachment that begins, "Transit station areas (TSAs)," if you jump down to the high-lighted portion in the first sentence - that sentence

begins, "The TOD area may be generally defined..." etcetera. THE TERM "TOD" WASN'T DEFINED AND STAFF HAS SUGGESTED WE NEED TO INSERT WHAT THE WORDS ARE FOR "TOD" RIGHT BEFORE THAT. So that would be an additional correction to tonight's handout.

- FOURTH, THE DEFINITION OF SUBURBAN NEIGHBORHOODS SHOULD BE REVISED TO ADD PARKS AND OPEN SPACE TO THE MIX OF USES THAT ARE IMPORTANT TO THOSE AREAS.
- FIFTH, THE CONCEPT MAP LEGEND SHOULD BE REVISED.

These changes have staff support and incorporate further analysis based upon the comments at the public hearing.

Commissioners Lawrence and Sargeant: Second.

Chairman Murphy: Seconded by Mr. Lawrence and Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion as articulated by Mr. Hart, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hart: Secondly, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT STAFF PURSUE THE FOLLOW-ON CONSIDERATIONS FOUND ON PAGES 14 AND 15 OF THE STAFF REPORT DATED APRIL 26, 2012, INCLUDING EVALUATION OF THE FOLLOWING:

1. USE OF THE TERM "SUBURBAN CENTER;"
2. COMPLETION OF THE COUNTYWIDE TRANSIT NETWORK STUDY, INCLUDING CONSIDERATION OF A VARIETY OF TRANSIT OPTIONS FOR POTENTIAL CHANGES TO THE CONCEPT'S SUMMARY DESCRIPTIONS; AND
3. ADDITION OF THE LINCOLNIA AREA AS A COMMUNITY BUSINESS CENTER.

At the conclusion of this next phase of work, staff should provide appropriate recommendations to the Planning Commission and the Board of Supervisors regarding the next steps to address these items.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of that motion? All those in favor of the motion as articulated by Mr. Hart, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(The motions carried unanimously with Commissioner Alcorn not present for the vote; Commissioners Hall and Litzenberger absent from the meeting.)

JN

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Proposed Plan Language with Planning Commission Recommendations – S11-CW-2CP

Additions shown with underline, deletions shown with ~~strikethrough~~. Planning Commission revisions are highlighted.

PROPOSED CHANGES TO POLICY PLAN VOLUME

MODIFY: Fairfax County Comprehensive Plan, 2011 Edition, Policy Plan, Preface, History of Comprehensive Planning as amended through 5-11-2010, pages 17-19:

The Fairfax Planning Horizons and Beyond

The major product of Phase I of the Planning Horizons process was the Policy Plan, which contained a hierarchy of goals, objectives and policies for each functional area, such as land use, transportation, the environment and public facilities. Another, separate document was the Concept for Future Development, containing both text and maps, which highlighted a generalized land use pattern to guide future development for the County. Particularly distinctive was the new Land Classification System, an element of the Concept for Future Development which identified those areas that were expected to share similar characteristics by the year 2010. The Concept and the Land Classification System were accepted by the Board of Supervisors on August 6, 1990, to be used as a guide for the update of the Area Plans during Phase II of the Planning Horizons process. ~~The Land Classification System is a re vision of that used during the last major revision of the Comprehensive Plan PLUS, when the County was divided into stable areas, option areas, complex areas, planned development centers, and economic growth centers. The Concept for Future Development was revised in 2012 to update the character descriptions and the map.~~

The Concept for Future Development comprises ~~three~~ two elements: the Concept Map which shows the general location and character of future land uses and the Land Classification System which divides the County into eight broad categories that describe the desired future character for each area, ~~and the Land Classification System Guidelines that give explicit direction for each land category in terms of land use, transportation, environment, public facilities, and parks and recreation.~~

The Concept Map shows the general character of the County with respect to the location of each area type, Metro stations and major roads. ~~appropriate land uses that should be encouraged.~~ The Land Classification System, when graphically illustrated by the Concept Map, presents a future policy direction for Fairfax County.

The Concept's Map's policy direction indicates is that almost all employment and high density residential growth should occur within designated Mixed-Use Centers and Industrial Areas. ~~Development Centers, Transit Station Areas,~~ When combined, these centers and Industrial Areas encompass ~~less than 10%~~ about 10% of the County's land area. With the exception of the Industrial Areas, some degree of mixed-use development is encouraged for each of these employment areas. This emphasis on mixed-use development is designed to introduce a residential component into these employment areas. Mixed-use development is generally defined

as two or more uses designed to be functionally, economically and aesthetically integrated. The boundaries shown for these non-residential/mixed use areas coincide with the current boundaries of commercial, industrial, and mixed-use areas as generally defined by existing non-residential zoning and/or the non-residential/mixed-use boundaries traditionally identified in the Area Plans.

Within some of these employment and mixed-use oriented centers and areas, limited ~~areas portions~~ have been planned designated as "core" or "transit development" areas. Medium to high density development intensities within these core and transit development areas ~~may be~~ are planned to take advantage of transportation and other functional opportunities and are often centered around a transit station or planned town center. Lower intensities are encouraged outside the "core" and "transit development" areas in the remaining portions of these employment and mixed-use centers. Transitions are planned between core and non-core areas. These transitions are created through the tapering down of development intensity and building heights, changes in use, and through landscaping, screening and buffering treatments.

The remainder of the County is composed of Suburban Neighborhoods and Low Density Residential Areas. In general, non-residential development is not encouraged within the Low Density Residential Areas; when appropriate, neighborhood-serving commercial services and institutional uses are encouraged within the Suburban Neighborhoods.

In summary, the Concept for Future Development established a vision and direction for guiding Fairfax County's future growth and development. The Concept for Future Development generally describes the types of land uses that are appropriate throughout the County and the character envisioned for them. It has been used in conjunction with the countywide objectives and policies contained in the adopted Policy Plan and provided a foundation and framework for the Area Planning process.

The four Area Plans adopted in 1991 contain detailed recommendations for land use, transportation, housing, the environment, heritage resources, public facilities and parks and recreation. These recommendations refine the guidance provided in the Policy Plan and were developed within the framework of the Concept for Future Development.

Each Area Plan is subdivided into Planning Districts, which, in turn, are subdivided into Community Planning Sectors, the smallest geographical components of the Plan. The Community Planning Sector text provides details on existing development and planned land use. For purposes of development review and other land-use related decisions it is emphasized that the planning guidance for each Planning District is contained in the Area Plan text; on the Area Plan map; in the Policy Plan; and in the land use guidelines contained in the Concept for Future Development and Land Classification System.

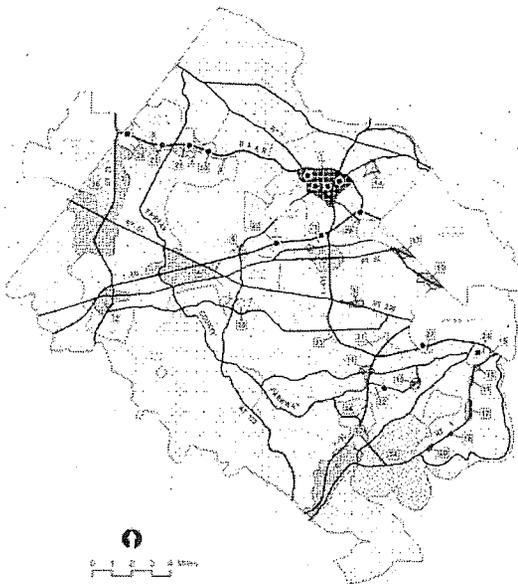
The primary planning objectives in all Area Plans are to:

- Realize the objectives and policies of the Policy Plan in planning and development decisions;

- Utilize the Concept for Future Development as a guide to land use planning decisions when Plan amendments are considered, and as guidance for non-residential development intensity in situations where there is no guidance in the Area Plans and;
- Employ site-specific guidance to review and formulate recommendations for development requests in furtherance of the public health, safety and welfare as provided in the *Code of Virginia*.

PROPOSED CHANGES TO AREA PLANS I - IV

Replace: Fairfax County Comprehensive Plan, 2011 Edition, Areas I, II, III and IV. Area Plan Overview as amended through 7-27-2010, Introduction, Concept Map, Figure 2, pages 4-5:



CONCEPT FOR FUTURE DEVELOPMENT MAP

LOCATIONS OF MIXED-USE CENTERS

- Urban Center
1. Tysons Corner
- Suburban Centers
2. Centreville
3. Dulles (Route 28 Corridor)
4. Fairfax Corner
5. Flier Hill
6. Loudon-South Route 1
7. Manassas
8. Reston-Herndon
- Community Business Centers
9. Annandale
10. Bailey's Crossroads
11. Braemar/Droevets
12. Falls Valley/Glen Springs
13. Kingstowne
14. McLean
15. North Gateway
16. Penn Daw
17. Seven Corners
18. South County Center
19. Springfield
20. Woodburn
- Transit Station Areas
21. Dumbarton
22. Franconia/Springfield
23. Herndon/Manassas
24. Huntington
25. Reston Parkway
26. Route 28/CR
27. Van Dorn
28. Vienna
29. West Falls Church
30. Wustly Avenue

LOCATIONS OF LARGE INSTITUTIONAL AND INDUSTRIAL AREAS

- Industrial Areas
31. Bellway South
32. I-85 Corridor
33. Reston/Leesville
- Large Institutional Land Areas
34. Fort Belvoir (Main Post and North Area)
35. George Mason University
36. Washington Dulles International Airport

LEGEND

- Tysons Corner Urban Center
- Suburban Center
- Community Business Center
- Transit Station Area
- Industrial Area
- Large Institutional Land Area
- Suburban Neighborhood
- Low Density Residential Area
- Major Road
- Metro Station

Replace: Fairfax County Comprehensive Plan, 2011 Edition, Areas I, II, III and IV. Area Plan Overview as amended through 7-27-2010, Introduction, Summary: Land Classification System, pages 6:

SUMMARY: LAND CLASSIFICATION SYSTEM

Refer to the Areawide and District Recommendations for guidance on specific areas.

Tysons Corner Urban Center:

- *Tysons Corner is a significant economic engine to the region. The vision for Tysons Corner includes a dynamic urban center marked by the socioeconomic diversity of residents and workers; a wide range of opportunities and activities; the quality of buildings, aesthetics, and open spaces; and connections and accessibility for all. Tysons Corner includes four transit-oriented development (TOD) areas surrounding four Metrorail stations.* Elements of the framework for the future development of Tysons Corner include: encouraging transit-oriented development, improving the jobs/housing balance, providing diverse and affordable housing, incorporating community benefits, and creating excellence in the public realm.
- A strong implementation strategy should provide the flexibility, accountability, and resources necessary to achieve the vision for Tysons Corner.

Suburban Centers:

Suburban centers are employment centers located along major arterials. These areas are evolving to include mixed-use cores such as transit station areas and town centers that are more urban in character. The core areas are generally surrounded by transitional areas of lesser intensity.

- Encourage a complementary mix of office, retail and residential uses in a cohesive moderate to high-intensity setting.
- A grid of streets and well-designed pedestrian connectivity should be established in core areas. The transitional areas outside of the core should have connectivity to core area amenities. Similarly, connectivity should be provided between transitional area amenities and core areas.
- A balance of transportation and land use in core areas is important as suburban centers evolve to be less dependent on the personal vehicle as a result of transit accessibility.

Community Business Centers:

Historically older community-serving commercial areas that emerged along major roadways, Community Business Centers (CBCs) are areas where redevelopment should encourage a mix of uses focused around a core area of higher intensity, such as a town center or main street in a pedestrian-oriented setting. Transitions in intensity and compatible land uses should protect surrounding stable residential neighborhoods.

- Appropriate revitalization and selected redevelopment advance the goal of sustaining the economic vitality in older commercial centers and adjacent neighborhoods. Revitalization efforts should also seek reinvestment in these communities and aim to foster a sense of place. There may be a particular need to address aging infrastructure.
- CBC's should emphasize design that advances pedestrian amenities and circulation.
- Given limited transportation infrastructure, a balance of retail, residential and office uses should optimize the generally older road networks that provide access to CBCs. Where appropriate, a mix of uses is encouraged to create a more vibrant environment throughout the day.

Transit Station Areas:

These areas adjacent to Metrorail Stations are directly influenced by the presence of access points to the Metrorail system. Transit station areas promote a land use pattern that supports Metrorail by encouraging a mix of uses in a compact, pedestrian-friendly urban form within walking distance of the rail station. Within the region, Metrorail provide a vital public transportation choice that enhances accessibility and reduces the reliance upon single occupancy vehicle use. Transit Station Area boundaries are strongly shaped by the area's access characteristics and the relationship of the station to surrounding stable neighborhoods.

- Refer to Appendix 11 in the Land Use section of the Policy Plan for the sixteen principles for transit-oriented development in Fairfax County.
- Generally, Transit Station Areas constitute those lands within a primary and a secondary development area. The primary development area is approximately a 5 minute walk from the station platform. The secondary development area is approximately a 10 minute walk from the station platform.
- A balance of uses and implementation of design guidelines should be achieved to create desirable neighborhoods.

Industrial Areas:

The types of uses intended for industrial areas are generally regulated more strictly due to their anticipated impacts to adjacent areas. This category is not appropriate for residential uses and limits future office uses to those which are ancillary to industrial use.

- Industrial Areas should be located near major transportation corridors such as interstate highways, railways and airports which are capable of transporting a high volume of goods and contribute to overall regional accessibility. The direct accessibility to major transportation corridors will help ensure that industrial traffic will not be routed through neighborhoods.
- Development of non-industrial uses should be discouraged. Office use generally should be limited to those parcels which are specifically designated for office use in the Area Plans.
- Development near the edges of industrial areas should include effective buffering from surrounding uses. Substantial setbacks and/or berms may be necessary in addition to vegetative screening, particularly where these areas abut residential uses. Uses that generate a minimum level of noise, glare, odors or truck traffic are preferable in transition areas and edges.

Suburban Neighborhoods:

These areas contain a broad mix of allowable residential densities, styles, parks and open space and contain the County's established residential neighborhoods. Suburban neighborhoods are considered to be stable areas of little or no change. Where appropriate, supporting neighborhood-serving commercial services, public facilities, and institutional uses are encouraged provided that the proposed intensities and character are compatible with the surrounding area.

- Parks and recreation facilities should be distributed throughout suburban neighborhoods as needed to serve residents.
- Access and internal circulation for non-residential and higher density residential uses should be designed to prevent adverse traffic impacts on nearby lower-density residential uses. Reliance on the automobile should be diminished by encouraging the provision of pedestrian accessible community-serving retail and support uses.
- For development within or adjacent to suburban neighborhoods that propose either a significantly higher intensity or a change in land use, primary access should be from major or secondary roadways which do not traverse adjacent stable residential areas. Transit service, generally bus service, should be provided to those portions of the suburban neighborhoods that are most likely to generate substantial ridership.

Low Density Residential Areas

The primary purpose of Low Density Residential Areas is to ensure the preservation of environmental resources by limiting development primarily to low density, large lot residential and open space uses. The loss of natural habitat coupled with the vital role that portions of these areas serve in protecting water quality dictates that development in these areas be minimized. These are stable areas of little or no change.

- Low Density Residential Areas typically contain large lot single family detached housing and open space. They are generally located along the Potomac River and the Difficult Run and Occoquan watersheds. Policies emphasize the preservation of significant and sensitive natural resources, especially protection of the County's water resources.
- Institutional or other neighborhood serving uses should be of a compatible scale and intensity.
- Public facilities infrastructure is to be provided at an acceptable level of service without substantial negative impacts to the natural environment. Public facilities in low density residential neighborhoods should be limited to those which are required to be located in these areas. Public water and sanitary sewer service are generally not to be provided in these areas.

Large Institutional Land Areas:

Includes publicly-owned state or federal land holdings that are not subject to the normal County development review processes. The County should encourage state and federal agencies and regional authorities to develop or redevelop their holdings only when plans are coordinated with the County. The cumulative effect of institutional uses should be considered before additional institutional and governmental uses or expansion of existing uses is developed.

PROPOSED CHANGES TO AREA I VOLUME

MODIFY: Fairfax County Comprehensive Plan, 2011 Edition, Area I, Area Plan Overview amended through 7-27-2010, Concept for Future Development, pages 1-3:

CONCEPT FOR FUTURE DEVELOPMENT

On August 6, 1990, the Board of Supervisors adopted the countywide objectives and policies of the Policy Plan for Fairfax County to replace the Introduction/Countywide volume of the Comprehensive Plan. At the same time, the Board adopted ~~in concept~~, the Concept for Future Development and the Land Classification System, to be used as guidance during the review of the Area Plans. In 2012, the Board of Supervisors adopted updates to the Concept for Future Development so it could continue to guide review of the Comprehensive Plan in the future.

The Concept for Future Development consists of ~~two~~ three elements: the Concept Map which shows the general location and character of future land uses; ~~the~~ and the Land Classification System which describes the desired future character for each area of the County in terms of eight broad categories as shown on the Concept Map. ~~which divides the county into eight broad categories that describe the desired future character for each area;~~ and the Land Classification System Guidelines that give explicit direction for each land category in terms of land use, transportation, environment, public facilities, and parks and recreation.

~~The Concept Map shows the general character of the county with respect to the types of appropriate land uses that should be encouraged. The Land Classification System, when graphically illustrated by the Concept Map, represents a clear future policy direction for Fairfax County.~~

The Concept for Future Development's Map's policy direction indicates that almost all employment growth should occur within designated Mixed-Use Centers ~~Development Centers, Transit Station Areas,~~ and Industrial Areas. When combined, these centers and areas encompass about less than 10 percent of the County's land area. With the exception of the Industrial Areas, some degree of mixed-use development is encouraged for each of these employment areas. This emphasis on mixed-use development is designed to introduce a substantial residential component into these employment areas. Mixed use development is generally defined as three or more different types of uses designed to be functionally, economically and aesthetically integrated. The boundaries shown for these non-residential/ mixed-use areas coincide with the current boundaries of commercial, industrial, and mixed-use areas as generally defined by existing non-residential zoning and/or the non-residential/mixed-use boundaries traditionally identified in the Area Plans.

Within some of these employment and mixed-use oriented centers and areas, limited portions have been planned ~~designated~~ as "core" or "transit development" areas. Medium to high density development intensities within these core and transit development areas may be planned to take advantage of transportation and other functional opportunities. Lower intensities are encouraged outside the core and transit development areas in the remaining portions of these employment and mixed-use centers. Transitions are planned between core and non-core areas. These transitions are created through the tapering down of development intensity and building heights, changes in use, and through landscaping, screening and buffering treatments.

The remainder of the County is composed of Suburban Neighborhoods and Low Density Residential Areas. In general, non-residential development is not encouraged within the Low Density Residential Areas; when appropriate, neighborhood-serving commercial services and institutional uses are encouraged within the Suburban Neighborhoods. The Concept Map is included on Figure 2. ~~A full explanation of the Concept for Future Development is contained in the document Concept for Future Development and Land Classification System, August 6, 1990.~~

In summary, the Concept for Future Development sets forth a vision and direction for guiding Fairfax County's future growth and development. This Concept for Future Development generally describes the types ~~and intensity~~ of land uses that are appropriate throughout the County. It has been used in conjunction with the countywide objectives and policies contained in the adopted Policy Plan to provide a foundation and framework for the Area Planning process.

MODIFY: Fairfax County Comprehensive Plan, 2011 Edition, Area I, Area Plan Overview as amended through 7-27-2010, Introduction, page 7:

PURPOSE OF THE AREA PLANS

The four Area Plans contain detailed recommendations for land use, transportation, housing, the environment, heritage resources, public facilities and parks and recreation. These recommendations refine the guidance provided in the Policy Plan and were developed within the framework of the Concept for Future Development.

Each Area Plan is subdivided into Planning Districts, which, in turn, are subdivided into Community Planning Sectors, the smallest geographical components of the Plan. The Community Planning Sector text provides details on existing development and planned land use. For purposes of development review and other land use related decisions it is emphasized that the planning guidance for each Planning District is contained in the Area Plan text; on the Area Plan map; in the Policy Plan; and in the land use guidelines contained in the Concept for Future Development and Land Classification System.

The primary planning objectives in all Area Plans are to:

- Realize the objectives and policies of the Policy Plan in planning and development decisions;
- Utilize the Concept for Future Development as a guide to land use planning decisions when Plan amendments are considered ~~and as guidance for non-residential development intensity in situations where there is no guidance in the Area Plans;~~
- Employ site-specific guidance to review and formulate recommendations for development requests in furtherance of the public health, safety and welfare as provided in the Code of Virginia.

MODIFY: Fairfax County Comprehensive Plan, 2011 Edition, Area I, Annandale, Baileys, Jefferson Planning Districts as amended through 7-27-2010, Overview, page 1:

CONCEPT FOR FUTURE DEVELOPMENT

“The planning guidance provided by the Concept for Future Development is one of the principal elements used in formulating Area Plan recommendations. The Concept and its associated land use guidance recommend the predominant use, and character and intensity envisioned for land areas within each planning district although within the Planning District, there may be land areas planned for a distinctly different land use than that envisioned by the Concept.”

MODIFY: Fairfax County Comprehensive Plan, 2011 Edition, Area I, Jefferson Planning District, Amended through 3-9-2010, Overview, page 1:

CONCEPT FOR FUTURE DEVELOPMENT

...

“The Merrifield Suburban Center is generally...“~~The Concept for Future Development shows two core areas~~ There are two core areas for the Merrifield Suburban Center, with one focusing development at/near the transit station and the other core area, located north of Luther Jackson Intermediate School, planned to evolve into a “town center,” with the two core areas to be linked by a new “Main Street.””

PROPOSED CHANGES TO THE AREA II VOLUME

MODIFY: Fairfax County Comprehensive Plan, 2011 Edition, Area II, Area Plan Overview as amended through 7-27-2010; Concept for Future Development, pages 3-6:

CONCEPT FOR FUTURE DEVELOPMENT

On August 6, 1990, the Board of Supervisors adopted the countywide objectives and policies of the Policy Plan for Fairfax County to replace the Introduction/Countywide volume of the Comprehensive Plan. At the same time, the Board adopted ~~in concept,~~ the Concept for Future Development and the Land Classification System, to be used as guidance during the review of the Area Plans. In 2012, the Board of Supervisors adopted updates to the Concept for Future Development so that it could continue to guide review of the Comprehensive Plan in the future.

The Concept for Future Development consists of two ~~three~~ elements: the Concept Map which shows the general location and character of future land uses; ~~the~~ and the Land Classification System which describes the desired future character for each area of the County in terms of eight broad categories as shown on the Concept Map. ~~which divides the county into eight broad categories that describe the desired future character for each area; and the Land Classification System Guidelines that give explicit direction for each land category in terms of land use, transportation, environment, public facilities, and parks and recreation.~~

~~The Concept Map shows the general character of the county with respect to the types of appropriate land uses that should be encouraged. The Land Classification System, when graphically illustrated by the Concept Map, represents a clear future policy direction for Fairfax County.~~

The Concept for Future Development's Map's policy direction indicates is that almost all employment growth should occur within designated Mixed-Use Centers ~~Development Centers,~~ Transit Station Areas, and Industrial Areas. When combined, these centers and areas encompass about less than 10 percent of the County's land area. With the exception of the Industrial Areas,

some degree of mixed-use development is encouraged for each of these employment areas. This emphasis on mixed-use development is designed to introduce a substantial residential component into these employment areas. Mixed-use development is generally defined as three or more different types of uses designed to be functionally, economically and aesthetically integrated. The boundaries shown for these non-residential/ mixed-use areas coincide with the current boundaries of commercial, industrial, and mixed-use areas as generally defined by existing non-residential zoning and/or the non-residential/mixed-use boundaries traditionally identified in the Area Plans.

Within some of these employment and mixed-use oriented centers and areas, limited portions have been planned designated as "core" or "transit development" areas. Medium to high density development intensities within these core and transit development areas may be planned to take advantage of transportation and other functional opportunities. Lower intensities are encouraged outside the core and transit development areas in the remaining portions of these employment and mixed-use centers. Transitions are planned between core and non-core areas. These transitions are created through the tapering down of development intensity and building heights, changes in use, and through landscaping, screening and buffering treatments.

The remainder of the County is composed of Suburban Neighborhoods and Low Density Residential Areas. In general, non-residential development is not encouraged within the Low Density Residential Areas; when appropriate, neighborhood-serving commercial services and institutional uses are encouraged within the Suburban Neighborhoods. The Concept Map is included on Figure 2. ~~A full explanation of the Concept for Future Development is contained in the document Concept for Future Development and Land Classification System, August 6, 1990.~~

In summary, the Concept for Future Development sets forth a vision and direction for guiding Fairfax County's future growth and development. This Concept for Future Development generally describes the types ~~and intensity~~ of land uses that are appropriate throughout the County. It has been used in conjunction with the countywide objectives and policies contained in the adopted Policy Plan to provide a foundation and framework for the Area Planning process.

MODIFY: Fairfax County Comprehensive Plan, 2011 Edition, Area II, Area Plan Overview as amended through 7-27-2010; Introduction, p 7:

PURPOSE OF THE AREA PLANS

The four Area Plans contain detailed recommendations for land use, transportation, housing, the environment, heritage resources, public facilities and parks and recreation. These recommendations refine the guidance provided in the Policy Plan and were developed within the framework of the Concept for Future Development.

Each Area Plan is subdivided into Planning Districts, which, in turn, are subdivided into Community Planning Sectors, the smallest geographical components of the Plan. The Community Planning Sector text provides details on existing development and planned land use. For purposes of development review and other land use related decisions it is emphasized that the planning guidance for each Planning District is contained in the Area Plan text; on the Area Plan map; in the Policy Plan; and in the land use guidelines contained in the Concept for Future Development and Land Classification System.

The primary planning objectives in all Area Plans are to:

- Realize the objectives and policies of the Policy Plan in planning and development decisions;
- Utilize the Concept for Future Development as a guide to land use planning decisions when Plan amendments are considered and as ~~guidance for non-residential development intensity in situations where there is no guidance in the Area Plans;~~
- Employ site-specific guidance to review and formulate recommendations for development requests in furtherance of the public health, safety and welfare as provided in the Code of Virginia.

MODIFY: Fairfax County Comprehensive Plan, 2011 Edition, Area II, Overview as amended through 3-9-2010; Fairfax Planning District page 3, Vienna Planning District page 1, McLean Planning District page 1:

CONCEPT FOR FUTURE DEVELOPMENT

“The planning guidance provided by the Concept for Future Development is one of the principal elements used in formulating Area Plan recommendations. The Concept and its associated land use guidance recommend the predominant use, and character ~~and intensity~~ envisioned for land areas within each planning district although within the Planning District, there may be land areas planned for a distinctly different land use than that envisioned by the Concept.”

MODIFY: Fairfax County Comprehensive Plan, 2011 Edition, Area II, Fairfax Planning District as amended through 7-27-2010; West Falls Church Transit Station Area, Page 76:

“The Concept for Future Development recommends the West Falls Church Transit Station Area as one of several specialized planning areas that are located around the ~~six~~ fourteen Metrorail stations in Fairfax County.”

MODIFY: Fairfax County Comprehensive Plan, 2011 Edition, Area II, Fairfax Planning District as amended through 3-9-2010; Vienna Transit Station Area, Vienna Planning District, page 18:

“The Vienna Transit Station Area is recommended by the Concept for Future Development as one of several mixed-use centers located around the ~~six~~ fourteen Metrorail stations in Fairfax County. They are shown as part of the Adopted Regional System for Metrorail.”

PROPOSED CHANGES TO AREA III VOLUME

MODIFY: Fairfax County Comprehensive Plan, 2011 Edition, Area III, Area Plan Overview as amended through 7-27-2010; Introduction, page 3:

CONCEPT FOR FUTURE DEVELOPMENT

On August 6, 1990, the Board of Supervisors adopted the countywide objectives and policies of the Policy Plan for Fairfax County to replace the Introduction/Countywide volume of the Comprehensive Plan. At the same time, the Board adopted ~~in concept~~, the Concept for Future Development and the Land Classification System, to be used as guidance during the review of the Area Plans. In 2012, the Board of Supervisors adopted updates to the Concept for Future Development so that it could continue to guide review of the Comprehensive Plan in the future.

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~~The Concept Map shows the general character of the county with respect to the types of appropriate land uses that should be encouraged. The Land Classification System, when graphically illustrated by the Concept Map, represents a clear future policy direction for Fairfax County.~~

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In summary, the Concept for Future Development sets forth a vision and direction for guiding Fairfax County's future growth and development. This Concept for Future Development generally describes the types ~~and intensity~~ of land uses that are appropriate throughout the County. It has been used in conjunction with the countywide objectives and policies contained in the adopted Policy Plan to provide a foundation and framework for the Area Planning process.

MODIFY: Fairfax County Comprehensive Plan, 2011 Edition, Area III, Area Plan Overview as amended through 7-27-2010; Introduction, page 7:

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- Utilize the Concept for Future Development as a guide to land use planning decisions when Plan amendments are considered and ~~as guidance for non-residential development intensity in situations where there is no guidance in the Area Plans;~~
- Employ site-specific guidance to review and formulate recommendations for development requests in furtherance of the public health, safety and welfare as provided in the Code of Virginia.

MODIFY: Fairfax County Comprehensive Plan, 2011 Edition, Area III, Bull Run Planning District, page 3; Fairfax Center Area, page 1, Pohick Planning District page 3, Upper Potomac Planning District, pages 2-3:

“The Concept and its associated land use guidance recommend the predominant use, and character ~~and intensity~~ envisioned for land areas within each Planning District although within the planning districts, there may be land areas planned for a distinctly different land use than that envisioned by the Concept.”

MODIFY: Fairfax County Comprehensive Plan, 2011 Edition, Area III, Upper Potomac Planning District amended through 7-27-2010, Overview, pages 2-3:

“The Reston-Herndon Suburban Center is recommended in the Concept for Future Development for a mixture of office, retail and residential uses, with ancillary institutional uses in a low to moderate intensity range. A core area is designated at the Reston Town Center.”

PROPOSED CHANGES TO AREA IV VOLUME

MODIFY: Fairfax County Comprehensive Plan, 2011 Edition, Area IV, Area Plan Overview as amended through 7-27-2010; Concept for Future Development, pages 3-7:

CONCEPT FOR FUTURE DEVELOPMENT

On August 6, 1990, the Board of Supervisors adopted the countywide objectives and policies of the Policy Plan for Fairfax County to replace the Introduction/Countywide volume of the Comprehensive Plan. At the same time, the Board adopted ~~in concept~~, the Concept for Future Development and the Land Classification System, to be used as guidance during the review of the Area Plans. In 2012, the Board of Supervisors adopted updates to the Concept for Future Development so that it could continue to guide review of the Comprehensive Plan in the future.

The Concept for Future Development consists of ~~two~~ three elements: the Concept Map which shows the general location and character of future land uses; ~~the~~ and the Land Classification System which describes the desired future character for each area of the County in terms of eight broad categories as shown on the Concept Map. ~~which divides the county into eight broad categories that describe the desired future character for each area;~~ and the Land Classification System Guidelines that give explicit direction for each land category in terms of land use, transportation, environment, public facilities, and parks and recreation.

~~The Concept Map shows the general character of the county with respect to the types of appropriate land uses that should be encouraged. The Land Classification System, when graphically illustrated by the Concept Map, represents a clear future policy direction for Fairfax County.~~

The Concept for Future Development's Map's policy direction ~~indicates is~~ that almost all employment growth should occur within designated Mixed-Use Centers ~~Development Centers,~~ ~~Transit Station Areas,~~ and Industrial Areas. When combined, these centers and areas encompass about ~~less than~~ 10 percent of the County's land area. With the exception of the Industrial Areas, some degree of mixed-use development is encouraged for each of these employment areas. This emphasis on mixed-use development is designed to introduce a substantial residential component into these employment areas. Mixed-use development is generally defined as three or more different types of uses designed to be functionally, economically and aesthetically integrated. The boundaries shown for these non-residential/ mixed-use areas coincide with the current boundaries of commercial, industrial, and mixed-use areas as generally defined by existing non-residential zoning and/or the non-residential/mixed-use boundaries traditionally identified in the Area Plans.

Within some of these employment and mixed-use oriented centers and areas, limited portions have been planned ~~designated~~ as "core" or "transit development" areas. Medium to high density development intensities within these core and transit development areas may be planned to take advantage of transportation and other functional opportunities. Lower intensities are

encouraged outside the core and transit development areas in the remaining portions of these employment and mixed-use centers. Transitions are planned between core and non-core areas. These transitions are created through the tapering down of development intensity and building heights, changes in use, and through landscaping, screening and buffering treatments.

The remainder of the County is composed of Suburban Neighborhoods and Low Density Residential Areas. In general, non-residential development is not encouraged within the Low Density Residential Areas; when appropriate, neighborhood-serving commercial services and institutional uses are encouraged within the Suburban Neighborhoods. The Concept Map is included on Figure 2. ~~A full explanation of the Concept for Future Development is contained in the document Concept for Future Development and Land Classification System, August 6, 1990.~~

In summary, the Concept for Future Development sets forth a vision and direction for guiding Fairfax County's future growth and development. This Concept for Future Development generally describes the types and intensity of land uses that are appropriate throughout the County. It has been used in conjunction with the countywide objectives and policies contained in the adopted Policy Plan to provide a foundation and framework for the Area Planning process.

MODIFY: Fairfax County Comprehensive Plan, 2011 Edition, Area IV, Area Plan Overview as amended through 7-27-2010; Introduction, p 7:

PURPOSE OF THE AREA PLANS

The four Area Plans contain detailed recommendations for land use, transportation, housing, the environment, heritage resources, public facilities and parks and recreation. These recommendations refine the guidance provided in the Policy Plan and were developed within the framework of the Concept for Future Development.

Each Area Plan is subdivided into Planning Districts, which, in turn, are subdivided into Community Planning Sectors, the smallest geographical components of the Plan. The Community Planning Sector text provides details on existing development and planned land use. For purposes of development review and other land use related decisions it is emphasized that the planning guidance for each Planning District is contained in the Area Plan text; on the Area Plan map; in the Policy Plan; and in the land use guidelines contained in the Concept for Future Development and Land Classification System.

The primary planning objectives in all Area Plans are to:

- Realize the objectives and policies of the Policy Plan in planning and development decisions;
- Utilize the Concept for Future Development as a guide to land use planning decisions when Plan amendments are considered and ~~as guidance for non-residential development intensity in situations where there is no guidance in the Area Plans;~~
- Employ site-specific guidance to review and formulate recommendations for development requests in furtherance of the public health, safety and welfare as provided in the Code of Virginia.

MODIFY: Fairfax County Comprehensive Plan, 2011 Edition, Area IV, Overview as amended

through 9-13-2011; Lower Potomac Planning District, page 1; Mount Vernon Planning District Part 1 (Overview Richmond Highway), page 1; Rose Hill Planning District page 1; Springfield Planning District, page 1:

“The Concept and its associated land use guidance recommend the predominant use, and character ~~and intensity~~ envisioned for land areas within each Planning District although within the planning districts, there may be land areas planned for a distinctly different land use than that envisioned by the Concept.”

MODIFY: Fairfax County Comprehensive Plan, 2011 Edition, Area IV, Mount Vernon Planning District Part 2 (Planning Sectors) amended through 6-21-2011, MV1-Huntington Community Planning Sector, page 92:

CONCEPT FOR FUTURE DEVELOPMENT

“The Huntington Transit Station Area is recommended by the Concept for Future Development as one of several mixed-use centers that are located around the ~~six~~ fourteen Metrorail stations in Fairfax County.”

MODIFY: Fairfax County Comprehensive Plan, 2011 Edition, Area IV, Rose Hill Planning District amended through 9-13-2011, Overview, Concept for Future Development, Pages 1-3:

“Two mixed-use centers are envisioned in the district: a Transit Station Area focused on the Van Dorn Metro station, and a Community Business Center (CBC) where the Town Center is planned in Kingstowne. Like other mixed-use centers in the County, these classifications are general descriptions of the predominant character of the areas, recognizing that each development area has its own individual set of characteristics. In the case of the Van Dorn Transit Station Area, access and environmental problems present constraints on the development opportunities normally associated with lands adjacent to Metrorail stations. ~~Until adequate access is provided, the types of densities recommended in the Concept for Future Development are not generally planned in the Van Dorn Transit Station Area.~~”

PROPOSED CHANGES TO COMPREHENSIVE PLAN GLOSSARY

MODIFY: Fairfax County Comprehensive Plan, 2011 Edition, Glossary as amended through 9-22-08, page 3:

COMMUNITY BUSINESS CENTERS (CBC): The Land Classification System category for Centers that contain retail, office, residential uses, and parks (including Urban Parks and active recreational/cultural facilities) in a community-scale, pedestrian-oriented setting. These centers typically contain are planned for over 1,000,000 sq. ft. of commercial space. Historically older community-serving commercial areas that emerged along major roadways, Community Business Centers are areas where redevelopment should encourage a mix of uses focused around a core area of higher intensity, such as a town center or main street in a pedestrian-oriented setting. Transitions in intensity and compatible land uses should protect surrounding stable residential neighborhoods.

MODIFY: Fairfax County Comprehensive Plan, 2011 Edition, Glossary as amended through 9-22-08, page 8:

~~INDUSTRIAL AREAS: The Land Classification System category for areas that are intended to provide suitable locations for industrially-related uses. The category does not allow is not intended for residential uses and generally limits future office uses to those which are ancillary to an area's industrial uses. The types of uses intended for industrial areas are generally regulated more strictly due to their anticipated impacts to adjacent areas. This category is not appropriate for residential uses and limits future office uses to those which are ancillary to industrial use.~~

MODIFY: Fairfax County Comprehensive Plan, 2011 Edition, Glossary as amended through 9-22-08, page 9:

~~LOW DENSITY RESIDENTIAL AREAS: The Land Classification System category for ecologically significant areas of the County currently characterized by low density development within which environmental protection will be achieved primarily by restricting growth to large lot residential development. The primary purpose of Low Density Residential Areas is to ensure the preservation of environmental resources by limiting development primarily to low density, large lot residential and open space uses. The rapidly decreasing supply of land in the County, coupled with the loss of natural habitat, plus the vital role that portions of these areas serve in protecting water quality, dictates that development in these areas be minimized.~~

MODIFY: Fairfax County Comprehensive Plan, 2011 Edition, Glossary as amended through 9-22-08, page 15:

~~SUBURBAN CENTERS: The Land Classification System category for Centers that contain a complementary mixture of office, retail, residential uses and parks (including Urban Parks and active recreation facilities) in a cohesive, moderate intensity setting. Suburban centers are employment centers located along major arterials. These areas are evolving to include mixed-use cores such as transit station areas and town centers that are more urban in character. The core areas are generally surrounded by transitional areas of lesser intensity.~~

MODIFY: Fairfax County Comprehensive Plan, 2011 Edition, Glossary as amended through 9-22-08, page 15:

~~SUBURBAN NEIGHBORHOODS: The Land Classification System category for areas that comprise the majority of land in the County devoted primarily to residential use. In addition to the predominantly residential use, this category includes the community-serving retail, service and office uses required by residents, as well as associated institutional and public facility uses such as churches, schools, parks and libraries. Suburban Neighborhoods contain a broad mix of allowable residential densities, styles and parks and open space. Where appropriate, supporting neighborhood-serving commercial services, public facilities, and institutional uses are encouraged provided that the proposed intensities and character are compatible with the surrounding area.~~

MODIFY: Fairfax County Comprehensive Plan, 2011 Edition, Glossary as amended through 9-22-08, page 15:

~~TRANSIT STATION AREAS (TSAs): The Land Classification System category for areas adjacent to Metrorail Stations (or other future rapid rail stations) which are directly influenced by the presence of access points to the regional rail system. Generally, Transit Station Areas constitute those lands within a primary and a secondary development area. The primary~~

development area is approximately a 5-7 minute walk of a station entrance. The secondary development area is approximately a 15 minute walk of a station entrance. In addition to these general guidelines, Transit Station Area boundaries are strongly influenced by the area's access characteristics and the relationship of the station to surrounding stable neighborhoods. These areas adjacent to Metrorail Stations are directly influenced by the presence of access points to the Metrorail system. Transit station areas promote a land use pattern that supports Metrorail by encouraging a mix of uses in a compact, pedestrian-friendly urban form within walking distance of the rail station. The transit-oriented development (TOD) area may be generally defined as a ¼ mile radius from the station platform with a density and intensity tapering to within a ½ mile radius from the station platform or a 5-10 minute walk. Within the region, Metrorail provides a vital public transportation choice that enhances accessibility and reduces the reliance upon single occupancy vehicle use. Transit Station Area boundaries are strongly influenced by the area's access characteristics and the relationship of the station to surrounding stable neighborhoods.

MODIFY: Fairfax County Comprehensive Plan, 2011 Edition, Glossary as amended through 9-22-08, page 16:

TYSONS CORNER URBAN CENTER: The Land Classification System category for the Center that contains a mixture of high intensity office, retail, residential uses and parks (including Urban Parks and active recreation facilities) in a pedestrian oriented urban environment. Tysons Corner is a significant economic engine to the region. The vision for Tysons Corner includes a dynamic urban center marked by the socioeconomic diversity of residents and workers; a wide range of opportunities and activities; the quality of buildings, aesthetics, and open spaces; and connections and accessibility for all. Tysons Corner includes four transit-oriented development (TOD) areas surrounding four Metrorail stations.

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Board Agenda Item
June 19, 2012

4:00 p.m.

Public Hearing to Consider Amending Fairfax County Code Section 82-5-37 (Designation of Restricted Parking) and Appendix R Related to Restricting Parking in Non-Residential Areas

ISSUE:

Public hearing to consider amending and readopting Fairfax County Code Section 82-5-37 and Appendix R and to repeal Fairfax County Code Section 82-5-37.1 to designate long term parking restrictions in Fairfax County.

RECOMMENDATION:

The County Executive recommends that the Board amend and readopt Fairfax County Code Section 82-5-37 and Appendix R (Attachments I and II) and repeal Section 82-5-37.1 of the Fairfax County Code (Attachment III).

TIMING:

The amendments and repeal should be effective on adoption.

BACKGROUND:

On March 29, 2011, the Board directed County staff to amend Fairfax County Code Section 82-5-37 to address the issue of long term parking on public roadways adjacent to non-residential areas.

The long-term parking of vehicles in non-residential areas has diminished parking capacity for long periods of time in some locations. Upon reviewing Section 82-5-37, staff concluded that the section should be amended and readopted to meet present Virginia Code requirements. On July 26, 2011, the Board approved Section 82-5-37.1 for the purpose of adopting the long term parking restrictions pending a rewrite of Section 82-5-37. The newly proposed 82-5-37 combines the restrictions in both Sections 82-5-37 and 82-5-37.1 and meets all statutory requirements.

The proposed Fairfax County Code Section 82-5-37 and Appendix R are shown in Attachments I and II. Section 82-5-37.1 has been incorporated into the newly revised Section 82-5-37 and is therefore no longer needed (Attachment III).

As part of this action, staff is also recommending increasing the maximum fine for a violation of this ordinance from \$50 to \$100.

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FISCAL IMPACT:

The recommended changes should have minimal fiscal impact.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amended Fairfax County Code Section 82-5-37

Attachment II: Proposed Amended Appendix R

Attachment III: Proposed Repeal of Fairfax County Code Section 82-5-37.1

STAFF:

Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)

Corinne N. Lockett, Assistant County Attorney, Office of the County Attorney

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

Selby Thannikary, Chief, Traffic Operations Section, FCDOT

Maria Turner, Transportation Planner, FCDOT

Section 82-5-37 Designation of Restricted Parking.

The Board of Supervisors may designate, by ~~resolution~~ ordinance, which shall be set forth in Appendix R, areas for restricted parking upon any part of the secondary road system within the County if the Board finds that ~~any of the following conditions exist:~~

~~(1) That p~~ Parking along any secondary road is damaging property and/or landscaping within the right of way limits; or

~~(2) That p~~ Parking along any local residential streets is so restricting the primary purpose of the road as to interfere with that purpose; or

~~(3) That p~~ Parking along any secondary road creates a safety hazard for pedestrian, cyclists, or motorists entering or exiting the roadway from driveways or for pedestrians, cyclists, or motorists traveling along that road; or

~~(4) That statutory parking violations pursuant to Fairfax County Code Section 82-5-1 occur with frequency in a particular location and compliance with Section 82-5-1 will be facilitated by the installation of no parking signs; or~~

~~(5) That, i~~ (4) In the case of any street which serves as a boundary between an area zoned for residential use and an area zoned for nonresidential use on which parking is restricted on the residential side of that street which is zoned for a use other than residential would further the residential character of the abutting residential community, would facilitate the free and unrestricted vehicular travel along that street, and would promote the health, safety, and general welfare of the abutting residential community; or

(5) The long term parking of vehicles diminishes the capacity of on-street parking for other uses.

~~Each resolution should include the reason for the restriction, a description of the restricted area and the nature of the parking restrictions so imposed.~~

~~Any resolution approved by the Board of Supervisors must also be approved by the State Highway Commissioner. Upon such approval, the Board of Supervisors may direct the County Executive to place the appropriate no-parking or limited parking sign or signs in the area or areas designated in the resolution.~~

The Fairfax County Police Department and law enforcement officers of that Department shall enforce this requirement and shall issue citations to those persons who violate the provisions of this Article or Appendix R shall be subject to a fine of not more than one hundred dollars (\$100.00) for each violation.

Vehicles parked in violation of these provisions may be towed at the owner's expense.

The Director of the Department of Finance shall collect and account for all uncontested payments of parking citation penalties under this Article. 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. The Director of the Department of Finance shall cause complaints, summons, or warrants to be issued for delinquent parking citations.

APPENDIX R – Ordinance Designating Long Term Parking Restrictions.

Accotink Park Road (Route 1390) from Highland Street to Southern Drive.
No parking on Accotink Park Road (Route 1390) from Highland Street to Southern Drive, seven days per week.

Adair Lane (Route 3248) from Queensbury Avenue to 350 feet west.
No parking on Adair Lane (Route 3248) from Queensbury Avenue to 350 feet west of Queensbury Avenue, excluding 8109 Adair Lane, from 8:00 a.m. to 10:00 a.m., Monday through Friday.

Bland Street (Route 1155) from Backlick Road to Brandon Avenue.
Commercial vehicles, recreational vehicles, and trailers as defined in Fairfax County Code Sections 82-5-7(b) and 82-5B-1 shall be restricted from parking on Bland Street (Route 1155) from Backlick Road to Brandon Avenue, seven days per week.

Borge Street (Route 5177) at Treesbrooke Condominium.
No parking on the east side of Borge Street (Route 5177) from 75 feet north and 75 feet south of the pedestrian entrance to Treesbrooke Condominium, seven days per week.

Brandon Avenue (Route 1371) 6440 and 6441 Brandon Avenue to 6115 and 6116 Brandon Avenue.
No Parking on Brandon Avenue (Route 1371) from 6120 and 6225 Brandon Avenue to Commerce Street and from Bland Street to the south end, seven days per week; and No Parking commercial vehicles, recreational vehicles, and trailers as defined in Fairfax County Code Sections 82-5-7(b) and 82-5B-1 on the west side, from Commerce Street to Bland Street, seven days per week.

Bren Mar Drive (Route 1292) from General Washington Drive to 400 feet south.
No parking on the west side of Bren Mar Drive (Route 1292) from General Washington Drive south for a distance of 400 feet, from 7:00 p.m. to 7:00 a.m., seven days per week.

Brockman Lane (Route 603) cul-de-sac.
No parking along the cul-de-sac end of Brockman Lane (Route 603), seven days per week.

Carrhill Road (Route 3801) from Carrhill Court to cul-de-sac inclusive.
No parking on Carrhill Road (Route 3801) from Carrhill Court to cul-de-sac inclusive, seven days per week.

Center Lane (Route 1849) from Seminary Road to Williams Lane.
No parking on Center Lane (Route 1849) from Seminary Road to Williams Lane, seven days per week.

Central Avenue (Route 781) from Richmond Highway to Mary Evelyn Way.
No parking on Central Avenue (Route 781) from Richmond Highway to Mary Evelyn Way, seven days per week.

Cherokee Avenue (Route 2246) from Shawnee Road to Patuxent Vista Drive.
No parking on Cherokee Avenue (Route 2246) from Shawnee Road to Patuxent Vista Drive, from 7:00 p.m. to 7:00 a.m., seven days per week.

Cinder Bed Road (Route 877) from Backlick Road the cul-de-sac inclusive.
No parking on the north side; and no parking commercial vehicles over 12,000 pounds on the south side of Cinder Bed Road (Route 877) from Backlick Road to the cul-de-sac inclusive, seven days per week.

Citadel Place (Route 2409) from Carnegie Drive to Stenwood Elementary School Entrance.
No parking on the south side of Citadel Place (Route 2409) from Carnegie Drive to Stenwood Elementary School entrance, from 8:00 a.m. to 4:00 p.m., school days.

Columbia Pike (Route 244) frontage road (no FR), at 6116 Columbia Pike.
No parking on Columbia Pike (Route 244) frontage road, at 6116 Columbia Pike, seven days per week.

Commercial Drive (Route 4007).
No parking on Commercial Drive (Route 4007), from 7:00 p.m. to 7:00 a.m., seven days per week.

Commonwealth Boulevard (Route 4801) 10310 block.
No parking on Commonwealth Boulevard (Route 4801) along parcel 68-4((09))A on the south side and along parcel 68-4((09))B on the north side, seven days per week.

Cumberland Avenue (Route 1161) from Backlick Road to Dinwiddie Street.
No parking on the north side of Cumberland Avenue (Route 1161), from Backlick Road to Dinwiddie Street, seven days per week.

Dorr Avenue (Route 4605) beginning 40 feet south of the southern boundary of 2705 Dorr Avenue for a distance of 120 feet.
No Parking on Dorr Avenue beginning 40 feet south of the southern boundary of 2705 Dorr Avenue and continuing north for a distance of 120 feet, except government vehicles, seven days per week.

Dulles Greene Drive (Route 10076) from Innovation Avenue to cul-de-sac inclusive.
No parking watercraft, trailers, motor homes and vehicles over 12,000 pounds on Dulles Greene Drive (Route 10076) from Innovation Avenue to cul-de-sac inclusive, seven days per week.

Electric Avenue (Route 697) from Wheystone Court to Gallows Road.

No parking on the south side of Electric Avenue (Route 697) from the eastern intersection with Wheystone Court to Gallows Road, seven days per week.

Electronic Drive (Route 5211) from Trios Drive to include 6621 Electronic Drive.

No parking on Electronic Drive (Route 5211) from Trios Drive to the eastern boundary of 6621 Electronic Drive, from 7:00 p.m. to 7:00 a.m., seven days per week.

Emmett Drive (Route 1368) from Quander Road to the end.

No parking on Emmett Drive (Route 1368) from Quander Road to the end, from 8:00 a.m. to 4:00 p.m., Monday through Friday.

English Drive (Route 4690) cul-de-sac.

No parking along the cul-de-sac end of English Drive (Route 4690), from 10:00 p.m. to 5:00 a.m., seven days per week.

Fallowfield Drive (Route 3015) from Brad Street to end.

No parking on Fallowfield Drive (Route 3015) from Brad Street to the southern end, seven days per week.

Fleet Drive (Route 635) from Fogle Street to Beulah Street.

No parking on the west side of Fleet Drive (Route 635) from Fogle Street to Beulah Street, seven days per week.

Fordson Road (Route 779), 7200 block and Cyrene Boulevard to Lockheed Boulevard.

No parking on the 7200 block of Fordson Road (Route 779); and no parking commercial vehicles over 12,000 pounds on the east side from approximately 350 feet south of Cyrene Boulevard to Piper Lane, seven days per week.

Fort Drive (Route 1601) from Grand Pavilion Way to North Kings Highway.

No parking on the north side of Fort Drive (Route 1601) from Grand Pavilion Way to North Kings Highway, seven days per week.

General Green Way (Route 3529) from General Washington Drive to cul-de-sac inclusive.

No parking on General Green Way (Route 3529) from General Washington Drive to cul-de-sac inclusive, from 7:00 p.m. to 7:00 a.m., seven days per week.

General Washington Drive (Route 3530) from Bren Mar Drive to cul-de-sac inclusive.

No parking on General Washington Drive (Route 3530) from Bren Mar Drive to cul-de-sac inclusive, from 7:00 p.m. to 7:00 a.m., seven days per week.

Glade Drive (Route 4721) from Freetown Court to Pinecrest Road.

No parking, standing or stopping on Glade Drive (Route 4721) from the northern intersection with Freetown Court to Pinecrest Road, seven days per week.

Gorham Street (Route 2989) from Leesburg Pike to Seminary Road.
No parking on the west side of Gorham Street (Route 2989) from Leesburg Pike to Seminary Road, seven days per week.

Government Center Parkway (Route 7436) from Stevenson Street to Fairfax County/City of Fairfax line.
No parking commercial vehicles over 12,000 pounds on Government Center Parkway (Route 7436) from Stevenson Street to the Fairfax County/City of Fairfax line, seven days per week.

Green Spring Road (Route 797) from Little River Turnpike to cul-de-sac inclusive.
No parking on Green Spring Road (Route 797) from Little River Turnpike to cul-de-sac inclusive, from 7:00 p.m. to 7:00 a.m., seven days per week.

Groveton Street (Route 1402) from Richmond Highway to Donora Drive.
No parking on the north side of Groveton Street (Route 1402) from Richmond Highway to Donora Drive, seven days per week.

Hollywood Road (Route 704) at Lee Highway.
No parking on the west side of Hollywood Road (Route 704) from 350 feet south of Lee Landing Drive to Lee Highway, seven days per week.

Hooes Road (Route 8948) from Gambrill Road to Pohick Stream Valley Park.
No parking on Hooes Road (Route 8948) from Gambrill Road to Pohick Stream Valley Park.

Huntsman Boulevard (Route 4521) from Sydenstricker Road to Spelman Drive.
No parking on Huntsman Boulevard (Route 4521) from Spelman Drive to Sydenstricker Road, from 7:00 a.m. to 9:00 a.m., Monday through Friday, except holidays.

I-395/Edsall Road North Bound Off-ramp to Bren Mar Drive.
No parking commercial vehicles over 12,000 pounds on the I-395/Edsall Road North Bound Off-ramp shoulder to Bren Mar Drive, seven days per week.

Industrial Road (Route 2723) from Industrial Drive to Commercial Drive.
No parking on Industrial Road (Route 2723) from Industrial Drive to the western intersection with Commercial Drive, from 7:00 p.m. to 7:00 a.m., seven days per week.

Inverness Drive (Route 1485) from Danbury Road to Flanders Street.
No parking on the south side of Inverness Drive (Route 1485) from Danbury Road to Flanders Street, seven days per week.

Jacks Lane (Route 2886) from Holly Hill Drive to Falls Church High School Entrance.
No parking on the north side of Jacks Lane (Route 2886) from Holly Hill Drive to Falls Church High School entrance, seven days per week.

Jefferson Avenue (Route 1723) from Annandale Road to Madison Place.
No parking on Jefferson Avenue (Route 1723) from Annandale Road to Madison Place along commercially zoned areas, seven days per week.

Juniper Lane (Route 2949) from Leesburg Pike to 3103 and 3106 Juniper Lane.
No parking on Juniper Lane (Route 2949) from Leesburg Pike to 3103 and 3106 Juniper Lane, from 7:00 p.m. to 7:00 a.m., seven days per week.

Kingsbridge Drive (Route 4909) from Ranger Road to cul-de-sac.
No parking on the north side of Kingsbridge Drive (Route 4909) from Ranger Road to cul-de-sac, seven days per week.

Lee Highway (Route 29) service road (no FR) at Hollywood Road.
No parking on Lee Highway (Route 29) service road radius at Hollywood Road, seven days per week.

Lee Highway (Route 29) service road (no FR) at Stackler Drive.
No parking on Lee Highway (Route 29) service road from Stackler Drive to the west end, seven days per week.

Lee Highway (Route 29) service road (FR 896) at Village Drive.
No parking on Lee Highway (Route 29) service road (FR 896) at Village Drive, from 7:00 p.m. to 7:00 a.m., seven days per week.

Lees Corner Road (Route 4646) from Tabscott Road to Brookfield Elementary School Entrance.
No parking on the north side of Lees Corner Road (Route 4646) from Tabscott Drive to Brookfield Elementary School entrance, from 7:00 a.m. to 3:00 p.m., school days.

Leesburg Pike (Route 7) service road (no FR) from FR899 to Laurel Hill Road.
No parking on Leesburg Pike (Route 7) service road from FR899 to Laurel Hill Road, seven days per week.

Leesburg Pike (Route 7) service road (no FR) from 5879 to 5886 Leesburg Pike.
No Parking on the north side of Leesburg Pike (Route 7) service road, seven days per week; and No Parking commercial vehicles, recreational vehicles, and trailers as defined in Fairfax County Code Sections 82-5-7(b) and 82-5B-1 on the south side, seven days per week.

Leesburg Pike (Route 7) service road (no FR) from Rio Drive to Glenmore Drive.
No parking on Leesburg Pike (Route 7) service road from Rio Drive to Glenmore Drive, seven days per week.

Leesburg Pike (Route 7) service road (FR 757) from Gallows Road to Aline Avenue.
No parking on Leesburg Pike (Route 7) service road (FR 757) from 8117 Leesburg Pike to Aline Avenue, seven days per week.

Leesburg Pike (Route 7) service road (F-1033) at Northfalls Court.

No parking on Leesburg Pike (Route 7) service road (F-1033) at Northfalls Court, seven days per week.

Little River Turnpike (Route 236) service road (no FR) from 7010 Little River Turnpike to John Marr Drive.

No parking on Little River Turnpike (Route 236) service road from 7010 Little River Turnpike to John Marr Drive, from 7:00 p.m. to 7:00 a.m., seven days per week.

Little River Turnpike (Route 236) service road (FR 956) from 6538 Little River Turnpike to Merritt Road.

No parking on the south side of Little River Turnpike (Route 236) service road (FR 956) from 6538 Little River Turnpike to Merritt Road, from 7:00 p.m. to 7:00 a.m., seven days per week.

Madison Lane (Route 913) from Columbia Pike to Madison Crest Court.

No parking on Madison Lane (Route 913) from Columbia Pike to Madison Crest Court, seven days per week.

Magnolia Avenue (Route 3024) from Red Pine Street to Leesburg Pike.

No parking on the west side of Magnolia Avenue (Route 3024) from Red Pine Street to Leesburg Pike, seven days per week.

Maple Court (Route 1026) from 3517 and 3518 Maple Court to Columbia Pike.

No parking on Maple Court (Route 1026) from 3517 and 3518 Maple Court to Columbia Pike, seven days per week.

Martin Street (Route 1856) from 4729 Martin Street to Little River Turnpike.

No parking on the east side of Martin Street (Route 1856) from 4729 Martin Street to Little River Turnpike, from 7:00 p.m. to 7:00 a.m., seven days per week.

Mathy Drive (Route 5156) from Persimmon Circle to the City of Fairfax Line.

No parking on the north side of Mathy Drive (Route 5156) from Persimmon Circle to the City of Fairfax line, seven days per week.

Maury Place (Route 1092) from Reddick Avenue to Richmond Highway.

No parking on the north side of Maury Place (Route 1092) from Reddick Avenue to Richmond Highway, seven days per week.

Moray Lane (no route) from Columbia Pike to the end.

No parking on Moray Lane from Columbia Pike to the end, seven days per week.

Morning View Lane (Route 8424) from Tassia Drive to 75 feet south.

No parking on the west side of Morning View Lane (Route 8424) from the intersection with Tassia Drive south for a distance of 75 feet, seven days per week.

Munson Road (Route 795) cul-de-sac.

No parking on Munson Road (Route 795) cul-de-sac, seven days per week.

Nutley Street (Route 10272) north of Barrick Street.

No parking on the east side of Nutley Street (Route 10272) beginning 400 feet north of the intersection with Barrick Street for a distance of 450 feet, seven days per week.

Old Franconia Road (Route 5528) from Franconia Road to Fleet Drive.

Commercial vehicles, recreational vehicles, and trailers as defined in Fairfax County Code Sections 82-5-7(b) and 82-5B-1 shall be restricted from parking on the north side of Old Franconia Road (Route 5528) from Franconia Road to Fleet Drive from 9:00 p.m. to 6:00 a.m., seven days per week.

Old Telegraph Road (Route 634) from Hayfield Road to 7702 Old Telegraph Road.

No parking on the west side of Old Telegraph Road (Route 634) from Hayfield Road to 7702 Old Telegraph Road, from 6:00 a.m. to 3:00 p.m., Monday through Friday, except holidays.

Providence Forest Drive (Route 7749) from Gallows Road to Hartland Road.

Commercial vehicles, recreational vehicles, and trailers as defined in Fairfax County Code Sections 82-5-7(b) and 82-5B-1 shall be restricted from parking on the south side of Providence Forest Drive (Route 7749) from Gallows Road to Hartland Road from 9:00 p.m. to 6:00 a.m., seven days per week.

Oriole Avenue (Route 966) from Backlick Road to 7200 and 7003 Oriole Avenue.

No parking on both sides of Oriole Avenue (Route 966) from Backlick Road to 7200 and 7003 Oriole Avenue, seven days per week.

Pinecrest Road (Route 5338) from South Lakes Drive to Glade Drive.

No parking, standing or stopping on the north side of Pinecrest Road (Route 5338) from South Lakes Drive to Glade Drive, seven days per week.

Raymond Avenue (Route 1879) from Capitol View Drive to Churchill Road.

No parking, stopping, standing or passenger discharge/pickup on the east side of Raymond Avenue (Route 1879) from Capitol View Drive to Churchill Road, from 8:00 a.m. to 4:00 p.m., school days.

Rhett Lane (Route 4443) from Ruffin Drive to 4518 Rhett Lane.

No parking on the west side of Rhett Lane (Route 4443) from Ruffin Drive to include 4518 Rhett Lane, seven days per week.

Richmond Highway (Route 1) from Giles Run Road to Hassett Street.

No stopping, standing, parking, no dumping on the west side of Richmond Highway (Route 1) from 550 feet north of the intersection with Giles Run Road to Hassett Street, seven days per week.

Roberts Road (Route 5498) from Commonwealth Boulevard to Braddock Road.
No parking on Roberts Road (Route 5498) from Commonwealth Boulevard to the northern end of Robinson High School property, both sides; and between Braddock Road and Gainesborough Drive in areas where guardrail is present along the side of the road, both sides, seven days per week.

Rosemary Lane (Route 1719) from Graham Road to 3025 Rosemary Lane.
No parking on the south side of Rosemary Lane (Route 1719) from Graham Road to 3025 Rosemary Lane, seven days per week.

Row Street (Route 2379) from Munson Hill Road to Leesburg Pike.
No parking on the west side of Row Street (Route 2379) from Munson Hill Road to Leesburg Pike, seven days per week.

Ruffin Court (Route *pending*) from Ruffin Drive to cul-de-sac.
No parking on the west side of Ruffin Court (Route *pending*) from Ruffin Drive to cul-de-sac, seven days per week.

Ruffin Drive (Route 4441) from Ruffin Court to Weatherington Drive and Rhett Lane.
No parking on the north side of Ruffin Drive (Route 4441) from Ruffin Court to Weatherington Drive and on the south side from Ruffin Court to Rhett Lane, seven days per week.

School Street (Route 1647).
No parking on the south side of School Street (Route 1647) to include 3005, 3007 and 3009 School Street, seven days per week.

Seminary Road, Leesburg Pike frontage road (FR1006), 5600 block of Leesburg Pike.
No parking on Seminary Road, Leesburg Pike frontage road (FR1006), 5600 block of Leesburg Pike, seven days per week.

Shawnee Road (Route 10140) from Cherokee Avenue to cul-de-sac inclusive.
No parking on Shawnee Road (Route 10140) from Cherokee Avenue to cul-de-sac inclusive, from 7:00 p.m. to 7:00 a.m., seven days per week.

Silver Lake Boulevard (no route) from Beulah Street to Beulah Park Entrance.
No parking on the south side of Silver Lake Boulevard from Beulah Street to Beulah Park Entrance, seven days per week.

Solutions Drive (Route 6054) from cul-de-sac to SAIC Drive.
No parking on Solutions Drive (Route 6054) from cul-de-sac to SAIC Drive, seven days per week.

South Street (Route 1702) from Arlington Boulevard to City of Falls Church line.
No parking commercial vehicles over 12,000 pounds on the south side of South Street (Route 1702) from Arlington Boulevard to City of Falls Church line, seven days per week.

Stevenage Road (Route 7400) from Bennington Woods Road to Reston Parkway.
No parking on both sides of Stevenage Road (Route 7400) from Bennington Woods Road to Reston Parkway, except along Reston Park North on the north side which shall be restricted from 9:00 p.m. to 7:00 a.m., seven days per week.

Stryker Avenue (Route 2598) south of Garrett Street.
No parking on the east side of Stryker Avenue (Route 2598), from 2305 Stryker Avenue to Garrett Street, seven days per week.

Sully Station Drive (Route 6981) from Cub Run Elementary School to Westfields Boulevard.
No parking on the south side of Sully Station Drive (Route 6981) from Cub Run Elementary School to Westfields Boulevard, seven days per week.

Terry Drive (Route 1294) from Calamo Street to cul-de-sac end.
No parking on Terry Drive (Route 1294) from Calamo Street to cul-de-sac end, Monday through Friday.

Thomas Avenue (Route 1208) cul-de-sac.
No parking along the cul-de-sac end of Thomas Avenue (Route 1208), seven days per week.

Tom Davis Drive (no route) from John Marr Drive to Columbia Pike.
No parking on Tom Davis Drive from John Marr Drive to Columbia Pike, seven days per week.

Tyler Street (Route 795) from Lake Street to Columbia Pike.
No parking on Tyler Street (Route 795) from Lake Street to Columbia Pike, seven days per week.

Utica Street (Route 1295) from Terry Drive to the west end.
No parking on Utica Street (Route 1295) from Terry Drive to the west end, Monday through Friday.

Vaden Drive (Route 6731) north of Virginia Center Boulevard.
No parking on the east side of Vaden Drive (Route 6731) from Lagersfield Circle north for a distance of 225 feet, and from 450 feet to cul-de-sac inclusive, seven days per week.

Vale Road (Route 672) west of Stryker Avenue.

No parking on the south side of Vale Road (Route 672) beginning approximately 400 feet from Stryker Avenue for a distance of 60 feet east, seven days per week.

Washington Drive (Route 794) from Tyler Street to Leesburg Pike.

No parking on the south side of Washington Drive (Route 794) from Tyler Street to Leesburg Pike, seven days per week.

Waynewood Boulevard (Route 2158) from Crossley Place to Waynewood Elementary School Entrance.

No parking on the south side of Waynewood Boulevard (Route 2158) from Crossley Place to the western entrance of Waynewood Elementary School, from 8:00 a.m. to 4:00 p.m., school days.

Whittier Avenue (Route 1810) from Tennyson Drive to Laughlin Avenue.

No parking on Whittier Avenue (Route 1810) from Tennyson Drive to Laughlin Avenue, from 10:00 p.m. to 6:00 a.m., seven days per week.

Williams Lane (no route).

No parking on Williams Lane, seven days per week.

Section 82-5-37.1 Restricted Parking in Non-Residential Areas.

Repealed.

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Board Agenda Item
June 19, 2012

4:30 p.m.

Public Hearing on Amendments to the Code of the County of Fairfax, Chapter 82, Motor Vehicles and Traffic, Section 82-1-6, Adoption of State Law

ISSUE:

Public hearing to amend Chapter 82, Motor Vehicles and Traffic. These amendments adopt actions of the 2012 General Assembly into Chapter 82 of the *Code of the County of Fairfax, Virginia*.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed amendments to Chapter 82.

TIMING:

Board of Supervisors authorized the advertisement of a public hearing on the proposed amendments on May 22, 2012; Board of Supervisors' public hearing scheduled for June 19, 2012 at 4:30 p.m. If approved, the majority of these amendments will become effective July 1, 2012, with the exception that the amendments related to Virginia State Code Sections 46.2-100, 46.2-1049, and 46.2-1158, and the addition of Virginia State Code Sections 46.2-602.3 and 46.2-1001.1, all of which are related to converted vehicles, will become effective October 1, 2012.

BACKGROUND:

As a housekeeping measure to update Chapter 82, portions of Section 82-1-6 (Adoption of State Law) have been amended to reflect changes made to the *Code of Virginia* by the 2012 General Assembly. A summary of all changes is provided in Attachment 2.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 - Proposed Amendments to Chapter 82, Motor Vehicles and Traffic
Attachment 2 - Summary of 2012 General Assembly Amendments Affecting Chapter 82, Motor Vehicles and Traffic

STAFF:

Colonel David M. Rohrer, Chief of Police
Karen L. Gibbons, Senior Assistant County Attorney

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Proposed Amendments to
Chapter 82, Motor Vehicles and Traffic

Section 82-1-6. Adoption of State Law

Pursuant to the authority of Section 46.2-1313 of the Virginia Code, all provisions and requirements of the following sections of the Code of Virginia, as in effect on July 1, ~~2011~~ 2012, except those provisions and requirements the violation of which constitutes a felony, are hereby incorporated into the Fairfax County Code by reference, effective July 1, ~~2011~~ 2012, except where noted.

18.2-266	18.2-269	46.2-203.1
18.2-266.1	<u>18.2-270</u>	46.2-218
18.2-267	18.2-270.01	46.2-300
18.2-268.1	18.2-270.1	46.2-301
18.2-268.2	18.2-271	46.2-301.1
18.2-268.3	<u>18.2-271.1</u>	46.2-302
18.2-268.4	18.2-272	46.2-329
18.2-268.5	<u>46.2-100*</u>	46.2-334.001
18.2-268.6	46.2-102	46.2-341.21
18.2-268.7	46.2-104	46.2-346
18.2-268.8	46.2-108	46.2-349
18.2-268.9	46.2-109	46.2-357
18.2-268.10	46.2-110	46.2-371
18.2-268.11	46.2-111	46.2-373
18.2-268.12	<u>46.2-112</u>	46.2-376

46.2-379	46.2-806	46.2-831
46.2-380	46.2-807	46.2-832
46.2-391.2	46.2-808	46.2-833
46.2-391.3	46.2-808.1	46.2-833.1
46.2-392	46.2-810	46.2-834
46.2-393	46.2-811	46.2-835
46.2-398	46.2-812	46.2-836
<u>46.2-602.3*</u>	46.2-814	46.2-837
46.2-613	46.2-816	46.2-838
46.2-616	46.2-817	46.2-839
46.2-617	46.2-818	46.2-841
<u>46.2-618</u>	46.2-819.4	46.2-842
46.2-704	46.2-820	46.2-842.1
<u>46.2-715</u>	46.2-821	46.2-843
46.2-716	46.2-822	46.2-845
46.2-724	46.2-823	46.2-846
46.2-730	46.2-824	46.2-848
46.2-800	46.2-825	46.2-849
46.2-801	46.2-826	46.2-850
46.2-802	46.2-827	46.2-851
46.2-803	<u>46.2-828</u>	46.2-852
46.2-804	46.2-829	46.2-853
46.2-805	46.2-830	46.2-854

46.2-855	46.2-878	46.2-899
46.2-856	<u>46.2-878.1</u>	46.2-900
<u>46.2-857</u>	46.2-878.2	46.2-902
46.2-858	46.2-878.3	46.2-903
46.2-859	46.2-879	46.2-905
46.2-860	46.2-880	46.2-906
46.2-861	46.2-882	46.2-908.1
46.2-862	46.2-883	46.2-909
46.2-863	46.2-884	46.2-910
46.2-864	<u>46.2-885</u>	46.2-911.1
46.2-865	46.2-886	46.2-912
46.2-865.1	46.2-887	46.2-914
46.2-866	46.2-888	46.2-915
46.2-868	46.2-889	46.2-918
46.2-868.1	46.2-890	46.2-919
46.2-869	46.2-891	46.2-919.1
46.2-870	46.2-892	46.2-920
46.2-871	46.2-893	46.2-921
46.2-872	46.2-894	46.2-921.1
46.2-873	46.2-895	46.2-922
46.2-874	46.2-896	46.2-923
46.2-876	46.2-897	<u>46.2-924</u>
46.2-877	46.2-898	46.2-926

46.2-927	46.2-1019	46.2-1047
46.2-928	46.2-1020	<u>46.2-1049*</u>
46.2-929	46.2-1021	46.2-1050
46.2-930	46.2-1022	46.2-1052
46.2-932	46.2-1023	46.2-1053
46.2-936	46.2-1024	46.2-1054
46.2-937	46.2-1025	46.2-1055
46.2-940	46.2-1026	46.2-1056
46.2-942	46.2-1027	46.2-1057
<u>46.2-1001.1*</u>	46.2-1030	46.2-1058
46.2-1001	46.2-1031	46.2-1059
46.2-1002	46.2-1032	46.2-1060
46.2-1003	46.2-1033	46.2-1061
46.2-1004	46.2-1034	46.2-1063
46.2-1010	46.2-1035	46.2-1064
46.2-1011	46.2-1036	46.2-1065
46.2-1012	46.2-1037	46.2-1066
46.2-1013	46.2-1038	46.2-1067
46.2-1014	46.2-1039	46.2-1068
46.2-1015	46.2-1040	46.2-1070
46.2-1016	46.2-1041	46.2-1071
46.2-1017	46.2-1043	46.2-1072
46.2-1018	46.2-1044	46.2-1076

46.2-1077	46.2-1112	46.2-1240
46.2-1077.01	46.2-1115	46.2-1242
46.2-1078	46.2-1116	46.2-1250
46.2-1078.1	46.2-1118	46.2-1309
46.2-1079	46.2-1120	46.2-1508.2
46.2-1080	46.2-1121	46.2-1552
46.2-1081	46.2-1130	46.2-1561
46.2-1082	46.2-1137	46.2-2812
46.2-1083	46.2-1150	
46.2-1084	46.2-1151	
46.2-1088	46.2-1154	
46.2-1088.1	46.2-1155	
46.2-1088.2	46.2-1156	
46.2-1088.5	46.2-1157	
46.2-1088.6	<u>46.2-1158*</u>	
46.2-1090	46.2-1158.01	
46.2-1091	46.2-1158.02	
46.2-1092	46.2-1158.1	
46.2-1093	46.2-1172	
46.2-1102	46.2-1173	
46.2-1105	46.2-1218	
46.2-1110	46.2-1219.2	
46.2-1111	46.2-1234	

References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways and other public ways within the County. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this chapter as fully as though set forth at length herein; and it shall be unlawful for any person, within the county, to violate or fail, neglect or refuse to comply with any provision of Title 46.2 or Title 18.2-266, 18.2-266.1, 18.2-267, 18.2-268.1 through 18.2-268.12, 18.2-269, 18.2-270, 18.2-270.01, 18.2-270.1, 18.2-271, 18.2-271.1 and 18.2-272 of the *Code of Virginia* which is adopted by this section; provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under Title 46.2 or Title 18.2-266, 18.2-266.1, 18.2-267, 18.2-268.1 through 18.2-268.12, 18.2-269, 18.2-270, 18.2-270.01, 18.2-271, 18.2-270.1, 18.2-271.1 and 18.2-272 of the *Code of Virginia*.

- * To become effective on October 1, 2012, per 2012 Acts of General Assembly Chapter 177

SUMMARY OF 2012 GENERAL ASSEMBLY
AMENDMENTS AFFECTING CHAPTER 82

The information presented below summarizes changes to Title 18.2 and Title 46.2 of the *Code of Virginia*, portions of which are adopted by reference into Chapter 82 of the *Code of the County of Fairfax*.

Sections 18.2-270 and 18.2-271.1 amended. Punishment for underage drinking and driving; penalty. Provides that a person who is convicted of DUI may drive only with an ignition interlock after the first offense, as a condition of a restricted license and is required to have an ignition interlock installed in each vehicle owned by or registered to him after a second offense. The bill also provides that the court may authorize a restricted license for travel to and from the interlock installer and a person can pre-qualify for an ignition interlock prior to conviction. Currently, the requirement for an ignition interlock is imposed only upon a second or subsequent offense or when the offender's BAC is 0.15 percent or above.

Sections 46.2-100, 46.2-1049, and 46.2-1158 amended. Sections 46.2-602.3 and 46.2-1001.1 added. Converted vehicles. Creates a definition for vehicles converted from gas to electric power and provides that such vehicles, when accompanied by certain documents, need not be examined by the Department of Motor Vehicles prior to the issuance of a title. The bill also provides for the titling and registration of and special equipment required for a converted electric vehicle. The bill contains technical amendments. **The bill has a delayed effective date of October 1, 2012.**

Section 46.2-112 amended. Odometer tampering. Increases the minimum civil penalty for odometer tampering from \$1,500 to \$3,000.

Section 46.2-618 amended. Motor vehicle dealers; the Motor Vehicle Transaction Recovery Fund. Provides a new mechanism whereby a person who purchases a vehicle from a dealer may recover the title to that vehicle if the title is in the possession of someone other than the dealer. The bill also provides a mechanism by which awards against dealers' bonds from the Motor Vehicle Transaction Recovery Fund will be adjusted to keep pace with inflation and allows recovery against a dealer to include attorney fees. The bill also permits the Fund to drop below the previously mandated \$250,000 balance requirement but not to register a negative balance and allows the Board to await a positive balance in the Fund before paying claims so long as they do not go unpaid for more than 60 days.

Section 46.2-828 amended. Funeral processions; sheriff and police escorts. Provides that either the sheriff or the police department in a locality may provide traffic control for funeral processions. Currently, sheriffs may only provide traffic control in localities that do not have a separate police department.

Section 46.2-857 amended. Driving two abreast in a single lane. Allows two-wheeled motorcycles to drive two abreast in a single lane.

Section 46.2-878.1 amended. Highway work zones. Requires highway work zones to be clearly marked with warning signs and attached flashing lights for projects covered by contracts entered into on or after July 1, 2012.

Section 46.2-885 amended. Railroad grade crossings. Provides that where vehicles are required to stop for trains at railroad grade crossings, they must stop for other self-propelled machinery or automobile type vehicles using the rails as well.

Section 46.2-924 amended. Right-of-way of pedestrians; posting of signs in certain localities. Adds Falls Church to the list of localities authorized to post highway signs requiring motorists to yield the right-of-way to pedestrians.

Board Agenda Item
June 19, 2012

5:00 p.m.

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

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